



**Public Meeting of Council
Wednesday, January 30, 2019, 7:00 PM
Studio 1, Confederation Centre of the Arts
145 Richmond Street**

Mayor Philip Brown Presiding

Present:

**Mayor Philip Brown
Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe
Councillor Kevin Ramsay**

**Councillor Mike Duffy
Councillor Mitchell Tweel
Councillor Robert Doiron
Councillor Terry MacLeod**

Also:

**Alex Forbes, PHM
Greg Morrison, PII**

**Robert Zilke, PII
Ellen Faye Ganga, PH IO/AA**

Regrets: Councillor Terry Bernard

Laurel Palmer Thompson, PII

1. Call to Order

Mayor Philip Brown called the meeting to order at 7:00 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting. Mayor Brown turned the meeting over to Councillor Rivard, Chair of Planning Board, to introduce the first application.

4. 562 Malpeque Road (PID #145797) & (PID #145789)

This is a request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and the adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L)

to Medium Density Residential (R-3) Zone. A single detached dwelling currently exists at 562 Malpeque Road and the intent is to rezone both properties in order to construct an 18-unit apartment dwelling. Initially, the application was to rezone to Highway Commercial (C-2) Zone but after discussions with the applicant and with the intent to just build an apartment, it was proposed for the property to be rezoned to R-3 instead so there will be no commercial use for the property. The application was reviewed by the Provincial Highways Department who expressed some concerns on current traffic congestion along the area and the need for potential infrastructure upgrades that would be required by intensifying the corridor. However, they mentioned that if this application is approved and built, future development should require a transportation study or traffic management review along this section of the Malpeque Road. Mr. Robert Herbert, applicant, presented more details regarding his application.

Mr. Herbert of Maple Isle Homes added that this development would be a good transition from low density single detached dwelling to a medium density zone. The lot size is large enough for 24 units but decided to propose 18 units instead in order to have more green space and parking for tenants. There is a current need for apartment buildings and this location is a good fit to create this type of development. The Official Plan contains policies that indicate that the City is open to more medium and higher density locations throughout the City. Water and sewer services go through the area so it should not be a concern.

Jack Sturz, resident, mentioned that he supports affordable housing and development but not for this property. He noted that the density permitted by commercial zoning along Malpeque Road is poorly managed and creates urban sprawl. The commercial zones have been left open and ready for development. As a result, there is more development on top of more development. Mr. Sturz also indicated that he owns the property with PID #785089 and was not given proper notice. *(After the Public meeting, Staff checked and verified that a letter was sent to owner of property with PID # 785089 as mentioned by the resident).*

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. *Deputy Mayor Jason Coady declared conflict of interest for the next application and stepped out of this portion of the public consultation.* Councillor Rivard then proceeded to introduce the next application.

5. Corner of Royalty Road & Upton Road (PID #388595)

This is a request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings. Greg Morrison explained that the applicants, George Zafiris and Bob Wakelin, are proposing to rezone approximately 3.89 acres of the total 11 acre land to construct nine (9) 2-unit dwellings. The applicant indicated that there will be a landscaped corridor between the proposed cul-de-sacs in excess of 6000 sq.ft. The

required landscaped open space is being proposed on the eastern portion of the property and is in excess of 40,000 sq.ft. This landscaping has been reviewed by the Parks & Recreation Department. The remaining parcel of land will remain as R-1S and is not part of the current proposal. The applicants presented the future concept for the remaining land for discussion purposes only. Danny Tweel, representative for the applicants, provided additional details for the proposed rezoning.

Mr. Tweel noted that the applicants, Royalty Ridge Holdings, owns about 11 acres of land and will be developed in two phases. The first phase which is being presented tonight is a request to rezone a portion of the land to build nine 2-unit dwellings. Two units will be fronting Royalty Road while the seven remaining will be fronting the proposed cul-de-sac. The adjacent lots are zoned R-2 and would be similar to what is being proposed. Also, the proposed lot sizes will be larger than existing lots adjacent to the property. In addition, almost an acre of land will be provided as green space. A previous proposal for this property was to build high density apartment dwellings while this current proposal would provide good use of the land by doubling its utilization while staying consistent with the neighbourhood. The applicants, Mr. George Zafiris and Mr. Bob Wakelin, were present to answer any possible questions.

