



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

*Monday, February 04, 2019 at 5:00 p.m.
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Monday, February 04, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meetings on Thursday, January 10, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
 - a) Rezoning**
 1. 562 Malpeque Road (PID #145797) & (PID #145789) Robert
Request to rezone both properties from Single-Detached Residential (R-1L) to Medium Density Residential (R3) and designate the same properties Medium Density Residential under the Official Plan in order to allow for the construction of an 18-unit apartment building
 2. 14 Beasley Avenue (PID #277558) & 18 Beasley Avenue (PID #277566) Laurel
Request to rezone two properties from Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and consolidate said properties.
 3. Corner of Royalty Road & Upton Road (PID #388595) Greg
Request to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone
 4. 68 Brackley Point Road (PID #396713) Greg
Request to rezone the vacant property from Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone
 - b) Variances**
 5. 214 Sydney Street (PID #338509) Greg
Request for a major variance reduce the required lot frontage in order to the convert the existing one (1) unit building into a three (3) unit building.



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6. 58 Victoria Street (PID #353433) Laurel
Request for a major variance to decrease the flankage yard setback requirement to construct an attached garage and to consolidate the back portion with the front portion of the property

c) Others

7. Kensington Road (PID #278754), 74 Kensington Road (PID #278762) & 76 Kensington Road (PID #278770) Greg
Request for the consolidation of three properties located in the Mixed-Use Corridor (MUC) Zone.
8. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use Greg
Proposed amendments to requirements on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use sections
9. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning Robert
Proposed amendments to implement objectives out of the Affordable Housing Incentive Program that was adopted by City Council in Sept 2018.
10. Renumbering of Planning Bylaws Alex
Proposed renumbering of Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07)

7. Introduction of New Business

8. Adjournment of Public Session

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
THURSDAY, JANUARY 10, 2019, 5:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Present: Councillor Greg Rivard, Chair
Deputy Mayor Jason Coady, Vice-Chair
Councillor Alanna Jankov
Basil Hambly, RM
Bobby Kenny, RM
Reg MacInnis, RM

Rosemary Herbert, RM
Shallyn Murray, RM
Alex Forbes, PHM
Laurel Palmer Thompson, PII
Robert Zilke, PII
Ellen Faye Ganga, PH IA/AA

Also: Peter Kelly, CAO

Regrets: Kris Fournier, RM
Greg Morrison, PII

1. Call to Order

Councillor Rivard called the meeting to order at 5:03 pm.

2. Declaration of Conflicts

Councillor Rivard asked if there are any conflicts and there being none, moved to the approval of the agenda.

3. Approval of Agenda

Moved by Councillor Alanna Jankov and seconded by Reg MacInnis, RM, that the agenda for Monday, January 10, 2019 be approved.

CARRIED

4. Adoption of Minutes

Moved by Councillor Alanna Jankov, RM, and seconded by Bobby Kenny, RM, that the minutes of the meeting on Monday, December 3, 2018, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 562 Malpeque Road (PID #145797) & (PID #145789)

This is a request to rezone both properties at 562 Malpeque Road (PID #145797) and the adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Highway Commercial (C-2) and designate the same properties Commercial under the Official Plan in order to allow for the construction of an 18-unit apartment building. Robert Zilke, Planner II, presented the application. See attached report.

The property's designation is Low Density Residential and zoned as R-1, Single-detached Residential. It is the lowest density zone and permits a maximum of one unit dwellings. The applicant originally applied to rezone to C-2 Highway Commercial Zone. Staff feels that a C-2

zone provides greater entitlements such as retail, office, sales, etc. and in order to ensure that the area remains a residential development, staff recommends to rezone the properties to R-3, Medium-Density Residential Zone instead. The proposed residential zone will have the same entitlements as C-2 zone in terms of residential density, thus allowing the applicant to still build the proposed 18-unit apartment building. This proposed zoning provides surrounding residents a better peace of mind knowing that the properties can only be developed for residential purposes. The applicant is also present to answer any possible questions.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Alanna Jankov and seconded by Basil Hambly, RM, that the request amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone, be recommended to Council to proceed to a Public Consultation.

CARRIED

7. Corner of Royalty Road & Upton Road (PID #388595)

Deputy Mayor Jason Coady declared conflict of interest and has requested to step out and be taken out of the review for this application.

This is a request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The surrounding properties are a mix of single family and semi-detached dwellings. Seven of the proposed two-unit dwellings would be located on the cul-de-sac off Royalty Road and the remaining two will have direct frontage to Royalty Road. A vacant parcel has been identified for future parklands as well. There were no concerns raised from police, public works and parks and recreation. At this time, the remaining vacant lands are to remain zoned as R-1S. Staff is recommending that this application proceed to a public consultation. The applicants, George Zafiris and Robert Wakelin, are present to answer any possible questions.

Mr. Zafiris added that there is a large demand for R-2 housing and this is a timely move to provide more affordable housing. Mr. Zafiris noted that it makes sense to request for this change at this time.

Councillor Rivard asked the applicants if they have talked to residents in the area about this development and Mr. Zafiris responded that they have not. Mr. Rivard shared that the previous developer of the property conducted a meeting with residents and had received a lot of negative comments in relation to the development. Mr. Zafiris asked if their proposal was similar to their current proposal and Mr. Rivard mentioned that he doesn't have the exact details but it would have more density switching from R-1 to R-2S. Mr. Rivard requested the applicants to provide

more information to the public before the public meeting in order to allow them to understand the intent of their application. It would be best to provide pictures and plans to support their application. Mr. Wakelin added that the existing R-1 zone would have smaller lots and at the end of the day, rezoning it to R-2 will end up having a similar density. The plans are also to keep the existing lots along Meadow Lane to remain as R-1 lots.

Reg MacInnis, resident, asked if there are plans for the remainder of the lands. Mr. Zafiris indicated that they would initially develop R-1 lots and depending on how this application goes, they may plan for another cul-de-sac with R-2 lots. For now, it was advised to focus on the proposed parcel being rezoned. Mr. Rivard added that based on previous applications, it would be a good idea to have plans for the remainder of the lands in case the public is interested to see the whole plan.

Bobby Kenny, RM, asked if the parkland provided in this proposal is the normal amount that needs to be provided. Mr. Rivard noted that at least 10% of the land is required for parkland. Basil Hambly, RM, asked if this is going to be the total parkland just for this proposal or if this was the amount to cover the total parcel. Mr. Zafiris noted that he had to give up a lot for this parkland and that this will be the main parkland for the whole property.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Bobby Kenny, RM, and seconded by Reg MacInnis, RM, that the request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings, be recommended to Council to proceed to a Public Consultation.

CARRIED

8. 58 Victoria Street (PID #353433)

This is a request for a major variance to decrease the flankage yard setback requirement from 19.7 feet to 1.1 feet in order to construct an attached garage and to consolidate the back portion with the front portion of the property located at 58 Victoria Street (PID #353433). The property is located in the Medium Density Residential (R-3) Zone and is a Designated Heritage Resource. Laurel Palmer Thompson, Planner II, presented the application.

The current dwelling sits at approx. 6.2 feet to the flankage yard boundary. It is considered a legal non-conforming setback. The other properties along the street are setback close to the streets as well. Staff worked with Public Works and they have some concerns with the proposed variance. With Peake Street being a narrow street, they have some concerns during the winter that a setback of 1.1 ft, for the new addition may cause some problems with snow clearing and as there isn't a lot of room to push snow and may even cause damage to the property. The Bylaw, allows legal non-conforming buildings to expand however the addition is not permitted to extend past the existing non-conforming setbacks. The reason for the setback is that the applicants do not want to reduce their backyard space and they would also have to remove a part of the

existing covered porch. The applicant also indicated that the garage door would align in the centre of the garage if they had to observe the setback. Staff indicated that they may lose backyard space but it will not be a significant loss. Staff recommendation is to reject the variance application but to support the lot consolidation. However, a new plan was provided by the applicant after the report was completed changing the setback from 1.1 feet to 3 feet. Once Council determines the variance application the addition will be forwarded to Heritage Board for final design/plan reviews because the property is a designated heritage resource. The applicant, Jason Cadman, is present to speak to his application and to respond to any possible questions.

Councillor Rivard clarified if this application needs to go to Heritage Board first before Planning Board and Ms. Thompson responded that the application needs to go to Planning Board for approval of the variances before Heritage Board reviews the design proposals. She indicated that the design cannot be approved without knowing the proper setback as this may alter the design.

Mr. Cadman explained his plans in detail and the intent of the variance. Mr. Cadman indicated that the portion at the back of the property is where their kitchen faces and the porch contains a back door that will connect to the proposed garage. If the garage is required to meet the 6 ft. setback, the owners will be walking into the car or into the kitchen wall. This will cause some hardship to the owner. Mr. Cadman has spoken with his neighbours and had no concerns with the proposal. He also noted that he lived long enough to know that snow removal is not going to be an issue since the proposed garage would be six feet from the paved portion of the street, hence snow will not pile and damage the new addition. Also, the garage will be lined up with neighbours' residences. Mr. Rivard then clarified that the applicant cannot put the garage to align with the existing dwelling and Mr. Cadman responded that the main intent of moving it 1.1ft from the boundary is the connection to the main house. Councillor Jankov asked if he lived there during the winter of 2015 and Mr. Cadman noted that they moved to the property in August of 2018. Mr. Cadman also added they intend to match the design with the current style of the house.

Mr. Rivard asked Ms. Thompson if there would be a difference moving the setback to 3 feet in terms of the concerns around snow clearing. Ms. Thompson indicated that at the time she spoke with Public works, there was no updated site plans. It may be less concerning than a 1.1 foot setback but still may cause issues. A lot of the existing homes are also close to the street boundary so allowing more houses closer to the boundaries increases the problem. Mr. Rivard noted that it may be fair to say that a number of homes would have about 3 feet setback. Ms. Thompson noted that staff can discuss with Public Works if it would be an issue to adjust the setback to 3 feet. Mr. Cadman also noted that their proposal is to apply for a 1.1 feet setback but would be willing to adjust to 3 feet. However, they cannot go beyond 3 feet. Mr. Forbes commented that the application can be deferred until we ensure that the revised proposal is reviewed with Public Works and see if there are any other concerns. Mr. Cadman also added that their intention is to build in the Spring so if it would be a better option to defer the application so that all concerns are addressed, he is not opposed to deferring it.

Councillor Jankov noted that there were no rejections from the neighbourhood. Mr. Cadman mentioned that having this addition increases the value of his house and the overall neighbourhood streetscape is likewise improved. Shallyn Murray, RM, asked what the average

setbacks are on the street and Ms. Thompson noted that we can check the GIS for this to provide at least an approximate value. Rosemary Herbert, RM, asked if this may be a precedent if we don't follow the bylaw in making future decisions. Mr. Rivard commented that it may become a precedent to future decisions.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Basil Hambly, RM, that the request to for a major variance to decrease the flankage yard setback requirement from 19.7 feet to 1.1 feet in order to construct an attached garage and to consolidate the back portion with the front portion of the property located at 58 Victoria Street (PID #353433), be deferred until setback concerns are addressed.

CARRIED

9. 120 Westridge Crescent (PID #776435)

This is a variance application to reduce lot area requirements from 7,491.7 sq. ft. to approximately 6,700 sq.ft. in order to construct a semi-detached dwelling on the vacant property at 120 Westridge Crescent (PID #776435). The property is located in the Low Density Residential Single (R-2S) Zone. Alex Forbes, PII, presented the application. See attached report.

The application was presented to the Planning Board on December 3, 2018 at which the application was recommended to Council for approval. At the Council Meeting on December 10, 2018, Council deferred the application to request if the applicant could add a fence to the side yard adjacent space corridor where a trail currently exists. Staff discussed the request with the applicant and has agreed to meet this request. The applicant, Shane Dunn, is present to answer any possible questions.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Alanna Jankov and seconded by Bobby Kenny, RM, that the request to reduce the lot area requirements from 7,491.7 sq. ft. to approximately 6,700 sq.ft. in order to construct a semi-detached dwelling on the vacant property at 120 Westridge Crescent (PID #776435), be recommended to Council for approval, subject to a fence being erected along the West property line adjacent to the open space (PID#690966).

CARRIED

10. 180 Beach Grove Road (Lot 18-A) with (PID #1000744)

This is a request for a lot consolidation for two parcels located at 180 Beach Grove Road (PID #1000744) with a portion of (PID #388736). The property is located in an Institutional Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The application for lot consolidation is to attach a portion of PID # 388736, property fronting Beach Grove Road with a portion of PID #1000744. Since the properties are in the Institutional

Zone, approval from Council for a lot consolidation is required. The application is straightforward and staff has no issues or concerns with this application. The applicant's plan is to consolidate the properties to facilitate a future addition to the building. The staff recommendation is to approve the application.

Reg MacInnis, RM, asked if we know what the applicant is planning to build. Ms. Thompson responded that plans were not provided at this time. The applicant indicated to staff they may construct an addition to existing building or build an accessory building in the future. The applicants are being proactive to put these plans in place for when they decide to start a project. Rosemary Herbert, RM, clarified that this is the Queens County Residential Services and asked if the building are purely office spaces. Ms. Thompson responded that her understanding is that these are offices. She did not ask the applicants what intuitional uses were being carried out in the building. The property is zoned Institutional so any addition would have to correspond to applicable zone requirements.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Bobby Kenny, RM, and seconded by Basil Hambly, RM, that the request for lot consolidation for two parcels located at 180 Beach Grove Road ((PID #1000744) with a portion of (PID #388736), subject to a pinned final survey plan be recommended to Council for approval.

CARRIED

Laurel Palmer Thompson left the meeting.

11. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning

This is a proposal to amend three sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Affordable Housing Zoning. Robert Zilke, PII, presented the application. See attached Report.

This application was presented to the Planning Board on December 3, 2018 recommending approval to proceed to Public Consultation. On December 10, 2018, Council approved the recommendation. From this time, there have been revisions to the amendments and is being presented back to the Board.

Basil Hambly, RM, asked if there is a length of time to keep the properties as affordable housing units and Mr. Zilke responded that they are to be subsidized by the Province and the length will be defined by the Development Agreement. These agreements will likewise be sent to the Planning & Heritage Department. Peter Kelly, CAO, also added that the contracts will run between 10 and 20 years.

Rosemary Hebert, RM, acknowledged the details provided by Staff and has requested that if it is possible to use plain languages or provide definitions so that new resident members would be

able to fully understand. This is also true when this will be presented to Public to allow residents to understand the proposed changes.

Reg MacInnis, RM, also asked how the subsidized housing may impact subsidized senior housing. Mr. Kelly added the provincial programs may be able to apply and receive some elders program. Shallyn Murray, RM, asked if the public benefit portion still be on a case by case scenario. Mr. Zilke explained that currently, the applicants may apply for bonus height and a list of public benefits would be available for them to choose from, including the 3-4 units. This amendment would allow for the Planning Committee to provide inputs on the desired public benefit vs landscaping, etc.

Rosemary Herbert, RM, asked if the committee has had any presentations to the public to better understand the proposal. Mr. Kelly responded that the committee being established will meet regularly to address the concerns on affordable housing needs. Mr. Rivard also noted that this will be through SPIC. Mr. Kelly met with the Province on several strategies and is in support of it.

Basil Hambly, RM, asked if there is anything in place for incentive for developers to build more affordable housing. Mr. Forbes commented that developers are willing to build anything, but cost to create units is very expensive and the developers trying to get cost down to support the reasonable rents. Mr. Kelly also added that there are about two to three perspective developers for affordable housing with active proposals that are intended to move forward.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the revisions to the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Affordable Housing, be recommended to Council to proceed to a Public Consultation.

CARRIED

12. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances

This is a proposal to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances. Alex Forbes, PHM, presented the application. See attached Report.

This application was presented to the Planning Board on December 3, 2018 recommending approval to proceed to Public Consultation pertaining to amendments to Design Review, Home Occupations and Parking. On December 10, 2018, Council approved the recommendation. From this time, there have been revisions to the amendments and is being presented back to the Board with the additional revisions pertaining to Design Review, Medical Marijuana Production Facility and Temporary Use Variances.

For Design Review, additional amendments were added to change the term Design Review Committee to Design Review Board.

Medical Marijuana Production Facility was an amendment to the Bylaw approved by the Minister of Finance, Energy and Municipal Affairs on April 9, 2014. However, after it was approved, it was not inserted into the Zoning & Development Bylaw at that time. The purpose of this amendment is to reapprove the amendments into the new Zoning & Development Bylaw (2018-11).

The last amendment deals with Temporary Use Variances where there were inconsistencies to the duration of temporary use indicated in the existing bylaw. The amendment is to propose for the duration for the temporary use variances to a period of no longer than one (1) year.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances, be recommended to Council to proceed to a Public Consultation.

CARRIED

13. New Business

There were no new businesses discussed.

The meeting was adjourned at 6:35 p.m.

Councillor Greg Rivard, Chair



**Public Meeting of Council
Wednesday, January 30, 2019, 7:00 PM
Studio 1, Confederation Centre of the Arts
145 Richmond Street**

Mayor Philip Brown Presiding

Present:

**Mayor Philip Brown
Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe
Councillor Kevin Ramsay**

**Councillor Mike Duffy
Councillor Mitchell Tweel
Councillor Robert Doiron
Councillor Terry MacLeod**

Also:

**Alex Forbes, PHM
Greg Morrison, PII**

**Robert Zilke, PII
Ellen Faye Ganga, PH IO/AA**

Regrets: Councillor Terry Bernard

Laurel Palmer Thompson, PII

1. Call to Order

Mayor Philip Brown called the meeting to order at 7:00 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting. Mayor Brown turned the meeting over to Councillor Rivard, Chair of Planning Board, to introduce the first application.

4. 562 Malpeque Road (PID #145797) & (PID #145789)

This is a request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and the adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone. A single detached dwelling currently exists at

562 Malpeque Road and the intent is to rezone both properties in order to construct an 18-unit apartment dwelling. Initially, the application was to rezone to Highway Commercial (C-2) Zone but after discussions with the applicant and with the intent to just build an apartment, it was proposed for the property to be rezoned to R-3 instead so there will be no commercial use for the property. The application was reviewed by the Provincial Highways Department who expressed some concerns on current traffic congestion along the area and the need for potential infrastructure upgrades that would be required by intensifying the corridor. However, they mentioned that if this application is approved and built, future development should require a transportation study or traffic management review along this section of the Malpeque Road. Mr. Robert Herbert, applicant was present to present more details regarding his application.

Mr. Herbert of Maple Isle Homes added that this development would be a good transition from low density single detached dwelling to a medium density zone. The lot size is large enough for 24 units but have decided to propose 18 units instead in order to have more green space and parking for tenants. There is a current need for apartment buildings and this location is a good fit to create this type of development. The Official Plan contains policies that indicate that the City is open to more medium and higher density locations throughout the City. Water and sewer services are likewise going through the area so it should not be a concern.

Jack Sturz, resident, mentioned that he supports affordable housing and development but not for this property. He noted that the density permitted by commercial zoning along Malpeque Road is poorly managed and creates urban sprawl. The commercial zones have been left open and ready for development. As a result, there is more development on top of more development. Mr. Sturz also indicated that he owns the property with PID #785089 and was not given proper notice. *(After the Public meeting, Staff checked and verified that a letter was sent to owner of property with PID # 785089 as mentioned by the resident).*

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. *Deputy Mayor Jason Coady has declared conflict of interest for the next application and has requested to step out of this portion of the public consultation.* Councillor Rivard then proceeded to introduce the next application.

5. Corner of Royalty Road & Upton Road (PID #388595)

This is a request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings. Greg Morrison explained that the applicants, George Zafiris and Bob Wakelin, are proposing to rezone approximately 3.89 acres of the total 11 acre land to construct nine (9) 2-unit dwellings. The applicant indicated that there will be a landscaped corridor between the proposed cul-de-sacs in excess of 6000 sq.ft. The required landscaped open space is being proposed on the eastern portion of the

property and is in excess of 40,000 sq.ft. This landscaping has been reviewed by the Parks & Recreation Department. The remaining parcel of land will remain as R-1S and is not part of the current proposal. The applicants presented the future concept for the remaining land for discussion purposes only. Danny Tweel, representative for the applicants, provided additional details for the proposed rezoning.

Mr. Tweel noted that the applicants, Royalty Ridge Holdings, owns about 11 acres of land and will be developed in two phases. The first phase which is being presented tonight is a request to rezone a portion of the land to build nine 2-unit dwellings. Two units will be fronting Royalty Road while the seven remaining will be fronting the proposed cul-de-sac. The adjacent lots are zoned R-2 and would be similar to what is being proposed. Also, the proposed lot sizes will be larger than existing lots adjacent to the property. In addition, almost an acre of land will be provided as green space. A previous proposal for this property was to build high density apartment dwellings while this current proposal would provide good use of the land by doubling its utilization while staying consistent with the neighbourhood. The applicants, Mr. George Zafiris and Mr. Bob Wakelin, were present to answer any possible questions.

Gordon McCarville, resident, raised a couple of concerns - 1) what is the approximate square footage / size of lots and 2) what is the approximate size of the homes? Mr. Wakelin responded that the approximate lot sizes would be around 85 ft x 100 ft (8500 sq.ft.). For the dwelling size, setbacks will be 10 feet each side, would be approximately 65 feet wide (anywhere 2400 to 3000 sq.ft.) and driveway can be around 18 to 20 feet in total (conceptual). Mr. McCarville also asked about the setbacks and the driveway if it is able to park four cars. Mr. Wakelin indicated that on one side of the driveway, it should be able to park two cars, one behind each other. Mr. McCarville noted that he wanted to know the amount of paving because this is being built on what is called **"Winsloe soil" where water does not pass down through it.** His concern was that it was not likely appropriate to be covering soil that needs to be left exposed so water will drain and disappear. Water issues have historically been a concern in this area and remain a concern today.

Craig Walker, resident, commented on the street layout of the later stages of the proposed development where there are no streets that would connect Parricus Mead/Meadows Lane to Royalty Road. At the moment, Parricus Mead is already land locked and should there be an emergency situation, there are no other exit roads other than that exiting to Upton Road. Mr. Walker noted that it would make sense for developers to consider this and make the most use of the land and not create a continuation of dead end streets. Mr. Walker also noted that building duplexes would also double the amount of cars and cause further traffic. The property is zoned as it is and residents envision the land to be developed as is in the future.

Tom Clow, resident, mentioned that there have been several development proposals for this property. First was in 1995 when it was amalgamated and zoning remained R1. In

2013, Duncan Shaw proposed to rezone the property into an apartment complex and in 2017, a development from Moncton decided to rezone it to R-3. Subsequently the property was purchased by the applicants. Mr. Wakelin responded that they purchased the property in the summer of 2018. Mr. Clow asked if Mr. Wakelin was aware that the property was zoned R1S and if they already had the idea of changing it to R-2 at the time of purchase. Mr. Wakelin confirmed that they were aware that these lands are R-1S and had discussions of it being rezoned to R2 at that time. Mr. Clow then asked if the applicants would withdraw the application and developed it as R-1S. Mr. Tweel responded that the Council will decide on this question. Mr. Tweel also added that we are only looking at Phase 1 at this time where there are also R-2 properties adjacent to it/across the road. The concept of Phase 2 can be discussed in the future. Mr. Tweel also mentioned that the applicants did not ignore the water issue and have worked with the City to help address these concerns. Mr. Wakelin also responded to say that at this time, they are proceeding with the rezoning to R-2 and if this is not approved, will proceed to create R-1S lots.

Lynn Wakelin, resident, commented that the property has to be developed as single family residential. Additional traffic is a concern as many children walk along the street. Water is also an issue.

Janet Brake, resident, commented that she is in favor of building duplexes in West Royalty. She owns a larger property along Parkway Drive and wants to downsize. She is looking for properties along the area so her kids do not need to change schools. This proposed development would provide her an opportunity to down size and stay in the area.

Markham Long, resident, noted that he purchased his property close to the proposed development knowing that the lots will be developed as R-1S lots. Mr. Long also noted about flooding in the area and future traffic concerns.

Chris Oatway, resident, mentioned that there are a lot of R-2 lands available for sale **across Charlottetown and are more expensive and that's why these R-1S** lots are being purchased and then being proposed to be changed to R-2 lots. Mr. Oatway is opposed to the application of rezoning and that it should remain as single family houses. Mr. Oatway also asked residents who are attending the meeting for this application and asked for a show of hands hands of those who in opposition to the rezoning. He suggested that the majority of the residents are opposed to the proposed development.

Carter Russel, resident, voiced his opposition to the rezoning and would wish to have the lots remain as R1.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

6. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances

This is a request to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances.

Greg Morrison, Planner II, explained in detail, the changes affecting the sections mentioned by Mr. Rivard. The first is on Design review where Council has created a separate Design Review Board and it is no longer a sub-committee of the Heritage Board. Hence, any reference to Design Review Committee is now changed to Design Review Board. Enhancement to the Design review process was likewise presented.

The Home Occupation used to entail a long process and has since then simplified after the new Bylaw was adopted. However, it was noted that some as-of-right uses entail traffic. The as-of-right uses are then streamlined to eliminate any appointment based business as as-of-right use and would then require undergoing a Minor Variance Process should such application come in.

Parking requirements have likewise been revised to include requirements for accessory apartments and clean-up of text references that are no longer necessary in the new Bylaw.

Medical Marijuana Production Facility was an amendment approved by the Minister of Finance, Energy and Municipal Affairs in 2014. However, it was not inserted into the Zoning & Development Bylaw at that time. The purpose of this amendment is to reapprove the amendments into the new Zoning & Development Bylaw (2018-11) with the exception that **the term "Medical" should no longer be included as a result of legalization of the use of Marijuana in 2018.**

The last amendment deals with Temporary Use Variances where there were inconsistencies to the duration of temporary use indicated in the existing bylaw. The amendment is to propose for the duration for the temporary use variances to a period of no longer than one (1) year.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

7. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning

This is a request to amend three sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed amendments are a

result of the implementation objectives outlined in the Affordable Housing Incentive Program (AHIP).

Robert Zilke, Planner II, explained that in the summer, the vacancy rate was at 0.9% and in December, CHMC released a report with the vacancy rate down to 0.2%. This is considered to be a pressing issue in the community today and amendments are required to the Zoning By-law to implement the AHIP policies council adopted. Mr. Zilke explained in detail the sections in the Bylaw that are affected by the affordable housing provisions. Bylaw sections would include Bonus Height & Bonus Density Applications, Design Review requirement for affordable housing development, Garden Suites, Parking Standards, Group homes and inclusion of boarding houses in permitted uses.

