

**PLANNING ADVISORY COMMITTEE
MINUTES OF SPECIAL MEETING**

September 6th, 2017

The Planning Advisory Committee (PAC) met in the Arena Complex (Ballroom) with the following attendance:

Present: Chair Jill Stewart, Vice-Chair Jeff Cross, and Committee Members Kate Akagi, Darren Turner, Lindy Townsend, Esma Taylor, and David Johnson. Also present were Hap Stelling, Manager of Planning, and Nikki Mott, Receptionist.

Regrets: Committee Member Shannon-May Pringle and Angela McLean, CAO/Town Clerk

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chairperson, Jill Stewart.

2. DECLARATIONS OF CONFLICT OF INTEREST, IF ANY

Hap Stelling, Manager of Planning has recused himself from item 4.2: *KIRA - 130 Prince of Wales Street*

3. ADDITIONS TO AND/OR APPROVAL OF AGENDA

It was moved by Esma Taylor, seconded by David Johnson and carried to approve the agenda as presented.

4. DISCUSSION

4.1 Request from Council for the PAC's written views on the rezoning application at 161 Augustus Street.

Chairperson, Jill Stewart started the meeting off by summarizing the application and reminding the members of the PAC that this applicant has been before the committee multiple times over the past year presenting various applications. She reminded the committee that tonight's meeting is focusing only on the rezoning application and that an actual decision is not required by the PAC. They have been asked to provide their views and recommendations to help assist the council in making the final decision.

Ms. Stewart asked the applicant, Emily Donahue, if she would like to make a brief presentation or statement, which she declined.

Mr. Stelling, Manager of Planning, clarified the request for the Committee members. The applicant has applied to rezone her property from *Residential* to *Commercial* to enable her to operate her esthetics business, which was relocated from a rental building on Water Street to its current location. The Town's solicitor has suggested that the new zoning be *Mixed Use* as there is no clear *Commercial* designation to suit the applicant's situation. The Town solicitor has also recommended that a Development Agreement with "rigorous" Section 39 (*Community Planning Act*) terms and conditions be included in the council's final decision. Mr. Stelling also reiterated that the Council has requested the views only from the PAC to assist in the decision process, but that the PAC is not making the final decision for the rezoning application, which is up to council to decide.

Once the Chair opened the floor to discussion Vice-Chair Jeff Cross inquired on the hours of operation for the business which was noted as:

Sunday & Monday - Closed
 Tuesday - 10 am to 7 pm
 Wednesday to Friday - 10 am to 5 pm
 Saturday - 10 am to 2 pm

There were inquires about off-street parking with how many spots are available. Ms. Donahue confirmed that they currently have room for 10 cars in the back of the building and have stated that once they know the final outcome of their application then they have the space to add another four (4) spots in the back. They also confirmed that they average 2 to 5 cars at any given time during their operations, leaving several spaces still available for parking. This number also includes staff with most, if not all, of their staff being able to walk to work leaving more space for their clients. Another inquiry was how many staff are on site with four (4) employees with the possibility to have a total of six employees in the future.

There was a lot of discussion between the committee and the applicant regarding the process taken and procedures, at which time the Chair had to pull everyone back and reminded everyone what the actual topic on this agenda was and to stay focused on compiling recommendations for council and to allow council to make the final decision.

The committee members inquired on why the *Mixed Use* zoning as opposed to *Commercial* which Mr. Stelling stated that it is "a more general category which allows for a broader scale for the use".

Lindy Townsend moved to "Deny the application" which is not what the PAC was asked to do. Ms. Stewart reminded what the request was and stated they can either support with recommendations or not support, which Ms. Townsend requested not to support.

Darren Turner expressed his concern that Water Street currently has several buildings that are sitting vacant. He feels that this is a huge concern as this particular application could set a precedent for other businesses to also move to a more affordable location or operate out of their own home. Which, in turn, can lead to more vacant buildings in our Business District. Again, Ms. Stewart had to remind the members that they need to trust in council and the Town

staff to address any future situations when they arise and to focus on what was asked of them only.

Vice-Chair Jeff Cross expressed his concerns in trying to draft a letter of support without the proper opinions/concerns from the residents who would be directly impacted by the zoning change. Ms. Stewart agreed with Mr. Cross and stated that the letter was dated August 16th, 2017 from council but she had only just received it a few days prior to the meeting being called. Since some of the current buildings in the vicinity of the property in question are already a mix of different zones (i.e.: NBCC, Kiwanis, etc.) having a hair and esthetics business will not be a huge change for that area.

