



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

*Monday, April 01, 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, April 01, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on Wednesday, March 06, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
 - a) Rezoning**
 1. 197 Minna Jane Drive (PID #469841) Greg
Request to rezone the property from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.
 2. 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
 3. 88 Brackley Point Road (PID #396770) Laurel
Request to rezone the property from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct a 30 unit apartment building and 16 townhouse units.
 - b) Variances**
 4. 200 & 202 Spring Park Road (PID #s 367938 and 367979) Laurel
Request for a minor variance to increase density of lot and a major variance to expand the parking lot in the front yard.
 5. Vacant lot off of Gerald Street (PID #359950) Robert
Request for three (3) major variances to decrease the interior side yard and flankage yard variance(s) to permit the construction of a single detached dwelling and the decrease of the flankage yard setback requirement for a detached garage.
 - c) Others**
 6. 183 Great George Street (PID #344044) Greg
Request for a site specific exemption in order to locate a mobile canteen, which would be permitted to sell food and alcohol, on the vacant property from April 1st to October 31st



annually. The site specific exemption also includes the ability to utilize a container to contain washroom facilities and two variances.

7. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) *Robert*
Proposed amendments to allow for Transitional Housing Facility, site regulations for Lodging Houses, Group Homes, define and regulate Asphalt, Concrete and Aggregate plant as a land use, re-insert provisions for Undersized Lots, and include landscaping requirements under General Provisions for Lot and Site Design along with other general housekeeping amendments.
8. Secondary and Garden Suite Registry By-law *Robert*
Proposed amendments to create and implement the Secondary and Garden Suite Registry to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

7.Introduction of New Business

8.Adjournment of Public Session

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
MONDAY, MARCH 04, 2019, 6:00 P.M.
PARKDALE ROOM, 2nd FLOOR, CITY HALL**

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

Shallyn Murray, RM
Alex Forbes, PHM
Laurel Palmer Thompson, PII
Greg Morrison, PII
Robert Zilke, PII
Ellen Faye Ganga, PH IA/AA
Brad Wonnacott, AA

Also:

Regrets: Rosemary Herbert, RM

1. Call to Order

Councillor Rivard called the meeting to order at 6:01 pm.

2. Declaration of Conflicts

Councillor Rivard asked if there are any conflicts. Shallyn Murray, RM, declared conflict of interest on agenda item number 7) 183 Great George Street (PID #344044). Councillor Rivard then moved to the approval of the agenda.

3. Approval of Agenda

Moved by Bobby Kenny, RM, and seconded by Shallyn Murray, RM, that the agenda for Wednesday, March 06, 2019 be approved.

CARRIED

4. Adoption of Minutes

Moved by Reg MacInnis, RM, and seconded by Basil Hambly, RM, that the minutes of the meeting on Monday, February 04, 2019, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

Before proceeding to the first report, Councillor Greg Rivard announced that the applicant for 178 Lower Malpeque Road (PID #s 444687, 388439 & 38838) has requested that this application be deferred at this time.

6. 197 Minna Jane Drive (PID #469841)

This is a request to rezone the property at 197 Minna Jane Drive (PID #469841) from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. Greg Morrison, Planner II, presented the application. See attached report.

The purpose of the rezoning is to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. Staff recommendation is to approve the request for the rezoning to proceed to a public consultation. The applicant is also requesting a major variance to increase the maximum height for an apartment dwelling in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft). The requested variance does not require public consultation but notification of this variance will be included in the public meeting notification. The proposed variance will also be included in the recommendation to Council following the public meeting.

Councillor Rivard asked if there was a drop-off in the elevation from the adjacent apartment building to the proposed apartment building. Ron Lord, applicant, mentioned that it is going to be about 12.0 feet. Mr. Lord also added that the submitted elevations show the height of the adjacent apartment building compared to the proposed apartment building. Mr. Morrison also added that the adjacent apartment received a variance in the past years so the physical height of the adjacent apartment building is only 4.5 ft less than the proposed apartment building. Bobby Kenny, RM, asked how many underground parking spaces would there be and Mr. Lord responded that there are 44 underground parking spaces and about 50 surface parking spaces. For the commercial daycare centre, the plans may still change. Reg MacInnis, asked where the parking for the day care centre will be and Mr. Lord mentioned that it will be at the front and side of the daycare centre building. Mr. MacInnis also commented that the height of the building is pretty tall and Mr. Lord confirmed that it is but it will have two more floors than the adjacent four-storey apartment building and a flat roof.

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 Bobby Kenny, RM, that the request to:

- a) Amend Appendix “A” – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial; and**
- b) Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone,**

for the property at 197 Minna Jane Drive (PID #469841), be recommended to Council to approve the request to proceed to public consultation.

CARRIED

7. 185 Brackley Point Road (PID #390963)

This is a request rezone the property at 185 Brackley Point Road (PID #390963) from Single-Detached Residential (R-1L) Zone / Mixed-Use Corridor (MUC) Zone to the Light Industrial (M-1) Zone in order to make the existing uses (i.e. Automobile Sales and Services Business & an Automobile Service Station) and the proposed Automobile Body Shop conform with the Zoning & Development By-law instead of recognizing this use as legal-non-conforming in the Single-Detached Residential (R-1L) Zone. Greg Morrison, Planner II, presented the application. See attached report.

Staff feels that the proposed rezoning to the M-1 Zone may create land use conflicts with adjacent low density residential dwellings. Staff recommendation is to reject the request to proceed to a public consultation.

Shallyn Murray, RM, asked if the applicants are required to have to change of use now. Mr. Morrison noted that if the property remains to be used as a service station, the zoning can remain as is. However, if the uses change and the property becomes an automobile body shop, a rezoning is required. Previous documentation from staff who worked on this application noted that they are willing to support the rezoning of this property to the MUC Zone.

Councillor Rivard clarified that the current services meet the uses of an MUC Zone. Mr. Morrison confirmed that the MUC portion of the lot meets the current uses and the portion zoned as R1-L is a legal non-conforming use. Mr. Rivard asked if it is possible to consider a site specific exemption to add this specific use the current zone compared to rezoning the property to a whole new zone. Mr. Morrison added that a recommendation to rezone the property to M-1 zone with a development agreement to only allow the permitted uses in that zone was suggested to the applicant but the applicant is not the owner of the property; however, the owner has allowed the applicant to apply for a rezoning. The owners are not interested in restricting the property to such uses only.

Mr. Rivard asked the representative of the applicant if they could enlighten the board why the applicant does not want to restrict the uses to just an automobile body shop in addition to the sales and services station. Mazen Aldossary, representative for the applicant, noted that there is only one house behind and there's no environmental impact, but has not discussed with the applicant as to why they don't want to restrict the uses to just the automobile body shop. Mr. Rivard asked if there are future plans to the property. Staff may consider reviewing this application if the uses will be restricted to the automobile body shop only but the concern here is that the applicant wants to rezone to a new zone with more permitted uses which may have significant impact to surrounding neighbourhood. Mr. Morrison added that the owners are not involved in the application but the owners have given approval to the applicant to proceed with this application. Mr. Morrison also added that if this rezoning is rejected, the owner may still come back and apply for a rezoning for this property to the MUC Zone.

Mr. Rivard clarified that the applicant, who is currently renting, may request to allow for an automobile body shop but it also does not restrict the owners to apply for a rezoning to allow for more permitted uses and Mr. Morrison agreed. Mr. Rivard then asked Mr. Aldossary if they are willing to defer this application until we get confirmation from the applicant / owner to determine if they are willing to do a site specific exemption to allow for just an automobile body shop use. Mr. Morrison also added that a rezoning will have a more significant impact as it introduces more uses other than the automobile body shop would.

Reg MacInnis, RM, also requested if the applicant can come in with more plans in relation to this application for the public meeting and Mr. Morrison confirmed that he will talk to the applicant or owner to gather more information.

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 to:

- a) Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential/Commercial to Industrial; and**
- b) Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Single Density Residential (R-1L) Zone/ Mixed-Use Corridor (MUC) Zone to the Light Industrial (M-1) Zone;**

for the property at 185 Brackley Point Road (PID #390963), be deferred until the applicant can confirm their future plans for the property being rezoned.

CARRIED

8. 88 Brackley Point Road (PID #396770)

This is a request to rezone 3.04 acres of land located at 88 Brackley Point Road (PID #396770) from Single-Detached Residential (R-1L) Zone to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

Staff does have concerns that rezoning a property within a mature neighbourhood from single-detached residential to medium-density residential to accommodate a 46-unit development may cause concern within the neighbourhood and may be viewed as spot zoning. However, the lot is over 3 acres and not a small residential lot. It is large enough to comprise a comprehensive development plan. With the current housing demand, this proposal may provide more affordable housing options within the neighbourhood. Staff recommendation is to approve the request to proceed to a public consultation.

Ron Wood, applicant, added that single level duplexes will be erected along Brackley Point Road so that when you drive along that road, you do not see a large building along that side of the street. There is also a mature tree line along the south boundary of the property. There are no plans presented for the apartment at the moment but the elevation from the east boundary along Pope Road to Brackley Point Road is about a 22 ft drop in elevation. When you are driving up that slope, essentially, the building will be blending in with the existing neighbourhood. Councillor Rivard asked how tall would the apartment building be and Mr. Wood noted that it is a three storey apartment so it will be about 36 feet in height.

Bobby Kenny, RM, also asked about the number of parking spaces in the basement and Mr. Wood noted that there will be 22 parking spaces underground. Mr. Kenny also pointed out the number of surface parking spaces and Mr. Wood mentioned that they allotted between 8 and 12 for surface parking. Mr. Rivard asked how many parking spaces are required for an apartment building and Ms. Thompson responded that one parking space per unit is required. Mr. Rivard asked about visitor parking and Mr. Wood mentioned that they can add those but not to take

away too much green space. The plans have not been finalized so all these issues will be addressed prior to the public meeting.

Reg MacInnis, RM, indicated that affordable housing was mentioned in the report and have asked what the rentals would be. Mr. Wood noted that the townhouses will be around \$1500-\$1600, single level houses will be around \$1350-\$1400 and the apartment buildings would depend on the total cost of construction. Mr. Rivard also added that the City provides incentives for Affordable Housing and asked Mr. Wood if he looked into it. Mr. Wood confirmed that eventually he will look into it. Mr. Rivard also asked if the applicant talked to the neighbourhood and Mr. Wood confirmed that he has talked to a few residents and that is why he decided on the townhouse project on Lot 1.

Mr. MacInnis also asked if the applicant could provide images or pictures of the proposed apartment at the Public Meeting and Mr. Wood confirmed that he would. Mr. MacInnis also asked what precedent this sets in the neighbourhood as we've had recent applications in this area as well. Ms. Thompson mentioned that there was a similar application at the last Planning Board meeting. The previous proposal was on a lot that was half the size of this property and only had one access into the property. The access also had issues in regard to site distance and whether safe access and egress could be obtained at that location. The lots in the area are large and there is a great deal of unused land in the rear yard of these properties that could have the potential to be developed. Changing the use of the property may change the neighbourhood but it does not mean it is a bad thing. Currently, it is a low density residential neighbourhood and adding more density may provide more choices and options for housing. Staff has seen areas in the past where larger lots have been developed. A lot of opposition was raised at that time but once it was done, people were pleased with the result. The similar application last month was a larger in bulk, mass and scale so staff did not favor the application.

Kris Fournier, RM, commented that the applicant did their homework on this application and that the location is close to commercial establishments, which makes it a good location. Mr. Rivard commented that the only concern here is that is located in a well-established neighbourhood. If the case were different, there would be no concerns. Councillor Alanna Jankov also added that this is located near the bus line which is also good.

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 Reg MacInnis, RM, that the request to:

- a) Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and**
- b) Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single Density Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone;**

for the property at 88 Brackley Point Road (PID #396770), be recommended to Council to approve the request to proceed to public consultation.

CARRIED

Mayor Philip Brown was in for this application and left after the motion was concluded. Laurel Palmer Thompson left the meeting.

9. Vacant Property off of Gerald Street (PID #359950)

This is a request for three variances to decrease the rear yard setback requirement from 7.5m (24.6ft) to 2.1m (7 ft); decrease the flankage yard requirement from 6m (19.7 ft) to 2.44m (8 ft); and decrease the interior side yard setback from 1.83m (6 ft) to 1.2m (4 ft) in order to construct a single detached dwelling that is approximately 1,100 sq.ft on the vacant property off of Gerald Street (PID #359950). The property is located in the Low Density Residential (R-2) Zone. Robert Zilke, Planner II, presented the application. See attached report.

The lot is undersized in both lot frontage and area as per the R-2 Zone requirements. Staff does not feel that the decrease in rear yard setback and flankage yard requirement would be viewed as unnecessary and undue hardship. Staff's recommendation is to only approve one of the three requested variance to decrease the minimum interior side yard setback requirement.

Councillor Rivard confirmed that the applicant is looking to build a 1200 sq.ft. dwelling and asked what is permitted. Mr. Zilke confirmed the size and has not made the calculations yet but will be based on setback requirements and would be allowed to build a second storey dwelling. Mr. Forbes added that they will be allowed to build 14 ft x 55 feet without variance which is about 770 square feet. Mr. Forbes and Mr. Morrison also added that if the side yard variance is approved, the applicant also needs a 2-ft variance along the flankage yard setback to meet the minimum width requirement of the house which is at least 18 feet.

Shallyn Murray, RM, asked if the applicant has to go over the same process again if the applicant decides to expand in the front yard in the future. Mr. Zilke noted that he could do another addition without going through a variance as long as he meets the requirements of the ZBL but would still have to go through the Building permit application process. Mr. Morrison added that the applicant does not have to go through the variance process if it meets the bylaw requirements.

Mr. Rivard asked if 770 sq.ft. would be the maximum and staff confirmed. The applicant, Roger Greaves, added more information about the application and indicated that the purpose is to build a retirement home which will be accessible so a two-storey building is not ideal. The location of the proposed dwelling is situated that way because the duplex near the lot has water problems in their basement. The applicant has talked to the neighbours and they also agree that the proposed location is the best location.

Mr. Forbes added that to meet the bylaw requirements, the house should be at least 18ft x 55ft. Mr. Rivard then asked if we could defer this application so that the applicant can work with staff to make the necessary revisions to the application. Mr. Greaves agreed to it.

Basil Hambly, RM, asked if the property will be built on slab and Mr. Greaves confirmed. The property is prone to water issues as well.

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 for variances for the vacant lot off of Gerald Street (PID #359950) to:

- a) Decrease the rear yard setback requirement from 7.5m (24.6ft) to 2.1m (7 ft), be recommended for council for rejection;**
 - b) Decrease the flankage yard requirement from 6m (19.7 ft) to 2.44m (8 ft), be recommended for council for rejection; and**
 - c) Decrease the interior side yard setback from 1.83m (6 ft) to 1.2m (4 ft);**
- be deferred until a revised proposal is presented.**

CARRIED

10. 215 Queen Street (PID #343582)

This is a request for a temporary structure variance to locate a container on the vacant property at 215 Queen Street (PID #343582) to be used as a commercial building for food preparation and service. The property is located in the Downtown Main Street (DMS) Zone. Greg Morrison, Planner II, presented the application.

Since this container is being located in an area of the City which is arguably underserved, staff feel that allowing it on a temporary basis would be reasonable and then the applicant would have to reapply in future years. At that time, the City may wish to approve or deny it in the future depending on feedback received this year. Staff recommendation is to approve the request only for one (1) year at this time.

Bobby Kenny asked if this is considered a real property and do they pay taxes for it. Mr. Morrison noted that the applicant owns the property and unsure if they are to pay for vacant land property taxes or restaurant taxes when this is approved. Mr. Rivard clarified if this needs to go to a public meeting and Mr. Morrison noted that variances do not have to go to a public meeting.

Mr. Rivard also commented that he is pro-food trucks but is concerned that the City has put in a considerable amount of money to fix the vacant parcel of land. Mr. Forbes commented though that the property is not owned by the City. Kris Fournier, RM, clarified that the City spent money to fix the vacant land. Mr. Forbes clarified that the City developed the land with the understanding that the City does not own this vacant land so the owners would still be able to make renovations to their land. Staff uses that area and was used to our benefit but that cannot be a reason not to allow the owner from making changes.

Bobby Kenny, RM, asked if the washroom will be connected to a sewer line and Mr. Morrison confirmed that it will be connected to the City water and sewers lines, likely along Queen Street. Mr. Forbes also added that the application does not require a washroom to be provided but the applicant is intending to provide one. There are concerns on containers but these are purposely built to meet the applicant's objective and that it should be aesthetically pleasing to the public.

Mr. MacInnis asked if this application come in conflict with the next application and Mr. Forbes noted that it will look the same but they are asking for two different types or considerations. This is a new concept for the City and it will be the first season we are allowing such applications. If the results are good, there may be a need to bring in regulations to make it more permanent. Currently, the Police services manage food truck on public areas and the City looks after food trucks on private properties.

Councillor Jankov asked if this application does not require setback or any other requirements and Mr. Forbes confirmed it is a temporary use so wouldn't follow the setback requirements for the DMS Zone. Mr. Rivard asked the applicant gets three years and Mr. Forbes noted that they anticipate the applicant to be back in the next three years to renew the application, or come back with a similar application as the next application. It would be best to see one or two applications in place this year before we start approving too many food container applications. It is critical to get things right so that it is not perceived to be in conflict with restaurants or other land uses.

Mr. Kenny asked how long will this approval allow them to operate and Mr. Forbes noted that it will be for a year and then they would have to reapply again but does not provide them a guarantee that it will be approved again. The decision then will be based on the comments/inputs or if we have complaints during the year they are operational. Mr. MacInnis asked if the complaints will go to the Planning Department so that it is documented and we have references when we make decisions in the future.

Mr. Hambly asked the staff would go out and inspect the conditions of these structures and Mr. Forbes noted that the design should meet the requirements at the time of staff review it should be a condition prior approval of a permit. Mr. Rivard also emphasized that the aesthetic component should be reviewed prior to approval of any permit.

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 for a temporary structure variance to locate a container on the vacant property located at 215 Queen Street (PID #343582) to be used as a commercial building for food preparation and service to operate for one (1) year, be recommended to council for approval, subject to the design of the structure to meet the satisfaction of the Development Officer.

CARRIED

11. 183 Great George Street (PID #344044)

This is a request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1 to October 31 annually; and utilize a container to contain washroom facilities. The property is located in the Downtown Core (DC) Zone. Greg Morrison, Planner II, presented the application. See attached report.

The application also includes two variances- increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft to approximately 6.5 ft and increase the maximum front yard setback from 3.3 ft. to approximately 52.5 ft. Staff recommendation is to approve the request to proceed to a public consultation.

Mikey Wasnidge, applicant, presented images of what used to be a vacant land at Spring Garden in Halifax and what it looks now with a concept similar to what is being proposed. With regards to the application, Mr. Wasnidge indicated that the proposal was thought of intelligently and will not be cheaply fabricated. Also, the intent of building a high fence is to create the atmosphere inside while leaving a mystery from the outside. Mr. Wasnidge also indicated that the fence will be done by local artists which will incorporate Charlottetown elements that may enhance the City's streetscape.

Mr. Rivard noted that these concepts as seen from other locations is considered to be a nice work and displays different artworks and it would also be nice to have in Downtown Charlottetown. The applicants worked over and beyond to surpass hurdles in order to get this application started. Reg MacInnis noted that it looked really nice and asked if this will be available year-round. Mr. MacInnis also asked if the fence will be in line with the Old Triangle's deck. Mr. Wasnidge indicated that the fence will be curbed and the entrance to the establishment will be on the side. There will also be a front and back exit to the property. Mr. MacInnis asked about people who wish to smoke and Mr. Wasnidge mentioned that there is about 25 ft in back lot which can be used. The truck will also have back and front exit so services can either use any entry/exits. Basil Hambly asked if there will be a fence at the back. Mr. Wasnidge noted that an 8 ft fence will be between the truck and the washroom.

Mr. Rivard also added that what makes this different from other food truck applications is the sale of alcohol which would require them to provide for washrooms. Mr. Wasnidge also added that Spring Garden uses containers for all their structure and for this application, they will use a mobile canteen. It operates the same way but during the winter time, they can pull out the mobile canteen without removing the front chairs/structure.

Councillor Jankov asked if the variance application to build a fence is intended to make it more aesthetically pleasing. Mr. Wasnidge confirmed that the designer of the fence will incorporate designs to the fence that will enhance Charlottetown's landscaping or streetscape.

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 obtain a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044) in order to:

- 1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);**

2. **Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and**
3. **Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009),**

be recommended to council to proceed to public consultation.

The site specific exemption also includes the following two (2) variances:

1. **Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and**
2. **Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.**

CARRIED

12. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

This is a proposal to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, regulations permitting an Asphalt, Aggregate, Concrete Plant and General Housekeeping amendments. Robert Zilke, Planner II, presented the application. See attached report.

Councillor Coady is hesitant to have these amendments proceed to public consultation because of the recent concerns that were raised during the Summer of 2018 specific to building asphalt plants in the City. Mr. Forbes noted that if this goes to a public meeting, then we may get additional inputs from the Public that might help the board in making final recommendations.

Basil Hambly, RM, clarified what happens if this does not get approved to proceed to a public meeting and Mr. Forbes indicated that the Board may determine which among the lists of amendments may be recommended to proceed or not. Several concerns specific to the asphalt plan were raised and asked if these could be deferred, and Mr. Rivard commented that once we hear comments at the Public Meeting, the application goes back to the Board and makes recommendation to Council on which to proceed or not. Councillor Coady added that he fears that nobody pays attention to the applications until someone really builds the asphalt plan. This is based on previous applications we received over the past year.

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 amendments to the Zoning and Development Bylaw (Bylaw 2018-11) pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and

General Housekeeping amendments, be recommended to Council to proceed to public consultation.

**CARRIED
(5-2)**

13. Secondary and Garden Suite Registry By-law

This is a proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements. Robert Zilke, Planner II, presented the proposed By-law. See attached report.

Councillor Rivard mentioned that to date, there are five applications for secondary suites already. Councillor Jankov also noted that this is a good way for illegal secondary suites to be legalized, or make existing unsafe two-unit dwellings be safer. Mr. Forbes commented that when an issue is raised or when there is a fire, and the property is found to be a non-confirming dwelling, the owner and insurance company will be on the hook. The applicants apply for permits and pay a certain amount of fee to ensure that what they build is within building code requirements and have been fully inspected before occupancy.

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

Moved by Basil Hambly, RM, and seconded by Shallyn Murray, RM, that the proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements, be recommended to Council to proceed to public consultation.

CARRIED

14. New Business

There were no new businesses discussed.

Moved by Councillor Alanna Jankov and seconded by Shallyn Murray, RM, that the meeting be adjourned.

The meeting was adjourned at 8:09 p.m.

Councillor Greg Rivard, Chair



**Public Meeting of Council
Wednesday, March 27, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent 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
Councillor Terry Bernard**

Also:

**Alex Forbes, PHM
Laurel Palmer Thompson, PII
Greg Morrison, PII**

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

Regrets:

**Councillor Mitchell Tweel
Councillor Terry Bernard**

1. Call to Order

Mayor Philip Brown called the meeting to order at 7:04 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 also mentioned the change in the sequence of the presentation and turned the meeting over to Councillor Rivard, Chair of Planning Board, explained the Public Meeting process and then proceeded to introduce the first application.

4. 183 Great George Street (PID #344044)

This is a request to obtain a site specific exemption for the property located at 183 Great George Street (PID #344044). **It is a vacant lot located between Cedar's and The Old Triangle.** The applicants made some amendments to the initial plans that were included in the public meeting mail out and the applicants will be presenting the changes tonight. Historically, mobile canteens were treated as temporary use and were not acknowledged in the by-law. In 2015, regulations were put in place to allow mobile canteens on private properties as grab-and-go type establishment with no alcohol sale. The applicants elaborated on this concept having outdoor entertainment, sale of alcohol and food, and additional seating within fenced property. Details will be provided by the applicant. When something does not adhere to the by-law text, a site specific exemption is requirement. The purpose of the site specific exemption would be to create an outdoor atmosphere where alcohol and food is sold from a mobile canteen within a fenced property. Seating would be located throughout the property and the washrooms would be located in a container at the rear of the property.

Mikey Wasnidge, applicant, presented details of their application showing the current state of the property, and the specifics of the proposed development. Mr. Wasnidge emphasized that they swapped the location of the mobile canteen & the washrooms, and the entrance to the property will be within the property along the right-of-way between the mobile canteen **and Cedar's.** This layout allows access to a side take-out window between midnight and 3 am while the rest of the property can be closed to the public. Mr. Wasnidge also discussed the different food and drink services, late night food service, site transformation plans, fence, washroom facilities, waste management, noise control and fire safety.

Councillor Terry MacLeod asked if they own the property and Ms. Wasnidge mentioned that they plan to lease the property. Mr. MacLeod commented that if you are one of the businesses beside the property and paying taxes year round, what would your thoughts be on this development. Mr. Wasnidge responded to say that he would find ways to cooperate and collaborate with business owners to drive new business. Mr. MacLeod noted that if you are in the shoes of the existing business owners who pay taxes, employ people and take advantage of burger love, and then this business comes in for 3 months and takes away their sales because they can't afford to compete with your lower costs liquor sales. He also added that half of Kent Street and Great George Street have empty buildings that need to be filled. Mr. MacLeod mentions that it is a tough decision as a council member and feels like this is not the right spot for such development. Mr. Wasnidge appreciated the feedback and the views of other business owners who may lose business to this project. However, people are investing in this community to make Charlottetown better and to attract more youth and more people to enjoy Charlottetown.

Lastly, Mr. MacLeod reminded them to keep these concerns in mind and suggested that he is neither for or against such a proposal at this time. As an official, he wants to look at empty buildings and try to fill those empty spots. Mr. Wasnidge indicated that we are not the same Charlottetown as we were six years ago and a number of these empty buildings

have been filled in successfully. Mr. Wasnidge suggested he understands Councillor **Macleod's** concerns but mentioned that he would respectfully disagree.

Lane MacLaren, resident, thinks that this is a great proposal and is a good addition for the downtown. Mr. MacLaren is on the same page with Mr. MacLeod that he is not against the proposal. We have seen food trucks within the City and have added on to the atmosphere in the downtown. He feels for the permanent establishments trying to attract as many customers as they can and then when summer comes and more activity becomes available, they then have to compete with other businesses. Mr. MacLaren asked if this is approved, would there a different tax rate/consideration to temporary business to pay higher tax rates. Mayor Brown inquired with Mr. Wasnidge if they will be renting and Mr. Wasnidge confirmed they were. The Mayor stated that if it is a vacant lot it would be taxed on residential rate. When it is occupied, it will contribute to HST/ other taxes but there is nothing to force them to pay more than what is required. Mr. MacLaren then asked if a food truck is located at the corner, will there be no levy paid. Mr. Rivard responded that there are fees for food trucks but because of the sale of alcohol, this will fall under a different section.

Heidi Zinn, resident and one the board of directors of Fusion Charlottetown, mentioned that one of their missions is to make Charlottetown a place where people want to work hard, play hard and live well. They are fully in support of this vision of someone young who wants to stay in Charlottetown and keep their business in Charlottetown. It is important to support young entrepreneur and that they should be able start somewhere. We do not know what **Mr. Wasnidge's group is capable of and what else they can do in the future. If we send a** message to our youth saying you must come in with big business plans and expect them to succeed and do well, we are setting people up for failure. If we want these spaces filled in the future, we must support youth now. She then commented that for someone who works in the tourism business, seeing people like Mikey is a big step forward. It may hurt some businesses but competition is a good thing and we need to be innovative to bring Charlottetown to the next level.

Colin Young, resident, would like throw his support for Mikey and added leaving the property as an empty lot or make use of it and beautify the place should be an easy decision.

Mitch Cobb, resident and owner of Upstreet Brewery, commented that there were a lot of vacant lots in the last 10 years and that a few years ago, these lots started to be filled with new businesses and added vibrancy to Charlottetown which makes it separate from the rest **of Charlottetown. Adding Mr. Wasnidge's proposal only** serves to add to vibrancy and contribute to a new area of Charlottetown. We need to encourage new and interesting ideas and new businesses. I would say that this proposal is not an inexpensive proposal. Leasing a building would also have the same capital investment as what is being proposed. Mr. Cobb feels that it is not fair to say that we should fill an empty building first before putting something on a vacant lot.

Jalen MacLeod, resident and co-owners of truck-and-roll food trucks, and can speak on a food truck business perspective. Mr. MacLeod mentioned that they had a very nice welcome when they started their business and would like to show support to a new businesses and not put others down. As a young islander, we should try to support these new businesses. They may not have the same start-up costs as other businesses but none of these businesses would have owners in their 20s. These young individuals may not have the credit to put a business in a building but they are able to put something to shape the cuisine of Charlottetown in a different way and bring in new people to the City. They are not looking at it as competition because the more competition or options, it becomes more ideal to try out difference cuisine. If there are fewer restaurants serving the same cuisine, Charlottetown will not be able to attract the culinary tourism. Mr. MacLeod also added that food trucks pay taxes.

Kim Devine, resident, also expressed her support to this application and these energetic and enthusiastic entrepreneurs who would like to bring in new ideas to Charlottetown. The City has a very good food scene and we would like to build on and take it to another level. Ms. Devine also added that the City needs to support these new ideas and the people who bring them to the table are important to the City as whole. This is what we need to continue to grow and prosper. We are lucky to have these young people who make things happen in Charlottetown and make the City a more vibrant place. Ms. Devine also commented that the design elements are really good and that it will add more vibrancy to the block, thus, encourages the Council to support this application.

Councillor Alanna Jankov shared that since this idea was presented by Mr. Wasnidge, she went door to door around the neighbourhood and has heard nothing but amazing positive feedback. Ms. Jankov also encouraged other residents who have other comments to send it along to keep the momentum going.

Mr. Wasnidge thanked the people who came and supported this application.

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

5. 197 Minna Jane Drive (PID #469841)

This is a request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building with underground parking as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft. The public meeting is only for the rezoning but the variance was included in the notice to ensure that adjacent properties are notified as well. All of the properties in the area are located near the Maritime Electric easement and are

zoned C-2 except for this lot. This application was also discussed with the provinces traffic operations engineer who indicated that any new use of the property could only be served from Minna Jane Drive or Daniel Drive. The applicant, Ron Lord, is here to answer any questions.

Heather MacLean, resident, verified the location of the building. Mr. Lord explained that the former John Yeo Drive is now named Daniel Drive and presented the map that shows the existing Bed, Bath & Beyond, PEI Liquor Shop, etc are located. Mr. Lord added that this is the only remaining CDA lot and others are C-2. He has worked with staff to determine what the best zone would be for this property and C-2 was identified to be the best fit. The apartment building will not compete with the neighboring senior apartments but would like to address the need for housing. Mr. Lord mentioned that Charlottetown has the fastest growing GDP, best population growth and fastest immigration increases in Atlantic Canada which is amazing.

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

6. 88 Brackley Point Road (PID #396770)

This is a request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential.

The property is a 3.404 acre of land with an existing single family dwelling. The plan is to demolish the existing dwelling and subdivide the property into two lots in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot. The property has frontage on both Brackley Point Road and Pope Ave. The main access will be along Pope Ave and will have a right-in, right- out along Brackley Point Road. The Police has confirmed this exit to have safe site distance and this is required as secondary access to meet fire regulations. The parking for the apartment unit will be underground while the townhouse units will have surface parking. Derek French, consultant, to the applicant is here to provide more details of the application.

Derek French noted that he has been working closely with the owner, Ron Wood, for years on putting this development together. Mr. French provided a brief history of the property and the details of the development. Mr. French presented the concept plan, highlights of the development, summary of types of dwellings within 500 meters, parking, traffic, existing condition of the lot, neighbouring properties and details of the proposed apartment building and town house units. The vision for this development is to provide options to different types of people/families of all ages, young families, single parents, older or mature families. The property would be close to schools, church and

accommodation for parks in the area. There is also a good number of safe sidewalk systems in the area to accommodate the schools/students.

Derek Smith, resident, commented there is a huge problem with traffic along the school. If you drive around 3:30 pm, it is not **safe to drive and there's significant** traffic at that time. Mr. Smith noted that the apartment building does not belong in the neighbourhood.

Colin Young, resident, commented that he does not believe that this is the direction the community would like to go. Mr. Young is concerned about the traffic around the school and the area is surrounded by students, even cutting through the property to get to the school area. It is a dangerous idea for the area. Mr. Young also added that he respects the effort of Mr. Woods to make it as appealing to the community but he believes that Mr. Woods would just like to maximize the revenue of the property at the expense of the community.

Heather MacLean, resident, commented that she thinks that the development looks lovely but the traffic is the issue in this application. For the exit right along Brackley Point Road, Ms. MacLean noted that she will not exit right unless she goes to the airport so the cars will exit onto Pope Ave. You have to see the traffic in the morning and afternoon to confirm the issue. Some students are special and you will notice that there are non-stop pedestrian traffic along that area. Adding more cars along that area is a concern too.

Nola Etkin, resident, echoed the concerns about traffic. Ms. Etkin mentioned that a lot of kids walk past her house and along Pope Ave not only before and after school, but also during lunch break. The exit onto Brackley Point Road from Coles Drive is a nightmare and the intersection is also a bad intersection because of the offset. It is even worse during the winter when there are snow banks thus making it even more difficult to see incoming cars. Brackley Point Road is a busy road and the proposed right-out is not very far between intersections. Brackley Point Road traffic is bad and Pope Ave is going to be worse.

Jerry Ivany, resident, asked how would they propose the right-in, right-out be controlled. Mr. French responded that they are looking at putting a concrete curb to minimize cars turning left and this will be located at the property entrance to Brackley Point Road. Mr. Ivany indicated that safety is a major concern. Children walk back and forth between two schools and there are families dropping off their children, and most of the time, children cannot be controlled as soon as they step out of the vehicle. Mr. Ivany congratulated the proponent for the presentation and noted that everything is good except for the safety issues. He also feels that the townhouses are okay but the apartment is the problem. They would like to keep it as single family houses and not interested in having an apartment within the neighbourhood. Mr. Ivany also added that there are lands along Brackley Point Road that may probably be available in the future

and should this application be approved, the whole east side may end up being rezoned. The west side of the area having smaller older house, may also be envisioned over time, to end up with apartments as well. Mr. Ivany feels that this is a dangerous proposition with the amount of traffic that will be expected. Currently, it is rare to see residents that would only have one car. Also, during noon time, there are about hundreds of high school students walking down Pope Ave to the local fast food area. The access to Stone Park Junior High level is also not open to parents or to parents dropping off or picking up kids would park along the road. Mr. Ivany also appreciated the neighbourhood for taking care of the community and would like to keep it as single family dwellings. Finally, Mr. Ivany noted that he has submitted his written comments to the department and Mayor Brown acknowledged to have received it.

Mike Dillon, resident, asked about the location of the development. The report indicated that the apartment building is situated about 450ft away from Brackley Point Road but the apartment is actually along Pope Ave. It doesn't show how close the apartment complex would be from the closest R-1 lot along Pope. Laurel Palmer Thompson referenced the apartment to the single family dwelling owned by Mr. Woods which is adjacent to the proposed development. Ms. Thompson indicated that they looked at the distance along Brackley Point Road and not along Pope Ave. Staff were not looking at the massing along the streetscape because the apartment building is not located beside single detached dwellings. It is set back so the distance is not much of a concern. Mr. Dillon commented that it would be nice to have public documents include the distance of the apartment building to the nearest residential dwelling along R-1s. Mr. Dillon read sections of the report that provided comments on the townhouses but mentioned that he does not see anything in the document on apartment buildings. Ms. Thompson noted that discussions on townhouse units were included and there were also discussions about the apartment unit where it integrated in the streetscape. Mr. Dillon added that the report shows that staff is in support of the townhouse units but it does not provide the same for apartment units. Mr. Dillon also mentioned that there are inconsistencies to the document pertaining to recreation and open space amenities and asked if there are reasons why it was not included in the document. Ms. Thompson responded that staff looked at the land uses in the area. Ms. Thompson mentioned about picking out specific comments from the document but it should be considered that this is a balance report and it did cover the pros and cons of the development as a whole, and does meet the criteria for recreation and park land use. Staff looked at the overall aspect of the area when reviewing a development. Mr. Rivard also added that the report shows the Positive, Neutral and Shortcomings as it pertains to the application and the shortcomings as it pertains to the apartment building was presented. Mr. Dillon also commented that there are no sidewalks along some roads and thus would like to encourage the City to put the infrastructure to make it a great location for recreation and parkland. Mr. Dillon also noted Stone Park Bowl as being a great asset in the neighbourhood and is much underutilized. There are safety, lighting and mobility issues at the moment and would like the neighbourhood to maximize this park and for the City

to invest on this as well. Mayor Brown noted that is owned by Public School Branch while the Centennial Park is managed by the City.

Jeremy Crosby, resident, commented that he bought the property because of the character of the area and spoke to residents and no one is in favor of the proposed development. Mr. Crosby pointed out that the property is designated low density since it was developed in the early 70s and some points from the Official Plan to maintain **Charlottetown's existing neighbourhood and new development is harmonious to** existing neighbourhood. The proposed rezoning is against the future land use map and that it should remain low density residential. If this rezoning is approved, there may be potential changes to the concept plan and increase the density to at least 100 more units. It may also open the door to more rezonings along Brackley Point Road. The increase in density may be considered to be out of character and may increase the traffic issues. Mr. Crosby is not opposed to development but should be mindful of the surrounding neighbourhood.

Marco MacDonald, resident, mentioned that he studies at Stone Park School and he has concerns for the safety not only of himself but of his fellow students and for his sisters (and friends) studying at Tiny Tots Daycare. There is heavy traffic before school, during lunch break, when there are school events and even when teachers arrive before students arrive and after school hours. None of the students feel that this application is best idea for students at Stone Park.

Trevor Matheson, resident, commented that his children attend daycare at Tiny Tots. Mr. Matheson is concerned about the noise, heavy traffic, trucks and dust that may arise during the construction period which may affect the kids at the daycare. Mr. Matheson also indicated that the apartment buildings noted in the map are along the outer rim of the 500 meter area which are along Doncaster Ave and St. Peters Road. This property along the heart of the neighbourhood with single family dwellings. Mr. Matheson would like to applaud Mr. Woods for the proposal but a giant apartment does not fit in the neighbourhood.

Danielle Plante, resident, is voting against the development. There are too many cars parked in front of her house **and there's too much traffic.**

Pat Ellis, resident, commended that Mr. Woods did undergo a lot of planning on this. Ms. Ellis understands that some residents may have difficulty dealing with ownership of single family dwellings but does not see that the apartment units fit the vision of the neighbourhood. Traffic is present everyday. Ms. Ellis liked the green space concept and she mentioned that the townhouses are reasonable but not the apartment units and would like to see the properties remain as single family dwellings.

Marcia Gardiner, resident, mentioned that she has spoken to a number of residents within the neighbourhood and has not heard any positive comment about this

development. There are no difficulties/concerns with the townhouse development but the apartment is a big problem. There is a huge walking traffic of school children in the area and the auto traffic is also quite a problem.

