



The Corporation of the Town of Essex

Special Council Meeting Minutes

March 29, 2021, 5:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at www.youtube.com/EssexOntario

The Purpose of this meeting is to hold a statutory public meeting for the purpose of providing background and public information for the following proposed site specific zoning amendments:

ZBA-01-21 The Kiwanis Club of Windsor | V/L County Rd 50 Essex;
ZBA-02-21 Lorne McKim (Agent: Jennifer McKim) | 3900 N Malden; and
ZBA-03-21 Salvatore Mazzella (Agent: Matt Baird) V/L S Talbot Rd

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Sherry Bondy
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services and Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Rita Jabbour, Manager, Planning Services

1. Call to Order

Mayor Snively called the meeting to order at approximately 5:00 PM.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for March 29, 2021

SP21-04-110

Moved By Councillor Bowman

Seconded By Councillor Bondy

That the published agenda for the March 29, 2021 Special Council Meeting be adopted as presented.

Carried

4. Reports from Administration

4.1 Site Specific Zoning Amendment at 0 County Road 50 East

RE: The Kiwanis Club of Windsor, ZBA-01-21

Rita Jabbour, Manager, Planning Services advised that the two acres parcel of residential vacant land is located on the east side of County Road 50 and Breezeway Drive. Mr. Jabbour explained that Breezeway Drive is a gravel road that is owned by the Town but not assumed by the Town. Ms. Jabbour further advised that municipal water services the properties along Breezeway Drive and has the capacity to service any additional development on this vacant parcel. There is no municipal sanitary sewer on the east side of County Road 50. The property is currently being used for Kiwanis Camp which is west of the subject site. The property is within 120 meters of the wetland or the area of natural environment.

Ms. Jabbour explained that the applicants are proposing a zoning change to permit a reduction in the minimum lot area of 4000 square meters to 1850 square meters to permit four residential lots labelled as 42-50 on Registered Plan 1390. In 2014 By-Law 1313 amended the zoning designation for the subject property from Green District to Residential District including a supplementary regulation that restricted each lot to a minimum area of 4000 square meters.

Ms. Jabbour consulted the County of Essex, Essex Region Conservation Authority and Essex Fire and Rescue Services in regards to this application. The County of Essex noted that the County Road setback regulations from County Road 50 would need to be considered and the Essex Region Conservation Authority advised that permits are required for lots affected by the regulation but no environmental assessment would be required.

Ms. Jabbour further advised that all property owners within that 120 meter radius were notified and there were no objections.

Deputy Mayor Meloche asked for further details pertaining to roads that are owned but not assumed by the Town.

Ms. Jabbour stated that roads that are owned by the Town of Essex and not assumed by the Town are kept at the minimum standard.

Deputy Mayor Meloche inquired what the process would be in the event that residents request the road to be paved or why they were not informed that the road will remain unpaved.

Chris Nepszy, CAO noted it is similar to all homes that are built on a private road such that it is up to the purchaser or developer buying the property to conduct their due diligence.

Ms. Jabbour stated that the homeowners could start a petition should they wish to have the road paved.

Deputy Mayor Meloche asked for the proposed lot sizes.

Daniel Inverarity, Representative, Kiwanis Club of Windsor, advised that the lots will be approximately 200 feet of frontage by 150 foot deep.

Mr. Inverarity further stated that he has now reacquired the waterfront property that was donated to the camp in 1952 but due to financial issues had been sold. The lots to the east are not utilized as much but there is equity in the land.

Councillor Bowman asked if the municipality or the developers were responsible for the drainage.

Mr. Inverarity stated that the drainage flows into the creek and heads to the west.

Councilor Bowman asked if the water goes to the street drain or a community drain and if so, is there an easement.

Councillor Vander Doelen requested that a disclaimer be added stating that residents of the street are wholly responsible for the upgrading of the street to municipal standards.

Ms. Jabbour noted that specifics such as the land or the road are usually addressed and registered on the title.

Edwin C. Hooker, Agent, Wolf Hooker Professional Corporation, noted that it should be added to the purchaser and sale agreement. In the future, he may enter in the disclaimer in future agreements acknowledging when a road is owned by municipality but currently maintained to the gravel standard and that the cost of updating the road would be the responsibility of the land owners.

Present at the Meeting:

Edwin C. Hooker, Agent, Wolf Hooker Professional Corporation

Dan Inverarity, Representative, The Kiwanis Club of Windsor

SP21-03-111

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

That the presentation entitled "Site Specific Zoning Amendment at 0 County Road 50 East", be received.

Carried

4.2 Site Specific Zoning Amendment at 3900 North Malden Road

RE: Lorne McKim, ZBA-02-21

Rita Jabbour, Manager, Planning Services advised that the property is located in Ward 2 and is 48 hectares of agricultural lands on the north side of Malden Road. The existing zone is Agricultural District 1.1 which is general agriculture and farm production supporting activities. The subject property contains one single detached dwelling, two pole barns, livestock, one tobacco barn, and one grain bin. The neighbourhood profile is an agricultural district within 120 metres of a natural heritage feature and is 1.3km west of Essex Center which is close to municipal facilities. There is a municipal owned and operated water supply and one individual on-site private septic system.

