



**Public Meeting of Council
Tuesday, October 29, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent Street**

Mayor Philip Brown Presiding

Present:

**Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe**

**Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Mitchell Tweel
Councillor Robert Doiron**

Also:

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

**Ellen Faye Ganga, PH IO/AA Robert
Stavert, TA**

Regrets:

**Councillor Mike Duffy
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 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. 68 Brackley Point Road (PID #396713)

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units. Greg Morrison, Planner II, added more details about the application and stated that the applicant is also present to answer any questions or comments.

The subject property is currently vacant and the applicants are proposing to build two townhouse dwellings for a total of 14 units. Eight units will be at the front of the property and the other six units will be towards the back of the property. The elevations and floor plans were presented and it was explained that each unit are all identical with a garage at the front and three bedrooms on the second floor.

Susan Dillon, resident, commented that over the past years, there has been interest in this property and the rumour around Sherwood was that the property did not have access to Brackley Point Road. Ms. Dillon then asked where the access for the townhouse would be. Mr. Morrison responded that the access would be along the southern part of the property along Brackley Point Road and there would be a turning point at the rear of the property. Ms. Dillon also asked if there was a study in terms of safety of vehicles coming out of Brackley Point Road. Mr. Morrison mentioned that the site plan was sent to the Police, Fire and Public Works Department for review and comments. Staff received comments from Police and Public Works today. The Police Department have indicated that they were satisfied with the proposed site plan. The Public Works Department has issues particularly with the sight line to the south and have indicated that the proposed location would not be acceptable but access to the north of the property could be acceptable. Should Council look to approve this rezoning, these comments would have to be incorporated in redesigning the property. Ms. Dillon asked if staff have driven to the property and looked both ways. Mr. Morrison confirmed that he did and also added that he is not a traffic expert and must defer the review to corresponding departments. Ms. Dillon added that you cannot see cars approaching the top of the hill. For many years, it has been zoned as a single family and has not been sold because there was no access to Brackley Point Road and was wondering how 14 townhouses can be developed there and have access off Brackley Point Road.

Ms. Dillon also asked the Mayor if there is any other ward that is as busy as Ward 9 with rezoning. Mayor Brown responded that for any rezoning, traffic study is being considered and looking at Brackley Point Road, it is a connector to the arterial highway and then branches off to neighbourhoods. Mayor Brown also asked Mr. Forbes if there is any background or facts to add on to Ms. Dillon's inquiry. Mr. Forbes responded that Ward 9 is as busy as any other ward. Rezoning applications are not concentrated in a specific ward. Ms. Dillon commented that she asked this question because this is the third public meeting she attended since March 2019 and that she never attended any meetings in the past. She felt that there is always another piece of land being rezoned in her neighbourhood. Ms. Dillon also asked if the City has any strategic plan or map to look at and see where development or rezoning could happen or it is based on a property being purchased and requested to be rezoned. Councillor Rivard responded the City has a Zoning Map and an Official Plan in place that shows where density should go in the City. The neighbourhood is predominantly R1 zoning but looking at that specific parcel of land and the reason why residents are back here for the third time for another public meeting. With the current housing crisis, developers are taking the opportunity to develop properties to meet the housing needs. Councillor Rivard noted that it may be right or wrong and he just pointed out the reason why a public meeting is scheduled every month. Public meetings can happen for any ward as well. Councillor Rivard also shared that there have been other properties that went through public meetings in the past for a rezoning as well such as the West Royalty area. Ms. Dillon asked if this went to public consultation and if Council got the same push back with the properties within Sherwood. Councillor Rivard confirmed that any rezoning application requires a public meeting and also confirmed that on some applications, Council got the same push back

from residents. Mr. Brown also read portions of the policy in the Official plan (refer to report) and the Official Plan allows for some latitude for changes to the Bylaw. Anytime there is a change to the Bylaw, it requires public meeting. Ms. Dillon asked then if 14 townhouses surrounded by single family dwellings make sense. Ms. Dillon also commented that when residents voted in Councillors, residents hoped that they could come up with a strategic plan that doesn't just last for today or a few years but for 50 years down the road. Ms. Dillon also stressed that residents put Council in place to entrust that Council is making positive, informed and factual decisions on whether a property is to be rezoned or not. Ms. Dillon pointed out that she cannot understand how 14 townhouse units can be put on top of Brackley Point Road. It is busy as it is. She was in a few months ago requesting that the parcel further down Brackley Point Road by Stonepark not be rezoned to R-3 and now residents are back here for 14 townhouses on a small parcel of land that most people wanted to put a single family dwelling on but couldn't as the sight lines were not appropriate or was not safe. Mayor Brown clarified that the purpose of the public consultation is to get feedback from residents where development can happen or look at broader scopes or plans for the City.

