



**Public Meeting of Council
Tuesday, November 1, 2016 at 7 PM
Rodd Charlottetown Hotel, 75 Kent St.**

Mayor Clifford Lee Presiding

Present:

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

**Councillor Terry Bernard
Councillor Melissa Hilton
Councillor Mitchell Tweel
Councillor Robert Doiron**

Also:

**Peter Kelly, CAO
Greg Morrison, PI
Jesse Morton, PII**

**Alex Forbes, PHM
Victoria Evans, PHAA
Laurel Palmer-Thompson, PII**

Regrets:

Councillor Kevin Ramsay

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

1. Horseshoe Hills Estates (PID #746164)

Request to rezone Phase II to Phase IV of Horseshoe Hills Estates Subdivision (PID #746164) from R-2S (Low Density Residential Single Zone) to R-1S (Single Detached Residential Zone) and to amend Appendix "H" City of Charlottetown Zoning Map. The subject property is east of MacRae Drive and south of Horseshoe Blvd.

Councillor Rivard then introduced Parker Perry, developer of the subdivision to present.

Mr. Perry explained that the current zoning requires dwellings to have a minimum frontage of 72 feet, and permits up to 25% of those properties to be semi-detached. Mr. Perry would like to rezone the property to reduce the frontage to 60 feet for some lots in the subdivision, and to only construct single family detached homes. Mr. Perry noted that the rezoning will allow him to develop an extra 7 lots, however, since they will be all single family houses, and there will be no semi-detached dwellings, there will be no increase in the number of units. He noted that the proposed dwellings will be sold for upwards of \$300,000, and that removing semi-detached dwellings from the subdivision plan will be beneficial for property values. Mr. Perry also showed some examples of the single family houses he plans to construct.

Lino Forner

Mr. Forner stated that he lives at 14 Horseshoe Blvd. He expressed concerns regarding safety, and the traffic that the development will produce. He noted that MacRae Drive does not have a

sidewalk although that there are many pedestrians on the road. He also stated that it is already extremely difficult to get from MacRae Drive onto St. Peter's Road, and that the proposed subdivision will add even more traffic. He asked if traffic has been considered in developing the new subdivision.

Mr. Perry responded that the rezoning change will only add seven houses from what the current zoning will allow. He noted that because they will not be constructing semi-detached dwellings, there will actually be approximately the same number of residents and cars.

Elmer Blakely

Mr. Blakely also lives on Horseshoe Blvd., and also expressed concern regarding traffic. He noted that there are few sidewalks in the area. He agreed with Mr. Forner that it is very difficult to get onto St. Peter's Road from MacRae Drive. Mr. Blakely asserted that Horseshoe Blvd. itself is in very poor condition, and constantly needs repairs.

Linda

Linda also expressed concern regarding traffic, and difficulty getting onto St. Peter's Road from MacRae Drive.

Mayor Lee asked if there were any questions from the floor; there being none, Councillor Rivard introduced the second application.

2. Mobile Canteens Bylaw

Request to amend Section 4.26.3 of the Zoning & Development Bylaw that would extend the operational period for mobile canteens outside of the 500 Lot Area.

Jesse Morton, Planner, presented the request to amend Section 4.26 of the Zoning & Development Bylaw, as it relates to the operation period for mobile canteens. He stated that new regulations for mobile canteens were passed in 2015, and that these regulations allow mobile canteens to operate from May 1st until October 31st if a building permit has been issued. He explained that this timeframe is consistent with the Food Vending Bylaw that governs mobile canteens on public property, which the Police Department enforces. This year Planning staff were approached by a mobile canteen operator who has requested that the operating period be extended from April 1st until December 31st. Mr. Morton stated that Planning staff is seeking direction on the request to amend Section 4.26 of the Zoning & Development Bylaw, and offered several potential amendment options to Council for operating dates.

Mayor Lee questioned Mr. Morton as to why there are any limitations at all on how mobile canteens can operate especially since they are on private property.

Mr. Morton explained that it up to Council to decide the dates, and that Council may change the Zoning & Development Bylaw to permit mobile canteens all year long. He stated that the May to October dates were chosen because they are consistent with the street vending bylaw and other seasonal permits.