In addition to these amendments, the term accessory apartments are to be changed to secondary suites to align with the terminology used in our National Building Code. Definitions of Boarding House, Boarding House Limited, Dwelling unit, Group Home, Group Home Limited, Household, Long term rentals, Registry of Approved Secondary Suites and Short Term rentals have likewise been added. Lastly, any application pertaining to affordable housing will be fee exempt.

Mayor Philip Brown asked what the average number of days would a short term rental be considered in other municipalities and jurisdictions. Mr. Zilke noted that based on research across different municipalities and jurisdictions, 30 days is the most common definition of short term rentals. Anything beyond that will fall under long term rentals. Anything lower than 30 days will all fall under short term rentals.

Brian Gillis, resident, commended the efforts to accommodate and encourage affordable housing. Mr. Gillis had a couple of comments. First was on Bonus Height requirements specific to the provision of an LEED-gold standard certified building or other equivalent qualification (Item F). Mr. Gillis indicated that the LEED certification is an expensive process. If we would like to encourage people or incentivize affordable housing, it would be recommended to possibly change the language of the criteria where a developer can demonstrate energy efficiency methods that does not require expensive processes or fees. It may even encourage people to find ways to support energy efficiency and not receive any push back from developers because they are not able to support this requirement. His second comment was on secondary suites – on how to enforce the regulation of these secondary suites for short term rentals. The language is not going to fix the concerns on airbnbs or short term rentals in the City. These short term rentals are invasive in terms of the quality of neighbourhood and displacing housing units that should be available for long term rentals.

Mayor Brown asked how Mr. Gillis feels about the 30 day short term rentals and Mr. Gillis responded that the language is not the issue, it is the enforcement that is a concern.

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item. Councillor Rivard introduced the application.

8. Renumbering of Planning Bylaws

This is a request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize Planning specific bylaws.

Alex Forbes, Manager of Planning & Heritage, mentioned that the new MGA requires that any amendments made to the bylaw are tracked. Whenever a Bylaw is passed by the City, it is sequentially being given a number. With the adoption of new Zoning & Development Bylaw, Planning & Heritage and Building Code Bylaw, it is an opportunity to provide Planning bylaws with unique qualifiers to clearly identify the Bylaws. The proposed renumbering will be as follows:


Bylaw	Current Bylaw Number	Proposed Bylaw Number
Zoning & Development Bylaw	2018-11	PH-ZD.2-000
Building Code Bylaw	2018-12	PH-BC.2-000
Heritage & Preservation Bylaw	2018-07	PH-HP.1-000

Mayor Brown asked for any comments or questions; there being none, the meeting proceeded to the next item.

9. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Councillor Greg Rivard that the meeting be adjourned.

Meeting adjourned at 8:50 p.m.

TITLE: ZONING AMENDMENT PID 145797 (562 MALPEQUE ROAD) & PID 145789 OWNER: DONNA & TRENT SWITZER APPLICANT: MAPLE ISLE HOMES PEI INC. PLAN-2019-4-FEBRUARY-6A1		
MEETING DATE: February 04 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public Letters	
SITE INFORMATION: Context: Single detached dwelling and relatively flat Ward No: 8 Existing Land Use: Residential Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: 15-327, 07-372		

RECOMMENDATIONS:

That the Planning Board recommend to City Council to **approve** the request to rezone 562 Malpeque Road (PID 145797) & PID 145789 from Single-Detached Residential (R-1L) to the Medium Density Residential (R-3) Zone and re-designate from Low Density Residential to Medium Density Residential in order to permit the construction of an 18-unit apartment building.

BACKGROUND:

Request

The applicant, Maple Isle Homes PEI Inc., on behalf of the property owners, Donna and Trent Switzer, is applying to:

- 1) Rezone the property located at 562 Malpeque Road (PID 145797) and PID 145789 from Single-Detached Residential (R-1L) Zone to the Highway Commercial (C-2) Zone; and
- 2) Re-designate the property from Low Density Residential to Commercial.

Approval of this application will allow for the development of an 18-unit apartment dwelling.

Development Context

The subject site PID 145789 is vacant while the site at 562 Malpeque Road (PID 145797) currently contains a single detached dwelling that operates a Bed & Breakfast business and is located along

Malpeque Road. Both sites are relatively flat and located near the Confederation Trail. Uses surrounding the site include an existing 12-unit apartment dwelling to the south, Highway Commercial (C2) Zone property to the east, low density single detached properties to the north and west. There is a transit line with a bus stop located within 26 metres of the site. Other than the Confederation Trail to the south there are no other open accessible greenspace areas in the immediate area, as part of approval for this zoning amendment application the Board might want to give consideration of having the developer provide an amenity space for future residents. Both properties have access points on Malpeque Road, since this street is under Provincial jurisdiction, approval of a combined access point for the proposed development will be required. The proposal would be of a similar built form and housing typology as the existing 12-unit apartment building that was constructed by the applicant immediately to the south at 38 Malpeque Road. Since this area is transitioning to higher density it is recommended that a traffic management study be undertaken to determine level of capacity and infrastructure upgrades required to ensure that development along route 2 is safe and efficient.

History

In 2015, the current owners of the properties applied for the same zoning amendment application to change the existing R-1L to the C-2 Zone on the same two parcels (PID 145797/PID 145789). The applicant's reason to amend their property to the C-2 zone was to provide greater lot entitlements in order to increase the property's value in order to sell. Staff's recommendation which was supported by the Board was to defer the application from proceeding to a public meeting. The rationale for deferring the application was based on the fact that the owners did not provide any concept of how the lots were going to be developed. The C-2 Zone permits a wide variety of land uses (i.e. retail, warehouse, auto sales) that might not be compatible with the residential nature of the surrounding area. If the properties were to be pre-zoned without any concept provided, surrounding property owners would not have the ability to comment on any potential future development. During this time the lot immediately to the south located at 38 Malpeque Road was being developed into a 12-unit apartment building. The land to the east was developed as a boating sales and service commercial land use. The area over a number of years has been transitioning into commercial but to the north and west there is an established low density residential neighbourhood.

ANALYSIS:

The current owners have found a potential buyer for both lots with Maple Isle Homes PEI Inc. wanting to develop an 18-unit apartment building on both properties. The site is adjacent to a public transit route with the Confederation Trail situated 50 metres to the south. The nearest park is located at 53 Stockman Dr. approximately 330 metres from the subject site. Although to access this park residents would have to cross Malpeque Rd. and there is no direct pedestrian connection (i.e. sidewalk) to connect the two sites. Both lots will have to be consolidated as well in order to accommodate the requirements of the Zoning & Development By-law.

Consistency with the Official Plan

The existing designation in the Official Plan is Low Density Residential and thus the applicant is requesting to change the land use designation to Commercial in order to accommodate the proposal. Alternatively, staff recommends to change the designation to Medium Density Residential in order to provide a softer transition in terms of potential land uses.

The Official Plan contains various policies that support multi-dwelling developments. Under Section 3.1.2 Growth Management policies the objective is to promote compact urban form and infill development with the efficient use of infrastructure facilities. Section 3.3 of the Official Plan contains multiple policies that support the proposed development, such as:

- Encourage development in fully serviced areas and ensure new residential development is located near areas of employment (i.e. commercial);
- Intensify residential development along public transit routes and open space amenities (i.e. Confederation Trail);
- Promote compact urban form and infill development;
- Provide medium density housing styles to meet housing needs.

The proposal also brings much needed residential density to the Winsloe area which primarily supplies low density residential development. Despite the fact that this part of the Winsloe area is predominately low density in nature, the City has been experiencing considerable growth that has led most recently to a severe housing shortage with the latest CMHC housing report showing Charlottetown with a 0.2% vacancy rate. As such areas that are ideal for intensification should start transitioning over to allow for greater density. Policies in the Official Plan encourage higher density developments along major transit routes. The subject property fronts along Malpeque Road or Highway 2, a major arterial within the City that has already been transitioning from low density to medium density residential mixed with various highway commercial uses. It is clear that this area will transition to higher density developments in order to accommodate growth. However, this growth will need to be accommodated in an efficient and safe manner and as per the Province's comments, a transportation study should be conducted to determine existing road capacity and necessary infrastructure upgrades to accommodate increased development. If this zoning amendment were to be approved any proceeding application should be deferred until the transportation study be completed and necessary infrastructure upgrades be done. The current designation of the property is Low Density Residential and would therefore require a change in designation to Medium Density Residential in order to maintain consistency with the zoning amendment to the R-3 Zone to permit the construction of an apartment. The immediate area to the south and east are designated Commercial in the Future Land Use map of the Official Plan, re-designation of these properties to Medium Density Residential would provide a more compatible transition between the existing Low Density Residential and Commercial designated lands.

Consistency with the Zoning By-law

The area around the subject properties have two different distinct zones, being either Single-Detached Residential (R-1L) or Highway Commercial (C-2). Lands to the north and west are zoned R-1L and lands to the south and east are zoned C-2, the subject properties being in the R-1L Zone. Staff recommends that these properties be zoned to the Medium Density Residential (R-3) Zone for the purpose of allowing for the construction of an apartment building and to provide a more logical transition of land uses. The C-2 zone allows for a wide variety of commercial uses, many of which could disrupt nearby low density residential properties and the neighbourhood in general. Given the character of the surrounding area, this rezoning request may very well be suitable and appropriate; however, nearby property owners should have the opportunity to comment on a specific future commercial development before it is approved. The R-3 Zone would still allow for the construction of an 18-unit apartment building as proposed.

Commenting Agencies

All comments have been addressed and summarized below.

Transportation, Infrastructure and Energy: Malpeque Road is under Provincial jurisdiction and requires approval from this agency for access to the site. Concerns were raised that properties along Malpeque Road that will transition to denser development will increase potential for conflicts as Route 2 in this area and that will generate additional traffic above those that would be generated by existing zoning. In order to ensure that density in this area transitions appropriately it is recommended that a traffic management plan in undertaken for this area to determine necessary infrastructure upgrades that will ensure for safe and efficient development in the Winsloe area. It is recommended that this transportation study be undertaken prior to any further development proceeding after this proposal be approved.

Public Feedback

Three (3) letters of opposition were received and one (1) person objected at the public meeting held on January 30, 2019 at 7:00 p.m. at Studio 1, Confederation Centre of the Arts, 145 Richmond Street. The comments received are summarized below. All of the written responses can be referenced in Attachment D.

Opposed

- Objections were raised over the proposed density of the 18 unit apartment building and how the scale would not be compatible with existing single detached dwellings in the surrounding area;
- Concerns were raised over decreased property values and difficulty in selling existing properties adjacent to the proposal;
- The existing low density residential neighbourhood should be preserve;
- New residential development should be physically related to its surroundings;

- Development will lead to decreased greenspace;
- Feeling that Winsloe has experienced a significant amount of both residential and commercial growth too quickly;
- Concerns of increased traffic congestion that would result from additional dwelling units;
- Safety concerns surrounding additional traffic causing increase incidents of vehicular collisions;
- Additional traffic is straining the existing transportation network.

Staff feel that the last three traffic concerns have been addressed through our analysis and consultation with the Province. The additional concerns raised relate to concerns that cannot be qualified or quantified by staff.

CONCLUSION:

The Planning & Heritage Department recommends that the application to rezone 562 Malpeque Road (PID 145797) & PID 145789 from Single-Detached Residential (R-1L) to the Medium Density (R-3) Zone and re-designate the same properties from Low Density Residential to Medium Density Residential be **approved**.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

PRELIMINARY PLAN

NO LEGAL DESCRIPTIONS TO BE WRITTEN FROM THIS PLAN



KEY PLAN - NOT TO SCALE

LOT 2016-1: NOW OR FORMERLY PROPERTY OF TRENT SWITZER & DONNA SWITZER
 BOOK 1476, DOC# 3286 &
 BOOK 5510, DOC# 3286
 PARCEL NO. 145797 & PARCEL NO.
 PARCEL NO. 145788.

NOTE: FOR THIS SURVEY TO BE VALID, IT IS NECESSARY FOR APPROVAL TO BE GRANTED BY THE APPROPRIATE AUTHORITY.

REV. No.	CHG

MANITIA LAND SURVEYS INC.
 11C MYRTLE STREET
 STRATFORD, P.E.I.
 C1B 1P4
 Phone 902-566-4684

PRELIMINARY PLAN
 SHOWING A PROPOSED REZONING
 AND CONSOLIDATION OF
 LOT 2016-1 PROPERTY OF
 TRENT SWITZER & DONNA SWITZER

LOCATION: CHARLOTTETOWN,
 QUEENS CO., P.E.I.

SCALE: 1:250 DATE: NOVEMBER 29, 2017
 FILE: 2016-11-30 DWS. No. 11-161-150-REV2

DWG. BY: JMT DATED: JAT

Attachment B



January 29th, 2019

City of Charlottetown
Planning & Heritage Department

Re: 532 Malpaque Road (PID #145797) and (PID #145789)

We oppose the Rezoning of both of these Properties for the following reasons:

1.. Official Plan: We have been advised by a former Councillor and a City Manager that the plan to develop properties is to proceed in a gradual manner from Commercial, to multi units, to duplex and then single family residences. The properties to the West and South of the application are Zoned R1 and rezoning these properties to allow for the construction of an 18 unit apartment complex would not fall within the development plan.

There are single family homes located directly beside and across from the requested rezoning lots. Construction of an 18 unit apartment building so close to the surrounding R1 lots could devalue the properties and reduce prospective buyers should any of the residents decide to sell their homes.

The Future Development Plan and the City of Charlottetown Official Plan does not indicate the designated two lots of the application or any of the surrounding lots to change from the existing R1 designation.

The Official Plan states:

- 1.. Preserve existing residential low density neighbourhoods and
- 2.. Ensure new residential development is physically related to its surroundings.

We believe the rezoning of these properties does not follow City of Charlottetown Plan and the application should be rejected.

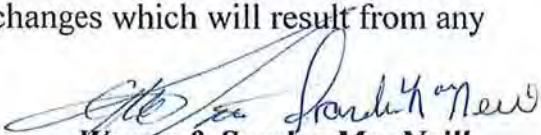
Page #1

Re: 532 Malpaque Road (PID #145797) and (PID #145789) **Page #2..**

Safety Concern: The area of Winsloe where the application has been submitted has been transformed into a very busy area with a very large amount of highway traffic. Back ups of traffic Westward from the traffic light at the Irving are not uncommon and greatly increase in frequency during the summer months. The increase in traffic and activity has been caused by the rezoning of properties to the East side of the application which has resulted in the construction of several commercial businesses and apartment complexes. The increase in population of Winsloe and the surrounding area has also contributed to the increase.

Traffic exiting from Stockman drive and heading East is manageable during the peak traffic periods but attempting to head West at that time is very dangerous. The construction of an apartment building with a North side exit onto Hwy #2 and almost opposite Stockman Dr. would greatly increase the potential for motor vehicle accidents. Most vehicles exiting the lot of the proposed apartment building would most likely attempting to travel East and therefore have to cross the West bound lane of traffic. We have recently observed at least three serious motor vehicle accidents very near the intersection of Hwy #2 and Stockman Dr.

We believe any major zoning change such as the one in this application should be made with consideration of the area as a whole and not done one property at a time. Rezoning should only occur when proper structures are in place to deal with the changes which will result from any zoning change.


Wayne & Sandra MacNeill
Stockman Dr. Winsloe

Planning & Heritage Department
City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE
Canada C1A 7K2

January 30, 2019

Dear Charlottetown Planning Council,

My name is Duncan Sturz, and I am a property owner (582 Malpeque Road) and twenty-seven year resident of the community of Winsloe.

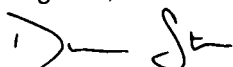
I write this letter in response to the Public Notice dated January 16, 2019 and the Public Meeting held January 30, 2019, regarding the proposed rezoning of 562 Malpeque Road (PID #145797) and the adjacent parcel (PID #145789) from single-detached residential (R-1L) to medium density residential (R-3).

I oppose this proposal for rezoning for the following reasons:

- Winsloe is a primarily residential community, which has experienced unprecedented and poorly planned commercial and high-density development over the past decade. This development continues to negatively impact our community's esthetic, decrease property values, shrink green-space, increase traffic volume, and degrade our community's sense of neighbourhood. To date, five multi-unit apartment buildings have either been built or approved, such that residential single-family dwellings are being pushed out of the area.
- Existing commercially zoned properties in Winsloe are currently underutilized; these properties should be developed before proposals for R-1L rezoning are considered.
- Morning and evening traffic volumes—especially in the summer months—have already reached frustrating levels such that property owners along this stretch of roadway have difficulty entering and exiting their properties safely. On top of this, there are already several new school bus stops in front of new apartment buildings along this stretch of the Malpeque Road, which compound morning traffic congestion.
- It should also be noted that another multi-unit apartment building was recently approved across from the Winsloe Petro Canada—a further development within 250m of the proposed rezoning and apartment building. This development already promises to compound current traffic issues upon its completion.
- Beyond multi-unit apartment building development in Winsloe, the community has experienced a high level of commercial growth including:
 - The new Charlottetown Water Towers and Pumping Station,
 - The Irving Gas Station,
 - Toy Master Motor Sports' RV Sales lot (whose owners illegally cut down a hedgerow of red pines on provincial land bordering the Confederation Trail),
 - Southwest Truck Parts,
 - Robin's Donuts,
 - A Chinese Food Restaurant,
 - Quartermaster Marine's expansion, and
 - The expansion of Armour Trucking to house a PEPSI satellite operation.

To be clear, I am not against community development, growth, or apartment buildings, but the unprecedented level of development on this short 400m stretch of road has begun to threaten our community's esthetic, dynamic, and traffic safety. Thank you for considering my concerns.

Regards,



Duncan Sturz
(902) 388-8727

Planning & Heritage Department January 30, 2019
City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE
Canada C1A 7K2

Dear Charlottetown Planning Council,

My name is Jack Sturz, and I am a property owner (187 Winsloe Road) and twenty-five year resident of the community of Winsloe, now South Winsloe.

I write this letter in response to the Public Notice dated January 16, 2019 and the Public Meeting held January 30, 2019, regarding the proposed rezoning of 562 Malpeque Road (PID #145797) and the adjacent parcel (PID #145789) from single-detached residential (R-1L) to medium density residential (R-3).

I oppose this proposal for rezoning for the following reasons:


- Winsloe is a primarily residential community, which has experienced unprecedented and poorly planned commercial and high-density development over the past decade. This development continues to negatively impact our community's esthetic, decrease property values, shrink green-space, increase traffic volume, and degrade our community's sense of neighbourhood. To date, five multi-unit apartment buildings have either been built or approved, such that residential single-family dwellings are being pushed out of the area.
- Existing commercially zoned properties in Winsloe are currently underutilized; these properties should be developed before proposals for R-1L rezoning are considered.
- Morning and evening traffic volumes—especially in the summer months—have already reached frustrating levels such that property owners along this stretch of roadway have difficulty entering and exiting their properties safely. On top of this, there are already several new school bus stops in front of new apartment buildings along this stretch of the Malpeque Road, which compound morning traffic congestion.
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 - o The new Charlottetown Water Towers and Pumping Station,
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- o Toy Master Motor Sports' RV Sales lot (whose owners illegally cut down a hedgerow of red pines on provincial land bordering the Confederation Trail),
- o Southwest Truck Parts,
- o Robin's Donuts,
- o A Chinese Food Restaurant,
- o Quartermaster Marine's expansion, and
- o The expansion of Armour Trucking to house a PEPSI satellite operation.

To be clear, I am not against community development, growth, or apartment buildings, but the unprecedented level of development on this short 400m stretch of road has begun to threaten our community's esthetic, dynamic, and traffic safety. Thank you for considering my concerns.

Regards,

Jack Sturz
(902) 393-2235

TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID#'S 277566 & 277558) 14 & 18 BEASLEY STREET FILE: PLAN-2019-04-February-6A2 OWNERS: HEATHER AND MIKE HUGHES APPLICANT: HILL BAY HOLDINGS INC.		
MEETING DATE: February 4, 2019		Page 1 of 9
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Survey Plan C. Elevations	
SITE INFORMATION: Context: Mature low density neighbourhood consisting of single detached and semi-detached dwellings. Ward No: 2 – Belvedere Existing Land Use: existing single detached dwelling and semi-detached dwelling Official Plan: Low Density Residential Zoning: Low Density Residential (R-1L) Zone		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to reject the request to proceed to public consultation to amend Appendix “A” the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and a request to amend Appendix “G” – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-1L (Single Detached Residential) zone to R-3 (Medium Density Residential) zone for the properties located at 14 &18 Beasley Avenue, PID # 277566 and PID # 277558.

Further the Planning & Heritage Department encourages Planning Board to reject the request to consolidate PID # 277566 and PID # 277558 located at 14 & 18 Beasley Avenue.

BACKGROUND:

Request

An application has been submitted for a request to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone two properties located on Beasley Avenue PID#'s 277566 and 277558 from R-1L, Single Detached Residential Zone to R-3, Medium Density Residential Zone.

Development Context

The subject properties are located at 14 and 18 Beasley Avenue. To the north is land zoned open space and land zoned R-3 (Medium Density Residential) which is accessed off of Kensington Road. To the east is R-1L Low Density Residential zoned land. To the north is low density residential zoned land designated R-1L, R-1S and R-2 and to the west is R-1L Low Density Residential zoned land.

ANALYSIS:

Beasley Avenue is considered a mature, low density residential neighbourhood. Housing forms located on this street are older, low rise, single detached dwellings with a scattering of semi-detached dwellings. There is no higher density development building forms located on this street. The applicant is proposing to demolish the existing semi-detached dwelling located at 18 Beasley and the single detached dwelling located at 14 Beasley, consolidate the lots and construct a 3.5 story, 32 unit apartment building.

The total lot area of both 14 & 18 Beasley Avenue is approximately 29,495 sq. feet. The R-3 Zone allows for a density of 1,237.9 sq. ft. per unit. This would support a density of 23 units. However, the applicant is proposing underground parking. Therefore, a 20 % density bonus can be applied for underground parking which allows a total density of 27 units on the two properties. If these properties are rezoned to R-3 the applicant is proposing a 32 unit apartment building. Therefore, if rezoned a variance will also have to be granted to support a density of 32 units.

The applicant has provided a site plan and the proposed building is approximately 88 ft. wide x 140 ft. long for a total footprint of 12,320 sq. ft. According to the site plan the proposed building can meet the minimum side yard and rear yard setbacks. The front yard setback of the proposed building is aligned with the existing single detached dwellings on the street. The lot is long and rectangular which requires the building to be oriented end on to the street as opposed to being

oriented toward the street and does not present well or integrate into the streetscape. The concept elevations for the building do not indicate a height. However, staff estimates a minimum height of approximately 40 feet. The adjoining dwellings on the street are estimated at a maximum height of approximately 20 feet.

Given the surrounding density of single family dwellings and the building forms on the street staff have concerns with regard to this proposal. It is staff's opinion that this proposal is not consistent with good planning principles. In respect to the streetscape it would be difficult for a building with this bulk and scale to fit into the existing streetscape.

Although there is land zoned R-3 to the north of this proposal the apartment buildings located on these properties are accessed off of Kensington Road which is a busy collector road. Beasley Avenue although used as a connector between St. Peters Road and Kensington Road is considered a local street and does not have as much traffic as Kensington Road. The proposed 32 unit apartment building would increase vehicular trips on Beasley Avenue. However, without a traffic study it is hard to determine whether enough traffic would be generated to create a negative impact on Beasley Avenue.

Staff has examined sections of the Official Plan and the Official Plan supports moderately higher density within neighbourhoods. It is staff's opinion that the sections referenced within this report do not contemplate or support such high density built to this bulk and scale within a low density residential neighbourhood. Below are sections in the Official Plan that support moderately higher densities and infill development within existing residential neighbourhoods.

Section 3.1.2 of the Official Plan states, "2. *Our objective is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities.*

- *Our policy shall be to allow moderately higher densities in neighbourhoods, and to allow in-law suites in residential land-use designations, and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

Section 3.2 of the Official Plan further states,

3.2 Sustaining Charlottetown's Neighbourhoods

Defining Our Direction

*Our **goal** is to maintain the distinct character of Charlottetown's neighbourhoods, to enhance the special qualities of each, and to help them adjust to the challenges of economic and social transformation.*

1. *Our **objective** is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings.*

- *Our **policy** shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings.*

- *Our **policy** shall be to establish an appropriate relationship between the height and density of all new development in mixed-use residential areas of existing neighbourhoods.*

2. *Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.*

- *Our **policy** shall be to permit moderately higher densities in new neighbourhoods and to permit in-laws suites in residential land use designations and to make provision for higher density residential projects located in the Downtown Core Area and the Waterfront (located in the 500 Lot Area) and to permit multiple unit developments in suburban areas provided that it is development at a density which will not unduly adversely affect existing low density housing.*

Amended November 27, 2014

Section 3.2 under the heading of Environment for Change further states,

The Environment for Change

Preserving the distinctive character and identity of Charlottetown's neighbourhoods requires strategies that promote internal stability as well as a sense of community identity. The

CHARLOTTETOWN PLAN incorporates policies which will help preserve the harmony and integrity of each existing neighbourhood within the City.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ The proposal would provide additional housing options within the neighbourhood 	<ul style="list-style-type: none"> ▪ The applicant has proposed underground parking within the building with additional surface parking on site. ▪ The proposal meets the setbacks for the R-3 Zone. 	<ul style="list-style-type: none"> ▪ The bulk, scale and mass of the proposed building does not fit in with the surrounding streetscape. ▪ The proposed building will be oriented end on to the street and therefore its design does not integrate into the streetscape. . ▪ Rezoning this property to R-3 would result in a spot zone. ▪ Beasley is a mature low density neighbourhood and a 32 unit apartment building would not be considered a moderately higher density for this street. ▪ The proposed density of 32 units is more than what the Bylaw permits for a lot of this size with underground parking in the R-3 Zone. A variance would also have to be granted for density.

CONCLUSION:

Given the character, density and existing building forms located on the street the Planning & Heritage Department encourages Planning Board to recommend to reject the application to amend the Future Land Use map from Low Density Residential to Medium density Residential and to rezone the properties located at 14 & 18 Beasley Avenue from R-1L to R-3 and that lot consolidation of PID # 277566 and PID # 277558 be rejected to proceed to public consultation.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II



A handwritten signature in blue ink that reads "Laurel Palmer Thompson". The signature is written in a cursive style and is positioned above a solid blue horizontal line.