Ms. Dillon stated that Council voted on this application and agreed to proceed to public consultation and staff just got the information from Police and Public Works on the same day of the public meeting. If no one showed up tonight to speak about the application, this was going through because Council already voted for it without all the necessary information. Mayor Brown clarified that Council did not vote in favour of the rezoning but voted that this application proceed to public consultation to get feedback. People may interpret it as a vote for the rezoning but this is only a vote to bring it to public consultation. Ms. Dillon reemphasized her earlier statement about Council making the right decision and that every time residents attend a public meeting, they feel that they are fighting for Council to make the right decision for the residents. Councillor Rivard mentioned that residents should not assume that Council would automatically approve an application when residents do not speak or show up at a public meeting. Council looks at the whole process and a public meeting is one piece of the whole process. Staff prepares a report and makes a recommendation to the Board. Board makes a recommendation to Council and Council makes an ultimate decision based on all the information provided. Mr. Brown also added that members of the Planning Board are at the meeting tonight listening resident input and they would provide their input at the Planning Board meeting as well.

Councillor Tweel responded to a question asked earlier whether any other ward is as busy, he mentioned that his ward has been busy dealing with Planning issues and it has been nothing but a "horror show".

Andrew MacLean, resident, noted that the diagram showing the size of the lot is incorrect because his mom's property adjacent to the property in question is 0.75 acre while the rest are 1.5 acres. The far side of the road has a grass area about 10 feet wide and then narrows as it reaches the top of the hill. The top of the hill along Brackley Point Road is very narrow. It was noted that traffic studies were provided by Police and Public Works but the top of the hill was intended to be narrower so that you are not able to park on the side of the road and that it can be as safe as possible. During the winter time, there would be about six to seven feet of snow for six months of the year. There used to be a sidewalk on the east side of the road but was moved to the other side of the street. There is also a fire hydrant close to that location. Living adjacent to the property in question, Mr. MacLean noted that he has not back out of his

driveway in 35-40 years. They drive on to the front lawn and drive out straight ahead. When there is snow, they would have to drive north on Brackley Point Road because traffic drives 50-60km/hr and there is poor visibility. Mr. MacLean then asked what would happen if there is snow about 50 feet to the north and 25-30 cars trying to pass traffic. Mr. MacLean doesn't think that they are going to drive north and through that roundabout. Mr. MacLean felt that it is a dangerous spot.

Doug Carmody (Carmody), resident, recommended that a roundabout be built near Vogue Optical to get rid of some of the traffic, let Woods develop his property and build a road where the house is built down off Duncan Heights. He indicated that there was supposed to be a road there out by Stonepark and residents can use the land that is there. Most properties are at least an acre, residents pay taxes on it but cannot use the land.

Andrew Cotton, resident, indicated that the lot has been vacant for years because it cannot have access off Brackley Point Road and asked about the property where the water tower used to be. Mr. Cotton asked why this property needed to have access off Maxfield instead of Brackley Point Road. A resident commented that it was because of the line of sight. Mr. Cotton then commented that it was not safe enough for that side of the road but would be safe for 14 cars on the other side of the road.

Jeremy Crosby, resident, mentioned that he will be submitting a letter to Council tonight. Mr. Crosby indicated that he is not against redevelopment of the property but rezoning from single family to R-3 is too high density for the property. Mr. Crosby quoted items in the report saying that this rezoning may change the long term direction of the neighbourhood and may lead to additional rezoning requests within the neighbourhood, secondary plan may be put in place and would need to consult the public on this, the scale of the townhouse units may adversely affect the existing low density dwellings, the section of Brackley Point Road is an established single-detached dwellings, the access on to Brackley Point Road may not have sufficient sight lines. Mr. Crosby noted that proposal for 14 townhouse units may be considered at some point but felt that the change from an R-1L to R-3 is too high of a density and that there are no guarantees that the applicant would come back and plan to build an apartment instead. He also added that the bylaw be reviewed to amend the permitted uses for an R-2 to allow townhouse units but no other types of developments that are included in the R-3 Zone. Mr. Crosby also mentioned that the residents are tired of the constant attempts to rezone the area around their neighbourhood to higher density. The last attempts to rezone properties earlier this year were both denied. Mr. Crosby requested to consider how these rezoning applications affect residents each time they have to go through the process. Mr. Crosby also requested that if a development should take place on the property, the treed area/buffer zone be kept in place to benefit the residents and current owners.

