



**Public Meeting of Council  
Thursday, March 15, 2012 at 7 PM  
Victorian Room, Rodd Charlottetown Hotel**

**Mayor Clifford Lee presiding**

**Present:** Deputy Mayor Stu MacFadyen      Councillor Rob Lantz  
Councillor Danny Redmond      Councillor Edward Rice  
Councillor Jason Coady      Councillor David MacDonald  
Councillor Mitchell Tweel

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

**Regrets:** Councillor Cecil Villard      Councillor Terry Bernard  
Councillor Melissa Hilton      Roy Main, CAO  
Donna Waddell, DCS      Brad Wonnacott, AA

Mayor Lee opened the meeting and introduced the Councillors. He then turned the meeting over to Councillor Lantz who introduced the application and briefly explained the process.

**1. 119 Water Street (PID# 335927)**

**A request to consider an amendment to Appendix “G” of the City of Charlottetown Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area Zone and Their Permitted Uses – to permit Offices as a permitted use for the property located at 119 Water Street (PID# 335927).**

Trevor MacLeod, representing the owners, presented the application. He noted that the application is to change the use of the building to offices. There will be no changes to the exterior of the building or to the Heritage aspect. He feels that this is a straight-forward application.

Councillor Lantz asked for any comments or questions.

**John Rankin, 124 Water Street**

Mr Rankin and his wife live at 124 Water Street and they also own the property at 128 Water Street. He asked when this area was rezoned to CDA. He noted that the property had been purchased by a Real Estate Agent who lived in the building for a short period of time. He then sold the property as a Commercial property. The residents in the area objected to the use of the building as Commercial. He feels this should have been addressed prior to the new owner taking possession. He asked if there is a process in place to confirm the zoning and/or uses of a property before it is sold.

Councillor Lantz noted that there is no mechanism in place to monitor use of any property. He explained the Zoning Inquiry process and stressed that it is important for a potential purchaser to have an Inquiry done prior to purchasing a property in order to clarify the uses and zoning.

Mr Rankin asked when this area of the City had been rezoned to CDA.

Councillor Lantz explained that this was done during the Bylaw and Official Plan adoption during amalgamation in 1999.

Mr Rankin noted that this area was not CDA in 1989 when he purchased his property and asked if a public meeting had been held in 1999 when the change was made.

Mayor Lee responded that public meetings were held prior to the adoption of the Bylaw and Official Plan and that staff can provide the dates of these meetings.

Mr Rankin commented that this was a knowledgeable Real Estate Agent who sold the property to a knowledgeable buyer and asked if there was a process in place for this.

Mayor Lee commented that there is not enough staff to monitor all of the properties in the City and that the previous use of a building does not obligate this use to be permitted. It is not a given that this request for amendment will be approved.

**Andrea Battison, 41 Prince Street**

Ms Battison noted that this neighbourhood is predominately residential on the Great George side except for the Inns on Great George. She is concerned that the area is starting to be encroached by commercial uses and that Water Street is turning to commercial. She is glad that the building at 119 Water Street is being maintained.

Councillor Lantz asked for any comments or questions. There being none, the meeting proceeded to the next application.

**2. 100 ½ Water Street (PID# 335208)**

**A request to consider an amendment to Appendix “G” of the City of Charlottetown Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area Zone and Their Permitted Uses – to permit a Retail Shop as a permitted use for the property located at 100 ½ Water Street (PID# 335208).**

Councillor Lantz briefly explained the application which is to amend the List of Permitted Uses in the CDA Zone to allow a Bridal Boutique (retail shop). This property is located in the waterfront CDA Zone and previous approved uses for this property are gift shop, craft shop and offices.

**Joan Cumming, 236-238 Sydney Street**

Ms Cumming would like to see what the property will look like when it is developed. Heritage walking tours take place during the summer and this property is of great interest because of its previous history as a residence and veterinary office. Of particular interest are the doors. Ms Cumming also asked about parking as she feels this Bridal Boutique will serve mainly local clientele. Most of the businesses in this area are for tourists and she doesn't want the front of this building to change. She also asked about the type of signage that will be in place. She feels that the story of this property is unique to the City and mentioned that this building was saved from a fire by the actions of citizens dousing the roof with buckets of water. The architectural features of this building add character to the street and should not be changed.