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

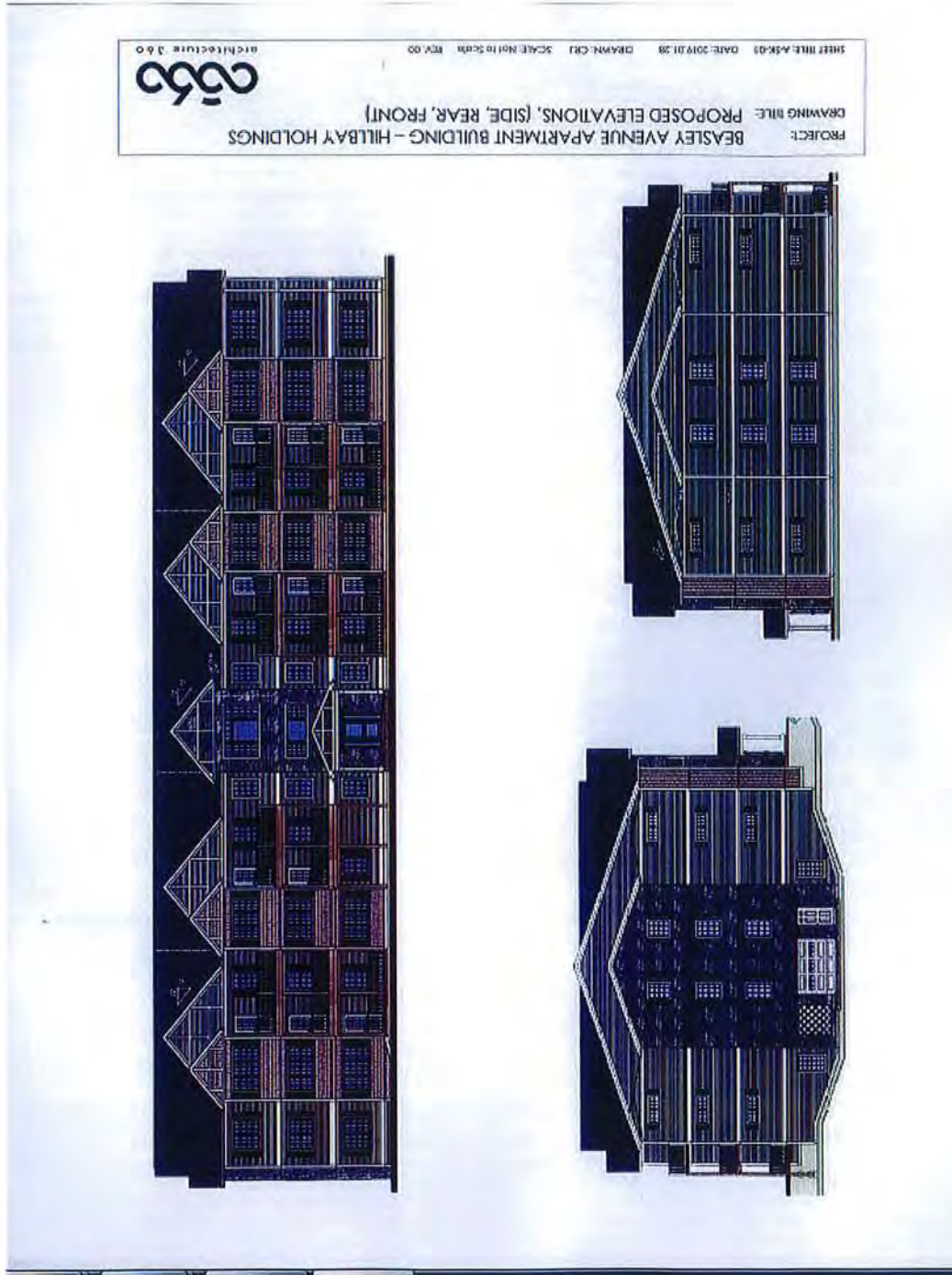



A handwritten signature in blue ink that reads "Alex Forbes". The signature is written in a cursive style and is positioned above a solid blue horizontal line.

GIS Map:



Elevations:



TITLE: REZONING APPLICATION FILE: PLAN-2019-4-FEBRUARY - 6A3 ROYALTY ROAD (PID #388595) OWNER: ROYALTY RIDGE ESTATES INC.		 CHARLOTTETOWN
MEETING DATE: February 4, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan – Phase I (Proposed) C. Site Plan – Phase I & II (Future) D. Letters of Opposition	
SITE INFORMATION: Context: 11.06 acre vacant property on the corner of Upton Road and Royalty Road. Ward No: 8 - Highfield Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1S) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to rezone approximately 3.89 acres of the vacant property located on the corner of Royalty Road and Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone, be deferred until such time that the applicants can appropriately revise their plans based upon the feedback received at the public consultation.

BACKGROUND:

Request

The property owners, George Zafiris & Robert Wakelin (Royalty Ridge Estates Inc.), are applying to rezone a portion of the vacant property located on the corner of Royalty Road & Upton Road from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.

The purpose of the rezoning would be to construct nine properties which would allow the development of 2-unit dwellings. Seven of these properties would be located on a cul-de-sac off Royalty Road while the remaining two lots would have direct frontage onto Royalty Road.

At this time, it is proposed that the remaining lands would be developed with frontage on either Royalty Road / Upton Road or would have frontage off of the proposed Meadow Lane extension. The road configuration has been reviewed by Police, Public Works, and Fire but the zoning of these lands has yet to be determined. At this time, they will remain zoned R-1S.

Finally, the applicant is proposing a 6,295 sq ft landscaped corridor between the two cul-de-sacs and a 40,760 sq ft landscaped open space which has been reviewed by and satisfies the requirements of the Parks & Recreation Department.

Development Context

The vacant property is located on the corner of Upton Road and Royalty Road and is currently zoned Single-Detached Residential (R-1S). The subdivisions to the south and the west are both zoned R-1L and R-1S, while the vacant land to the east is zoned R-2. The properties across the street with frontage on Royalty Road are located in the R-1L Zone; however, the vacant land in the rear of said properties is located in the R-2S Zone.

The overall neighbourhood of West Royalty is mixed with single-detached dwellings and semi-detached / duplex dwellings. The proposed rezoning from the R-1S Zone to the R-2 Zone would not be out of context for the neighbourhood, but staff would note that the existing dwellings that would bookend the area being rezoned along Royalty Road are zoned R-1S and R-1L.

Property History

There is no building & development permit records or subdivision records for the 11.06 acre vacant property.

LEGISLATIVE REQUIREMENTS:

Notification

On January 14, 2019, Council passed the following resolution:

That the request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential

(R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings, be approved to proceed to a Public Consultation.

As per Section 3.10.4 of the Zoning & Development By-law, written notice was sent to all affected property owners within 100m of the subject property on January 16, 2019. The letter informed them of the rezoning application and the upcoming public meeting. The letter then explained that comments for or against the proposed rezoning must be submitted prior to 12:00 p.m. (noon) on Thursday, January 31, 2019.

In addition, staff published a notice in two issues of The Guardian on January 19, 2019 and January 26, 2019 and posted a copy of the notice on the subject property.

Public Feedback

Twenty-five (25) letters of opposition were received prior to the deadline for comments. The comments received are summarized below. All of the written responses are located in Attachment D.

Opposed

- The applicants purchased the property as R-1S understanding it's zoning at the time and should be developed as such.
- There is available vacant R-2 land within the City of Charlottetown if the applicant is looking to develop two-unit dwellings.
- The rezoning approval of Phase I will lead to a subsequent rezoning application / approval of Phase II.
- The approval of two-unit dwellings will compromise the single-detached identity of the Park Meadow Estates.
- Meadow Lane should connect to Royalty Road through the subject property if additional development is being proposed.
- Traffic in the Park Meadow Estates and on the Royalty Road / Upton Road is too significant already.
- The existing streets do not have sidewalks and are in vast disrepair.
- The additional density on the subject property will add to the already overcrowded schools.
- The applicants did not do their due diligence on the property prior to applying to rezone it.

In addition, a public meeting of Council was held on January 30, 2019 at 7:00 p.m. at Studio 1, Confederation Centre of the Arts, 145 Richmond Street. At the meeting, seven (7) residents spoke in opposition of the rezoning application while one (1) residential spoke in favour. Additional comments from the public meeting which were not identified by way of written responses are summarized below. A detailed summary of the concerns are identified in the public meeting minutes.

In Favour

- Additional two-unit dwellings are required in West Royalty.
- Alternative housing types allow for residents to downsize from their existing single-detached dwellings while remaining within their neighbourhood.

Opposed

- Park Meadow Estates was originally designed to connect Meadow Lane to Royalty Road through the subject property.
- One entrance to Park Meadow Estates through Parricus Mead Drive isn't sufficient for the existing subdivision, let alone additional development on the subject property by way of a cul-de-sac.
- Residents of West Royalty are constantly required to oppose rezoning applications from developers of vacant land in the area.
- The subject property has historically had water issues which need to be addressed.
- The size of the dwellings and width of driveways should be limited to provide additional open space for water to percolate into the soil.

ANALYSIS:

On January 31, 2019, following the public meeting, staff spoke with the applicants who expressed their desire to defer the application to give themselves an opportunity to address some of the concerns raised by the public including, but may not limited to, density, drainage, access, and traffic. The applicants have indicated that they will be reviewing their original plan and providing a revised plan that would encompass the entire property, not only the portion of the property being proposed for rezoning. Through discussions with the applicant, they indicated that they would likely be willing to enter into a Development Agreement for the development of the subject property.

Staff would agree that there are some technical aspects of the rezoning application that could be approved upon and would like an opportunity to work with the applicant before finalizing the report. Some of the aspects that the Planning & Heritage Department would like to see include a revised road network connecting Park Meadows Estates to Royalty Road (likely at Alderwood Drive), a surface water management plan addressing the historical water issues and a study of the proposed density vs. the permitted density.

CONCLUSION:

The Planning & Heritage Department recommends that the rezoning application, be deferred.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
 File: PLAN-2019-4-FEBRUARY-6A3
 Royalty Road (PID #388595)
 Owner: Royalty Ridge Estates Inc.


CHARLOTTETOWN
 Planning & Heritage
 Department



Attachment B



Attachment B: Site Plan – Phase I (Proposed)
 File: PLAN-2019-4-FEBRUARY- **6A3**
 Royalty Road (PID #388595)
 Owner: Royalty Ridge Estates Inc.


CHARLOTTETOWN
 Planning & Heritage
 Department



ISE
 Island Surveying & Engineering

NO. OF SURVEY SUBDIVISION PROPOSED: 1
 PROPOSED SUBDIVISION BEING SUBMITTED OF LANDS OF PID No. 388595
 SCALE 1" = 60'
 CHARLOTTETOWN
 PEEL COUNTY
 TOWNSHIP No. 23
 RANGE No. 10000-4-RE
 P.E.L. No. 2020335



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Attachment D

25 Letters of Opposition Attached:

1. Randy Mayne
2. Craig & Joanne Walker
3. Carter Russell
4. Jason Craig
5. Tom & Vicky Garland
6. Tom Garland
7. Carol & Blake Craswell
8. Judy Hale
9. Blair & Val MacKinnon
10. Anne & Allan McGuirk
11. Daren Dixon
12. Glenn D. Trueman
13. Mandy Dixon
14. Karen Hopkins
15. Richard & Audrey Gallant
16. Shawna & Dennis Carver
17. Reid Barnett
18. Rick Rooney
19. Scott & Jen Gosse
20. Sarah Sauchenko
21. Patricia & Shawn Wakelin
22. Matthew & Julie Gallant
23. Yueming
24. Thane Myers
25. Laurie & John McBride

Attachment D: Letters of Opposition
File: PLAN-2019-4-FEBRUARY- **6A3**
Royalty Road (PID #388595)
Owner: Royalty Ridge Estates Inc.





Planning Department

From: Coady, Jason
Sent: Saturday, January 26, 2019 7:38 PM
To: Planning Department
Subject: Fwd: Rezone PID 388595 request

Sent from my iPhone

Begin forwarded message:

From: "Mayne, Randy" <mayne.randy@kent.ca>
Date: January 26, 2019 at 6:29:18 PM AST
To: "jascoady@charlottetown.ca" <jascoady@charlottetown.ca>
Subject: Rezone PID 388595 request

Hi Jason

Regarding the request to move from R1S TO R2 Is not acceptable to me! I can't make the meeting next week, but if you can let them know that 23 Parricus Mead drive is not in favor of this change.

Thank you

Randy Mayne

Sent from my Bell Samsung device over Canada's largest network.

Disclaimer

This e-mail contains confidential information intended only for the person(s) to whom it is addressed. It may also be privileged or otherwise protected by other legal principles. Any unauthorized disclosure, use, dissemination or copying, in whole or in part, is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete this e-mail and any attachments from your computer system and records. Thank you.

Avis de non-responsabilité

Ce courriel contient des informations confidentielles uniquement destinées à la ou les personnes à qui il est adressé. Il se peut également que ce message soit protégé par privilège ou autrement protégé par d'autres principes légaux. Toute divulgation, utilisation, dissémination ou copie non autorisée, de tout ou d'une partie de ce courriel, est strictement interdite. Si vous n'êtes pas le destinataire prévu, veuillez en avvertir immédiatement l'expéditeur et supprimer ce courriel ainsi que toute pièce jointe éventuelle de votre ordinateur et de vos dossiers. Merci.

2

Planning Department

From: Rivard, Greg
Sent: Monday, January 28, 2019 12:00 PM
To: Craig Walker; Planning Department
Cc: Coady, Jason
Subject: RE: Request to Rezone PID 388595 - Corner of Royalty Road & Upton Road

Thank you Craig and Joanne for the email and your comments. I will ensure your email is included in the package that Council will review. As you may be aware, there is also a Public Meeting taking place on Wed night at 7pm at the Confed Centre and would suggest you attend if possible.

Thanks again
Greg

From: Craig Walker [<mailto:craigwalker59@gmail.com>]
Sent: January 27, 2019 4:30 PM
To: Planning Department
Cc: Coady, Jason; Rivard, Greg
Subject: Request to Rezone PID 388595 - Corner of Royalty Road & Upton Road

Attention: City of Charlottetown Planning & Heritage Department

We are writing in regard to the recent request to the City for rezoning the parcel at the corner of the Royalty Road and Upton Road from R-1S to R-2.

We are the owners of the property at 6 Parricus Mead Drive and have been residents of this location since 2005. This neighbourhood includes all single family homes, which are owner occupied and include many families with young children.

This is to advise that we are opposed to the rezoning of this parcel as it will inevitably spread to the remaining portion of the parcel which is noted as being intended in a future and separate rezoning request. As we understand it the remaining portion of the parcel is planned to be accessed through Parricus Mead Drive and Meadow Lane.

Our concerns relate to the additional traffic that will be generated if this land is rezoned to R-2. Our concern also relates to the fact that the developer understood, at the time of their purchase, that this land is zoned R-1S and their plans should advance with this as the planned housing.

Thank you for the opportunity to provide our input as you review this application.

Regards
Craig & Joanne Walker

6 Parricus Mead Drive
Charlottetown, PE
C1E 2H1

cc: Councillor Jason Coady, Councillor Greg Rivard

3

Planning Department

From: Coady, Jason
Sent: Monday, January 28, 2019 7:23 PM
To: Planning Department
Subject: Fwd: Rezoning Request relating to the Corner of Royalty Road and Upton Road (PID # 388595)

Sent from my iPhone

Begin forwarded message:

From: Carter Russell <csjrussell@gmail.com>
Date: January 28, 2019 at 4:18:41 PM AST
To: <jascoady@charlottetown.ca>
Cc: Sherri Russell <serussell@upei.ca>
Subject: Rezoning Request relating to the Corner of Royalty Road and Upton Road (PID #388595)

Hi Jason,

My name is Carter Russell. My spouse (Sherri Russell) and I live at 110 Parricus Mead.

I am writing to advise that we do not support the rezoning of PID #388595 from R-1S to R-2. We purchased 110 Parricus Mead because it was zoned R-1S as was the surrounding area. We wish that PID #388595 remain R-1S.

Regards,

Carter Russell

4

Planning Department

From: Coady, Jason
Sent: Monday, January 28, 2019 7:43 PM
To: Planning Department
Subject: Fwd: Rezone

Sent from my iPhone

Begin forwarded message:

From: Jason Craig <jcraig@quartermastermarine.com>
Date: January 28, 2019 at 7:33:05 PM AST
To: <jascoady@charlottetown.ca>
Subject: Rezone

Hi Jason

I will not be available for the public meeting on Wednesday, January 30.

I would appreciate you putting my name, Jason Craig of 19 Parricus Mead Drive against the request to rezone the vacant property on the corner of Royalty Road and Upton Road.

Sincerely

Jason Craig

Sent from my iPhone

5

Planning Department

From: Vicky <zen13@eastlink.ca>
Sent: Monday, January 28, 2019 8:29 PM
To: Planning Department
Cc: Coady, Jason
Subject: Corner of Royalty Road & Upton Road (PID # 388595)

City of Charlottetown Planning & Heritage Department

This letter is in response to the request to rezone the property located on the corner of Royalty Road and Upton Road (PID #388595) from R-IS Zone to (R-2) Zone.

We are **opposed** to this request and understand after much discussion, most of the residents in Parricus Mead subdivision feel the same way.

Our home was purchased in 2006, in the early stages of the subdivision development and we understood at that time, the plan was for a Single- Detached Residential Zone. The reason we purchased in this area of the city was because of the quality and re-sale value of the homes. Traffic was minimal at the time and there was a covenant in place that guaranteed a higher standard for the subdivision.

Re-zoning the adjacent property will most likely lower our property values, increase traffic exponentially as the homes will be semi-detached with more families in a smaller area. Although only one section of this vacant property is being discussed currently, we know it will be much easier to change the zoning on the other half if this is passed. Flowing traffic through Parricus Mead to enter the new subdivision will certainly change the dynamics where we live. Not only will it add more wear and tear to our streets, it will affect all of the families with children and dogs who feel very comfortable and safe walking on a daily basis through the neighborhood.

Please record our vote as a definite **NO** to this request. If further information is required, please contact us.

Tom and Vicky Garland

7 Parricus Mead Dr.
Charlottetown PE
(902) 620-9763
tspirit@eastlink.ca
garlandv13@gmail.com

6

Planning Department

From: Tom <tspirit@eastlink.ca>
Sent: Tuesday, January 29, 2019 4:39 PM
To: Planning Department
Subject: PID #388595

By re-zoning the property located on corner of Royalty and Upton from R-IS to R-2 Council might argue that this is an attempt to provide affordable housing. This would be a strictly reactive measure and allows council to abdicate its responsibility to be pro-active and inclusive in planning a proper housing strategy without pitting one area against the other.

We need a longterm city planner to develop these sub-divisions. Don't change the existing plan . Take responsibility and develop new initiatives in other areas of the city. The residents here have made long term investments and plan to stay here.

We need to consider class action measures if fairness isn't followed.

Tom Garland
7 Parries Mead
902-620-9763

⑦

January 29, 2018

Greg Morrison, MCIP
Planner II

Re: Request to Rezone of a 3.89 acre Portion of PID#388595

Please take this letter as an official objection, from the owners of 78 Parricus Mead Drive, Blake and Carol Craswell, to the request to Rezone approximately 3.89 acres of vacant land being a portion of PID#388595 from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.

As you are aware, Royalty Ridge Estates Inc. acquired parcel no. 388595 from Stewart Dockendorff on July 25, 2018 under the current zoning of Single-Detached Residential (R-1S) Zone. The purchaser, Royalty Ridge Estates Inc. therefore, was fully aware of the current zoning of the property and completed the purchase with no requirement for the property transaction to be subject to any re-zoning approvals. The developer knew exactly what would be allowed to be developed on the land being purchased based on R-1S Zoning.

By denying the request to Rezone approximately 3.89 acres of vacant land, being a portion of PID#388595, from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone it will preserve the distinctive character and identity of the existing neighbourhood and surrounding lands and will help preserve the harmony and integrity of this land with existing adjacent neighbourhoods.

In addition to the above, any proposed re-zoning of PID#388595 to anything other than that of an R-1S Zone would have a negative affect on the current and future market values associated with the surrounding single family dwelling properties.

Yours truly,

Blake Craswell

Carol Craswell

Carol Craswell
Blake Craswell

Tel: (902) 368-6119
Fax: (902) 368-5395
ccraswell@icloud.com

h:letters

Planning Department

From: Coady, Jason
Sent: Tuesday, January 29, 2019 3:57 PM
To: Planning Department
Subject: Fwd: Zoning of corner of Royalty Rd and Upton Rd

Sent from my iPhone

Begin forwarded message:

From: Judy Hale <hale.ji@gmail.com>
Date: January 29, 2019 at 1:30:37 PM AST
To: <jascoady@charlottetown.ca>
Subject: Zoning of corner of Royalty Rd and Upton Rd

Hello Jason,

I am unable to attend the upcoming meeting where I understand the agenda includes the proposal to alter the zoning of the property at the corner of Royalty Rd and Upton Rd. I would like instead to put my comments forward via this email message in hopes that you could take these ideas forward along with others that you may have received already.

It is my understanding that the property in question is zoned as R1 and was zoned as R1 when it was put up for sale and purchased. It is my feeling that the new owner of the land should be bound to conditions that applied to the land when it was on the market. The Park Meadow subdivision which borders some of the property is zoned as R1. It seems to me that the new area should be considered as part of that whole community and thus the same zoning should apply. Considering a change in zoning of one portion of the parcel also makes no sense to me - keep it all as R1.

Ideally the property at the corner of Royalty Rd and Upton Rd would have remained as pasture or parkland - greenspace / a park would be lovely. If the property use has to change then please let's keep it as R1 rather than anything higher density.

Thank you for hearing my views,

Judy
16 year resident of 35 Parricus Mead Dr

9

Planning Department

From: Coady, Jason
Sent: Tuesday, January 29, 2019 3:58 PM
To: Planning Department
Subject: Fwd: re-zoning of PID #388595-000

Sent from my iPhone

Begin forwarded message:

From: Blair MacKinnon <blairmac7@gmail.com>
Date: January 29, 2019 at 3:04:39 PM AST
To: <jascoady@charlottetown.ca>
Subject: re-zoning of PID #388595-000

Hi Jason

Just want to express my NAY vote on the re-zoning of the above noted parcel of land currently owned by George Zafaris and Robert Wakelin from R1S to R2S. When purchased (recently) they made their decision to purchase on that basis and there is no reason for upgrading to higher density. In keeping with zoning regulations is for the benefit of the community and constituents within it. There is also no good reason for escalating the zoning level so that Royalty Ridge Estate can speculate to re-sell the property at a higher price without effort except to make the request. Both owners are knowledgeable characters within the developing real estate world and should be embarrassed by this request - on the other hand I give them credit for asking - if you don't shoot you don't score; but they should not expect to score that big!

Blair MacKinnon and Val MacKinnon
39 Westway Dr, Charlottetown, PE C1E 2K2

Thank you Jason
Blair



Planning Department

From: Anne McGuirk <annemcguirk18@gmail.com>
Sent: Tuesday, January 29, 2019 6:33 PM
To: Planning Department
Subject: Corner of Royalty Road and Upton Road PID 388595

My name is Anne McGuirk and my husband and I live at 7 Meadow Lane in Park Meadow Estates. We are NOT in favour of the re-zoning the above piece of land to R2 Low Density Residential. We moved to this subdivision because it was a small quiet subdivision and we want it to stay that way. The developer that bought this Parcel of land bought it knowing it was zoned for Single Detached Residential R-1S and this should be enforced by the city of Charlottetown,

Please make our comments part of the public record.

Anne and Allan McGuirk

Sent from my iPad



Planning Department

From: Coady, Jason
Sent: Tuesday, January 29, 2019 8:23 PM
To: Planning Department
Subject: Fwd: Proposed rezoning on Royalty Road

Sent from my iPhone

Begin forwarded message:

From: Daren D <djdixon007@hotmail.com>
Date: January 29, 2019 at 7:20:04 PM AST
To: "jascoady@charlottetown.ca" <jascoady@charlottetown.ca>
Subject: Proposed rezoning on Royalty Road

Councillor,

I recently noticed the notices for the meeting to advise or to receive input from residents on the proposed rezoning on the corner lot of Royalty and Upton roads. As I am unable to attend the meeting to hear firsthand what the proposed development is for this area, I am wondering if you could fill me in? I notice that the proposal is to go from R1 to R2S, if I am correct. This means that detached, duplexes, semi-detached, *and* **group** homes will be permissible.

Not knowing what type of development is being proposed, I do wish to make it known that I am **against** any kind of **group** home development. We do not need another development such as on Mt. Edward road behind the mall, or by the Arterial Highway on Red Fox Court, being built. Yes, I understand that there is a housing issue. Yet, this type of development does not solve this. All it will do is effectively increase traffic on an already busy stretch of road, creating greater chances for accidents to happen. There have already been incidents I have witnessed while walking my dogs along the sidewalk, with the row of duplexes recently installed along the Royalty Road. By all means, Single or semi-detached / duplex if you must, but please, please do not put in this development of group homes. Certainly do not go the route of apartment buildings, as this will definitely increase traffic concerns.

I am not one for often voicing my concerns to elected officials, but in this, I am making an exception.

Thank you for your time, and look forward to hearing/seeing the results of the meeting.

Daren Dixon
Thorndale Drive.

12

Planning Department

From: Glenn Trueman <gtrueman@pei.sympatico.ca>
Sent: Wednesday, January 30, 2019 6:05 AM
To: Planning Department
Cc: jasoncoady2018@gmail.com
Subject: Re: Corner of Royalty Road and Upton Road (PID # 388595)

Attention Greg Morrison

Dear Sir: With this email I would like to voice my objection and offer comments regarding the pending zone change for this property from R1S to R-2. I have only recently been made aware of these proposed changes.

I have been a homeowner on Parricus Mead Drive since building my home in 2005. I did so with the belief that this was a "high end" neighbourhood of single family dwellings and with the view that this would remain so well into the future with the planned addition of other similar subdivisions in the area such as Sandelwood Drive and Westridge Subdivisions. I am very disappointed that a new developer who purchased this property, which was in an R1S Zone, has now applied for, and the City is considering the amendment to Zoning to provide for "Low Density Residential" housing which will almost certainly provide a negative impact to the valuation of my property. Since 2005, I have paid personally close to \$ 33,000 in property taxes on my residential property and it is most disconcerting that my investment, along with other homeowners in my immediate area is now threatened. I would support this development in the intent of the original R1S Zoning as it would serve to contribute to the growing needs of the area and be respectful of current homeowners however strongly object to any notion of change to R-2. There are other parcels of land currently in this area which are zoned as R-2, so I cannot understand or support the City in consideration of amending the zoning of this parcel of land simply to appease the desire for additional revenue to a developer, while disrespecting taxpayers who are have supported the city financially for many years.

