



**Public Meeting of Council  
Wednesday, February 20, 2013, 7 pm  
Georgian Room, Rodd Charlottetown Hotel**

**Mayor Clifford Lee presiding**

**Present:** Deputy Mayor Stu MacFadyen      Councillor Rob Lantz  
Councillor Jason Coady      Councillor Danny Redmond  
Councillor Terry Bernard      Councillor Melissa Hilton  
Councillor Cecil Villard

**Also:** Phil Handrahan, DFDS      Laurel Palmer Thompson, PDO  
Hope Gunn, PDO      Linda Thorne, AA

**Regrets:** Councillor Edward Rice      Councillor Mitchell Tweel  
Councillor David MacDonald      Roy Main, CAO  
Donna Waddell, DCS      Brad Wonnacott, AA

**1. Charlottetown Waterfront Master Plan – Official Plan & Zoning Bylaw Amendments**

Mayor Lee opened the meeting and introduced the Councillors. He then turned the meeting over to Councillor Lantz, Chair of the Planning & Heritage Committee, who explained the review process and the purpose of the meeting. This meeting is being held to review the actual amendments to the Official Plan and Zoning Bylaw and is required under the *Planning Act*. Councillor Lantz thanked the members of the team who were involved in the preparation of the Waterfront Master Plan, led by Ekistics Planning & Design, and supported by Colliers International, Phil Wood & Associates, and TM Solutions Inc.

Hope Parnham, Planning & Development Officer, presented an overview of the proposed changes and recapped the Waterfront Master Plan process that was followed over the past seven months which included stakeholders meetings, public workshops, etc. She noted that the proposed changes are key policy and regulatory changes and stressed the importance of public input. Valuable input has been received following receipt of the Final Draft on December 17, 2012, and some of these have already led to minor revisions of the text. The new policies will be required in order for staff to implement the new waterfront plan. Mrs. Parnham then turned the meeting over to Jill Robertson of Ekistics.

Mrs. Robertson explained that the Official Plan sets policy direction and the goal is to make the waterfront inviting and accessible to the public. She noted that the waterfront is very important to the City and there is a need to be sensitive to the type of development that takes place. The new policies will require high quality design. There will be an emphasis on the creation of public

areas and the preservation of existing streetscapes. Two new zones will be created: a Waterfront Zone and a Port Zone. The new zones will replace the existing zones on the waterfront and also Appendix "G" of the Zoning and Development Bylaw which sets out the approved building footprints and permitted uses in the existing CDA Zone. The new zones are more detailed form-based zones. Three new sections will be created in the Bylaw: Section 30 – Waterfront Zone; Section 31 – Port Zone; Section 31 – Design Review. The new zones will include such regulations as the permitted uses, building form (quality of design, setback, step back, permitted height, and type of building finishes) and accessibility. Provision will also be made for parking for both automobiles and bicycles. A buffer zone regulation will also be required between the Port Zone and Waterfront Zone. The Design Review process will provide clear direction to Council, staff, the public and developers as to the application process required for development in the Waterfront and Port zones. The administration of design review will be carried out by staff and a roster of professionals who will provide a rational approach to elevate the type of development. Also, developers will have the expertise of a professional designer from the beginning of their development proposal.

Mayor Lee asked for any comments or questions.

Philip Brown, 135 Spring Park Road

Mr. Brown noted that Rob LeBlanc of Ekistics was involved in past waterfront studies. He also commented that this is not the first time that Council has looked at the waterfront plan and noted the public meeting held in June, 2006, in which comments were received from CADC and CHAI. He feels that this new proposal is a 180 degree shift from the former one. He asked for an explanation of the rationale behind this new proposal.

Mrs. Robertson explained that she was not involved in the study done in 2006 and that there has been a change in planning principles and policies in recent years which requires more public input.

Mr. Brown pointed out that any changes to the present CDA Zone requires public input.

Mayor Lee noted that the purpose of tonight's meeting is to hear comments and questions on this new proposal and not to discuss the history of previous waterfront studies.

Mr. Brown asked for clarification on the definitions for low rise, mid-size and high rise buildings and also where they can be placed. He also asked what the maximum height will be for a high rise building.

Ms. Robertson explained the reason a definition for high rise buildings was included, and that high-rise buildings are not permitted in the either zone.

Mr. Brown noted that the provision of a public boat slip is not indicated in this plan.

Ms. Robertson explained that there is flexibility in the plan to allow for a public boat launch as it is a permitted use within the zones. Where exactly a boat launch could be located would be up to the City, if and when they choose to pursue that option and acquired the land to do so.