**Kelly Moorehead, Applicant**

Ms Moorehead explained that she would like to replace the barn-type doors on the building with a 9-pane boutique window and wainscoting. She proposes to have a wrought iron hanging sign placed on the front of the building. This will be an appointment-only boutique and she feels that there is adequate parking located at Peakes Quay.

Ms Cumming is very attached to the doors and feels they should not be replaced by a window.

Councillor Lantz noted that as this property is a designated Heritage Resource, all exterior changes would have to go before Heritage Board for review and a recommendation to Council. The change of use is the only matter being dealt with at this meeting.

Councillor Lantz asked for any comments or questions. There being none, the meeting proceeded to the next application.

**3. 11-13 Pine Drive (PID# 393314)**

**A request to consider an application, as per Section 4.60 of the City of Charlottetown Zoning and Development Bylaw – Site Development Principles, for the construction of a 24-unit apartment building on the property located at 11-13 Pine Drive (PID# 393314).**

Councillor Lantz introduced the application and briefly explained the process. This application is being considered under Section 4.60 of the Zoning and Development Bylaw – Site Development Principles. This property is presently zoned R-3. Prior to amalgamation this lot was zoned R-1. It was an existing non-conforming use at that time as a 5-unit building. This is a large area of land and under the R-3 zoning permits a density of 24 units. Planning Board recommended that this application go before Council for public consultation as the proposed development is deemed to be out of character and/or scale to the surrounding neighbourhood.

Wayne Bevan, applicant, and Bill Chandler, architect, presented the application. Mr. Bevan is one of the owners of the property and reviewed the history of their rental business. He noted that their company presently has a number of larger apartment buildings in the Sherwood and Parkdale areas. The subject property was purchased by the Bevan's in 2011. The present R-3 zone and lot area will permit up to 28 units, but at this time they are proposing a 24-unit development. No variances are required and all setback requirements are being met. The proposed development also does not require a rezoning. Mr. Bevan noted that this property was rezoned to R-3 during amalgamation and at that time the Official Plan was also amended. Public meetings were held by Council for input from residents, but no comments were received at that time. Mr. Chandler then presented drawings showing the existing survey plan with the 5-unit building on them. He also presented photos of the property and surrounding area. The drawings also showed the footprint of the proposed 3-storey building and parking plan. He noted that there will be 8 units per floor and the building will be set back in line with the existing buildings. Fifty percent of the property will be green space and he noted that the City only requires 10 percent. There will be 13 foot buffer zones between the proposed building and the existing single family homes. The large trees and existing hedge will be maintained. The other side of the property will be buffered by a fence. The drainage plan will be designed by an engineer. The elevations being presented are only preliminary at this time. The developer met with staff of the Planning Department with regards to the requirements and noted that this proposal meets all of the Bylaw requirements.

Councillor Lantz asked for any comments or questions.

**Anna Carr, 7 MacMillan Crescent**

Mrs. Carr and her family have owned property in this area for many years. She is speaking in opposition to this development. She prepared an 8-page submission and spoke from this. She feels that the proposed development is out of character to the surrounding area and is too large for the property. The property is 0.7 acres and is connected to Mount Edward Road by a narrow "handle". She feels that if this development were to be approved, properties in the area would be devalued, the residents would suffer from a lack of privacy and an increase in traffic would also be a problem as there would be five times the number of cars. Mrs. Carr feels that there was not enough information provided to the residents and that the minimum amenity area and front yard setbacks are not being met. She noted that the information available for the residents did not show the landscaped open space and 13 foot buffer area. This building will be abutting R-1 and R-1S properties and she questioned if there will be adequate parking available during the winter months. She has concerns about the number of parking spaces and also that the parking area will be located adjacent to bedrooms. She also feels that the developer showed a lack of concern to long-term residents. There will also be noise pollution, overflow from garbage containers, issues with snow clearing, and storm water drainage, especially during the spring run-off. Mrs. Carr asked when and why the zoning of this property was changed and feels that it should be zoned R-2S. She questions whether due process was followed and noted that Planning Board recommended to Council that this application be submitted before the public for their input. The residents in the immediate area purchased their homes because of the predominately single family neighbourhood. She is strongly in opposition of this development because of the incompatibility with the surrounding neighbourhood and feels that it would be in the best

interests of the residents that this application be denied and the property rezoned for single family dwellings.

Councillor Lantz asked for any comments or questions.

**Joanne MacRae, 11 MacMillan Crescent**

Mrs. MacRae expressed appreciation to Council for allowing the residents an opportunity to comment on the proposed development. She feels that the developer should have submitted a written proposal showing plans for urban beautification, curbing, walkways, etc. The preliminary plan did not show any of this. She feels that the “handle” portion of the lot does not constitute a walkway. She has concerns that there may be odors from the garbage bins and that the wildlife in the area will be getting into them. The developer should be required to submit a written statement of compatibility and integration. There are no other apartment buildings in this area which has single family homes on deep, wide lots. The residents enjoy their privacy and care about their neighbours. She has concerns with the increase in traffic in the school area and the lack of parking for visitors to the apartment building. She also feels that stormwater drainage above and below ground should be addressed as there is presently a drainage problem at Sherwood School. She questions how a 24-unit apartment building can be compatible with the existing single family homes and feels that the building will dwarf them. Mrs. MacRae also has concerns with the lighting for the parking lot and the fact that the development will increase the noise and light pollution in the area. She strongly urges the residents to write to Mayor Lee and express their concerns.

Councillor Lantz encouraged residents to come forward as this is a good opportunity to express their opinions. He also noted that as well as the 3 Elected Officials, there are 10 Resident Members on Planning Board.

**John Falls, 21 Pine Drive**

Mr. Falls feels that the view from his property will be gone and has concerns with the stench from the garbage bins. He also asked how high the proposed fence will be.

**Mary Anne Gillis, 28 Oak Drive**

Mrs. Gillis expressed concern that the increased traffic and parking on the street will pose a safety issue as a number of children in the area use Pine Drive to walk to school.

**Mark Rooney, 24 Pine Drive**

Mr. Rooney has lived here for 11 years. He feels that there is a lot of traffic on Pine Drive now and is concerned with the increase in cars. He also has concerns with the density of the project. He has no ill will towards the developers, but is opposed to this development.

**Doris Boulet, 23 MacMillan Crescent**

Ms Boulet feels that the proposed building will be a monstrosity. She has lived here for 25 years and feels that this is a beautiful residential area. This is a quiet, peaceful area. She asked if an Environmental Study had been done addressing the existing treed area and water and sewer

supply. She is 72 years old and enjoys having her grandchildren visit her and enjoy her backyard and feels that her property will be devalued.

**Mike Gillis, 28 Oak Drive**

Mr. Gillis noted that this property was rezoned at the time of amalgamation and that it was an anomaly at that time as it was a five-unit building in an area of single family dwellings. He asked Council what their intent was at that time.

Councillor Lantz responded that he believed the intent at that time was to rezone all areas that contained non-conforming uses to the proper zone.

Mr. Gillis asked why a 5-unit building would be rezoned to R-3 and stated that 2 wrongs don't make a right. He feels that this development should not be allowed.

Councillor Lantz asked for any questions or comments.

**Lillian Mead, 7 Pine Drive**

Ms Mead noted that Pine Drive is getting very busy. She also noted that there is a dip in the street at the intersection that allows cars to roll through the intersection. There have been problems with cars parking on the street. She also has concerns with snow removal and water run-off. The ditch along her property is not filled in and this has caused a lot of problems over the years. The City crews dug out the ditch which made it deeper and harder to mow the grass. She feels that property values will go down because of this development and has concerns about the City reservoir property and green space area. People in the area like this green space but there is a problem with people not picking up after their dogs and with graffiti being put on the buildings. She noted that a young people in the area also go there to smoke and drink and the addition of this 24-unit building will increase the problems. She strongly says NO to this proposal.

Councillor Lantz asked for any comments or questions.

**Gail MacLeod, tenant at 11 Pine Drive**

Ms MacLeod has been a tenant in the existing five-unit building for 12 years and raised her family in the area. She has been listening to the comments from the residents. She acknowledged that waste from dogs is a problem but feels that increased traffic will not be a problem. Pine Drive is presently a thoroughfare to Brackley Point Road. Cars roll through the existing 4-way stops. She noted the condition of the existing five-unit building. She lives in the portion of the dwelling that was a farm house and noted that traffic noise from Mount Edward Road is part of "living noise". She also feels that the parking for the new building is adequate as one space is provided per tenant and some spaces are designated for wheelchairs. She noted that in other cities parking is not always provided when a condo unit is purchased and doesn't see this as an issue. She feels that the adjacent property is not well kept and would like to see this development go forward. She asked if the neighbours know what types of trees are on the property. She noted that there are mature chestnut, mountain ash, poplar and maple trees on the lot. She feels that that this is a good development.

**Margaret Collins, 14 MacMillan Crescent**

Mrs. Collins is concerned with the distance between the proposed apartment building and the property next door. She is also concerned that the mature trees will be gone.

Mr. Chandler pointed out that there is approximately 15 feet between the properties and that the Planning rules apply to the whole City.

**George Bitar, 30 MacMillan Crescent**

Mr. Bitar is concerned with the height of the proposed building and asked the developers if they had considered a building lower than 3 stories. He feels that traffic will increase and this will be a problem. He has no problem with the development but has concerns about the viewscape. He feels that the R-3 zoning is a mistake and that this type of development will attract university students, not families.

Mr. Bevan responded that they had considered a smaller building, but that it was not as economically feasible. He noted that staff of the Planning Department suggested a multi-tiered building to better fit in with the neighbourhood. The land was purchased on the basis that it would permit a 24-unit building. If they were to build a smaller building, the price per unit will go up and this is not economical. He does not intend to rent to students but feels that this building with an elevator will appeal more to seniors. This is a great location and an opportunity for seniors to live in this area.

**John Falls**

Mr. Falls is concerned with the lighting on the back parking lot and asked if it will be lit up 24/7.

Mr. Bevan responded that the lighting will be focused to light the parking lot. He appreciates the comments and will look at and address the residents' concerns.

**Philip Carr, MacMillan Crescent**

Mr. Carr spoke against the development. He is surprised that it is even being considered by Council. The developers will gain and the residents will lose their property values and privacy. The residents in the area take great pride in their properties which are decades old and well maintained. He feels that "like should be built with like" and that the proposed building will be in architectural disharmony with the existing area. It doesn't fit in the area and goes against the Bylaw. He noted the proposed driveway and asked if it is considered a buffer zone. The hedge on the adjacent Larsen property will be damaged by snow removal. He asked why this property was rezoned. He is not against re-development but the proposed building does not coincide with the neighbourhood blueprint. He asks that Council deny this application.

**Lillian Mead**

Mrs. Mead asked why the developers didn't obtain permission before applying for this development.

**George Bitar**

Mr. Bitar noted that the property is already zoned R-3 and permits this type of development. He asked if there is any recourse for the developer in this case.

Councillor Lantz noted that this is considered a spot-zoning.

**Nick Grant, 12 MacMillan Crescent**

Mr. Grant noted that the Bevan's bought the property in good faith, but the size is grossly out of place. He feels that this family neighbourhood should continue as it is a nice neighbourhood with a school. This is attractive to families. The proposed building will loom over the existing homes and will encourage a transient population. This neighbourhood does not deserve this.

Councillor Lantz explained the next step of the process and there being no further questions or comments, the meeting adjourned at 8:30 p.m.