There are other concerns:

Safety:

Based on my understanding of the proposed plans, there will be no access to this new subdivision from Royalty Road or Upton Road. I believe the plans are to extend Meadow Lane to provide access to this new development. If so, the increased traffic on Parricus Mead/Meadow Lane through the construction and development stages as well as future residential traffic of approximately 80 new homes will create an unacceptable level of traffic **on streets that are already well worn, too narrow, and void of necessities such as sidewalks to protect children and seniors from this increased traffic.** This is unacceptable. I fail to understand the logic behind not adding street access to this proposed subdivision to Royalty Road or Upton Road but rather directing all traffic through a fully populated residential subdivision. This factor must be considered before any construction commences for the safety of residents of Parricus Mead Drive and Meadow Lane.

I sincerely hope that these factors will be taken into consideration and that the existing zoning of this property remain "as is" at R1S

Respectfully submitted

Glenn D. Trueman

38 Parricus Mead Drive
Charlottetown PE
C1E 2H1
Phone: 902-628-8780

Planning Department

From: Mandy Dixon <mandydawndixon@gmail.com>
Sent: Wednesday, January 30, 2019 6:59 AM
To: Planning Department
Subject: Corner Royalty/Upton rd

Good morning:

I was made aware this week of possible construction in the field by my house. (Corner of Royalty rd/Upton rd. PID # 388595).

It is currently R1 land and I hear the builder wants to change it to an R2 land zone. I am not in favour for this. I have lived here for 10 years with my son. I chose to build here because of the quiet, low traffic area. Also because we had a covenant agreement which guaranteed that the houses were to look a certain way & the yards needed to be kept tidy. I feel if the land behind me is used for townhouses or duplexes, that it will be louder/higher traffic area, because of the influx of families.

This neighborhood has fought this kind of building (R2) in the past and we are willing to fight it again. Please do not allow this land purchaser to change the look/feel of our neighborhood.

Thank you
Mandy Dixon (98 Parricus Mead drive)

Planning Department

From: RYANATOR <karenhopkins805@gmail.com>
Sent: Wednesday, January 30, 2019 8:35 AM
To: Planning Department
Subject: Meeting to rezone Royalty Road & Upton Road request

Dear Greg Morrison,
I received your notice for the meeting regarding rezoning the parcel of land at Royalty and Upton road (PID#388595). I am a resident and owner of a home on Parricus Mead (#95) and I am writing to you since I may not be able to attend the meeting scheduled for tomorrow night. I wanted to state to you that my husband and I absolutely oppose this request since when we moved into this neighborhood it was our understanding that the neighbourhood would remain zoned as single detached residential homes. The price we paid when we moved into this neighbourhood also reflected this assumption. Any attempt to rezone this will be upsetting to any resident of this neighbourhood. We would greatly appreciate that you reject this request and keep this neighbourhood zoned as R-1S homes as it was meant to be.

Thank you,
Karen Hopkins

Planning Department

From: audrey gallant <randagallant@hotmail.com>
Sent: Wednesday, January 30, 2019 9:40 AM
To: jasoncoady@charlottetown.ca
Cc: Planning Department
Subject: Public meeting Wednesday Jan 30, 2019

Pleased be advised that as a property owner across the road from vacant property at corner of Royalty Road and Upton Road for 35 years, we would request that this property remain zoned as is, single detached residential. Due to other commitments we are unable to attend tonite meeting but wish to have our voices heard.

Richard & Audrey Gallant

Sent from my iPhone

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Planning Department

From: Shawna Carver <carvershawna@gmail.com>
Sent: Wednesday, January 30, 2019 11:01 AM
To: Planning Department
Cc: Rivard, Greg; Coady, Jason; dennis.carver@ca.gt.com
Subject: Corner of Royalty Road & Upton Road (PID# 388595)

Good morning,

My husband and I live at 3 Paddington Avenue which is right beside the Corner of Royalty Road & Upton Road (PID# 388595) in Charlottetown.

It was recently brought to our attention that the City of Charlottetown Planning & Heritage Department has received a request to rezone 3.89 acres of the vacant parcel 388595 from the current R-1S zone to a R-2 zone.

I am writing as my husband and I are unable to attend the public meeting this evening, but wanted to make you aware that we are not in favor of this rezoning request. When we built our house 4 1/2 years ago in Windsor Park Subdivision it was to in live in a quiet single-detached residential R-1S area, and not have the area around us built up with duplex/townhouses. We feel that the area in which we live is already busy enough with traffic as the Royalty Road and Upton Road are very popular routes for traffic and allowing R-2 rezoning would make our area that much busier with multi-family units and change the look of our residential R-1S area.

Thanks for your time.

Shawna & Dennis Carver
3 Paddington Avenue Homeowners

Planning Department

From: Coady, Jason
Sent: Wednesday, January 30, 2019 2:14 PM
To: Planning Department
Subject: Fwd: Zoning change request

Sent from my iPhone

Begin forwarded message:

From: Reid Barnett <reidbarnett@pei.sympatico.ca>
Date: January 30, 2019 at 1:54:48 PM AST
To: <jascoady@charlottetown.ca>
Subject: **Zoning change request**

Jason, I am writing in respect to the proposed zoning changes for Royalty Road that is backing onto the Park Meadow subdivision. I was quite distraught to find out that the developer was trying to change the zoning from the current RS 1 to RS2. In the event that I cannot make the meeting tonight I wanted to send you an email to express my concern. What is the purpose of the city assigning different zoning as part of its planning process, only to go and change it at the whims of developer. I purchased my house knowing that I was surrounded by single resident dwellings.

There is no inherent need to change the zoning other than the revenue opportunity for the developer. There is lots of land around that is zoned accordingly that is available to the developer for them to do duplexes. I would ask that the city stick to its original plans for RS 1 as this is what is suitable for the area.

Reid Barnett

22 Parricus Mead Drive

Planning Department

From: Rick Rooney <rick_rooney@hotmail.com>
Sent: Wednesday, January 30, 2019 7:06 PM
To: Planning Department
Subject: Cornerof Royalty Rd & Upton Rd (PID # 388595)

our house hold would like the plan to stay the same as it is now R-1S single detached residential

Sent from my Samsung Galaxy smartphone.

Planning Department

From: Coady, Jason
Sent: Wednesday, January 30, 2019 9:20 PM
To: Planning Department
Subject: Fwd: Property on the corner of Upton Road and Royalty Road

Sent from my iPhone

Begin forwarded message:

From: scott gosse <gossescott@hotmail.com>
Date: January 30, 2019 at 7:20:54 PM AST
To: "jascoady@charlottetown.ca" <jascoady@charlottetown.ca>
Subject: **Property on the corner of Upton Road and Royalty Road**

Hey Jason, this email is in regards to the meeting that was being held tonight regarding the re-zoning of the property on the corner of Royalty Road and Upton Road. Both myself (Scott Gosse) and Jennifer Boswell want to express our opinion in keeping the property for single residences only. We don't care if it is subdivided but do not want apartments or multi-family homes in that location. Please bring our opinion forward as we were unable to make the meeting. Thanks so much.. Scott and Jen.

Sent from my iPad

Planning Department

From: Sarah Sauchenko <ssauchenko@hotmail.com>
Sent: Wednesday, January 30, 2019 10:08 PM
To: Planning Department
Subject: Royalty Road & Upton Road - rezoning proposal

To whom it may concern.

I'am writing to address my concern regarding the proposal to rezone the corner of Royalty Road & Upton Road (PID #388595) from R1-S to R2. I strongly disagree with proposal as it will have many negative effects on the residential properties which surround this land. My name is Sarah Sauchenko and I own 86 Parricus Mead Dr. and also writing on the behalf of 82 Parricus Mead Dr. The rezoning of this vacant land from R1-S to R2 will have many negative effects on our properties as well as our neighborhood.

There are many other vacant properties that are zoned as R2, located in West Royalty such as the property off of Lower Malpeque which this corpoartion could have purchased but instead they purchased two parcels of land that are currently zoned as R1-S. The only reason that this company purchased the property on Royalty Road instead of the property that is for sale on Lower Malpeque Road, was solely due to the price tag. The price tag of the property that they purchased zoned at R1 (corner of Upton road and Royalty Road) was \$425,000 whereas that property that is already zoned at R2 (Lower Malpeque) has a price tag of over \$1 million. So if this company gets the property re-zoned, it will double it's profit and the owners can turn their Honda Civics into a Porsche. All this at the expense of the families that already own a home and raise a family within these neighborhoods.

These company did not do the proper due diligence or homework before purchasing this land and I really hope that council will listen to the community and reject this proposal. I believe these builders bought it as R1-S therefore should have to keep it zoned as R1-S. Other corporations have proposed to re-zone this property many times before and have been rejected, why would this time be any different, reject the proposal.

Kind Regards,
Sarah Sauchenko

Planning Department

From: Patricia Wakelin <pmwakelin@gmail.com>
Sent: Wednesday, January 30, 2019 11:54 PM
To: Planning Department
Cc: Patricia Wakelin
Subject: Corner of Royalty Road and Upton Road PID #388595

As a resident of Park Meadow, we would like to thank you for the opportunity to submit comments regarding the rezoning of the above noted property.

While we were in attendance at the public meeting on January 30, 2019, we did not voice our opinion at that time as others raised similar concerns that we have. We do, however, feel it is important that our individual concerns are raised.

We are opposed to the having this parcel of land rezoned.

We were one of the first individuals to purchase a lot in Park Meadow in 2003. At the time of purchasing our property we took into consideration the existing properties in the West Royalty community that were available for sale. As we were only interested in purchasing a property that was zoned for single family dwellings (ie. No duplexes) this narrowed our options. It was important to us that we purchase a property that was exclusive to single family homes and had restrictive covenants in place to protect our investment.

While we recognize that development within the area is inevitable, it is important that the type of development be considered. The rezoning of the property from R-1S to R-2 will increase the traffic significantly in not only the Park Meadow neighbourhood, but also the community as a whole. With increased traffic our family's safety will be put at greater risk and with more families in an area, there will be more noise.

The longstanding concerns over the infrastructure problems including the water management must also be considered.

We have heard time and time again about school overcrowding. Rezoning would mean double the amount of families occupying the properties. Has consideration been given to this impact on our already crowded schools?

While the current request for rezoning is for only a portion of the parcel, it is clear that, if approval for rezoning is granted, the remainder of the land will follow suit. This raises additional concerns regarding the safety within Park Meadow, particularly having so many additional homes tied to one entrance/exit.

At the time the individual(s) purchased the property they were fully aware that the property was zoned R-1S. If they had intended to construct duplex properties they should have purchased property already zoned R-2. As was pointed out at the meeting of January 30, there are parcels of land currently for sale within Charlottetown that are already zoned R-2.

We trust you will give strong consideration to the opposition displayed, not only at the meeting, but also through written submissions, and not approve the request to rezone PID388595 from R-1S to R-2.

Sincerely,
Patricia and Shawn Wakelin

Planning Department

From: matt g <matty_gallant@hotmail.com>
Sent: Thursday, January 31, 2019 7:38 AM
To: Planning Department
Subject: Re: corner of Royalty Road and Upton Road PID 388595

This email is in response to the proposed rezoning of a portion of the above noted PID from R-1S to R-2.

We are opposed to this rezoning request. The developer and City Council should respect and maintain the existing zoning classification as indicated in the master plan, being R-1S. There is plenty of R-2 land available throughout the city that the developer could use instead, should the R-1S at PID 388595 not be suitable for his development needs.

Further, we have great concern with the developers proposed Phase 2 plans for approximately 30 new lots with the ingress/egress being from the end of Meadow Lane. Should there ever be a Phase 2 development that occurs, Meadow Lane must connect through to Royalty Road. There is simply too much traffic as it is on Parricus Mead and Meadow Lane and the addition of 30 new lots would make the situation worse.

Respectfully submitted,

Matthew and Julie Gallant
59 Parricus Mead Drive

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Planning Department

From: Freya Qi <siwonai@hotmail.com>
Sent: Thursday, January 31, 2019 10:09 AM
To: Planning Department
Subject: Regarding PID#388595

Hi there,

My name is Yueming Qi, and I'm the owner of 18 Meadow Lane. I received the mail about changing the land next to my house from R-1S to R-2. I really hope that we can keep it as R-1S.

Thanks,
Yueming

Sent from my iPhone

Planning Department

From: Thane Myers <tmyers@atlent.ca>
Sent: Thursday, January 31, 2019 10:32 AM
To: Planning Department
Subject: Rezoning of PID #388595

Very good meeting last night; I have attended previous meetings on rezoning in this area that were quite contentious. Concerning the rezoning of PID #388595; the area was zoned as R-1S, was purchased as R-1S, so it should be developed as R-1S.

Thank you.

Thane Myers, P.Eng.



Atlantic Enterprise Ltd.

64 Royalty Road, Charlottetown, PE
Ph: (902) 368-1740 Fx: (902) 368-2534
www.atlanticenterprise.ca



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Planning Department

From: Coady, Jason
Sent: Thursday, January 31, 2019 12:51 PM
To: Planning Department
Subject: Fwd: Rezoning of (PID #388595) Public Meeting follow up

Sent from my iPhone

Begin forwarded message:

From: John McBride <mcbridejohn911@gmail.com>
Date: January 31, 2019 at 11:42:08 AM AST
To: <grivard@charlottetown.ca>, <jascoady@charlottetown.ca>, <mayor@charlottetown.ca>
Cc: <ajankov@charlottetown.ca>, <tmacleod4@charlottetown.ca>, <mduffy@charlottetown.ca>, <mtweel@charlottetown.ca>, <kramsay@charlottetown.ca>, <rdoiron@charlottetown.ca>, <jlmccabe@charlottetown.ca>, <tbernard@charlottetown.ca>
Subject: Rezoning of (PID #388595) Public Meeting follow up

Laurie & John McBride
90 Parricus Mead Drive
Charlottetown, PEI, C1E2H1

January 30, 2019

Re. Corner of Royalty Road & Upton Road (PID #388595)

I was in attendance at the Public Meeting January 30, 2019 and am sending a follow up email to voice concerns over the proposal to develop a parcel of land at the corner of Upton Road and Royalty Road, PID #388595 to rezone from single Detached (R-1S) Zone to Low Density Residential (R-2).

We are against a change to have this parcel of property re-zoned. Our concerns are with water drainage, increased traffic volume and reduced property value.

When we moved into our current residence at 90 Parricus Mead Drive in 2014 overland water was an issue. Our neighbours property would have a river of water flowing past during heavy rains. Eventually a proper drainage ditch was built along side their property and an overflow pond and berm were constructed on the back side of our property at the high point. We are at the high point of Parricus Mead Drive and it is like a swamp with standing water times. The parcel of land for proposed development is commonly complete submerged in water. If the land is covered with houses and pavement the water still has to go somewhere, which will be detrimental to neighbouring properties. Even with the City best efforts to control the water behind our property we are thankful for our sub-pump. And still at times during heavy rain the drainage between our neighbours properties at 86 & 82 Parricus Mead Drive the water flows heavily.


Another concern is the increased traffic volume. Developing the land for single detached homes is one thing but doubling the occupancy volume in the area by building duplexes is going to at least double the amount of traffic to a condensed busy area with only one exit from the sub-division. When we

purchased our property, we did so because it was only single-detached homes and also only a small street. We did look at homes on and around Alderwood Drive but decide to pay a little more for our property knowing that our sub-division would always be single family detached homes. I did my homework before purchasing the developer should of did his and planned a little better.

The developer knew what the land was zoned for when he purchased the property. As stated at the meeting last night he knew what he was buying and he should have planned accordingly or purchased land that was already zoned for what he wanted the land for, again as stated there is lots of land zoned R-2 but at a high price. I would hope that this wasn't his intention all along. It makes me suspicious of him having the best interest of the community in mind.

A failure by Charlottetown City Council to enforce the original zoning of the property, and allow the developer to construct anything but single-detached (R-1S) homes would be insulting and negatively viewed upon by members of the neighbouring community. We hope that as our elected representatives you will have the best interest of our little community within Charlottetown best interests in mind. Put an end to this issue once and for all and ensure that this property remains single-detached home (R-1S) in stead of repeating the same issue over and over again.

Sincerely, Laurie & John McBride

TITLE: REZONING APPLICATION FILE: PLAN-2019-4-FEBRUARY- 6A4 68 BRACKLEY POINT ROAD (PID #396713) OWNER: HILL-BAY HOLDINGS INC.		 CHARLOTTETOWN
MEETING DATE: February 4, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Partial Floor Plan D. Partial Elevation	
SITE INFORMATION: Context: Vacant property on Brackley Point Road. Ward No: 9 - Stonepark Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request to proceed to public consultation for the rezoning request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential for the property located at 68 Brackley Point Road (PID #396713); and
2. Amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone for the property located at 68 Brackley Point Road (PID #396713).

BACKGROUND:

Request

The property owners, David Jackson & Veronica Laidlaw (Hill-Bay Holdings Inc.), are applying to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone.

The purpose of the rezoning would be to construct a 48-unit apartment building with underground parking on the vacant property.

The proposed 3-storey apartment building would contain 16 residential dwelling units on each storey. While the plans are preliminary at this stage, the applicant has proposed that 50 parking spaces would be located underground while 22 parking spaces would be located on the surface of the property.

Our GIS records do not align with the survey plan that has been provided; however, based upon the survey plan, the proposed apartment building appears to meet all the regulations of the Zoning & Development By-law pertaining to density and setbacks.

Staff would note that the submitted plans have not been reviewed by the Building Inspector, the Fire Inspector or the Police Department at this time. Should the rezoning be approved, the applicant would be required to submit a Building & Development Permit application which would have to be reviewed by the various Departments.

Development Context

The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial road.

All of the properties along Brackley Point Road between Duncan Heights and Coles Drive are located in the Single-Detached Residential (R-1L) Zone. All of these properties either contain a one-unit or two-unit dwelling.

The subject property is located within 300m of both Sherwood Elementary School and Stonepark Junior High School. In addition, the T3 Transit stops at the Sherwood Business Centre which is approximately 500m from the subject property.

Property History

There is no building & development permit records or subdivision records for the vacant property.

LEGISLATIVE REQUIREMENTS:***Notification***

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law.

ANALYSIS:

Arterial roads by nature are generally categorized as high capacity urban roads. Their primary function would be to deliver traffic from collector roads to the by-pass or highways at the highest level of service possible. Arterial roads typically contain higher densities than collector or local streets but generally have less access points for residential development. Brackley Point Road and Mount Edward Road generally contain low density residential dwellings. Other arterial roads in the City of Charlottetown containing medium density residential dwellings, commercial uses, or industrial uses include Euston Street (between Weymouth Street and University Avenue), North River Road (between Beach Grove Road and Gates Drive), Sherwood Road, Belvedere Avenue (between North River Road and University Avenue) and St. Peter's Road (between Brackley Point Road and Mount Edward Road).

In addition, higher densities should be located along bus routes. Due to the current low density nature of Brackley Point Road, the T3 Transit does not run along Brackley Point Road but it does stop at the Sherwood Business Centre which is approximately 500m away at the intersection of Belvedere Avenue, Brackley Point Road and St. Peter's Road.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

*Section 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

In the applicant's rationale, they refer to the significant housing shortage and explain that:

"There is very little vacant land available for development so it is particularly important that housing densification happens where development is possible. This is a great opportunity to fill in the gap of this streetscape and achieve some much needed housing. That said, it is of the utmost importance that, where there is pressure to develop, that it is done with careful consideration to the qualities of the area – in a manner that is sensitive to the characteristics that define the area."

In order to not adversely affect existing low density housing along Brackley Point Road, the applicant is indicated that:

"In order to guide the appropriate design configuration, scale and detailing of this development, design considerations will include an assessment of the area characteristics such as prevailing uses of the area, building typologies and development characteristics such as building scale, orientation and placement as well as parking arrangement and greenspace."

The construction of a 48-unit apartment building has the potential to conflict with the adjacent single-detached dwellings due to the bulk and scale of such a structure; however, the applicant is proposing to orient the building on the lot in a manner that limits the effect of this structure on the streetscape. The applicant is also proposing a glass entrance / lobby in the middle of the building to give the effect that it is actually two smaller buildings instead of one 332 ft long building.

The applicant is also proposing to locate the majority of parking spaces underground to reduce the appearance of surface parking from the street. Finally the applicant is proposing a 28 ft landscaped buffer along Brackley Point Road with additional landscaped areas throughout the property. Should the rezoning be approved, staff will ensure that the surface parking that is present will be screened from the adjacent properties in a manner that meets the requirements of the Zoning & Development By-law.

Staff would suggest that it is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. This rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for the rest of the properties. Moreover, this section of Brackley Point Road has additional oversized lots that lend themselves to this type of development. Ideally, the long term direction of this neighbourhood should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area. As a result, staff feels that this application is somewhat premature and inappropriate to deal with on a case by case basis but could be considered at a later date once a secondary plan has been created illustrating the long term direction of Brackley Point Road.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Higher density development should be located along arterial roads. ▪ Two schools are located within 300m. ▪ A commercial shopping centre and bus stop is located within 500m. ▪ Moderately higher density using existing underground services. ▪ The proposed development appears to meet the requirements of the By-law. 		<ul style="list-style-type: none"> ▪ The scale of the apartment building may adversely affect existing low density dwellings. ▪ This section of Brackley Point Road is established as single-detached dwellings. ▪ It is difficult to evaluate a spot rezoning of this one property in the absence of a secondary plan. ▪ Adjacent properties may seek similar rezonings in the future if this is approved which would change the character of the neighbourhood.

CONCLUSION:

The Planning & Heritage Department recommends that the rezoning application be rejected to proceed to public consultation.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

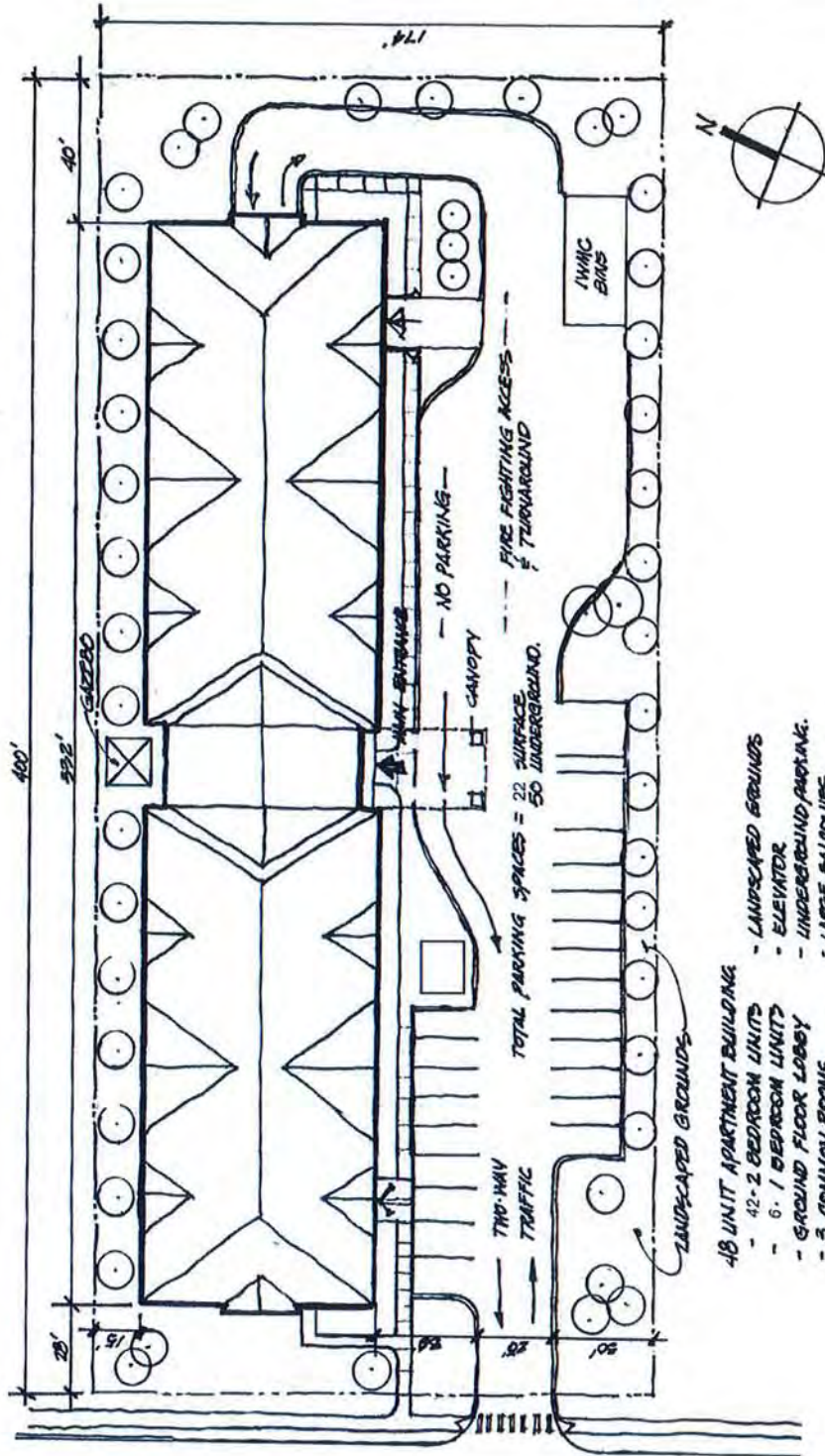


Attachment A: GIS Map
File: PLAN-2019-4-FEBRUARY-6A4
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B



- LANDSCAPED GROUNDS
- ELEVATOR
- UNDERGROUND PARKING
- LARGE BALCONIES
- SECURITY ENTRANCE

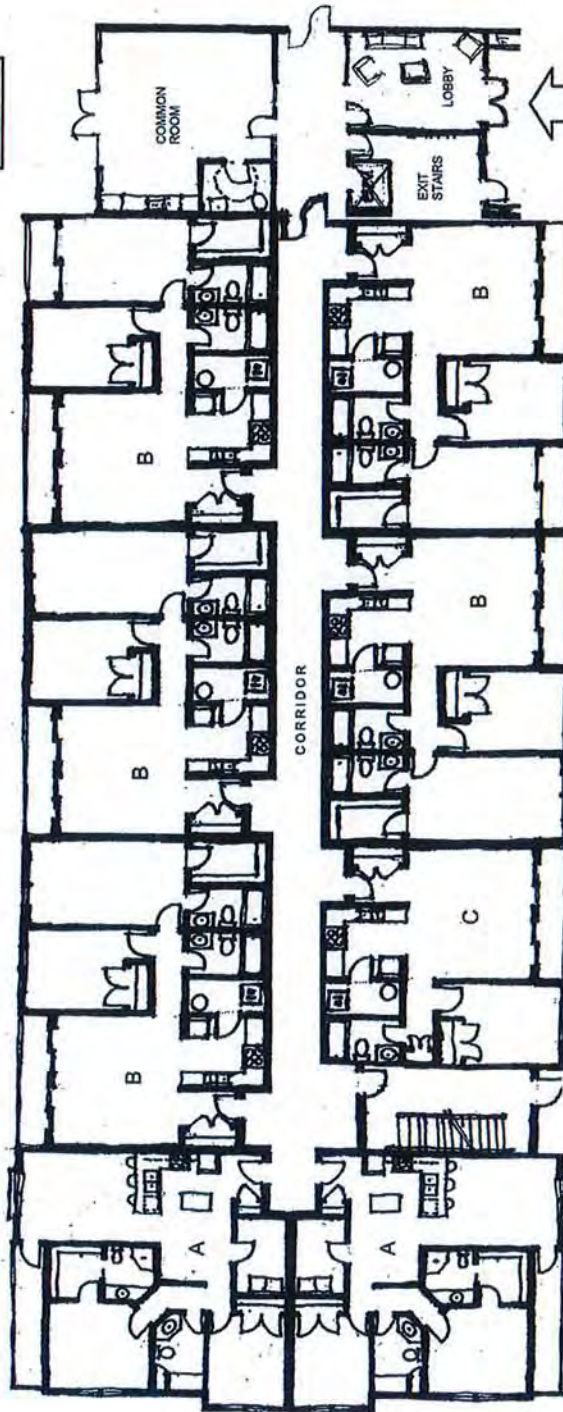
PROPOSED DEVELOPMENT - SITE PLAN
 66 BRACKLEY POINT ROAD
 CHARLOTTETOWN, PEI

Attachment B: Site Plan
 File: PLAN-2019-4-FEBRUARY- 6A4
 68 Brackley Point Road (PID #396713)
 Owner: Hill-Bay Holdings Inc.