Mr. Brown asked about the June, 2012, IRAC ruling with regards to the Paul Madden appeal and the City's legal suit and how it will infringe on this new proposal.

The Mayor stated that it is not the City's policy to discuss on-going legal issues publically.

Jonathan Coady, Stewart McKelvey

Mr. Coady explained that he was present to represent a number of residents who occupy and own properties adjacent to the Yacht Club including Gretha Rose, Art Jennings, Peter Norton, Gary Rayner, and Phil Wood who participated in the Waterfront Master Plan.

Mr. Coady noted four areas of concern:

1. The need to maintain the character of the neighbourhood along Water Street, with mixed uses east of Pownal Street. In contrast, west of Pownal Street, this area is a distinct historic residential neighbourhood. There is concern by the residents that the proposed amendments do not show a commitment to the existing neighbourhood and that the proposed changes will accelerate the loss of those historic resources.
2. Mr. Coady stated that Subsection 7 in the Official Plan proposed policies addresses residential uses on the ground level and that this may affect the existing properties. Currently all properties west of Pownal Street have residential uses on the ground floor and he believes that the proposed policies will result in an accelerated loss of those existing uses on an historic street in an existing neighbourhood.
3. Mr. Coady commented on Sections 30.3 and 30.4 of the proposed Bylaw amendments which proposes that multi-unit buildings would have no residential uses on the ground floor and that multiunit dwellings would have a mixture of bedroom configurations. He believes that these regulations will have significant impact on the existing residences west of Pownal Street because they are existing historic properties and if you change the bylaw they will then be considered non-conforming. He believes that any future changes to these buildings would have to conform to the new Bylaw, once again stating that this would accelerate the loss of the historic streetscape. Mr. Coady then asked about the legal implications of adjusting the existing properties to comply with the proposed changes, as the heritage regulations prevents us from changing the appearance historic buildings. If that is true, how are they going to change the uses of these buildings without altering the appearance?
4. The final issue is with regards to consultation. Mr. Coady feels that given the size of the proposed Waterfront Zone, that the City must increase their commitment to existing neighbourhoods and existing streetscapes. He believes that these proposed changes need to be considered with respect to the existing commitments to heritage and neighbourhoods. This is a distinct neighbourhood that will be affected (west of Pownal Street). He feels that this proposed plan works well for the area east of Pownal Street and extending to the Hillsborough Bridge.

Mayor Lee asked for any comments or questions.

Ann MacNevin

Ms. MacNevin is strongly opposed to any development on the waterfront and noted concerns with large apartment blocks constructed over underground parking. She is concerned about sea level rise and the affect it will have on buildings. She noted that the City was not prepared for

Hurricane Juan and noted other major hurricanes that had occurred over the years. She feels that it is only a matter of time before a severe hurricane strikes and fears that the existing permanent construction on the waterfront is in harm's way. Ms. MacNevin noted that the Mayor and Council are stewards of the City now and in the future. She feels that the issue of global warming was skimmed over and stressed that rational thought would err on the side of safety. Ms. MacNevin also feels that mistakes were made in the existing development on the waterfront and noted the problems caused to residents by the parking lot at Peakes Quay. She feels that future development may expand the tax base while people are living in substandard housing. There is a need to make the City more accessible and noted the need for better snow removal on the sidewalks. Ms. MacNevin also feels that there should be lower bus fares for seniors and that additional information is required before making such sweeping changes to the waterfront. She used the example of the damage caused by extreme weather in New York and New Orleans and feels this was a result of poor planning. She is very opposed to allowing large apartment blocks which she feels will be blind self-interest.

Councillor Lantz asked for any comments or questions.

Greg McKee

Mr. McKee has just moved to the City and looks forward to the walkability of the downtown. He is very excited about the new waterfront plan but feels that like uses should be kept together. He asked for an explanation of "free zones".

Ms. Robertson explained the principles of form-based code development and noted that although it is relatively new to Eastern Canada, it has been very successful in other cities. It promotes a mix of uses but is not specific to a property. It allows for more flexibility for uses of a building. Market conditions drive the type of development and form-based code promotes a mixture of character in an area. It also promotes a higher quality of development.

Malcolm Lodge, 201 Water Street

Mr. Lodge is concerned that the proposed plan will "wall-off" a part of the City with higher buildings. He lives at the eastern end of Water Street which has a mix of uses, but mostly residential. He has concerns that the higher buildings will cause shading from the sun to existing buildings and that this might make property owners change the use of their buildings from residential to commercial uses. It is important that the City be attractive to cruise ship visitors, but he feels that in today's economy it will be a long time before any new development takes place. He feels that the proposed plan is a bad plan and there is a need for more affordable housing. The cost of existing new condo development is too high and is not affordable. He also has concerns about sea level rise and the safety of any new buildings on the waterfront.

Councillor Lantz asked for any further comments or questions.

Don MacNeill, King Street

Mr. MacNeill was in the Navy for many years and has visited a lot of seaports. He feels that there has not been much change in Charlottetown for many years and there is a need to promote the cruise ship industry. He feels it makes sense to recognize industry and it is important to make changes.

Councillor Lantz asked for comments or questions and noted that Council is holding this meeting to hear feedback from residents.

Catherine Hennessey, Sydney Street

Mrs. Hennessey has reviewed the proposed Waterfront Plan in detail and noted that it is “quite the read”. She asks that Council not rush the process and that there needs to be more public input. She has changed her mind about a number of things in the proposal since she has read it through cover to cover, and feels that the residents need time to come to terms with the proposed changes. She feels it is a good study.

Scott MacKenzie, DCI

Mr. MacKenzie is at the meeting to represent Downtown Charlottetown Inc. He has lived in the downtown his whole life. He questioned the rationale behind not having residential use on the ground floor.

Councillor Lantz explained that this is to recognize future sea level rise.

Ms. Robertson noted that there is more vibrancy to an area when there is pedestrian engagement and that commercial development on the ground floor (pubs, shops, etc.) causes more energy. Also, outside of tourism season the existing waterfront is a dead zone and there is a need to encourage people to use the waterfront at all times of the year.

Mr. MacKenzie owns a Heritage property not located on the waterfront and is concerned about the future of heritage buildings within the new zone if residential dwelling space is removed off the ground floor.

Mrs. Parnham pointed out that this will apply only to new development and not to existing buildings.

Unknown Resident, Great George Street

This resident commented that she recognizes the need to build a vibrant waterfront, but is concerned about the potential noise and destruction that might occur to existing residential properties. She noted that this might discourage people from living downtown.

Councillor Lantz noted that there will be a public meeting held on March 27, 2013, to hear comments on the proposed changes to the 500 Lots Area. Consultation will be held for each neighbourhood of the City and this will be an opportunity to entire communities to provide feedback on the proposed amendments. He encouraged all residents to come forward with suggestions and stressed that tonight’s meeting deals only with the waterfront.

Ann MacNevin

Ms. MacNevin noted that the Economic Development page of the City website advertises the “coastal community”. She also noted that a number of existing buildings are located within the area located on the flood zone map. As well, the new proposed Waterfront Zone falls almost entirely within the flood zone. She referenced an old report of Premier Ghiz, in which he

indicated that PEI has a problem with rising sea levels and storms surges, as well as a research study done on Charlottetown in 2002 which studied the impacts of sea level rise. She stressed that it is time to stop the insanity.

Mrs. Parnham commented that climate change is a valid issue and that she has been in discussions with Don Forbes, a lead researcher on the issue with the Geological Survey of Canada, and that he will be providing comments on the proposed amendments for Council.

Ms. Robertson noted that it is best planning practice to require the ground floor elevation to be raised for all new development as indicated in Mr. Forbes' report.

Councillor Lantz noted that Mrs. Parnham has a lot of expertise with the issue of sea level rise and climate change as she did her Master's thesis on this subject.

Ms. Robertson commented that Charlottetown is one of the best-studied areas in Canada regarding sea level rise.

John Morris

This gentleman noted that it is important to take preparation for hurricane and severe weather events into account. He has not reviewed the Waterfront Plan in details but feels that it is well done.

Wellington Gay

Mr. Gay noted he is pleased about the area of the waterfront plan set aside for the Yacht Club, but has concerns that there is not enough parking area set aside. The Yacht Club will require more parking adjacent as members need to park close by because of the need to transport sails, etc.

Ernie Morello, CADC

Mr. Morello noted that the present CDA Zone requires a public meeting for any changes to specific land use. He asked if the form-based code will permit the existing land use to be grandfathered in.

Mrs. Parnham confirmed that existing uses will remain, and public meetings will only be required for requests for bonus height which requires a public benefit, or if an application is a substantial development on a Heritage resource property.

Councillor Lantz asked for any further comments or questions, there being none, the meeting adjourned at 8:15 p.m.