



**Public Meeting of Council
Tuesday, May 28, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent 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 Terry MacLeod
Councillor Mitchell Tweel
Councillor Terry Bernard**

Also:

**Alex Forbes, PHM
Laurel Palmer Thompson, PII
Greg Morrison, PII**

Linda Thorne, AA

Regrets:

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

Councillor Robert Doiron

1. Call to Order

Mayor Philip Brown called the meeting to order at 7 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 and turned the meeting over to Councillor Rivard, Chair of Planning Board, who explained the Public Meeting process and then proceeded to introduce the first application.

4. 351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) Zone to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose of this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.

Greg Munn, Sablearc Designs, presented the application on behalf of the developer. The developer is proposing to demolish or move the existing house on the property. The original proposal was for 13 units in total. The design of the project has been modified and will now house 10 units. There will be 4 semi-detached/duplex dwellings and 6 townhouse dwellings. They also propose a buffered area consisting of a green space and treed area. The developer feels that the market will support fewer high end units. The proposed units will be smaller with 2,200 square feet in size. The portion of the development on the water side of the property will have walk-out basements and feature an expanse of glass.

Mayor Brown asked for any questions or comments.

Trevor Pye, 21 Madison Avenue

Mr. Pye asked if the buffer zone will be maintained with the existing trees or will new trees be planted. Mr. Munn responded that the existing trees will be maintained and additional trees planted if needed.

John Bell, 2 Madison Avenue

Mr. Bell noted that the area was developed for single family dwellings and should remain that way. He asked if the proposed dwellings will be owned or rented. Mr. Munn responded that the units will be sold but could be rented.

Judy Pye, 21 Madison Avenue

Mrs. Pye expressed concerns that the existing designated wetland be maintained and asked if the developer intends to maintain the proposed 50% greenspace. She also noted that there is no parking for visitors and feels that the development is not well thought out.

Mayor Brown asked for any additional questions or comments.

Gayle Mamyé, Westwood Crescent

Ms. Mamyé has concerns with traffic issues and the lack of provision of moderate or low income housing. She also feels that the proposed development is not practical with the lack of accessible housing. Mr. Munn responded that Charlottetown is growing and noted that the traffic concerns are part of a broader Planning issue. He noted that there is a shortage of all types of housing and that the developer has done a study on what

could be built on the property. The higher cost of the units is required to make the project more feasible.

Dianne Bell, 2 Madison Avenue

Mrs. Bell's biggest issue is with the townhouses and feels that there should be single family dwellings. She also has concerns with the wetland area. She noted that properties in this area are in the highest tax bracket in the City. She also has issues with the possibility of transient tenants and noted that lots in the area are selling for \$65,000.

Dr. Ayo Harris-Eze, 13 Madison Avenue

Dr. Harris-Eze noted that a letter in opposition has been submitted with 15 signatures encompassing all of the property owners on Madison Avenue. He feels that this is a badly conceived development that will devalue properties in the area. He has concerns with the traffic issues and completely opposed to the proposed development.

Brian Gillis, 71 Greenfield Avenue

Mr. Gillis asked if the roadway will be deeded to the City as a public road and noted that a Development Agreement needs to be signed prior to construction of the services and roadway. This should be conditional to the removal of the existing house. He asked if there was a commitment to these services as they are a value to residents and will protect the residents' interests. He asked if every unit will be a rental and stressed that a Development Agreement needs to be in place to clearly define the scope of the proposal.

Councillor Rivard asked staff if they were aware of the wetlands on the property.

Ms. Palmer Thompson explained that staff had spoken to the Department of the Environment and noted that the area of the wetland had yet to be designated.

Councillor Rivard noted that could change the plan a lot. Ms. Thompson noted that the Department of the Environment will have to determine the area.

John Bell, 2 Madison Avenue

Mr. Bell asked how far the treed area has to be from the wetland and noted that 75 feet would result in a 150 feet setback. He asked if staff had walked the property and noted that the area is dangerous for children especially in the spring. Ms. Thompson explained that she had walked the property and that the Bylaw had been amended to reflect the 75 feet wetland buffer required by the Department of Environment. She also noted that there are several environmental groups that maintain the wetland areas, plant trees and maintain the banks.