Mayor Brown commented that a development agreement may be put in place when amendments are approved. Mr. Forbes explained that when there is an application to rezone a property, Council has the ability to restrict developers to what is being proposed and permitted on the property and that would be through a development agreement. If developers want to change the plan, they would have to undergo the same process again. Mr. Crosby asked if that would apply even if the property was sold to a new developer and Mr. Forbes confirmed. When developers apply with a plan, the proposal is what would be reviewed and potentially approved. If developers come back and change their plans, Staff will forward it to Council for approval if

there is a significant change to the original plans submitted. Mr. Crosby asked if there were situations in the past where these development agreements are challenged and Mr. Forbes noted that most rezoning come with a development agreement; it is a standard tool and would be difficult to get around a development agreement. Mr. Crosby also commended staff for doing a great job preparing the report. Councillor Rivard also added that staff cannot stop or prevent land owners or developers from applying to develop or rezone their property. If the application is turned down and there are no significant changes to the proposed development, they would have to wait for another year to make another application. Mr. Crosby commented that the attempt to develop or rezone the property has been going on for many years now and would recommend that future development here would be something that is more agreeable than trying to rezone to an R-3. Councillor Rivard also asked Mr. Morrison what an R-2 permits and Mr. Morrison responded that it would allow for one and two unit dwellings. R-3 would allow townhouse and apartment units based on lot area. Mr. Crosby also added that there are other uses beyond that for R-3 and Mr. Morrison confirmed. While it says Medium Density, Mr. Crosby felt that it is perceived as high density for most residents living in an R-1 zone. Mr. Crosby also commended the developer and felt that it is a decent proposal but the R-3 zone is what unnerves residents. Councillor Tweel commented that an R-3 zone opens doors for apartment complexes and when a zoning has been changed, Councillor Tweel why does it have to come back to the public consultation process again. Mr. Morrison responded that should Council approve the rezoning, it would be done subject to a Development Agreement. The Development Agreement would indicate what can only be built on the property with the proposed site plan and elevations. Should these drawing change, the developers would have to go back through the same process. Technically, the R-3 Zoning for the property would only allow them to build 14 townhouse dwelling units as per proposed. Mayor Brown also mentioned that the request to look at the R-2 zoning to allow for townhouse dwelling may be looked at or considered at some point.

One resident asked about the setback requirements for an R-1 zone allowing a development 15 feet from property line. Mr. Morrison responded that for a single detached dwelling in an R-1 zone, the minimum setback would be 19.7 feet from the front line, 24.6 feet from the rear and 6 feet from the side yard. Mr. Morrison clarified that the plan shows 14.8 and not 4.8 feet on the side.

Ian Handrahan, resident, asked what the speed limit is along Brackley Point Road and Councillor Doiron responded that it is 50 km/hr. Mr. Handrahan asked if the line of sight test was done (3ft cone, 150m back and still visible) and Mr. Morrison responded that he is not a traffic engineer but was sent to Public Works & Police Department who reviewed and provided their inputs on the proposed development.

Joan Ivany, resident, asked if the application would have to start over if the driveway was moved to the other side. Mr. Morrison indicated that the developers would have to change their plans and would be reviewed by staff and the other departments but would not have to go back for another public meeting. Should the access be moved, the developers would have to amend their plans and include them in the development agreement. Ms. Ivany commented that the townhouses behind Charlottetown Mall do not look like the initial plans that were proposed. Councillor Rivard responded that the developers went back to Council for approval when the plans were changed.

Mark Grimmatt, resident, commented that car traffic was discussed but not pedestrian traffic which would potentially be associated with the development. Mr. Grimmatt asked how pedestrians would access the sidewalk on the other side of the street and Mr. Morrison commented that it would be more of a Council question if they have the appetite to construct a sidewalk on that side of the street or a crosswalk. Mr. Grimmatt also asked how this development is adjacent to commercial areas as how other R-3 developments are. He also echoed comments from other residents that the R-3 zone set people off and cause concerns to residents in the neighbourhood regardless if there is a development agreement or not. As a nearby property owner, he is not in favour of the proposal noted earlier by one of the residents to add another road access through the property along Duncan Heights.