Attachment C

GAZEBO
OUTDOOR
COMMON
SPACE



MAIN
ENTRANCE

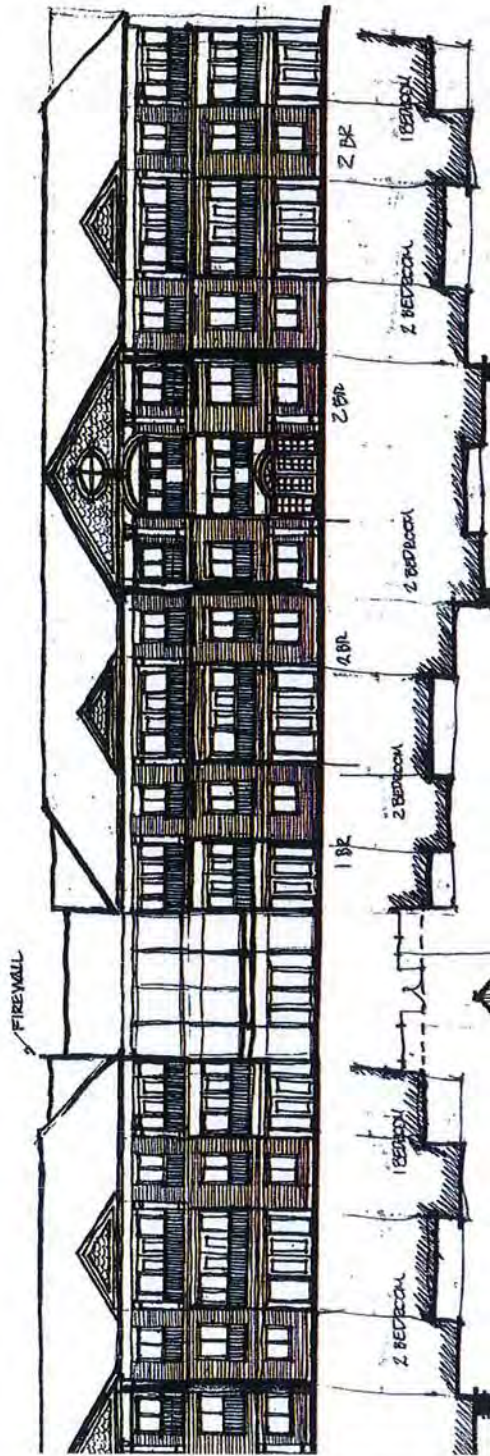


PROPOSED DEVELOPMENT MAIN FLOOR PLAN - WEST WING
86 BRACKLEY POINT ROAD,
CHARLOTTETOWN, PEI

Attachment C: Partial Floor Plan
File: PLAN-2019-4-FEBRUARY- 6A4
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.



Attachment D




architecture 360

PROPOSED DEVELOPMENT FRONT ELEVATION
86 BRACKLEY POINT ROAD,
CHARLOTTETOWN, PEI

Attachment D: Partial Elevation
File: PLAN-2019-4-FEBRUARY-6A4
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: LOT FRONTAGE VARIANCE FILE: PLAN-2019-4-FEBRUARY- 685 214 SYDNEY STREET OWNER: MARK J LANDRIGAN		
MEETING DATE: February 4, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Letters of Opposition	
SITE INFORMATION: Context: Existing Dwelling in the 500 Lot Area. Ward No: 1 – Queens Square Existing Land Use: 3-Unit Dwelling Subdivided – 214 Sydney Street Contains One Unit Official Plan: Downtown Neighbourhood Zoning: Downtown Neighbourhood (DN) Zone		
PREVIOUS APPLICATIONS: A zoning inquiry was completed on March 14, 2012.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request for a variance to Section 28.2.1 of the Zoning & Development By-law by reducing the required lot frontage from 34.8 ft to approximately 26.9 ft in order to convert the existing one (1) unit dwelling into a three (3) unit dwelling be rejected for the property located at 214 Sydney Street (PID #338509).

BACKGROUND:

Request

The property owner, Mark J Landrigan, is applying to vary the lot frontage requirement as illustrated in Section 28.2.1 of the Zoning & Development By-law in order to convert the existing one (1) unit dwelling into a three (3) unit dwelling at 214 Sydney Street (PID #338509). The subject property is located in the Downtown Neighbourhood (DN) Zone.

Development Context

The subject property is currently located in an established neighbourhood within the 500 Lot Area. The subject property is located on Sydney Street between Prince Street and Hillsborough

Street. The buildings on this portion of Sydney Street generally contain between one and four residential dwelling units. The Trinity United Church is also located on the corner of Prince Street and Sydney Street.

Property History

Issues with this property were first raised by the Fire Inspector, Winston Bryan, following a fire at the property on December 5, 2018. During the inspection, it was determined that the building contained a total of five (5) residential dwelling units – two (2) units in 216 Sydney Street (PID #338491) and three (3) units in 214 Sydney Street (PID #338509).

The Provincial assessment records indicate that 216 Sydney Street (PID #338491) contains two (2) units and 214 Sydney Street (PID #338509) contains one (1) unit. Further, a zoning inquiry was completed on March 14, 2012 which states that *this property is zoned R-3 Medium Density Residential. Our records indicate this property has 3 units. Apartments are a permitted use in the R-3 Zone.*

Staff sent a letter to the property owner on December 12, 2018 stating that *a building & development permit was never issued for the two additional dwelling units within the building nor would the two additional dwelling units be permitted under the current Zoning & Development By-law. In light of the foregoing, these two residential dwelling units are not permitted and would be considered non-conforming.*

Staff then explained that *in light of the fact that the subject property contains two non-conforming dwelling units, these units must be removed or a variance application is required to decrease the required lot frontage.*

The property owner submitted a variance application on December 28, 2018.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Wednesday, January 30, 2019.

Public Feedback

The Planning & Heritage Department has received three (3) letters opposed to the variance application.

Two residents who sent in letters of opposition stated concerns relating to the limited amount of parking for the apartment building. Staff would note that if the five (5) unit apartment building was being constructed under the current By-law, the property owner would be required to provide three (3) standard parking spaces and one (1) mobility disabled parking space on the property or pay for these spaces through cash-in-lieu. Because the three (3) unit apartment building already is permitted, no additional parking is required for the additional two (2) units; however, the property owner must maintain the number of spaces which existed prior to the renovations as per Section 43.2.1.b. of the Zoning & Development By-law:

Renovations, Alterations, changes in use or intensification of use, which do not result in an increase in the Gross Floor Area of more than 390.2 sq m (4,200 sq ft) of a Building, shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, changes in use or intensification of use shall not be diminished;

The final resident who sent in a letter of opposition explained that *there is a clear process in place to develop properties, including requesting variances, before proceeding with a development. Were the City to allow this variance request, we feel that it would encourage the culture of 'asking for forgiveness' for ignoring City Bylaws while discouraging people from working with the City on such developments within the established guidelines.*

ANALYSIS:

This property is unique in the fact that it is subdivided through the building. The configuration / elevation of the building lends itself to resemble a single-detached dwelling – which it likely was in the past.

In light of the fact that the property is located in the Downtown Neighbourhood (DN) Zone, any building type with three units or less requires 34.8 ft of lot frontage. In order to construct an apartment dwelling with four units or more, the property must have a lot frontage of 65.6 ft. If

the property has a lot frontage of less than 34.8 ft, only a single-detached dwelling would be permitted if it is not already considered legal non-conforming.

The combined lot frontage of 214 Sydney Street (PID #338509) and 216 Sydney Street (PID #338491) is approximately 48.5 ft. Individually, 214 Sydney Street (PID #338509) has a lot frontage of approximately 26.9 ft and 216 Sydney Street (PID #338491) has a lot frontage of approximately 21.6 ft.

If the two properties were consolidated, a three (3) unit apartment building would be a conforming use in the DN Zone and would be the maximum number of units permitted on the property without a variance. In light of the fact that the properties are subdivided, neither lot individually has 34.8 ft so they would both be permitted to contain a single-detached dwelling. That being said, two (2) units would be a legal non-conforming use at 216 Sydney Street (PID #338491).

The building, whether subdivided or consolidated, has maximized the number of residential dwelling units permitted on the property. That being said, the property owners renovated the building to locate two (2) additional residential units within the building prior to obtaining a building & development permit.

It is very difficult for staff to review an application of this nature when the property owner has unilaterally decided to add additional dwelling units without seeking the proper approvals. Attempting to resolve this situation by variance after the fact sends a message to the community that if you ignore the rules and regulations of the Zoning & Development By-law by operating without a permit, that you can later resolve this problem through the variance process. Residents expect staff to ensure that the rules and regulations of the By-law are adhered to. In this case, the property owner is requesting that staff support an application where they did not adhere to the By-law. These applications are much easier to review when the application is presented to the public prior to proceeding to implement the requested change in use. Approving these applications after the fact erodes the confidence of the public about the planning process.

On balance, when considering the variance in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

*Section 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

Finally, it is staff's understanding that following the inspection of the building by the Fire Inspector, a hazard compliance order has been issued on the property. Should the variance be approved, the property owner would be required to obtain a building & development permit for the two (2) additional dwelling units which would have to conform to the regulations of the Zoning & Development By-law.

Below is a quick summary of the subject application's positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Moderately higher density using existing underground services. ▪ Additional density without adversely affecting existing low density housing. 	<ul style="list-style-type: none"> ▪ While additional parking is not required, the existing parking on the property is limited. 	<ul style="list-style-type: none"> ▪ The property does not have the lot frontage required in the DN Zone. ▪ The renovations were completed prior to obtaining a permit.

CONCLUSION:

The Planning & Heritage Department recommends that the lot frontage variance application, be rejected.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment B-1

From: janeb@bellaliant.net [mailto:janeb@bellaliant.net]

Sent: Tuesday, January 22, 2019 3:22 PM

To: Planning Department

Subject: 214 Sydney Street (PID 338509) & 216 Sydney Street (PID #338491)

I am writing regarding this as I live at 217 Sydney Street and I do not agree with this variance do to parking issues. The parking is horrific as it is and there is parking available for these apartments.

Sincerely

Jane Bell
217 Sydney St
902-892-9393

Attachment B: Letter of Opposition
File: PLAN-2019-4-FEBRUARY- **685**
214 Sydney Street
Owner: Mark J Landrigan


CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-2

From: Andrea Battison [<mailto:andrea@crustipath.com>]
Sent: Monday, January 28, 2019 8:00 PM
To: Planning Department
Subject: variance request for 214 & 216 Sydney Street

January 28, 2019

Dear Mr. Morrison,

RE: variance request at 214-216 Sydney street to allow 5 apartments

This building already has (and has had for quite some time) five units in use. According to this variance request, two of the units do not comply with the City of Charlottetown Bylaws.

There is a clear process in place to develop properties, including requesting variances, before proceeding with a development. Were the City to allow this variance request, we feel that it would encourage the culture of 'asking for forgiveness' for ignoring City Bylaws while discouraging people from working with the City on such developments within the established guidelines.

As the property does not have the required lot frontage for five units, we are against this variance request.

Thank you for allowing us the opportunity to voice our opinion on this matter.

Kind regards,

Andrea Battison & Doug Mills
104 Prince Street
Charlottetown, PE C1A 4R4

Attachment B: Letter of Opposition
File: PLAN-2019-4-FEBRUARY-685
214 Sydney Street
Owner: Mark J Landrigan


CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-3

PLANNING

Rec'd Jan 29, 2019 Int. gm

Barbara R. Campbell
55 Hillsborough St.,
Charlottetown, P.E.I.,
C1A 4W2

January 28, 2019

City of Charlottetown
PO Box 98, 233 Queen Street,
Charlottetown, Prince Edward Island
Canada C1A 7K2
(Attn: Greg Morrison)

RE: 214 Sydney Street (PID #338509) & 216 Sydney Street (PID # 338491)

Dear Mr. Morrison,

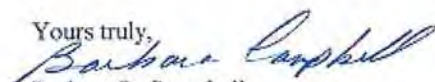
Firstly, I would like to confirm that my husband and I are the owners of 55 Hillsborough Street in Charlottetown, having purchased the property from Jean-Paul & Elva Arsenault in September 2017.

We received notice of the application for variance with respect to converting the property at 214 Sydney Street from one residential dwelling unit into three residential dwelling units. Our residence is on the corner of Hillsboro Street and Sydney Street, just around the corner from the subject property. I am writing to you to register my objection to this variance request.

The objection is based on the significant lack of parking in the area currently, and the fact that the problem would only be exacerbated by adding two additional residential dwellings, each of which would likely require parking space for one or two additional vehicles. Additional space may be added for residents to occupy, but it is not possible to add any further parking spaces to the already insufficient supply in the area. It makes no sense to vary the City's existing bylaws without respecting the factors that led to their formulation in the first place.

I ask you to reject the application for a variance with respect to the above-noted properties.

Yours truly,




Barbara R. Campbell

902-628-6958

Attachment B: Letter of Opposition
File: PLAN-2019-4-FEBRUARY- **685**
214 Sydney Street
Owner: Mark J Landrigan



CHARLOTTETOWN
Planning & Heritage
Department

TITLE: MAJOR VARIANCE TO LEGAL NON CONFORMING SETBACK AND LOT CONSOLIDATION FILE: PLAN-2019-10-JANUARY-6b-6 58 Victoria Street OWNER: Jason Cadman		
MEETING DATE: February 4, 2018		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan C. Letter in response to the notification	
SITE INFORMATION: Context: Developed neighbourhood consisting of a variety of low density housing. Property on the corner of Victoria Street and Peake Street Ward No: 3 – Brighton Existing Land Use: existing single detached dwelling Official Plan: Medium Density Residential Zoning: Medium Density Residential (R-3) Zone		
PREVIOUS APPLICATIONS: Building is a designated heritage resource.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the Major Variance Section to vary Section 15 of the Zoning and Development Bylaw to decrease the flankage yard setback on a corner lot from 19.7 ft. (6 m) to 3 ft. (0.9 m) be rejected and the consolidation of PID# 353433 (Parcel A & Parcel B) be approved in order to construct an attached garage in the Medium Density Residential (R-3) Zone at 58 Victoria Street (PID #353433).

BACKGROUND:

Request

This application was before the Board last month with a request to decrease the flankage yard setback on a corner lot from 19.7 ft. (6 m) to 1.1 ft. (0.36 m). The January Planning Board Report was written based on a requested flankage yard setback of 1.1 ft. The January Staff Report did not support the applicant's request to decrease the setback to 1.1 ft. toward the flankage yard

property boundary. Staff noted various concerns within the report for their reason for not supporting the application including Public Work's concerns about the width of Peake Street and the challenge to provide snow clearing on such a narrow street. Public Works indicated that placement of the garage so close to the street restricts snow clearing operations and may result in damage to the property owner's garage. Given the concerns raised during the meeting the applicant proposed to move the garage back to a 3 ft. setback along Peak Street. The Board determined that Public Works and the Traffic Authority should be consulted prior to approving the garage at a 3 ft. flankage yard setback and decided to defer the application to the February meeting to allow Planning staff time to consult with Public Works and the Traffic Authority (Police Department). Following the Planning Board Meeting staff consulted with both the Traffic Authority and Public Works Departments to obtain their input on the proposed 3ft. setback to the flankage yard property boundary. The Traffic Authority provided the following comments:

"The department has a few reservations about this application going forward. Placing a garage in such close proximity to the roadway (whether it is 1.5 or 3 feet) there are certainly issues that come up.

- Our biggest concern is with respect to safety of the travelling public both pedestrian and vehicle traffic. If a garage were to be constructed in such close proximity to the road it would be impossible for a person driving out of the garage to actually fully see the roadway until they were actually partially on the street. This would be compounded even further if the vehicle were being backed from the garage. In addition;*
- Snow clearing- given the close proximity where there is a significant snowfall we would run the risk of causing damage to a garage door so close to the roadway*
- Should the City at some point decide on doing additional work like sidewalks on the west side of the street there would be issues.*

Based on these issues we would not suggest that approval be given."

Public Works also indicated that they agree with The Traffic Authority's comments and also do not support approval of the variance at a 3ft. flankage yard setback.

At the January Planning Board meeting the applicant contended that other buildings along Peak street were located as close to the property boundary as his proposed garage. Although the applicant is correct that there are some buildings located within the same proximity to the street these setbacks are for these buildings front façades and not for garages where vehicles will be entering and exiting onto the street.

Staff therefore recommends that the addition follow the same setback along Peake Street as the existing dwelling as per the requirements for Legal Non-conforming Uses of the Zoning and Development Bylaw.

Please see last month’s report located below for additional information regarding this application.

The City of Charlottetown has received an application in accordance with Section 3.9, Major Variances of the Zoning and Development Bylaw, for a variance to the property located at 58 Victoria Street (PID#353433).

The property is zoned Medium Density Residential (R-3) Zone and is currently occupied with a single-detached dwelling. The applicant has requested a major variance under Section 3.9 of the Bylaw to decrease the flankage yard setback on a corner lot from 19.7 ft. (6 m) to 1.1 ft. (0.36 m). The flankage yard setback for the existing dwelling is currently 6.2 ft. (1.89 m). The property owner has asked to further decrease the flankage yard setback to enable them to add an attached garage to their home. Please see the attached site plan.

The applicant is also purposing to consolidate the back portion of his property with the front portion. Both parcels are numbered with the same PID # and are under the same ownership but currently exist as separate parcels. Notice to property owners is required for a lot consolidation in the R-3 Zone. (Section 45.3.5 of the Zoning and Development Bylaw states, “*Notice to property owners within 100 meters of the subject property is required to consolidate properties in the R-3 Zone.*”)

Development Context

The subject property is located on the corner of Victoria Street and Peake Street in a mature neighbourhood. For the most part buildings within the neighbourhood are setback within close proximity to the street. The proposed addition is approximately 24 ft. wide x 31 ft. deep. The garage door is proposed to face Peake Street. A detached shed currently exists on the property and the applicant will be removing it and constructing the garage in the location of the existing shed and driveway. The applicant has indicated that the reason for the request to move the addition closer to the street boundary is to preserve additional backyard space and so they will not have to remove or decrease the size of the existing deck. The applicant has also indicated that the 1.1 ft. setback would allow the entry door from the garage to the house to be located at the back of the garage as opposed to entering in the center of the garage.

History

The subject property is a designated heritage property. Therefore, the proposed design of the garage addition will have to be vetted and approved by Heritage Board. This application will be forwarded to Heritage Board once it is determined if the variance will be granted approval.

ANALYSIS:

Section 15 of the Zoning and Development Bylaw, the R-3 (Medium Density Residential Zone) requires a flankage yard setback of 19.7 feet. The existing dwelling currently has a flankage yard setback at the closest point to the property boundary of 6.2 feet. Given this is an older established neighbourhood the setback is considered “legal non-conforming”. Section 4.6 *Non-Conforming Buildings* of the Zoning and Development Bylaw states, “Where a Building has been erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area, or having less than the minimum Setback required by this by-law, the Building may be enlarged, reconstructed, repaired, renovated, or demolished provided that:

- a. *The enlargement, reconstruction, repair, Renovation, or new Building does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years; and*

The Bylaw allows a building with a legal non-conforming setback to be expanded or enlarged provided the setback of the expansion does not further reduce the existing nonconforming setback. In this case the applicant is requesting to enlarge the building and further reduce the setback for the garage addition closer to the flankage yard setback than the already legal non-conforming setback of the main dwelling.

Staff forwarded the application for review and comment to the Public Works Department and Public Works have concerns with snow plowing. They have indicated that Peake Street is a very narrow street with little shoulder within the ROW. The current set back of the house is sufficient enough to allow snow clearing activities and push the snow off the street. However, with only a 1.1 ft setback, there are concerns that when plowing, snow may be pushed in such a way to damage the garage. Therefore, they do not support the variance request.

The applicant has indicated that the adjoining dwelling is located approximately 1 ft. from the street boundary. Staff calculated the average setback of the adjoining dwelling and the subject property and the average setback for both dwellings is approximately 5.8 feet. Therefore, if approved the addition would also exceed the average setback.

Section 3.9.1 b. of the Zoning and Development Bylaw states,

“b. the need for consideration of a Major Variance is owing to conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this Bylaw would result in unnecessary and undue hardship;”

In review of the proposed site plan there is adequate room to move the addition back to meet the 6.2 ft. setback of the existing dwelling. A portion of the existing deck/covered porch would have to be removed however; there is still adequate room within the rear yard. Therefore, staff does not view this variance request as an unnecessary and undue hardship.

The applicant has also requested a lot consolidation of the parcel containing the existing dwelling and the rear portion of the property to facilitate the addition. It is staff’s opinion that the consolidation should be approved as it will bring the rear yard setback of the existing dwelling into conformity. As per Section 45.3.5 of the Zoning and Development Bylaw notification of the request for consolidation was included within the letter that was sent to residents on November 9, 2018.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, on December 14, 2018 notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance and lot consolidation. The deadline to submit written comments on the application was Wednesday, January 2, 2019.

Public Feedback

In response to the City’s notification letter One (1) letter in favor of the major variance and lot consolidation was received. The letter stated that they did not feel the addition would negatively impact the neighbourhood and that other properties were very close to the street. See attached letter.

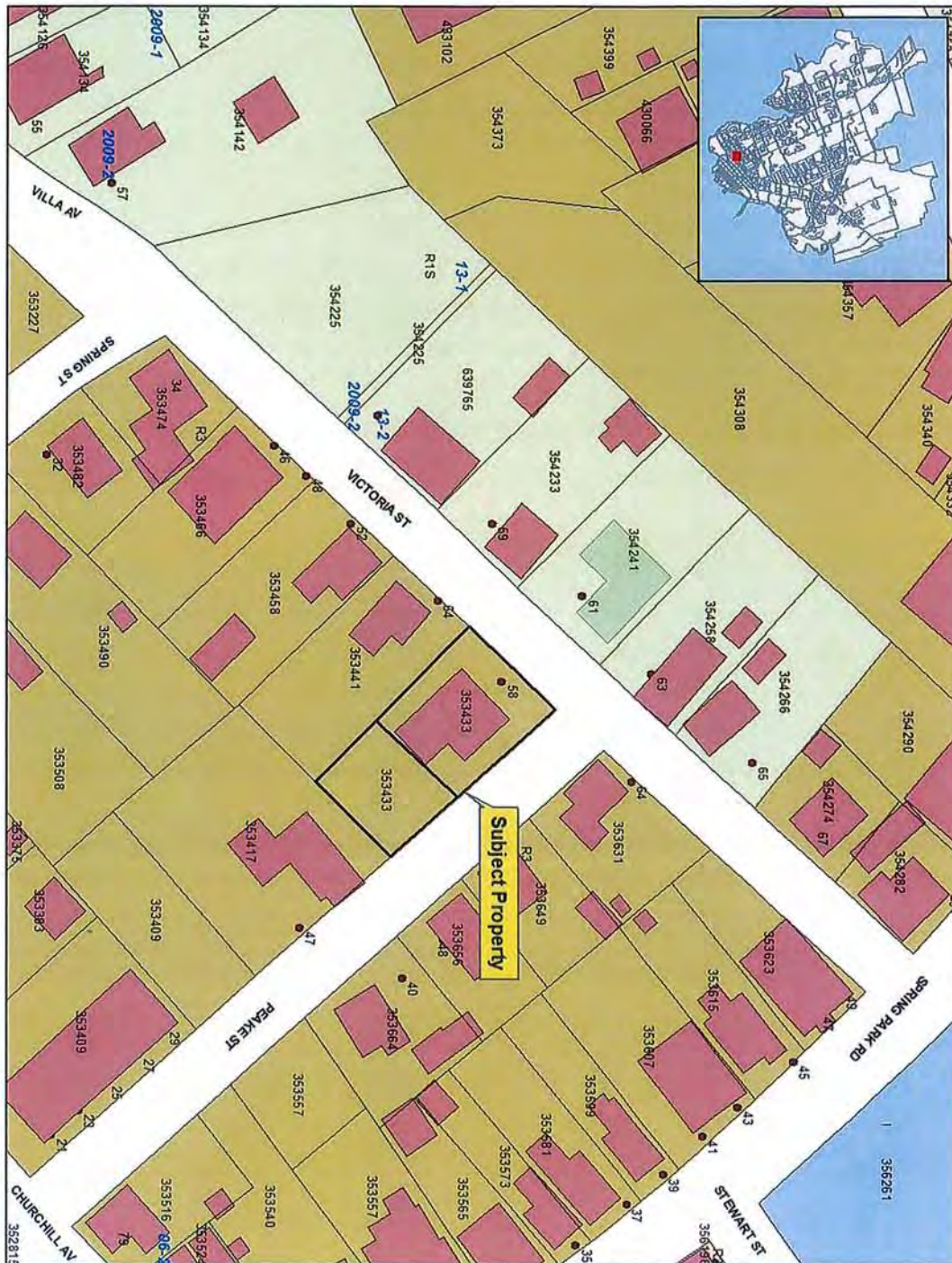
Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Approval of the lot consolidation will bring the rear yard setback of the existing dwelling into conformity. 	<ul style="list-style-type: none"> ▪ . The existing covered deck at the back of the house may have to be decreased to accommodate the garage addition. 	<ul style="list-style-type: none"> ▪ The flankage yard setback of the existing dwelling already does not conform to the Bylaw. ▪ The proposed flankage yard setback exceeds the current building line of the legal non-conforming dwelling. ▪ Public Works have concerns about the width of Peak Street and snow clearing may be hindered with the garage this close to the street boundary. Additionally Public Works have concerns that the garage may risk damage if constructed this close to the property boundary on such a narrow street. ▪ Location of the garage this close to the flankage yard property boundary poses a safety concern to the traveling public.

