



**Public Meeting of Council  
Thursday, November 2, 2017 at 7 PM  
Rodd Charlottetown Hotel, 75 Kent Street**

**Mayor Lee Presiding**

**Present:**

**Deputy Mayor Mike Duffy  
Councillor Kevin Ramsay  
Councillor Terry MacLeod  
Councillor Mitchell Tweel**

**Councillor Greg Rivard  
Councillor Jason Coady  
Councillor Terry Bernard**

**Also:**

**Jesse Morton, PII  
Victoria Evans, PHAA**

**Alex Forbes, PHM  
Greg Morrison, PI**

**Regrets:**

**Peter Kelly, CAO**

Mayor Lee opened the meeting. He turned the meeting over to Councillor Greg Rivard who introduced the first application:

**1. 57 Orlebar Street (PID #362236)**

To amend Appendix "A" - Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential and Appendix "H" - Zoning Map of the Zoning & Development Bylaw from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone in order to rezone the property located at 57 Orlebar Street (PID #362236). The purpose of the rezoning is to construct an addition (approximately 840 sq ft) and convert the existing duplex into a three (3) unit apartment building.

Councillor Rivard then introduced Greg Morrison, Planner I, to present an overview of the application.

Mr. Morrison stated that the purpose of the rezoning is to construct an addition, approximately 840 sq ft) and concert the existing duplex into a three (3) unit apartment building. Mr. Morrison explained that in total, four (4) standard parking spaces are required. Mr. Morrison noted that if

the rezoning is approved, the applicant will need to submit plans that meet the National Building Code as well as the Zoning & Development Bylaw.

Councillor Rivard stated that Mark Simmons, the owner of the property is available to answer any questions.

Mayor Lee asked if there were any questions or comments from the public.

**Paul Druet**

Mr. Druet lives at 98 Upper Hillsborough Street. He is concerned about the introduction of R-3 zoning into this neighbourhood as it is mostly zoned R-2. He stated that some rental properties in the area are not well maintained and that there are many drug users in these buildings. Mr. Druet indicated that this rezoning is not a step in the right direction and urged that the neighbourhood remain zoned R-2.

**Vince Mulligan**

Mr. Mulligan stated that he has lived in the neighbourhood for over 40 years, and he would like the property to remain zoned R-2.

**Ted Kitson**

Mr. Kitson lives at 60 Orlebar Street. He said he is not opposed to change or progress but he would like the neighbour remain zoned R-2. He raised concern regarding the availability of parking in the area, and increased traffic as Orlebar Street is very narrow. Mr. Kitson also is concerned that if the rezoning is approved, it will lead set a precedent for other property owners to apply for a rezoning.

**Mark Simmons**

Mr. Simmons responded to the comments. He stated that the tenants of the building are great and has had no problems with renting the building in this neighbourhood.

**Paul Druet**

Mr. Druet responded to Mr. Simmons that while the building is well maintained now, if it is sold, the next owner may not take care of it as well.

**Councillor Tweel**

Councillor Tweel asked Mr. Simmons if he lives in the community.

Mr. Simmons responded when he purchased the property he had lived in the neighbourhood for four years but that he currently lives in Summerside.

Councillor Tweel stated that the neighbours have vocalized their opinion that the neighbourhood should remain R-2, and asked Mr. Simmons to respond.

Mr. Simmons stated that he has the lot area to rezone the property to R-3. He explained that the present units in the building were fully renovated since he had purchased it and remain very well

maintained. He added that he takes great pride in making his building look good and wants to design the addition so that it fits in the with existing neighbourhood.

Councillor Tweel asked Mr. Simmons if he himself takes care of the maintenance of the property or if someone is hired to do it.

Mr. Simmons stated that the tenants take care of their own garbage, and that he hired someone to cut the grass and do the gardening.

Mayor Lee asked if there were any further questions or comments; there being none Councillor Rivard introduced the next application.

**2. 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929)**

For a site specific amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet and a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) together with a request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street), in order to permit a four story 23-unit apartment building.