Wendy MacDonald, resident, commented that their property was turned down in the past because of sight line issues even for a single family dwelling. Ms. MacDonald questioned how 14 new residents with potentially 28 cars coming out at the top of the hill wouldn't be an issue. She mentioned that she has been rear-ended and side swiped several times trying to pull out of her driveway with signal lights during daylight. With snow, it is even more difficult. And when you try to put a driveway immediately across the property with the increased number of vehicles coming out, Ms. MacDonald and her husband are completely opposed to the development. Ms. MacDonald also guaranteed that vehicles do not drive 50-60km/hr up that hill. Vehicles drive up to 80 km/hr and ambulances also drive that route into town and felt that the proposed access is completely not safe.

Doreen Connolly, resident, commented that with the townhouses being three bedrooms, there would be numerous families that would live there with children. Kids will be walking to school across Brackley Point Road and felt that it will not be very safe. She is opposed the proposal.

Jerry Ivany, resident, mentioned that he has attended about seven public meetings for the area since moving to Pope Ave and had called it a parachute rezoning. Mr. Ivany noted that the issues would always be developers purchasing single family homes and he expects Council to work with residents to allow the neighbourhood to remain the same. Mr. Ivany acknowledged that there would always be changes in houses or residences but the concerns for this property would be 1) traffic safety where vehicles don't follow the 50km/hr speed limit and 2) if/when the Belvedere Ave/St. Peters Road roundabout is be constructed, vehicles trying to get to town will most likely drive through Duncan Heights. Mr. Ivany plead that Council not approve this rezoning. In the original plan, there was a proposed road that would run from north to south and would come out of Heather Ave but over the years, plans were changed, the City was amalgamated and the long term plan was ignored. Mr. Ivany commented that he does not have a lot of faith in the City and would like to see someone start thinking about residents.

Mayor Brown mentioned that all the information gathered tonight will be taken to the Planning Board which is scheduled on Monday, November 4, 2019 at 4:30pm at Council Chambers, 2nd Floor, City Hall. Mayor Brown also added that it will be an open meeting and the residents are welcome to attend the meeting.

Councillor Doiron thanked the residents for attending the meeting and encouraged everyone who is opposed to this development to come to the Monthly Council meeting on November 12, 2019. Councillor Doiron commented that there have been rezoning applications in the past where the public came out in full force who expressed their opposition but when Council voted

for the application, Council went with the housing crisis and approved the applications. Councillor Doiron added that he is aware that there are a lot of opposition to this application and that Council listened to all the comments of the residents saying they don't want it but when it comes to a vote, Council votes for it anyway. Councillor Doiron also noted that it is great that residents are here tonight but because it happened a couple of times in the past, once again, he encouraged residents who are opposed to this rezoning to attend the Council meeting in November. Mayor Brown reiterated that there is a Planning Board Meeting on November 4 at 4:30pm where a recommendation will be made by the Board to Council and the Council Meeting is scheduled on Tuesday, November 12 at 5:00pm.

Susan Dillon, resident, reiterated her earlier comments saying that "we interest the Councillors of the City to make sound, informed decisions based on facts to lead the City in a direction that shows positive growth for many years to come." Ms. Dillon expressed that she doesn't want to be in a public meeting but wanted Council to look at the zoning, the sidewalks, sight lines, etc. and ask if it matches what the community needs. She also mentioned that the reason why she voted and why residents voted their Councillors in, is not for residents to be at public meetings but for Councillors to look at the issues, be the voice of the residents and make sound decisions based on what is best for the community. Councillor Doiron agreed with Ms. Dillon's comments and mentioned that he is listening to the crowd but when Council votes, things change, people tend to forget the people at the public meeting. Councillor Doiron cited the previous rezoning on Upper Prince and Palmers Lane where residents attended the public meeting and spoke in opposition, but Council voted to go ahead with it. Councillor Doiron understands that residents entrust their Councillors to do what residents think is right and what he believes is right. Councillor Doiron added that he does not want to give residents false hopes. He encouraged people to attend the Council meeting and see how Council vote. Councillor Doiron felt there has to be a balance in terms of when it comes to the housing crisis and every Councillor wants to do the right thing.

Mayor Brown mentioned that he understands the trust that Ms. Dillon is giving her Councillor and Council, and to add on to Councillor Doiron's comments, City Hall is open and there is a Planning Board Meeting on November 4th at 4:30pm where this issue will be voted on and then voted by Council on November 12th at 5:00pm at the Regular Meeting of Council. Mayor Brown also added that he has good faith in all the Councillors that represent the wards of the City.