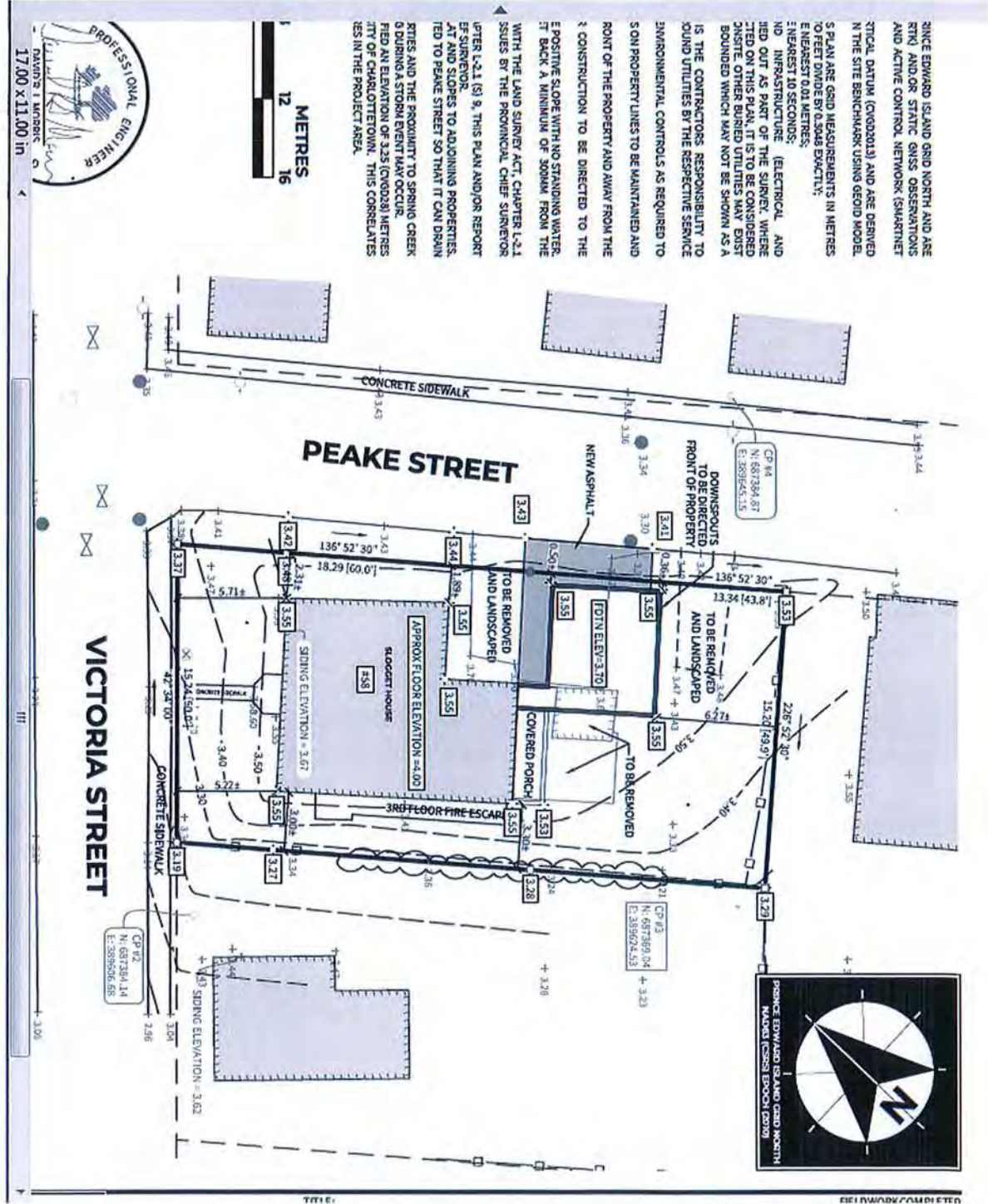
CONCLUSION FOR CURRENT REQUEST:

The Planning & Heritage Department encourages Planning Board to recommend that the major variance request to reduce the flankage yard setback from 19.7 ft. to 3 ft. be rejected and that the lot consolidation of PID # 353433 (Parcel A & Parcel B) be approved.

GIS Map:



Site Map:




SINCE EDWARD ISLAND GRID NORTH AND ARE (RTN) AND/OR STATIC GNSS OBSERVATIONS AND ACTIVE CONTROL NETWORK (SMARTNET) TICAL DATUM (CVOG0013) AND ARE DERIVED IN THE SITE BENCHMARK USING GEOD MODEL. S PLAN ARE GRID MEASUREMENTS IN METRES TO FEET DIVIDE BY 0.3048 EXACTLY. NEAREST 0.01 METRES. NEAREST 10 SECONDS. INFRASTRUCTURE (ELECTRICAL AND) BEING OUT AS PART OF THE SURVEY, WHERE NOTED ON THIS PLAN, IT IS TO BE CONSIDERED INSTANT. OTHER BURIED UTILITIES MAY EXIST BOUNDARY WHICH MAY NOT BE SHOWN AS A IS THE CONTRACTORS RESPONSIBILITY TO FOUND UTILITIES BY THE RESPECTIVE SERVICE ENVIRONMENTAL CONTROLS AS REQUIRED TO S ON PROPERTY LINES TO BE MAINTAINED AND FRONT OF THE PROPERTY AND AWAY FROM THE CONSTRUCTION TO BE DIRECTED TO THE POSITIVE SLOPE WITH NO STANDING WATER. IT BACK A MINIMUM OF 300MM FROM THE WITH THE LAND SURVEY ACT, CHAPTER L-2.1 ISSUES BY THE PROVINCIAL CHIEF SURVEYOR AFTER L-2.1 (S) 9, THIS PLAN AND/OR REPORT OF SUPERVISOR. AT AND SLOPES TO ADJOINING PROPERTIES. ED TO PEAKE STREET SO THAT IT CAN DRAIN RIES AND THE PROXIMITY TO SPRING CREEK O DURING A STORM EVENT MAY OCCUR. FIED AN ELEVATION OF 3.25 (CVOG0013) METRES RES IN THE PROJECT AREA.



METRES
12
16



TITLE: LOT CONSOLIDATION FILE: PLAN-2019-4-FEBRUARY- 6C7 72-76 KENSINGTON ROAD APPLICANT: JAMES C JOHNSON ASSOCIATES		
MEETING DATE: February 4, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Elevations	
SITE INFORMATION: Context: Three properties located in the MUC Zone along Kensington Road Ward No: 2 – Belvedere Existing Land Use: 72 Kensington Road (PID #278754) – Vacant 74 Kensington Road (PID #278762) – 2-Unit Dwelling 76 Kensington Road (PID #278770) – 1-Unit Dwelling Official Plan: Commercial Zoning: Mixed-Use Corridor (MUC) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request for a lot consolidation of three properties located at 72 Kensington Road (PID #278754), 74 Kensington Road (PID #278762), & 76 Kensington Road (PID #278770) be approved, subject to a final pinned survey plan.

BACKGROUND:

Request

The applicant, James C Johnson Associates Inc., has received permission from the property owner, Paul Livingston, to apply for a lot consolidation of the three properties located in the Mixed-Use Corridor (MUC) Zone. The three properties being consolidated include 72 Kensington Road (PID #278754), 74 Kensington Road (PID #278762), & 76 Kensington Road (PID #278770).

The purpose of the lot consolidation is to construct a 30-unit affordable housing apartment building.

Development Context

The subject properties are located along Kensington Road between Exhibition Drive and Spring Lane. This section of Kensington Road would be considered an Industrial / Commercial Collector and contains a mix of commercial uses, low density residential dwellings apartment buildings. The lands to the west of Kensington Road are primarily low density residential dwellings while the lands to the east of Kensington Road are primarily industrial uses.

Property History

There are no recent building & development permit records for these three properties.

LEGISLATIVE REQUIREMENTS:

Notification

Section 45.3.4 of the Zoning & Development By-law explains that *the Development Officer may ... give approval for lot consolidations where a dwelling may be constructed in a R-1 or R-2 Zone*. In light of the fact that the proposed lot consolidation is in the Mixed-Use Corridor (MUC) Zone, the lot consolidation must be approval by Council.

Section 45.3.5 of the Zoning & Development By-law explains that *notice to property owners within 100 m (328 ft) of the subject property is required to consolidate properties in the R-3 and R-4 Zones* – consolidation in any other zones does not require public notification.

ANALYSIS:

Collector streets by nature are generally categorized as a low to moderate capacity roads. Their primary function would be to move traffic from local streets to arterials roads. Collector streets would generally be designed to provide more access points to residential properties than an arterial road would. In addition, higher densities should be located along bus routes such as this portion of Kensington Road where the T3 Transit currently runs.

Should the three properties be consolidated the total lot area of the consolidated parcel would be 36,708 sq ft. In light of the fact that the Mixed-Use Corridor (MUC) Zone allows the uses permitted in the R-4 Zone, subject to the regulations for permitted uses for the R-4 Zone, the total number of units permitted on the consolidated property would be 29 residential dwelling units.

The applicant is aware that they are proposing 30 residential dwelling units which exceed the maximum number of units permitted on the property under the current Zoning & Development By-law. Staff spoke with the applicant on January 30, 2019 and provided the following two (2) options:

1. Apply for a minor variance allowing 30 units immediately – this option would mean that the lot consolidation could not proceed to the February, 2019 Planning Board meeting.
2. Proceed with the lot consolidation at the February, 2019 Planning Board meeting in anticipation of future Zoning & Development By-law amendments pertaining to affordable housing density bonuses.

The applicant indicated that they would like to proceed with the second option understanding that if the affordable housing density bonuses do not get approved in the future, the proposed apartment building would have to be reduced to 29 residential dwelling units or a minor variance would be required in the future.

The applicant has submitted a preliminary site plan and elevation to date; see attached. The preliminary plans appear to meet the regulations in the Zoning & Development By-law pertaining to setbacks, height, landscaping, parking, etc... That being said, should the lot consolidation be approved, more detailed plans will be required at the time that the applicant submits a Building & Development Permit Application. At that time, staff will confirm compliance with the Zoning & Development By-law.

The applicant has also suggested that they would be looking to construct phase II of this project on the land zoned industrial in the rear. That being said, phase II would involve a rezoning from the Light Industrial (M-1) Zone to the Mixed-Use Corridor (MUC) Zone before being able to construct a residential apartment building.

It has been well documented that the City of Charlottetown currently has a limited vacancy rate and there is a demand for additional residential dwelling units; especially affordable dwelling units. The applicants have been working with the Province in order to secure a grant to construct these adorable dwelling units. As previously indicated, this neighbourhood contains a mix of apartment buildings and commercial uses and if developed properly, would enhance the neighbourhood.

When considering the lot consolidation of the subject properties, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Moderately higher density using existing underground services. ▪ Additional density without adversely affecting existing low density housing. 		<ul style="list-style-type: none"> ▪ The applicant has only submitted preliminary plans at this time as the concept has changed over the past several months.

CONCLUSION:

The Planning & Heritage Department recommends that the lot consolidation application, be approved.

PRESENTER:



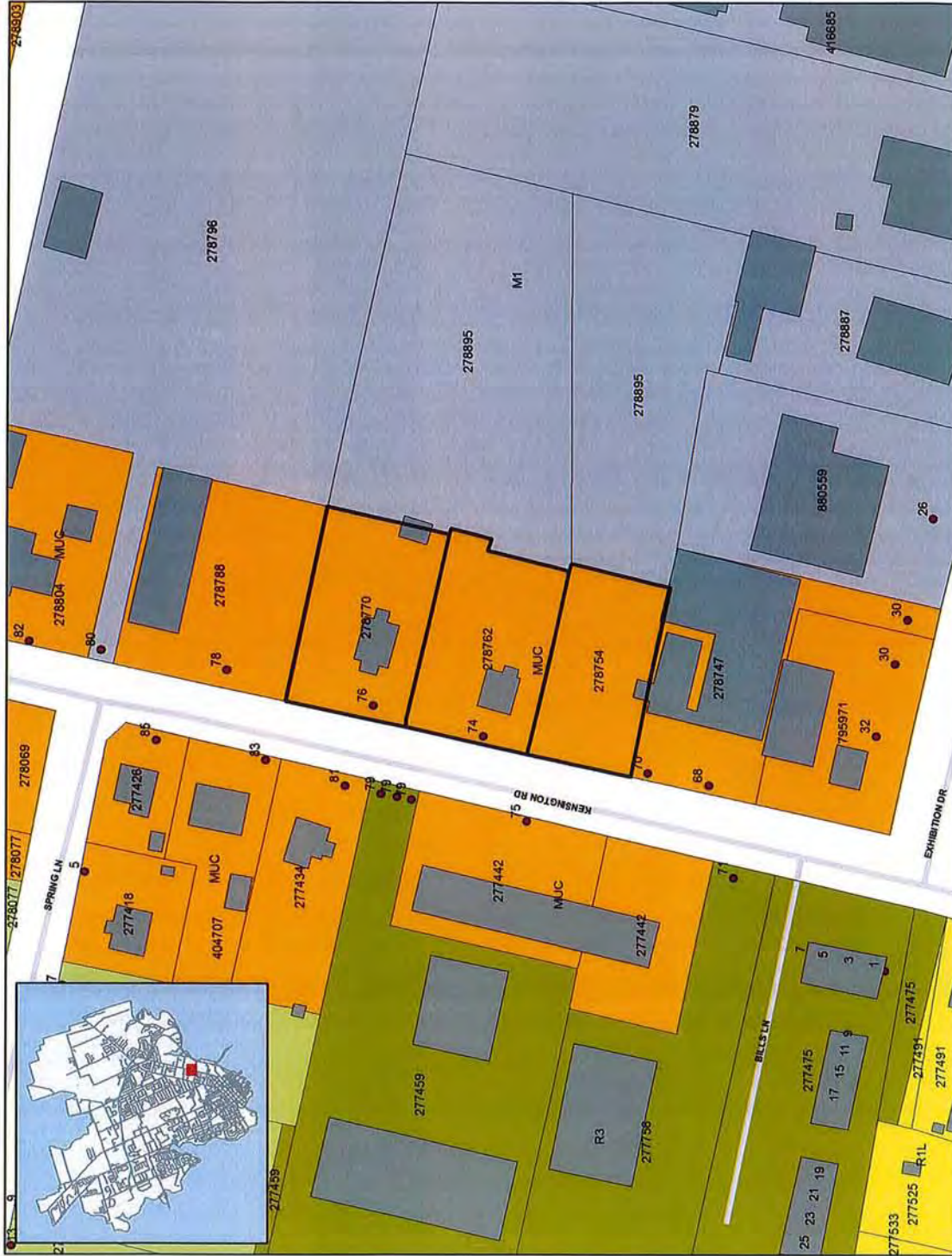
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

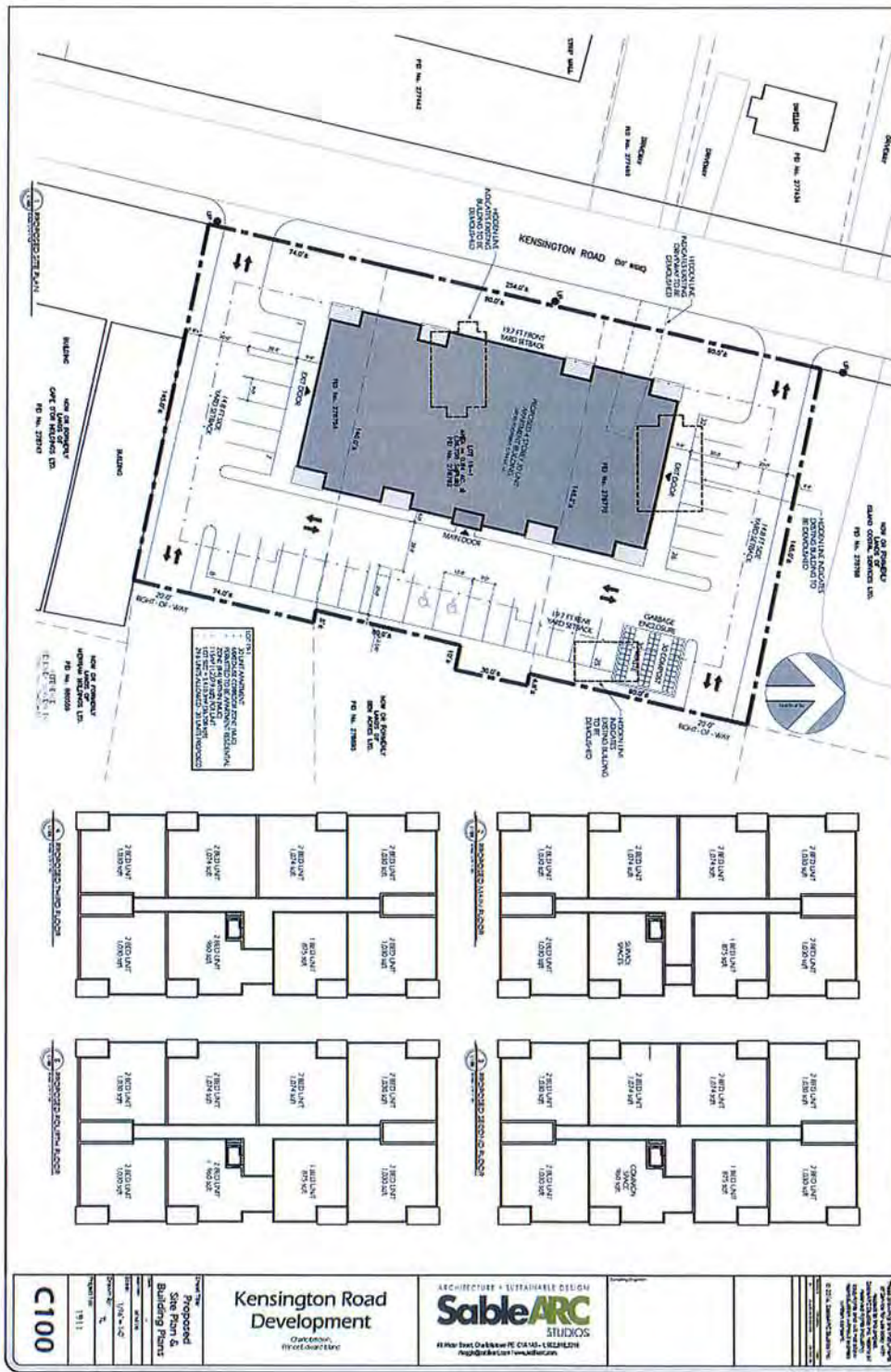
Attachment A



Attachment A: GIS Map
File: PLAN-2019-4-FEBRUARY-6C7
72-76 Kensington Road
Owner: James C Johnson Associates



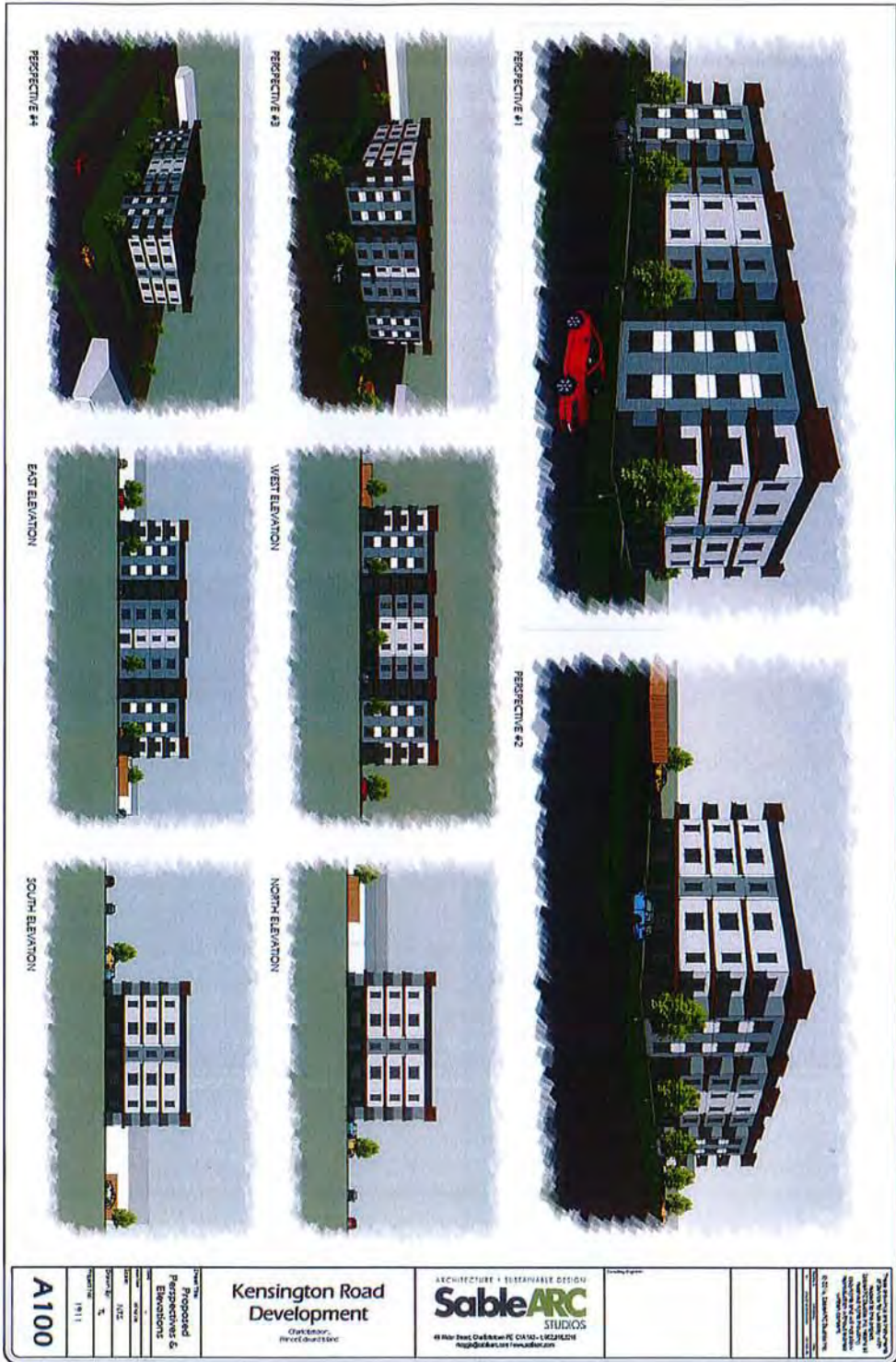
Attachment B



Attachment B: Site Plan
 File: PLAN-2019-4-FEBRUARY-6C7
 72-76 Kensington Road
 Owner: James C Johnson Associates



Attachment C



A100

Project No. _____
 Proposed Plans, Specifications & Elevations
 Date: _____
 Scale: _____
 Version: _____
 1/11


Kensington Road Development
 Client: _____
 Project Location: _____

ARCHITECTURE + SUSTAINABLE DESIGN
SableARC
 STUDIOS
 4140 West Street, Charlotte, NC 28207
 Phone: 704.375.1111
 www.sablearc.com

Scale: _____
 Date: _____
 Project: _____
 Drawing No: _____
 Revision: _____
 Author: _____
 Checker: _____
 Date: _____

Attachment C: Elevations
 File: PLAN-2019-4-FEBRUARY- 607
 72-76 Kensington Road
 Owner: James C Johnson Associates



TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-4-FEBRUARY- 6C8		
MEETING DATE: February 4, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. Amendments to Design Review B. Amendments to Home Occupations C. Amendments to Parking D. Amendments to Marijuana Production Facility E. Amendments to Temporary Use Variances 	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to amend the following sections of the Zoning & Development By-law pertaining to Design Review, Home Occupations, Parking, and Marijuana Production Facilities, be approved:

Sections 2.4; 2.5; 3.13.3; 3.13.5 are amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

Section 3.9.1 is amended as follows:

Remove Section 3.9.1.f. and renumbering all subsequent items.

Section 3.9.1.g. is amended as follows:

By inserting the words "use or" following the words "A temporary".

Section 3.13.4 is amended as follows:

Remove Section 3.13.4

Section 3.13.5 is renumbered to 3.13.4

Section 5.6.1.c. is amended as follows:

By deleting the words “and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.”

Section 5.8.1 is amended as follows:

Insert Section 5.8.1.a. and renumbering all subsequent items.

Section 5.8.3 is amended as follows:

Remove Sections 5.8.3.c., 5.8.3.h., 5.8.3.i.

Section 5.8.3.j. is amended as follows:

By inserting the words “, including uses with appointments typically on an hourly basis or as scheduled,” following the words “Additional uses”.

Section 36.1 is amended as follows:

By inserting 36.1.15 as “Marijuana Production Facility” and renumbering all subsequent permitted uses.