Ms. Stewart closed the application by stating that they will send a letter of support with Sect. 39 terms and conditions to council but will stress that this letter will not be a unanimous decision and that there are several concerns regarding the process and procedures. As well as not being able to hear what the neighbours have to say makes it difficult to compile accurate terms and conditions. Ms. Stewart also noted that she will ask Mr. Cross to finalize and send the letter due to her being unavailable to complete it in time due to other commitments. Mr. Stelling included some terms and conditions in his Planning Report which included:

- Landscaping/Buffering requirements from adjoining residential properties
- On-site parking requirements
- Signage limitations
- Hours of operation
- Reversion of the property to a “Serviced Residential” zone if the business closes or changes operators
- Reversion of the property to a “Serviced Residential” zone if the property is sold

The committee members would like to suggest that council also include:

- Compliance with existing bylaws
- Define salon activity/stall operations

4.2 Pursuant to the provisions of Sec. 13(b) of the *Community Planning Act*, the PAC’s recommendations on the reinstatement of the Tourist Commercial zoning at 130 Prince of Wales Street.

At 7:51 p.m. Hap Stelling, Manager of Planning recused himself from the meeting as he previously declared a conflict of interest for this item.

Mr. Tim Henderson was present on behalf of Lucinda Flemer, owner of the property. Mr. Henderson showed confusion on why this item was even on the agenda. He also noted that a letter which was addressed to council and not part of the PAC’s package was handed down the table. His concern on why it went to PAC was due to the letter not yet being brought before council.

Ms. Stewart asked Mr. Henderson if he could provide an update to the status of the proposed amphitheater and the current process being taken with council. Mr. Henderson stated again that he doesn’t know what there is to address as they are currently not doing anything wrong

that they are just “doing some landscaping to create an arts and cultural place for the community”. The Committee then inquired on why construction is taking place when the zoning has not yet been amended to accommodate the amphitheater. Mr. Henderson stated that he withdrew the application for rezoning at the request of the Town as the process was becoming too cumbersome and the “window of opportunity” was fast approaching. He stated that due to the oversight from when the Municipal Plan was amended in 2010 the *Tourist Commercial* zone was omitted in error, which means the zoning for 130 Prince of Wales was reverted back to *Residential*, when it was actually *Tourist Commercial*. The letter that was addressed to council that was handed to the PAC was actually a letter going before council to discuss next possible steps with the development. There was discussion between Town staff, the Town solicitor, and council to rectify the issue by having a “resolution by Council to reinstate the Tourist Commercial zone”.

Mr. Henderson inquired again on why he was here. The discussion then turned to Section 13 (b) of the *Community Planning Act*, which states the powers of the PAC “to advise and make recommendations to the council or rural community council on any matter relating to community planning” and was repeated several times by Lindy Townsend, which she was using to support the reasoning behind the inquiries regarding the work being done at the end of Champlain Ave. Ms. Townsend stated that she has been approached by numerous neighbours who have provided pictures today of construction that is taking place on the 130 Prince of Wales property. This construction has inflamed this matter as the current zoning does not support amphitheater development and there is no building permits in place for excavation that is deeper than 1 meter below grade (per the *Community Planning Act* definition of “development”).

The Chair tried to bring the discussion back in by asking everyone to stick to what the PAC mandate is. The building violations are to be addressed by Town staff and not the PAC. Ms. Townsend continued to inquire on why they are not allowed, as a voice for the citizens, to press for further information. Ms. Townsend then passed along pictures showing the construction and the run off of water into Katy’s Cove. At one point Ms. Townsend spoke of “being a property owner as well on the Cove” and how this run off is dangerous and polluting the Cove. She wanted to know what Mr. Henderson’s plan was to rectify the run off and why there was no proper environmental assessments done prior to the construction. She stated the water quality on the Cove has been very poor this year which should be a huge concern for everyone. When the chair again advised Ms. Townsend that it is an issue for the Town and not PAC.

After much back and forth the Chair stated that she did not feel comfortable providing any views to council as there is too much animosity and tension regarding the subject. Mr. Henderson stated that he will be recommending to Ms. Flemer to abandon the project and to restore everything back to the way it was.

It was moved by Vice-Chair Jeff Cross, seconded by Kate Akagi, and carried to table the application until more information can be provided.

5. **OTHER BUSINESS**

Darren Turner has requested that it be recorded that he has lost “respect of the town and the system” and does not feel he can be a valuable member if his concerns cannot be addressed by the PAC. Ms. Townsend stated that she “does not want to volunteer and serve on a committee that does not want to stand up for the people”. Both walked out prior to the meeting concluding.

6. **QUESTION PERIOD**

NONE

7. **MOTION FOR ADJOURNMENT**

It was moved by David Johnson to adjourn the meeting at 8:18 p.m.

The next Regular meeting on September 20th, 2017 is **CANCELLED** due to lack of applications.
The next Regular meeting will be held on October 18th, 2017.



Jill Stewart, Chairperson