Councillor Rivard then introduced Jesse Morton, Planner II, to present an overview of the application.

Mr. Morton provided an outline of the application which is multi-faceted. He stated that the application which was presented at a public meeting in February 2017 has been modified as Council allowed the applicant to resubmit a new application. Mr. Morton noted that the site specific amendment will allow the developer to construct a four storey 23 unit apartment building on the subject properties, and the site specific amendment also includes a request to reduce the minimum grade level height and the frontage requirement. He added that the development will meet all of the setback requirements noting that the western side yard setback is 0' feet which is permitted as it is equal to the setback of the building next door (41 Richmond Street). Mr. Morton stated that staff were notified today that the balconies on the first and second floor have been eliminated but that the balconies on the third and fourth floor will remain. He also noted that there were also changes to the floor plans of the development including adding more barrier free units on the upper floors, and increasing the size of the garbage storage area.

Councillor Rivard introduced Tim Banks, developer for the project, to present.

**Tim Banks**

Mr. Banks explained that the original application for the project was made in December 2016. At the time, he anticipating to start construction in the spring and was hoping to have completed the project by now however the project has still not been approved by Council.

Mr. Banks then outlined his career as a developer and the company he founded, Killam Properties. He stated that Killam Properties has thousands of apartment units across Canada, and the portfolio is valued at 2.1 billion dollars. In Mr. Banks' experience as a developer he stated that there is a "flight to the core", that is increased demand for downtown housing. This demand is from young professionals who often do not have cars. He stated that the proposed development will have micro-units which are considerably smaller than typical units. Mr. Banks noted that the vacancy rate in Charlottetown is below one percent and there is a strong need for apartments.

Mr. Banks then provided an overview of the surrounding area and noted that there are many buildings that are significantly taller than the proposed development. He stated that the building will be modern in design; however the City requires that it first be reviewed through a design review process. He noted that the four storey proposed development will be much smaller than the neighbouring six storey building at 41 Richmond Street. Mr. Banks presented several concept drawings showing the proposed development in addition to floor plans. There will be thirteen off lot parking provided at the Pownal Parkade (100 Pownal Street) and Mr. Banks stated that it is less than a minute walk. The present driveways into the site will be eliminated; therefore Mr. Banks explained that three parking spaces could be added on the street.

Mr. Banks stated that the side yard setbacks are 5ft and 7ft but that the building could be built with a 0 foot setback on one side and 6 feet on the other. The ground floor will have two barrier free units, another barrier free unit on the second floor, and in the middle of the floorplan there is garbage shoot that goes down to the garbage room. He noted that the balconies on the first and second floor have been eliminated but that there are still balconies on the third and fourth floor. The proposed building will have 23 micro-units which are significantly smaller than typical apartment dwellings. He stated that the cost of building the units is less so that the units can be rented for less. Mr. Banks stated that one bedroom units will start at 550 sq ft.

He stated that under the current bylaws he could construct the building with a 0 foot setback like the neighbouring building but that the proposed development will instead provide a five foot setback even though it is not required. Mr. Banks stated the building would promote economic development in the downtown, revitalize the site and the building will also have environmentally friendly green strategies such as a low energy elevator and low flow toilets. The development will also have accessible units and the rents will be more affordable.

Mr. Banks then outlined several similar projects that have received Council's approval since his original application was rejected. He argued that these projects are very similar to his current application for 55-59 Richmond Street, and some have had very significant setback variances approved. For instance, Mr. Banks outlined how the approved developed at 94-96-98 King Street is very similar to his application in height and number of floors. However the King Street building has a smaller side yard setback of 0 feet, required an additional rear yard setback variance, has less frontage than his development, and also required off-site parking like his development. He also noted that the approved development at 60-66 Dorchester Street was also approved for very significant variances as the side yard setback was reduced to 0 feet while Mr. Banks' proposal for 55-59 Richmond Street does not require a side yard setback variance and will have a 5 foot side yard setback.