Section 37.1 is amended as follows:

By inserting 37.1.19 as “Marijuana Production Facility” and renumbering all subsequent permitted uses.

Section 43.6.1 is amended as follows:

Remove Sections 43.6.1.c.

Section 43.6.3 is added as follows:

No driveway or access to a parking lot for residential properties shall:

- a. Occupy more than 40% of the Front Yard;
- b. Occupy more than 40% of the Flankage Yard on a corner lot; and
- c. Occupy more than 40% of the Lot Frontage up to a maximum of 30 ft.

Section 43.6.4 is added as follows:

Parking in the Front Yard is limited to the driveway only and is not permitted on the remaining Front Yard area / landscaped area.

Section 43.7.1 is amended as follows:

Remove Section 43.7.1.e.

Appendix A. is amended as follows:

By adding the definition for Marijuana Production Facility alphabetically as
“Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of marijuana.

BACKGROUND / ANALYSIS:

The City of Charlottetown Planning & Heritage Department had recently hired Dv8 Consulting to develop a new Zoning & Development By-law which was implemented by the City on October 1, 2018. Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the Zoning & Development By-law on October 1, 2018 it was determined that changes were needed to take place in the sections pertaining to Design Review and Home Occupations in order to ensure the process in dealing with these types of applications was improved.

Design Review (Attachment A)

The Design Review Committee was previously a sub-committee of the Heritage Board; however, Council determined that the Design Review component become a duly constituted Board completely separate from the Heritage Board. Staff is recommending that any reference to Design Review Committee be changed to Design Review Board.

Another change to the Design Review section of the Zoning & Development By-law is that Section 3.13.4 of the Zoning & Development By-law states that:

Where a Development and/or Building Permit application is subject to Design Review and is also subject to an application for a Minor Variance, Major Variance, Rezoning and/or a Site Specific Exemption, the application shall be processed to the conditional approval

Phase prior to the public notification stage of the review process for the Variance, Rezoning and/or Site Specific Exemption.

By the way the Zoning & Development By-law was created, the design review process is required to be completed prior to any public notification for a variance, rezoning or site specific exemption. This requirement has resulted in placing a considerable amount of onus on the applicant early in the process prior to having confirmation on what can be constructed on the property. For example, if the applicant was requesting a height variance to construct a fourth floor, the current By-law would require that they complete Design Review for the 4-storey building; however, if Council was to reject the height variance, they would have to redo the Design Review process for a 3-storey building. This process became an issue at a recent IRAC Appeal on July 11, 2018.

Staff has determined that the design of the building could be finalized through the Development Agreement process once all other approvals have been grants or rejected. Notwithstanding, the applicant needs to submit a design that is sufficiently developed to indicate to Council and the public what is generally being proposed. The Design Review process in itself is costly for the developer and consumes a lot of staff time in an event the project does not proceed. Staff would like to work with applicants who have a reasonably developed proposal to proceed to a public consultation and provide an opportunity to fully finalize their design through the design review process at a later date.

Home Occupations (Attachment B)

Historically, obtaining approval for a home occupation was a drawn out approval process including a notice sent to all property owners within 100m of the subject property and two advertisements in the newspaper. If no objections were received, the home occupation was approved; however, if objections were received, the disposition of the home occupation was determined by Council following a recommendation from the Planning Board.

The new Zoning & Development By-law which was implemented by the City on October 1, 2018 to simplify the process by allowing a number of uses to be as-of-right if they met the requirements set of out Section 5.8.1 which included the size of the home occupation, number of employees, number of parking spaces, etc. These uses include:

- Home Daycare, subject to the by-law provisions for Home Daycares
- Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- Personal Service Shop
- Home Office, clerical, computer and/or telephone-based services
- Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- Multi-Level Marketing Retail Sales
- Catering, for off-premise delivery of products
- Private lessons, tutoring, or training sessions
- Health and wellness services
- Additional uses may be considered following the process of review for a Minor Variance.

The concern that staff has encountered is that a number of the uses on the above mentioned list, have the ability to generate significant amounts of traffic due to the nature of the business. These businesses typically involve appointments scheduled on an hourly basis. In light of the foregoing, staff is proposing that these uses that generate frequent appointments are no longer permitted as-of-right but are subject to the process of review for a minor variance.

The proposed amendment to the Zoning & Development By-law would include removing Section 5.8.3.c., Personal Service Shop; Section 5.8.3.h., Private lessons, tutoring, or training sessions; and Section 5.8.3.i., Health and wellness services.

Section 5.8.3.j. which currently states *“Additional uses may be considered following the process of review for a Minor Variance”* would be amended to read *“Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Minor Variance.”*

In addition, when the new Zoning & Development By-law was implemented, the reference to home occupations only being permitted in one and two-unit dwellings were removed. In light of the foregoing, home occupations were then permitted in multi-unit buildings. Staff feels that home occupations are more appropriate in one and two-unit dwellings rather than multi-unit dwellings and are therefore recommending that the location in which home occupations are permitted is further defined in Section 5.8.1.

Parking (Attachment C)

In light of recent amendments to allow for accessory apartments, concerns have been expressed in relation to the impact on the parking requirements for single-detached dwellings that may be permitted to obtain an accessory apartment.

Section 5.6.1.c. of the Zoning & Development By-law has regulations that require *one (1) additional parking space shall be provided [for an accessory apartment] and where additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.*

The second part of this section is a duplicate on Section 43.6.1.c. of the Zoning & Development By-law; so staff is recommending that it be removed, and Section 43.6.1 be amended.

The amendments to Section 43.6.1 include limiting the amount of front yard and lot frontage that can be used for a driveway / access to a parking while also restricted parking from being on any landscaped area of the front yard.

Finally, off-lot parking is no longer permitted within the City of Charlottetown; however when the new by-law was developed, one reference to off-lot parking was not removed and therefore, staff are recommending that this reference be removed.

Marijuana Production Facility (Attachment D)

On April 9, 2014, the Minister of Finance, Energy and Municipal Affairs approved amendments concerning the Zoning & Development By-law; specifically regulations which pertain to medical marijuana production facilities. While these amendments were approved in 2014, they were not inserting into the Zoning & Development By-law at that time. The purpose of these amendments now is to reapprove the amendments from 2014 and officially insert them into the Zoning & Development By-law with the exception that the term 'medical' be removed in light of the legalization of Marijuana in 2018.

Temporary Use Variances (Attachment E)

The Zoning & Development By-law allows Council to approve variances for temporary uses and temporary structures. That being said, a variance is permitted for a temporary use for up to four (4) months in any year while a variance is permitted for a temporary structure for a period no longer than one (1) year. Staff is proposing to better align these two requirements by allowing Council to approved a variance for either a temporary use or a temporary structure for a period no longer than one (1) year.

LEGISLATIVE REQUIREMENTS:***Notification***

On January 14, 2019, Council passed the following resolution:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances, be approved to proceed to a Public Consultation.

As per Section 3.10.4 of the Zoning & Development By-law, staff published a notice in two issues of The Guardian on January 19, 2019 and January 26, 2019.

Public Feedback

A public meeting of Council was held on January 30, 2019 at 7:00 p.m. at Studio 1, Confederation Centre of the Arts, 145 Richmond Street. No residents spoke to this application.

In addition, the notice in The Guardian indicated that any written comments must be submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. The Planning & Heritage Department did not receive any written response pertaining to these amendments.

CONCLUSION:

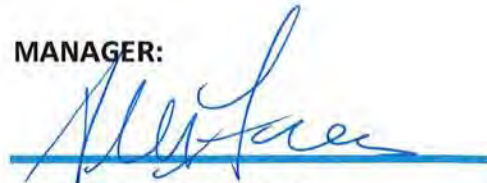
The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments, be approved.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A-1

Sections 2.4 and 2.5 are amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

2.4 **DESIGN REVIEW ~~COMMITTEE~~ BOARD**

2.4.1 There is hereby established a Design Review ~~Committee~~ Board.

2.4.2 The duty of the Design Review ~~Committee~~ Board is to make recommendations to Council and/or the Development Officer with regards to the review of applications subject to the Design Review process.

2.4.3 The Design Review ~~Committee~~ Board shall be appointed by Council in accordance with the following:

- a. At least one (1) member of the Planning Committee, who shall serve as chair of the Design Review ~~Committee~~ Board; and
- b. At least four (4) resident members appointed by Council on the recommendation of the mayor for such term of office as determined by Council, but not to exceed the term of the Council at the time of the appointment; and
- c. Such other *ex officio* resource people from the City or other government departments who are requested by the chair of the Design Review ~~Committee~~ Board or the Development Officer from time to time. *Ex officio* resource persons shall not have a vote.
- d. If any member resigns, or can no longer perform their duties, the mayor may appoint a new member for the remainder of the former member's term.
- e. All members shall be eligible for reappointment by Council.

2.4.4 The quorum at any meeting shall be one-half of the Design Review ~~Committee~~ Board plus one, including at least one member of the Planning Committee.

2.4.5 The Development Officer may request that the Design Review ~~Committee~~ Board conduct a vote by telephone or email, in circumstances where the Committee has already been briefed on the matter and there is no new information to be presented or discussed.

2.5 **CONFLICT OF INTEREST**

2.5.1 No member of the Planning Board, Design Review Roster or the Design Review ~~Committee~~ Board shall derive any profit or financial advantage from their position and where a member has any pecuniary interest in or is affected by any matter before the Planning Board and/or Design Review ~~Committee~~ Board, they shall declare the interest therein, abstain from the voting and discussion thereon, and physically remove themselves from the meeting venue at that time.

2.5.2 In the event that conflicts of interest should reduce the number of members of the Planning Board and/or Design Review ~~Committee~~ Board below a quorum, the mayor may appoint additional member(s) pro tem in order to satisfy the quorum requirements.

Attachment A-2

Section 3.13.3 is amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

3.13.3 Design Review Process

- a. Upon receipt of the completed application and related application fee for a Design Review a Building and/or Development Permit application subject to Design Review shall first be reviewed by the Development Officer to confirm compliance with all other applicable provisions of this by-law.
- b. Compliant applications shall be forwarded to a Design Reviewer, as appointed as a member of the Design Review Roster. The Design Reviewer shall:
 - i. Conduct a review of the proposed Development for conformance with the intent of this by-law, including the Design Standards for the 500 Lot Area and the criteria for evaluation for Design Review.
 - ii. For Designated Heritage Resources, subject to the regulations of the *Heritage Preservation By-law*, the Design Reviewer shall also review the Heritage Assessment Report prepared by the Heritage Officer.
 - iii. Provide written feedback, comments, and a final recommendation within a specified 10 business day review period. Written comments may be supported by redline markups of the submission.
 - iv. Comments and markups from the Design Reviewer are forwarded to the applicant, and the applicant may revise their submission accordingly. Revised plans may be resubmitted to the City, along with a compliance (secondary) review fee.
 - v. The revised plans are forwarded to the Design Reviewer for the compliance review.
 - vi. If the review is satisfactory, the plans are granted conditional approval.
- c. Notwithstanding any other sections of this by-law, upon conditional approval by the Design Reviewer, applications shall be referred to the Design Review ~~Committee~~ Board.
- d. The Design Review ~~Committee~~ Board shall review the written feedback, comments, and recommendation by the Design Reviewer and shall provide a recommendation on the disposition of the application.
 - i. When the application is jointly supported or rejected by the Design Reviewer and Design Review ~~Committee~~ Board, the disposition of the application shall be determined; and
 - ii. Where the Design Review ~~Committee~~ Board does not support the recommendation of the Design Reviewer than the Design Review ~~Committee~~ Board shall make a recommendation to Council, and Council shall determine the disposition of the application.

Attachment A-3

Section 3.13.4 is amended as follows:

Remove Section 3.13.4

~~3.13.4 Where a Development and/or Building Permit application is subject to Design Review and is also subject to an application for a Minor Variance, Major Variance, Rezoning and/or a Site Specific Exemption, the application shall be processed to the conditional approval Phase prior to the public notification stage of the review process for the Variance, Rezoning and/or Site Specific Exemption.~~

Section 3.13.5 is amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

Section 3.13.5 is renumbered to 3.13.4

3.13.5 The Development Officer and Design Review ~~Committee~~ *Board* shall review Development and/or Building Permit applications for Alterations and Additions to existing Buildings for compliance with the Design Standards for the 500 Lot Area and shall give further consideration for the following:

- a. The original character of a Building or Structure, the construction and original architectural details;
- b. Use of the same traditional materials already used on the Building of this era;
- c. The scale of any Alterations or Additions to a Building in relation the scale of the original or the existing Building or Structure;
- d. Existing doors and windows, and these existing openings in relation and proportion to others in the Building;
- e. Original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;
- f. Alterations or Additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or existing design of the Building or Structure;
- g. Architectural details which do not need to be changed, removed or replaced; or
- h. The location of any attached or protruding mechanical or Utility Services.

Attachment B-1

Section 5.8.1 is amended as follows:

Insert Section 5.8.1.a. and renumbering all subsequent items.

5.8.1 Home Occupations may be permitted provided that:

- a. *The Home Occupation is located within an accessory building, single-detached dwelling, modular dwelling, semi-detached dwelling, or duplex dwelling.*
- b. The total Floor Area used for the Home Occupation shall not exceed 25% of the Gross Floor Area of the Dwelling or up to 46.5 sq m (500 sq ft) within the Dwelling; or, when the Home Occupation operates from an Accessory Building, the Accessory Building shall meet the regulations for maximum Gross Floor Area permitted on the property.
- c. The proprietor(s) of the Home Occupation shall live in the Dwelling in which the Home Occupation is located.
- d. There shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the proprietor, working inside or outside of the Dwelling. The proprietor(s) shall not exceed these requirements by contracting work out to other persons (employees) not located in the Dwelling.
- e. There shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the Dwelling or Lot is being used for any purpose other than a residential use.
- f. There are no other Home Occupations on the property or in the Dwelling.
- g. No more than one (1) commercial vehicle shall be parked or stored on the Lot, but notwithstanding the foregoing, other vehicles may be parked or stored on the Lot in a wholly enclosed Building.
- h. Parking shall be subject to the parking regulations of this by-law.
- i. Signage shall be subject to the signage regulations of this by-law.

Attachment B-2

Section 5.8.3 is amended as follows:

Remove Sections 5.8.3.c., 5.8.3.h., 5.8.3.i.

Section 5.8.3.j. is amended as follows:

By inserting the words “, including uses with appointments typically on an hourly basis or as scheduled,” following the words “Additional uses”.

5.8.3 The following uses are permitted as Home Occupations:

- a. Home Daycare, subject to the by-law provisions for Home Daycares
- b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- ~~c. Personal Service Shop~~
- d. Home Office, clerical, computer and/or telephone-based services
- e. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- f. Multi-Level Marketing Retail Sales
- g. Catering, for off-premise delivery of products
- ~~h. Private lessons, tutoring, or training sessions~~
- ~~i. Health and wellness services~~
- j. Additional uses, *including uses with appointments typically on an hourly basis or as scheduled*, may be considered following the process of review for a Minor Variance.

Attachment C

Section 5.6.1.c. is amended as follows:

By deleting the words “and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.”

4.6.1 One (1) Accessory Apartment may be permitted in a Single-detached Dwelling if:

- c. One (1) additional Parking Space shall be provided ~~and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.~~

Section 43.6.1 is amended as follows:

Remove Sections 43.6.1.c.

42.6.1 Parking Spaces for residential properties shall:

- e. ~~No driveway or area designated for Parking Spaces shall occupy more than 40% of the required Front Yard.~~

Section 43.6.3 is added as follows:

43.6.3 *No driveway or access to a parking lot for residential properties shall:*

- a. *Occupy more than 40% of the Front Yard;*
- b. *Occupy more than 40% of the Flankage Yard on a corner lot; and*
- c. *Occupy more than 40% of the Lot Frontage up to a maximum of 30 ft.*

Section 43.6.4 is added as follows:

43.6.4 *Parking in the Front Yard is limited to the driveway only and is not permitted on the remaining Front Yard area / landscaped area.*

Section 43.7.1 is amended as follows:

Remove Sections 43.7.1.e.

43.7.1 The Development Officer is authorized to approved Shared parking facilities, subject to the following standards;

- e. ~~Shared parking may be located off-site, subject to the off Lot parking regulations.~~

Attachment D

Section 36.1 is amended as follows:

By inserting 36.1.15 as “Marijuana Production Facility” and renumbering all subsequent permitted uses.

....

37.1.13 Manufacturing, Heavy;

37.1.14 Manufacturing, Light;

37.1.15 Marijuana Production Facility;

37.1.16 Office;

37.1.17 Outdoor Storage;

....

Section 37.1 is amended as follows:

By inserting 37.1.19 as “Marijuana Production Facility” and renumbering all subsequent permitted uses.

....

37.1.17 Manufacturing, Light;

37.1.18 Medical, Health and Dental Office;

37.1.19 Marijuana Production Facility;

37.1.20 Office;

37.1.21 Outdoor Retail Display;

....

Appendix A. is amended as follows:

By adding the definition for Marijuana Production Facility alphabetically as:

Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of marijuana.

Attachment E

Section 3.9.1 is amended as follows:

Remove Section 3.9.1.f. and renumbering all subsequent items.

Section 3.9.1.g. is amended as follows:

By inserting the words “use or” following the words “A temporary”.


3.9.1 Where a Development and/or Building Permit application does not meet the regulations of this by-law the applicant may apply for a Major Variance if the proposed Building or Development complies with the general intent and purpose of the *City of Charlottetown Official Plan*, and in any of the following circumstances:

- a. The proposed Building Height is more than the percentage allowed with a Minor Variance, and the application is not eligible for a Bonus Height;
- b. The need for consideration of a Major Variance is owing to peculiar conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship;
- c. The extension or intensification of a specific non-conforming use upon a site occupied by such use or Building on the effective date of this by-law;
- d. A non-conforming use of a Building or Lot which has been discontinued for a period of six (6) months or more to be reestablished the previous non-conforming use provided it has not been discontinued for more than two (2) years;
- e. A less intensive use of the Building or site other than the previous non-conforming use, provided that the Building or Structure had not at any time in the interim become a conforming use;
- ~~f. A temporary use in a manner otherwise prohibited by this by law, for a period not exceeding four (4) months in any year;~~
- g. A temporary *use or* Structure in a manner otherwise prohibited by this by-law for a period lasting no longer than one (1) year;
- h. An Accessory Building to be located on a Lot closer to the Street than the main Building on the Lot;
- i. The need for consideration of a Major Variance is supported by a recommendation from the Heritage Board, and the proposed Development is deemed necessary for the preservation of a Designated Heritage Resource, as identified in the City of Charlottetown Heritage Preservation By-law.
- j. The Variance request is not substantial and does not entail a Rezoning application. If there is any doubt, then a Rezoning application or Site Specific Exemption must be sought by the applicant.

Attachment E:
Amendments to
Temporary Use Variances
File: PLAN-2019-4-FEBRUARY-608



CHARLOTTETOWN
Planning & Heritage Department

TITLE: ZONING & DEVELOPMENT AMENDMENTS AFFORDABLE HOUSING AMENDMENTS PLAN-2019-4-FEBRUARY-6C9		 CHARLOTTETOWN
MEETING DATE: January 10 2019		Page 1 of 12
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. City of Charlottetown Affordable Housing Incentive Program B. Properties with Potential Garden Suites C. Properties with Greater Density Bonuses	
The following are textual amendments to the Zoning & Development By-law in order to define, incentivize and establish land use regulations for affordable housing within the City of Charlottetown.		
Reason for Amendments: Implementation of the Affordable Housing Incentive Program		

RECOMMENDATIONS:

That the Planning Board recommend City Council to **approve** the following amendments to the Zoning & Development By-law 2018-11.009:

- 1) To add Bonus Density to Section 3 to allow for developments to increase unit density up to 20% for Affordable Housing Dwellings;
- 2) Provide Planning Committee with the ability to provide input, amend and require a particular incentive for any Bonus Height application;
- 3) Remove the provision of three or four bedroom Dwelling Units from public benefits in the Bonus Height Applications;
- 4) To allow a development to combine the density bonuses for underground parking (20%) and affordable housing dwellings (20%) for a total density bonus of up to 40%;
- 5) Require affordable housing developments that are constructed entirely for the purpose of affordable housing be subject to design review, whereby the design review costs be covered by the City;
- 6) Change the term Accessory Apartments to Secondary Suites throughout the By-law to be consist with the National Building Code;
- 7) Amend the Garden Suite section to decrease the minimum required lot area from 1 acre to 0.5 acre and prevent a Garden Suite from being subdivided;
- 8) Include Garden Suite as an *Accessory* and *Secondary Use* in the Future Development (FD) Zone
- 9) Include Group Home and Group Home Limited regulations;
- 10) Include Lodging House and Lodging House Limited as permitted uses in various Zones;
- 11) Insert Affordable Housing parking standards (up to 25% decreases depending on area and form of the development) into the Parking Space Standards table;
- 12) Amend Appendix A: Definitions to remove the numbering and replace the definition of Accessory Apartment with Secondary Suite, Accessory Apartment Registry with Secondary Suite Registry and amend the definition for Dwelling Unit. Include additional definitions for Lodging House, Lodging House Limited, Lodging Room, Group Home, Group Home Limited, Household, Short and Long term rentals.
- 13) Amend Appendix F: Fee Schedule to exempt Affordable Housing development(s) as defined by the Zoning & Development By-law from permit and development fee(s).

BACKGROUND:

Staff at the request of City Council initiated a review of the Zoning By-law to implement the policy direction outlined in the *Affordable Housing Incentive Program*. The proposed amendments to the Zoning & Development By-law has been based on the policy objectives of the *Affordable Housing Incentive Program* and best practices found in other Canadian cities. The intention is to provide incentives to the development community to construct more affordable housing dwellings across the City. The proposed changes will allow for increased densities/entitlements on properties across the City, reductions of parking requirements, and the creation of well-designed buildings for affordable housing developments.

Development Context

Summary of Proposed Changes to Zoning & Development By-law:

Intent of Change	Impacted Zone(s)	Proposed Regulations	Existing Regulations
<ul style="list-style-type: none"> Increase density and promote more affordable housing units in a variety of housing types and zones. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1, C-2, C-3, CDA 	<ul style="list-style-type: none"> Affordable Housing development(s) are permitted for 20% density increases over and above the applicable zone requirements. As long as the development can meet all of the applicable requirements of the Zoning By-law. 	<ul style="list-style-type: none"> None.
<ul style="list-style-type: none"> To provide Planning Committee with the ability to provide direction on specific public benefits that should be required for a Bonus Height application. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF 	<ul style="list-style-type: none"> Provide Planning Committee with the ability to provide input, amend and stipulate the preferred incentive for a Bonus Height application. 	<ul style="list-style-type: none"> It is at the developer's discretion on what public benefit is offered.
<ul style="list-style-type: none"> Difficult for staff to quantify as a public benefit. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF 	<ul style="list-style-type: none"> Remove 	<ul style="list-style-type: none"> The provision of three or four bedroom Dwelling Units.