Lori Visser and Amy Robertson

Ms. Visser and Ms. Robertson are the operators of Ken's Island Fries at Canadian Tire and put forward the application to Planning staff to extend the mobile canteen season. Ms. Visser agreed with Mayor Lee's comments that mobile canteens should be able to operate for 12 months of the

year. Ms. Robertson stated that their costs for licensing and insurance for example are yearly costs however the mobile canteen season itself is not a full year.

Cam Beach

Cam is the owner of Canadian Tire, and expressed strong support for Ken's Island Fries on behalf of Canadian Tire. He explained that Canadian Tire is busiest in November and December during the holiday season, so it would make sense for Ken's Island Fries to be open during these months.

Councillor Tweel

Councillor Tweel asked Mr. Morton if there have been any inquiries to open mobile canteens throughout the year in the 500 Lot Area.

Mr. Morton responded that there have been no requests; however, these requests may have been made to the Police Department because the majority of mobile canteens in the downtown operate under the street vending bylaw.

Councillor Tweel asked Mr. Morton if the Planning Department would be open to working with the downtown business association, and the Chamber of Commerce to see what their membership thinks of the idea.

Mr. Morton responded that Planning staff would be open to working with the business community.

Mayor Lee asked Mr. Morton if the applicant's mobile canteen will be allowed to remain open at least until Council has made a decision on the application.

Mr. Morton confirmed that the mobile canteen will be allowed to stay open.

Mayor Lee asked if there were any questions from the floor; there being none, Councillor Rivard introduced the second application.

3. 8 Stan MacPherson Way (portion of PID# 841528)

Request for a reconsideration of the original decision of Council to reject the request to amend Appendix "A" – Future Land Use Map of the Official Plan from Port Area to Waterfront Area and to rezone the property located at 8 Stan MacPherson Way (portion of PID #841528) from the Port (PZ) Zone to the Waterfront (WF) Zone; as well as amend the Waterfront (WF) Zone as it pertains to 8 Stan MacPherson Way (portion of PID #841528) in order to permit Automobile Sales and Services (car rental only) as a permitted use for a maximum of 15 rental vehicles.

Councillor Rivard introduced Don MacKenzie, director of MCPEI, to present the application.

Mr. MacKenzie is the executive director of the Mi'kmaq Confederacy. He explained that the Mi'kmaq Confederacy is a joint organization between Lennox Island and Abegweit First Nations. He stated that the application was presented at a public meeting in July 2016, and then Council rejected the application with no reason given. Therefore, the Confederacy has asked for a reconsideration.

Mr. MacKenzie stated that the proposed development will display the history of the Mi'kmaq at this important gateway to the City. He explained that it is important to the Confederacy that they become landowners, and get the revenues from renting some of the office space out. He noted that the proposed building will also serve as a "native parliament" where both the Lennox Island and Abegweit First Nations can meet. There will also be a retail component to sell first nations goods to cruise ship passengers especially, and several services for the native population. The building will also have a cultural and community space for workshops and meetings. Mr. MacKenzie stated that there will be a small car rental component for up to 15 cars, and that at the last meeting this was not received well by the public. He was confused though as why the car rental business in Founder's Hall is permitted to operate, while the Confederacy's proposed car rental business has proved to be controversial. He stated that this service would be good for cruise ship passengers.

Councillor Hilton

Councillor Hilton stated that one of her concerns has been the uses permitted in the Waterfront (WF) Zone, and that there has been talk in the media of a drinking establishment, such as a bar, pub, or entertainment establishment. Councillor Hilton asked Mr. MacKenzie if the Confederacy would be open to limiting the uses permitted through a Development Agreement. She asked if the Confederacy would be willing to eliminate drinking establishments, pubs and entrainment establishments as possible uses.

Mr. MacKenzie stated that there will be absolutely no drinking establishment. He further explained that there has never been a bar, casino or drinking establishment in the Confederacy's plans. He stated that it is a racially offensive stereotype to assume that the Confederacy would like to open a drinking establishment.

Mayor Lee clarified Councillor Hilton's question, and explained to Mr. MacKenzie that in the Waterfront (WF) Zone, a club for example, is allowed by right. He questioned Mr. MacKenzie if he would be willing to sign a Development Agreement to eliminate such permitted uses in the Waterfront (WF) Zone.