Mr. Banks stated that he had to press the City for access to the letters of opposition to the development.

He explained that he has attempted to address the neighbours concerns outlined in the opposition letters submitted to the City by eliminating the balconies on the first and second floor which the neighbours thought were too close in proximity to their own balconies. However he stated that balconies that are close to each other are common in urban areas.

Mr. Banks also stated he is open to adding parking in the rear of the building if he can obtain access through the neighbouring property at 41 Richmond Street. He stated that many of the other concerns raised in the opposition letters such as garbage collection and snow removal are not legitimate as his company has significant experience in managing and maintaining properties and would argue that these concerns would apply to any development in the City. He stated that a permit will not be issued for the development until the building will meet the building code, fire code and Zoning & Development Bylaw. He also criticized the comments regarding setbacks from the condominium at 41 Rochford Street because the building on that property is significantly larger than his proposed development and received a variance for the side yard setback.

Mr. Banks concluded his presentation by stating that the City of Charlottetown needs more development in the downtown, and that the City needs more residential development especially because the vacancy rate is below one percent.

Mr. Banks asked Mr. Forbes, Manager of the Planning Department, if the building, from a density perspective meets the current bylaws.

Mr. Forbes responded the proposed development does not meet the bylaw and that is why there is a site specific amendment application for the development. He noted that the staff position with regard to all of the outstanding issues are specified in the last staff report on this application.

Mr. Banks stated he will hire a professional planner to determine if the building meets the density requirement. He stated that his units are smaller and have a smaller footprint which allows for more affordable housing. He stated that concerns regarding the engineering of building in close proximity to 41 Richmond Street are unfounded because the development will be engineered by professional engineers.

Mr. Banks stated that the proposed development is less stringent than other approved developments nearby, is harmonious to the neighbourhood, provides jobs and investment, and choice as it provides affordable housing in the downtown. It is also energy efficient, and has barrier free units he added. Mr. Banks also criticized the approval of the development on Chestnut and Passmore Streets as it has several more variances than the proposed development of 55-59 Richmond Street which was rejected earlier this year. He stated that this sends a mixed message.

Mayor Lee then opened the floor to questions and comments from the public.

**Philip Brown**

Mr. Brown asked Mr. Banks about the parking on the subject property and if it will be eliminated. He asked where the residents of 41 Richmond Street will park as he understood that it is required parking for the building.

Mr. Banks responded the parking will be eliminated as his building will be constructed over the existing parking area. Mr Banks clarified that this parking is not required parking for the building at 41 Richmond Street.

Mr. Brown raised concern about eliminating the parking on this lot and stated there will be even more demand for parking if it is eliminated.

Mr. Banks responded that it is not an approved parking lot, and is not used as parking for the condominium at 41 Richmond Street.

Mr. Brown raised concern about the loss of these parking spaces. He stated he is not trying to stop the development, he just wanted for ask a point of clarification.

**Kathleen Casey, MLA for Charlottetown - Lewis Point**

Mrs. Casey explained that as an MLA she has a vested interest in affordable housing. She receives inquiries on a regular basis asking for help finding affordable housing and stressed that the City needs to do more to ensure that affordable housing is available. She voiced her support for the development. Mrs. Casey also stated that the Province and City need to be prepared for the implementation of the National Housing Strategy.

**Mayor Lee**

Mayor Lee asked Mr. Banks what the rents of the units will be.

Mr. Banks responded that the rents for a one bedroom unit will be under \$800. He explained that the cost of construction has increased since the spring when he was hoping to begin construction.

**Dawn Alan**

Ms. Alan is the Executive Director of Downtown Charlottetown Inc. She stated that DCI supports the development and submitted a letter of support to the City. Ms. Alan noted that there is a strong need for affordable housing in the downtown.

**Daniel Hurnik, President of the Rochford Condominium Corporation**

Mr. Hurnik made a presentation on behalf of Rochford Condominium Corporation who own condominiums in the building immediately next to the subject property (55-59 Richmond Street) at 41 Richmond Street.

He expressed concern that the proposed development fills the lot entirely, and that the developer is only asking for off lot parking because the lot has been maximized and there is no space for onsite parking. Mr. Hurnik stated that off lot parking will be insufficient because residents and their visitors would prefer to park on site especially if they have trouble walking or have groceries to carry, for example. Moreover, he noted snow will be an issue in the winter.

He also expressed concern that the present parking on the subject property will be eliminated.

Mr. Hurnik stated that the proposed development is still far too close to the building at 41 Richmond Street and will cast shadows. He is pleased that Mr. Banks has eliminated the balconies on the first and second floors and would like to continue a dialogue with Mr. Banks regarding other changes. He still however is concerned about the close proximity of the proposed development to 41 Richmond Street. He stated there is no need to build so close to another building. Mr. Hurnik said that the lot is too small and that the proposed development is squeezed in. He concluded by stating that the size of lot is being maximized for profit, that there is not adequate parking, neighbours are going to be squeezed together, and the development will not lead to harmonious living in the neighbourhood.

Mr. Banks responded to Mr. Hurnik and stated that the balconies of the first and second floor have been eliminated and therefore there is no longer an issue with the close proximity of the balconies.

Mr. Hurnik stated that five feet between neighbours is not a comfortable distance.

He added that the wealthy residents of the condominium corporation are simply upset about lower income residents moving in next door.

Mr. Hurnik responded that the lot is being maximized for profit and for a development that does not meet the bylaws.

Mr. Banks added that he has tried to work with the residents of 41 Richmond Street to work out a compromise but they have been uncooperative.

### **Stephanie Hamilton**

Ms. Hamilton lives at 41 Richmond Street. She expressed frustration that the developer has continually changed his application. At the first public meeting, she noted that the parking arrangement was modified at the last minute and at this public meeting, some of the balconies had been eliminated at the last minute. Ms. Hamilton expressed concern that the development would not be constructed as it is being presented.

Mayor Lee responded to Ms. Hamilton's concerns. He explained that if there are any changes to the application are deemed to be significant by the Manager of Planning & Heritage, the application will have to return to the public consultation process again for review.

### **Robbie Dover**

Mr. Dover inquired how it was determined thirteen parking spaces were needed and if there could be more added.

Mr. Banks responded that thirteen parking spaces is the requirement for the building but that he will add more parking spaces if there is demand from the residents though he does not expect there to be strong demand for parking from the residents.

### **Mary McInnis**

Ms. McInnis stated she is a resident of 41 Richmond Street. She stated that her employees pay for parking at the subject property and expressed concern about where they will park when it will be eliminated.

Mayor Lee responded the parking at the subject property is not legal as the property is not properly zoned for a parking lot.

**Councillor Coady**

Councillor Coady asked Mr. Forbes, Manager of Planning, if the development is harmonious with the surrounding streetscape from a professional planning point of view.

Mr. Forbes responded staff have evaluated the development in the staff report previously submitted to Council. He noted that staff have raised some concerns in the previous report with regard to the how the proposed building aligns with the existing building at 41 Richmond Street. The issue of harmony has been referenced previously because two large apartment buildings are coming closer to each other because of requested variances.

**Rory Francis, President of the Charlottetown Chamber of Commerce**

Mr. Francis expressed support for development which meet the City's bylaws. He stated that appropriate development will allow for economic development, job creation and an improved standard of living. He noted that residential development is particularly needed because of the low vacancy rate however development needs to be appropriate.

Mayor Lee responded to Mr. Francis and clarified that the proposed development does not meet all of the bylaws and that's why it must be reviewed by Council and be presented to the public. Mayor Lee also noted that concerns regarding the 500 Lot Area will be addressed and comments can be forwarded to the City.

Mr. Banks responded to Mayor Lee and reiterated that several similar projects have been approved this year and that they were more substantial requests.

**The meeting was adjourned at 8:30 p.m.**