



**Public Meeting of Council
Tuesday, June 11, 2013, 7 pm
The Georgian Room, Rodd Charlottetown Hotel**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor Rob Lantz
Councillor Jason Coady Councillor Danny Redmond
Councillor Edward Rice Councillor Mitchell Tweel
Councillor Terry Bernard Councillor David MacDonald
Councillor Cecil Villard

Also: Donna Waddell, DCS Laurel Palmer Thompson, PDO
Hope Parnham, PDO Linda Thorne, AA

Regrets: Councillor Melissa Hilton Roy Main, CAO

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 introduced the application and briefly explained the process.

1. 9 Pine Drive (PID# 393322) & 11-13 Pine Drive (PID# 393314)

A request to consider an amendment to Appendix “A” Future Land Use Map of the Official Plan for PID# 393322 from Low Density Residential to Concept Planning Area and for PID# 393314 from Medium Density Residential to Concept Planning Area, and an amendment to Appendix “H” Zoning Map of the Charlottetown Zoning and Development Bylaw to rezone the property at 9 Pine Drive (PID# 393322) from Single-detached Residential (R-1L) Zone and the property at 11-13 Pine Drive (PID# 393314) from Medium Density Residential (R-3) Zone to Comprehensive Development Area (CDA).

In 2012, the applicants applied for a 24-unit apartment building to be constructed on the property at 11-13 Pine Drive. This application was “as-of-right” as it met all of the requirements of the R-3 Zone and no variances were required. Council brought the application to a public meeting in March, 2012, as it was felt that this was a sizeable development which would have a great impact on the existing neighbourhood.

Wayne Bevan, applicant, and Bill Chandler, architect, presented the application. Mr. Bevan thanked Mayor and Council for the opportunity to present the application. The original application for a 3-storey, 24-unit apartment building met all of the Bylaw requirements. Following the public meeting in 2012, the Bevan Enterprises had the opportunity to purchase the

adjacent property at 9 Pine Drive. The new application proposes a townhouse condominium development rather than rental units. The developers feel that they have addressed most of the concerns raised at the March 2012 public meeting such as:

Traffic concerns – A traffic study was undertaken by Coles Associates and the findings were that an additional 19 residential units will not have a noticeable impact on the adjoining roadways.

Setbacks – Mr. Chandler will address this concern later in the presentation.

Drainage – the developers have agreed this is their responsibility and they will work closely with Planning staff to make certain storm water issues are addressed.

Garbage bins – as these units will be owner-occupied rather than rentals, each unit will have its separate green and black bins which will be the responsibility of the property owners.

Snow removal and storage – there is ample space at the rear of the property for snow storage; if there is an abundance of snow, it will be hauled away.

The developers feel that it is very important that the new development be compatible with the existing neighbourhood and feel that they have addressed this by proposing a lower density, increased setbacks, and lower height of the buildings, more green space and a better streetscape. The number of units is only an increase of 13 from the existing 5-unit apartment building and adjacent single family dwelling. The developers feel that this is a great compromise.

Bill Chandler, architect, made a power point presentation and reviewed the original proposal that was submitted in 2012. The new proposal will combine two properties to permit a small townhouse development with a courtyard and parking in the centre of the lot. The rear yard setbacks have been doubled and there will be driveways off Pine Drive for the two three-unit buildings facing the street. The buildings will be clad in a mixture of stone, brick and siding. Mr. Chandler then gave a brief review of the floor plans for the proposed units.

Councillor Lantz asked for any comments or questions.

Councillor Redmond asked if the units will be rentals or can they be purchased as separate units.

Mr. Chandler responded that each unit will have individual ownership.

Dianne MacDonald

Ms. MacDonald asked if these units will be sold, and if they don't sell, will they sit empty or be used as rentals. She feels that this proposal has a high density and traffic will increase by about 30 more cars.

Mr. Chandler responded that the traffic study was prepared for the 24-unit building and the new proposal will have only 19 units.

Ms. MacDonald commented that would be 38 cars and does not see why that is not a problem. She is concerned with the children walking to school and noted she has problems exiting her driveway now. She wants a guarantee that the townhouses will not be rentals.

Mr. Chandler used the townhouse condo development in Stratford as an example of what the intent of the new development will be.

Councillor Lantz asked for any comments or questions.

Andrea Stephens, 8 Pine Drive

Ms. Stevens feels that this will be a large “jump” in density as the development will be surrounded by existing single family homes. She noted that the drawings did not show the reality of the development (garbage, toys, cars, noise, children running around, etc.) The street was not built for that and she would rather see a high-end apartment building with underground parking or duplexes. This would make the development less dense.

Councillor Lantz asked for any comments or questions.

Joanne MacRae, 11 MacMillan Crescent

Ms. MacRae had made a written submission with technical concerns about the new proposal. She noted that in March 2012, the residents said the proposed apartment building did not fit in with the neighbourhood. This proposal was not carried out. It did not fit in with the existing streetscape.

Councillor Lantz explained that the original proposal for a 24-unit apartment building was as-of-right as it met the requirements of the R-3 Zone.

Ms. MacRae asked if it was approved by Planning Board or Council.

Councillor Lantz explained that it was a simple administrative application that could be approved by staff and did not require Planning Board or Council approval.

Ms. MacRae asked if the project will not proceed if the residents’ concerns are not addressed.

Councillor Lantz noted that the City cannot apply conditional zoning to a property and any future applications to rezone would require a public meeting.

Ms. MacRae asked if the proposal to rezone was approved and not acted on in two years, could the applicant build an apartment building twice the size as the original proposal.

Councillor Lantz explained the CDA Zone and that whatever is approved will be written into the Bylaw as a permitted use. Council took the original proposal to a public meeting because of the significance of the proposed development and stressed that the applicants have the right under the existing R-3 Zone to build the 24-unit building as no variances would be required.

Ms. MacRae asked if the applicants can build anything they want.

Councillor Lantz explained the CDA process and that the proposal presented at tonight's meeting would what will be built.

Ms. MacRae noted her written submission and what she would like to see developed on the property. She expressed concern that the drawings do not show any backyards, decks or back doors. She supports an upscale development but not this dense.

Mayor Lee asked how many units would she be comfortable with.

Ms. MacRae responded that she does not have a specific number.

Councillor Lantz asked for any comments or questions.

Valerie Handren, 35 Pine Drive

Ms. Handren hopes that all of the additional traffic goes to Mount Edward Road and noted that the situation has not changed since the last public meeting. She feels that the applicants have addressed most of the residents' concerns but the issue of density has not been effectively addressed. She asked why the property at 11-13 Pine Drive was rezoned as R-3 in the first place. She noted the neighbourhood is not just primarily single family dwellings – it is all single family dwellings.

Councillor Lantz asked staff to explain how this took place.

Mrs. Thompson explained that she had searched the property records and found that the property appeared to have been rezoned in 1995 to reflect the existing use of the building at that time. She also noted that this was done by the Community of Sherwood prior to amalgamation.

Unknown

This woman noted that the neighbourhood has the same feeling and would not have bought her house if she had known there was a possibility of this type of development taking place.

Councillor Tweel noted that seven communities were amalgamated in 1995 to form the present City of Charlottetown and that the Official Plan and Zoning and Development were adopted in 1999.

Anna Carr, 7 MacMillan Crescent

Mrs. Carr has lived at 7 MacMillan Crescent for 33 years and her son now lives at 5 MacMillan Crescent. Her parents moved to this property in the 1940's. She is specifically against this application. She noted the application has been read into the record and was advertised in the Guardian newspaper, as well as public notice was given on May 28. She feels that a precedent is being set to permit the rezoning from R-1L and R-3 to CDA. The scope of the proposed development is out of character and out of scale with the neighbourhood. The existing zoning for single family dwellings should be grandfathered in for perpetuity. She noted the developers had held a meeting and their intent is to sell the townhouse units, and if they do not sell they will be rented. Mrs. Carr has concerns with the setbacks on Pine Drive, the lack of clarity in the Bylaw, and the absence of detailed drawings. There is also the issue of grouped dwellings and minimum

land area requirements. She has concerns about the access points off Pine Drive and that the application does not meet the site development principles in the Bylaw. She feels that there is a lack of clarity where the developers are going to meet the requirements. She also has concerns about the grade of the site and the potential for excessive water runoff and soil erosion. Mrs. Carr feels that this is a very confusing application and quoted statistics from CMHC indicating that although there is a higher than normal amount of rental development in the City, there is also a high vacancy rate. The approval of this application will put the neighbourhood in jeopardy and it should fail because the Bylaw requirements are not being met. She also has concerns with the potential loss of property values, incompatibility with the neighbourhood, potential for lack of privacy, increase of traffic flows, lack of amenity area and buffer zones. She feels that it would be in the best interests of the residents to have this application denied.