Mr. MacKenzie stated that the Confederacy would be willing to sign such an agreement, provided that any other applicant would be expected to do the same.

Mayor Lee stated that an applicant in a similar situation would be expected to sign a similar Development Agreement. He explained that there is concern in the community regarding nightclubs on the waterfront.

Philip Brown

Mr. Brown asked Council how the applicant can reapply even though the application was rejected, and typically applicants must wait a year before reapplying under the Zoning & Development Bylaw.

Councillor Rivard responded that this is a reconsideration request, and was put forward because Council did not provide a reason for rejecting the application. He also noted that there is an appeal to IRAC which is on hold until the reconsideration request is heard.

Mayor Lee added that there also need to be two separate resolutions, one resolution to approve or reject the rezoning application and then another resolution to approve or reject the car rental business.

David Lopes

David Lopes is the architect for the proposed development. He provided an overview of the building. Mr. Lopes stated that the building will revitalize the downtown, promote walkability and will serve as an anchor for future development. He outlined the floor plan for the proposed building, and explained each floor, including the MCPEI parliament, MCPEI office space, the harbour authority offices, a farmers market, and the car rental space.

Mr. Lopes noted that the building will be 33 feet tall which is slightly above the minimum requirement of 32 feet, and it will be the same height as the apartment building across the street and other nearby buildings such as the Worker's Compensation Board building, and Founder's Hall. He explained that the building will be made from sandstone like the Worker's Compensation Board building and the Visitor's Information Centre. The building materials and landscaping will all be indigenous to the island, and the building will also be sustainable and energy efficient.

Paul Coles

Mr. Coles asked where the 33 feet height of the building starts.

Mr. Lopes responded that the City has regulations as to how high the building's foundation must be, and the 33 ft will begin after the foundation minimum has been met.

Chief Francis

Chief Francis is the Chief of Abewgeit First Nation. He explained that this development will allow the Mi'Kmaq to become landowners, and will create economic development opportunities. He noted that there is a need for services off the reserves. Chief Francis asserted that there will be no drinking establishment in the proposed development, and that he hopes that this question is asked to everyone and not just the MCPEI Confederacy.

Mayor Lee responded to Chief Francis that there has always been a concern regarding a bar on the waterfront. He explained that the Waterfront (WF) Zone has many uses, and that Council would just like to restrict this type of use on the property.

Dawn Alan

Ms. Alan is the Executive Director of Downtown Charlottetown Inc. She offered a written submission from the business development committee of Downtown Charlottetown Inc. giving their support for the proposed development. She stated that the committee is hopeful that the development will create employment, and will serve cruise ship passengers well.

Penny Walsh McGuire

Ms. Walsh McGuire is the Executive Director of the Greater Charlottetown Chamber of Commerce. She expressed the Chamber's support for the proposed development. She noted that projects such as the proposed development will create positive economic outcomes, such as job creation.

Philip Brown

Mr. Brown asked Councillor Rivard about Founder's Hall which is in the Waterfront (WF) Zone, and whether there is a Development Agreement for a restaurant in that building.

Councillor Rivard responded that there is a Development Agreement; however, Planning Staff would have to check if there is a condition regarding the restaurant.

Mr. Brown responded that there is also a car rental business in Founder's Hall, and that the MCPEI should be treated fairly.

Tim Banks

Mr. Banks stated that he is in support of the development. He also mentioned that the right to an eating and drinking establishment is a permitted use in the Waterfront Zone.

Paul Coles

Mr. Coles said that the 500 Lot regulations governing development in the downtown came into place three years ago and already they need to be changed for this development. He voiced concern that the bylaws can be changed so easily and often. He also stated that the Waterfront (WF) Zone will open the door to many uses.

Councillor Tweel questioned Alex Forbes, manager of the Planning & Heritage Department on the difference between the Waterfront Zone and the Port Zone.

Mr. Forbes responded that the permitted uses in the Port Zone include marina, storage, retail and office, so therefore the proposed development could be constructed without the cultural component and car rental space. He read the list of permitted uses in the Waterfront Zone which include park, liquor store, and night club, among many others.

Mayor Lee asked if there were any questions from the floor; there being none, the meeting was adjourned.

The meeting was adjourned at 8:00 p.m.