Ms. Jabbour noted that the zoning change is to permit the use of the existing single-detached dwelling to accommodate housing for farm help. The home is for the applicant as he wishes to build his own house and retain the other single detached dwelling for his father to help with the farm. The Town of Essex Zoning By-Law only allows for one single detached dwelling as permitted per lot in the A1.1 zoning district. Ms. Jabbour explained that the Town of Essex Official Plan current regulations include one or more ancillary dwellings for the purposes of housing farm help by site specific zoning by-law amendment and site plan control approval where:

- The farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm; and
- The ancillary dwellings are located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.

Ms. Jabbour noted that the applicant owns 300 acres with livestock and cash cropping. The farm operation requires daily maintenance and the existing dwelling is 88 square metres which is proposed to accommodate one farm labourer.

Deputy Mayor Meloche stated that this was a well thought out plan and a logical solution. He also noted that the McKim's had have this property for many years. He mentioned that most farms would like farm help and by building a second house they could keep costs down.

Mayor Snively also stated that he supported this plan and told the McKim's that they had the support from Council.

Present at the Meeting:

Jennifer McKim, Agent

Lorne McKim, Applicant

SP21-03-112

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That the presentation entitled "Site Specific Zoning By-Law Amendment at 3900 North Malden Road", be received.

Carried

4.3 Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road

RE: Salvatore Mazella, ZBA-03-21

Rita Jabbour, Manager, Planning Services, advised that the subject property is two hectares of industrial land on the north side of South Talbot Road and east of King's Highway #3. There is variety of land designations that could be approved but the Official Plan Designation is Industrial with the existing zoning as Manufacturing District 1.3 which allows light industrial and business park.

Ms. Jabbour further advised that the subject property is vacant land located within the Essex Centre settlement area that has access from South Talbot

Road and a portion of the property contains a portion of the Rush Drain which will be relocated in the future. There is residential development happening to the north and reconstruction of South Talbot Road. This property is located north of future residential land, east and west of industrial land and highway commercial lands and south of industrial lands. Those lands are heavy industrial opposed to a light industrial use. The subject land does have a municipal owned and operated water supply along South Talbot Road with a municipal owned and operated sanitary sewer that has access through easements.

Ms. Jabbour stated that the proposed zoning change is for a motor vehicle dealership which is not permitted in the M1.3 zoning category under Zoning By-Law 1037. Ms. Jabbour explained that the zoning amendment was for the development of a motor vehicle dealership for the sale and display of recreational vehicles, the development of one building for the sales office, parts store and repair garage. There will also be a self-storage facility which is not subject to the zoning amendment as it is permitted.

Ms. Jabbour advised that the Provincial Policy Statement states that we should promote economic development and competitiveness by providing an appropriate mix and range of employment, institutional, and broader mix uses to meet long term-needs and provide opportunities for a diversified economic base.

Ms. Jabbour circulated the application to the public and there were no objections from Essex Fire and Rescue Services, Ministry of Transportation and Essex Region Conservation Authority (ERCA). The Ministry of Transportation stated the need for access off of South Talbot Road, a building and land use permit, site plan, grading plan, drainage plan, servicing plan and stormwater management plan. ERCA did mention that they would provide information on the stormwater which is a necessary component for the site plan control.

Councillor Garon asked for clarification due to the fact that a dealership is not permitted under the M1.3 zoning.

Ms. Jabbour noted that similar to agricultural designations or residential designations there are different categories of industrial. Due to the property being located closer to significant residential development, the subject land is not categorized as heavy industrial due to hazards it might impose. In the Official Plan the land designation is industrial which includes heavy industrial lands on the other side of the road but the zoning by-law divides categories based on where they are located.

Councillor Garon asked that if the application was approved, whether the proponent or any proponent thereafter could sell any motorized vehicle.

Ms. Jabbour confirmed and noted that as long as it aligns with the definition of a motor vehicle dealership but Council could make it more specific to the sale of RVs.

Councillor Vander Doelen stated that he welcomes this development and this rezoning.

Ms. Jabbour said that the tender for the Rush Drain has been released and she would defer the timeline specifically to Kevin Girard, Director, Infrastructure Services.

Mr. Girard stated that he had been in contact with the developer's engineer and discussed the final outcome of the Rush Drain. Once construction starts this will be a private drain.

Present/Not Present at the Meeting:

Matt Baird, Agent, Baird AE

Not present

Salvatore Mazella, Applicant

Not present.

Mike Mazella, General Manager, Sturgeon Woods

Present

SP21-03-113

Moved By Councillor Garon

Seconded By Councillor Bowman

That the presentation entitled "Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road", be received.

Carried

5. Adjournment

SP21-04-114

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That the meeting be adjourned at 6:20 PM.

Carried

Mayor

Clerk