Joan Ivany, resident, asked why this lot is being divided into two different properties. Ms. Ivany is afraid that if the application is approved, the other section will also become apartment buildings. Ms. Ivany compared it to the development behind the Charlottetown Mall where the development was proposed as a single development but has since changed from the initial plans. She is afraid that the same situation may happen to this area. Mr. French responded that it is more for accessibility and that there needs to be frontage for each of the lot. Ms. Ivany asked why she had to apply for a variance to develop her property while this new development has less frontage. Mr. French mentioned that they are within the requirements. Ms. Thompson also added that under the old bylaw, it is required that the streetscape align with the existing dwellings. The new bylaw requires that new development meet the minimum setback requirements.

Don Crosier, resident, asked how far would the exit from Brackley Point Road be from Cedar Ave, how wide would the exit be and where do you expect cars to turn when going downtown. Mr. French responded that it is approximately 75 feet from Cedar and access would be 20 feet wide. Mr. French mentioned that they can drive down to the Bypass highway or roundabout along Oak Drive and go back towards Brackley Point Road. Mr. Crosier is convinced that they are not turning right and will be difficult to enforce that. Traffic is a problem along Brackley Point Road. He is not opposed to the development but the exit on to Brackley Point Road is a concern. He also clarified the number of townhouse units in the proposed development. Mr. French confirmed that the plan indicates 17 townhouse units and Mr. mentioned that the letter indicates 16.

Matthew Walker, resident, commented that there are traffic issues along Pope Ave and this development is a disaster waiting to happen. Mr. Walker also commented on what precedent it sets for other development such as the previous application along 68 Brackley Point Road. Ms. Thompson responded that though she is not the planner who reviewed the recent application, she is aware of an old application that was also rejected because the property does not have a safe site line distance existing to Brackley Point Road, even if the development was just for a single family dwelling. Mr. Walker commented that he loved the town house proposal and would fit the neighbourhood but not the apartment.

Mike Eyolfson, resident, is opposing the apartment piece of the application but finds the townhouse to be suitable. Mr. Eyolfson did a canvassing along Heather Ave and there were no residents who provided positive responses to this application. Drainage is also a concern along this area and asked what steps are in place to mitigate this problem. Mr. French mentioned that they would design a storm water for the property and will

have to be reviewed by the City and **integrated into the City's storm water system**. He also commended Mr. Woods for the proposal but does not believe the apartment building belongs to the area.

Shelley Morrison, resident, urges the department to read the letter that will be sent tomorrow. Ms. Morrison has numerous concerns about being harmonious and following City plans which seems to be not followed in this. Ms. Morrison commends the Wood family for the proposal and is not opposed to development as long as it is done properly. Also, letters were notified at least a week ago and did not have time to prepare or be made aware of this. Most of the community was away for March break. Ms. Morrison presented a map that shows the number of residents that were opposed to the development. A petition was circulated and a total of 327 signatures were received in opposition to this application. Mayor Brown received the application and confirmed that this will be included in the Planning Board package. Mayor Brown also encouraged residents who wish to send their comments to submit it before noon of March 28, 2019 to planning@charlottetown.ca.

George Bitar, resident, noted that the area is a high traffic volume area. Everyone is in agreement that the apartment building is not desired in this area. Mr. Bitar asked what weight the community carries in making a decision. The community would like to keep the neighbourhood as single family dwellings. Mr. Brown responded that the Zoning & Development Bylaw is a living document does change over time. That is the purpose of the public consultation and the public is given notice, and the comments heard tonight will be considered when Council makes a decision on the 8th of April. Mr. Bitar asked if one is legally entitled, does this process matter. Mayor Brown responded that if a zone is being changed, a process is in place before a Council decision is made. Mr. Rivard also added that every resident has the right to apply for a change to the Zoning By-law and the department cannot deny applicants from coming forward. This is why the process includes a public consultation to hear comments from the public before it is reviewed a second time by the Planning board (April 1st) and the board makes a recommendation to Council to accept or reject and then Council makes the final decision. Dividing the lot may be a little tricky to better **their livelihood but if they don't** divide the property, this would not be happening.

Karen Dunning, resident, indicated that the homestead was a heritage home owned by George Coles and the plan is to tear it down. Ms. Thompson clarified with the Heritage **department that the property was not George Coles' home**. Ms. Dunning also asked if this property is rezoned to R-3, and the owners decide not to develop it, does it give other developers an opportunity to develop it into two 64-unit apartment dwellings. Mr. Rivard confirmed that once it is rezoned, it does allow developers to build based on the zoning. Mr. Forbes added that this application is based on the application they have submitted and the applicant will only be allowed to build as per their plan. Mayor Brown added that an R-3 zone would allow for apartment units but this specific application would be specific to the plans submitted based on a Development Agreement. Brackley

Point Road is a core road and is difficult to pull in and out of the driveway and she believes that there is a better way of designing it. Ms. Dunning is not opposed to developing small homes and would like to ask if these houses are to be rented or purchased and Mr. French responded that it can be a mix of both.

Susan Frizzell, resident, commented that if there was a party in one of the townhouse units, there is not enough parking space. Mr. French responded that it would have a long driveway. Ms. Frizzell also asked about enough parking for visitors for the apartment units. Mr. French mentioned that they are required 30 parking spaces and there are 28 parking spaces underground and about 10 surface parking. Ms. Frizzell then asked if there are plans to add more parking spaces in the future to accommodate the need for parking spaces and thus, reducing the green space in the area. Ms. Thompson responded that the applicant is required to provide 30 parking spaces. It will be up to the developer if they want to add more parking spaces.

Peter Poirer, resident, emphasized that the site map shown during the presentation shows properties within the area are all R-1 lots. The image is enough to show that an apartment building does not belong in that area. The townhouse units should be acceptable.

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

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)

This is a request to amend the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Mr. Zilke went through the different sections of the amendments. Mayor Brown asked how many M-2 zones are there in the City and the proximity to residential dwellings. Mr. Zilke mentioned that there are two sections. Mr. Brown asked if these are the ones north of Winsloe and West Royalty Industrial Park and Mr. Zilke confirmed. Mr. Zilke added that the M-2 zone along the Industrial Park is directly adjacent to residential lots and thus the requirement for environmental assessment if it will stand the test of land use compatibility assessment. Mr. Brown also confirmed that M-2 in the north would be off the Sherwood road and heavy industrial within that area and Mr. Zilke also confirmed. Mr. Forbes also emphasized that the environmental impact assessment is a requirement of the province before a permit can be issued. Mayor Brown also asked whether the existing asphalt plant along Sherwood Road is on a non-conforming use and if that is sold or becomes dormant for six months, it returns to its original zone. Mr. Forbes confirmed that a portion is zoned

Industrial but the back portion that contains the asphalt plant is R-2. If they cease using it for six months, it goes back to R-2.

One resident asked why it was removed from the bylaw. Mr. Zilke responded that discretionary uses undergo an approval process. Mr. Forbes added that discretionary uses were removed in the current bylaw. It was a discretionary use at the airport at that time as a specific use. And that is the purpose of this current amendment, whether we need that use or not. It is a request to provide direction where that use can be located and whether it is necessary. Another question asked on landscaping is if the objective is to put trees and green space is a requirement, why is hardscaping allowed. Mr. Zilke responded that hardscaping would be decorative stone work or ornamental grasses. He also asked if it has to be a mixture or an alternative. Mr. Zilke mentioned that it should be a mixture or how the bylaw is defined.

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

8. Secondary and Garden Suite Registry By-law

This is a proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.


Darren Ings, resident and real estate appraiser, asked how the City is going to zone the properties with secondary or garden suites. Is it going to be an R1 or R2 zone. Mr. Zilke **responded that it doesn't apply to a zone but to the form of a building. Secondary suites will** only be permitted to single detached dwellings, regardless of what zone they are situated.

Mr. Ings clarified that single detached dwellings will now be two units, so he asked if they are R1 or R2, and that they cannot have both (one family or two families). Mr. Zilke noted that R1 allows for single detached dwelling. A secondary suite is secondary in nature, not like a semi or duplex and would have size restrictions. Mayor Brown also clarified that new terminologies are in place to reflect these changes to the definitions. Mr. Ings asked what the appraisal would be and Mr. Zilke confirmed that they are to be appraised as a single-detached home. A secondary suite is still part of main dwelling. You cannot sell a secondary suite independently. Mr. Ings asked if this can generate income and Mr. Zilke confirmed. Owners should register on a registry to allow for secondary suite. Once it is sold, the new owner should again register the secondary suite. He also asked if this database will be accessible to the public and Mr. Zilke confirmed that it will be available online.

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 Greg Rivard and seconded by Councillor Kevin Ramsay that the meeting be adjourned. Meeting adjourned at 9:30 p.m.

TITLE: REZONING / VARIANCE APPLICATION FILE: PLAN-2019-1-APRIL- 6A1 197 MINNA JANE DRIVE (PID #469841) OWNER: CORDOVA REALTY LTD.		
MEETING DATE: April 1, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Building Plans C. Letter of Support D. Letter of Opposition	
SITE INFORMATION: Context: 3.0 Acre property containing Dr. McManaman’s Orthodontist Practice Ward No: 8 – Highfield Existing Land Use: Medical, Health and Dental Office Official Plan: Concept Planning Area Zoning: Comprehensive Development Area (CDA) Zone		
PREVIOUS APPLICATIONS: A building permit was issued on October 12, 2007 to renovate the existing building to be used as a professional office space (i.e., dentist office).		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to:

1. Amend Appendix “A” – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial for the property located at 197 Minna Jane Drive (PID #469841);
2. Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone for the property located at 197 Minna Jane Drive (PID #469841); and
3. Increase the maximum height for an apartment dwelling in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft).

subject to the existing access between parking lots being removed so that only the dental office / upper parking lot may be permitted to utilize the right-in / right-out onto Malpeque Road.

BACKGROUND:

Request

The property owners, Cordova Realty Ltd, are applying to rezone the property located at 197 Minna Jane Drive (PID #463841) from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. The purpose of the rezoning is to allow the uses in the C-2 Zone including a 70-unit apartment building and a future building which will likely contain a commercial daycare centre.

The proposed 70-unit apartment building is approximately 21.26 m (69.75 ft) in height and would require a major height variance as it exceeds the maximum building height for an apartment building of 15.0 m (49.2 ft).

Development Context

The subject property abuts three streets – Minna Jane Drive, Daniel Drive, and Malpeque Road. The subject property and adjacent development is bordered by Maritime Electric property and the Charlottetown Arterial Highway.

Within the development area identified above, a 60-unit apartment building is currently under construction at 215 Minna Jane Drive and it is anticipated that an additional 60-unit apartment building will be constructed at 219 Minna Jane Drive. The rest of the surrounding lands identified above is being used as commercial or is vacant within the Highway Commercial (C-2) Zone.

Property History

A building permit was issued on October 12, 2007 to renovate the existing building to be used as a professional office space (i.e., dentist office). The rest of the property has remained vacant.

Appendix B. Comprehensive Development Area (CDA) Parcels and Permitted Uses of the Zoning & Development By-law identifies the existing use of this property to be offices.

LEGISLATIVE REQUIREMENTS:

Notification

On March 11, 2019, Council passed the following resolution:

That the request to:

- 1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial; and*
- 2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone,*

for the property at 197 Minna Jane Drive (PID #469841), be approved to proceed to public consultation.

As per Section 3.9.3 and 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 March 12, 2019. The letter informed them of the rezoning / variance application and the upcoming public meeting. The letter then explained that comments for or against the proposed rezoning / variance must be submitted prior to 12:00 p.m. (noon) on Thursday, March 28, 2019.

In addition, staff published a notice in two issues of The Guardian on March 16, 2019 & March 23, 2019 and posted a copy of the notice on the subject property.

Public Feedback

Of the nine (9) letters sent to affected property owners, one (1) letter of support (Attachment C) and one (1) letter of opposition (Attachment D) were received prior to the deadline for comments. The letter of support stated that the proposed development would be a great addition to the area. The letter of opposition expressed concerns that the residential apartment building should have to adhere to the regulations of the Zoning & Development By-law even though this type of use shouldn't be permitted in a commercial zone.

In addition to the public feedback received during the mailout process, a public meeting of Council was held on March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, there were no property owners who spoke for or against the application.

ANALYSIS:

As previously explained in this report, the development context boundaries could be described as the Maritime Electric properties, Charlottetown Arterial Highway, and Malpeque Road.

All of the properties, with the exception of the subject property, are located in the Highway Commercial (C-2) Zone. These properties are primarily developed as commercial with the exception of the 60-unit apartment building to the north which received Council approval on October 10, 2017:

That the request for two variances to increase the maximum height requirements of the proposed building from 39.4 ft to approximately 65.25 ft. average grade to the top of the main roof line and to the minimum lot area requirements to increase the density from 57 units to 60 units at Lot 5-2 adjacent to 197 Malpeque Road (PID #577585) be recommended to Council for approval.

Should the rezoning be approved, the applicants are also applying for a variance to increase the maximum height requirement for an apartment building in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft). The proposed apartment building would only be 4.5 ft taller than the adjacent 60-unit apartment building but the applicants have indicated that due to the elevations of the land, the proposed building would appear to be approximately 3.26 m (10.70 ft) taller.

Staff discussed the application with the Traffic Operations Engineer at the Province who indicated that any new use of the property (i.e., apartment building or commercial daycare centre) could only be served from Minna Jane Drive or Daniel Drive which connects to the signalized intersection at Malpeque Road / Daniel Drive. He went on to explain that *'the only building allowed to use the right-in / right out is the Dr. McManaman's building.'* The existing access between parking lots which would allow the residents of the apartment building to access Malpeque Road would have to be removed.

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 adjacent property obtains a similar variance in 2017.• The proposed apartment building is only 4.5 ft taller than the adjacent apartment building but appears to be 10.7 ft taller due to the change in elevation.• All adjacent properties within the development context are zoned C-2.		

CONCLUSION:

In light of the fact that all adjacent properties are located in the Highway Commercial (C-2) Zone and the adjacent 60-unit apartment building also received a major height variance for an apartment building, the Planning & Heritage Department recommends that the rezoning application including one (1) major variance, be approved.

PRESENTER:



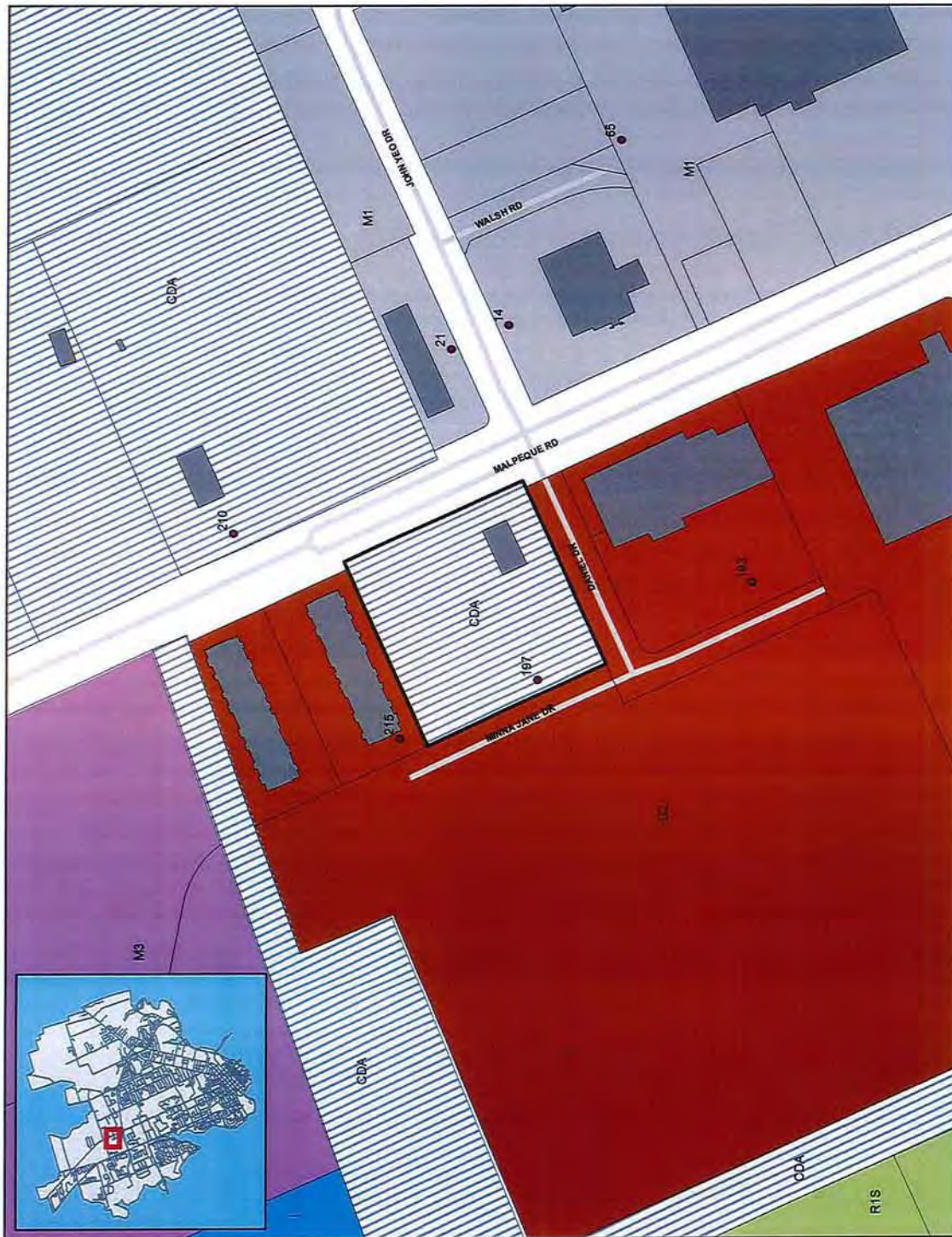
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-1-April-6A1
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B

Building Plans Attached:

1. Code Chart & Renderings
2. Site Plan
3. Garage & 1F
4. 2F – 6F
5. Suite Enlargements
6. Elevations
7. Elevations
8. Site Servicing and Drainage Plan

Attachment B: Building Plans
File: PLAN-2019-1-April-**6A1**
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.

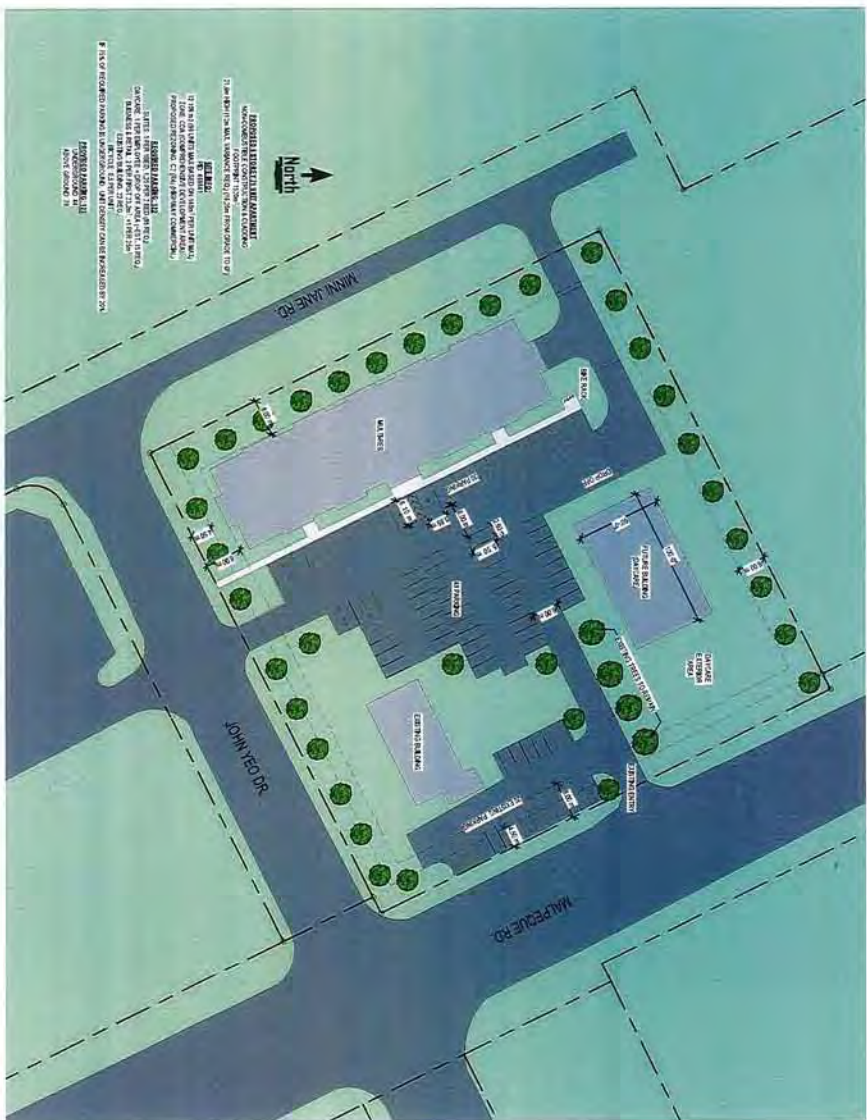




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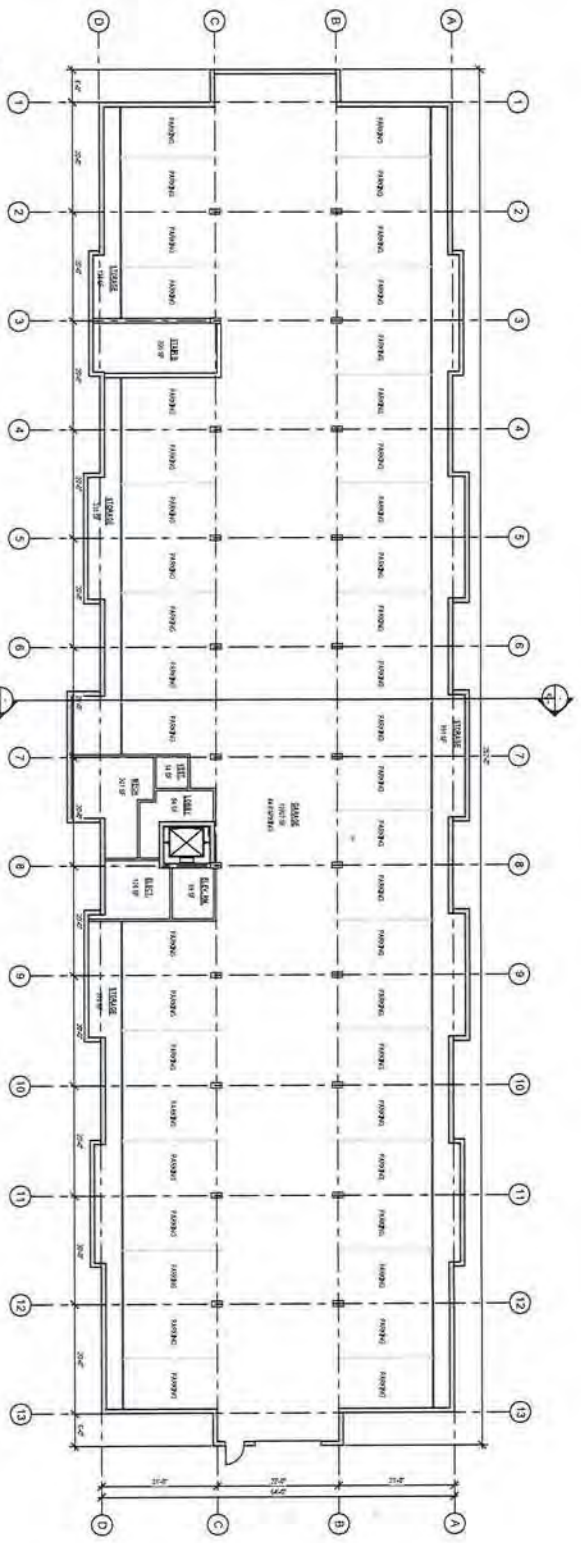


SITE PLAN
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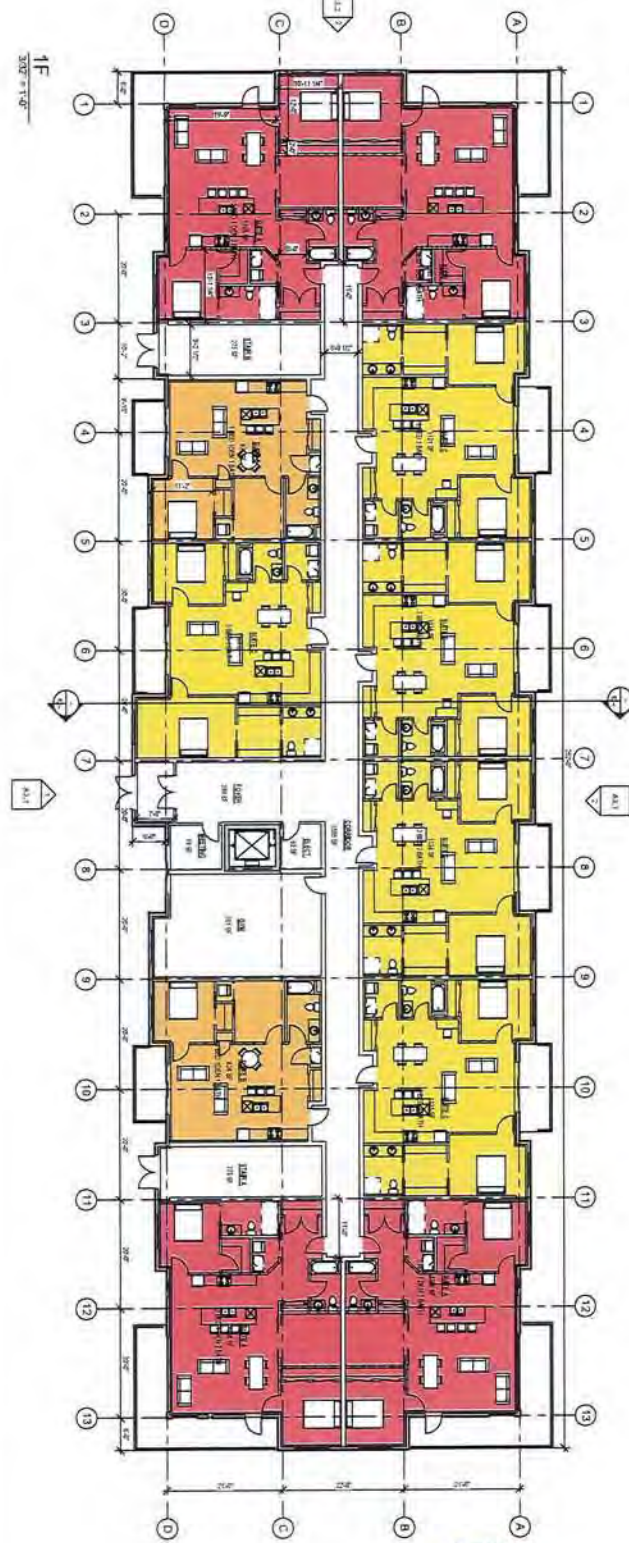
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CHECKED BY: [REDACTED]
SCALE: AS SHOWN
SHEET: AD2 OF 424



0F
SCALE = 1/4"



1F
SCALE = 1/4"

ROOM LEGEND
 ■ OFFICE A
 ■ OFFICE B
 ■ OFFICE C
 ■ OFFICE D



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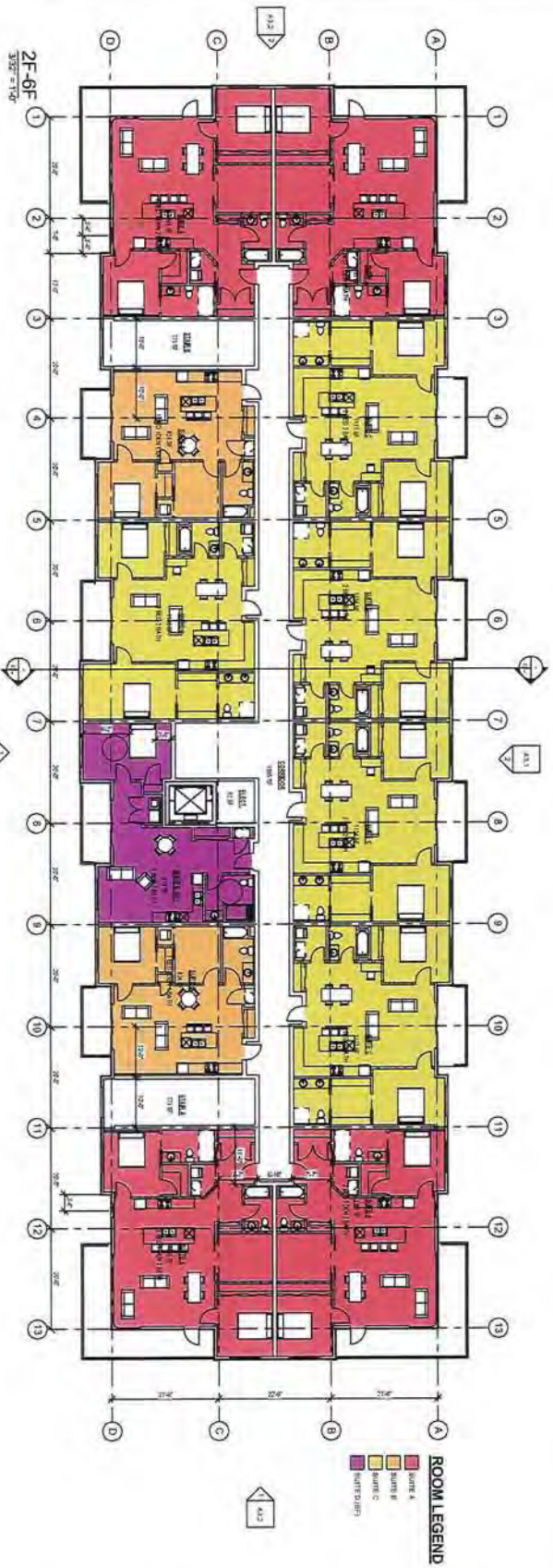
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 FEB 27, 2019
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 APPROVED BY: [Signature]
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ROOM LEGEND

- Zone A
- Zone B
- Zone C
- Zone D

ROOM SCHEDULE			ROOM SCHEDULE		
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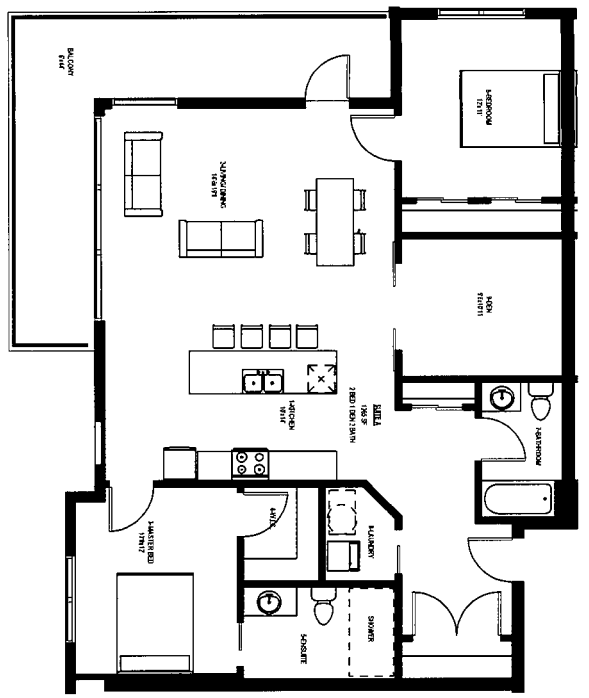
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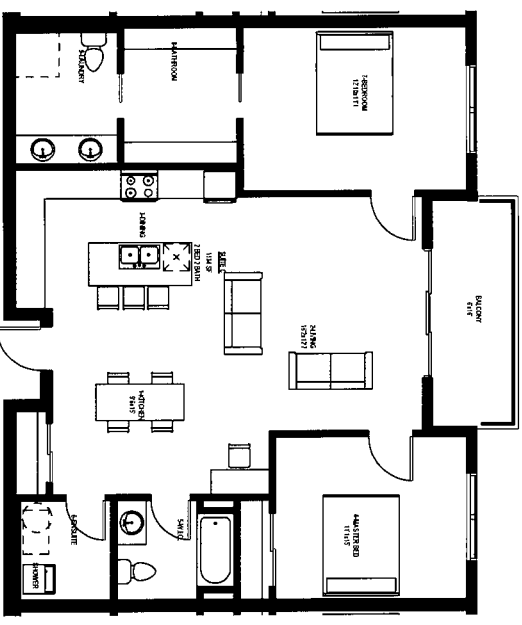
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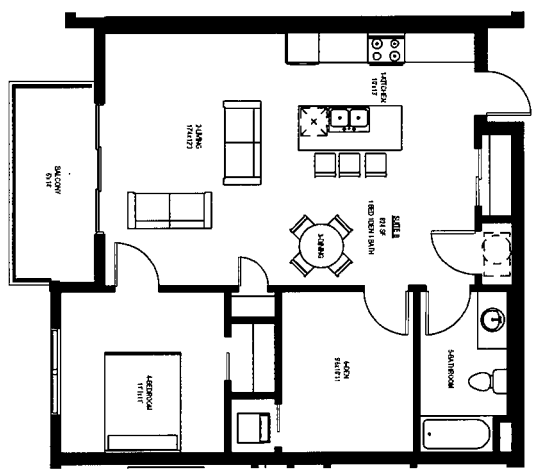
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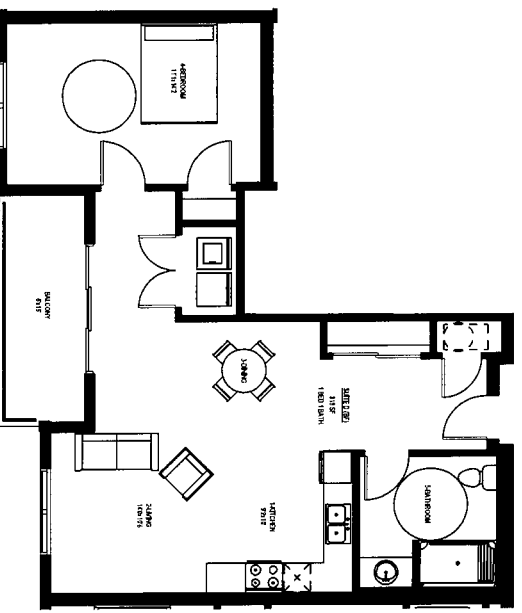
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SUITE BEDROOM/PERMITS CODE			
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SUITE B	BEDRM 2	1100 SF	1
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SUITE C	BEDRM 2	1300 SF	1



SUITE B
1/4" = 1'-0"



SUITE D (BF)
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SITE ENLARGEMENTS
FEB 21, 2015

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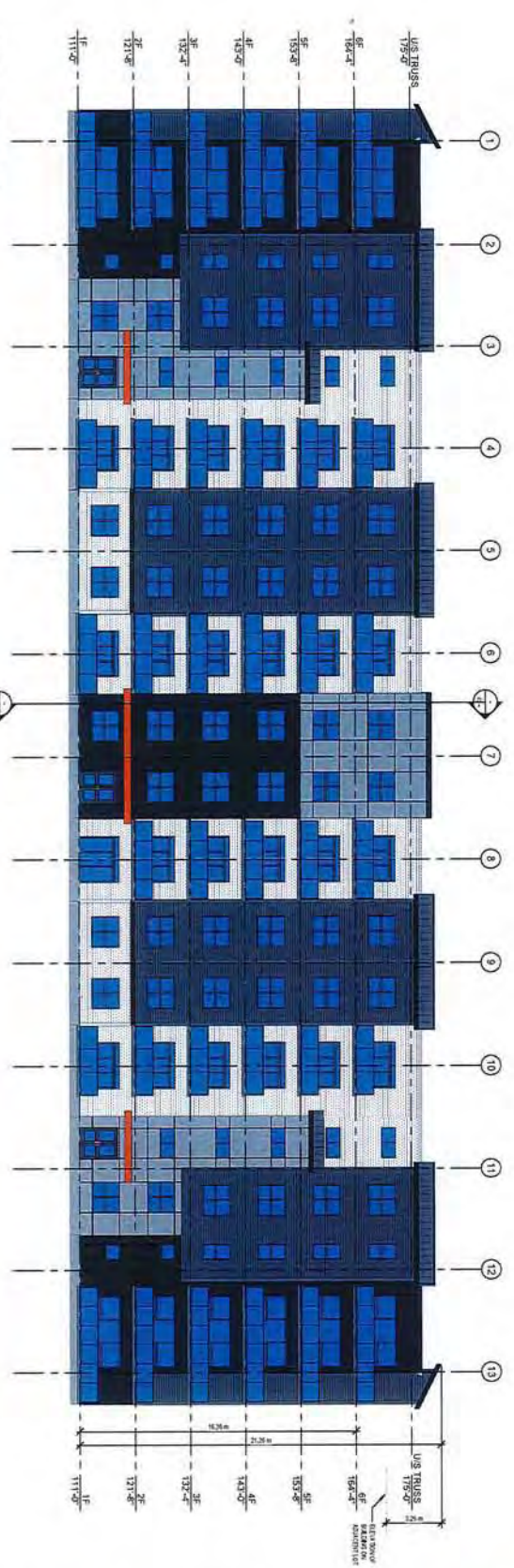


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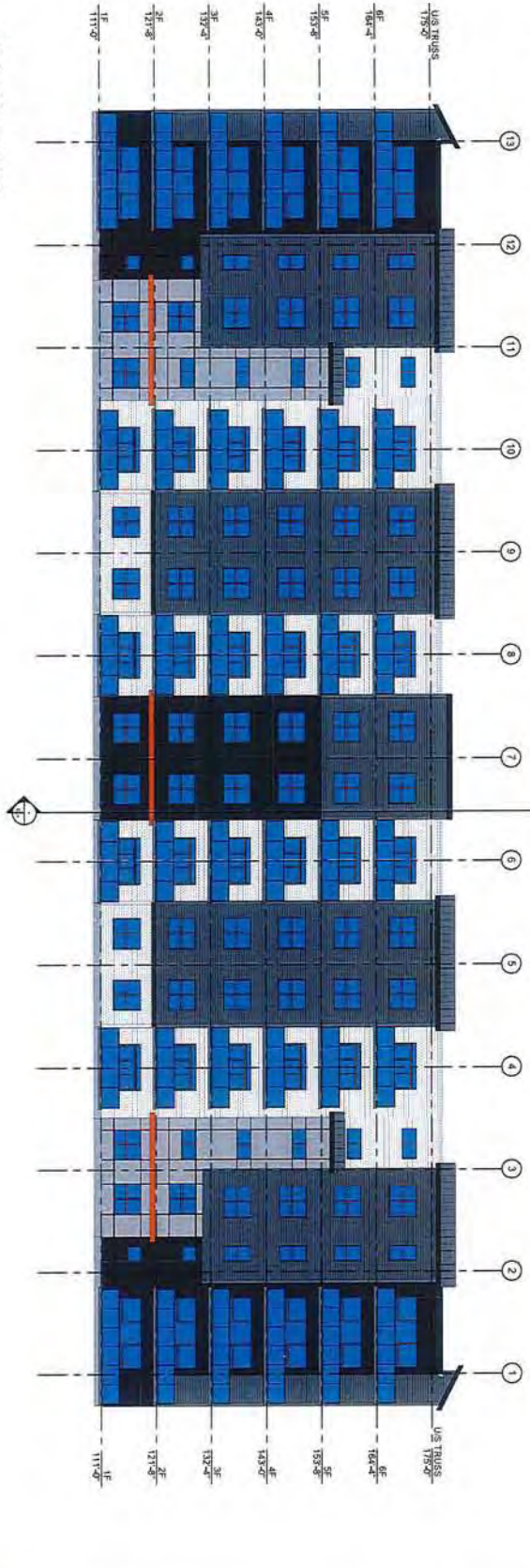
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EAST ELEVATION
3/27' x 140'