<ul style="list-style-type: none"> To encourage affordable housing and blended affordable housing developments to include underground parking. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1,C-2, C-3, CDA 	<ul style="list-style-type: none"> To allow for combining of the Density and Underground Parking Bonus provisions, up to a maximum of 40%. 	<ul style="list-style-type: none"> Providing 75% of required parking spaces of a development underground, allowed for 20% density bonus.
<ul style="list-style-type: none"> Increase affordable housing densities, while ensuring compatibility with the surrounding area. The costs of the design review will be covered by the City in order to promote good affordable housing building design. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF, R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1,C-2, C-3, CDA 	<ul style="list-style-type: none"> Development(s) that are constructed entirely for the purpose of Affordable Housing is subject to Design Review, the cost of the review will be covered by the City. 	<ul style="list-style-type: none"> Design Review only applied to buildings within the 500 Lot Area.
<ul style="list-style-type: none"> Change the term <i>Accessory Apartment</i> to <i>Secondary Suite</i> in order to be consistent with the National Building Code (NBC) of Canada 2015. 	<ul style="list-style-type: none"> R1-L, R-1S, FD 	<ul style="list-style-type: none"> Replace the term “Accessory Apartment” with “Secondary Suite”. 	<ul style="list-style-type: none"> Accessory Apartment
<ul style="list-style-type: none"> Amend the minimum required lot area from 1 acre to 0.50 acre; To prohibit the subdivision of the Garden Suite from the subject property. The intent is that these suites will not be subdivided in the future. See Attachment B for impacted properties. 	<ul style="list-style-type: none"> R1-L, R-1S, FD 	<ul style="list-style-type: none"> (b) Has a minimum Lot Area of 0.2 hectares (0.5 acre); and (d) A Garden Suite shall not be permitted to be separated from the principle lot through a condominium conversion or subdivision. 	<ul style="list-style-type: none"> (b) Has a minimum Lot Area of 0.4 hectares (1 acre).
<ul style="list-style-type: none"> Include Group Home land use regulations 	<ul style="list-style-type: none"> Group Home Limited: R-1L,R-1S,R1-N, R-2 and R-2S Group Home: R-3,R-3T, R-4A, R-4B, I, MUR, DMU, DN and DMUN 	<ul style="list-style-type: none"> Maintain a minimum radius of 300 metres to another <i>Group Home</i> for those areas not in the 500 Lot Area; Requires one (1) off street parking space per three (3) beds, plus one (1) off street parking space per two (2) employees on a shift; Obtains a permit for a change of use and shall satisfy all applicable 	<ul style="list-style-type: none"> None

		<p>Building and Fire Code requirements;</p> <ul style="list-style-type: none"> Not permitted as a <i>Boarding House, Transitional Housing Facility, Tourist Accommodation or Home Occupation.</i> 	
<ul style="list-style-type: none"> Include Lodging House Limited as a land use under existing zone(s) 	<ul style="list-style-type: none"> R-3, R-4, MUC, MUR, DMU, DN, DMUN, DC and WF 	<ul style="list-style-type: none"> To permit for Lodging Houses Limited 	<ul style="list-style-type: none"> None
<ul style="list-style-type: none"> Include Lodging House as a land use under existing zone(s) 	<ul style="list-style-type: none"> I, MUVC, MUC, C-2, C-3, CDA 	<ul style="list-style-type: none"> To permit for larger Lodging Houses 	<ul style="list-style-type: none"> None
<ul style="list-style-type: none"> To maintain consistency with the other low density residential zones by permitting a Garden Suite. 	<ul style="list-style-type: none"> FD 	<ul style="list-style-type: none"> Permit a Garden Suite as an Accessory or Secondary Use. 	<ul style="list-style-type: none"> None
<ul style="list-style-type: none"> Promote and incentivize affordable housing projects with decreased parking requirements. Direct development with decreased parking requirements along public transit routes to promote a <i>Walkable City</i>. Refer to Attachment C for impacted properties. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1, C-2, C-3, CDA 	<ul style="list-style-type: none"> Insert <i>Affordable Housing</i> in the Parking Standard Table. 0.75 parking stall per <i>Dwelling Unit</i>. <i>*To qualify the property must be within 500 metres of a transit stop.</i> 	<ul style="list-style-type: none"> 1.00 parking stall per <i>Dwelling Unit</i>
<ul style="list-style-type: none"> Include parking requirements for Lodging/Rooming House with Tourist Accommodations 	<ul style="list-style-type: none"> All zones Lodging/Rooming House and Limited are permitted 	<ul style="list-style-type: none"> 1 Space per 3 bedrooms or guest rooms 	<ul style="list-style-type: none"> None
<ul style="list-style-type: none"> Include parking requirements for Group Home and Group Home Limited 	<ul style="list-style-type: none"> All zones group home and limited is permitted 	<ul style="list-style-type: none"> 1 Space per employee in addition to the parking required for the residential <i>Building</i> 	<ul style="list-style-type: none"> None

<ul style="list-style-type: none"> • Ensure amendments to the definition section of the By-law is cleaner. • Define existing uses in the City. 	<ul style="list-style-type: none"> • Appendix A - Definitions 	<ul style="list-style-type: none"> • Lodging House means a <i>Building</i> that supplies lodging and may provide meals for compensation to board between nine (9) to a maximum of sixteen (16) persons by way of providing <i>Lodging Rooms</i> which is not open to the public but does not include a <i>Group Home</i>, <i>Transitional Housing Facility</i> or a <i>Tourist Accommodation</i>. • Lodging House Limited means a <i>Building</i> that supplies lodging and may provide meals for compensation to board between three (3) up to a maximum of eight (8) persons by way of providing <i>Lodging Room(s)</i>, which is not open to the public but does not include a <i>Group Home Limited</i>, <i>Transitional Housing Facility</i> or a <i>Tourist Accommodation</i>. • Lodging Room means a bedroom within a type of <i>Lodging House</i> which is exclusively used by the resident(s) of the bedroom, and is not accessible to persons other than the resident(s) of the bedroom. • Dwelling Unit means 	<ul style="list-style-type: none"> • None
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		<p>two or more rooms for the use of an individual or <i>Household</i> which culinary, bath and/or shower conveniences are provided for the exclusive use of the resident(s), and with a private entrance from outside the Building or from a common hallway or stairway inside, but does not include a <i>Lodging House, Lodging House Limited, Hotel or recreational vehicle.</i></p> <ul style="list-style-type: none"> • Group Home means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation, supervisory and/or personal care to residents with social, physical or mental issues with at least one (1) staff person but does not include a <i>Lodging House, Transitional Housing Facility, Tourist Accommodation or Home Occupation.</i> • Group Home Limited means a residence that provides supervised living accommodation and personal care to residents that does not exceed a maximum of four (4) persons with social, physical or mental issues with a 	
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		<p>maximum of two (2) staff persons at any given time but does not include a <i>Lodging House Limited, Transitional Housing Facility, Tourist Accommodation</i> or <i>Home Occupation</i>.</p> <ul style="list-style-type: none"> • Household means one (1) or more persons living together as a single nonprofit, independent housekeeping unit, sharing all areas of the <i>Dwelling Unit</i> with up to a maximum of four (4) tenants but does not exceed a maximum total of eight (8) persons when blended with tenants does not contain a <i>Lodging Room(s)</i> or is a <i>Lodging House</i>. • Long-term Rental means the rental of a dwelling unit for a period of 30 days or greater. • Registry of Approved Secondary Suites means a publically accessible registry or list of <i>Secondary Suites</i> which have been legally approved through the Building and Development Permit process. • Secondary Suite means a self-contained dwelling unit with a prescribed floor area 	
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		<p>located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling unit constitute a single real estate entity.</p> <ul style="list-style-type: none"> • Short-term Rental means the rental of a dwelling unit or a portion of a dwelling unit (including a secondary suite within a dwelling) for a period of less than consecutive 30 days. 	
<ul style="list-style-type: none"> • Exempt affordable housing projects from building and development fees. 	<ul style="list-style-type: none"> • Appendix F – Fee Schedule 	<ul style="list-style-type: none"> • To exempt Affordable Housing development(s) as defined by the Zoning & Development By-law from permit and development fee(s). 	<ul style="list-style-type: none"> • None

History

Over the past few years the City of Charlottetown has been dealing with a mounting housing problem, whereby supply of housing cannot keep up with the demand. The demand for housing has been rising and changing for a number of reasons:

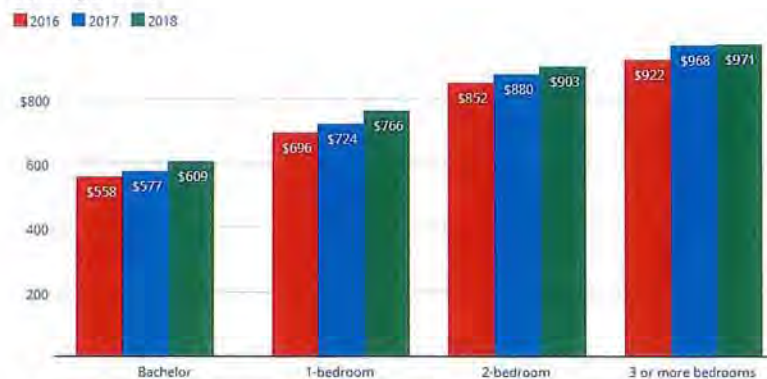
- Aging population has precipitated seniors moving from the rural areas and smaller communities into the City to be close to services and family;
- Air B&B has removed a large portion of long term rentals out of the housing market;
- Both Holland College and UPEI have experienced growth to its student population;
- Immigration has been steadily rising over the past four years.

These external changes to the housing market has resulted in increased demand for both rentals that are primarily sought after by the student and aging demographics and home ownership that is being sought by young professionals, families and new immigrants. The supply for housing has not increased as quickly because:

- Construction sector capacity is not sufficient to quickly match new housing demand with supply;
- Building costs have risen due to increases in material prices, increased building code requirements and the tight supply of contractors and labour;
- Federal mortgage rules and financing requirements have tightened; and
- Construction of new provincial affordable housing has lagged behind.

Vacancy rates have dropped sharply both in the City and Province over the last four years. From 2014 to 2017 the vacancy rate dropped 2.4% across all rental categories (market, affordable, social), according to the PEI Housing and Data Trends published in 2018. In the *2017 Fall Housing Market Outlook*, Canada Mortgage and Housing Corporation (CMHC) forecasted 350-450 new units in the Charlottetown area in 2018. Recent building permit data for Charlottetown indicate that this number is higher with over 820 rental units approved for construction, however a majority of these units do not have occupancy and thus cannot be counted to available housing stock. The situation has gotten to a point where demand for housing is greater than the supply. This housing shortage has resulted in the average monthly rents to increase, as the recent rental data released by CMHC shows:

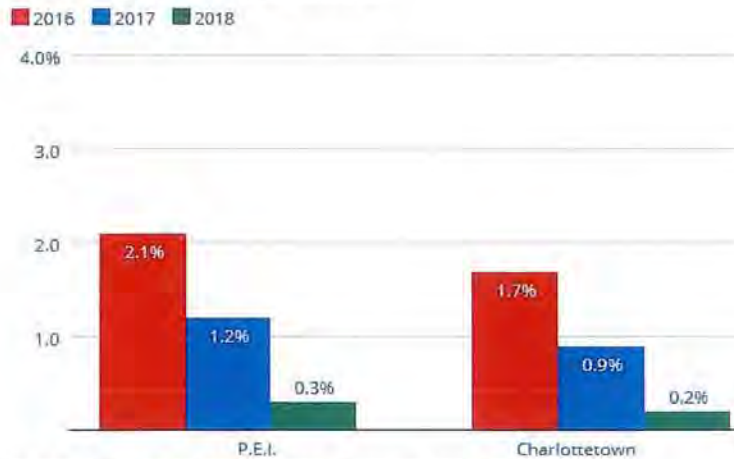
Average rents



Source: Canada Mortgage and Housing Corporation

The CMHC recently provided an update to the vacancy rate for the Island. Charlottetown's vacancy rate has dropped from 0.9% to 0.2% - one of the lowest in the Province:

Vacancy rates by location



Source: Canada Mortgage and Housing Corporation

ANALYSIS:

The objective of the affordable housing amendments is to provide greater flexibility in the zoning regulations for affordable housing developments. Every residential zone from lower density to higher density have been amended to provide for more affordable housing in a unique way to its form and function. Density increases and parking reductions for multi-dwelling units and greater flexibility for both Secondary and Garden Suites for single detached properties. Further amendments could be reviewed with additional input to be received from stakeholders and the general public.

Consistency with the Official Plan

The Official Plan contains limited policies regarding affordable housing:

Section 3.3 Housing Needs and Variety states that one of the fundamental aims of good community management is to ensure that there is an adequate supply and variety of affordable housing for all sectors of the population.

It is important to note that the Official Plan will have to be updated in the near future to contain stronger support and guidance to address affordable housing issues.

Consistency with any applicable Master Plan

The *East Royalty Master Plan* contains a guiding principal for affordable housing:

Policy iv. Range of housing – Provide a full range of housing types, including seniors and other special needs housing to create diverse residential neighbourhoods. The City will work with other

government agencies and the private sector to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.

The *Waterfront Master Plan* contains direction to increase density within the waterfront area:

Sections 28.15 and 28.16 – These policies grant development(s) to increase their maximum building height under the condition that a public benefit is provided. Affordable housing has been added as a public benefit within the Zoning & Development By-law to take advantage of this entitlement.

LEGISLATIVE REQUIREMENTS:

Notification

On January 14, 2019, Council passed the following resolution:

That the revisions to the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Affordable Housing, be approved to proceed to a Public Consultation.

As per Section 3.10.4 of the Zoning & Development By-law, staff published a notice in two issues of *The Guardian* on January 19, 2019 and January 26, 2019.

Public Feedback

A public meeting of Council was held on January 30, 2019 at 7:00 p.m. at Studio 1, Confederation Centre of the Arts, 145 Richmond Street. One resident spoke in favour of the proposed amendments but added that the provision of LEED-gold standard certified building as a public benefit is not recommended and could present a hindrance for affordable housing projects due to it being an expensive process. Instead, the regulations should be changed to require the developer to demonstrate energy efficient methods for affordable housing projects that do not require expensive process or certifications. The second comment related to short term rentals such as Air B&B's that take housing out of the market, and defining short term rentals is not the issue but rather enforcement. There were no further comments or questions from the public on the proposed amendments.

In addition, the notice in *The Guardian* indicated that any written comments must be submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. The Planning & Heritage Department did not receive any written response pertaining to these amendments.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to City Council to **approve** the proposed affordable housing amendments for the Zoning & Development By-law 2011-18.009.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

CITY OF CHARLOTTETOWN
AFFORDABLE HOUSING INCENTIVE PROGRAM

Policy Number: P-Admin-2018 (01)

Originating Department: *Advanced Planning*

Approved By: *City Council*

Date of Approval: *September 10, 2018*

Background

Municipalities not only across Canada, but around the world as well, are struggling to meet the demand for safe social and affordable housing units; and have begun to explore and implement strategies that they believe will assist in promoting development of additional and diverse housing stock. These proposed strategies have been varied and contain an assortment of incentives to try to entice multilevel partnerships through Canadian Mortgage and Housing (CMHC), private developers and/or non-profit agencies.

According to the Canadian Mortgage and Housing Corporation (CMHC), housing affordability is directly correlated to a household's level of income. The CMHC defines affordable housing as suitably-sized ownership housing that costs no more than 32% of a household's gross annual income, and no more than 30% of gross annual income for rental accommodations.

Charlottetown is no stranger to these housing demands and is readily aware that it too must do its part to assist and encourage the creation of community based partnerships through economic incentives to fulfill these growing voids within the community.

Objective

To both encourage and assist the private and non-profit sectors to come forward with various housing projects that will assist the City in meeting its residents housing demands thereby creating a larger inventory of affordable and accessible housing stock for all demographics within the City.

Strategic Direction

- 1) To encourage renovation of existing building stock, including the upper levels (2nd floor and above) commercial buildings within the existing downtown core.
- 2) To ensure the City has taxation policies that will encourage further development of affordable housing stock throughout the City.
- 3) To encourage new development that will provide affordable housing opportunities for the City's most vulnerable citizens.
- 4) To ensure the City's Zoning & Development Bylaw reflect the challenging housing needs within the various population segments.

Community Vision

As the City moves forward in building its community partnerships and provide housing options and opportunities throughout the City, it is important that it incorporates for the following fundamentals:

- Assist in supplying housing for vulnerable populations so to provide a range of housing options for the homeless, persons with disabilities, seniors, students, low income individuals and those who require ongoing supports.
- Affordable housing options should be blended and available throughout the City so not to stigmatize and/or overly concentrate any particular population.
- Develop strategic partnerships/relationships with all potential community stakeholders to ensure less NIMBYism (Not In My Backyard), stigma, and community opposition to affordable housing within the City.
- Look at creating financial incentives and strategies to advance affordable housing units throughout the City.
- Increase the population density in the downtown by allowing the upper floors of the City's Commercial Sector to be used for residential housing.

Eligibility

- 1) Within the City of Charlottetown this strategy applies to:
 - a) Any developer, Provincial Body or Crown Corporation, non-profit agency(s), rental co-operatives and/or other person or organization that provide new affordable housing opportunities.
 - b) Applicants that are eligible and are receiving financial assistance from the Province of PEI and/or the Government of Canada through a program designed for affordable housing needs.
- 2) In order to qualify for assistance the housing development must comply with all City of Charlottetown Bylaws, Zoning and Development requirements, and that the project has received all the approvals, certificates and licenses that may be required at any time and for any reason by the City of Charlottetown.
- 3) The City of Charlottetown reserves the right to amend and/or alter existing criteria or to impose additional or alternative criteria, as it may deem appropriate.
- 4) These incentives only apply to the property or part-there-of while the property or segment(s) of the property are being occupied as an affordable housing project or unit.

Recommendations:

- 1) In an effort to recognize that property owners are converting residential housing stock and dwellings units to Short Term Rentals (i.e. Airbnb) at an increasing rate and therefore eliminating housing stock and/or rental options for many of the City's residents. That the City of Charlottetown collaborate with the Assessment Division of the Province of PEI to establish the commercial assessment value of the property for that portion of the year the property/unit is used for commercial rental. The assessment value is to be determined by professional property assessors employed by the Province taking into account the commercial activity and revenue generation. Thereby resulting in a fairer property assessment of the property, acknowledging the commercial activity and subsequent commercial property valuation for taxation purposes (if the property is being used for commercial purpose for let's say 5 / 12th of the year, then the property should have a commercial valuation for that particular duration (5months/7months tax ratio)).
- 2) That the City support and encourage the construction of Accessory/Axillary Suites within existing residential dwellings (i.e. Single family) by amending its Zoning and Development By-laws to allow for additional residential Accessory/Auxiliary units. This may include basement, garden and carriage suites throughout the City.
- 3) That the City support and encourage the revitalization/rejuvenation of the upper levels of the Commercial Sector within the Downtown Core allowing for multi-residential units to be built in the upper floors.
- 4) The City's Zoning & Development Bylaw reduce its requirements for parking spaces for new multi-unit residential construction. The requirement should be lessened by up to 50% for affordable housing units (location and # of units' dependent) so to allow for more competitive market conditions.
- 5) That the City's Zoning & Development Bylaw presently allows for Bonus Density for affordable housing. These sections of the Zoning Bylaws be reviewed to strengthen density bonus development opportunities within all areas of the City. Such bonus considerations could allow for higher height and/or variance considerations. The percentage bonus density increase is dependent upon the derived benefits to the City and its' residents but should allow for up to 20% density increases.
- 6) In an effort to recognize innovative affordable housing trends the City should amend its Zoning & Development Bylaw to recognize and allow for the development of tiny homes. The City's Zoning and Development bylaw would need to be amended to allow for smaller lot sizes and living units.
- 7) In an effort to recognize the importance of ongoing energy efficiency and emerging Green Technology that applications under this program undergo a green lens review of the proposed technology so to ensure long term energy efficiency and sustainability.

Recommendations Continued:

- 8) That the City review its current application process and find ways to streamline and fast-track affordable housing applications; offering guidance to try to remove any barriers or restrictive zoning requirements.
- 9) That the City offer up to a 100% Property Tax Exemption Incentive on all new affordable housing units meeting and maintaining the City's strategic housing needs for a period up to 20 years.
- 10) That the City collaborate with the Provincial Government to match the City's property tax exemption initiative on properties and/or development projects approved by the City.
- 11) That the City would encourage integrated housing that would allow for seniors, youth, family housing and subsidized rental units be housed within the same building/complex. If for example 50% of the units were subsidized rentals, then the tax forgiveness would be 50%.
- 12) That the City forego the building permit and development fee(s) for affordable housing projects or percentage thereof for blended units within an overall project.
- 13) That the City expand its beatification program and explore the possibility of providing grass cutting services to these properties.
- 14) That the City collaborate with the Provincial Government to allow Municipalities to require in their Zoning Bylaws a percentage of affordable housing.
- 15) That the City give consideration to make any property under its ownership that is deemed to be surplus to the City's needs be made available through an RFP for social housing needs.
- 16) The City create an Affordable Housing Advisory Committee (AHAC) that meets at least quarterly to provide guidance and advice in regards to the City's changing housing trends, supply and demographics and subsequent affordable housing needs. The AHAC should consist of and be representative of developers, senior citizens, individuals involved with nonprofit housing groups/organizations, social agencies, the City's Youth Retention Committee, the Province, CMHC, City Staff and members at large. (Working in concert with the Community Advisory Board on Homelessness (John Howard Society) and/or Provincial Committee).
- 17) That the City encourage affordable housing projects be built in all wards within the City and that the City review and adjust its transit routing to compliment such developments.
- 18) Notwithstanding #15 above affordable housing development should follow sound planning principles, and as a rule, should be developed in residential areas only.

Recommendations Continued:

- 19) Collaborate with the Province to implement a Housing Action Plan which would in part support both the Province and the City in benchmarking/assessing community need and Capacity with the City.

Timely Application Required

An applicant shall make application for the program at the same time that the application for a building permit has been applied for. The onus to make a timely application is upon the developer.

Agreement

The applicant and the City shall enter into an agreement upon completion of the project. The agreement shall include but not be limited to:

- a) An approved City of Charlottetown building permit
- b) An approved City of Charlottetown Occupancy permit
- c) To continue to receive the annual benefits the applicant must submit annually information to the satisfaction of the City demonstrating that the property continues to operate as an affordable housing complex/unit(s).

Interpretation, Application & Appeal

The proper interpretation or application of this program shall be determined by the City's CAO or his/her designate. Where in doubt the matter shall be referred to City Council and Council's determination shall be final and binding.

Administration

The City of Charlottetown's Affordable Housing Incentive Program shall be administered by the CAO or his or her designate.

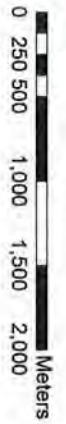
Amendment

This program shall be evaluated on an annual basis to determine whether or not the goals and objectives of the program are effectively and efficiently being met. Council may amend, alter, or terminate the program. Each ward will be evaluated to determine how each area is meeting the City's affordable housing objectives.

Attachment B



City Property Zoned R1L, R1S or R1N
R1L, R1S, R1N Greater than 0.5 Acres (739)





**Residential Property Zones
500 Meters from T3 Bus Stop**

- C1 - Business Office Commercial - 25
- C2 - Highway Commercial - 178
- C3 - Shopping Centre Commercial - 100
- CDA - Comprehensive Development Area - 110
- MUC - Mixed Use Corridor - 448
- R3 - Medium Density Residential - 931
- R4 - Apartment Residential - 15
- Charlestown Bus Stops

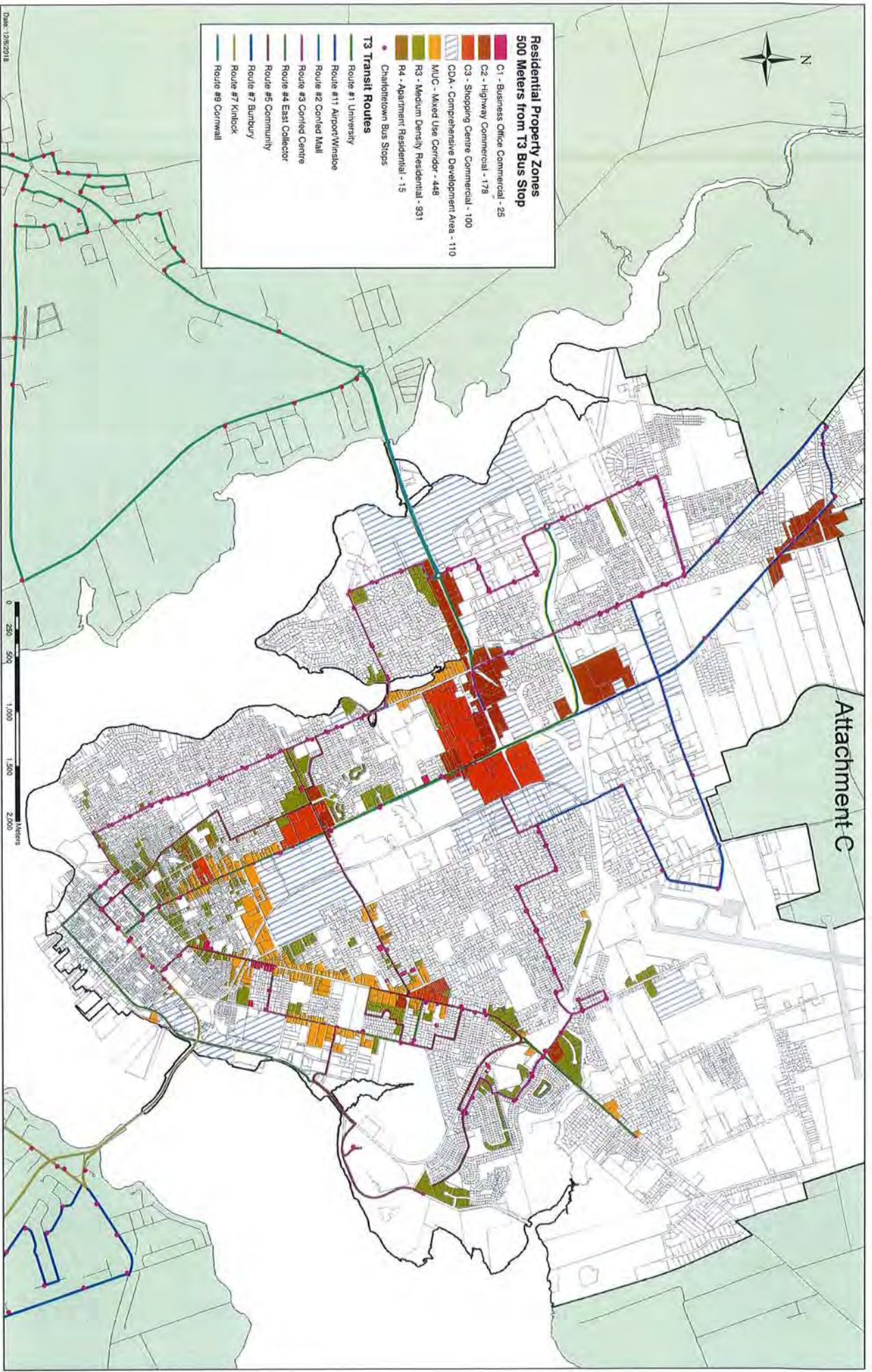
T3 Transit Routes


- Route #1 University
- Route #11 Airport/Windsor
- Route #2 Confield Mall
- Route #3 Confield Centre
- Route #4 East Collector
- Route #5 Community
- Route #7 Bunbury
- Route #7 Kinlock
- Route #9 Cornwall

Date: 19/6/2018



Attachment C



TITLE: RENUMBERING OF PLANNING BYLAW FILE: PLAN-2019-04-FEBRUARY-6C-10		 CHARLOTTETOWN
MEETING DATE: February 04, 2019		Page 1 of 2
DEPARTMENT: Planning & Heritage	ATTACHMENTS:	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to renumber the Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07), be approved.

The proposed renumbering will be as follows:

Bylaw	Current Bylaw Number	Proposed Bylaw Number
Zoning & Development Bylaw	2018-11	PH-ZD.2-000
Building Code Bylaw	2018-12	PH-BC.2-000
Heritage & Preservation Bylaw	2018-07	PH-HP.1-000

Where, the digit after the two letter code would refer to the number of bylaws adopted, and the last three digits would be the number of amendments made to the current bylaw.

BACKGROUND:

The City of Charlottetown Planning & Heritage Department recently adopted the new bylaws for Zoning & Development, Building Code and Heritage Preservation. Whenever a Bylaw is passed by the City, it is sequentially being given a number. With the adoption of new Zoning & Development Bylaw, Planning & Heritage and Building Code Bylaw, it is an opportunity to provide Planning bylaws with unique qualifiers to clearly identify the Bylaws. In addition, the new MGA requires that all amendments to the bylaw be tracked, and this proposed numbering of the bylaw would be able to clearly identify the number of amendments made to specific Bylaws. Also, it gives clear identification that any bylaw starting with PH- pertains to Planning & Heritage Bylaws.

LEGISLATIVE REQUIREMENTS:***Notification***

On December 10, 2018, Council passed the following resolutions:

That the request to renumber Planning Bylaws below:

- *From Zoning & Development Bylaw, Bylaw #2018-11 to PH-ZD-2*
- *Building Code Bylaw, Bylaw #2018-12 to PH-BC-2*
- *Heritage Preservation Bylaw, Bylaw #2018-07 to PH-HB-1*

Public Feedback

A Public meeting of Council was held on January 30, 2019 at 7:00pm at Studio 1, Confederation Centre of the Arts. NO residents spoke to this application.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed renumbering of Planning Bylaws, be approved.

PRESENTER:A handwritten signature in blue ink, appearing to read 'Alex Forbes', is written over a solid blue horizontal line.

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage