



**Public Meeting of Council
Monday, August 29, 2016 at 7 PM
Council Chambers, City Hall**

Mayor Clifford Lee Presiding

Present:

**Deputy Mayor Mike Duffy
Councillor Greg Rivard
Councillor Edward Rice
Councillor Terry MacLeod**

**Councillor Terry Bernard
Councillor Kevin Ramsay
Councillor Melissa Hilton
Councillor Mitchell Tweel**

Also:

**Peter Kelly, CAO
Greg Morrison, PDO**

**Alex Forbes, PHM
Victoria Evans, PHAA**

Absent:

Councillor Jason Coady

Councillor Robert Doiron

Mayor Clifford Lee opened the meeting. He then turned the meeting over to Councillor Greg Rivard, Planning Board Chair, who introduced the application.

1. 184 Belvedere Avenue (PID# 669796 and PID# 751701)

To amend the Business Office Commercial (C-1) Zone of the Zoning & Development Bylaw as it pertains to 184 Belvedere Avenue (PID# 669796 and PID# 751701) in order to increase the maximum floor area permitted for a commercial use from 310 sq meters (3,336.9 sq ft) to 953.2 sq meters (10,260 sq ft.) to permit the construction of an addition with a building footprint of 92 sq meters (990 sq ft).

Councillor Rivard then introduced Jonathan Coady of Stewart McKelvey, legal counsel for the applicants, who presented the application.

Mr. Coady gave an overview of the history of the property, and the current application. He explained that in 2015, the applicants applied to rezone the property to the Institutional (I) Zone. Ultimately, this application was rejected by Council, and Mr. Coady noted that residents and Council primarily had concerns that the Institutional Zone could introduce new uses into the neighbourhood that could undermine the residential nature. He explained that the applicants

only want to construct a small addition with a footprint of 990 sq ft., and therefore, it was suggested by the City solicitor that the applicants apply for a site specific amendment to solely change the square footage maximum in the Business Office Commercial (C-1) Zone in order to permit the addition. He argued that this would alleviate residents' concerns that if the property was rezoned, it could become a daycare, or other use permitted in the Institutional (I) Zone.

Mr. Coady also noted that the application will not change the building's setbacks, the property's use, or its zoning. The application will only change the square footage maximum in the Business Office Commercial (C-1) Zone so that the addition can be constructed. Mr. Coady also explained that while some residents in the past have complained that the clinic has grown exponentially, the number of dentists has actually only increased from 5 to 6.

Bonnie Wheatley

Ms. Wheatley expressed concern over numerous issues surrounding the clinic. She stated that there are drainage issues with the property and that snow and rain flood onto her property behind the subject property routinely. She also suggested that the dental clinic move to a commercial zone where it can grow, rather than continue to expand in a residential neighbourhood.

Jake Bartlett

Mr. Bartlett argued that the neighbourhood is an existing low density residential neighbourhood and should remain as such. He outlined the history of the expansion of the dental clinic. He explained that the dental clinic has increased in the number of practitioners from 2 to 6 over the years. Mr. Bartlett questioned as to how the application could be presented to Council again after just being rejected in February 2016, as the Zoning & Development Bylaw requires that applicants wait a year before a rejected rezoning application can be applied for again.

Mr. Bartlett noted that the building has tripled in size since it was constructed, and that it already exceeds the square footage maximum for the Business Office Commercial (C-1) Zone. He also expressed concern regarding the drainage of the property. Mr. Bartlett urged Council to protect the existing low density neighbourhood.

Mr. Coady responded to Mr. Bartlett and Ms. Wheatley's remarks. He explained that the applicants can apply for this site specific amendment as it is different from the rezoning application, and that the City's solicitor and staff have confirmed this. Moreover, Mr. Coady noted that the growth of the clinic is limited by its parking. He explained that the Zoning & Development Bylaw requires six parking spaces per practitioner and that the site currently has 39 spaces (for its six practitioners) and does not have space to add any more.

Councillor Tweel

Councillor Tweel questioned Mr. Coady on how drainage will be managed on the property moving forward given that there are residents' concerns regarding this issue.

Mr. Coady responded that a drainage plan will need to be submitted to the Planning Department before a permit is issued. Moreover, he noted that the City can require through a Development Agreement that the snow be trucked away in the winter.

Councillor Bernard

Councillor Bernard asked Mr. Coady what the addition will be used for.

Mr. Coady responded that the addition will be for new exam rooms, and to spread the clinic out more as it is presently crowded. Mr. Coady also noted that the property has reached its maximum with regard to the number of dentists that can operate from this facility because of the parking requirement which requires 6 spaces per practitioner. The property presently has reached a maximum of dentist based on required parking.

Bonnie Wheatley

Ms. Wheatley asked whose responsibility it is to move away the snow.

Mr. Coady responded that it is the responsibility of the dental clinic; however, the City can manage it through a Development Agreement.

Mayor Lee asked if there were any further questions or comments; there being none, the meeting was adjourned.

The meeting was adjourned at 7:45 p.m.