



## **Special Council Meeting Agenda**

Monday, March 26, 2018 – 5:00 – 6:00 PM

Large Meeting Room, Essex Municipal Building

33 Talbot Street South, Essex, Ontario

### **1. Roll Call**

Present:

Mayor Ron McDermott

Deputy Mayor Richard Meloche

Ward 1 Councillor Steve Bjorkman

Ward 1 Councillor Randy Voakes

Ward 3 Councillor Ron Rogers

Ward 3 Councillor Larry Snively

Ward 4 Councillor Sherry Bondy

Also Present:

Donna Hunter, Chief Administrative Officer

Doug Sweet, Director, Community Services

Jeffrey Morrison, Director, Corporate Services and Treasurer

Chris Nepszy, Director, Infrastructure and Development

Jeff Watson, Policy Planner

Rita Jabbour, Assistant Planner

Laurie Brett, Deputy Clerk, Legal and Legislative Services

This statutory public meeting is being held for the purpose of considering two proposed zoning by-law amendments. Council will also consider a report brought under Section 284 of the Municipal Act related to remuneration and expenses paid in 2017.

### **2. Declarations of Conflict of Interest**

### **3. Adoption of Published Agenda**

a) March 26, 2018 Special Council Meeting Agenda

Moved by

Seconded by

That the published agenda for the March 26, 2018 Special Council Meeting be adopted as presented.

#### **4. Reports from Administration**

a) Jeffrey Morrison, Director, Corporate Services and Treasurer

Re: Corporate Services Report 2018-04

Report Under Section 284 of the Municipal Act - Statement of Remuneration and Expenses Paid 2017

Moved by

Seconded by

That Corporate Services Report 2018-04, entitled "Report Under Section 284 of the Municipal Act – Statement of Remuneration and Expenses Paid 2017," prepared by Kate Bailey, Manager, Finance and Business Services, and submitted by Jeffrey Morrison, Director, Corporate Services and Treasurer, be received.

b) Jeff Watson, Policy Planner

Re: Zoning By-law Amendment for 80 Maidstone Avenue West in Essex Centre.

Moved by

Seconded by

That Planning Report 2018-04, entitled "Rezoning application 80 Maidstone Avenue West (Ward 1)," prepared by Jeff Watson, Policy Planner, and submitted by Chris Nepszy, Director, Infrastructure and Development, be received.

c) Rita Jabbour, Assistant Planner

Re: Zoning By-law Amendment for 106 Talbot Street North in Essex Centre.

Moved by

Seconded by

That Planning Report 2018-17, entitled "106 Talbot Road North Rezoning," prepared by Rita Jabbour, Assistant Planner, and submitted by Chris Nepszy, Director, Infrastructure and Development, be received.

#### **5. Public Presentations**

#### **6. Adjournment**

Moved by

Seconded by

That the meeting be adjourned at

For the year ended December 31, 2017

Telephone - All Council	\$ 5,769
Internet - All Council	\$ 5,013
Total	\$ 10,781

# The Corporation of the Town of Essex

Corporate Services Report Number 2018-04

Report Under Section 284 of the Municipal Act - Statement of Remuneration and Expenses Paid 2017

For the year ended December 31, 2017

Name	Position	Remuneration <sup>1</sup>	Conventions and Conferences <sup>2</sup>	Education and Seminars	Mileage	Sub-Total	Remuneration and Expenses Total
<b>Summary - All Council</b>							
McDermott, Ron	Mayor	\$ 40,736	\$ 1,040	\$ -	\$ 1,064	\$ 2,104	\$ 42,840
Meloche, Richard	Deputy-Mayor	\$ 24,819	\$ -	\$ -	\$ 1,192	\$ 1,192	\$ 26,010
Bjorkman, Steve	Councillor	\$ 22,553	\$ 2,376	\$ -	\$ -	\$ 2,376	\$ 24,929
Bondy, Sherry	Councillor	\$ 22,528	\$ -	\$ 487	\$ 2,030	\$ 2,517	\$ 25,045
Caixeiro, Bill	Councillor	\$ 11,552	\$ 1,195	\$ -	\$ 1,727	\$ 2,922	\$ 14,473
Rogers, Ron	Councillor	\$ 3,238	\$ -	\$ -	\$ -	\$ -	\$ 3,238
Snively, Larry	Councillor	\$ 21,698	\$ -	\$ -	\$ 2,114	\$ 2,114	\$ 23,812
Voakes, Randy <sup>3</sup>	Councillor	\$ 18,348	\$ -	\$ -	\$ 1,061	\$ 1,061	\$ 19,408
Total - All Council		\$ 165,471	\$ 4,611	\$ 487	\$ 9,186	\$ 14,284	\$ 179,756
<b>Summary - All Other</b>							
Bowman, Morley		\$ 2,208	\$ 1,296	\$ -	\$ -	\$ 1,296	\$ 3,504
Dufour, Percy		\$ 1,470	\$ -	\$ -	\$ -	\$ -	\$ 1,470
Garinger, John		\$ 788	\$ -	\$ -	\$ -	\$ -	\$ 788
Iatonna, Joseph		\$ 1,365	\$ -	\$ -	\$ -	\$ -	\$ 1,365
Scott, John		\$ 1,155	\$ 1,248	\$ -	\$ -	\$ 1,248	\$ 2,403
Verbeek, Kim		\$ 2,484	\$ 1,296	\$ -	\$ -	\$ 1,296	\$ 3,779
Total - All Other		\$ 9,470	\$ 3,839	\$ -	\$ -	\$ 3,839	\$ 13,308
<b>Total - All<sup>4</sup></b>		<b>\$ 174,941</b>	<b>\$ 8,449</b>	<b>\$ 487</b>	<b>\$ 9,186</b>	<b>\$ 18,123</b>	<b>\$ 193,064</b>

## Notes:

<sup>1</sup>Remuneration includes per-diem

<sup>2</sup>Conventions and conferences include all expenses related to attending except mileage, which is shown under mileage

<sup>3</sup>Remuneration reflects the results of motion R17-09-358 from the September 5, 2017 Council Meeting

<sup>4</sup>Total - All, excludes miscellaneous

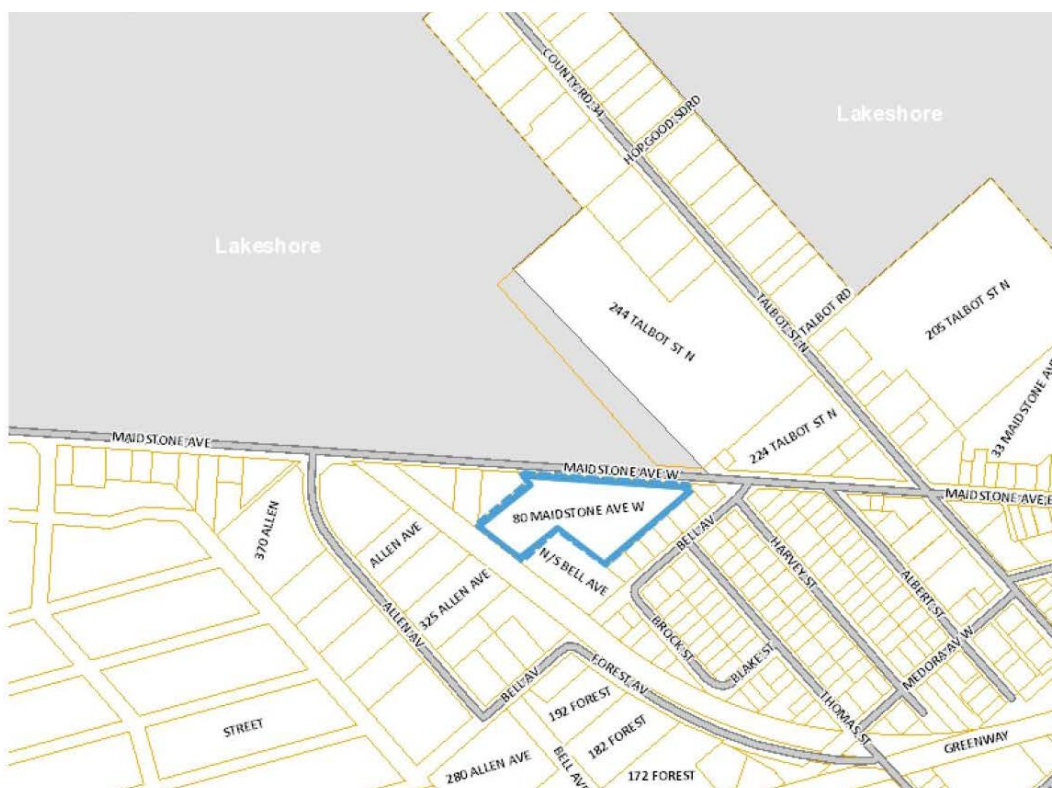
Department: Planning  
 Date: March 26, 2018  
 Prepared by: Jeff Watson, Policy Planner  
 Submitted by: Chris Nepszy, Director of Infrastructure and Development  
 Report Number: Planning 2018-14  
 Subject: Rezoning application 80 Maidstone Avenue West (Ward 1)  
 Number of Pages: 8

### Recommendation

For consideration of Council at the statutory public meeting on March 26, 2018.

### Reason for Report

A rezoning application has been made by Noah Homes, Walter Branco, agent, for the rezoning of lands, municipal address 80 Maidstone Avenue West, on the south side of Maidstone Avenue West, west of Bell Avenue. It is requested that the zoning be changed to a special residential zoning category to permit semi-detached and townhome dwellings in addition to the presently permitted single detached dwellings under the current R1.1 zoning.



A site plan showing two project options is attached as Appendix A.

## Comments

In accordance with the mandates of the Planning Act, a statutory public meeting shall be held to permit Council to hear and receive public comments and submissions concerning this rezoning matter. Notice to all property owners within 120 meters of the site was given by mail, posted on our website and by the placement of a notification sign on the property.

As noted above, the property is zoned R1.1 which permits a single-detached dwelling on a lot having a lot width and lot area of 15m (50 feet) and 450 meters squared (5000 square feet). A second dwelling unit is also permitted in a single detached dwelling provided that the lot and dwelling meet all requirements of the R1.1 zoning and the dwelling continues to outwardly resemble a single detached dwelling.

### Legislative Considerations:

Municipalities shall have regard to and are bound by the policies of the Provincial Policy Statement (PPS). Under the PPS (section 1.4.3), "Planning Authorities shall provide for an appropriate range and mix of housing types and densities and establish minimum targets for the provision of housing which is affordable to low and moderate income households. They shall permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs residents, and all forms of residential intensification including second dwelling units."

Affordable housing is generally defined as housing accommodation consuming less than 30 percent of average family income (Canada Mortgage and Housing) or rents at 10 percent below the average rent (Ministry of Housing). In Essex Centre 10 percent of families spend more than 30 percent of their income for owner occupied shelter, in excess of \$1000.00 monthly, and 42 percent for tenant occupied dwellings. Average monthly rent in the Town of Essex for a two bedroom apartment is \$760, low by regional standards. This low number is distorted by the high number of subsidized dwellings units, which represent almost all available rental housing.

Rental housing of any kind is difficult to find. The vacancy rate is currently at 3 percent, severely restricting rental opportunities. For a healthy rental market the vacancy rate should be 6-8 percent.

This means that the Town has not met its commitment to provide an adequate mix of housing options to satisfy the needs of all residents. Under the Town's Official Plan (OP), which incorporates the housing policies of the PPS and County of Essex OP, a target of 25

percent of new housing should be affordable housing, owned housing in the \$200,000.00 range or rental housing in the \$900.00 to \$1000.00 monthly range. In order to meet this goal, the Town has:

1. Pre-zoned greenfield lands for a mix of housing - single and semi-detached and townhome units;
2. Zoned specific sites, such as the former Weston Bakery site, to multiple residential zoning;
3. Zoned for secondary dwelling units in our Primary Settlement Areas.

These efforts have not permitted the Town to realize its goal to supply a broad mix of new housing of various types, density and pricing. Our current inventory of rental housing generally and affordable housing is old; no new projects have been undertaken in two decades. In the recent past, Essex Centre did have the benefit of an existing housing stock priced at a level that would serve the needs of most residents. However, in the last few years, existing house prices have risen regionally and new construction is now becoming less affordable relative to average family incomes. This further disenfranchises those persons that the Provincial housing initiatives are aimed at.

This project would help to meet our municipal obligations to provide a mix of housing for low to moderate incomes families and persons with special needs, such as senior citizens and persons with disabilities, as mandated by the PPS and our Official Plan. Having suitable zoning in place is a prerequisite to construction.

The proposed plan:

The proposed development of the site is subject to site plan control approval. The site itself can be fully serviced by storm and sanitary sewers and water service located in the immediate area. It will be necessary for the proponent to enter into a development agreement for the servicing of the property. The provisions of a development agreement can be incorporated into the site plan control agreement. In addition to the provision of services, matters of snow removal and the location of refuse storage areas need to be addressed.

The closest mixed use residential zoning under General Zoning By-law 1037 is R2.2.

It permits single detached, semi-detached and townhome dwellings. For a single detached-dwelling the minimum lot width and area are 15m (50 feet) and 460m<sup>2</sup> (5000 sq ft) respectively. For a semi-detached dwelling (two units side by side with a common vertical wall) the minimum lot width and lot area are 18m (60 ft) and 590m<sup>2</sup> (6350 sq ft) respectively.

For townhome dwellings (3 or more units attached by common vertical walls), they are 24m (79 ft) and 800m<sup>2</sup> (8620 sq ft) respectively. A front yard depth of 6m (20ft) and rear yard depth of 7.5m (25ft) apply. By supplementary regulation, a minimum building setback of 12m (40ft) is required from the south limit of Maidstone.

With reference to the attached site plan, two design options are shown, the west option and the east option. The west option shows 24 one-storey, one bedroom rental townhome units. Parking would be provided in a common centrally located parking area. This plan meets the general requirements of the R2.2 zoning, as a rental or plan of condominium project.

The east option shows 23 two-storey, three bedroom townhome units with individual parking in attached garages and fronting on a common road. This plan meets the general requirements of the R2.2 zoning for a rental or condominium development, except for a reduction in rear yard depth, being 6m verses 7.5m under the R2.2 zoning.

Consideration should also be given to the option for single-detached dwellings. In addition to semi-detached and townhome dwellings, the proposed zoning, set out as Appendix "C", would permit a single detached dwelling on a lot having a minimum width of 12m (40ft) and area of 350m<sup>2</sup> (3800sq ft), as a third option.

The zoning category attached for discussion in Appendix "C", R2.3, would permit single-detached, semi-detached and townhome dwellings with reduced a lot width and area and a larger building envelop than permitted under the general R2.2 zoning. It is intended that this zoning be utilized for similar rental and condominium projects elsewhere.

The property in question is well situated for new housing. It abuts Bell Park; it is located near commercial uses adjacent to the property and the site is within walking and cycling distance of downtown. One residential street, Bell Avenue, abuts it on the east and one dwelling is located immediately to the west. The construction of a screening fence or dense evergreen planting (or both) can serve as a buffer between them.

## **Financial Impact**

No formal requests for reduction of development charges or in residential taxation have been made. For similar projects, the Town of Kingsville has authorized a single residential tax rate for affordable rental and condominium housing whereby the project is taxed at the same rate as single-detached dwellings rather than the higher rental or condominium unit rates.



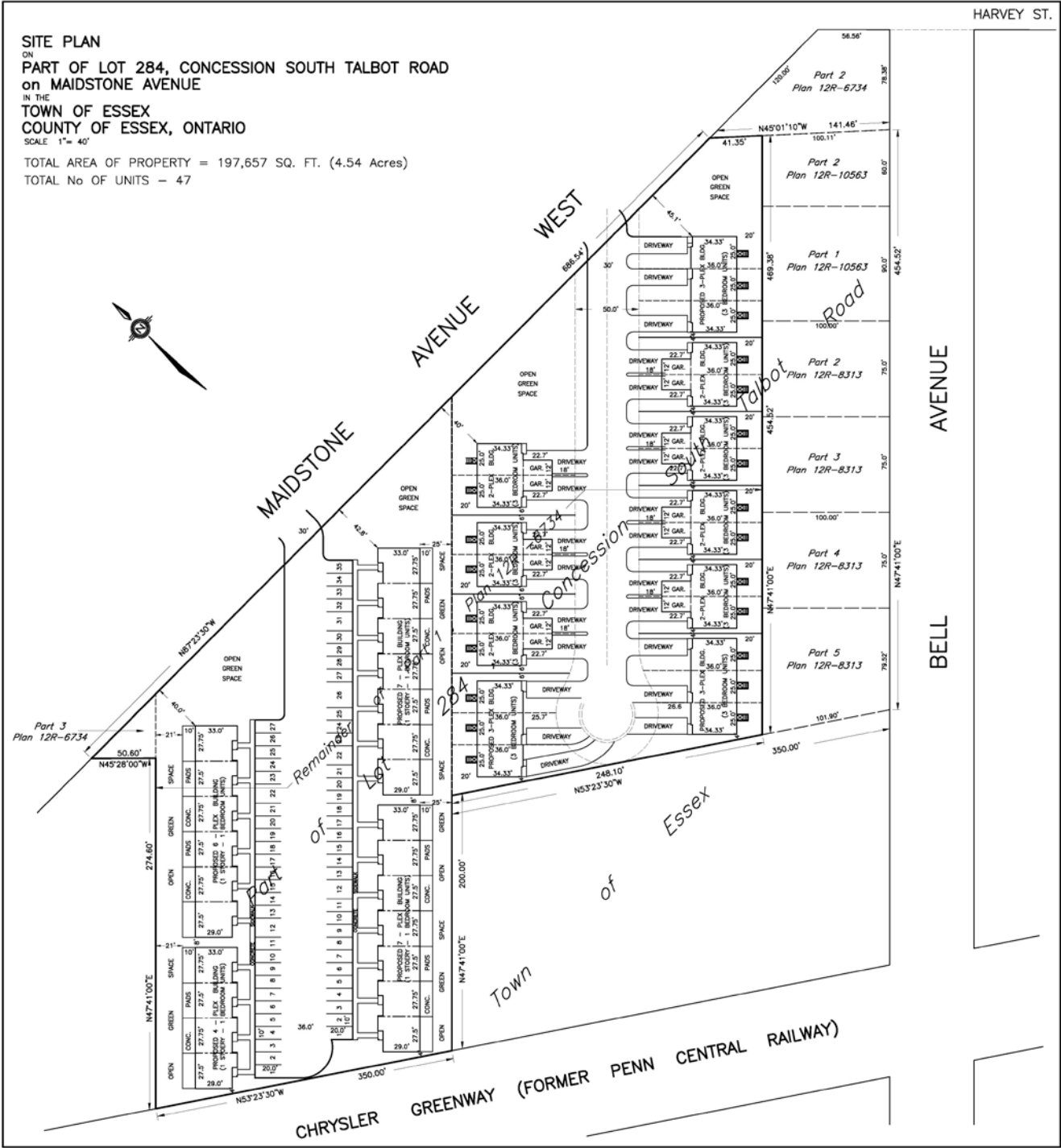
The Town of Leamington has eliminated development charges for all residential development.

## **Link to Strategic Priorities**

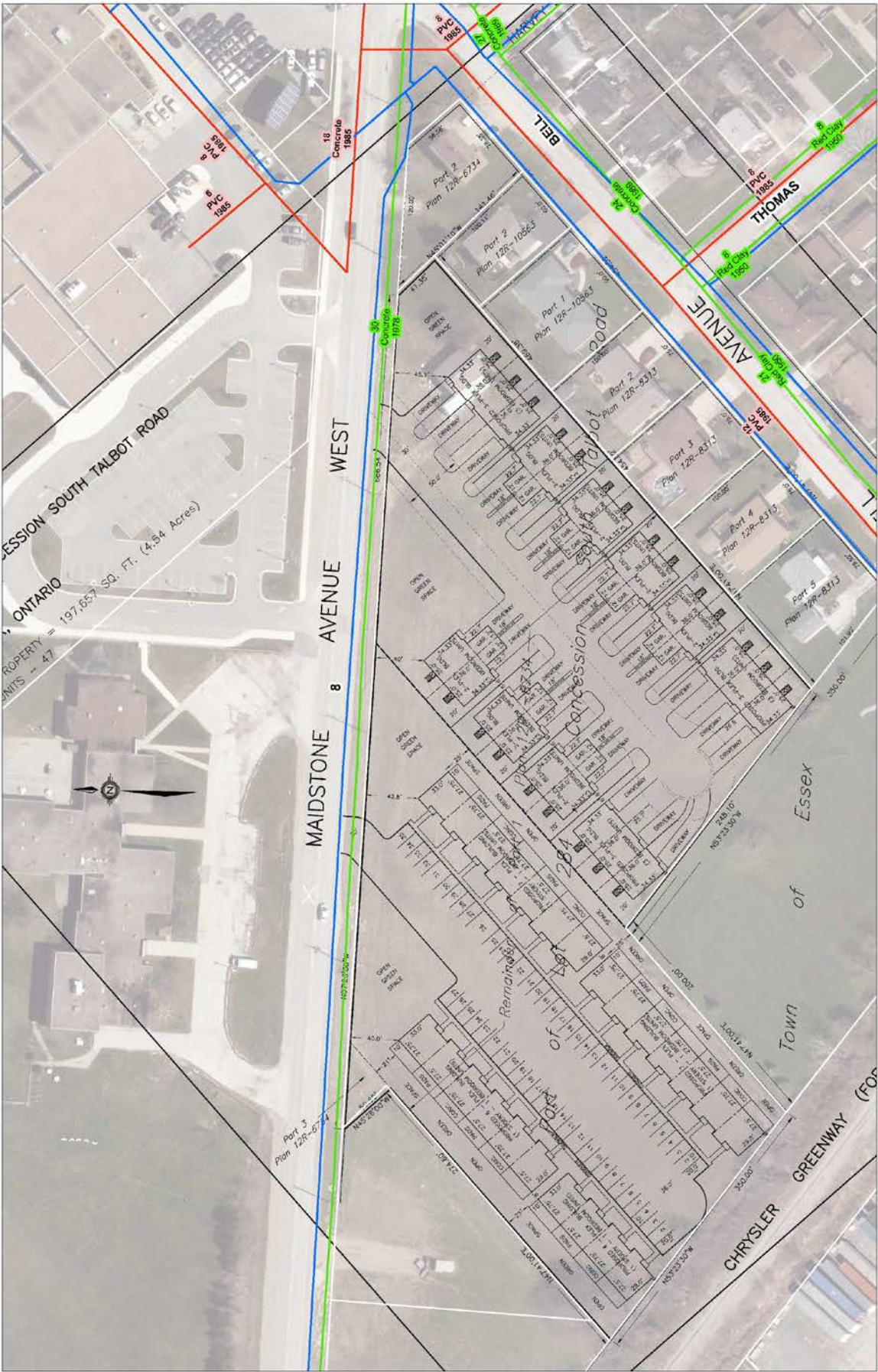
This report is linked to this Strategic Priority:

1. As mandated by the Provincial Policy Statement and our Official Plan, the Town is committed to the provision of a variety of housing developments by mix, intensity and affordability in order to provide broader housing options and to meet the needs of all persons for adequate, energy efficient, safe and sustainable housing accommodation.

Appendix A : Proposed Site Plan



Appendix B: Location Map and Surrounding Land Uses and Services



Appendix C: Proposed R2.3 Zoning for Discussion

Subsection 15.3 Residential District 2.3 (R2.3)			
Low density housing on urban lots or within a rental or plan of condominium development			
a) Permitted Uses			
i. Main use	Single Detached Dwelling	Semi-Detached Dwelling	Townhome Dwelling
ii. Accessory use	Any use accessory to the main use		
b) Regulations			
i. Lot Width – Minimum	12m (40f)	18m (60f)	24m (79f)
ii. Lot Area – Minimum	350m2 (3800f2)	550m2 (5920f2)	730m2 (7860f2)
iii. Lot Coverage – Maximum	55% of lot area		
iv. Building Height – Maximum	10m for a main building 1 storey for an accessory building		
v. Front Yard Depth – Minimum	6m (20f)		
vi. Rear Yard Depth – Minimum	6m (20f)		
vii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side yard where there is an attached garage or carport or the dwelling unit is part of a rental or plan of condominium development with communal parking area(s);  1.2m and 3m (10f) for interior side yards (one side/other side) For a semi-detached or townhome unit where there is no attached garage or carport or the dwelling unit is not part of a rental or plan of condominium development with communal parking area(s);  4.5m (15f) for an exterior side yard		
vii.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.		
viii.	No accessory building and combination of accessory buildings shall exceed 70m2 (750f2) and 92m2 (1000f2) respectively.		
c) Supplementary Regulations: See Sections			
7: Definitions		10: Supplementary Building Regulations	
8: Supplementary Use Regulations		11: Parking Space Regulations	
9: Supplementary Lot Regulations		12: Parking Area Regulations.	



## Report to Council

Department: Planning  
Date: March 26, 2018  
Prepared by: Rita Jabbour, Assistant Planner  
Submitted by: Chris Nepszy, Director of Infrastructure and Development  
Report Number: Planning 2018-17  
Subject: 106 Talbot Road North Rezoning  
Number of Pages: 10

### **Recommendation(s)/Conclusion(s)**

For consideration of Council at the statutory public meeting on March 26, 2018.

### **Reason for Report**

A rezoning application has been made by the Evernew Group, Ryan Bondy, agent, for the rezoning of lands with municipal address 106 Talbot Road North. It is requested that a site specific rezoning be granted for the 93 square metre (1000 square foot) workshop located to the rear of the property to permit automobile detailing services and specific light industrial uses in addition to the presently permitted general commercial uses under the C2.2 zoning.

A map indicating the location of the workshop is attached as Appendix A.

### **Comments**

In accordance with the mandates of the Planning Act, a statutory public meeting shall be held to permit the Council to hear and receive public comments and submissions concerning this rezoning matter. Notice to all property owners within 120 metres of the site was given by mail and was posted at the subject property and on the Town of Essex website.

The subject property currently contains a 186 square metre (2000 square foot) vacant commercial space which fronts directly on Talbot Road, a vacant 93 square metre (1000 square foot) workshop located directly to the rear of the building, and an occupied residential component in the middle. Given the workshop's unique character, location and recent interest by a prospective tenant, the applicant is seeking to make better use of the 93 square metre workshop by liberalizing the zoning to permit an automobile detailing shop for interior cleaning, upholstery shampooing, manual washing and waxing (not including coin operated or automatic car wash) and minor cosmetic repairs.

The idea of "minor cosmetic repair" would allow for such things as add ons which may include decals, tail pipes and spoilers. No mechanical work is being proposed.

As noted above, the property is zoned C2.2 which permits general commercial uses such as a light repair shop for the maintenance and repair of appliances; devices for the assistance of handicapped persons, barbecues, bicycles, clocks, electrical equipment, furniture, jewellery, lawn and garden equipment, luggage, musical instruments, scooters, sporting goods and watches; and, a retail store for the retail sale or lease of goods. A full list of permitted uses under the C2.2 zoning is provided under Appendix B.

A retail store and light repair shop do not permit the processing, manufacture or assembly of goods. Thus, the applicant is also requesting a rezoning to permit the construction of electrical products, signs and other media advertising structures, ceramics, jewellery, cutlery and other small metal products and their repair, including a welding shop for the welding of small metal products. A prospective tenant does not currently exist for these uses.

Photos of the exterior and interior of the workshop are included under Appendix C. The applicant is only seeking a rezoning for the workshop portion. It will not apply to the commercial portion fronting on Talbot Road.

#### Access to Workshop

Access to the property is by way of Talbot Street North. A 12x220 foot registered right of way also exists over the property located directly to the east, known municipally as 102 Talbot Street North, in favour of the subject property for the purpose of access to the rear. Limited



parking is available for cars waiting to be serviced along the front of the workshop. The rezoning is not proposed to affect parking for the residential tenants.

This property falls within the Parking Exemption Area under the Town of Essex Zoning Bylaw, Bylaw 1037. For existing buildings located on these lands, no parking spaces are required for such uses as a retail store and workshop. Customer parking is available along Talbot Road North and at various municipal parking lots throughout the Essex Centre.

#### Proposal's Conformity with the Town of Essex Official Plan

The subject property is designated "Town Centre" under the Town of Essex Official Plan. The Official Plan states that small scale automobile-related services and minor repair uses may also be permitted.

#### Comments received from Agencies and Members of the Public

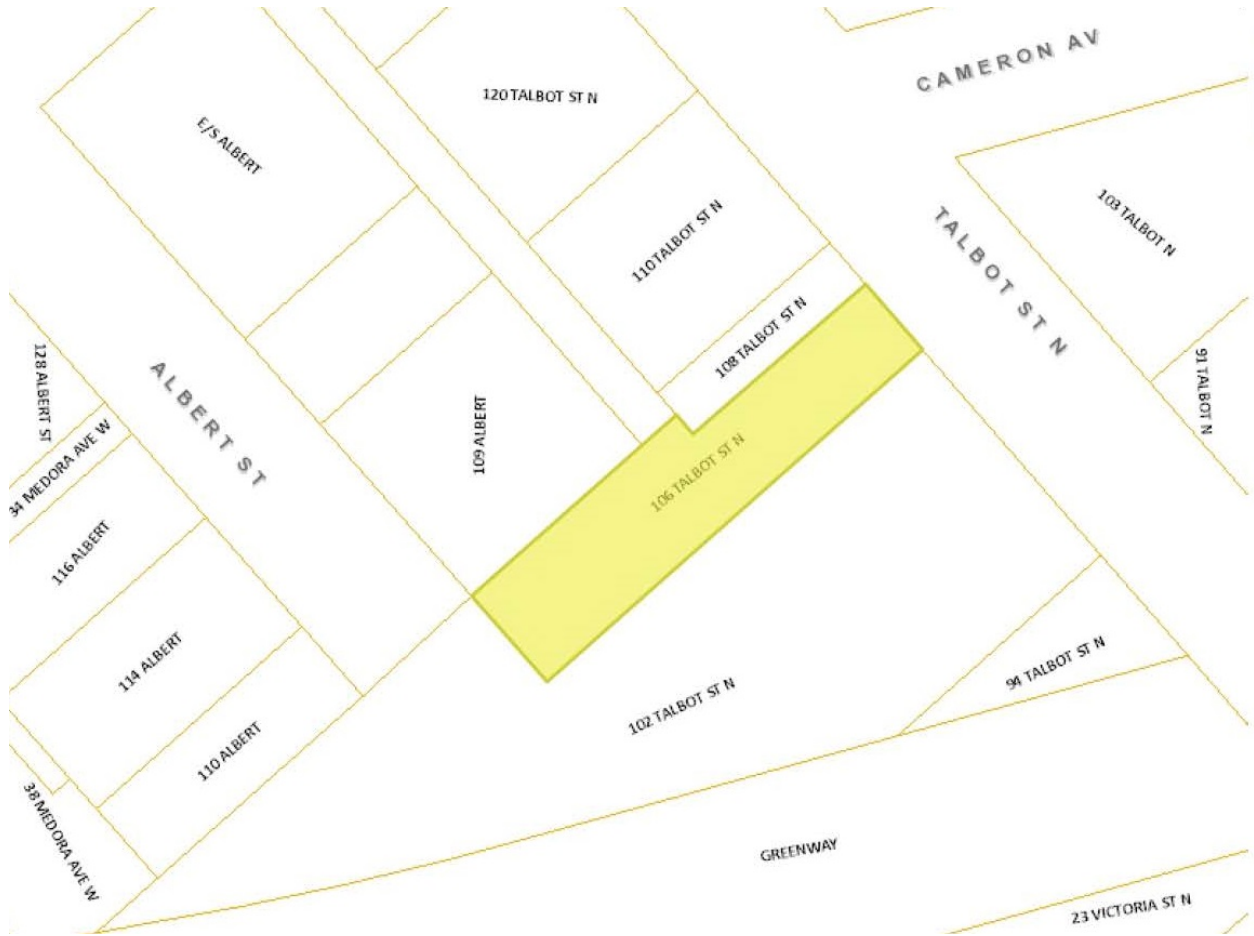
No comments in opposition of the proposal were received by circulated agencies as of Friday March 9. One letter was received from a Mr. Enzo Di Gioia with a request for more information regarding the extent of repairs; the size of the electrical products, signs and other media advertising structures that are intended to be constructed or repaired at this location; the size and type of small metal products to be welded; the size of the workshop; and, the total number of parking spaces available on site as is presently available.

Mr. Di Gioia notes concerns with possible noise and dust generation from a minor cosmetic repair operation.

### **Financial Impact**

No financial impact.

## Appendix 'A' – Site Map







## Appendix B –C2.2 List of Permitted Uses

General Commercial Uses		
a) Permitted Uses		
i. Main use	Bakery not exceeding 500m2 (5380sf) in gross floor area Bed and Breakfast Dwelling Business Office Commercial School Confectionary not exceeding 50m2 in gross floor area Day Nursery Drive-through Food Outlet Drive-through Restaurant Dwelling unit(s) in a combined use building Entertainment Lounge Financial Office Funeral Home Garden Centre Gas Bar Hotel Light Repair Shop Medical Office	Micro-brewery Parking Garage Pawnshop Personal Service Shop Place of Entertainment and Recreation Place of Worship Professional Studio Public Hall Public Parking Area Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Take-out Food Outlet Temporary Outdoor Vendor's Site Veterinary Office Wholesale Store
ii. Lawfully existing main use	Automobile Repair Garage Coin-operated Car Wash Dealership Drive-through Facility	Dwelling Motor Vehicle  Service Station
iii. Accessory Uses	Any use accessory to the main use, not including an outdoor storage yard, unless otherwise permitted by this by-law	
b) Regulations		

i. Amenity area per dwelling unit - Minimum	Bachelor unit - 7.5m <sup>2</sup> (81f <sup>2</sup> ) One-bedroom unit - 10m <sup>2</sup> (108f <sup>2</sup> ) Two or more bedroom unit - 15m <sup>2</sup> (162F <sup>2</sup> )
ii. Building Height – Maximum	12m (39f) for a main building 1 storey for an accessory building
iii. Gross Floor Area – Maximum	250m <sup>2</sup> (2700f <sup>2</sup> ) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet
iv. A drive-through restaurant or drive-through food outlet shall not be permitted on an interior lot in a Parking Exception Area or in the McGregor and Colchester Hamlets.  v. In a combined use building, all dwelling units, not including entrances thereto, shall be located above the ground floor.  vi. For a main building on a lot within a <b>Parking Exception Area</b> , the front wall of the building shall be setback from the front lot line a distance no greater than the average setback of the main buildings flanking either side of the lot.  vii. A <b>dwelling</b> shall conform to the regulations of subsection 14.1, R1.1 District.	
<p style="text-align: center;"><b>c) Supplementary Regulations: See Sections</b></p> <div style="display: flex; justify-content: space-between;"> <div> 7: Definitions  8: Supplementary Use Regulations  9: Supplementary Lot Regulations </div> <div> 10: Supplementary Building Regulations  11: Parking Space Regulations  12: Parking Area Regulations. </div> </div>	

## Appendix C –Pictures of Workshop Exterior and Interior