Gordon McCarville, resident, raised a couple of concerns - 1) what is the approximate square footage / size of lots and 2) what is the approximate size of the homes? Mr. Wakelin responded that the approximate lot sizes would be around 85 ft x 100 ft (8500 sq.ft.). For the dwelling size, setbacks will be 10 feet each side, would be approximately 65 feet wide (anywhere 2400 to 3000 sq.ft.) and driveway can be around 18 to 20 feet in total (conceptual). Mr. McCarville also asked about the setbacks and if the driveway can accommodate four cars. Mr. Wakelin indicated that on one side of the driveway, it should be able to park two cars, one behind each other. Mr. McCarville noted that he wanted to know the amount of paving because this is being built on what is called "Winsloe soil" where water does not pass down through it. His concern was that it was not likely appropriate to be covering soil that needs to be left exposed so water will drain and disappear. Water issues have historically been a concern in this area and remain a concern today.

Craig Walker, resident, commented on the street layout of the later stages of the proposed development where there are no streets that would connect Parricus Mead/Meadows Lane to Royalty Road. At the moment, Parricus Mead is already land locked and should there be an emergency situation, there are no other exit roads other than that exiting to Upton Road. Mr. Walker noted that it would make sense for developers to consider this and make the most use of the land and not create a continuation of dead end streets. Mr. Walker also noted that building duplexes would also double the amount of cars and cause further traffic. The property is zoned as it is and residents envision the land to be developed as is in the future.

Tom Clow, resident, mentioned that there have been several development proposals for this property. First was in 1995 when it was amalgamated and zoning remained R1. In 2013, Duncan Shaw proposed to rezone the property into an apartment complex and in 2017, a development from Moncton decided to rezone it to R-3. Subsequently the property was purchased by the applicants. Mr. Wakelin responded that they purchased the property in the summer of 2018. Mr. Clow asked if Mr. Wakelin was aware that the property was zoned R1S and if they already had the idea of changing it to R-2 at the time of purchase. Mr. Wakelin confirmed that they were aware that these lands are R-1S and had discussions of it being rezoned to R2 at that time. Mr. Clow then asked if the applicants would withdraw the application and developed it as R-1S. Mr. Tweel responded that the Council will decide on this question. Mr. Tweel also added that we are only looking at Phase 1 at this time where there are also R-2 properties adjacent to it/across the road. The concept of Phase 2 can be discussed in the future. Mr. Tweel also mentioned that the applicants did not ignore the water issue and have worked with the City to help address these concerns. Mr. Wakelin also responded to say that at this time, they are proceeding with the rezoning to R-2 and if this is not approved, will proceed to create R-1S lots.

Lynn Wakelin, resident, commented that the property has to be developed as single family residential. Additional traffic is a concern as many children walk along the street. Water is also an issue.

Janet Brake, resident, commented that she is in favor of building duplexes in West Royalty. She owns a larger property along Parkway Drive and wants to downsize. She is looking for properties along the area so her kids do not need to change schools. This proposed development would provide her an opportunity to down size and stay in the area.

Markham Long, resident, noted that he purchased his property close to the proposed development knowing that the lots will be developed as R-1S lots. Mr. Long also noted about flooding in the area and future traffic concerns.

Chris Oatway, resident, mentioned that there are a lot of R-2 lands available for sale across Charlottetown and are more expensive and that's why these R-1S lots are being purchased and then being proposed to be changed to R-2 lots. Mr. Oatway is opposed to the application of rezoning and that it should remain as single family houses. Mr. Oatway also asked residents who are attending the meeting for this application and asked for a show of hands of those who in opposition to the rezoning. He suggested that the majority of the residents are opposed to the proposed development.

Carter Russel, resident, voiced his opposition to the rezoning and would wish to have the lots remain as R1.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

6. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances

This is a request to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances.

Greg Morrison, Planner II, explained in detail, the changes affecting the sections mentioned by Mr. Rivard. The first is on Design review where Council has created a separate Design Review Board and it is no longer a sub-committee of the Heritage Board. Hence, any reference to Design Review Committee is now changed to Design Review Board. Enhancement to the Design review process was likewise presented.

The Home Occupation used to entail a long process and has since then simplified after the new Bylaw was adopted. However, it was noted that some as-of-right uses entail traffic. The as-of-right uses are then streamlined to eliminate any appointment based business as as-of-right use and would then require undergoing a Minor Variance Process should such application come in.

Parking requirements have likewise been revised to include requirements for accessory apartments and clean-up of text references that are no longer necessary in the new Bylaw.

Medical Marijuana Production Facility was an amendment approved by the Minister of Finance, Energy and Municipal Affairs in 2014. However, it was not inserted into the Zoning & Development Bylaw at that time. The purpose of this amendment is to reapprove the amendments into the new Zoning & Development Bylaw (2018-11) with the exception that the term "Medical" should no longer be included as a result of legalization of the use of Marijuana in 2018.

The last amendment deals with Temporary Use Variances where there were inconsistencies to the duration of temporary use indicated in the existing bylaw. The amendment is to propose for the duration for the temporary use variances to a period of no longer than one (1) year.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

7. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning

This is a request to amend three sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program (AHIP).

Robert Zilke, Planner II, explained that in the summer, the vacancy rate was at 0.9% and in December, CHMC released a report with the vacancy rate down to 0.2%. This is considered to be a pressing issue in the community today and amendments are required to the Zoning By-law to implement the AHIP policies council adopted. Mr. Zilke explained in detail the sections in the Bylaw that are affected by the affordable housing provisions. Bylaw sections would include Bonus Height & Bonus Density Applications, Design Review requirement for affordable housing development, Garden Suites, Parking Standards, Group homes and inclusion of boarding houses in permitted uses.

In addition to these amendments, the term accessory apartments are to be changed to secondary suites to align with the terminology used in our National Building Code. Definitions of Boarding House, Boarding House Limited, Dwelling unit, Group Home, Group Home Limited, Household, Long term rentals, Registry of Approved Secondary Suites and Short Term rentals have likewise been added. Lastly, any application pertaining to affordable housing will be fee exempt.

Mayor Philip Brown asked what the average number of days would a short term rental be considered in other municipalities and jurisdictions. Mr. Zilke noted that based on research across different municipalities and jurisdictions, 30 days is the most common definition of short term rentals. Anything beyond that will fall under long term rentals. Anything lower than 30 days will all fall under short term rentals.

Brian Gillis, resident, commended the efforts to accommodate and encourage affordable housing. Mr. Gillis had a couple of comments. First was on Bonus Height requirements specific to the provision of an LEED-gold standard certified building or other equivalent qualification (Item F). Mr. Gillis indicated that the LEED certification is an expensive process. If we would like to encourage people or incentivize affordable housing, it would be recommended to possibly change the language of the criteria where a developer can demonstrate energy efficiency methods that does not require expensive processes or fees. It may even encourage people to find ways to support energy efficiency and not receive any push back from developers because they are not able to support this requirement. His second comment was on secondary suites – on how to enforce the regulation of these secondary suites for short term rentals. The language is not going to fix the concerns on airbnbs or short term rentals in the City. These short term rentals are invasive in terms of the quality of neighbourhood and displacing housing units that should be available for long term rentals.

Mayor Brown asked how Mr. Gillis feels about the 30 day short term rentals and Mr. Gillis responded that the language is not the issue, it is the enforcement that is a concern.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

8. Renumbering of Planning Bylaws

This is a request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize Planning specific bylaws.

Alex Forbes, Manager of Planning & Heritage, mentioned that the new MGA requires that any amendments made to the bylaw are tracked. Whenever a Bylaw is passed by the City, it is sequentially being given a number. With the adoption of new Zoning & Development Bylaw, Planning & Heritage and Building Code Bylaw, it is an opportunity to provide Planning bylaws with unique qualifiers to clearly identify the Bylaws. The proposed renumbering will be as follows:

| Bylaw | Current Bylaw Number | Proposed Bylaw Number |
|-------------------------------|-----------------------------|------------------------------|
| Zoning & Development Bylaw | 2018-11 | PH-ZD.2-000 |
| Building Code Bylaw | 2018-12 | PH-BC.2-000 |
| Heritage & Preservation Bylaw | 2018-07 | PH-HP.1-000 |

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item.

9. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Councillor Greg Rivard that the meeting be adjourned.

Meeting adjourned at 8:50 p.m.