Councillor Lantz asked for any comments or questions.

Unknown

This woman feels that the residents are being held for ransom and the proper process was not followed when the R-3 zoning was grandfathered in. She asked if a minor change to the proposal could be approved by the Development Officer. She noted that there are no rear yards proposed and the large parking lot poses danger to children. She feels that there should be more lawn area and concrete curbs. She noted the condo development on Hawthorne Avenue and feels that this is a fine example of the type of development the residents could approve of.

Wayne Collins, 14 MacMillan Crescent

Mr. Collins has lived in the area for 30 years. He asked about the distance from the roadway to the front door of the proposed townhouses.

Mr. Chandler responded that it is approximately 40 feet and noted that the renderings were actual aerial photos with the footprint of the buildings placed over it. This is as accurate a representation as can be.

Mr. Collins commented that the property was zoned by Sherwood in 1994 after the fact so that the existing building would meet the zoning requirements. This rezoning was sloppily done and no notification was given to the residents. They are now stuck with this "poison pill". The residents must either accept this proposal or the 24-unit building. He wants a 100% iron-clad guarantee that these townhouses will be sold as condos.

Mr. Bevan responded that he is not able to give that guarantee tonight.

Mr. Collins is afraid that students might rent the units and he doesn't want to see another Brown's Court. He asked Councillor Rice about vacancy rates for condos in the Charlottetown area.

Councillor Rice responded that condo units in the \$200,000 range are what people express the most interest in. The downtown location has the most interest. He noted that the condos on Queen Street and Hawthorne Avenue have sold out completely, and that the developers would have to have a number of units pre-sold in order to receive financing. There is a market for units

in the \$200,000 range, but not as much interest for units in the \$500,000 range. He also noted that some condos at the lower price point have sold and since been re-sold at a higher price.

Councillor Lantz noted that townhouse condos on Queen Street sold because there is a market for that price range. He also noted that owners of condo units also have the right as property owners to rent them out.

Mayor Lee acknowledged Mr. Collins' comments and noted that the residents should recognize that any decision of Council can be appealed through IRAC as well as any building permits issued by staff. The third option is for Councillor MacDonald to meet with the developers and the residents in order to reach a compromise that everyone can live with.

Councillor Lantz noted that once an application to rezone a property has gone to the public consultation phase, Council must make a decision to approve or deny it, and the application cannot be withdrawn by the applicants.

Barbara Collins, 14 MacMillan Crescent

Mrs. Collins asked if 15 and 17 Pine Drive could also be rezoned and what guarantee that this property or any properties across the street will not be rezoned. She also asked if the whole area could be rezoned.

Councillor MacDonald responded that there is nothing in place to prevent anyone from applying for a rezoning. It is the right of every property owner to apply to rezone their property. There is no way to guarantee that there won't be requests in the future to rezone the properties. He noted he is willing to hold a meeting to try to reach a solution, although there is no legal requirement to do so. He noted that at the end of the day Council will have to make a decision to approve or reject the application.

Philip Carr, 5 MacMillan Crescent

Mr. Carr commended the developers on their effort to modify the original application and that a lot of time and energy has gone into this. People are passionate about their properties and he feels that the original R-3 zoning is incorrect as the existing building was illegally increased to 5 units. There is a lot of money to be made or lost and he feels that the developers probably have enough money to develop this property without financing. As a result of this people may leave the neighbourhood, although they do have the right to develop their properties as well. He feels that there will be a loss of privacy as well as an effect on the heart and soul of the community. Mr. Carr feels that 3-unit row housing makes sense, but the larger units are out of scale and do not fit in with the neighbourhood. He also feels that everyone can work together for a compromise and that the developer can still make money.

Mayor Lee asked Mr. Carr if he is interested in sitting on the committee.

Valerie Handren

Mrs. Handren noted that the residents have already made their comments and the experts need to come back with a better plan.

Councillor Lantz noted that the quality of the development will be set out in the Development Agreement as well as the construction details.

Lillian Mead, 7 Pine Drive

Ms. Mead asked if the value of her house will go down and how will her taxes be affected if this development goes ahead. She also asked if she can apply to rezone her property to business or row housing.

Councillor Lantz responded that the Province does the property assessments and any property owner can make an application to rezone their property.

There being no further comments or questions, the meeting adjourned at 8:25 p.m.