Councillor McCabe clarified if this application is shut down at the Planning Board and does not necessarily go to Council. Councillor Rivard responded that a recommendation will be made by Staff to the Planning Board, Planning Board then makes a recommendation to Council and then Council makes the final decision. Councillor Rivard added that the Planning Board may recommend that the application not move forward and Council would have the ultimate vote.

A resident commented that the Planning Board meeting scheduled at 4:30pm is not an appropriate time for most residents, especially for those who are working. Mayor Brown understands that the time may not be appropriate for everybody but the Planning Board meetings are always scheduled at 4:30pm and Council Meeting has been moved to 5:00pm. The City tried to accommodate most of the schedules of members. While a video recording is not available for Planning Board, there will be a live stream for the Regular Council meeting. The resident informed Council that since most would be working, many people won't be able to make it to the meeting.

Councillor Tweel thanked residents for attending the public meeting and reiterated Councillor Doiron's comment where people attended past public meetings and spoke in opposition to the development (mentioned the previous applications in his ward), staff recommended for or against the application, Planning Board recommended for approval or rejection and finally to Council for a vote. Councillor Tweel mentioned that some Councillors are listening and some, because of housing or other situations, and when letters were sent, the letters would only indicate the rezoning or variance requirements. Councillor Tweel added that some do take it to heart and listen specifically to what the constituents are saying.

Mayor Brown reminded the residents of the schedules for Planning Board Meeting and Council Meeting and Councillor Rivard and Councillor McCabe reminded the residents that the deadline for submission of any written comments or concerns is 12:00pm, October 30, 2019.

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Robert Zilke went through the specific amendments as detailed in the report.

Joan Cumming, resident, thanked Robert for explaining the amendments in detail and mentioned that she called City Hall about four times to talk to someone to gather more information about the proposed amendments but staff wasn't able to provide the information and indicated that she had difficulty trying to look for the information on the website. Ms. Cumming noted that she would have wanted to study the information ahead of time. Mayor Brown asked Mr. Zilke if this was part of the information on the website and Mr. Zilke confirmed. Ms. Cumming added that since she could not find the information on the website and should these amendments move forward, it would have been a concern for her not being able to access the information or made comments to it. Ms. Cumming was more particular about the signage and a little confused with the subdivision of lots. Ms. Cumming requested that residents be better informed and asked if these amendments were reviewed a long time ago or just today. Mr. Zilke responded that he is willing to talk to Ms. Cumming after the meeting to set a time to discuss the amendments in detail. Mayor Brown clarified that this is a public consultation and the Planning Board meeting is scheduled on November 4th and that would be another avenue for Ms. Cumming to make her comments. Ms. Cumming added that she doesn't have a copy of the report. Councillor Rivard responded that the reports are on the website with the information and will be reviewed again at the next Planning Board meeting. Councillor Jankov also asked where the package is saved. Ellen Catane explained that all reports are part of the Planning Board package, which also becomes part of the Council package and a Public meeting package is also sent to Council before the Public meeting. Mayor Brown added that Mr. Zilke will work on a time to meet with Ms. Cumming. Ms. Cumming indicated that

would help her but asked how the information would get to the other residents. Mayor Brown noted that staff did their best to provide the information for residents and tried to make it as user friendly as possible and apologized if she had difficulty accessing the site and will check to see how the website can be improved further for the public to have better access.

Councillor Tweel thanked Mr. Zilke for the presentation and requested he elaborate on the difference of the current Design Review procedure and the proposed amendment of what constitutes a significant alteration. Mr. Zilke responded that a design review is required for any development within the 500 Lot Area. Council approved the 500 Lot Area years ago in order to maintain the character on the design of the buildings in that location. The existing regulation pertains to any new construction, multi-unit residential or increase in building footprint, etc. The proposed amendment is when any building in the 500 Lot Area goes through a significant alteration especially to the exterior of the existing property, it would require to undergo the design review process. Councillor Tweel quoted the statement, "This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future", and mentioned that he has discussed this with Council over the last number of months with regards to the architectural character of the new buildings being built in the downtown area especially when it comes to brick materials. Councillor Tweel indicated that on the fourth and fifth floor, there is the introduction of steel siding that is a significant material change to the design of a building. Councillor Tweel mentioned that he is not an architect but felt that there is inconsistency and wondered why this is allowed to happen. Mayor Brown responded that those items will be dealt with by the Design Review Committee.

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

6. Adjournment of Public Session

Moved by Councillor Mike Duffy and seconded by Councillor Greg Rivard, that the meeting be adjourned. Meeting adjourned at 7:48 p.m.