Mayor Brown asked for any further comments or questions.

Dr. Harris-Eze stressed that there is a lot of opposition to the proposed development, concerns with traffic and the protection of the wetland area. He feels that the

application should be taken back to Planning Board for approval for single family development only.

Mr. Munn responded that he will take the comments back to the developer and noted that this is the "first kick at the can". He also noted that he appreciated the comments from the residents and will hopefully have a new plan to present in the near future.

Mayor Brown asked for confirmation if a lot consolidation will be required. Staff confirmed that is the case.

Councillor Rivard noted that 8 units might be possible and more study will be required with regards to the wetland area.

Dianne Bell noted that only 25% can be duplex in the R-2S Zone and also a walkway has been proposed over to Bishop's Cove.

Mayor Brown thanked the residents for their input and noted that the applications will go back to Planning Board for a recommendation to Council.

5. Miller Street / Pearson Street / Hanover Street (PID #530980)

A request to rezone the property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone in order to subdivide the vacant property and construct five (5) single-detached dwellings.

Franklin MacDonald presented the application on behalf of the developer, Mac & Mac Enterprises. He noted that the property has been owned by his father Myron MacDonald and Leroy MacLeod since 1979. The proposal is to rezone the property from R-1L to R-1N to permit five single detached two-storey homes with garages located at the front. All of the dwellings will be facing Miller Street and no modular homes will be constructed. Mr. MacDonald also indicated that no daycares or any type of businesses will be permitted, all utilities will be underground, and secondary units are not permitted in the R-1N Zone. All dwellings will have a single driveway for each home.

Mayor Brown asked for any comments or questions.

Sarah Kennedy

Ms. Kennedy feels that the proposed development would not be good for the area because of the increased traffic. She also feels that the proposed two-storey dwellings would not fit in with the existing homes in the area. Mr. MacDonald noted that two lots over on Miller Street has three-storey homes as well as the area has a variety of development. He also explained that a roadway to connect to Montgomery Heights will be constructed in the future.

Linda Boyle, 17 Pearson Street

Mrs. Boyle is opposed to the development and asked what the price will be for the new dwellings. Mr. MacDonald responded that they are not sure yet but the units will be rented. Mrs. Boyle commented that the proposal does not fit in with the style of the existing homes. This is a small subdivision and another five houses will result in 10 more cars using the roadway. She also feels that the proposed houses will completely block her view. She also noted that a previous development proposal for this land was opposed by the residents. Mr. MacDonald noted that the existing zoning would allow three homes with in-law suites. He feels that the proposed dwellings will enrich the area.

Mayor Brown asked for any further questions or comments.

Jeremy MacEachern, 16 Miller Street

Mr. MacEachern agrees with the other residents and is opposed to the development.

Andrew Oakley,

Mr. Oakley noted that there is empty land in the area and two-storey homes will be developed soon.

Mayor Brown asked if the developer of Terrace Heights had been in contact with the Public Works Department.

Councillor Bernard asked if the proposed homes meet the setback requirements. Mr. MacDonald confirmed that they will be 28 feet wide houses with 6 feet setbacks designed to meet the Bylaw.

6. 185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted uses in the Single-Detached Residential (R-1L) Zone.

Greg Morrison, Planner II, briefly explained the proposed application and noted that the property has split zoning: R-1L and Mixed Use Corridor. The proposed uses are not permitted in the existing zones and will require site specific exemptions for this property only.

Osama Abdoh, applicant, presented the application. He noted that the existing building is 20 years old and contained the former Brown's Auto Shop. He also noted that there are some commercial uses in the area. He purchased the property two years ago and plans to offer light body work and touch paint services. The second business proposed is a taxi stand which will provide call services only. He noted that he will have to go through the City's taxis permit application process. No taxis will be parked on site and will have only a call centre.

Mayor Brown asked for any comments or questions.

Rex Earle, 44 Lilac Avenue

Mr. Earle commented that he has no issue with the taxi business but has concerns about the body shop due to personal health issues. Mr. Abdoh explained that the business will provide small touch ups only and will not have any odors. The body shop services will be in addition to the existing auto shop services.

Kirby Eldershaw, 14 MacAleer Drive

Mr. Eldershaw noted that all Police requirements will have to be met with regards to the taxis stand.

Mayor Brown asked for any further comments or questions.

7. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

Proposed amendments to the Zoning & Development Bylaw pertaining to Home Occupations, Tourist Accommodations, Low Density (R-2) and (R-2S) Zones, 500 Lot Area Design Standards, Parking Standards and Appendix A. Definitions.

Laurel Palmer Thompson, Planner II, presented the proposed amendments. The amendments pertaining to Home Occupations will allow more uses. Home Occupations which are appointment-based will be required to go through the variance process and will allow Council to determine the maximum number of clients. Tandem parking will also be permitted. The amendments will also determine prohibited uses. Heritage Inns will be permitted to have 4 to 7 rooms if they meet the lot area requirements. This will be a way to preserve heritage properties. Also proposed is a definition for Tourist Home which will tighten up the requirements. In the Waterfront Zone additional requirements as well a step backs for side yard setbacks will also be set out. This will permit more flexibility for narrow lots.

Mayor Brown asked for any comments or questions.

Brian Gillis, 71 Greenfield Avenue

Mr. Gillis asked if Council had put forward amendments for taxing tourist accommodations. Mayor Brown responded that this matter is deferred until such time a legal opinion is obtained. He also noted that the proposal is for a room levy. Mr. Gillis asked about the process for converting a single family dwelling in the R-1L Zone to a Tourist Home. Ms. Thompson responded that regulations for short term rentals are still under review. Mr. Forbes noted that at present accessory units cannot be used for short term rentals. Ms. Thompson noted that the new definition was created in 2018 to replace the definition for B & B's. She also stressed that presently there are no regulations allowing Air BNB's. They are not permitted. Mr. Gillis asked if a Home Occupation permit would allow for Air BNB's or room rentals.

Mr. Gillis noted that presently there is a waiting list for homes with Habitat for Humanity. The rise in applications has been from 3 in 2017 to 90 in 2019. This is due to rents being unaffordable and there are no safe accommodations available. People are being evicted from their rental homes because of sale of the property or renovations. This has caused a real crisis. There is a need for development of homes for families. Mr. Gillis asked if he could meet with Mayor and Council to discuss this.

Ms. Thompson noted that the proposed amendments will tighten up the Bylaw and all comments will be taken into consideration.

Mayor Brown responded that an Affordable Housing Council is being set up and also that the Planning Department has given this top priority and are presently working on developing regulations with regards to affordable housing.

Jonathan Greenan

Mr. Greenan commented that other provinces have outlawed Air BNB's in other types of housing and supports taking away this use for single family dwellings. He also noted that the proposed amendments will fill in the gap.

Ms. Thompson noted that the lot area requirements will tighten up the definition of short terms rentals. Existing short term rentals maybe shut down and the Planning Department investigates all reports of this use by residents.

Mr. Forbes explained that the City does not give permission for short term rentals. These applications are regulated by the Province. A public meeting will be held later in June to discuss the results of the Short Term Rentals Survey. He also noted that there is still a lot of work to be done.

Mr. Gillis asked if a hair salon would be permitted. Ms. Thompson explained that all appointment-based Home Occupation applications will have to go through the variance process and Council will have the final approval of these applications.

Mr. Forbes noted that a public meeting will be set up shortly to consider this matter and also that short term rentals are presently under legal review in Vancouver and Toronto. At the present time all short terms rentals are approved and regulated by the province.

Mayor Brown commented that a public meeting will be held to ensure an open, transparent and accountable process will be developed.

Osamo Abdoh, Charlotte Drive

Mr. Abdoh commented that there is an economic side to this and that jobs are needed in order for people to live well.

Nathan ???, 93 Nassau Street

This gentleman asked about the Affordable Housing Advisory Board. Mayor Brown noted that there is still one space available on the board. He noted that this housing crisis requires a broad scope of study and there is still a lot to do.

Ann Gillis, 71 Greenfield Avenue

Mrs. Gillis noted that there is a significant rise of short term rentals in her neighbourhood. Councillor Rivard noted that Alicia Packwood will be following up on the results of the survey.

Mayor Brown asked for any further comments or questions. There being none, the meeting adjourned at 8:40 p.m.

8. Adjournment of Public Session

Meeting adjourned at 8:42 p.m.