WEST ELEVATION
3/27' x 140'



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Carlotta
Principal

Camden, Xabib, Rex
Architects

ELEVATIONS

DATE: 04.21.2018

PROJECT: [REDACTED]

SCALE: AS NOTED

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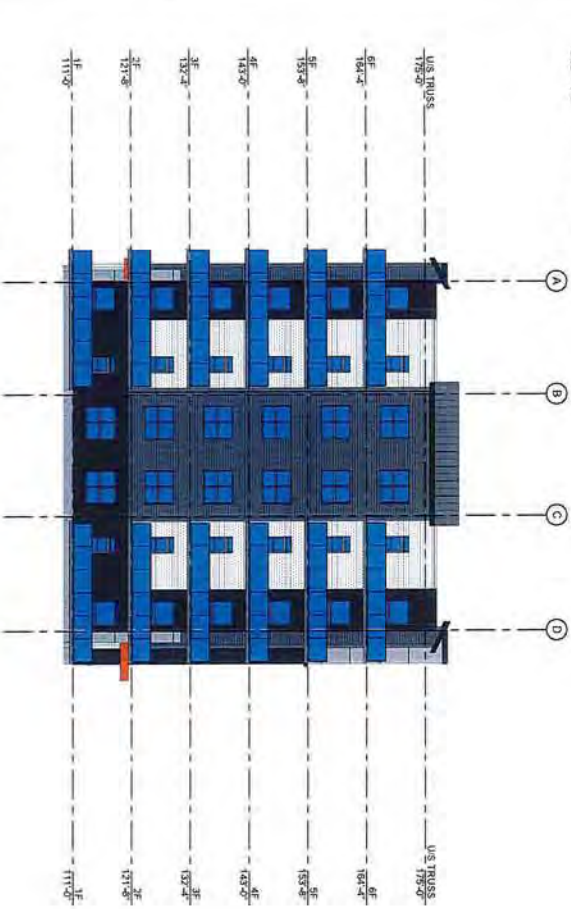


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SOUTH ELEVATION
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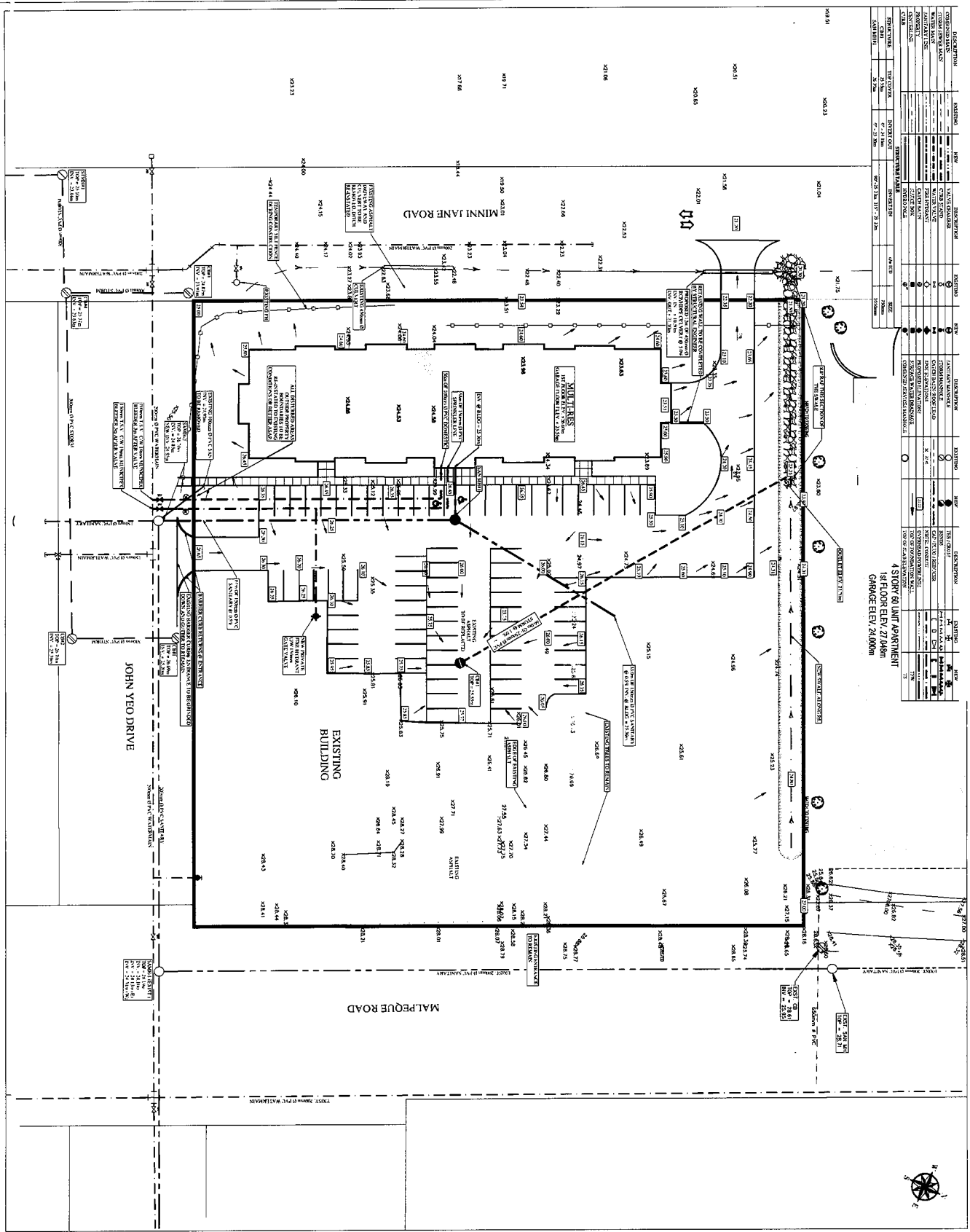
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4 STOREY UNIT APARTMENT
18 FLOOR ELEV. 21.000m
GARAGE ELEV. 21.000m



DATE: 07/21/10
PROJECT: C-1
SCALE: 1:300

NO. 1
NO. 2

NO.	DATE	BY	REVISIONS
1	07/21/10	ACB	ISSUED FOR PERMIT
2	07/21/10	MDF	REVISIONS

PRELIMINARY
CITY OF CALABATOGON, CANTON
ENGINEERING, LTD.
11th Floor, 11th Street
Calatagan, Batangas

CORDOVA
MULTI-RESIDENTIAL
SITE SERVICING AND
DRAINAGE PLAN
DE/123
DEL/2301/0



CAD: MDF
CHECKED: MDF
SCALE: 1:300

Attachment C

From: Rachel Hope [mailto:Rachel.Hope@plaza.ca]
Sent: March-21-19 1:06 PM
To: Morrison, Greg
Subject: RE: 197 Minna Jane Drive Site Plan

Hi Greg,

Our executive have reviewed and we do not have any issues as the parking meets the requirements. It looks like a great addition to the area.

Thank you,
Rachel

Attachment C: Letter of Support
File: PLAN-2019-1-April-**6A1**
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.



Attachment D

From: moorewelldrilling@pei.aibn.com [<mailto:moorewelldrilling@pei.aibn.com>]
Sent: Wednesday, March 27, 2019 1:48 PM
To: Planning Department
Subject: 197 Minna Jane Dr

Planning & Heritage Department,

I expect this letter will not make any difference. It is just a formality to make things legal. In the first place, I understood that this area was zoned commercial/industrial. Is that right? Is this not residential, or does the City have one of it's famous loop-holes that allow it to do what it wants? They already allowed a New Brunswick building across from our shop, so there is no doubt they will allow many more apartments in the area. For this one in question, they should absolutely not allow it beyond the height that is currently law. Why do you even have laws, if every time you are asked to change, you change. A building like that would be an eyesore. Do we even have the proper fire equipment to handle a fire in a building that tall. What about the water requirements? Every building like this that goes up, is like another small sub-division. Charlottetown is strapped for water as it is.

What about the next guy who wants to go 8 stories? You have that maximum height for a reason. The only reason they want it higher is greed. They can squeeze another 20 units going higher. What advantage is that to you and me? I guess you guys collect more property tax, and you really don't care what I think. The same way you didn't care about the building across from our shop creating its own private driveway onto Route 2, backing dump trucks out onto the road, causing many near accidents. I know for a fact that Highways sent you a letter voicing the same concerns, and nothing was done. Do you know that the apartment across from us was built using virtually all NB labor, and material? They even got a company from Moncton to pave their parking lot. So much for loyalty. It's really disgraceful.

For what it's worth, I say "No" to the variance request. We have rules for a reason. If, and when you do let them do what they want, could you please ask them to at least keep their garbage on their own property when they build? Our property, and wooded area is absolutely covered with garbage from the New Brunswick apartment building. Do we not have any laws that require a certain amount of labor come from local, or Island business? We are an Island business, and I think it is important for Island businesses to support the local economy. You have to support where you live to survive. It used to be that way, but in todays society, I guess people don't care anymore.


John Moore

Moore Well Drilling Inc.

March 27, 2019

Attachment D: Letter of Opposition
File: PLAN-2019-1-April-**6A1**
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: REZONING APPLICATION FILE: PLAN-2019-1-APRIL -6A2 ROYALTY ROAD (PID #388595) OWNER: ROYALTY RIDGE ESTATES INC.		 CHARLOTTETOWN
MEETING DATE: April 1, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan C. 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 to approve the request to rezone approximately 3.25 acres of the vacant property located on the corner of Royalty Road and Upton Road (PID #388595) by amending Appendix "G" - Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.

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 seven properties which would allow the development of 2-unit dwellings. All of these properties would be located on a cul-de-sac off Royalty Road.

The applicants have confirmed that they will not be applying to rezone any of the remaining property; therefore, Phase II will be developed as per the Single-Detached Residential (R-1S) Zone regulations.

The road and lot configuration of Phase II will be determined at a later date but in light of the fact that the property will remain zoned R-1S, the subdivision will be done internally with a review from the Police Department, Fire Department, and Public Works Department – no public consultation would be required for Phase II.

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.

In light of the foregoing, Planning Board passed the following resolution on February 4, 2019:

Moved by Kris Fournier, RM, and seconded by Basil Hambly, 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 deferred for a period of two months in order for the applicants to provide a revised plan for the property.

Since that time, the applicants have engaged the residents on a number of occasions and provided staff with numerous iterations of the proposed plan in order to attempt to balance the requirements of the City with the comments of the residents.

Most recently staff met with the applicants on March 25, 2019. Following the meeting, the applicants provided staff with their final proposed site plan which is attached to this report as 'Schedule B'. The applicants also send the following comments to the residents on March 26, 2019:

'Two of the main concerns that have been raised pertain to extending Meadow Lane and our overall plans for Phase 2 of the development. The City is now aware that many residents are opposed to extending Meadow Lane to create a second access to the neighborhood. Consequently, the City has agreed that our present application for Phase 1 does not require a commitment from us to extend Meadow Lane. The issue of a second access will still have to be addressed as part of the design process for the remainder of the development, but it is off the table for now. Also, with regard to Phase 2, we have advised the City that no additional R2 lots will be requested (i.e., Phase 2 will consist entirely of R1 lots).

Another concern expressed relates to the possible impact of property values that an adjoining R2 development may have on existing single-family homes. So, to help address this issue, we have eliminated the two R2 lots proposed for Royalty Road and, as shown on the attached updated site plan, the remaining seven (7) R2 lots requested are all located on a separate cul-de-sac, with a large park area. There will be no R2 lots fronting on existing roadways.

We recognize that some residents will still be opposed to anything other than an all R1 development, but we have endeavored to address as many of the concerns expressed as possible.'

Schedule B illustrates the rezoning of 3.25 acres in order to develop seven properties as two-unit dwellings. The original plan showed 3.89 acres being rezoned in order to develop nine properties as two-unit dwellings. The two proposed lots that have frontage on Royalty Road have been removed and therefore all two-unit dwellings will be access from a cul-de-sac off Royalty Road.

Planning staff initially considered that resolving future development concerns regarding Phase II of the proposed development may alleviate concerns expressed by residents at the public meeting. Notwithstanding, the applicants attempted to clarify concerns about the future of Phase II development but determined that this aspect of their application was complicating concerns regarding their proposal as opposed to resolving concerns. As a result, they have elected to focus on Phase I and will endeavor to work with the City on the lot configuration and access concerns related to Phase II at a later date.

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 ... 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 **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. ▪ The adjacent vacant lands owned by Don MacKinnon and Duncan Shaw are both zoned for semi-detached / duplex dwellings. ▪ The proposed landscaping has been approved by the Parks & Recreation staff. ▪ The proposed rezoning is contained on a single cul-de-sac. ▪ The rezoning request does not require an Official Plan amendment as the low density designation includes one and two unit dwellings. 	<ul style="list-style-type: none"> ▪ The applicants have indicated that the remaining portion of the property will remain zoned R-1S. 	

CONCLUSION:

In light of the foregoing, staff is recommending that the rezoning application, be approved. The rezoning request does not require an Official Plan amendment and provides an alternative form of housing within the neighbourhood. Further, proposing the two-unit dwellings on an independent cul-de-sac will have little impact on adjacent single-detached dwellings (i.e., similar built form, no increase in traffic, etc...). The applicants will be required to meet the City of Charlottetown subdivision requirements for Phase I as well as Phase II.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-1-APRIL-6A2
Royalty Road (PID #388595)
Owner: Royalty Ridge Estates Inc.


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B



Attachment B: Proposed Site Plan
File: PLAN-2019-1-APRIL-6A2
Royalty Road (PID #388595)
Owner: Royalty Ridge Estates Inc.



Attachment C

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 C: Letters of Opposition
File: PLAN-2019-1-APRIL -6A2
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

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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

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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.

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

(15)

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 completely 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: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 396770) 88 Brackley Point Road FILE: PLAN-2019-04-April-6A3 OWNERS: Ron Wood APPLICANT: Ron Wood		
MEETING DATE: April 4, 2019		Page 1 of 18
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Concept Plan C. Concept Plan from 2016	
SITE INFORMATION: Context: Mature low density neighbourhood. Ward No: 9 – Stone Park Existing Land Use: existing single detached dwelling. Official Plan: Low Density Residential Zoning: Low Density Residential (R-1L) Zone		

RECOMMENDATION FOLLOWING PUBLIC CONSULTATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to allow the applicant the option to defer his application for the request 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 88 Brackley Point Road (PID # 396770) to allow him time to revise his design which will enable him to address some of the concerns raised by the public.

BACKGROUND:

Request

This application was before the Board last month and a recommendation was passed to advance the application to public consultation. The application is a request to rezone the property located at 88 Brackley Point PID # 396770 from R-1L Low Density Residential to R-3 Medium Density Residential and to amend Appendix “A” the Official Plan Map from Low Density Residential to Medium Density Residential.

Development Context

The property is bounded to the north by Pope Avenue with Institutional and R-1L zoned land, to the east, by Pope Avenue and Institutional zoned land on the opposite side of the street, to the south by R-1L zoned land and to the west by Brackley Point Road.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.10 of the Zoning & Development By-law, on March 13, 2019 notice was sent to 36 residents located within 100 meters of the subject property advising them of the request to rezone and the date, time and location of the public meeting. The letter solicited their written comments for or against the proposed rezoning request and the deadline to submit written comments on the application.

Public Feedback

In response to the City's notification letter thirty nine (39) letters were received in opposition to the rezoning application. The letters stated various concerns such as:

- There is a great deal of traffic congestion on the street especially in the morning and after school when students are getting picked up and dropped off. The development will only add more congestion to the street.
- Traffic from the development will cause a danger to students walking to and from school.
- It is a single family neighbourhood and apartments are not a good fit for our neighbourhood.
- An apartment building will look out of character on our street.
- I bought my house in a single family neighbourhood and I did not expect the zoning to change.

Six (6) letters were received in favor of the application. Some of the comments received included.

- We are in major crises with a housing shortage. The development is greatly needed to address this shortage.
- If there is a problem with traffic stacking on Pope Avenue it should be addressed with the school.
- I have not experienced an issue with traffic on Brackley Point Road.
- It would be great to see this land developed.
- It is difficult for people to obtain adequate housing.
- This property is within walking distance to multiple schools and shopping.
- There are daycares in other areas of the City such as Ellen's Creek that is a higher traffic area than this.

-Where are people going to live if we don't allow apartment buildings to be built in neighbourhoods?

Please see attached letters.

The Public meeting was held on March 27, 2019 at the Rodd Charlottetown Hotel. At the public meeting Derek French the property owner's consultant presented the details of the application including parking, the square footage of the proposed units, access locations, building elevations, topography of the property, percentage of landscaped area, building materials and site design. When Mr. French finished his presentation residents were invited to ask questions and make comments.

Several residents spoke in opposition to the proposed development. Some of the comments received at the public meeting included:

- There is not enough parking on site to accommodate visitors.
- The development is attractive. However, there are concerns for kids walking to and from school.
- There is already too much traffic on Pope Avenue when kids are getting picked up and dropped off for school.
- This development will add additional traffic on Pope Road and Brackley Point Road.
- People will not obey the right in and right out access onto Brackley Point Road. There is no way to stop people from making a left turn in or out of the development.
- There will be a great deal of dust and noise during the construction process and this will have a detrimental effect on the children in the daycare.
- The apartment building does not fit the vision of the neighbourhood. The townhouses are reasonable.
- I am opposed to the apartment building because it is out of scale for our street. However the townhouses are attractive.
- Not opposed to developing the property but it has to be developed in a way that is appropriate for the neighbourhood.
- How will drainage be handled on site?
- We purchased our house in this neighbourhood because it is a single detached neighbourhood we do not want to live near apartments.
- If this property is rezoned it will set a precedence for the potential of other R-1L lots to be rezoned for higher density.
- The site plan shows a great deal of green area however if the developer wishes he can convert it to parking.

In addition to comments there was also a petition with over 300 signatures opposing the development submitted to Council at the Public meeting.

ANALYSIS FOLLOWING THE PUBLIC MEETING:

This is an application to rezone 3.04 acres of land located off of Brackley Point Road. The land is currently zoned R-1L (Single Detached Residential) and is occupied by a single family dwelling. The proposal is to demolish the single detached dwelling and subdivide the property into two lots. The applicant is proposing to rezone the land to R-3 (Medium Density Residential) to facilitate the construction of a 30 unit, 3 story apartment building on one lot and a 17 unit townhouse development on the other (see attached concept drawings and survey plan).

The property has frontage on both Brackley Point Road and Pope Avenue. However, the applicant is proposing to have the main access to the development on Pope Avenue. There will be a driveway restricted to right in right out off of Brackley Point Road. The Charlottetown Police Department has reviewed this access on Brackley Point Road and would only grant approval for a right in right out for the purpose of a secondary access to meet Fire Code regulations. Parking is proposed to be underground for the apartment building with some surface parking and surface parking for the town house development.

This property is located within a well-established R-1L Low Density Residential Zone. There are no other higher density developments within the immediate area. There is some higher density development within 1000 -2000 ft. of the subject property on Valdane Ave. and St. Peter's Road. There are institutional zoned properties consisting of an elementary school, a junior high school, a daycare and churches within walking distance to this property. Brackley Point Road is a minor arterial road and therefore has access to public transit near the Sherwood Shopping centre. It is beneficial for higher density developments to be located within walking distance to schools, churches and public transit. When located in proximity to such services residents do not have to rely on automobiles to access such uses. Apartment buildings also provide an alternate housing choice for young families and people looking to downsize.

There was a proposal to rezone this property in 2016 from R-1L to R-3 to facilitate the construction of two 36 unit apartment buildings. At that time the Board voted not to advance the application to public consultation. The Board felt the proposed density of 72 units was too high for the neighbourhood. As well, they also determined that the bulk, mass and scale of the proposed apartment buildings were not in keeping with the surrounding neighbourhood. Following the Board's 2016 decision the property owner has been working on his application to develop a housing proposal that has less density and is more in keeping with the surrounding neighbourhood. The previous proposal was for two 36 unit apartment buildings for a total of 72

units. The current proposal is for a 3 story, 30 unit apartment building and 16 low rise townhouse units for a total of 46 units.

The two apartment buildings in the 2016 proposal were highly visible from both Brackley Point Road and Pope Avenue. With the current proposal the 30 unit apartment building is still visible from Pope Avenue however, it is buffered from Brackley Point Road by the proposed townhouse development. More than half of the lot where the apartment building is proposed is allocated to green space. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development. On the current site plan the proposed apartment building is located on the 90 degree bend of Pope Avenue away from any adjoining single detached dwellings. Therefore, although larger in bulk, mass and scale than the single detached dwellings on Pope Ave. the proposed apartment building would not have a direct impact on other buildings along the streetscape. The apartment building would also be located approximately 450 feet away from any single detached dwellings on Brackley Point Road and is buffered by an existing mature tree line. The town house development also has approximately half of the property allocated to greenspace. Staff does not feel that the townhouse development is out of scale for the neighbourhood and can be integrated well.

Notwithstanding the building form on the east side of Brackley Point Road is small to medium sized single detached dwellings on large lots, approximately an acre in size. The dwellings along Pope Avenue are also located on lots of approximately 10,000 to 12,000 sq. ft. This property is approximately 3.04 acres in size and has the potential to support 107 units with surface parking and 128 units with underground parking if rezoned to R-3. The applicant has requested a total of 46 units with underground parking in the apartment building. If Council chooses to approve this rezoning a condition of approval must be the requirement for the property owner to enter into a development agreement to restrict the density on the property to the proposal as presented.

Infill development within established low density residential neighbourhoods is supported within the policies of the Official Plan. However, the Official Plan clearly states that it has to be development that will not adversely impact existing low density 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.*

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.

3.3 Housing Needs and Variety

If Charlottetown is to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City. Moreover, the housing requirements of those with special needs (e.g., disabled, homeless, people in transition) also have to be addressed. Likewise, in the recent past, there has been a chronic shortage of most types of seniors housing. As the population base continues to age, this problem will become more acute unless civic decision-makers address it in a forthright manner.

These are some of the reasons why the City needs to encourage compact and contiguous development, more in-fill housing, and the efficient use of civic infrastructure. In addition, the direction of this plan is to make Charlottetown’s neighbourhoods more stable and sustainable.

Defining Our Direction

Our goal is to work with public and private sector partners to create an attractive physical environment and positive investment climate in which the housing requirements of all residents can be met (including those with special needs), and to provide clear direction as to where residential development should take place.

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.*
 - *Our policy shall be to ensure that all new multiple dwelling unit buildings are serviced by water and wastewater systems which have the capacity to accept the development proposed.*
 - *Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.*

The Official Plan supports mixed forms of housing within existing neighbourhoods to allow for housing choices. Housing choices within neighbourhoods are important as they provide variety for people at various stages of their lives. Notwithstanding, it clearly states that *new development must be physically related to its surroundings and that there should be an appropriate relationship between height and density for new development in existing neighbourhoods. "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."*

With the current application it is staff's opinion that the applicant has put more consideration into a development proposal that is more in keeping with the neighbourhood. Although the applicant is still proposing one apartment building the building density has been reduced from 36 units to 30 units. The balance of the property has been allocated to a low rise townhouse development.

At the public meeting various residents indicated that they did not have an issue with the town house component of the development but voiced concerns about the apartment building. Citing that they felt it was not an appropriate form of development for their neighbourhood. There were many comments concerning the level of traffic on both Pope Avenue and the access on Brackley Point Road. Many residents felt that additional density on the subject property may

increase the level of traffic on Pope Road creating the potential for accidents with pedestrians. Therefore, if Council chooses to approve the rezoning the approval could be subject to a traffic study.

It still must be considered that this area was developed as a low density, single detached residential neighbourhood. Higher density development was not contemplated in the long term planning of this neighbourhood. Therefore, many residents purchased homes in the area based on the current zoning. Notwithstanding an Official Plan is meant to be a living document and overtime should adjust to the current socio economic conditions of the City.

It is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. There is a possibility that this rezoning may lead to additional rezoning requests for other properties in the area. It should be noted that a similar proposal was heard at the February Planning Board meeting. The Board recommended not advancing the proposal at 68 Brackley Point Road to public consultation due to concerns about the bulk, mass and scale of development on the 1 acre parcel which was immediately adjacent to single detached dwellings. The property also has challenges with one means of access and the location of the access does not have clear sight distance.

This application at 88 Brackley Point Road is different from 68 Brackley Point Road because it is located on a 3+ acre parcel that could in itself comprise a comprehensive development plan. Although roughly the same amount of units the units are split between an apartment dwelling that is half the size in mass and scale than the proposal at 68 Brackley Point Road and a 17 unit low rise townhouse development.

It should be considered that the City is currently experiencing an increased demand for housing. The vacancy rate within the City is very low. Many residents are being forced to leave the City because of the lack of housing options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices were rents can be kept at affordable levels. The Official Plan has various policies which support the efficient use of services and making neighbourhoods stable and sustainable by supporting more infill development. The Plan also supports various housing options within existing neighbourhoods.

In planning practice when assessing locations that are appropriate for residential uses it is appropriate to locate residential dwellings in locations close to amenities, transit, parkland, schools and within walkable neighbourhoods. The proposed site is within walking distance to

schools, a daycare, churches and within a 10 minute walk to the Sherwood Shopping Centre where public transit is also accessible.

Staff feel the proposed development meets most of the technical requirements stipulated in the Zoning Bylaw and policies of the Official Plan. The subject property is located on the periphery of a low density neighbourhood. At this stage the only remaining concern of staff relates to how the increase in density at this location will integrate with the existing high traffic generating land uses in the area. Staff would be more comfortable making a definitive recommendation on the apartment building if the proposed traffic generated from this building was deemed to be safe by a traffic engineer. Therefore, staff support the applicant’s request to defer this application until this information is provided.

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"> ▪ There City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood that is predominantly low density residential. ▪ The proposal is close to schools, a daycare, shopping, churches and public transit. ▪ The property is in an area that has municipal services. ▪ Access to the site is off of a local street where it is safe to access. ▪ At least 50% of the site has been left as green space in the proposal. 	<p>A traffic study has not been conducted.</p>	<ul style="list-style-type: none"> ▪ The site is located in a mature low density neighbourhood. ▪ Although the apartment building has been scaled back in density and relocated on the site away from existing housing it is viewed by the residents as out of scale for the neighbourhood. ▪ There are concerns about traffic stacking on Pope Avenue and residents feel the proposed development will compound the problem. ▪ Residents have voiced concerns that the development may create an unsafe situation for pedestrians.

CONCLUSION:

There were many concerns raised by residents at the public meeting regarding the proposed development of this property. The majority of concerns seemed to focus around the apartment building. Residents did not seem to have as many concerns about the town house development. However, both proposals raised questions about levels of traffic. Although staff do not feel that a 47 unit development will create a significant load on Pope Avenue and Brackley Point Road through the public consultation staff have become aware that there is an issue with traffic stacking on Pope Avenue during drop off and pickup times at the school. As well there are concerns about the access from the development on to Brackley Point Road. Therefore, if Council chooses to approve the rezoning request the approval should be subject to a traffic study.

As well it should be considered that there is a severe housing shortage within the City. Many older established neighbourhoods such as Sherwood do not have a variety of housing to support varying demographics. Therefore, such a development would provide housing choices within the neighbourhood. Notwithstanding, staff does recognize that higher density was not contemplated in the area when residents purchased their homes. This proposal may also be viewed as a spot zone. However, the parcel is over 3 acres and not a small residential lot. The parcel is large enough to comprise a comprehensive development plan within the CDA Zone. Due to the concerns regarding traffic in this area staff would feel more comfortable making a recommendation on the apartment building if this issue was reviewed by a professional traffic engineer.

Following the public meeting the applicant has requested that Council permit him to defer his application to a later date which will allow him to amend his proposal to address some of the public's concerns.

Therefore, Council has 4 options:

- 1) To allow the applicant to defer his application so he is able to revise his design to address some of the issues raised by the public.
- 2) Rezone the portion of the property to R-3 where townhouses are proposed and reject the portion of the property that is proposed for the apartment building subject to a development agreement.
- 3) Approve the current rezoning request subject to a traffic study and a development agreement.
- 4) Reject the current rezoning request.

RECOMMENDATION:

Planning & Heritage Department encourages Planning Board to recommend to Council Option 1 to allow the applicant to defer his application (subject to 3.10.3) of the Zoning and Development

Bylaw to allow him time to revise his proposal and enable him an opportunity to address some of the issues raised by the public.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

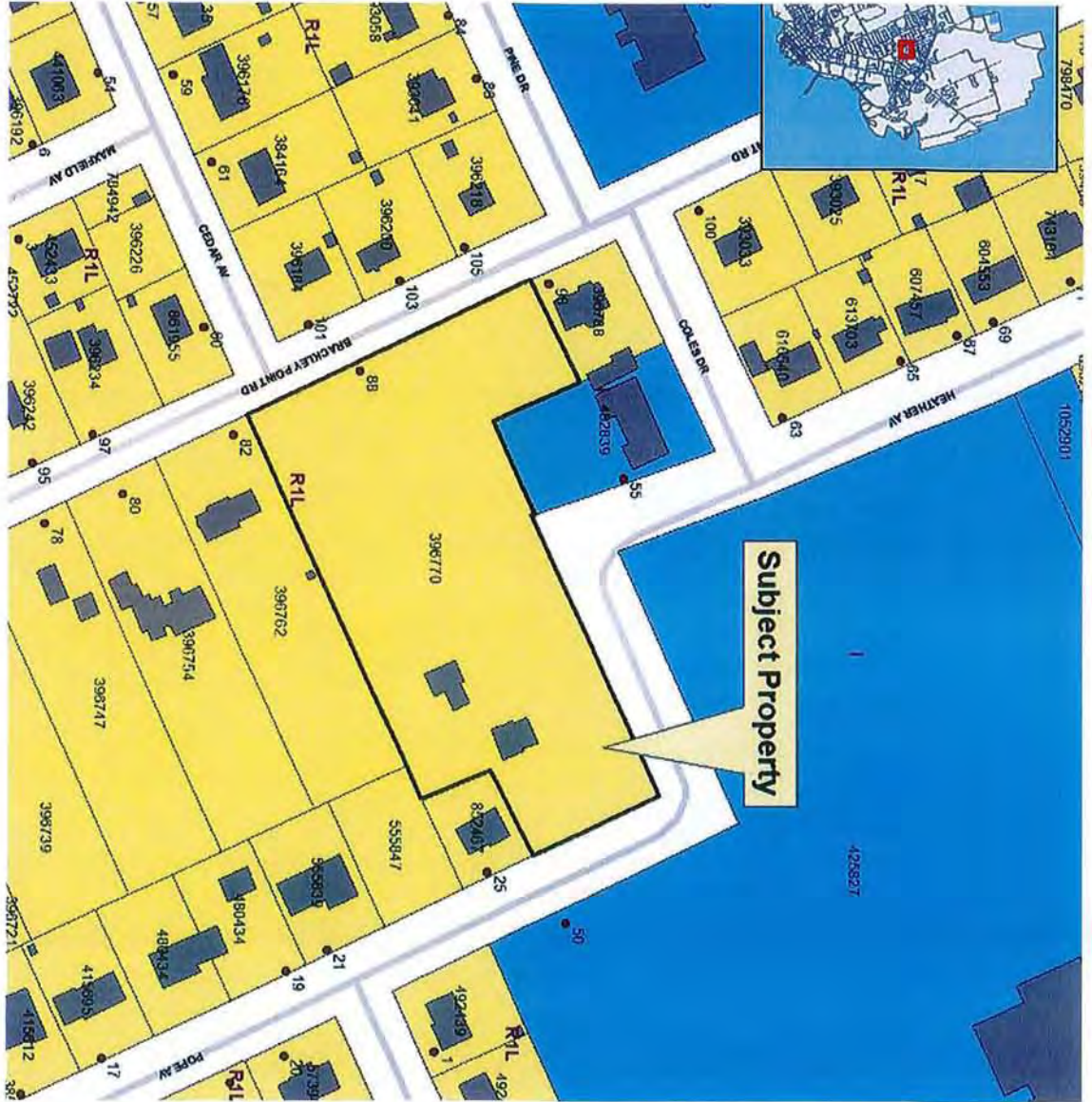
A handwritten signature in blue ink that reads "Laurel Palmer Thompson". The signature is written in a cursive style and is positioned above a solid blue horizontal line.

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:



Site Map:



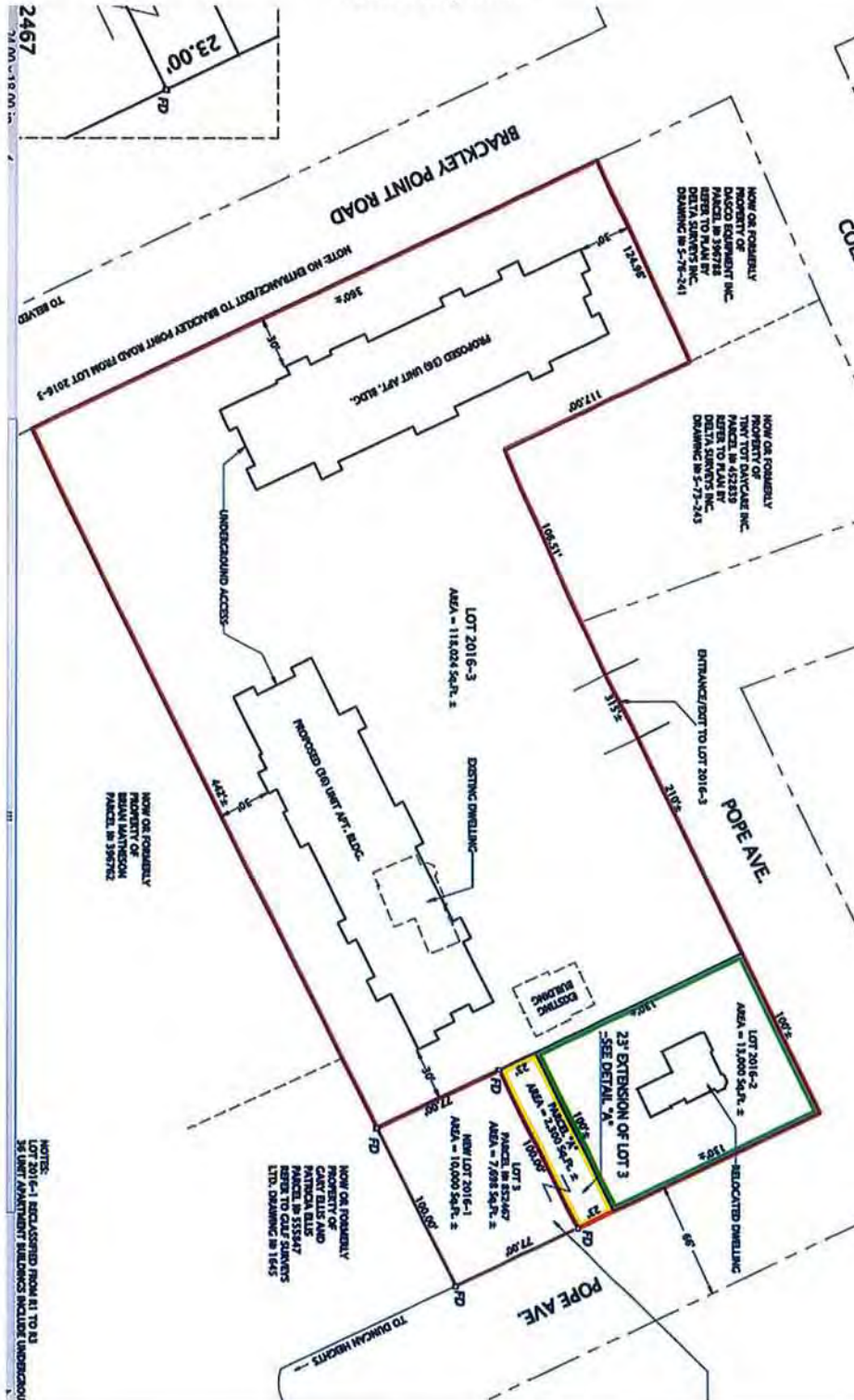
SCALE 1" = 60'





Proposed

2016 Proposal:



NOTES:
 LOT 2016-1 RECLASSIFIED FROM R1 TO R3
 36 UNIT APARTMENT BUILDINGS INCLUDE UNDERGROUND

Proposed Townhouse Units



Proposed Apartment Building:



Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 10:05 AM
To: Thompson, Laurel
Subject: FW: 88 Brackley Pt Rd

From: tracey mcdonald [<mailto:neenamcd@yahoo.ca>]
Sent: Thursday, March 28, 2019 9:58 AM
To: Planning Department
Subject: 88 Brackley Pt Rd

I attended the meeting last night on this re zoning.

I would like to say I am in favor of this project..

Some of the concerns outlined last night should not pertain to this decision. If there is presently a problem with parking and traffic at Stonepark, that should be addressed by the Public School Branch. A lot of residents brought this matter up about people blocking their driveways and parking in front of their homes, this really has nothing to do with the proposed re-zoning, it is an existing problem and should be addressed with the school.

We are in a major crisis in Charlottetown with a housing shortage. This construction is greatly needed to help address this problem. This project would provide not only much needed housing but also give people access to public transit, close proximity to schools and church, and walking distance to stores and the mall. All housing cannot take place outside of Charlottetown, you are denying a large number of people access to that which I mentioned. Why was The Mount able to add a huge addition on to their property in the Sherwood area.

I believe the Woods were more than generous with their plan and setting aside over 50% for green space. I believe they did consider their neighbors when proposing this development, and I also believe those in attendance last night would not be happy with anything other than a single family home on that property, which is unfair and sad. We encourage businesses to come to our Island .. we encourage people to come, but have no housing in the Charlottetown area.. I would like to see this property developed.

Thank You

Tracey McDonald

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 10:56 AM
To: Thompson, Laurel
Subject: FW: Regards to 88 brackley point road

-----Original Message-----

From: tyler McDonald [mailto:cool_xr_12@hotmail.com]
Sent: Thursday, March 28, 2019 10:50 AM
To: Planning Department
Subject: Regards to 88 brackley point road

I live on pine drive and exit onto brackley point road going and coming from work. I never have a problem with traffic there. I find mt Edward road is way worse for congestion and people speeding. Would be great to see this land developed and put to use, and to increase housing is a bonus. I have no problems with the opposed rezoning and support it.

Tyler.

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 11:22 AM
To: Thompson, Laurel
Subject: FW: Rezoning of 396770-000

From: Sara Gauthier [<mailto:smgauthier2@gmail.com>]
Sent: Thursday, March 28, 2019 10:57 AM
To: Planning Department
Subject: Rezoning of 396770-000

To whom this may concern,

I would like to state my opinion of the rezoning of the above noted property owned by Mr. Ron Wood. We are living in the times where we have a housing crisis. Many families are unable to find suitable housing that is affordable and not falling down. Families have been forced onto the streets and into their cars because there just isn't any place for them to go. For anyone to oppose a 30 unit apartment building that would help out so many people in this time of need because they don't feel it fits into their community need a reality check. In no way does this proposal interfere with the livelihood of anyone in the community. In no way would it be an eyesore for anyone in the community. This will not interfere with the "view" of many, if any, houses in the area. This is a way to grow a community and bring families to an area that is well maintained, growing and within walking distance to multiple schools and stores in the area and families and businesses would greatly benefit from it. I do see the fact that this would create more traffic in the area but that is less of a concern than the housing crisis. I wish more property owners would work towards developing multi-unit structures in the city and not holding on to it to make a pretty penny. Let's make the best of this Island and take care of the people here. Let's make sure we are providing places for these people and families to live comfortably and within city boundaries. Let's come together and take care of our own, even if it means 55 more cars will be travelling our roads. Yes, town houses are great and I understand that the community is okay with that structure but let's work together and welcome the new apartment. If 5 people decide to sell their houses because they are unhappy with this then goodbye. There will be no issue with having someone purchase their houses that will not be opposed to the building.

In my closing I would like to say that I am very happy to see Mr. Wood take a step in the right direction of helping out a lot of people and families and bringing the issue to light of how selfish people can be.

I hope to see this rezoning approved.

Sara Gauthier

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 11:44 AM
To: Laura Radanovich; Thompson, Laurel
Subject: RE: PID 396770-000 Brackley Point Road



Good day! This is to acknowledge receipt of your email and your inputs will be forwarded to our Development Officer.

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4158
Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: Laura Radanovich [mailto:laura_radanovich@hotmail.com]
Sent: Thursday, March 28, 2019 11:44 AM
To: Planning Department
Subject: PID 396770-000 Brackley Point Road

Morning!

I am emailing you in regards to PID 396770 in the name of Ronald C Wood.

I understand that there was a meeting last-night in Sherwood, in regards to re-zoning this piece of land to have an apartment building, and townhouses built on the property.

Straight to the point, I FULLY SUPPORT to move forward with what the developer has planned.

I live in the Charlottetown area, and Sherwood is a community that I would like to re-locate to in the near future, when we are prepared to start a family.

I have been extremely fortunate to be living in the same affordable apartment for the past 10 years, and my landlord has been fantastic. I know that this is not the case for a lot of people. Even though I have a secure place to live, it still comes with a slight fear in the back of my mind that if my landlord would sell, I would run the risk of being booted out for reasons like construction etc. I would dread having to find a new place in the current housing crisis we are experiencing. It used to be that it was difficult to find housing in the fall due to student population. Now it seems it is difficult year round to find a place to live. I have heard from so many individuals having trouble finding somewhere, and others who are in their mid 20's to 30's have been

forced to live with their parents until they can find appropriate housing. Not everyone has supportive parents to run back to.

Multi family dwellings are becoming more of a reality for families. Houses are so inflated in price, there is no choice but to choose apartment living, or live with your parents well past when you should still be. Down payments are harder to accumulate, mortgages are harder to obtain, and prices are far too high. \$500,000 for a split entry built in 2000? No Thanks! \$250,000 for a bungalow built in 1990 and needs \$50,000 renovations? Absolutely not! I have a full time job, and a part time job, and it still would be a far stretch for a mortgage. So a proposed apartment building across the street from a daycare, walking distance to schools/rink, church, & bus stops? That sounds more like a positive than a negative.

I get that they think there will be increased traffic and question the safety of the kids. I don't buy that. I'm a very realistic person so here is straight to the point. The kids at Stone Park are between 12-14, are you telling me at that age, they cannot look both ways before crossing a street? As for the daycare, they are certainly not walking alone, and they are literally fenced into a yard. Make Pope Rd a one way if this is the concern they have. The developer came up with an excellent idea to relieve some traffic but having a right turn only exit on to Brackley.

A side note: there is literally a day care on a corner lot by Ellens Creek Plaza on North River Rd....in a high traffic area. I guess those parents must realize their kids are fenced in?

For the people that are concerned about it being an eyesore. In my opinion, the 100 year old house on the property is far more of an eyesore than what a brand new complex would be. On top of that, there is a treeline blocking one whole side, the Developer lives in front of the property, and there is one house/daycare beside the property. Who would this "eyesore" be for? The developer? People driving by on the highway? The kids in the daycare?

Just to summarize....

We have a housing crisis. We need this. We need to be more open to developments. Other units been approved in the surrounding area. Norwood road is on the opposite side of this development, and they have units going up left right and center! And beside houses! What is the difference between that location and this?

People concerned about the Daycare should ask around to find out who gave some extra land to their property so they could put in parking. They should also ask the people in the Brown house on the corner, who they borrowed the land from this past summer to put a huge garden in.

This property has been in the same family for 100 years:

1. They have been very generous for splitting off or donating land to the community
2. They have been involved in the community by coaching their kids hockey teams
3. They own and operate a local business on Exhibition Drive
4. They have supported racing teams by sponsorship and donated time

And this is how the community repays them when they propose change. An uproar because they don't want to look at a building. If this was ever a concern, they should have built or bought their homes in the country, not in the city.

We need to be more welcoming to developments within the city, that would benefit local businesses, and help relieve housing crisis.

I hope the committee will push this through. I know it will be a tough decision, but a housing crisis trumps "eyesore"

Signed,
Laura Radanovich
A City Living Realist!

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 11:47 AM
To: Thompson, Laurel; Zilke, Robert; Morrison, Greg
Cc: Forbes, Alex
Subject: FW: Housing project.

Fyi.

From: Jason Scott [<mailto:scotja50@gmail.com>]
Sent: Thursday, March 28, 2019 11:46 AM
To: Planning Department
Subject: Housing project.

I agree with this plan and location, I am two streets over on Queen where our roads have more than traffic to worry about, get some people housed! good luck!

Virus-free. www.avast.com

Thompson, Laurel

From: Nicole Wood <ncwood@ihis.org> ✓
Sent: Thursday, March 28, 2019 11:50 AM
To: Forbes, Alex; Thompson, Laurel; Planning Department
Subject: CBC Article comments on 88 Brackley Point Road.

I would like to send an email in support of the development at 88 Brackley point road. I feel that during the town hall meeting no valid comments were brought up opposing the development as many community members spoke about how an apartment "does not fit in the community." We are in a housing crisis and as a social worker I see this crisis effect many families I work with each day. We need to start saying yes to development and put our own selfish needs aside (Sherwood Community). Show PEI that we are committed to making changes and that we will not let those in the upper middle class dictate the housing situation of the lower class as has been the trend for many years.

Thank you,
Nicole Wood BSW, RSW
Social Worker
Child Protection
Family and Human Services
Charlottetown Office
Ph: (902) 368-4966

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Thompson, Laurel

From: Wonnacott, Brad on behalf of Planning Department
Sent: Wednesday, March 27, 2019 3:42 PM
To: Thompson, Laurel
Subject: FW: ReZoning - 88 Brackley Point Rd

FYI

From: Poirier, Peter (ACOA/APECA) [<mailto:peter.poirier@canada.ca>]
Sent: Wednesday, March 27, 2019 3:39 PM
To: Planning Department
Subject: ReZoning - 88 Brackley Point Rd

Hi,

I live on Oak Drive in Sherwood and I would just like to make a couple of comments on this proposal.

1 – A 30 Unit apartment building is not a suitable fit for this area, nor is an apartment building that size or similar, a fit for anywhere on Brackley Point Road from the Bypass to the Vogue Optical Corner. This is a residential area of most single family dwellings with a scattering of duplexes in the area as well.

2 – This proposal will generate an increased volume in traffic in that area. Trying to cross Brackley Point road from Pine to Coles Dr is a challenge at the best of times and the traffic generated in the area by the existing schools is enough as it is.

As a result of this I am totally opposed to this re-zoning.

Thank you,

Peter Poirier

Thompson, Laurel

From: Wonnacott, Brad on behalf of Planning Department ✓
Sent: Wednesday, March 27, 2019 3:42 PM
To: Thompson, Laurel
Subject: FW: Opposed to Permit #037-REZ-19

FYI

From: Shelley Morrison [<mailto:mailforshelley@hotmail.com>]
Sent: Wednesday, March 27, 2019 3:41 PM
To: Planning Department; Mayor of Charlottetown (Philip Brown); McCabe, Julie L.; Rivard, Greg
Subject: Re: Opposed to Permit #037-REZ-19

To Whom it may Concern,

We, the property owners of 80 Brackley Pt. Road are extremely concerned about the request to rezone 88 Brackley Pt. Road. We purchased our property in 2004. We were moving from another neighborhood of Sherwood because it was beginning to be overtaken with R3 rezoning. So, after carefully reviewing the zoning around our current property, we built our home in the well established, existing, residential R1 single residential family home zoning. We are extremely disappointed to have a property two lots from us requesting r3 zoning - which will be followed by a potential rezoning request 4 properties on the other side recently purchased by a developer to build large multi dwelling structures as well. If this request to an R3 zoning is approved at 88 Brackley Pt Road you will create a possible domino affect all around our home. Families investing in a property/home is the single largest investment a family can make. We made a researched long term plan to invest in our property and our community based on how it was zoned.

We are opposed to the rezoning of 88 Brackley Point Road from R1 to R3. The density of the proposal is not harmonious with the neighborhood and goes against the "City of Charlottetown Official Plan". We will be attending the meeting this evening and will address additional concerns after hearing the proposal before noon tomorrow Thursday March 28th 2019.

Sincerely,

Shelley and David Morrison
80 Brackley Point Road
Charlottetown, PE

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:53 AM
To: Thompson, Laurel
Subject: FW: Opposed to the proposed rezoning 88 Brackley Point Road

-----Original Message-----

From: Jennifer Young [<mailto:ms.jeyoung@gmail.com>]
Sent: Thursday, March 28, 2019 9:41 AM
To: Planning Department
Subject: Opposed to the proposed rezoning 88 Brackley Point Road

To whom it concerns,

My name is Jennifer Young and I reside at 110 Brackley Point Road. I strongly oppose the proposed rezoning of 88 Brackley Point Road to R3 medium density land.

Although my home is located outside the 100 meter radius, this proposed development directly impacts my family. My children attend Tiny Tots Daycare on Pope Ave and Stonepark School. The increased traffic this proposed development will create is a real safety issue for my children and the community as a whole.

I also believe that straying from the city's own plan to locate higher density housing on the perimeter of established communities sets a dangerous precedent for future development. Both the proposed apartment building and the townhouse complex do not fit with the established single family homes in the area.

I urge the planning committee to consider the community's unified opposition to this proposed rezoning.

I would also like to attend the meeting that was referenced at the Public Consultation last evening. Could you please confirm the time and place? Is April 1st, 5:00pm at City Hall correct?

Thank you for your time and attention,

Jennifer Young
110 Brackley Point Road

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:53 AM
To: Thompson, Laurel
Subject: FW: To whom this concerns

From: Alison MacKinnon [<mailto:alison.l.mackinnon@gmail.com>]
Sent: Thursday, March 28, 2019 9:22 AM
To: Planning Department
Subject: To whom this concerns

As a resident of Sherwood and client of Tiny Tots I have extreme reservations to this re-zoning as it poses a great threat to the safety of my children and other families, employees and students in the vicinity. With a planned entrance to exist neighboring Tiny Tots, the amount of traffic/vehicles associated with this build cause major safety concerns. Presently, we already deal with high volumes during drop off and pick up, but also those from Stonepark Junior High School. The one and only stop sign in the area behind the daycare on Cole Avenue, currently has traffic ignoring the sign 80% of the time with great disregard. With the recent addition of the sidewalks children are still at danger as there are no cautionary measures to decrease the speed of traffic, to monitor "stopping or yielding" to the signs or crosswalks, making anyone walking on the sidewalk or crosswalks at danger. Daily, as children are trying to get to school or home safely, horns are blown as vehicles ignore signs of pedestrians everywhere.

This is not the right place to be putting an apartment building and townhouses.

Please reconsider.

Alison MacKinnon

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:53 AM
To: Thompson, Laurel
Subject: FW: Opposed to apartment building on Pope Ave!!

From: Laura Anne Winters [<mailto:laura.anne.winters@gmail.com>]
Sent: Thursday, March 28, 2019 9:07 AM
To: Planning Department
Subject: Opposed to apartment building on Pope Ave!!

I would like to add my name to the record as a resident of Sherwood who opposes this apartment building. I live at 102 Heather Ave. I attended the meeting last night with my husband and two children. It is clear from the meeting that I am not alone!

We, the residents of Sherwood do not want this! I have a daughter that walks for before and after school care between Tiny Tots and Sherwood school each day and I have a son that walks to Stonepark school each day. The traffic is already bananas!!! I would love to know who the heck has deemed adding another 47 plus vehicles on pope ave at that particular corner to be safe!! Trust a person who lives there - it's not.

I would hope that the opposition of the residents means something to you all. I would hope that lining some pockets does not trump the safety of our children, the peace of our neighborhood, and the continuity of our single dwelling community. Shame on the committee if this goes ahead.

Most sincerely
Laura Winters

--

Laura Anne Winters, RN, BScN, BA
Charlottetown, PE
cell: 902-393-7458
email: laura.anne.winters@gmail.com

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:53 AM
To: Thompson, Laurel
Subject: FW: Proposed rezong PID #396770

From: grbrammer@eastlink.ca [<mailto:grbrammer@eastlink.ca>]
Sent: Thursday, March 28, 2019 8:46 AM
To: Planning Department
Subject: Proposed rezong PID #396770

RE: Proposed Rezoning - 88 Brackley Point Road (PID

#396770

I am writing this today to communicate to you how very distraught and upset we are over the proposed rezoning of the above noted property in our R-1 residential community. It is actually unbelievable that one person, who owns a large parcel of R-1 land in our area, can be allowed to cause such stress, concern and uproar just because they see dollar signs in their eyes knowing they can get more money from a developer than from a single family dwelling sale. Even the fact that the city would entertain the idea of disrupting the lives of all the long term, tax paying residence of this area just to appease this person is mind boggling.

Like, I am sure most of the home owners in this area did, we bought our home here for the VERY fact that it was an R-1 zoned quite family neighborhood. We could have taken our money and went to any area/community. Or chosen, if we had wanted to deal with a busy area and much traffic, to live in the downtown core. But we chose here, on Messer Avenue in Sherwood, for the very fact that we did not want to live with those concerns.

Why is it that one property owner in our area can look to try to change the face of the community in which we live, the life we chose to live and make it such that the home and area we live is no longer a comfortable place for us to be. This area has a school and a daycare literally right next to it with not only buses going back and forth on a daily basis, but cars of parents dropping off and picking up their children. This proposed development will cause WAY TOO MUCH extra traffic in this area making it not only hard to navigate but also dangerous for the children, many of whom actually walk to and from school daily. Many of these school children also are walking back and forth at lunch time and for after school activities. And most of us know that there will not be one vehicle per unit in the proposed development, but more likely a minimum of 2 vehicles per dwelling, even 3 in some who may have teenagers at home who drive. And that is all before visitors! It is utterly crazy to think of what all that traffic will do to this area. And again I stress, how is it that one property owner in our area, who is after the big bucks of a developer be allowed to cause all of this? To upset hundreds of law abiding, tax paying citizens for his own gain? He should have to remain within the R-1 zoning and if he chooses to sell his property do so within those restrictions, which were put in place for a reason and is why

we chose to purchase our home here.

We are TOTALLY against this proposed rezoning and development and hope that in the end the city takes into consideration all of us who live in this area, the reasons why we chose to live here and the safety and comfort of those of us who took our hard earned money to buy homes here and to take care of those homes. We also, as an older couple, walk our beautiful area on a daily basis all year long and the traffic this would bring would make even that small luxury of being able to do that without worry in your own neighbourhood danger due to the increased traffic. We truly hope that our concerns and voices are not only heard but taken to heart as you make a decision that effects so many lives, now and in the future.

Roxanne and George Brammer
14 Messer Avenue
Charlottetown, PE



FREE Animations for your email [Click Here!](#)

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: 88 Brackley Pt Rd

-----Original Message-----

From: Andrea Gallant [<mailto:andregallantthistle@gmail.com>]
Sent: Thursday, March 28, 2019 8:44 AM
To: Planning Department
Cc: jrthistle@hotmail.com
Subject: 88 Brackley Pt Rd

I would like to make known my strong objection to the proposed rezoning and development of 88 brackley pt rd.

As a resident of 82 Heather ave, with children that attend, and walk to, both stonepark and Sherwood elementary, I fear for their safety with the added traffic a rezoning would generate.

The proposed driveways at both pope and brackley steer traffic to my children's crosswalks and past their schools.

The proposal would also add to the street parking that already impacts the street from the school drop off and pick ups and the soccer field traffic all summer.

The city should consider purchasing this land and developing a park for our children, not allow such a safety risk.

This proposal will decrease my property value immensely and I ask the city to consider the objections of the neighbourhood and maintain this property as an R-1L along with the rest of the area.

Also note, consider this an additional two signatures on the petition that was unable to be fully circulated.

Sincerely,
Andrea Gallant and Justin Thistle

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: Concerns- 88 Brackley Pt Rd

From: M.E. Johnston [<mailto:beachpal@gmail.com>]
Sent: Thursday, March 28, 2019 7:47 AM
To: Planning Department
Cc: Rivard, Greg; McCabe, Julie L.; rjmitchell@gov.pe.ca
Subject: Concerns- 88 Brackley Pt Rd

Dear Planning,

I am writing to express my opposition and concerns over the proposed development at 88 Brackley Point Road. Our home is close to the development, we live at 6 Messer Avenue with our three kids.

The rezoning application opens the door to much larger development in a neighbourhood of single family dwellings.

No major apartment buildings are in this part of town, with the exception of those on St. Peter's Rd. While our neighbourhood is older, we do see new families moving in, the streets are starting to see new faces, children, and new homeowners making a commitment to the area.

Many of these buyers, including our family, have made major investments in these homes. They are being updated, the properties are being cleaned up, there is new vibrancy. The transient nature of apartment residents does not fit the area.

There are two schools and a daycare within walking distance of the neighbourhood, another incentive for young families. Single family homes or townhouses should be encouraged, not an apartment unit.

If rezoned, it is my understanding the developer would be able to build twice as many units as currently proposed. Even the poster advertising the public meeting did not tell the entire story, while it did talk about the size of the apartment building, it failed to mention the number of townhouses.

This entire plan seems to be punctuated by underestimation. There would be the real possibility that closer to 100 units would be built on the properties bordering Pope Avenue.

The potential size of the development and the traffic are not, in my opinion being, being properly calculated.

To suggest there would be 55 vehicles in the initial development demonstrates ignorance to the reality of living in PEI. Despite best efforts we are vehicle-dependent. Please be realistic, there is no way to limit the number of vehicles in a development of this size once the floodgates are open. And most of this traffic would funnel onto Pope Avenue and into our neighbourhood.

There are already traffic issues at Stonepark school. Hundreds of vehicles arrive at the school twice a day, the administration has done little to discourage these parents, who park on both sides of Pope Avenue, often turn on the roadway and use the street of our neighbourhood to get to and from the school.

The right-turn only concept on Brackley Pt. would not be used people renting there, unless they were going to the airport. The majority of the people would use Pope, turning right to get to the eastern part of town. This adds hundreds of cars to a neighbourhood. Our kids are on these streets, a daycare operates right at the end of the main driveway. There are no sidewalks on Arcona or Messer, these kids living in the neighbourhood have to walk on the road surface, as do the hundreds of Stonepark students each day. This places these young people in danger.

The intersection at Pine and Coles is offset, drivers do not understand how to navigate this corner now, I can only imagine what happens when more drivers are added.

I believe this concept is not what the neighbourhood needs. The Wood family should be commended for keeping the land in perfect shape, and I wish them luck. Perhaps a development that does not change the complexion of the neighbourhood should be considered. Maybe the city could look to the land for a green space?

Thank you for the opportunity to discuss this development.

Sincerely,
Michelle Johnston

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: 88 Brackley Point Rd - PID 396770

-----Original Message-----

From: Tanya Fitzpatrick [<mailto:tfitzpatrick1@live.ca>]
Sent: Thursday, March 28, 2019 1:09 AM
To: Planning Department
Subject: 88 Brackley Point Rd - PID 396770

As a resident of Sherwood not far from this property, a parent of children who go to school in this area. I have a strong concern and fear of for their safety. It's not a suitable location so close to single dwelling homes who already have heavy morning and after school traffic, this would be devastation, in an already heavy amount of traffic in this area. This would affect more than 100 meters surrounding the property, it would effect Sherwood as a whole who travel to and from work, and transporting children to both schools in the area at any point in the day would increase traffic significantly.

All voices in our community need to be heard loud and clear. From what is being proposed, it goes against the original intent for the residential plan current low density residential plan. It hurts the residents already in this area for many reasons, and it is a safety risk.

This is not what our community is about, there is NO benefit for this proposal for residents in this area or families and students who attend the school—the only benefit is for the developers who are proposing the buildings. That would not be right, nor fair. We as residents pay high amount of taxes and deserve to have a community that is safe for everyone, and this is not. We as neighbours are not in support of the apartment building(s) and with splitting the lot to two parcels, nor in support of possible townhouses.

Your consideration to everyone's voices in this community is appreciated. As parents, we all have things to worry about and the obvious and most primary concern is safety for the children - with too high level of traffic, this is a hazard to many. Safety and impact needs to be considered to residents and kids who like to walk and ride their bikes and skate boards, is not just needed during school hours. This is alarming and concerning, and not well thought out for any resident or students/families that would be affected.

Thank you.

Tanya Fitzpatrick

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: 88 Brackley Point rd.

From: Alana livingston [<mailto:alanalivingston30@hotmail.com>]
Sent: Wednesday, March 27, 2019 10:28 PM
To: Planning Department
Subject: Fwd: 88 Brackley Point rd.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Mayor of Charlottetown (Philip Brown)" <mayor@charlottetown.ca>
Date: 2019-03-25 9:34 PM (GMT-04:00)
To: alanalivingston30@hotmail.com
Subject: RE: 88 Brackley Point rd.

Alana:

Thank you for your input and, hopefully you will be attending the Public Meeting this Wednesday night!

Philip Brown
Office of Mayor
Charlottetown, P.E.I.

From: Philip Brown [brownformayor2018@gmail.com]
Sent: Wednesday, March 20, 2019 7:19 PM
To: Mayor of Charlottetown (Philip Brown)
Subject: Fwd: 88 Brackley Point rd.

----- Forwarded message -----

From: Alana livingston <alanalivingston30@hotmail.com<<mailto:alanalivingston30@hotmail.com>>>
Date: Wed, Mar 20, 2019 at 1:49 PM
Subject: 88 Brackley Point rd.
To: brownformayor2018@gmail.com<<mailto:brownformayor2018@gmail.com>>
<brownformayor2018@gmail.com<<mailto:brownformayor2018@gmail.com>>>

Hey I hope all is well! I am sending you a message with my concern & worry over the rezoning of a 30 unit apartment and townhouses at 88 Brackley point rd. It is absolutely ridiculous that this is even up for debate as 1) its in the middle of

single home dwellings 2) the traffic in this zone already is enough to deal with, the safety of our kids should be #1. I am all for growth of our city but this is going about it all wrong. If you think about a 30 unit apartment you can pretty much bet that there is going to be majority if not all of those units will have 2 vehicles per unit so just like that you have 60 extra vehicles ,and thats not even including the townhouses, and there is not even space for significant amount of parking.I really hope for our community this doesnt happen because I have on many occasions spoke of the concerns I have already about speed & traffic and for the most part been falling on deaf ears! Hope to hear from you soon, Alana Campbell

Sent from my Samsung Galaxy smartphone.

Mike and Judy Eyolfson
100 Brackley Pt. Rd.

902-368-1547

meyolfson@lycos.com

March 27th, 2019

City of Charlottetown
Planning Board

To whom it may concern.

Regarding the application to re-zone the property located at 88 Brackley Point Road, Charlottetown (PID 396770) from Single Detached Residential R1L to Medium Density Residential R3 to accommodate the subdivision of the property and development of a 30-unit, 3 story apartment building facing Pope Avenue and a 17-unit townhouse development facing Brackley Point Road.

We would like to state our opposition to the application based on the following reasons.

- Safety concerns for children walking to and from the local schools due to increased traffic. Has a traffic study been completed on the surrounding streets to gauge the effect of adding potentially 60 – 100 vehicles?
- Proper drainage of nearby properties has been an ongoing problem. What effect will this potential development have on runoff, has the volume of rainwater been determined and how will the damaging effects be mitigated.
- The city plan allows for apartment buildings in the outlying areas of the neighborhood. And in this case, the proposed development does not fit the look and feel of existing area. If allowed, the property will be

out of place with the surrounding single-family homes that are predominant in the area.

- Should it be allowed, we believe the development will be precedent setting in that it would open the door to subsequent developments of similar properties facing Brackley Point Road between Coles Dr. and Duncan Heights.
- Considering community opposition, the city should stick to the plan and not grant the re-zoning.

Sincerely,

Mike and Judy Eyolfson

*100 Brackley Point Road
Charlottetown, PEI.
C1A 6Y4*

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: Planning General Inquiries from Website

-----Original Message-----

From: Derek Smith [<mailto:derekksmith@hotmail.com>]
Sent: Wednesday, March 27, 2019 10:01 PM
To: Planning Department
Subject: Planning General Inquiries from Website

We would like to submit this email as opposition to the rezoning of 88 Brackley Point Rd. This area needs to be left as R1 no question. We bought in this area for that specific reason. It needs to remain for the families that have spent considerable time and money maintaining their property. The safety factor of the traffic and the safety of our students. Townhouses wouldn't be an issue. An apartment building of any size does NOT belong in a single family dwelling neighbourhood.

Thank You

Derek and Arlene Smith
69 Heather Ave
Charlottetown, PEI
C1A8H3
992-315-3397
derekandarlene@hotmail.ca

Sent from my Cellular Device.

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: Major Concerns for proposed Re-zoning Brackley Pt Rd

From: Trina Fitzpatrick [<mailto:trinafitzpatrick@gmail.com>]
Sent: Wednesday, March 27, 2019 9:52 PM
To: Planning Department
Subject: Major Concerns for proposed Re-zoning Brackley Pt Rd

My main concern is safety and being a voice for my own kids and other kids that already feel unsafe walking in our neighbourhood. The traffic is horrendous now. I have been a resident and home owner and really Hope voices are heard. We are a community that doesn't have to sell out for the ulmitghty dollar. This is pure greed and wasn't meant to help our neighbours.

This proposal of approved goes against low density residential plan and can change to bigger and badder in a moment to gain more dollars. Pure greed. We as neighbours are not in support of the apartment building (s) and with splitting the lot to two parcels I won't be supporting the town houses if it means 17 townhouses (same traffic) safety first. Zoning needs to be comparable , the false hope of trying to direct traffic to another direction is ridiculous and not at all possible. This is insulting and not well thought out.

I purchased for peace of mind for safety and low traffic for my family. This proposed nightmare is another ducks landing in stratford and I hope that means something and hits home to council members who keep this in mind.

Your consideration is very much appreciated. It's personal and as a parent have plenty to worry about.

Thank you.

Trina Fitzpatrick
Resident of Charlottetown (Sherwood)

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902-394-4097

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:54 AM
To: Thompson, Laurel
Subject: FW: Rezoning Application PID#396770

From: Tom Fitzpatrick [<mailto:tfitzpatrick@bellaliant.net>]
Sent: Wednesday, March 27, 2019 8:47 PM
To: Planning Department
Cc: 'Tom Fitzpatrick'
Subject: Rezoning Application PID#396770

Charlottetown Planning Department.

Having lived in the area for the past nine years our children have and are attending the two schools in this area, I do not agree with rezoning this property.

As anyone who travels on Brackley Point Road, Pope Ave and Pine Drive can attest - these roads are not only busy during drive times (morning and evening), but at any given time or day of the week.

I don't believe that changing the zoning of this property to a medium density designation fits in with the single family dwellings in this area.

I live within 700 metres of this property, and travel these roads daily. Changing the zoning would not only affect all residents in the area, but anyone using these thoroughfares.

I would think sub dividing this property into single family lots would better serve this area.

I realize there is a need for additional housing in the Charlottetown area.
But I don't believe changing the zoning on this property will be a safe option.

Thank you,
Tom

Tom Fitzpatrick
3 MacMillan Cres,
Charlottetown, PE
C1A 8G3
902-628-9467
twfitzoffice@gmail.com
tfitzpatrick@bellaliant.net

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:55 AM
To: Thompson, Laurel
Subject: FW: Opposed to Permit #037-REZ-19

From: Shelley Morrison [<mailto:mailforshelley@hotmail.com>]
Sent: Wednesday, March 27, 2019 3:41 PM
To: Planning Department; Mayor of Charlottetown (Philip Brown); McCabe, Julie L.; Rivard, Greg
Subject: Re: Opposed to Permit #037-REZ-19

To Whom it may Concern,

We, the property owners of 80 Brackley Pt. Road are extremely concerned about the request to rezone 88 Brackley Pt. Road. We purchased our property in 2004. We were moving from another neighborhood of Sherwood because it was beginning to be overtaken with R3 rezoning. So, after carefully reviewing the zoning around our current property, we built our home in the well established, existing, residential R1 single residential family home zoning. We are extremely disappointed to have a property two lots from us requesting r3 zoning - which will be followed by a potential rezoning request 4 properties on the other side recently purchased by a developer to build large multi dwelling structures as well. If this request to an R3 zoning is approved at 88 Brackley Pt Road you will create a possible domino affect all around our home. Families investing in a property/home is the single largest investment a family can make. We made a researched long term plan to invest in our property and our community based on how it was zoned. We are opposed to the rezoning of 88 Brackley Point Road from R1 to R3. The density of the proposal is not harmonious with the neighborhood and goes against the "City of Charlottetown Official Plan". We will be attending the meeting this evening and will address additional concerns after hearing the proposal before noon tomorrow Thursday March 28th 2019.

Sincerely,
Shelley and David Morrison
80 Brackley Point Road
Charlottetown, PE

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 9:55 AM
To: Thompson, Laurel
Subject: FW: ReZoning - 88 Brackley Point Rd

From: Poirier, Peter (ACOA/APECA) [<mailto:peter.poirier@canada.ca>]
Sent: Wednesday, March 27, 2019 3:39 PM
To: Planning Department
Subject: ReZoning - 88 Brackley Point Rd

Hi,

I live on Oak Drive in Sherwood and I would just like to make a couple of comments on this proposal.

1 – A 30 Unit apartment building is not a suitable fit for this area, nor is an apartment building that size or similar, a fit for anywhere on Brackley Point Road from the Bypass to the Vogue Optical Corner. This is a residential area of most single family dwellings with a scattering of duplexes in the area as well.

2 – This proposal will generate an increased volume in traffic in that area. Trying to cross Brackley Point road from Pine to Coles Dr is a challenge at the best of times and the traffic generated in the area by the existing schools is enough as it is.

As a result of this I am totally opposed to this re-zoning.

Thank you,

Peter Poirier

Thompson, Laurel

From: Wonnacott, Brad on behalf of Planning Department
Sent: Thursday, March 28, 2019 10:11 AM
To: Thompson, Laurel
Subject: FW: Major Concerns for proposed Re-zoning Brackley Pt Rd

FYI

From: Trina Fitzpatrick [<mailto:trinafitzpatrick@gmail.com>]
Sent: Thursday, March 28, 2019 10:09 AM
To: Planning Department
Subject: Re: Major Concerns for proposed Re-zoning Brackley Pt Rd

Thank you for your response.

On Thu, Mar 28, 2019 at 9:56 AM Planning Department <planning@charlottetown.ca> wrote:

Good day! This is to confirm receipt of your email and will be forwarded to our Development Officer.

Thank you!

Best Regards,

Ellen

Ellen Faye Ganga

Intake Officer/Administrative Assistant

City of Charlottetown

233 Queen Street

Charlottetown, Prince Edward Island

Canada, C1A 4B9

Office: 902-629-4158

Fax: 902-629-4156

eganga@charlottetown.ca

www.charlottetown.ca

From: Trina Fitzpatrick [mailto:trinafitzpatrick@gmail.com]
Sent: Wednesday, March 27, 2019 9:52 PM
To: Planning Department
Subject: Major Concerns for proposed Re-zoning Brackley Pt Rd

My main concern is safety and being a voice for my own kids and other kids that already feel unsafe walking in our neighbourhood. The traffic is horrendous now. I have been a resident and home owner and really Hope voices are heard. We are a community that doesn't have to sell out for the ulmitghty dollar. This is pure greed and wasn't meant to help our neighbours.

This proposal of approved goes against low density residential plan and can change to bigger and badder in a moment to gain more dollars. Pure greed. We as neighbours are not in support of the apartment building (s) and with splitting the lot to two parcels I won't be supporting the town houses if it means 17 townhouses (same traffic) safety first. Zoning needs to be comparable , the false hope of trying to direct traffic to another direction is ridiculous and not at all possible. This is insulting and not well thought out.

I purchased for peace of mind for safety and low traffic for my family. This proposed nightmare is another ducks landing in stratford and I hope that means something and hits home to council members who keep this in mind.

Your consideration is very much appreciated. It's personal and as a parent have plenty to worry about.

Thank you.

Trina Fitzpatrick

Resident of Charlottetown (Sherwood)

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902-394-4097

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902-394-4097

Thompson, Laurel

From: Wonnacott, Brad on behalf of Planning Department
Sent: Thursday, March 28, 2019 10:12 AM
To: Thompson, Laurel
Subject: FW: Permit #037-REZ-19

FYI

From: Michael Stanley [<mailto:mstanley.pei@gmail.com>]
Sent: Thursday, March 28, 2019 10:10 AM
To: Rivard, Greg; McCabe, Julie L.; Planning Department; Doiron, Bob
Subject: Permit #037-REZ-19

Good Morning,

My name is Michael Stanley and I'm currently the President of Stonepark Home & School. This email is in regards to the rezoning proposal of 88 Brackley Point Road and my opposition to the proposal as it stands.

First, most would agree that it would be a good thing to have that property developed. To bring possibly new families into the area would be wonderful for Sherwood which I have always been a big supporter of just that, living most of my life on Belvedere Avenue and the last 20 years on Ash Drive. My children being raised in the area and my youngest being in Grade 8 at Stonepark.

There is an issue, for myself and several parents that have contacted me as President, with the size of the project in question. Residents living close to the parcel of land talk of the project not fitting with the current single family houses in the surrounding area. But my main focus and objection to this proposal is the increased traffic flow it will cause for Pope Avenue. On a normal school day it can be overly busy on the roads around Stonepark. More over, there are many special events that happen at our school, being the biggest junior high in the Province. Band concerts, sporting events, fund raisers, etc., all contribute to the parking lot being maxed out at times throughout the school year and adding that many more vehicles using those roads could be a problem for the area. A safety issue is at play here I believe with children and adults coming and going from the school and not to mention the daycare that is next to that land as well.

My hope is that everyone takes a hard look at the potential impact of that development for the area and comes to an agreement that it needs to be reconsidered and not put forward as it currently stands.

Thank you all for what you do for our city,

Michael Stanley
President, Stonepark Home & School.

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 11:38 AM
To: Nola Etkin; Thompson, Laurel
Cc: Elizabeth Blake
Subject: RE: Permit #037-REZ-19

Good day! This is to confirm receipt of your email and will be forwarded to our Development Officer.

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4158
Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: Nola Etkin [<mailto:Netkin@upe.ca>]
Sent: Thursday, March 28, 2019 11:24 AM
To: Planning Department
Cc: Elizabeth Blake
Subject: Permit #037-REZ-19

To the Planning Board:

I am writing in followup to the Public Consultation on March 27, 2019 where this application was discussed. I want to put in writing my serious concerns with this application, which I expressed last night - concerns that were clearly shared by the vast majority of those in attendance.

I have been concerned about the impact that this development would have on our neighbourhood, and the presentation last night only served to increase my concerns. The allowances for traffic flow increases are totally unrealistic and inappropriate. As attested by many speakers at the meeting, the area is already very high traffic, not only during the 8:00-8:45 time indicated in the presentation, but after school, after work, during sporting events at the soccer field, and during the lunch hour. The safety of large numbers of junior-high students walking to and from school, and to local businesses in the lunch hour, is of paramount importance.

It is clear that proper consideration of where the extra vehicular traffic will go has not been taken. Cars turning right out of Belvedere within less than a block of Coles will add to the problem of an already congested and hazardous intersection. It is also already very difficult for cars entering the off-set intersection of Pine and Brackley Point Road.

The alternative will be for cars to exit on Pope Avenue. Since Coles is already backed up it is clear that they will proceed along either Pope or Heather Avenue - making this route into even more of a through-fare - again to the risk of our children attending school.

A number of people mentioned that they were less concerned with the townhouse part of the development. While I agree that it is less problematic, I urge the committee to reject any rezoning of the property to medium density housing. As we have seen in other areas of the city, and as was confirmed at the meeting, once the property is rezoned, the door is then open for the developer to change plans. My understanding is that the plans could then change to include higher-density building and even more apartment buildings. In my view, the property must remain low-density residential. I see no reason why it could not reasonably and safely be subdivided into single family or duplex lots, thus providing increased housing more in line with the surrounding neighbourhood.

I thank you for considering this input into your decision process,

Nola Etkin
75 Heather Avenue

Nola Etkin
Dean of Science (Interim)
University of Prince Edward Island
550 University Ave.
Charlottetown, PE

voice: 902-566-0320
email: netkin@upei.ca

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 11:39 AM
To: Cal Morrison; Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; McCabe, Julie L.; Bernard, Terry; Thompson, Laurel
Subject: RE: 88 Brackley Point Rd - #037-REZ-19 - Letter of Opposition

Good day! This is to confirm receipt of your email and will be forwarded to our Development Officer.

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4158
Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: Cal Morrison [mailto:calmorrison99@live.ca]
Sent: Thursday, March 28, 2019 11:31 AM
To: Planning Department; Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; McCabe, Julie L.; Bernard, Terry
Subject: 88 Brackley Point Rd - #037-REZ-19 - Letter of Opposition

To whom it may concern,

My name is Cal Morrison and I live on 80 Brackley Point Rd. I attended the meeting last night, March 27th, and would like to be quite clear on my position. As a lifelong resident of this neighbourhood, the last thing I want to see is this development proposal and rezoning to be approved. Before I even speak of the development that is currently proposed, I would like to state that any zoning outside of R1, whether it be R2 or R3, would be the beginning of a swift destruction to the core of our community. Many fantastic points were brought up at the meeting, however I believe some were not fully explored.

This property lies in the very core of our neighbourhood, which is already experiencing some difficulties due to development growth, and exponentially increasing development in this exact location would be a detriment to not only a close proximity, but Sherwood as a whole. A major red flag for this project comes up immediately as the developers would like the lot of townhouses zoned as R3. Seems odd to apply to get it zoned as R3 when they would only require R3-T, unless of course, to no one's surprise, they are planning to build apartment buildings once it is approved.

The proposed developers of the lot had put together a presentation that was laughable at best. Any amount of critical thinking or even common sense in some cases would show a proposal presentation unbelievably inaccurate and flawed. As a graphic designer and being extremely familiar with the lot, it was

painfully obvious how no-to-scale the concept art is shown was. It was also not a coincidence that the 500m surroundings slide was only shown for a few seconds before switching to how many other R2 and R3 zoned lots there were. With closer inspection, it's obvious those numbers are coming from properties, and some not even with the majority of it within, the 500-meter radius ring. This reinforces the fact that the entire immediate area surrounding this lot is completely made up of R1 zoned lots. It seems ridiculous to me that only 100m around the property is notified, but then 500m can be used when it puts the numbers in their favour. Parking was also an issue brought up last night, and unless the proposed few dozen residences take turns having visitors over, there will be an extreme shortage of parking. Where will these cars go? Potentially the conveniently large and empty green space beside the current visitor parking. Which, as the women with city planning confirmed, would be entirely up to the developer to add in a large concrete parking lot. But I digress because maybe that "green space" will be used to build a mirror of the currently proposed apartment building, which once again could not be stopped.

Although traffic was brought up extensively last night, I would like to briefly touch on it. As someone with a brother who is a firefighter for the City of Charlottetown, one of the few times I've been lucky enough to witness the bravery and selflessness of his work was at a motor vehicle accident requiring the jaws of life on the intersection of Brackley Point Rd and Coles Dr. A mere feet from the lot they want to develop and add enough cars to fill a dealership with. I've personally witnessed a driver accelerate to get through the crosswalk so that he did not have to wait for me and some fellow students attempting to cross the busy street after school. Had the group of students in front of me not grabbed and held each other back, I can guarantee that that truck would not have won the race through the crosswalk and met the group of students with his vehicle. In addition, the proposed right-in right-out on Brackley Point Rd would never work. It was not even a week ago I witnessed someone heading south on University Ave pull in the right-out exit of the Sobeys almost hitting a car head on. We're talking about drivers in a motor vehicle, a small concrete median that suggests they turn the car to the right will not stop someone from going left. The idea that drivers wanting to go downtown will go to the, already dangerously small, roundabout to turn around or all of the way to the airport to get on the bypass is absurd at best.

Before I conclude this letter, I would like to point out that not a single person, of all of the people present at the meeting to fight this proposal, had a single negative question or point to make on the apartment building proposal by the Sears, which was presented just prior to this one. This shows that no one at the meeting is against the development of apartment complexes or dense residential, however, it has to be done right. And the development of dense residential or apartment complexes does not belong on this lot. No matter how much you skew the numbers, concepts, and proposal, an R2 or R3 zoned lot will never belong on this piece of property.

If the city had the best interest of the community and its residents in mind, they would divide the lot into R1 zoned lots. This would allow for around 3-6 families. This would be a lovely addition to this area of the neighbourhood, and give a few families a great life in a beautiful place. It would also keep in line with the vision that the planners and residents have had for this community for decades. If this lot is zoned as R2 or R3, the neighbourhood of Sherwood which I, and many others, live and love, would soon be completely destroyed.

Sincerely,
Cal Morrison

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 11:52 AM
To: Jonathan Mosher; Thompson, Laurel
Subject: RE: Proposal for 88 Brackely Point Road



Good day! This is to acknowledge receipt of your email and your inputs will be forwarded to our Development Officer,

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
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Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: Jonathan Mosher [<mailto:jonathanhmosher@gmail.com>]
Sent: Thursday, March 28, 2019 11:49 AM
To: Planning Department
Subject: Proposal for 88 Brackely Point Road

To whom it may concern,

As a resident of Ward 9, living at 103 Barbour Circle, I am writing to voice my concern for the proposed rezoning of 88 Brackley Point Road from a R1 to R3 development. I attended the meeting at Rodd Charlottetown last night as well.

While I applaud Mr. Wood for looking to bring some development to the area, this proposal does not fit/integrate with its surrounding neighborhoods. This proposal would see a single R1 lot, subdivided into 2 R3 lots with 47 new residential dwellings occupying these properties.

I have concerns over the R3 rezoning, which could lead into future rezoning in the surrounding area to which new families have been purchasing older homes, bringing youth and energy back into the neighborhoods and revitalizing the local communities as can be evidenced by the enrollments at the local elementary and junior high school. People purchased homes and moved into these communities precisely for the reason that they are all single family dwellings.

I was a little troubled by what many said at the meeting last night. It was stated repeatedly that the Town Houses were acceptable, but the apartment complex was not. My concern is that the townhouses require R3 zoning, so even approving that part of the development would open the door for the medium/high density

dwelling that an apartment complex could then be substituted in for at any point in the future with the rezoning having been approved.

My specific concerns with the proposal as it was presented center around the entrance/exit designs, increased traffic to the area with 47 new dwellings, new exit onto Brackley Pt road and the safety concerns that presents, the lack of parking for these 47 dwellings, going to minimum spec while follows the law, it is the absolute minimum that you are required to do. I would hope that a new development that is bringing something to the community would strive to do more than just the absolute minimum that is required.

I also have concerns about the environmental impact and what the regrading will mean for the surrounding houses, as water flow will be funnelled further down to the existing dwellings that are in place currently.

In short, I strongly disagree with the direction this proposal is looking to go in.

Regards,

Jonathan Mosher

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department ✓
Sent: Thursday, March 28, 2019 11:52 AM
To: Shelley Morrison; McCabe, Julie L.; Mayor of Charlottetown (Philip Brown); Thompson, Laurel
Subject: RE: Rezoing 88 Brackley Pt #037-REZ-19

Good day! This is to acknowledge receipt of your email and your inputs will be forwarded to our Development Officer.

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4158
Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: Shelley Morrison [mailto:mailforshelley@hotmail.com]
Sent: Thursday, March 28, 2019 11:51 AM
To: Planning Department; McCabe, Julie L.; Mayor of Charlottetown (Philip Brown)
Subject: Rezoing 88 Brackley Pt #037-REZ-19

March 28, 2019

Re: permit #037-REZ-19

Attention Mayor, City Councilors, City Planning

We, the property owners of 80 Brackley Pt. Road are extremely concerned about the request to rezone 88 Brackley Pt. Road. We attended the public meeting last night and have many concerns we need to address.

We purchased our property in 2004. We moved from an area of Sherwood that was quickly overtaken with R3 rezoning. So, after carefully reviewing the zoning around our current property, we built our home in the well established, existing, mature residential R1 single family home zoning. We are extremely disappointed to have a property two lots from us requesting r3 zoning. Which will then be followed by a potential rezoning request four properties on the other side recently purchased by a developer to build large multi dwelling structures as well. If this request to an R3 zoning is approved at 88 Brackley Pt Road you will create a possible domino affect all around our home. Families investing in a property/home is

the single largest investment a family can make. We made a researched long term plan to invest in our property and our community based on how it was zoned.

In 2016 this same request to rezone 88 Brackley Pt Road from R1 to R3 was rejected. It was rejected because according to your **“City of Charlottetown Official Plan”** it did not “fit” into the established neighborhood and considered too high of a density for the area. One of the policies set forth in the **“City of Charlottetown Official Plan of Strategic Directions for Charlottetown in the 21st Century and Beyond “** states:

“Preserve existing residential low density neighborhoods”

The **“City of Charlottetown Official Plan”** has also identified future land use for development, policies to “encourage diversified development in NEW subdivisions” AND for mature existing neighborhoods to remain as they exist. So why are we revisiting this request again? This rezoning to R3 goes against the **“City of Charlottetown Official Plan”!**

Although amendments of the previous proposal in 2016 were reduced from a 36 unit 3 story building to a 30 unit 3 story building - it is still NOT **“HARMONIOUS”** and does NOT “blend in” with the existing surrounding R1 homes. It is not even that drastic of a reduction. Planning has commented that this new proposal has been reduced from 72 units to 47 - but it is still a request to rezone to an R3 in the core of the community that is surrounded by R1 zoned homes and it is not **“harmonious”** with the mature well established existing neighborhood. It is fact that R3 multi residential properties exist in the community HOWEVER, they are positioned on the perimeter of the community which is a result of proper planning. This property should be developed with the current zoning regulations, **“harmonious”** with the neighborhood and consistent with the streetscape. If it was to remain R1 and subdivided consistent with the block it sits upon it would contain 3-6 single family homes. An increase from an expected 3-6 families to 47 plus families is a substantial increase along with the massive jump in building structure size as well.

Our concerns exist beyond the rezoning.

We are concerned about the safety of students and walkers in the area where our school zones have already been identified and deemed excessive traffic with school zones, crosswalks, buses, community mailboxes, dropping off and picking up of students, special events parking, sports field, day care and the list goes on. Additional influx of vehicles exiting and entering in this area pose an increased risk of safety.

We are concerned about a traffic analysis that will only grant approval upon a “right in - right out only” for Brackley Point Road. Was the traffic analysis performed during a busy school morning, end of work day, increased summer traffic time, special school event or sporting events? It is also absurd that the presenter can determine that residents from this new development will “likely not travel during the busy school morning times of 8:15am – 8:45am”! Our additional concern with the “right in only” is to question how well that will be obeyed. If approaching towards the south and cannot turn left where do you think they will be turning around to enter from the “right in only”? It is apparent that if they do obey the “right in only” they will be constantly turning into neighboring driveways causing increased risk of safety not to mention annoyance to residents in the area! We would like confirmation on

where to address our complaints when our driveway becomes the turning point for multiple vehicles. For unexplained reasons we currently have approximately 2 vehicles per week turn in our driveway and the number increases in the summer. By this “Right In Only” we guarantee our driveway will become the turning point. Please check other areas with a “right in right out only” and verify how well they are obeyed.

We are concerned with parking. There is not sufficient parking provided for a development this size. On special events at Stonepark Intermediate the streets are lined with vehicles in this area. Streets along Heather and Pope are also lined with vehicles for the sports field. Additional vehicles turning in and out of the second entrance onto Heather raises additional safety concerns. There is not enough available parking to support this development! The bylaw may dictate only 1 parking space per unit – yet “Affordable housing” complexes allow for 1.5 per unit. Does planning truly believe there will not be additional parking required for additional vehicles and visitors? The daycare parking lot and along the school streets will become the additional parking. Parking must be taken into careful consideration but seems to be neglected. It must be planned for in advance!

We are concerned that the proposal at the public meeting did not appear to be to scale. We were expecting more concrete plans not just “concept”. It is clear to us after the meeting that once rezoned concept plans can be altered and changed at any time to build whatever they want once rezoning is approved. This leaves the door wide open for this property to be developed into additional units than what was presented. Case in point – the property between Charlottetown Mall and Mt. Edward Road – the “Cameleon” as the Mayor referred to it and commented how it is “changing daily”. This should alarm all residents!

We are concerned that our “street scape” which has frontage of homes all along until you approach 88 Brackley Pt Road in which will then be the “rear” of the development with patios and barbeques etc. also with minimum setbacks in comparison to the consistency of the streetscape.

We are concerned that if the property is divided into two lots then why is “lot 1” not requested to be rezoned R3T which allow townhouses only? This once again confirms to us that once rezoned R3 the concept plans can change and additional large apartment buildings can be built.

We are concerned to see “Property FORMERLY of Ron Wood” on the concept plan at the presentation further confirming that Mr. Wood is only seeking rezoning to financially benefit him and NOT for the “betterment of the community”. We were concerned to read in the initial proposal that Mr. Wood is “working for the betterment of the Community” and that he “has spoken to residents” When almost in entirety the neighborhood was not aware of any of this.

We are concerned that City Council and City Planning would consider going against the “**City of Charlottetown Official Plan**” to once again disrupt the community, cause anguish amongst majority of the surrounding area affected and not follow policies set forth in their own city plan.

We are concerned that there will be potential for a domino effect which was mentioned in a previous request to rezone 68 Brackley Point Road at the top of hill in which planners mentioned that they may need to visit future planning for this area as these properties have large backyards. Our home/backyard is amongst these properties. You are discussing the potential development of OUR own backyard! We are disappointed that City planning and City councilors will determine if our home RE-SALE value will decrease drastically or not AND are also deciding on future development of OUR backyard property.

We were concerned and disappointed to see a post on social media from City Councilor Doiron that he will “fight” for this and support this development BEFORE residents were even officially notified and long before the public meeting to address our concerns. We are concerned that Council may not represent the voice of their residents which was clearly evident at the presented petition signed by 327 residents (to date) including many in Mr. Doiron's ward.

HARMONIOUS

We have mentioned harmonious many times thus far. The **“City of Charlottetown Official Plan”** also states:

“Our Objective is to preserve the built form and density of Charlottetown’s existing neighborhoods and to ensure that new development is HARMONIOUS with it’s surroundings”

The City of Charlottetown has a responsibility to follow what was set forth in the **“City of Charlottetown Official Plan”** which identified future development areas. As any city grows the boundaries of development grow with it including new communities developing as well. We are disappointed in this entire process. City council - you have the responsibility to be the voice of the residents. This may be positioned in Ward 9 but it affects all future development. This is not a case of “not in my backyard” or a “housing crisis”. On paper it may check boxes but it is purely bending the policies set forth in the **“City of Charlottetown Official Plan”** and not listening to the extreme majority at the core of this community surrounding the properties in question.

We must state, we are not against the development of the property that Mr. Wood inherited however it must be properly developed in a way that is **“harmonious”** with the neighborhood. If approved this R3 zoning sets a precedent for developers to purchase vacant lots and/or older homes in need of work at a lesser price and have rezoned. By approving this rezoning you will set a precedent that ANY property in Charlottetown can be rezoned for development going against the **“City of Charlottetown Official Plan”**.

With careful and proper planning following policies and objectives from the **“City of Charlottetown Official Plan”** development can be created within our city and communities in a **“harmonious”** way. Mr. Wood has every right to PROPERLY develop the land he inherited. But we as residents have rights too.

Sincerely,
Shelley and David Morrison

80 Brackley Point Road

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 12:58 PM
To: George Brammer; Thompson, Laurel
Subject: RE: Re Rezoning - Brackley Point property

Good day! This is to acknowledge receipt of your email and your inputs will be forwarded to our Development Officer.

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4158
Fax: 902-629-4156

eganga@charlottetown.ca
www.charlottetown.ca

From: George Brammer [<mailto:gbrammer@cadcpei.com>]
Sent: Thursday, March 28, 2019 12:00 PM
To: Planning Department
Subject: Re Rezoning - Brackley Point property

March 28/19

To Planning – Re Brackley Point Rd property

A further point to our email this am is the impact of snow and its removal on the streets (Pope, Messer, Valdane, Heather,etc) where children walk, as sidewalks that are on some streets are not passable as they are generally slippery in winter and youth walk in groups so they will be and are on the streets in the wintertime. With streets with no sidewalks as well, accidents can happen anytime but in winter with narrower streets due to snow, the risk is even greater. With more congestion from traffic in the area, more likely an accident could occur to someone.

Thank-you for your attention on our thoughts in this matter.

Sincerely,
George and Roxanne Brammer
14 Messer Ave

Thompson, Laurel

From: Ganga, Ellen on behalf of Planning Department
Sent: Thursday, March 28, 2019 2:58 PM
To: Thompson, Laurel
Cc: Forbes, Alex
Subject: FW: [SPAM] Stratford housing

This apparently went to Spam mails. Forwarding to you as well. Thanks.

Best Regards,
Ellen

From: Tasha Starling [mailto:tashastarling@hotmail.com]
Sent: Thursday, March 28, 2019 11:21 AM
To: Planning Department
Subject: [SPAM] Stratford housing

"I live in this community and I did not sign the petition... But I can see where people had an issue. It was stated that it would be an apartment building AND several townhouses. The only issue I could see was the location. They would need to fix the road as the road is pretty busy as it is right beside the school and it is an odd road the way it's apart of the school parking lot. I also don't feel it's a big enough space to have a large apartment building plus townhouses, one or the other would be completely fine.

Maybe instead of a petition they should have had more of a conference where people could reflect why they would have an issue or what they had issues with and it could have been compromised rather than just a straight No."

-comment on FB link to CBC article

There seems to be quite a reaction form the cbc news article posted on this. On both sides. It is a difficult problem because the housing crisis is very very real.

If I may give my 2 cents, Please.

I used to struggle in Charlottetown for many years to find an affordable apartment that would allow our 20 year old small dog. Really struggled. And rented in a few dilapidated townhouses from the O'halloran's, with bug infestations, water that doesn't run, lack of electricity in the top level, heating issues, and sloppy unfinished renovations and caved in ceilings. It was illegal, and inhumane our living conditions, but the rent was affordable at \$650 for an apartment downtown because we did not have a vehicle at the time.

That house is located directly across from Birchwood Elementary School, on the end of Pleasant Street. A stranger walking around the area asked me for Angel (an illicit drug) once as children walked past.

I feel it's important to say many of the townhouses in that area are old and in need of repairs. I say REPAIRS because I never saw any real renos on those properties despite being what look like century homes with very strong frames on the inside. I suspect at least on the part of the O'hallorans, they are not wanting to do those

repairs and value more the land and other newer more profitable developments they are focused on. I was living on Chestnut St when we were evicted, the furnace cut and then shortly after the street was leveled.

There no way to cut it. Crowding low income rentals together attracts low income tenants, and the street around this Birchwood had noticeable problems. With drugs yes, and also a little violence and generally unwanted traffic. Did it have to be as bad as it was? No. I don't see this happening Summerside at least. The problem was too many low income rentals in very poor condition, with undiscerning, absent and irresponsible landlords. It attracted drug users and people without direction.

I'm just trying to express this because I don't feel such a dense development is in the interest of Charlottetown, or for the people of Stratford and those attending the daycare and school. There is a not so minor addictions crisis happening in Charlottetown too.

It's hard to control the future status of such development, and we are already seeing struggles to accomadate the parking and roadways. They are proposing to fit 1 space per apartment rental (which isn't enough), yet the existing businesses already struggle and customers must park on the roads. This could turn bad quickly. And you cannot underestimate the amount of foot traffic an apartment complex can add to an area.

I just feel a smaller complex or just the construction of the townhouses could be a better, more pragmatic decision. We can't solve our housing crisis in one or a few developments. We need action now to help people find homes, but doing too large of a project will result in more money for the developer and landowner and create more problems if these rehomed people are not set up properly enough. If the complexes are small and low income to accommodate more space, there will be a cost to the quality of living for the tenants and the effects will spill over into neighbourhood.

I am saying a lot and perhaps it's not as cohesive in email. I'm just asking you to please consider the quality of living of not only the neighbourhood, but also the people who will be living in each of those rentals. They will need a certain standard of living and there is no need for the units to be the size of tuna cans to be affordable. Rebuilding the heritage downtown core is a massive expensive undertaking, but as we move forward and develop and expand the fringes of Charlottetown I really want to do what's correct and beautiful for the province. Because I believe this development will just continue as our future grows.

Thank you for all you time and all your hard work,

Tasha

March 20, 2019

Dear Laurel

Thank You for meeting with me on March 18, 2019 and providing me with a colored copy of the request to rezone #88 Brackley Point Road, Sherwood, PEI.

I have several issues/concerns of this proposed development. First the drawing shows a 30 unit apartment building at the rear on Lot 1 and for Lot 2 there is a proposal for 16 unit townhouse. I have studied the proposal in detail and can see 3 sets of buildings with 3 units in each and 2 buildings of 4 units so that would be 17 vs the 16 as outlined. If that is correct and there is basically $30 + 17 = 47$ households with an average of 2 people per unit that would be 94 clients in that designated area not including extra family members and guests leaving and entering the property. A significant amount of traffic using a very busy thruway.

Part of the proposal is a request for consideration for rezoning the property from R-1L Single Detached Residential to R-3 Medium Density Residential is this rezoning strictly for this one proposal and should the development not come to fruition would it revert back to R-1L?

In the covering document it does not show where the driveway entering Brackley Point Road in relation to the residences directly across from 88 Brackley Point Road exists and if it is the present right away to the existing house it is only wide enough for one vehicle at a time. You did say that the City Police had input into this access and that they would **only allow a right hand exit** as you are driving out of the development onto Brackley Point Road and **only a right hand entrance from the south of** Brackley Point Road. However there is no barrier marked in place that would show those exiting the development would have to go North and that all there would be would be sign of some sort. As we discussed you said it would be the police that would have to ensure that those leaving would be charged for making a left hand turn onto Brackley Point Road.

If a sign is posted at the entrance/exit with turn only is this put up by the City or the developer and is it enforceable under the Highway Traffic Act?

Is this a private development maintained by the owner with respect to snow removal and where would the snow be put?

In order to mitigate the traffic issue an **island** similar to that on University Avenue in front of the Sobey's store on the corner of University and Allan would be a possible option. Another option would be to make the entrance off Brackley Point Road an entrance only and an entrance exit on the Pope Avenue area.

From the schematic drawing that was provided it does not say if this roadway into the property is the original roadway into the existing house on the property.

Those living in the development who work in the City would have to enter Brackley Point Road and

either come out onto Brackley Point Road and then take a left on Pine to either Maple or Mount Edward Road to make a left turn into Charlottetown thus increasing the traffic by an Elementary School or drive up to the Round About on Oak and Brackley Point Road and circle to head back towards Charlottetown and the third option is to enter Pope Drive take a right up the hill to Duncan Heights and then out onto Brackley Point Road, thereby increasing the traffic by a Junior High School.

I have lived on Brackley Point Road for 25 plus years and I am fortunate enough to have a double driveway to be able to back into my property and exit driving out onto Brackley Point Road, On the occasion where I have had to back out onto this road and it's often a take your life in your own hands; it appears that I am the only home along this stretch that is able to drive out directly onto Brackley Point Road the other residents must back on to or make an effort to back into their driveways which is nearly impossible as the speeding traffic down the hill is almost on top of you, and causes great frustration for the motorists both backing in and those proceeding down the hill.

The intersection of Coles Drive, Brackley Point Road and Pine Drive do not line up and those on Coles Drive turning left on Brackley Point Road are often frustrated by try to navigate not only the fast moving vehicles coming down the hill but also those on Pine Drive that are entering either turning left or right or heaven forbid are heading up Coles Drive to go to Stonepark School. When school is in, the crossing guard at this intersection will stop the traffic in order to let school buses make a left turn into the City in order to pick up other students a Birchwood School or to take students to Stratford as they do not have a Junior High in Stratford.

There has been a marked increase in traffic on Brackley Point Road with the Government Buildings on the Ellis Brothers property, not to mention more food shops such as Tim Hortons, Sub Way, Quizno's, Maid Marion's and other business such as two pharmacies, a bakery, a bank, two furniture stores, shoe store, optical store, two service stations and a proposed Wendy's feeding down to a very confusing intersection. This area is two blocks from 88 Brackley Point Road. Not to mention there is an Elementary School one block away, a Day Care on the corner of the property and a Junior High School across Pope Road, therefore increasing foot traffic not to mention school bus traffic.

Brackley Point Road is also the most direct route to and from the City core to the Charlottetown Airport as well as the most direct route to the National Park in Brackley, PEI and as such has an extremely high volume of traffic on this road.

Based on the drawing I think there are some possibilities to mitigate some of this issue. One would be to have an **Entrance Only** off Brackley Point Road and a one way street with a road straight up to Pope Drive past the apartment building as well as the existing exit on Pope Drive by the Day Care. Or between the 2 proposed 2 storey townhouses marked for Lot 2 a road coming out and lining up with Cedar Avenue so that the issue that exists on the corner of Coles Drive, Brackley Point Road and Pine is not repeated. This would address the issue of emergency vehicles being able to access the property and allow for residents to exit without issues.

I am also concerned that the beautiful house that exists on the property is not included in this development as part of the City of Charlottetown Planning and **Heritage Department**. What is to become of this historic landmark? It is one of only a few stately homes left in the Sherwood Area and mostly notably the home of George Coles one of the Fathers of Confederation so that alone should designate it as a Heritage Property.

As per our discussion you said the trees that boarder the Matheson property to the South are not to be

disturbed. However, you may also not be aware that there is a fox den at the back of the property as well.

There are several old trees on the property that give it a heritage aesthetic and I would venture to say they are the last stately trees in the area and it would be a travesty for any or all of them to be destroyed in order to build what is purposed.

Karen Dunning
Resident

✓

Danielle Plante
65 Heather Avenue
Charlottetown, PEI, C1A 8H3
March 27, 2019

To: City of Charlottetown
Concern: Reject Permit #037-REZ-19

To whom it may concern:

I am Danielle Plante, a mother of 3 and a school teacher who lives at 65 Heather Avenue, Charlottetown.

I recently heard that there was an application submitted at the beginning of this year to the City of Charlottetown to re-zone the property located at 88 Brackley Point Road (PID 396770) from a Single Detached Residential R1L to Medium Density Residential R3 to accommodate a development of a 30 unit, 3 story apartment building facing Pope Avenue and a 16-unit townhouse development facing Brackley Point Road.

I bought our property on August 24th 2017. We were looking for a four bedroom house in a quiet neighborhood for our family. We are totally against this proposal. The two schools, Stonepark and Sherwood, and the daycare just in front of Stonepark already create concerns about the safety of our children and the students in the area. It is a low density, single detached residential neighborhood and these types of apartment buildings are not for this area.

Sherwood is a beautiful place to be with its nice green space and its quiet neighborhood. Let's maintain the quality of living for its residents.

Thank you for your attention regarding this serious issue.



Danielle Plante
Resident

Planning Department

From: Matthew Walker <walker.s.matthew@icloud.com>
Sent: Wednesday, March 27, 2019 9:05 AM
To: Planning Department
Subject: 88 Brackley Pt Road

To whom it may concern,

I wanted to write to express my concern over the proposed development at 88 Brackley Point Road. My family moved here from Alberta just over a year ago and when we were looking at property to purchase, the current zoning was a big consideration. We did not want to live in a high density neighborhood and Sherwood was perfect. Our daughter goes to Tiny Tots Daycare and will eventually go to Sherwood Elementary and Stonepark Middle School.

My concern is not the location of the development itself, but the size of the development and if Pope Ave has the capacity to accommodate the increase in traffic. Currently it can be dangerous walking my daughter to day care with car's speeding through Pope Ave, school buses, and cars parked along the side of the road waiting to pick their children up from Stonepark. In my mind it makes more sense to develop near the mall.

Also, I am concerned as to the precedent this may set for the other vacant lot on Brackley Point Rd, which is directly behind our home. Will this be re-zoned R3 as well? There was a recent application to build a 40 unit apartment building on that lot that was denied until a secondary plan for Sherwood had been drawn up or until another lot requested re-zoning. Will 88 BPR be the catalyst for approving 68 BPR as well? This would lead to a massive increase in traffic that would greatly affect the neighborhood and commute, not to mention pedestrian safety.

Thank you,

Matthew Walker
11 Pope Ave

✓
Brian and Tracey Matheson
82 Brackley Point Road
Charlottetown, PE
C1A 6Y2

March 25, 2019

Planning and Heritage Department
233 Queen Street
Charlottetown, PE
C1A 4B9

Re: Development and rezoning proposed for 88 Brackley Point Road (PID #396770)

To Whom It May Concern,

We are writing today with regard to the development and rezoning proposed for 88 Brackley Point Road (PID #396770) outlined in the correspondence from the City of Charlottetown dated March 13, 2019.

We have reviewed the documents provided and are adamantly opposed to both the development as presented and rezoning the property from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

We have been living in our residence at 82 Brackley Point Road, which abuts the proposed development, since 2001. Our 18 years of experience living at this address leaves us with some significant concerns about the proposed development and rezoning which include: traffic volume, student safety, water runoff management and maintaining proper streetscape.

Traffic Volume

Getting in and out of our driveway on a daily basis is a challenge regardless of the time of day. Brackley Point Road, although called a minor arterial road in the proposed zoning amendment document, has a significant volume of traffic running both into Charlottetown and out toward the airport. Although the proposal suggests a "right in right out" restriction based on Fire Code regulations onto and off of Brackley Point Road, the addition of upwards of 75 vehicles, which could be expected in a development of this size, would add to the present difficulties of entering and leaving driveways for Brackley Point Road residents.

Who will be enforcing the "right in right out" restriction? Traffic generally moves along the Brackley Point Road at a rate that appears to be significantly above the posted speed limits, and we rarely see vehicles stopped for speeding. As we understand police resources are at a premium, we are very concerned at how this "right in and right out" will be enforced and how the added volume of traffic entering and leaving Brackley Point Road will affect the residents ability to access Brackley Point Road safely from their driveways.

As a result of our experience and concerns, we would ask that a complete traffic analysis be completed for a development and rezoning of this nature.

Student Safety

To compound the increase in traffic volume on Brackley Point Road, the suggested main access to the proposed development will be on Pope Avenue. A large volume of children between the ages of 5 and 18 walk to either Sherwood Elementary or Stonepark Intermediate each morning and afternoon using Pope Avenue as part of their route. Anyone who has witnessed the drop off and pick up times at either school would be familiar with the semi-organized chaos that occurs at both times with the large volume of buses, personal vehicles and students walking. Adding up to 75 additional vehicles to this volume, as well as, the volume of vehicles dropping off children at the Tiny Tots Daycare on the adjacent property will greatly compromise student safety. The most logical access onto Brackley Point Road from the Pope Avenue exit/entrance to the proposed development would be via Coles Drive. This is where the Brackley Point Road school crossing guard is located. This added traffic volume is of great concern and will make the crossing guard's already difficult job more difficult and compromise the safety of students walking to school.

Our son has to cross Brackley Point Road in front of our house to access the sidewalk and eventually the crossing guard on Coles Avenue. It is not unusual with the current traffic volume for him to have to wait for more than 5 minutes to be able to cross safely. Adding vehicles from such a large development will make matters worse.

We are very concerned about the safety of those students who walk to Sherwood Elementary and Stonepark Intermediate on a daily basis and feel this safety should be a priority when making a decision on this proposal and rezoning. As such, we would ask that the Public Schools Branch or someone familiar with the safety of our students be consulted to ensure the safety of our children is in no way compromised.

Water Runoff Management

Water runoff and containment has historically been an issue along Brackley Point Road especially when new construction takes place. As home owners, we have experienced such water issues and want to ensure we don't incur further damage as a result of new construction.

Removing this large acreage of green space without proper plans for managing the volumes of water that would normally be absorbed and displaced in that green space will result in flooding issues for the development itself and adjacent properties. Because we are experiencing more extreme weather events that include storms that involve greater volumes of precipitation, a comprehensive water runoff management plan will be critical to prevent damage to surrounding properties.

Maintaining Proper Streetscape

Section 3.2 of the City of Charlottetown's Official Plan states in essence that any new development should be "physically related to its surroundings" in "footprint, height, massing and setbacks."

In comparing the proposed new development and rezoning, it is quite apparent that neither the development nor the rezoning match in any way the current neighbourhood or its surroundings and would stand out like a sore thumb. As such, the proposed development and rezoning would appear not to match the current neighbourhood in footprint, height, massing or setback; thus, clearly does not meet the objectives set out in Section 3.2 of the Official Plan.

This area is developed as a low density, single detached, residential neighbourhood. Because developments like the one proposed for 88 Brackley Point Road weren't originally contemplated when this area was developed, approving the proposed development and rezoning could have a long term negative impact on this neighbourhood if issues related to traffic, safety, water runoff and streetscape are not considered and addressed. This area was not planned or developed in a manner that would allow for such a large development with an increased rezoning density. The long term impact on this neighbourhood should be strongly considered before a decision is made. Once the rezoning occurs, it can't be reversed and could lead to other rezoning and development requests that will have further long lasting negative impacts on the area.

We are not opposed to progress and fully understand the need for housing in the City; however, housing cannot simply be constructed, because there is a green space available. It must be properly planned with the makeup of current neighbourhoods in mind. This proposed development clearly doesn't do that. As such, we are adamantly opposed to both the development and rezoning as proposed.

Regards,



Tracey Matheson
Brian and Tracey Matheson

Cc: Councillor Julie McCabe - Ward 9

Planning Department

From: Julie McCabe <julynnemccabe@gmail.com> ✓
Sent: Monday, March 25, 2019 9:34 PM
To: mhigginton@bellaliant.net
Cc: Planning Department
Subject: Re: INFO RE: Public Consultation Meeting on Rezoning 88 Brackley Pt Road

Thank you for the email. I hope you are enjoying your vacation. I'm going to include planning on this email so they also have your concerns. We will be in touch I'm sure.
Julie

Sent from my iPhone

On Mar 25, 2019, at 9:26 PM, "mhigginton@bellaliant.net" <mhigginton@bellaliant.net> wrote:

Hi Julie:

Thanks for providing us with the information concerning the zoning change at 88 Brackley Point Road.

Sorry we are not going to be in attendance for the zoning meeting but we are definitely opposed to this change.

This area of the city of Charlottetown zoned as R1L should remain as such because the school bus traffic and student pick-up and drop-of flow created by Stonepark school and Brackley Point Road makes it vary unsafe for children walking to and from Sherwood Elementary and Stonpark Junior High.

Adding the vehicles from an additional 46 housing units exiting onto Pope Avenue will totally congest an already congested area.

Please vote against changing the present zoning from R1L single detached residential to R3 medium density residential.

We appreciate your support.

Merrill and Audrey Wigginton

15 Pope Avenue

Charlottetown, PE

C1A 6N4

Planning Department

From: Mayor of Charlottetown (Philip Brown) ✓
Sent: Monday, March 25, 2019 9:23 PM
To: Jerry Ivany; Planning Department
Cc: McCabe,Julie L.
Subject: RE: Lot 88 Brackley Pt Rd rezoning application

Jerry:

Thank you for your feedback and, hopefully you will be attending the Public Meeting this Wednesday meeting!

Philip Brown
Office of the Mayor
Charlottetown, P.E.I.

From: Jerry Ivany [jaipag@eastlink.ca]
Sent: Monday, March 25, 2019 9:42 AM
To: Planning Department
Cc: Mayor of Charlottetown (Philip Brown); McCabe,Julie L.
Subject: Lot 88 Brackley Pt Rd rezoning application

All;

Please find attached response to proposed rezoning application for Lot 88 Brackley Pt Rd.

Jerry A Ivany
17 Pope Ave

Planning Department

From: Julie McCabe <julynnemccabe@gmail.com>
Sent: Saturday, March 23, 2019 1:37 PM
To: Planning Department
Subject: Fwd: PUBLIC MEETING RE: Rezoning Application for 88 BRACKLEY PT ROAD

Sent from my iPhone

Begin forwarded message:

From: "leigh.sentner" <leigh.sentner@pei.sympatico.ca>
Date: March 23, 2019 at 1:11:27 PM ADT
To: Julie McCabe <julynnemccabe@gmail.com>
Subject: Re: PUBLIC MEETING RE: Rezoning Application for 88 BRACKLEY PT ROAD

Hi Julie; I am concerned regarding this potential development for 88 Brackley Point Road. The Planning and Heritage Department are excellent at protecting heritage properties within "Old Charlottetown ". What is the policy for protection of properties within Sherwood and would this property be considered a Heritage property ?as we are all within Charlottetown now. Also, what is the traffic plan and where do they plan to access the entrance /exit and also if they plan to access Heather Drive there may be safety issues re close proximity to the daycare . And potential access could present problems toward Brackley Point Road. Also I viewed the property today and the land is very low, like here where we live. Are they planning to create storm sewers etc . to mitigate potential water run off problems and flooding?Thanks again for the info. Leigh S. 99 Oak Drive, Charlottetown, P.E.I p.s. If there is a petition to sign by immediate residents I would be happy to do so.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Julie McCabe <julynnemccabe@gmail.com>
Date: 03-11-2019 22:30 (GMT-04:00)
To: jlmccabe@edu.pe.ca
Cc:
Subject: PUBLIC MEETING RE: Rezoning Application for 88 BRACKLEY PT ROAD

I am sending you this email so you have some information about an application that is going to a public meeting. There is an application in front of council for a rezoning of a property located at 88 Brackley Pt Road. They are requesting for this property to be rezoned to an R-3 Medium Density Residential from an R1L low density that it is now zoned as.

The applicant wants to rezone 3.04 acres of land, which is currently an R1L (single detached residential) and is occupied by a single family dwelling. The proposal is to demolish the single detached dwelling and subdivide the property into two lots. They would like to rezone these lots

Planning Department

From: Marilyn White <molly01@live.ca>
Sent: Friday, March 22, 2019 11:58 AM
To: Planning Department
Subject: Rezoning of 88 Brackley Point Road

We are strongly against the rezoning of 88 Brackley Point Road to Medium Density Residential and the building of apartment complex and townhouse complex.

First of all, we were very upset to hear of this proposal from a client after it was posted on your web site and was public knowledge without us receiving any notification.

We are owners of Tiny Tot Early Years Centre on 55 Pope Ave and have been serving parents childcare needs in the area for many years. We provide service for over 80 families and provide employment for approx 15 staff. This proposal would be adjacent to our parking lot and would greatly increase the amount of traffic on Pope Ave. Currently that street is very busy in morning and evening with parents dropping off and picking up along with staff vehicles and deliveries. This is besides the heavy traffic from Stonepark Junior High with buses, staff, and parents along with students walking to and from not only that school but also Sherwood Elementary. There is only 1 stop sign on Cole Avenue and is easily ignored by 80% of the traffic. And along with that is the heavy traffic on Brackley Point Road at these times of day and children trying to cross the highway.

This proposal would be adjacent to our Centre with another driveway close to ours which would mean much more traffic coming and going .

It is currently very busy on Pope Ave in morning and afternoon hours, especially around Stonepark School as parents are parked on both sides of the street from before the school, and down towards our Centre waiting for their children, which is very unsafe with students walking everywhere. The added traffic that is being proposed would be overwhelming for the area and more dangerous for the children coming and going to these 2 schools along with more traffic for our parents to contend with.

This type of proposal is very much needed to help with the availability of affordable housing in the area but it should not be approved for small residential area with students from 2 schools walking daily to and from, and buses, parents, staff, along with our parents and staff which already creates a high traffic area at certain times of the day.

We strongly urge the council to deny this proposal for the safety of all.

Yours truly
Carl Connick & Marilyn White
Owners, Tiny Tot Early Years Centre
55 Pope Ave

Sent from my iPhone

to R3 to facilitate construction of a 30 unit, 3 story apartment building on one lot and a townhouse development on the other lot.

I am told that the meeting will be held on **Monday, April 1st**. There will be notice in the paper and on the city hall website confirming this time. I will send along another email as we get closer to the date as a reminder. If this date isn't correct, I will send out the correct date once I know.

I just want to make sure that you have the opportunity to attend this meeting and to voice your thoughts/concerns at this time. The council will be there to hear your thoughts and will be able to make an informed decision on this application. It is important to attend if you feel strong either way about this proposal. Please feel free to share your thoughts with me as well and I can pass any correspondence along to the planning board on your behalf.

This is all for now
Julie McCabe
Ward 9 Councillor

Planning Department

From: Julie Mccabe <julynnemccabe@gmail.com>
Sent: Thursday, March 21, 2019 7:29 PM ✓
To: Planning Department
Subject: Fwd: DATE FOR PUBLIC MEETING

Sent from my iPhone

Begin forwarded message:

From: Gayle Cormier <gayledcormier@gmail.com>
Date: March 12, 2019 at 12:28:30 PM ADT
To: Julie Mccabe <julynnemccabe@gmail.com>
Subject: Re: DATE FOR PUBLIC MEETING

Hi Julie,

Thanks for the information. John & I won't be back on time for the meeting. We definitely wouldn't want to see an apartment building at the end of our street.

There is too much congestion already with the school buses and cars trying to get on Brackley Point Road. The crossing from Coles to Pine does not need

more congestion and safety issues. Too many people in an apartment building and too many of the same old cheap apartment buildings. This would also decrease the value of the homes in our area. The townhomes will probably be two-story and seniors need one level townhomes with no stairs. Who is the builder?

Thanks again, Gayle

Planning Department

From: Julie Mccabe <julynnemccabe@gmail.com>
Sent: Thursday, March 21, 2019 7:28 PM
To: Pat Gill; Planning Department
Subject: Re: DATE FOR PUBLIC MEETING

Thank you Pat - I am forwarding your email to planning so they will have it on record as well. Hope all is well.
Julie

Sent from my iPhone

On Mar 21, 2019, at 7:19 PM, Pat Gill <patgill63@gmail.com> wrote:

Have just been informed of the request that will be submitted to change zoning to permit the building of an apartment building and town houses on the land across from Stonepark high school. I would like to ask that you support us in voting against this proposal. Our quiet residential neighbourhood does not need the additional density and traffic.

Pat Gill
10 Valdane Avenue

Sent from my iPad

On Mar 12, 2019, at 10:07 AM, Julie Mccabe <julynnemccabe@gmail.com> wrote:

The public meeting will be held **MARCH 27, 2019 WEDNESDAY , 7:00 PM AT THE PROVINCE ROOM, RODD CHARLOTTETOWN HOTEL, 75 KENT STREET.**

Thanks

Julie

Planning Department

From: McCabe, Julie L.
Sent: Thursday, March 21, 2019 8:11 AM
To: Planning Department
Subject: One more email

Hi Julie

Just want to let you know that I am against the rezoning and have signed a petition that Jeremy and Cindy Crosby are circulating. This will just be the start for others if this goes through. This is a single family dwelling neighbourhood and should remain so.

There is too much traffic on the street already with the school, daycare and vehicles wanting to avoid the lights at Belvedere.

Thanks for keeping us updated re our ward.

Doreen Connolly

Sent from my iPad

Sent from my iPhone

Planning Department

From: McCabe, Julie L.
Sent: Thursday, March 21, 2019 8:10 AM
To: Planning Department
Subject: ReZone email

Please note following email

On Mar 21, 2019, at 8:00 AM, Matthew Walker <mwalker@ihis.org<<mailto:mwalker@ihis.org>>> wrote:

Hi Julie,

I wanted to write to express my concern over the proposed development at 88 Brackley Point Road. My family moved here from Alberta just over a year ago and when we were looking at property to purchase, the current zoning was a big consideration. We did not want to live in a high density neighborhood and Sherwood was perfect. Our daughter goes to Tiny Tots Daycare and will eventually go to Sherwood and Stonepark.

My concern is not the location of the development itself, but the size of the development and if Pope Ave has the capacity to accommodate the increase in traffic. Currently it can be dangerous walking my daughter to day care with car's speeding through Pope Ave, school buses, and cars parked along the side of the road waiting to pick their children up from Stonepark. In my mind it makes more sense to develop near the mall.

Also, I am concerned as to the precedent this may set for the other vacant lot on Brackley Point Rd, which is directly behind our home. Will this be re-zoned R3 as well?

Thank you,

Matthew Walker
11 Pope Ave

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Sent from my iPhone

Planning Department

From: McCabe, Julie L.
Sent: Wednesday, March 20, 2019 5:13 PM
To: Planning Department
Subject: Fwd: Permit application #037-REZ-19

Please see letter from resident. Do you want me to forward all correspondence I receive?

Thanks

Julie

Sent from my iPhone

Begin forwarded message:

From: Shannon Burke <shannonburkepei@gmail.com>
Date: March 20, 2019 at 4:11:09 PM ADT
To: "McCabe, Julie L." <jlmccabe@charlottetown.ca>
Subject: Re: Permit application #037-REZ-19

Please do! Thanks!

Sorry to bother you on vacation...I just wanted to get my letter in!

On Wed, Mar 20, 2019 at 3:41 PM McCabe, Julie L. <jlmccabe@charlottetown.ca> wrote:
Hi Shannon thanks for the email - I appreciate your email and I have heard from many residents with the same concerns! I do a pick up at Stonepark so I hear your concerns - are you ok with me sharing your email with planning?
Julie

Sent from my iPhone

> On Mar 20, 2019, at 3:33 PM, Shannon Burke <shannonburkepei@gmail.com> wrote:

>

> Good afternoon Councilor McCabe,

>

> I grew up in Sherwood on Birchill Drive and attended both Sherwood Elementary and Stonepark Junior High. After 15 years in Harrington, my husband and I moved our family back to Sherwood in 2016, as this is where we wanted to raise our family. Our home is located on Messer Avenue and both of our children choose to walk to school every morning to attend Sherwood Elementary and Stonepark.

>

> We recently became aware of the re-zoning application approved for public consultation for the property located at 88 Brackley Point Road (PID 396770). This property reaches from Brackley Point Road to Pope Avenue, directly across from Stonepark, and is on the direct path of children walking to Stonepark and Sherwood Elementary. The proposal for this property is to subdivide it and re-zone it from single detached residential R-1L, consistent with the rest of this core area of Sherwood, to medium density residential (R-3), in order to accommodate a 16-unit townhouse complex facing Brackley Point Road and a three-story 30-unit apartment building

with underground parking facing Pope Avenue. It is my understanding that the main exit for this complex would be located on Pope Avenue, as the City Police would not support anything other than a right-turn-in and right-turn-out on Brackley Point Road, due to existing traffic issues. As you know, Sherwood was developed as a low density residential area with R3 zoning located primarily around the perimeter of the community. Original planning for Sherwood did not take into consideration higher levels of density. The potential impact of adding another 46 units and associated traffic funneling out onto Pope Avenue in the morning is very concerning. Children and cars already have a difficult time navigating this particular section because of existing traffic. The addition of another 60+ vehicles poses significant safety issues. I can assure you that this is not a case of, "not-in-my-backyard", as my property is likely closer to the large apartment units on St. Peter's Road than it is to the property in question. However, my children walk that path every day, sometimes before the sidewalks are plowed, and I am concerned for their safety. The intersection of Pine/Brackley Point Road/Coles has been the site of many accidents over the years. I don't feel we need to add to this, especially given the number of children that walk through here daily.

>

> I am also concerned about the transparency and accountability of a municipal government who, just two months ago in January, made amendments to the City's Official Plan and Future Land Use map and did not even consider changes to the low density residential zoning for the core area of Sherwood. Rather, other areas, such as the Charlottetown Mall area, were identified as targets for increased residential densities, commercialization, etc. In addition to this, an application to re-zone this same property to accommodate two 36 unit apartment buildings was rejected in 2016 because the Board felt that the density was too high for the neighborhood and the bulk, mass and scale of the buildings were not in keeping with the surrounding area. While a townhouse development might ease this concern, a three story, 30 unit apartment building with underground parking certainly does not. Has the City reconsidered its objective to "preserve the built form and density of Charlottetown's existing neighborhoods, and to ensure that new development is harmonious with its existing surroundings"? If so, what has changed since January 2019, when the Plan was last amended? If not, why has this application been approved for Public Consultation rather than rejected?

>

> The fact that this application has made it so far already, with one city councilor already expressing his support for the project on social media, is disturbing, especially when the notification period happened over March Break when many families in this ward are on vacation. It gives residents very little time to have their voices heard and, in the case of one councilor, it sounds as though his mind has already been made without input from his constituents at a public meeting.

>

> Approval of this proposal is precedent setting and has the potential to change the existing landscape of the Sherwood community. My understanding is that there have already been applications in to re-zone a vacant lot a few doors down from this one to accommodate an apartment building. If this application was to be approved, no doubt the other will follow. It would be very difficult for Council to reject one after already agreeing to another in the same area. I encourage you to consider the potential domino effect of this change, not only within Sherwood, but also in all other residential areas of every ward in Charlottetown, including those that fall into school zones.

>

> I understand the need for housing, particularly in places where people can access much needed services, such as hospitals and transit. However, development without proper planning will only cause problems later on with safety, traffic, drainage, infrastructure, etc. I can assure you that most residents in our community do not support this rezoning application.

Consideration of a request to move to R2 would likely be met with much less opposition. I would also suspect that a similar application in a more suitable area, such as St. Peter's Road, might be more acceptable.

>

> I know that you also grew up in Sherwood and are very familiar with this area. I encourage you to consider the potential impact of an approval to the Sherwood community, as well as to other low density residential communities in other wards.

>

> Thank you for your time,

>

> Shannon Burke

> Messer Avenue

To: Charlottetown City Council and Planning Board: ✓

Date: March 21, 2019.

From: Jerry A. Ivany, 17 Pope Ave

RE: Rezoning Lot 88 Brackley Point Rd from R-1L to R3 Application

Zoning request should not be approved because:

- I purchased my property in an R-1 zone with the understanding that it would not be changed. That is the agreement I believe I should be able to expect from the City of Charlottetown. The area contains properties that are well maintained and many of the residents know their neighbours for streets around the area. We take pride in our neighbourhood and our properties and enlarge, renew, and update as changes are required. We have had at least 5 applications to downgrade the zoning. Neighbourhood families have worked together to defeat these, pointing out why such changes would not be a change beneficial to the city, our neighbourhood, and families. This should be sufficient to show Council that there is no desire for rezoning in the neighbourhood.
- Owners of single family homes are being ignored in the City of Charlottetown and neighbourhoods are under constant pressure with rezoning applications. The frenzy to parachute apartment buildings and other structures that are not appropriate for single family areas has to stop.
- A Kindergarten is located next to the proposed extension of Heather Ave. Stonepark Jr High has separate entrance and exit on Pope Ave and the exit is located on a 90 degree turn as is the crosswalk. Busses and parent car traffic, dropping off and picking up students, in the morning and afternoon is very high which will put small children at risk. Cars are not allowed on Stonepark School property, so cars line on both sides of Pope Ave.
- Exit from Coles Dr on to Brackley Pt Rd will become much more dangerous as streets do not line up and visibility southward is restricted. Young children walking to and from Sherwood Elementary School as well as the Crossing Guard will be put at significantly greater risk.
- Using the city of Charlottetown allowable frontage of 66 ft and minimum lot size of 5,800 sq ft / lot this property has space and aspect to easily allow development of at least 20 single family homes with direct street access as 3 sides of the property border present streets and the proposed extension of Heather Ave to the south adds much more street side access. Rezoning adds nothing appropriate to the neighbourhood. Houses in the

\$250,000 to \$300,000 are most wanted by buyers (Guardian March 22), and adding single family houses of this size to this neighbourhood would be attractive.

- The city has voted to allow the addition of apartments in existing houses and inclusion of garden suites on lots. Should this happen in our neighbourhood, car numbers would increase greatly further affecting traffic and increasing making access to the kindergarten and schools much more hazardous for children.
- This neighbourhood is a very desirable location for single family homes and property values can be expected to decline if rezoning is approve.
- Large apartment buildings and increased density of this sort in this area was recently noted in the Official Plan of the city as not suitable for this neighbourhood.

March 26, 2019

City of Charlottetown
Planning and Heritage Department
233 Queen Street
Charlottetown, PE
C1A 4B9

Re: Future Land-use Map Amendment and Zoning Amendment (PID # 399770) 88 Brackley Point Road

Mayor, Council and Planning and Heritage Staff,

I have been a resident of 13 Pope Avenue since September of 2009. I chose this property to raise my family because of the quiet residential area, affordability of the home, well-kept homes/condition of the neighbourhood, proximity to schools, and sporting facilities all within walking distance for my children to attend. I also choose this area based on the current zoning and the zoning of the surrounding area (R-1L Single Detached Residential Zone) for safety reasons and the architectural harmony of the area.

On March 17, 2019, I was surprised to hear that an application was submitted to and being considered by the City of Charlottetown to re-zone the property located at 88 Brackley Point Road, Charlottetown (PID 396770) from Single Detached Residential R1L to Medium Density Residential R3 to accommodate the subdivision of the property and development of a 30 unit, 3 story apartment building facing Pope Avenue and a 16-unit townhouse development facing Brackley Point Road.

Although I don't disagree with the redevelopment of this property, I feel that moving from Single Detached Residential R1L to Medium Density Residential R3 is too large a step for the area and will completely change the built form and density of the neighborhood. I have also reviewed the report that was prepared for the March 4, 2019 Planning and Heritage Committee Meeting. Within that report prepared by Laurel Palmer Thompson, MCIP Planner II the following items/concerns were identified:

- There was a proposal to rezone this property in 2016 from R-1L to R3 to facilitate the construction of two 36 unit apartment buildings. At that time the board voted not to advance the application to public consultation. The board felt the proposed density of the 72 units was too high for the neighbourhood. As well, they also determined that the bulk, mass, and scale of the proposed apartment buildings were not in keeping with the surrounding neighbourhood.
- The official plan clearly states that development in the area will not adversely impact the existing low-density residential neighbourhood, and higher density development was not contemplated in the area for the long term planning of this neighbourhood.

- There is a possibility that this rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for other properties in the area.
- The site is located in a mature low density neighbourhood and although the building has been scaled back in density and relocated on the site away from the existing housing it still could be viewed as out of scale for the neighbourhood.
- Under the Conclusion section, it indicated that staff have concerns that the rezoning of a property within a mature neighbourhood from single detached residential to medium density residential to accommodate a 46 unit development may cause concern within the neighbourhood. This may also be viewed as a spot zone.

The report did not seem to address the concerns with the additional traffic that will be generated in an already congested area with daycare, Junior High School and sports field all competing for limited space on a low capacity street with intersections and turns.

This also has the potential to lead to additional requests for rezoning in the area of the Brackley Point Road between Coles Drive and Duncan Ave which would further disrupt the existing low-density residential area.

In addition to the above, this request for rezoning of this parcel of land goes against the City of Charlottetown Future Land Use Map that was review and amended on January 8, 2019. On this map, it clearly shows that this area is to remain Low-Density Residential (R1L).

As I have indicated earlier in this letter I am not opposed to appropriate development but Medium Density (R3) is out of scale for the neighbourhood and completely changes the area.

Thank you for consideration on this matter. If you have any questions please don't hesitate to contact me.

Sincerely

Jeremy Crosby, P.Eng.
Home (902) 894-1154
Cell (902) 626-5443

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Jracy Matheson	82 Brackley Pt Rd	902-892-0348	Jracy Matheson	Mar 24/19
Brian Matheson	82 Brackley Pt Rd	902-892-0348	Brian Matheson	Mar 24/19
Sydney Matheson	82 Brackley Pt Rd	902-218-6727	Sydney Matheson	Mar 25/19
Barli Driscoll	28 Herbert St	368-2417	Barli Driscoll	March 23/19
Ray Driscoll	28 Herbert St	368-2417	Ray Driscoll	March 23/19
Justin Driscoll	26 Edinburgh Dr	902-218-7806	Justin Driscoll	March 23/19
Kate Ryan	26 Edinburgh Dr	902-330-1661	Kate Ryan	March 23/19
Edna Constable	30 Herbert St	902-368650	Edna Constable	Mar 23/19
Robert Constable	30 Herbert St	902-368-2650	Robert Constable	Mar 23/19
Sue McCheskey	44 Dorchester Ave	902-314-4533	Sue McCheskey	Mar 26/19
Brenda McKenna	138 Heather Ave	902-367-4940	Brenda McKenna	Mar 26/19
Jennifer Farquhar	115 MacLennan Rd	902-626-7050	Jennifer Farquhar	Mar 26/19
Cornel Corrigan	15 Falconwood Dr	902-892-1887	Cornel Corrigan	Mar 26/19
Kim Perry	3 Hughes Court	902-388-1499	Kim Perry	Mar 26/19
Owen Matheson	82 Brackley Pt Rd	902-916-9259	Owen Matheson	Mar 26/19
Kathy Cronin	13 Shawcroft	902-628-6159	Kathy Cronin	Mar 27/19
Lindy Crosby	71 Bird ^{Parkview} drive	902-393-5270	Lindy Crosby	March 27
Cheryl Gaudet	15 Juniper Dr.	902-393-5884	Cheryl Gaudet	Mar. 27/19
Carolyn Livingston	53 Cedar Ave	902-566-1671	Carolyn Livingston	Mar 27/19

Petition to the City of Charlottetown to Reject Permit #037-REZ-19

On February 1st, 2019 an application was submitted to the City of Charlottetown to re-zone the property located at 88 Brackley Point Road, Charlottetown (PID 396770) from Single Detached Residential R1L to Medium Density Residential R3 to accommodate the subdivision of the property and development of a 30 unit, 3 story apartment building facing Pope Avenue and a 16-unit townhouse development facing Brackley Point Road. On March 4, 2019, the Planning Board advanced the application to City Council, who then, on March 11th, approved the application to proceed to public consultation. **The Public Meeting is set for March 27, 2019 at 7:00pm at the Rodd Charlottetown Hotel.**


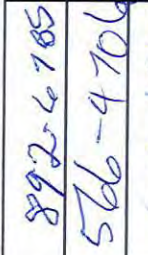

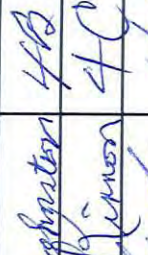


This core area of Sherwood was developed as a low density, single detached residential neighborhood and higher density development was not factored in to long term planning. As recently as January 2019, the City's official plan and Future Land Use map was amended and at this time the City intended to maintain Low Density Residential zoning for this area.

This property is located across from Stonepark Junior High and on the route for many walkers heading to Sherwood Elementary. There are already concerns about the safety of students in this area due to the existing heavy traffic at drop off and pick up time. The addition of another 46 units and associated vehicles, with the main exit being located on Pope Avenue, only further compounds safety issues for residents and motorists in the area. Although there are properties zoned R3 in Sherwood, they are located on the perimeter of the community where planning was designed to handle higher density traffic and not on the walking route for students attending Stonepark or Sherwood Elementary.

Further, the City's Official Plan did not identify the core of Sherwood as an area for higher density residential expansion. Rather, in the plan, the Charlottetown Mall area was recognized as a targeted area for higher density residential development, as well as a mix of commercial and institutional uses. One of the objectives of the Official Plan is to "preserve the built form and density of Charlottetown's existing neighborhoods, and to ensure that new development is harmonious with its surroundings." In 2016, an application for re-zoning on this same property (88 Brackley Point Road) for the development of two 36-unit apartment buildings was rejected because the Board felt that the density was too high for the neighborhood and the bulk, mass and scale of the buildings were not in keeping with the surrounding neighborhood. We feel the current application still carries the same hindrances. Although there is only a proposal for one large apartment building, this rezoning application is precedent-setting for the area as well as in other wards. It opens up opportunity for any number of vacant lots or lots with lower valued homes to apply for and receive permission to rezone and potentially encumber the area with more apartment buildings.

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For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Donna Johnson	418 Valbonne	892-6785		March 28, 2019
Doree Nicholson	40 Valbonne	566-4706		"
Donna Johnson	418 Valbonne	626-8817		"
Alice Smith	14 Valbonne Ave	902-393600		"
Andrew Dillon	14 Valbonne Ave	393 2896		"
Josann MacAulay	17 Messer Ave	213-9352		"
Jana Choverid	17 Messer Ave	969-0477		"

For all the points noted above, we, the citizens of the City of Charlottemtown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Josh Powell	67 Heather Ave	902	[Signature]	March 20 th
Deek Smith	69 Heather Ave		[Signature]	March 20 th
Shavon Macdonald	69 Heather Ave		[Signature]	March 20 th
Arlene macdonald Smith	69 Heather Ave		[Signature]	March 20 th
CODY SMITH	69 Heather Ave		[Signature]	March 20 th
Cheryl Frizzell	71 Heather Ave		[Signature]	Mar 20
Andy Frizzell	"		[Signature]	Mar 20
Nicholas Frizzell	"		[Signature]	Mar 20
Lorena Gabriel	73 Heather Ave.		[Signature]	Mar 20
Will Morrison	80 Brackley Pk Rd		[Signature]	Mar 21
Gay Morrison	80 Brackley Pk Rd		[Signature]	Mar 21
Isabella White	80 Brackley Pk Rd		[Signature]	Mar 21
Blaire White	80 Brackley Pk Rd		[Signature]	Mar 21
Jesse white	80 Brackley Pk Rd		[Signature]	Mar 21
Shelley Morrison	80 Brackley Pk Rd		[Signature]	Mar 21
DAVID MORRISON	80 Brackley Pk Rd.		[Signature]	Mar 21
CHRIS HUBBES	13 Messer Ave		[Signature]	Mar 21
Bashir May	19 Messer Ave		[Signature]	March 21 2019

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Pam Josey	9 Fernwood Dr.	529-4386	[Signature]	March 26/19
Sharon McGinnell	7 Fernwood Dr.	385-1936	[Signature]	March 26/19
ERIC WILSON	5 Fernwood Dr.	894-7287	[Signature]	March 26/19
ANDIE MACKENZIE	16 Fernwood Dr.	892-3513	[Signature]	March 26/19
Bernadette Power	1 Nottingham	894-3731	[Signature]	March 26/19
NERVIN POWER	114 Barkley Blvd	566-4465	[Signature]	March 26/19
MARY HOPES BAKER	114 Barkley Pl Ke	566-4465	[Signature]	March 26/19

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Thi Suwng	101 Brackley A Rd		<i>Thi Suwng</i>	2019-Mar-20
Jennifer Young	110 Brackley Rd		<i>J Young</i>	2019-Mar-20
Jay Crozier	61 Cedar Ave		<i>Jay Crozier</i>	2019-Mar-20
Jay Crozier	61 Cedar Ave		<i>Jay Crozier</i>	2019-Mar-20
Ferne Cahill	59 Cedar Ave		<i>Ferne Cahill</i>	20/3/19
JoAnne Jay	51 Cedar Ave		<i>JoAnne Jay</i>	20/3/19
Grant Jay	51 Cedar Ave		<i>Grant Jay</i>	20/3/19
Issac Jay	51 Cedar Ave		<i>Issac Jay</i>	20/3/19
Liam Jay	51 Cedar Ave		<i>Liam Jay</i>	20/3/19
Ida Nounin	Weymouth		<i>Ida Nounin</i>	20/3/19
Jordan Stevenson	54 Cedar Ave		<i>Jordan Stevenson</i>	20-Mar-2019
Robyn Stevenson	54 Cedar Ave		<i>Robyn Stevenson</i>	Mar 2019
Daniel Stewart	96 Brackley Point Rd		<i>Daniel Stewart</i>	March 2019
Janet Outram	96 Brackley Point Rd		<i>Janet Outram</i>	Mar. 2019
Salafa Mujaleh	63 Heather Ave		<i>Salafa Mujaleh</i>	Mar. 2019
Naيران Mujaleh	63 Heather Ave		<i>Naيران Mujaleh</i>	Mar 2019
Maid Mujaleh	63 Heather Ave		<i>Maid Mujaleh</i>	Mar 2019
Renna Mujaleh	19 Messer Ave		<i>Renna Mujaleh</i>	March 20-2019

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
DAVID SHAW	2060 RTE 25	213-9554	<i>David Shaw</i>	MAR 22/19
Shannon Burke	8 Messer Avenue	626-2320	<i>Shannon Burke</i>	3/20/19
Tracy Bile	8 Messer Ave	314-4630	[Signature]	07/26/19
Louise Gauthier	12 Messer Avenue	894-4340	<i>Louise Gauthier</i>	03/21/19
LOUISE "	"	"	<i>Louise Gauthier</i>	03/21/19
GEORGE BRAMMER	14 "	367-2111	<i>George Brammer</i>	03/21/19
Roxanne Brammer	14 Messer Ave	367-2111	<i>Roxanne Brammer</i>	03/21/19
Susan Adams	10 Messer Ave.	200-7541	<i>Susan Adams</i>	03/21/19
Michelle Johnston	60 Messer Ave	626 8913	<i>Michelle Johnston</i>	03/21/19
Tom O'Leary	5 Messer	566 1659	<i>Tom O'Leary</i>	03/21/19
Michelle McCullough	7 Messer	393 8156	<i>Michelle McCullough</i>	03/21/19
GREG McCullough	7 "	902 316 3204	<i>Greg McCullough</i>	2/10/19
Avarne Huson	7 Messer Ave	902 597 9977	<i>Avarne Huson</i>	MAR 19
Kristal Peterson	9 Messer Ave		<i>Kristal Peterson</i>	2/13/19
Kylie Larber	185 St Peters Rd	902 566 5720	<i>Kylie Larber</i>	2/10/19
Rachael Roy	185 St Peters Rd	902 626-6829	<i>Rachael Roy</i>	2/10/19
Carol + Kena Tierney	16 Valdave Ave	902-892-9948	<i>Carol Tierney</i>	2/10/19
Henk Bondt	18 Valdave Ave	902-367-6262	<i>Henk Bondt</i>	2/13/19

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Judy Bondt	18 Vallen Ave	902-367-6262	Judy Bondt	2/13/19
Pat Gill	10 VALDANE	902-367-0602	P. Gill	2/13/19
Elizabeth Stewart	7 Vallen Ave.	902-894-4885	Elizabeth Stewart	2/13/19
J.K. Stewart	7 Vallen Ave.	902-894-4895	J.K. Stewart	2/13/19
Jessica Mitchell	4 Messer Avenue	902-393-3470	Jessica Mitchell	25/3/19
Brandon Mitchell	4 Messer Avenue	902-393-9490	Brandon Mitchell	25/3/19
Steven Butler	24 Arcona Drive		per Steven Butler	3/25/19
Alison "	24 Arcona		per Alison Butler	3/25/19
Judy "	24 Arcona		per Judy Butler	3/25/19
Carson "	24 Arcona		per Carson Butler	3/25/19
Christina Grogan	3 Arcona Dr	902-367-6466	C. Grogan	3/25/19
Martin Grogan	3 Arcona Dr.	902-369-6466	Martin Grogan	3/25/19
Jinyun Peng	5 Arcona	902-884-5111	Jinyun Peng	3/26/19
Xiaoyun Peng	17 Arcona Dr.	902-388-7888	Xiaoyun Peng	03/25/19
Jingman Tam	17 Arcona Dr.	902-626-7438	Jingman Tam	03/25/19
Yuena Zhang	- - - -	902-388-7888	Yuena Zhang	03/25/19
Missie Rudkins	25 Arcona Dr	902-228-6159	Missie Rudkins	03/25/19
Barbara Mar-Miller	47 Arcona	368-2370	Barbara Mar-Miller	2019-03-25

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For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Stephanie Mackinnon	680 Rowe 225 HAMPSHIRE PEI	902-394-5808	S Mackinnon	Mar. 21 2019
Heidi Willock	96 Oak Dr. Charlottetown PEI	613-662-6658	Heidi Willock	March 21 2019
Andy Prake	258 Killcenny Rd Flavigny PEI	902-940-2972	Andy Prake	March 21 2019
Kristy Myer	301 East Roberts Rd Charlottetown, PEI	902-629-5033	Kristy Myer	March 21 2019
Craig Myer	" "	" "	Craig Myer	March 21 2019
Melanie Cochrane	8076 Rennies Rd Hunter River	902-940-9224	Melanie Cochrane	March 21 2019
Kyle Keane	680 route 225 Hampshire PEI	902-629-5813	Kyle Keane	March 21 2019
Amanda Whalen	1824 Bannockburn RD Cornwall PEI	902-940-0112	Amanda Whalen	March 21 2019
Donnie Whalen	" "	902-940-0878	Donnie Whalen	March 21 2019
Jenny Bagole	204 Belvedere Ave C-Town PE	902-314-1670	Jenny Bagole	March 21 2019
Trevor Cochrane	19777 Mt 3 Hunter River	902-213-7906	Trevor Cochrane	March 21 2019
Tanya Wittshire	209 Millboro Road Hunter River	902-880-7386	Tanya Wittshire	March 21 2019
Lauren Richardson	164 Mason Rd. Stattford PE	902-394-3115	Lauren Richardson	March 21 2019
Steff Taylor	33 Horton Dr Stratford PE	213-3774	Steff Taylor	March 21 2019
Harmandeep Sekhon	C-Town, PE 269 Norwood Rd	647-975-7686	Harmandeep Sekhon	March 21 2019
Terni Lamphie	1940 Burtzels	(902) 314-6551	Terni Lamphie	March 21 2019
Dale Bernard	50 Kenlea Dr	902-367-9071	Dale Bernard	March 21 2019
Misses Craig	60 Mountain Drive	902-225-1185	Misses Craig	March 21 2019

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Brenda Little	74 Westcomb Cres	902 388 8099	Brenda Little	March 21 2019
Muelo M Siqueiro	99 Glanthermo Ave	902-353-7416	Muelo M Siqueiro	March 2019
Tanya Weyden	47 Creek side Dr	902 685 5788	Tanya Weyden	March 2019
Maura Dow	24 Newland Cres	(910) 626-5384	Maura Dow	March 2019
Penny Allen	Cornwall	902)394-1461	Penny Allen	March 21/19
Heidi Gaudet	Brackley Beach	(910) 867-2113	Heidi Gaudet	March 21/19
Kim Macphail	Harrington	(902) 394-1711	Kim Macphail	March 21/19
Kendra Bonjokian	32 Lilac Ave	902 940-0540	Kendra Bonjokian	March 22/19
Marge Gallant	58 Oak Drive	902-892-3033	Marge Gallant	March 22/19
Richard Gallant	58 Oak Drive	902 314-0607	Richard Gallant	March 22/19
Bobbi Jo Walker	11 Poppe Ave	408-952-8304	Bobbi Jo Walker	March 22/19
Priscilla Gaudet-Keenan	5 Mac Williams Rd	902-940-6107	Priscilla Gaudet-Keenan	March 22/19
Anushri Patel	2161 Ducks Landing	647-546-6463	Anushri Patel	March 22/19
Bonnie Macphail	Oak Dr.	902-367-2940	Bonnie Macphail	March 22/19
Trevor Macphail	Oak Dr	902-940-6778	Trevor Macphail	March 22/19
Tir Harris	Cornwall	902 380 4993	Tir Harris	March 22/19
Tara McEwrick	10 Westway Dr	902 218-1707	Tara McEwrick	March 22/19
Michael Keese	10 Westway Dr.	910-540-7241	Michael Keese	March 22/19

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Katie Chevone	17 Parkview Dr	626 7437	Katie Chevone	March 22/19
Jennifer Dowling	Charlottetown	894-5270	Jennifer Dowling	Mar 22/19
Malerie Wilson	Albany, PE	902-992-0365	Malerie Wilson	Mar 22/19
Becky Hogg	Cumberland, PE	940-5104	Becky Hogg	Mar 22/19
Sasha Beaton	Charlottetown	(506)229-0388	Sasha Beaton	Mar 22/19
Kim Paker	Stratford	219-1483	Kim Paker	Mar 22/19
Britney O'Rourke	Mermaid, PE	856-0610	Britney O'Rourke	March 22/19
Vino Budhan	Charlottetown	394-3659	Vino Budhan	March 22/19
Rosalie Richard	Charlottetown PEI	314-7483	Rosalie Richard	Mar. 22/19
Hong Tan	Charlottetown	367-5134	Hong Tan	2019 Mar 22
Melissa Walsh	Charlottetown	394-5497	Melissa Walsh	March 22/2019
Allie Shields	Charlottetown	894-2508	Allie Shields	March 22/19
Amaran Ashby	131500 Charlotetown	894-2312	Amaran Ashby	Mar 22/19
Brenda McSneel	6 Sumner St	368-1306	Brenda McSneel	March 22/19
Melva Louise	Stuyford	569-4604	Melva Louise	Mar 22/19
Doris Poole	Charlottetown	368-1984	Doris Poole	Mar 22/19
Peggy Morris	Belford	368-8905	Peggy Morris	Mar 22/19
Stephanie Concoran	90 Windsor Dr.	940-2334	Stephanie Concoran	Mar 22/19
Stephanie Concoran	256 Killenny Rd	940-1580	Stephanie Concoran	Mar 22/19

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Corey DeArce	21 Medford Blvd	902-209-0000		3/22/19
Silvay Dow	24 Newland cres	902-213-5576		03/22/19
Annie Kimisha	9 Marion Dr	(902) 218-2058		03/22/19
Dana McDonald	2944 Savage HBR Rd	902-394-4802		03/22/19
Megan Grady	79 Kenwood Circle	902 213 4288		03/22
Adrianne Gault	6 Fountain Drive	902-213-9112		03/22
Melissa Bruce	91 Barbair Circle	(902) 218-9030		03/22/19
Tammy Sanderson	15 BRIB Lane	902 218 1286		03/22/19
Jean Gallant	28 Doncaster	902-317-0288		03/12/19
Colette Cochrane	Wheatley River	902-218-5215		02/03/19
Tamara McKenna	Hunter River	902-940-7264		22/03/19
Matthew Foss	Dartmouth Nova Scotia	902-497-2221		22/03/19
Andrew Ripley	10 Dunceon Heights	902-367-7888		22/03/19
Kimberley Knockwood	610 Colville Rd, Hampshire	908-621-3582		03/22/2019
Mitchell Bryce	91 Barbour Circle	902 969 4797		22/03/19
Melanie Smith	451 Reed Drive	902-430-9393		25/03/19
Rebecca Macpherson	29 Sunrise cd	902-393-6621		25/03/19
Trevor Mathison	91 Maple Ave	902 616 6956		25/03/19

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Kathy Quinn	18 Pope	902-626-8949	Kathy Quinn	March 26
Buddy Quinn	18 Pope Avenue	902-626-8949	Buddy Quinn	March 26
Scott MacDonald	104 Barbours Circle		Scott MacDonald	March 26
Janet Mac Donald	119 BARIBOUR CIRCLE		JANET MACDONALD	26/03/19
Susan Frizzell	10 Shamrock Drive	902-368-2706	Susan Frizzell	26/03/19
Steven Frizzell	10 Shamrock Drive	902-368-2706	Steven Frizzell	26/03/19
Krista Mosher	31 LILAC AVE	902-892-7519	Krista Mosher	27/03/19
Shirley Mosher	31 Lilac Avenue	902-892-7519	Shirley Mosher	27/03
Jillian Hume	102 Oak Drive		Jillian Hume	03/27/19
Mauk Morrison	102 OAK DRIVE		Mauk Morrison	27/03/19
JOSH MORRISON	10 REVELL DRIVE	902-940-4443	Josh Morrison	March 27
JESS MORRISON	10 REVELL DRIVE		Jessica Morrison	27/03
HEATHER POLLARD	10 Revell Drive		Heather Pollard	27/03/19
JUSTIN MUTTART	37 MacArthur		Justin Muttart	27/03/19
Tanessa Muttart	37 MacArthur		Tanessa Muttart	27/03
Ben Leggett	85 Heathrow Ave.		Ben Leggett	27/03
LISA MacGREGOR	20 ARCONADR		Lisa MacGregor	27/03
DARREN MacGREGOR	20 ARCONA DR		Darren MacGregor	27/03

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning for the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Judy Eyolfson	100 Brackley Pk. Rd.	902-368-1547	Judy Eyolfson	2/03/19
Nola Etkin	75 Heather Ave	902-892-3347	Nola Etkin	2/13/19
Elizabeth Stake	75 Heather Ave	902-892-3347	Elizabeth Stake	2/13/19
Emma McDuggall	79 Heather Ave	902-393-5688	Emma McDuggall	2/13/19
Sharon McDuggall	89 Heather Ave	902-367-0614	Sharon McDuggall	2/13/19
Debra Phillips	89 Heather Ave	902-367-0812	Debra Phillips	2/03/19
Abbie Courtney	80 Heather Ave	902-628-3890	Abbie Courtney	2/13/19
Keenan Courtney	80 Heather Ave	902-628-3890	Keenan Courtney	2/13/19
Cassy Phelan	78 Heather Ave	902-569-1423	Cassy Phelan	2/13/19
Debbie Phelan	78 Heather Ave	902-569-1423	Debra Phelan	2/13/19
Linus Phelan	78 Heather Ave	902-569-1423	Linus Phelan	2/13/19
Harold Scott	74 Heather Ave	902-459-5526	Harold Scott	2/13/19
F. Mike	68 HEATHER AVE	902-370-2019	F. Mike	2/13/2019
Danielle Plante	65 Heather ave	902-393-2988	Danielle Plante	2/10/2019
Mike Eyolfson	100 Brackley Pk. Rd.	902-368-1547	Mike Eyolfson	2/03/2019

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Gurpoonaandeeep sekoon	4-269 Norwood Rd	647-717-4333	Gurpoonaandeeep	25/03/19
Martha Jewell	2544 Route 25	902-388-5903	Mywell	25/03/19
Sarah Riehl	21 Fountain Drive	902-388-0089	Sarah Riehl	25/03/19
Sarah Weatherbie	16 Southway Crescent	902-626-5444	Sarah Weatherbie	25/03/19
Erin MacDonald	11 Barbour Circle	902-307-1581	Erin MacDonald	25/03/19
Emmy Good	278 Winsloe rd	902-569-8887	Emmy Good	25/03/19
Crystal MacEachern	72 Cameron Rd.	902-675-3852	Crystal MacEachern	25/03/19
Edward Benjokian	32 Lilac Ave	902-213-4164	Edward Benjokian	26/03/19
Dominick Angelini	21 Fountain Dr.	902-940-0494	Dominick Angelini	26/03/19
Emily Boswall	39 Royalty rd	902-394-3742	Emily Boswall	26/03/19
Colin Beaton	42 Creekside Dr	902-314-6800	Colin Beaton	26/03/19
BILL MACDONALD	/ CROKER ST	902-368-3298	Bill MacDonald	26/03/19
Erin Reid Terrio	55 Newland Cres	506-644-9698	Erin Reid Terrio	26/03/19
Alana Harris	159 Primrose Drive	902-364-0386	Alana Harris	26/03/19

P.B

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Maura Gardner	7 POPE AVENUE	626-3886		March 19, 2019
Judy Core	1 Pope Ave	566-9796	Judy Core	"
Dennis Watt	1 Pope Ave	566-5992		"
MJ McCulloch	15 Duncan Heights	218-8778		"
Craig McIlloch	15 Duncan Heights	314-0004	C. McIlloch	"
Jessie Mager	2 Pope Avenue	566-4617	Jessie Mager	"
Wally Johnson	4 Pope Ave	892-6793		"
JOE POWER	8 Pope Ave	892-1742	JOE POWER	"
Karen Lewer	8 Pope Ave.	892-1942	Karen Lewer	"
Pauline Jayson	10 Pope Ave	892-2545	Pauline Jayson	"
Rubini Matheson	14 Pope Ave	367-4088	Rubini Matheson	"
Raeann Connolly	16 Pope	894-9461	Raeann Connolly	"
Richard Gray	18 Pope Ave	566-4142		"
Coody Campbell	20 Pope Ave	367-5243	Coody Campbell	"
Billean Flynn	20 Pope Ave	367-5243		"
Jean Tracy	17 Pope Ave	892-7807	Jean Tracy	"
Jerry Tracy	"	"	"	"
Barbara Crosby	46 St. Peters Rd	628-1921	Barbara Crosby	March 20, 2019

P.12

For all the points noted above, we, the citizens of the City of Charlotte, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
CLAIRE CROSBY	4651 Peters Rd	628-7921		Mar 20, 2019
Matthew Walker	11 Pope Ave	902-916-2400		Mar 20/19
Bobbi Jo Walker	11 Pope Ave	902-916-2400		March 20/19
Jeremy Crosby	13 Pope Ave	(902) 894-1154		Mar 20/19
Cindy MacInnis	13 Pope Ave	(902) 894-1154		Mar 20/19
G. BERRY BERRY	23 DUNEAN HILLS	902-367-1198 902-894-1154		21 March 2019
CONSTANCE M. BERRY	" " "	" " "		21 Mar 2019
IAN GLASS	15 MESSER AVE	902-892-1463		21 March 19
Janel Kufner	18 Messer Lane	902-892-1463		21 March 19
Judy Johnson	4 Pope Ave	892-6793		21 Mar 19
Bobbi Jo Matheson	12 Pope Ave	628-1104		24 Mar 19
Ron Matheson	12 POPE AVE	628-1104		24 MAR 19
Wendy Cunningham	15 Pope Ave	992-3895		24 March 19
Mark Grimmett	3 Pope Ave	566-4612		24 March 19
Darrell Adams	19 Pope Ave	892-6743		24 Mar 19
Pauline Adams	19 Pope Ave	892-6743		24 Mar 19
Elyse Adams	5 Pope Ave	894-4359		25 Mar 19
Carolee Adams	21 Pope Ave	394-7980		26 Mar 19

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For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Megan Murnaghan	28 Pine dr	902 218 7279	Megan Murnaghan	03/26
Janice MacKinnon	26 Pinedr	902 439 3094	Verbal	03/26
Mark Rooney	24 Pinedr	902 940 3437	Verbal	03/26
Stephanie Rooney	24 Pinedr	902 403 4137	Verbal	03/26
Sabrina Macadam	22 Poplar dr		Verbal	03/26
Jean Macadam	22 Poplar dr		Verbal	03/26
Laura Younker	8 poplar dr		Verbal	03/26
Shelley Gallant	31 Darte dr	902 394 4277	Verbal	03/26
Christine Murnaghan	13 Kentra dr	902 393 4479	Verbal	03/26
Donald Large	78 Pinedr		Verbal	03/26
Ethel Keenan	53 Pine dr		Verbal	03/26
Taylor Campbell	57 Pine dr		Verbal	03/26
Kelly Faugere	76 Pine dr		Verbal	03/26
Ian Gallant	31 darte dr		Verbal	03/26

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Jane Meyer	51 ARCONA DR		Jane Meyer	MAR 25/19
Jeanne Meyer	51 ALCONA DR.		Jeanne Meyer	Mar. 25 74
Maria Steele	47 Maple Avenue		Maria Steele	Mar 25/19
Joe Hughes	11 Ferngarden Dr		Joe Hughes	Mar 26/19
Suzie Sutton	14 Vaddane Ave		Suzie Sutton	Mar. 26/19
Michelle Dun	14 Vaddane Ave		Michelle Dun	March 26/19
Lena Burke	3 Parkdale cres		Lena Burke	March 26/19
Roger Burke	3 Parkdale cres		Roger Burke	March 26/19
Marshall Graham	13 Shamrock Drive		Marshall Graham	MARCH 26/19
Mike Stanley	38 Ash Drive		Mike Stanley	March 27/2019
Karen Stanby	38 Ash Drive		Karen Stanby	Mar 27/2019
Gillian Mosher	103 BARBOUR CIRCLE		Gillian Mosher	Mar 27/19
JONATHAN MOSHER	103 BARBOUR CIRCLE		JONATHAN MOSHER	MAR 27/19

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Stacey MacDougall	78 Oak Drive			3/26/19
Rick MacDougall	78 Oak Drive			3/26/19
Coody MacDougall	78 Oak Drive			3/26/19
Bethany MacDougall	78 Oak Drive			3/26/19

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Lixing Bai	12 Arcana Dr.	902-316-0398	verbal	Mar 25
Mrs. Bai	12 Arcana Dr.	902-316-0398	"	Mar 25
Besley Savidant	16 Arcana Dr.	902-882-3746	"	Mar 25
Earl Savidant	16 Arcana Dr.	902-892-3746	"	Mar 25
Mike Sinnott	21 Arcana Dr.	902-314-7993	"	Mar 25
Gracy Sinnott	21 Arcana Dr.	902-314-0796	Sinnott	Mar 25
Jacob Sinnott	21 Arcana Dr.	902-213-0708	Mike Sinnott	Mar 25
Judy Butler	24 Arcana Dr.	902-393-4134	Jacob Sinnott	Mar 25
Steven Butler	24 Arcana Dr.	902-393-4134	verbal	Mar 25
Alison Butler	24 Arcana Dr.	902-393-4134	"	Mar 25
Carson Butler	24 Arcana Dr.	902-393-4134	"	Mar 25
Fred Sobey	29 Arcana Dr.	902-566-3425	"	Mar 25
Olana Sobey	29 Arcana Dr.	902-566-3425	"	Mar 25
Mrs. Trainor	32 Arcana Dr.	902-882-2184	"	Mar 25
Kelley Sherley	104 Barbours Circle	902-314-1854	"	Mar 25
Brian Sherley	104 Barbours Circle	902-314-1854	"	Mar 25
Janet Macdonald	119 Barbours Circle	902-368-9028	"	Mar 25
Scott Macdonald	119 Barbours Circle	902-368-9028	"	Mar 25

For all the points noted above, we, the citizens of the City of Charlottetown, petition the City to reject the application for re-zoning of the property located at 88 Brackley Point Road (PID 396770) from Single Detached Residential (R-1L) to Medium Density Residential (R-3).

Name	Address	Phone #	Signature	Date
Andre Hebert	110 oak drive	502-314-9273		Mar 21, 2019
Sammi Markley	21 MacDonald Rd, M St James	902-394-5179		March 2019
Angela MacDodd	157 Kensington Rd	316-3370	Angela MacDodd	03/21/19
Rosanne Shea	1048 Brackley Pt Rd	218-3709	Rosanne Shea	03/21/19
Sharon De	16 Kenlea Drive	394-2358	Sharon De	03/21/19
Ninke	14 Lilac Ave.	213-1508	Ninke	3/21/19
Paul Polyzoukos	14 Elena, lot #17	218-1346	Paul Polyzoukos	3/21/19
Kristin Joseph	312 University Ave	314-9368	K Joseph	3/22/19
Nathan Tombs	33 Laurie Dr. #12	218-5383	NT	3/22/19
Everyn Bawaik	Barrington	304-4350	Everyn Bawaik	3/22/19
Laura McNeill	16 Bayberry Ct	902-368-5522	Laura McNeill	3/22/19
Bonnie McPhail	107 oak DR	902-367-2940	Bonnie McPhail	MAR 22/19
Billy McDonald	CRICKER ST	902-368-3298	Billy McDonald	26/03/19
Jean Gallant	Downsides Ave.	902-362-0288	Jean Gallant	26/03/19
Adam Terrio	Newland Iris	506-690-169	Adam Terrio	26/03/19
Graham Stewart	19 OAK Drive	902-218-9258	Graham Stewart	26/03/19
Colin Young	110 Birkley Point Rd	902-314-8691	Colin Young	26/03/19
HEATHER STEWART	14 PENZIE LYNN DR	902-506-5804	Heather Stewart	26/03/19

Thompson, Laurel


From: notification@civiclive.com
Sent: Friday, March 29, 2019 11:38 AM
To: Thompson, Laurel
Subject: 88 Brackley Point Road

City of Charlottetown Planning and Heritage Dept., I Ron Wood owner of the property at 88 Brackley Point Road - PID #396770 here by request *to defer* my application at this time for rezoning of this property from R-1L to R-3. I require some time to process all comments and concerns brought forward from residents of this community at the public meeting on Mar.27th. As a long time resident of this community I take all public concerns in the highest regards and believe we can work together to find a suitable solution to satisfy Charlottetown Planning Board , plannng and Heritage Committee , City Council and Residents of this community.

Sent By: Ron Wood



Sent From: shinedepot@hotmail.com

TITLE: MINOR LOT AREA VARIANCE & MAJOR VARIANCE TO LEGAL NON CONFORMING USE AND LOT CONSOLIDATION FILE: PLAN-2019-1-APRIL-6b-4 200-202 Spring Park Road OWNER: Wildwood Holdings		 CHARLOTTETOWN
MEETING DATE: April 1, 2019		Page 1 of 10
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan C. Site Plan Showing 2018 Proposal	
SITE INFORMATION: Context: Developed neighbourhood on Spring Park Road consisting of a variety of housing types and institutional uses. Ward No: 4 – Spring Park Existing Land Use: existing apartment building and single detached dwelling Official Plan: Medium Density Residential Zoning: Medium Density Residential Single (R-3) Zone		
PREVIOUS APPLICATIONS: Buildings were both constructed prior to amalgamation.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the Minor Variance Application to vary Section 15.2 of the Zoning & Development By-law by reducing the required lot area from 38,374.9 sq. ft. to approximately 42,088.6 sq. ft. and The Major Variance Section to vary Section 3.9 c. of the Zoning and Development Bylaw to allow for the expansion of parking in the front yard, to vary Section 6.4 of the Zoning and Development Bylaw to reduce the landscape buffer from 12 ft. to 8 ft. and a major variance to the rear yard setback to reduce it from 19.7 ft. to 14.4 ft., a major variance to the side yard setback to reduce it from 14.8 ft. to 10 ft. and to approve the consolidation of PID#'s 367938 and 367979 in order to construct a 16 unit apartment building in the Medium Density Residential (R-3) Zone be approved at 200-202 Spring Park Road (PID #'s 367938 and 367979).

BACKGROUND:

Request

The City of Charlottetown has received an application in accordance with Section 3.8 Minor Variances and Section 3.9 Major Variances of the Zoning & Development Bylaw, for variances to the property located at 200-202 Spring Park Road (PID#s 367938 & 367979). The property is zoned Medium Density Residential (R-3) and the applicant (Wildwood Holdings) has requested a minor variance to increase the density on the lot. The applicant is purposing to consolidate the subject properties under Section 45.3.5 of the Zoning and Development Bylaw (*Notice to property owners within 100 meters of the subject property is required to consolidate properties in the R-3 Zone.*) and construct a second building consisting of 16 units in addition to the existing 18 unit apartment building. The Bylaw currently permits 31 apartment units and the applicant is requesting a minor variance to allow for 34 apartment units. Please see the attached site plan.

In addition to the minor variance to increase units, the applicant is also requesting a Major Variance under Section 3.9 to expand the parking lot in the front yard. The parking for the apartment building at 202 Spring Park Road is currently located in the front yard. If the addition is constructed, the applicant has requested to expand the parking lot in the front yard of 200 Spring Park Road. The existing parking lot does not have a landscape buffer between the parking lot and the street boundary. If the parking lot is expanded a landscape buffer is required to be provided along the existing and the new portion of the parking lot. Section 6.4 of the Zoning and Development Bylaw requires a 12 ft. landscape buffer. The site plan indicates an 8ft. landscape buffer. Therefore, the applicant is requesting a major variance to decrease the landscape buffer to 8 ft.

The applicant has also requested major variances to the rear yard and side yard setbacks. The Bylaw requires a 14.8 ft. side yard setback. At one corner of the lot the building is positioned 10 ft. to the side yard property boundary. In addition the Bylaw requires a 19.7 ft. rear yard setback. At one corner of the lot the building is positioned 14.4 ft. to the rear property boundary. See attached site plan.

A similar application was before Planning Board in December, 2018. At that time the applicant requested a minor variance to the lot area requirement to increase the density on the property to 33 units, to consolidate the subject properties and construct an addition of 15 units to the existing 18 unit apartment building. At the time the Board had concerns as the Bylaw required a

landscape buffer along the front of the property and the Board voted to defer the application to allow the developer an opportunity to revise his site plan to accommodate a landscape buffer.

Development Context

Number #202 Spring Park Road is currently occupied with an 18 unit apartment building that predates amalgamation the adjoining property number #200 Spring Park Road is occupied with a single detached dwelling. The properties are located in a mature neighbourhood. Immediately adjacent to the south of the subject properties is a 32 unit apartment building. Colonel Gray High school is located on the west side of Spring Park Road. Directly east of the property is the Church of the Most Holy Redeemer and to the north is R-2 zoned land occupied with single detached dwellings. The uses surrounding the site include a mix of low density residential, medium density residential, parkland and institutional zoned properties.

History

The subject properties contain an 18 unit apartment building that was constructed somewhere during the 1970's and a single detached dwelling that was constructed post war. Both preexisted amalgamation.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, on March 15, 2019 notice of the Planning Board meeting regarding this application was sent to property owners within 100 metres (328.1 ft.) of the subject property soliciting their written comments for or against the proposed variances. The deadline to submit written comments on the application was Friday, March 29, 2019.

Public Feedback

In response to the City's notification letter to date no letters have been received.

ANALYSIS:

Section 15 of the Zoning and Development Bylaw, the R-3 (Medium Density Residential Zone) requires 1,237.9 sq. ft. of lot area per unit. The applicant has requested a density variance to increase the number of units on the property from 31 units to 34 units. In this case the applicant

has enough lot area for the approval of 31 units. The increase of 31 to 34 units would represent a 9.7% variance. Staff feel that a density increase of 31 to 34 units (9.8%) is minor in nature.

The applicant has also requested a major variance under Section 3.9 Major Variances of the Zoning and Development Bylaw. The applicant currently has a parking lot in the front yard of his existing 15 unit apartment building. If the applicant constructs a new 18 unit building on the property he has requested to expand the parking lot in the front yard. In the previous application the applicant requested to add an addition on the existing apartment building and expand the parking lot. The parking lot was considered legal non-conforming. In this case a new building is being constructed but he has requested to expand the legal nonconforming parking lot which will occupy most of the front yard of the 200 Spring Park Road property.

Because the existing apartment building was built prior to the adoption of the Zoning and Development Bylaw in 1998 parking in the front yard of this property is considered a legal non-conforming use. Section 43.6.1 a. of the current Zoning and Development Bylaw states, *“Parking Spaces for residential properties shall: a. Be exclusive of the Front Yard for any Building containing more than three (3) units; also*

Section 43.6 c. Location of Parking Facilities of the Zoning and Development Bylaw states, *“No driveway or area designated for parking Spaces shall occupy more than 40% of the required front yard.”*

The Major Variance Section 3.9 c. of the Bylaw allows a property owner the opportunity to apply for *“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 Bylaw.”*

The previous application proposed an addition to the existing building and therefore due to the placement of the existing building (which met the requirements of the former Bylaw) on the lot and the interior layout of the existing building the addition had to line up with the existing building and therefore could not be built closer to the street. The applicant indicated that because of the location of the existing building on the site there wasn't room to locate parking for the addition in the rear yard.

Since the December application a new Bylaw was adopted which now allows more than one main building on a medium density lot. The current application proposes the new building to be stand alone from the existing building. The developer has not pulled the building to the front of Spring Park Road as he as indicated that the lot would not be able to accommodate adequate parking if parking were located at the rear of the property.

Therefore, the applicant has also cited Section 3.9.1 b. of the Zoning and Development Bylaw.

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;

Staff recognizes that the existing apartment building is set back further on the property than other buildings on the street. Although, the existing parking lot is located in the front yard due to the existing building being setback extensively on the lot Staff do have some concerns with decreasing green space along the streetscape and increasing paving in the front yard of 200 Spring Park Road. If parking could be accommodated in the rear yard it would be more fitting.

Notwithstanding staff's concerns, the proposed addition to the apartment building is located in a neighbourhood where multi-unit apartments are appropriate given the property's zoning, proximity to the high school, churches, and the downtown. It will also help to address the housing shortage that is currently being experienced within the City.

Section 6.4.3 of the Zoning and Development Bylaw requires, *"where the minimum Front Yard Setback permits, a strip of land not less than 3.7 m (12 ft.) in width shall be provided along a lot line(s) which abuts a street line which shall be a) used for no other purpose than Landscaped Area. b) where a parking lot is permitted in front of a building , the landscaped area shall be provided between the parking lot and the front lot line."*

The site plan submitted with the December application did not show a 12 ft. landscaped space between the parking lot and the property boundary however, the applicant has pulled the proposed building back further on the lot and provided an 8 ft. landscaped buffer. Staff does not feel that an 8ft. buffer will pose an issue if planted with shrubs as the existing parking lot is paved to the property boundary.

The current application also requests major variances to the rear and side yards. The previous application was applied for under the former Zoning and Development Bylaw. The old Bylaw allowed an average to be applied to the rear and side yard setbacks. Therefore, if a building was set back greater than the minimum setback at one location along a property boundary and closer at another location an average was permitted to be calculated. If the average was equal to or greater than the minimum setback requirement the building setback was deemed to meet the Bylaw. The current Bylaw does not allow an average to be calculated. The lot has angled

property boundaries and it is jogged along the rear property boundary this is the reason for the request for the setback variances. Staff does not view this as an unreasonable request.

If the variances are approved a lot consolidation will also be required. 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 March 15, 2019. Staff do not have concerns with the consolidation of these properties to facilitate the construction of an apartment building.

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"> ▪ A multi-unit apartment building is a permitted use in the Medium Density Residential (R-3) Zone. ▪ There is a requirement for additional housing within the neighbourhood. ▪ The proposed density variance of an additional 3 units is fairly minor in nature. ▪ There is a variety of housing types and institutional uses in the immediate area including single-detached dwellings, apartment dwellings, educational institutions and a church. ▪ The location is within walking distance to the downtown and the high school. 	<ul style="list-style-type: none"> ▪ The parking lot for the existing apartment building is currently located within the front yard setback. ▪ The existing parking lot is considered legal non-conforming as the apartment building was constructed pre amalgamation. 	<ul style="list-style-type: none"> ▪ Contradicts Section 43.6.1 a of the Zoning and Development Bylaw. <i>“Parking Spaces for residential properties shall: a. Be exclusive of the Front Yard for any Building containing more than three (3) units; also contravenes Section 43.6 c. Location of Parking Facilities “No driveway or area designated for parking Spaces shall occupy more than 40% of the required front yard.”.</i> ▪ Approving the major variance for parking reduces the amount of green space along Spring Park Road.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend that the minor and major variance requests and the lot consolidation be approved.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

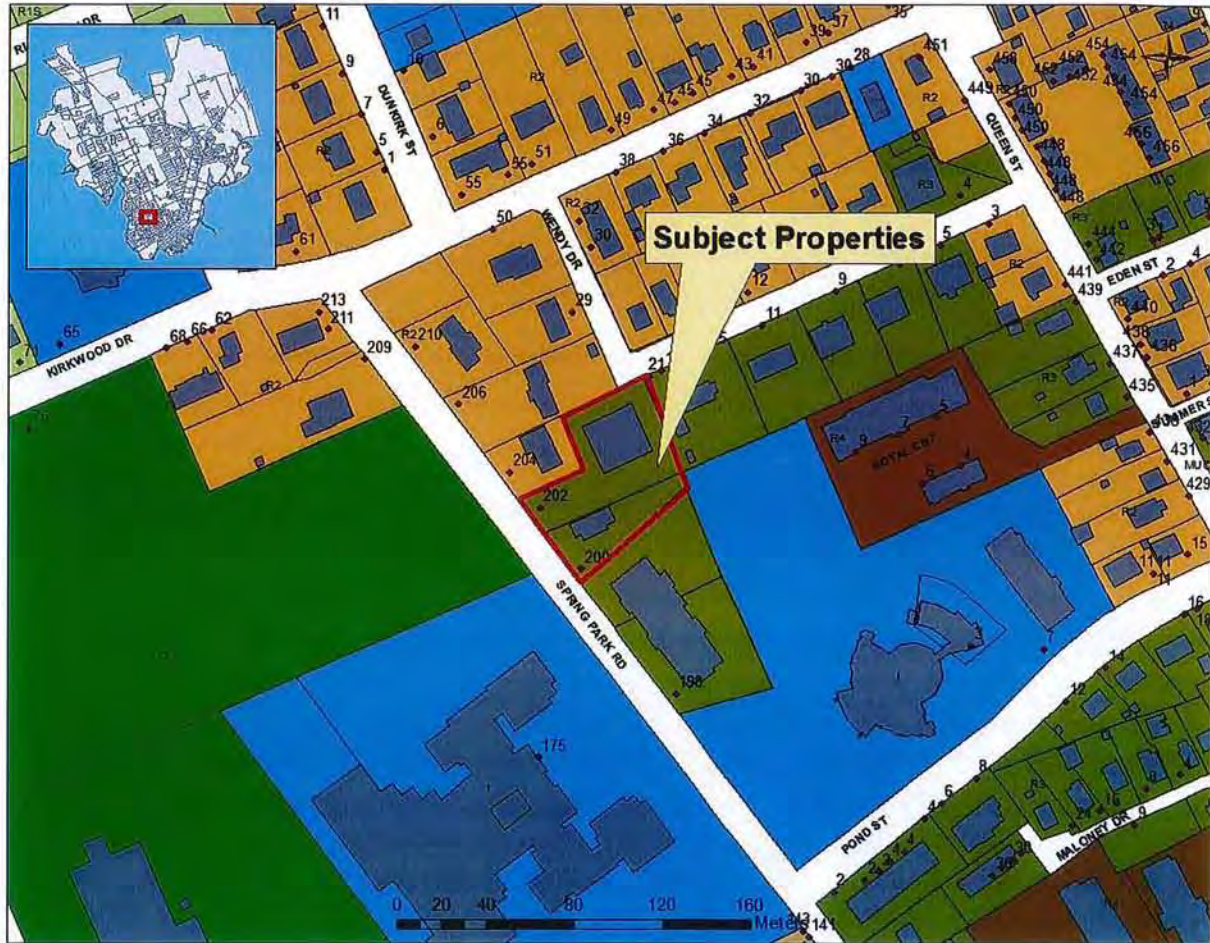


MANAGER:

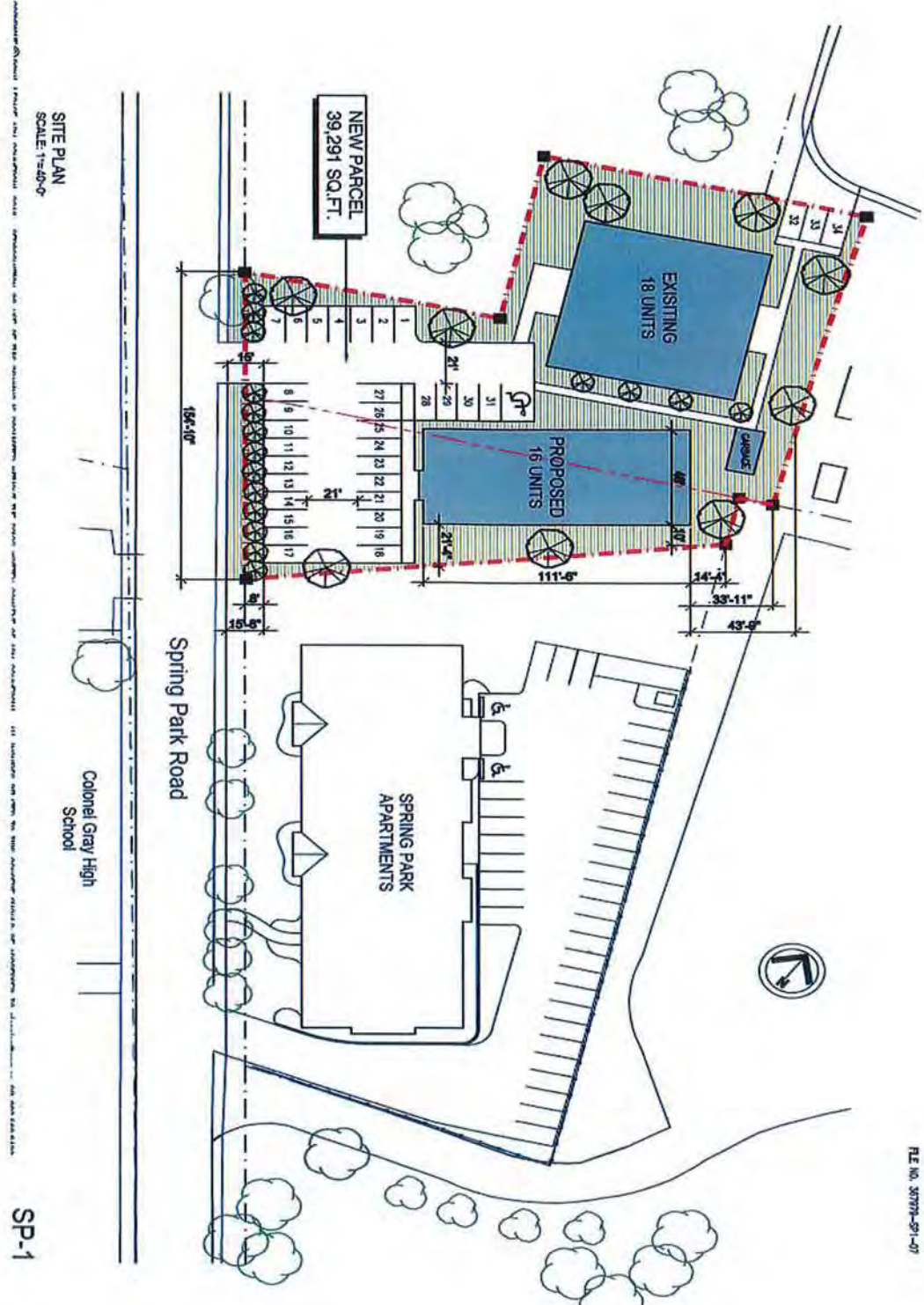
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



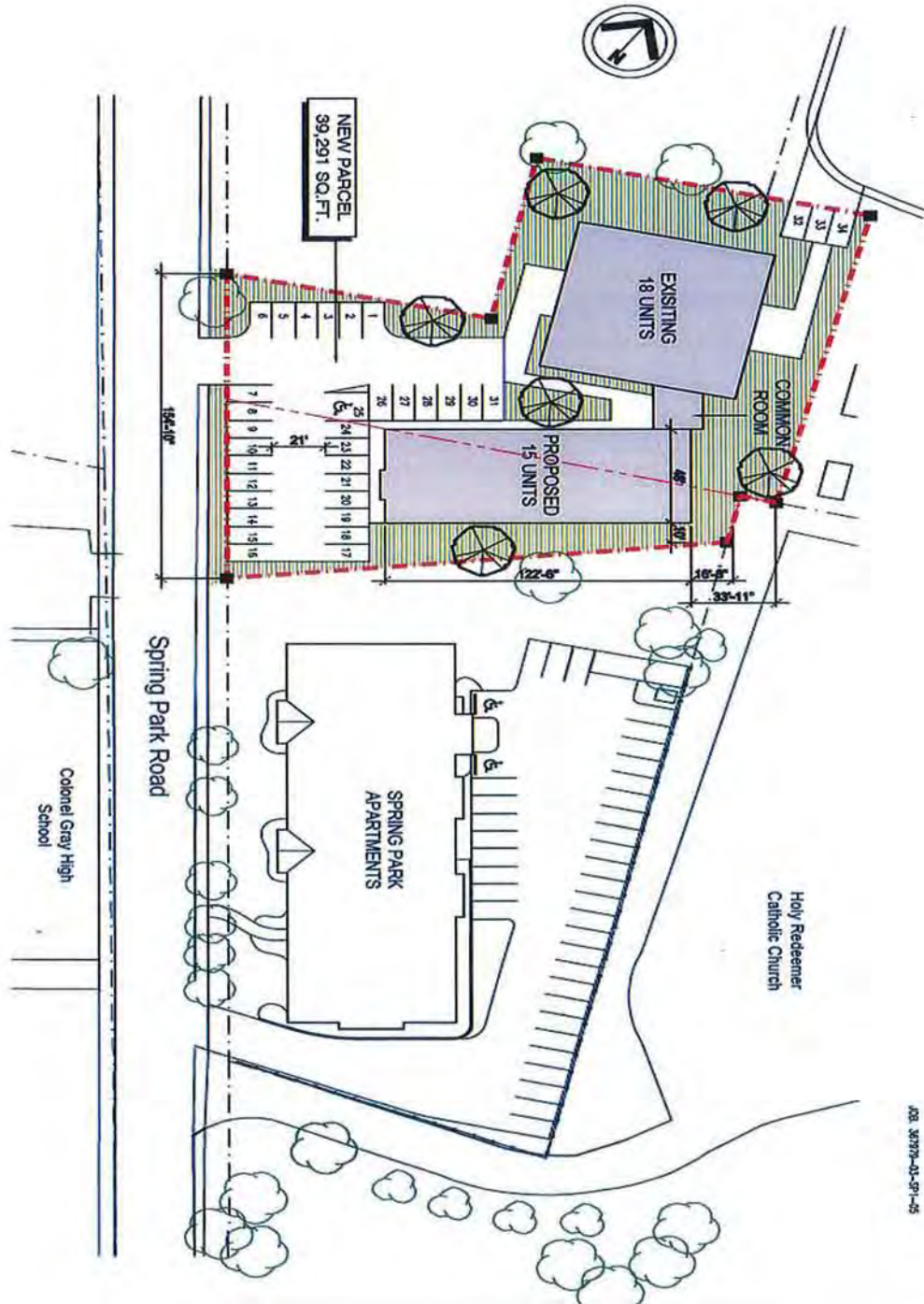
GIS Map:




Current Site Map:



Site Map 2018 Proposal:



TITLE: <p style="text-align: center;">VARIANCE FILE: PLAN-2019-1-APRIL-06-5 PROPERTY PID #359950 GERALD STREET OWNERS: ROGER GREAVES & CAROLINE ROGERSON</p>		 CHARLOTTETOWN
MEETING DATE: April 1st 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Map of Site B. Application related documents C. Letter of Opposition	
SITE INFORMATION: Context: Vacant and undeveloped Ward No: 4 Existing Land Use: Vacant Official Plan: Low Density Residential Zoning: Low Density Residential (R-2) Zone		
PREVIOUS APPLICATIONS: 09-594		

RECOMMENDATIONS:

Staff encourages Planning Board to recommend to Council to **approve** the three (3) variances. The variance being to:

- 1) Decrease the minimum interior side yard setback requirement of 1.83 m (6 ft.) to 1.2 m (4 ft) for the main dwelling;
- 2) Decrease the minimum flankage yard setback requirement of 6m (19.7ft) to 3.3m (11ft) for the main dwelling; and
- 3) Decrease the minimum flankage yard setback requirement 6m (19.7ft) to 5.4m (18 ft) for the accessory building.

in order to permit the construction of a Single Detached Dwelling with a detached garage on the property identified as PID #359950 on Gerald Street.

BACKGROUND:

Request

The Planning & Heritage Department 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 along Gerald Street PID 359950. The subject site is zoned Low Density Residential (R-2) Zone and is currently vacant and undeveloped. The site is undersized in terms of both lot frontage and area as per the R-2 Zone requirements.

The owner is seeking three (3) variances to:

- 1) decrease the interior side yard setback from 1.83 m (6 ft) to 1.2 m (4 ft);
- 2) decrease the flankage yard requirement from 6 m (19.7 ft) to 3.3 m (11 ft) for the main dwelling; and
- 3) decrease the flankage yard requirement from 6 m (19.7 ft) to 5.4 m (18 ft) for the detached garage.

The purpose of the variances is to construct a single detached dwelling that is approx. 1,200 sq.ft. Please refer to the revised site plan (i.e. Attachment B-1).

Development Context

The subject site is 0.09 acres (335 sq.m.) in size with approximately 12.1m (40 ft.) of frontage, which is an undersized lot. The site is mainly vacant with a large tree in the centre of the property. The owner wishes to decrease the minimum flankage, interior side and rear yard setbacks(s) to accommodate a single detached dwelling. The property has access to infrastructure services (i.e. sewer and water) and access would be provided off of Gerald Street.

History

In 2009 the owner applied for a permit on the property to construct a large single detached dwelling to similar setbacks. At the time the Zoning By-law contained regulations that allowed for decreased setbacks for an undersized lot, however these regulations have been removed since the last major amendment and the owner is now required to apply for three (3) variances.

ANALYSIS:

Section 15 of the Zoning and Development Bylaw, the R-2 (Low Density Residential Zone) requires a flankage yard setback of 6m (19.7 ft.). The proposed dwelling would have a flankage yard setback at the closest point to the property boundary of 3.3 m (11 ft.) and reduced interior side yard setback of 1.2 m (4 ft.) to construct a single detached dwelling. The owner is also proposing a detached garage with a decreased flankage yard setback of 5.4m (18 ft.) that is situated 2.7m (9 ft.) from the main dwelling providing for additional queuing space for a vehicle exiting the subject site.

Consistency with the Official Plan

The Official Plan provides policies allowing for infill development in existing neighbourhoods, using existing underground services to its fullest capacity and encouraging development in fully serviced areas.

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.

Consistency with the Zoning By-law

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 and the fact the property is an existing undersized lot, staff feels that the revised proposed reductions of the flankage yard would ensure that the proposed dwelling would be sufficiently setback from the street that would not compromise Public Work’s operations in the ROW. The applicant has now proposed a detached garage with a decreased flankage yard setback of 5.4m (18ft.) from the ROW, thereby providing additional space for a vehicle to que on the property prior to entering onto Gerald Street. The reduction of the required interior side yard could be supported on the basis that the proposed dwelling could better maintain the flankage yard requirements for public safety purposes. The lot is undersized in terms of frontage (width) so by reducing the interior side yard would be considered reasonable request to accommodate the development of the property.

Therefore, in staff’s opinion the three (3) variance requests for the reduction of the flankage and the interior side yard requirements for the proposed dwelling and the decrease flankage yard for the detached garage would be viewed as meeting the intent outlined in the variance process.

The table below provides a summary of the positives and shortcomings of the requested variance(s):

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Increasing the capacity of existing underground services. ▪ Infill development in a fully serviced area of the City. 	<ul style="list-style-type: none"> ▪ Egress from proposed garage would have additional queuing space for a vehicle accessing Gerald Street. ▪ Sufficient space is left for Public Works operations in the ROW 	<ul style="list-style-type: none"> ▪ Proposed dwelling would be situated only 3.3m (11 ft) from the ROW.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, on February 14, 2019 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 Friday, March 1st, 2019.

Public Feedback

In response to the City's notification letter One (1) letter in opposition of the major variance was received. The letter stated that they feel the proposal would negatively impact the neighbourhood with compromised sight lines for traffic, increase in non-permeable surface for drainage, snow clearing issues and more on-street parking. See attached letter.

CONCLUSION:

Staff encourages Planning Board to recommend to Council to **approve** the three (3) variances. The variance being to:

- 1) Decrease the minimum interior side yard setback requirement of 1.83 m (6 ft.) to 1.2 m (4 ft) for the main dwelling;
- 2) Decrease the minimum flankage yard setback requirement of 6m (19.7ft) to 3.3m (11ft) for the main dwelling; and
- 3) Decrease the minimum flankage yard setback requirement 6m (19.7ft) to 5.4m (18 ft) for the accessory building.

in order to permit the construction of a Single Detached Dwelling with a detached garage on the property identified as PID #359950 on Gerald Street.

Manager:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Presenter:

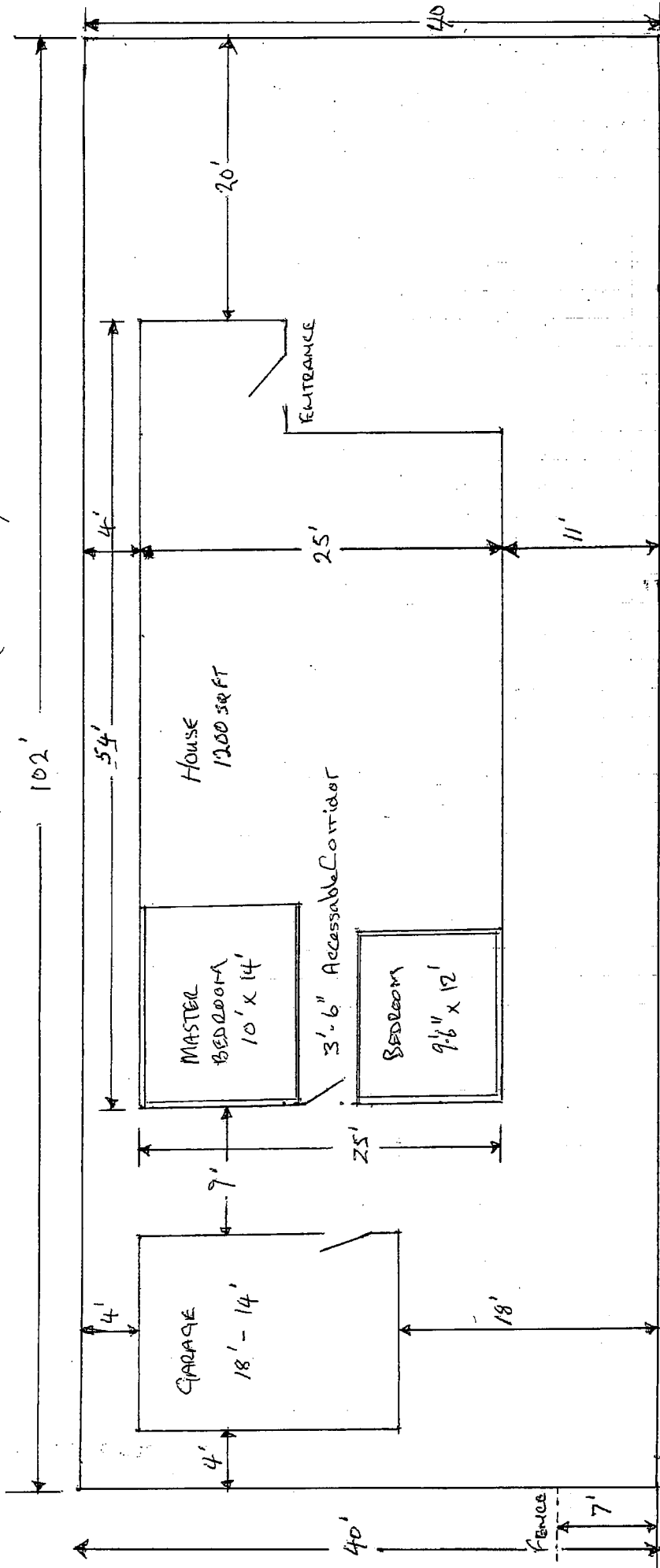
Robert Zilke, MCIP
Planner II



Attachment A



REVISED LOT PLAN PROPOSAL FOR LOT 359950 (SCALE 2 FEET PER 1/4 INCH)
ONE STOREY BUNGALOW (ACCESSABLE / BARRIER FREE)



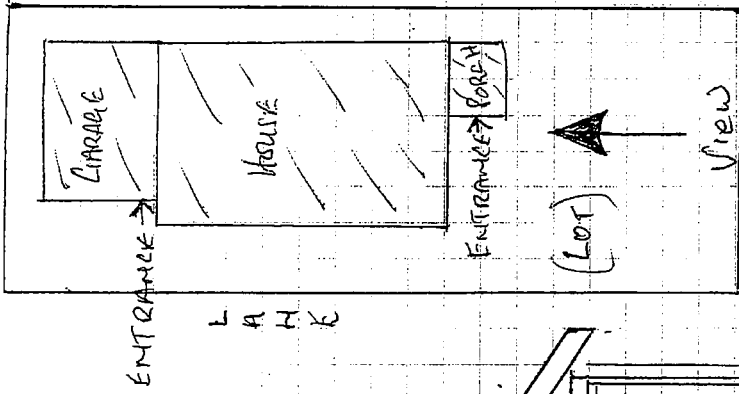
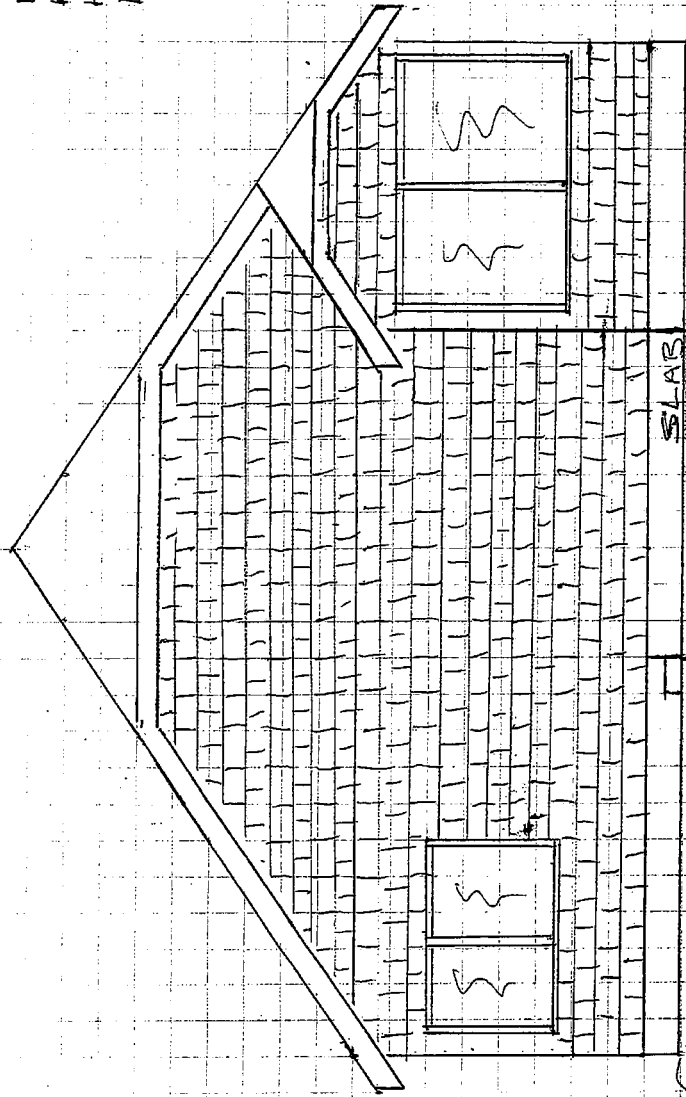
FENCE WILL NOT BE CONSTRUCTED.

AND SNOW PLOUGH SPALLAGE WILL BE ALLOWED.

Attachment B - 2

SIDE VIEW - SCALE = 1 foot = 1/4 inch

ROOF = 8:12 PITCH / COULD CHANGE TO 6:12 PITCH



February 22, 2019

RE: PID #359950

Dear Committee,

I am writing to oppose the application made for the property at Gerald Street. I do not consider that the three variances requested are "minor" in nature, nor do they respect the intent of the zoning by-law.


The applicants are seeking a reduction in the minimum lot size clearance for a single dwelling and garage. There is no clearance allowance for a driveway entering onto an extremely narrow lane (Upper Prince Lane). No sight lines for traffic. They are also requesting very significant reductions in the backyard area for this property, as well as very significant reductions in the required front-yard and side-yard setbacks. The increase in non-permeable space is very concerning. Water drainage, fire safety, waste collection and snow removal, more vehicles, and more parking on the street. All major issues on this narrow lane. There is no clearance for parking now. Waste pick up and proper snow removal is often not done as a result of a vehicle is blocking the narrow street.

This will cause a significant increase in traffic and parking on the street and will indeed cause issues for many of us accessing our driveways.

Has anyone on the committee visited the area and viewed the property? If so then you would recognize that the lot in question is too small for a home and garage while maintaining the property value and distinction of the area.

Respectfully,

Mac Donald Family

TITLE: SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2019-1-APRIL - <i>bcb</i> 183 GREAT GEORGE STREET (PID #344044) OWNER: 2950243 CANADA INC. APPLICANT: MICHAEL WASNIDGE		
MEETING DATE: April 1, 2019		Page 1 of 9
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Building Plans C. Letter of Support	
SITE INFORMATION: Context: Vacant property on Great George Street Ward No: 1 – Queens Square Existing Land Use: Vacant Official Plan: Downtown Core Zoning: Downtown Core (DC) Zone		
PREVIOUS APPLICATIONS: Council passed the following resolution on May 12, 2014: <i>That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.</i>		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request in order to obtain a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044), subject to the signing of a Development Agreement, in order to:

1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);
2. Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and
3. Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009).

The site specific exemption also includes the following two (2) variances:

1. Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and
2. Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.

BACKGROUND:

Request

The applicant, Michael Wasnidge, obtained permission from the property owner to apply for a site specific amendment at the property located at 183 Great George Street (PID #344044). The purpose of the site specific exemption would be to create an outdoor atmosphere where alcohol and food is sold from a mobile canteen within a fenced in property. Seating would be located throughout the property and the washrooms would be located in a container at the rear of the property. Finally, two trellises would cover a portion of the property.

Development Context

The vacant property is located on Great George Street between Fitzroy Street and Kent Street. The adjacent properties include Cedars Restaurant and the Old Triangle patio.

Property History

The former building was demolished in 1998 and remained vacant since that time. Applications were made in 2013 and 2014 to locate a mobile canteen on the property but ultimately Council passed the following resolution on May 12, 2014:

That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.

LEGISLATIVE REQUIREMENTS:

Notification

On March 11, 2019, Council passed the following resolution:

That the request the request to obtain a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044) in order to:

- 1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);*
- 2. Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and*
- 3. Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009),*

be approved to proceed to public consultation.

The site specific exemption also includes the following two (2) variances:

- 1. Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and*
- 2. Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.*

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 March 13, 2019. The letter informed them of the site specific exemption application and the upcoming public meeting. The letter then explained that comments for or against the proposed site specific exemption must be submitted prior to 12:00 p.m. (noon) on Thursday, March 28, 2019.

In addition, staff published a notice in two issues of The Guardian on March 16, 2019 & March 23, 2019 and posted a copy of the notice on the subject property.

Public Feedback

Of the 27 letters sent to affected property owners, one (1) letter of support was received prior to the deadline for comments.

The letter of support stated that the proposed development would bring more people to the area and more customers to her business. The full letter of support can be found in Attachment C.

In addition to the public feedback received during the mailout process, a public meeting of Council was held on March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, one (1) resident reiterated comments made by Councilor Terry MacLeod pertaining to temporary businesses operating on a vacant property while there are storefronts vacant throughout the downtown core. In addition, these temporary businesses have lower overhead than a permanent business does within a storefront and pays fewer taxes.

Six (6) residents spoke in support of the application and stated comments including, but not limited to:

- A development of this nature will beautify the property and will start to become a vibrant area in the downtown core.
- The City of Charlottetown should be supporting youth who want to start / grow their business and requiring these people to begin operation within an existing storefront is setting their business up for failure. The proposed business has the opportunity to begin as a temporary operation and may eventually expand into a permanent storefront someday.
- Competition between various businesses is a good thing as it makes each other work harder to reinvent / improve their business. Improving the existing businesses in Charlottetown due to the growing competition will help to bring the City to the next level.

ANALYSIS:

Historically mobile canteens were not permitted to be located on private property without obtaining a temporary use variance through Council. An application for a temporary use (mobile canteen) was made on the subject property, formerly 83 University Avenue, and Council passed the following resolution on May 12, 2014:

That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.

In addition to said resolution, Council passed the following resolution on May 16, 2014:

That staff be directed to review and develop policies relating to food trailers or vendors on private property for the consideration of Council and that such provisions be in place by March 1, 2015.

Regulations pertaining to mobile canteens were first presented to the Planning Board on February 2, 2015 and eventually were approved by the Minister of Communities, Land and Environment on May 27, 2015.

As part of these amendments, the definition for Mobile Canteens was established as **Mobile Canteen** means any trailer or motorized vehicle used for the display, storage, or sale of food and/or non-alcoholic beverages on a temporary basis.

In light of the fact the applicant is requesting to sell alcohol from the mobile canteen, it cannot be classified as such and must be considered a restaurant. Because of that, it must meet the requirements in the National Building Code, including washroom facilities.

The applicant is proposing to locate the required washroom facilities within a container at the rear of the property. As per Section 5.2.2 of the Zoning & Development By-law, *no vehicle body, truck trailer, or container shall be used as a commercial or accessory building except as specifically permitted by other legislation.*

Allowing the washrooms to be located within a container would be included in the site specific exemption request. The proposed washrooms are to be connected to adjacent City water & sewer services.

Other items included in the site specific exemption request include the months of operation, fencing along the front property line and the setback distance of the mobile canteen.

Months of Operation

A typical mobile canteen is only permitted to operate on private property from May 1st to October 31st. That being said, the applicant would like to operate from April 1st to October 31st to

be included in Burger Love which happens annually during the month of April. They are not requesting to operate from the property in April this year, but would be looking to do so in future years.

Fencing

As per Section 4.4.2.a. of the Zoning & Development By-law, *the maximum height for a fence ... in the front or flankage yard ... shall not exceed 1.0 m (3.3 ft) in the 500 Lot Area.*

The applicant is proposing to locate a 6.5 ft custom perforated metal fence along the front property line. They will be *'using a local metal fabricator to laser-cut a custom design that is being developed by local illustrator, Ali McNeil. The panels will piece together to create a wide panoramic image that will feature the familiar site of trees and crows on PEI. This will not only be a privacy fence, but also a one-of-a-kind piece of art for the downtown.'*

A fence up to 8.2 ft can be located along the sides and rear of the property.

Typically this request would require a major variance but in this circumstance, it can be included within the site specific exemption with Council approval.

Front Yard Setback

The subject property is located in the Downtown Core (DC) Zone. A mobile canteen or a typical building must adhere to the regulations of Section 31.2 in the Zoning & Development By-law. The front yard setback in the DC Zone is a minimum 0 m (0 ft) and maximum 1.0 m (3.3 ft). It appears as though all of the buildings on the block have a 0 ft front yard setback; however, the applicant is proposing to locate the mobile canteen approximately 16 m (52.5 ft) from the front property line.

Typically this request would require a major variance but in this circumstance, it can be included within the site specific exemption with Council approval.

Finally, the applicant is also requesting to locate seating for up to 75 people and two trellises. One would be located above the mobile canteen and the other would be above a portion of the seating.

If applications for mobile canteens do not meet the requirements of Section 5.11 in the Zoning & Development By-law, staff would prefer to deal with them as a temporary use variance; however, the complexity of this application lends itself to be better handled as a site specific exemption. The applicant will be undertaking a significant initial cost to begin this operation and they need some certainty that they are able to obtain annual approval and be able to sell alcohol from the structure. Operating this business for a one year period only or doing so for multiple years without the ability to sell liquor does not make the project viable due to the economics. In light of the foregoing, the applicant is requesting more permanent approval from Council through a site specific exemption to ensure that the business model is possible, not only this year, but into the future as well.

Notwithstanding the significant amount of requests included in the site specific exemption, staff feels that a public meeting of Council should be held to discuss the merits of this application with adjacent business owners and residents.

Mobile canteens play an important role in the foodservice industry. They can deliver restaurant quality food and provide quick food service. These structures are being located throughout the country and have shown to be popular and can provide another food option late at night. However, the concept is to provide food to under-utilized and under-served areas and not compete with established foodservice establishments. These structures operate using lower overhead costs due to their temporary nature while traditional restaurants pay significant property taxes.

In the past, Restaurant Canada provided staff with some information specifically related to food trucks and indicated that Restaurant Canada supports the expansion of food truck licensing with the following conditions:

- 1. Food trucks must meet and follow the same regulatory requirements as restaurants including food safety, signage, solid waste separation, waste water disposal and the availability of washrooms for staff and the public.*

2. *Food trucks should only be located in under-serviced areas. Food trucks are prohibited from locating directly in front of or adjacent to an existing restaurant and have a buffer zone of at least 100 meters from existing foodservice establishments.*

If this type of application does not have adverse negative effects on adjacent businesses, it could provide a unique atmosphere to the downtown which is not common. Similar examples of the type of atmosphere that the applicant is aiming for would be Sugar Skull Cantina, the Merchantman Next Door and the Beer Garden on the corner of Kent Street and Prince Street. These examples are similar to what is being proposed by the applicant except they are associated with an adjacent business owned by the same property owner. These outdoor patio / outdoor restaurants have not created problems with regard to their use to date. The proposed application is the first case of a temporary outdoor restaurant on a standalone vacant lot.

Staff have worked closely with the applicant and feel that the primary concerns with the proposed use have been addressed; specifically, the need for washrooms, fencing, and developing an attractive property. Staff feels that the applicant should be required to enter into a Development Agreement with the City which outlines:

- The hours of operation (i.e., seating area closed by midnight and the mobile canteen closed by 3:00 am);
- The storage and management of solid waste on the property as well as having it removed from the property and City right-of-way on a regular basis.
- The connection of City water and sewer services to the washroom facilities;
- The date as to when the mobile canteen and container will be removed from the property; and
- The design of the patio and buildings being to the satisfaction of the Development Officer.

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">• This type of unique atmosphere in the downtown is uncommon.• The property is currently vacant so having infill development, even on a temporary basis, is positive.• Significant public support at the public meeting.• The applicants have worked with staff to address all concerns.		<ul style="list-style-type: none">• Cannot be defined as a mobile canteen because of the sale of alcohol.• The washrooms are located in a container which is not permitted in the By-law.• A 6.5 ft fence is not permitted in the front yard of any downtown property.• The mobile canteen exceed the maximum front yard setback for the DC Zone.• The concept is not serving an underserved-area.

CONCLUSION:

The Planning & Heritage Department recommends that the site specific exemption application including two variances, be approved subject to the signing of a Development Agreement.

PRESENTER:



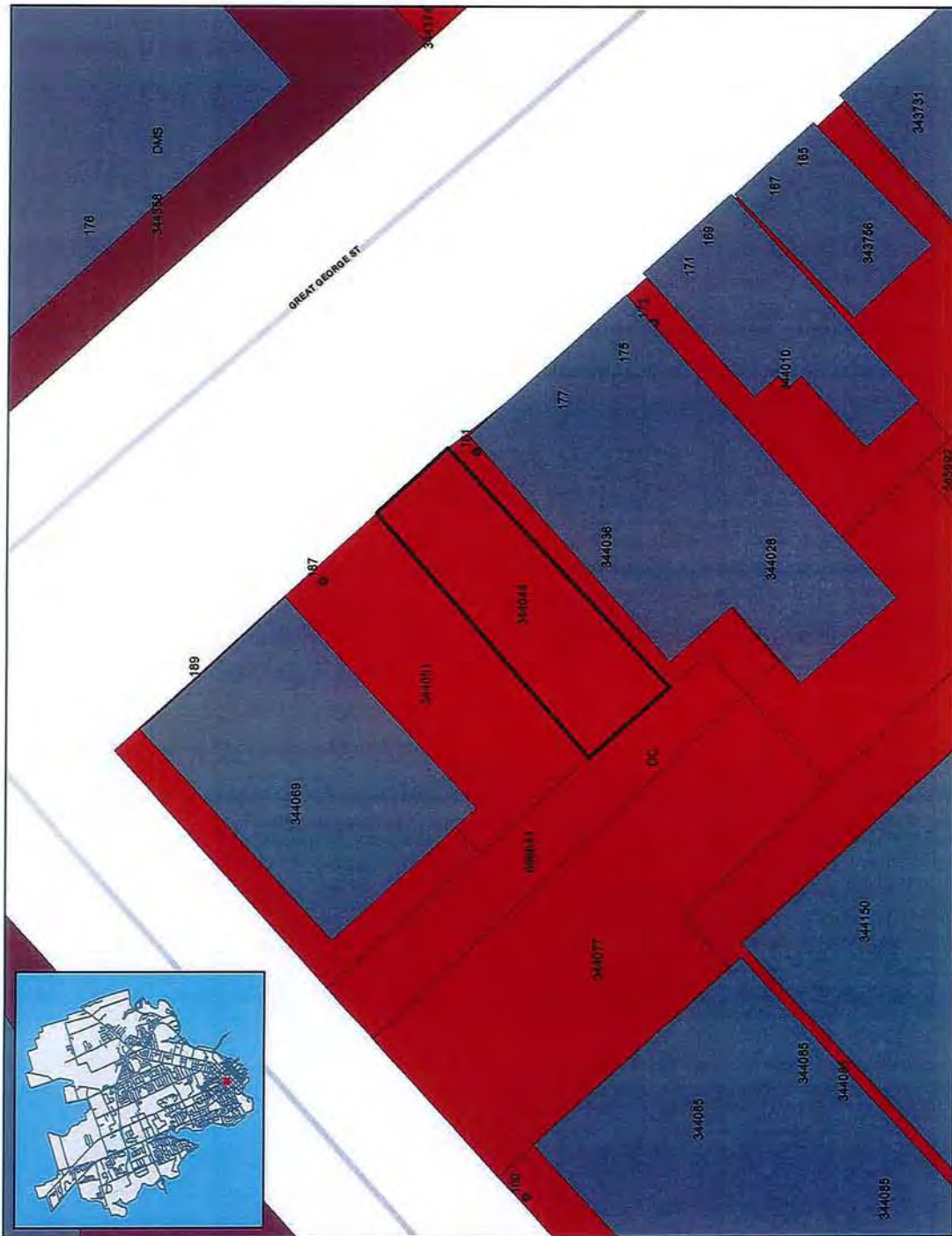
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-1-April -666
183 Great George Street (PID #344044)
Owner: 2950243 Canada Inc.
Applicant: Michael Wasnidge


CHARLOTTETOWN
Planning & Heritage
Department



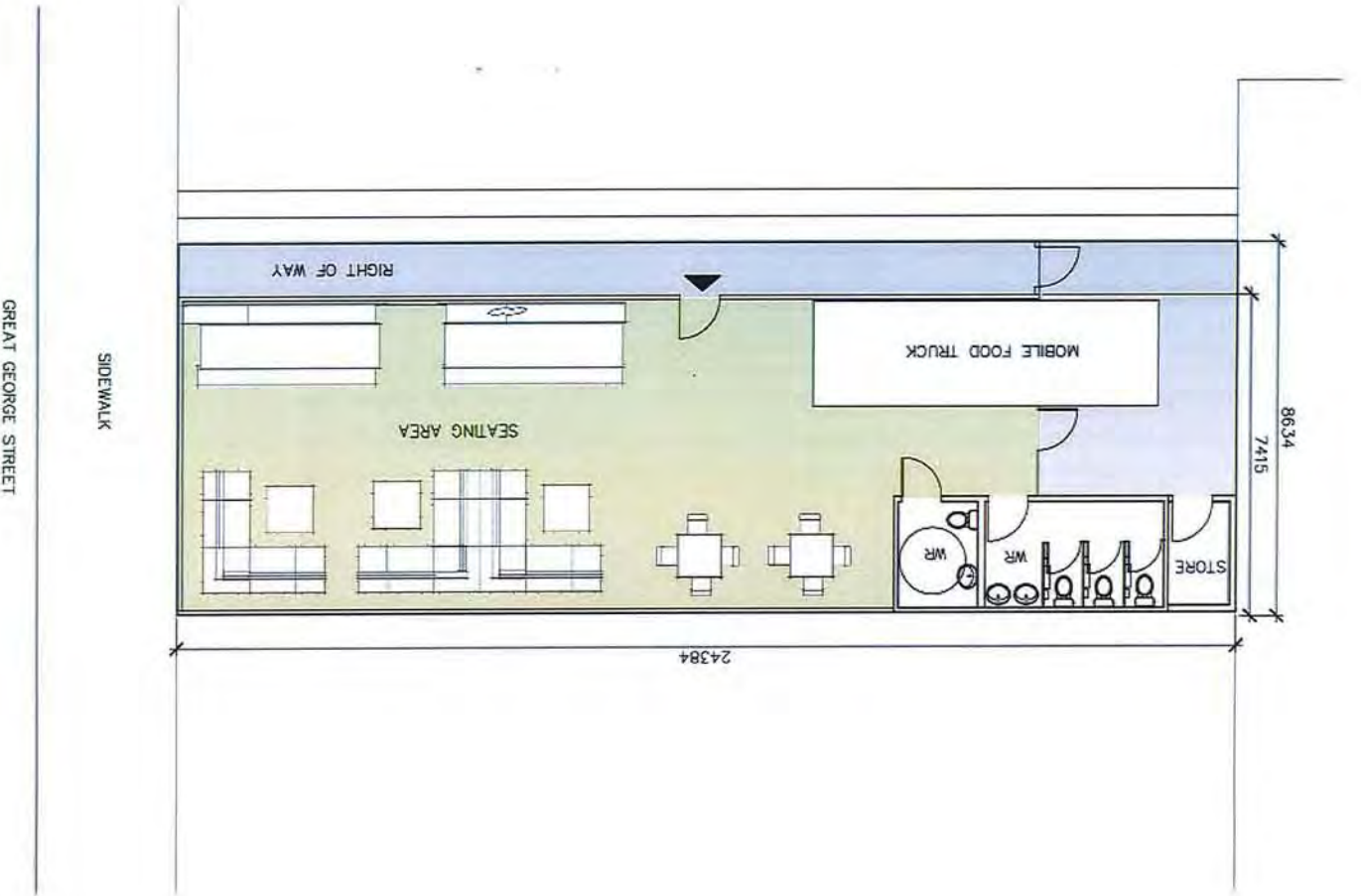
Attachment B

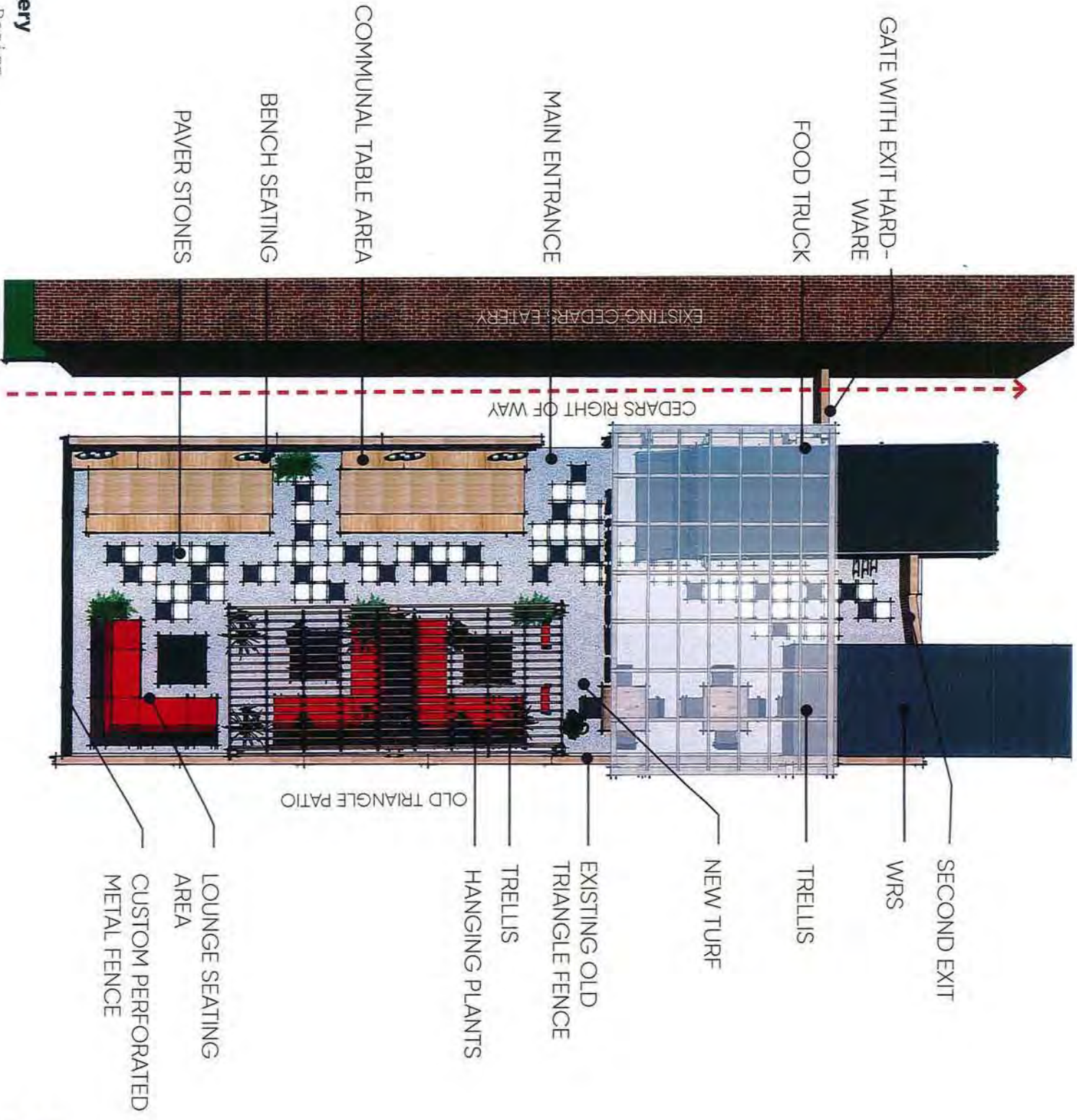
Building Plans Attached:

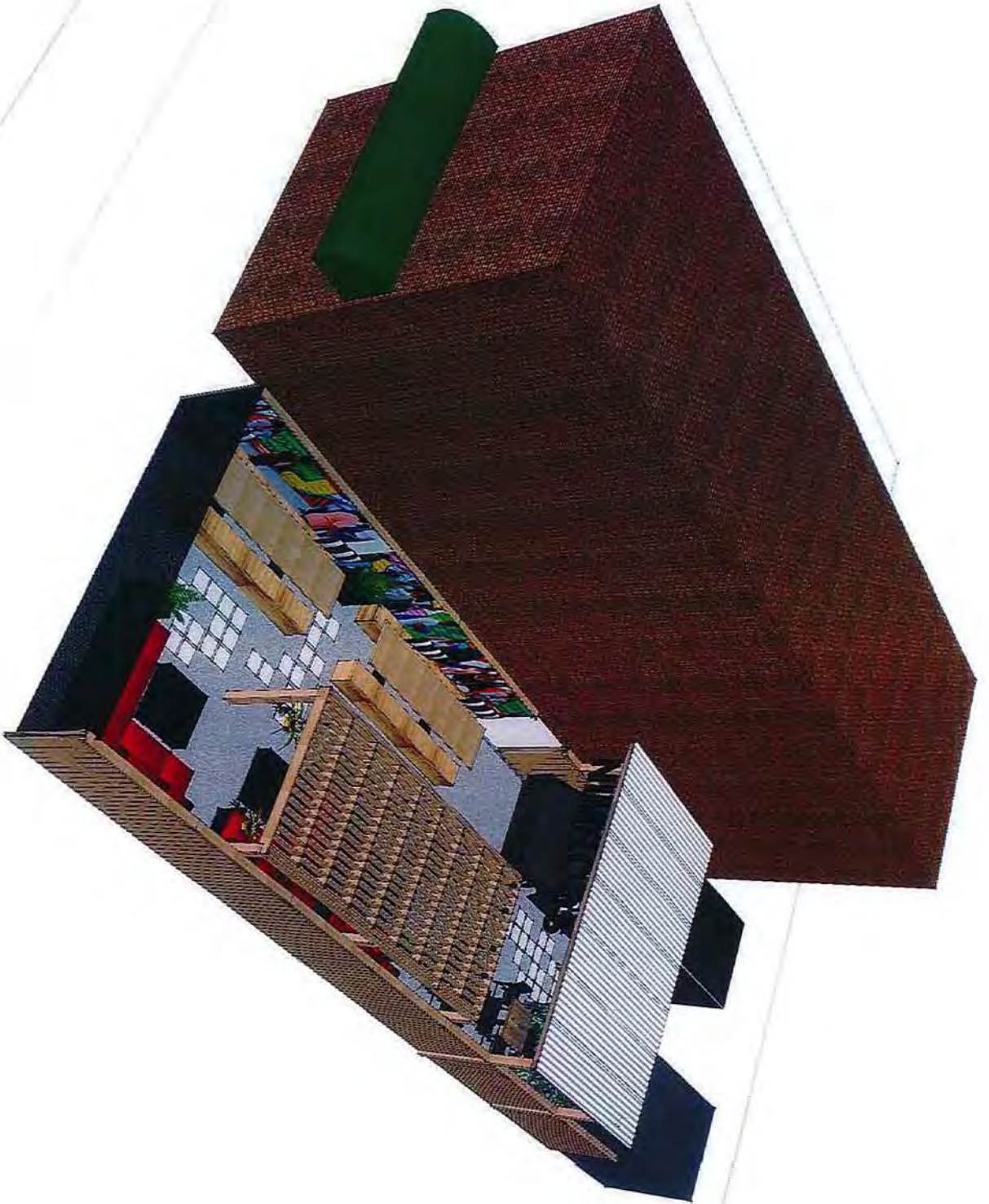
1. Site Plan
2. Aerial Rendering
3. Birds Eye View Rendering
4. Interior View Rendering #1
5. Interior View Rendering #2

Attachment B: Building Plans
File: PLAN-2019-1-April-**bcb**
183 Great George Street (PID #344044)
Owner: 2950243 Canada Inc.
Applicant: Michael Wasnidge





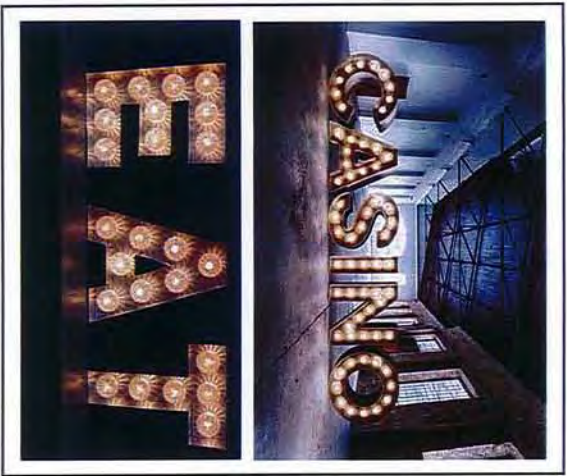




Nimrods Eatery
Preliminary Design

Birds Eye View

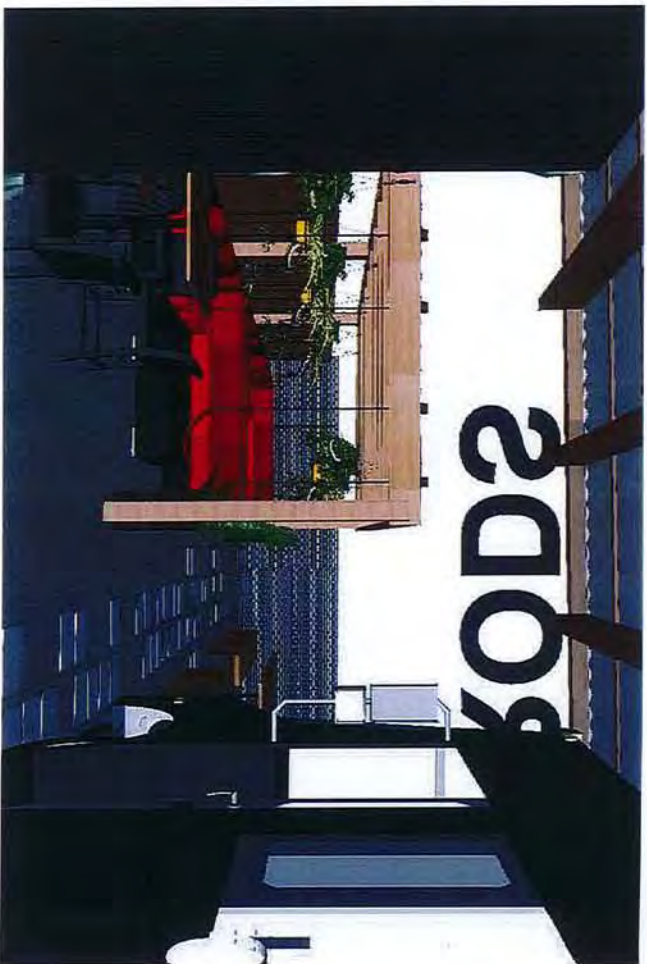
NINE
YARDS



SIGNAGE INSPIRATION



INTERIOR VIEW



INTERIOR VIEWS

Nimrods Eatery
Preliminary Design

**NINE
YARDS**

Attachment C

From: MJ Crane [mailto:mjcrane173@gmail.com]
Sent: March-26-19 11:21 AM
To: Morrison, Greg
Subject:

Dear Greg Morrison,
I wanted to let you know that I am in support of the plans that the owners of Nimrod are presenting.
I believe it will help bring alot more people to this area of the city.
I am the owner of downtown barbershop and feel that it could also bring us some new customers due to more walk bys.
Thanks
Maryanne Crane

Attachment C: Letter of Support
File: PLAN-2019-1-April -6C6
183 Great George Street (PID #344044)
Owner: 2950243 Canada Inc.
Applicant: Michael Wasnidge



TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-01-APRIL- 6C - 7		
MEETING DATE: April 1st, 2019		Page 1 of 11
DEPARTMENT: Planning & Heritage	ATTACHMENTS: Attachment A – Heavy Industrial (M2) Zone Properties	

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 definitions/regulations pertaining to Housing Transitional Facility, site regulations for Lodging Houses, Group Homes, site Landscaping requirements, Undersized Lot regulations and General Housekeeping amendments, be approved:

Section 1.7.1 is amended as follows:

This by-law shall come into force effective the date of the Minister's approval with the exception of Section 5.6.2 and the definition for the Secondary and Garden Suite Registry (Appendix A of this By-law) shall come into force upon adoption of a By-law to create this Registry.

Section 1.4.3 is amended as follows:

The reference to Appendix "D" be changed to Appendix "G"

Section 2.2 is amended as follows:

To replace the text "appointed by Mayor" with "appointed by Council"

Section 2.2.7 be removed.

Section 3.3.1 is amended as follows:

Removing the reference of "(See Appendix D)"

Section 3.13.1 is amended as follows:

Replace "Appendix E" with "Appendix H"

Section 3.14.1 is amended as follows:

Replace "Appendix E" with "Appendix "G"

Section 5.6.1 is amended as follows:

One (1) Secondary Suite may be permitted in a Single-detached Dwelling "subject to the following conditions:"

Section 5.7.2 is amended as follows:

The Garden Suite shall "be subject to the following conditions:"

Section 5.6.2 is amended as follows:

The Secondary Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

Section 5.7.3 is added as follows:

The Garden Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

Section 5.18 is added as follows:

ENVIRONMENTAL IMPACT ASSESSMENT

Any development that may:

- i) cause the emission or discharge of any contaminant into the environment;
- ii) have an effect on any unique, rare or endangered feature of the environment;
- iii) have a significant effect on the environment or necessitate further development which is likely to have a significant effect on the environment; or
- iv) cause public concern because of its potential effect on the environment

Shall provide written confirmation from either the Federal or Provincial Government agency or both having jurisdiction that an Environmental Impact Assessment was completed (or not required) to that agency's satisfaction prior to a permit being issued for said development.

Section 6.2. is amended as follows:

Notwithstanding any other requirements of this By-law:

no Person who owns a Lot held in separate Ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, shall be deprived of the ability to make reasonable Use of said Lot in accordance with the zone in which it is located;

With all corresponding sections renumbered.

Section 6.5 is amended as follows:

6.5.2 Where the minimum ten percent (10%) of the Lot Area for landscaping cannot be provided on the ground level, the remaining required Landscaped Area can be accommodated with a Green Roof as an alternative.

6.5.3 In all Zones where the minimum Front Yard Setback permits, a strip of landscaped area of not less than 3.7m (12ft) in width shall be provided along the frontage of the property but shall not prevent the provision of an access driveway across the strip of land.

6.5.4 In all Zones with the exception of the R-1L, R-1S, R-1N, R-2, R-2S and the A Zones, within the minimum Front Yard Setback, the landscaped area shall consist of trees, shrubs or a combination of both not less than 3.7 m (12 ft) in width shall be provided along a Lot Line(s) which abut a Street Line and shall:

- a. Comprise a portion of the required ten percent (10%) Landscaped Area and be used for no other purpose thereof;
- b. This provision shall not prevent the provision of an access driveway across the strip of land;
- c. A minimum of one tree per 10m (32.8ft) of site frontage shall be provided;
- d. Required landscaping in the form of trees shall be a minimum of 1.5m (4.9ft) in height with a caliper of at least 55 mm at the time of planting and shall be salt tolerant;
- e. Tree species and planting requirements shall be in accordance with Appendix D: Landscape Standards & Specifications;
- f. A variety of sizes and species of both deciduous and coniferous plants should be provided to provide year-round interest, colour and aesthetic appeal;
- g. Where there are site constraints regarding the planting of trees a landscaping alternative shall be provided in the form of planting beds, ornamental grasses,

hard/soft landscaping or a combination thereof;

- h. All private landscaped areas, including shrub and tree plantings shall be completed in accordance with the approved site plan and maintained to a standard as defined at the time of the building permit;
- i. Where there is any outstanding landscaping work that has not been completed as per the approved plans of a development, the Development Deposit shall be forfeited and directed to a fund for public landscaping.

6.5.5 The removal or alteration of any tree located partially or fully on public property shall be in accordance with the City of Charlottetown Tree Protection By-law.

6.5.6 Where landscaping requirements as set forth in this By-law are not met, the Development Security submitted at time of permit shall be forfeited and the funds therein shall be deposited to a Public Tree Reserve Fund to be used for landscaping on public property.

Section(s) 13.2.5, 13.3.5, 14.2.5, 14.3.5 are amended as follows:

The minimum Side Yard for both the Interior and Corner Lot shall be changed from 3.0m (9.8ft) to “1.83m (6ft)”.

Section(s) 15.4, 16.4, 21.4 are amended and added as follows:

REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	315 sq. m (37,933 sq. ft)	335 sq. m (38,919 sq. ft)
2 Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)

6	Flankage Yard (Minimum)	6.0 m (19.7 ft)
7	Bedroom (Minimum)	2.10 m (6.87 ft)

The number of rooms is determined by the following:

- a. for the first 325 sq. m (3,498.3 sq. ft.) for an interior lot and 395 sq. m (4,251.7 sq. ft.) for an corner lot of Lot Area, four (4) bedrooms are permitted;
- b. for every additional bedroom over four (4) bedrooms, the Lot must be increased by 90 sq. m (968.7 sq. ft.).

Section 21 is amended as follows:

Insert Transitional Housing Facility under Permitted Uses as subsection 21.1.21; and Remove "NON-RESIDENTIAL" from section 21.2 REGULATIONS FOR PERMITTED NON-RESIDENTIAL USES

Section 36.1.2 is amended as follows:

Adding the term "Asphalt, Aggregate, Concrete Plant" under Permitted Uses.

Section 45.11 is amended by adding the following subsection:

45.11.4 Notwithstanding section 45.14.1 there may be a unique circumstance whereby the Manager of Water & Sewer Utility is prepared to grant an unserviced development. In this circumstance, the owner of said property must meet all requirements of the Province Wide Minimum Development Standards Regulations set out in the *Planning Act* R.S.P.E.I 1988, Cap. E-9.

Section 45.3.1 is amended as follows:

Removing the reference of "(See Appendix D)"

Appendix A: Definitions are amended and added as follows:

Add definitions for:

Asphalt, Aggregate, Concrete Plant means a use where the production of asphalt, aggregate or concrete products take place and may include the stockpiling and storage and sale of finished products manufactured on the premises.

Transitional Housing Facility means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or temporary placement of people to be reestablished into society after receiving supervised care/rehabilitation at a previous facility but does not include a Group Home, Lodging House, Nursing Home, Hotel, Motel or a Hostel; and

Amend the definitions as follows:

Registry of Approved Secondary Suites to Secondary and Garden Suites Registry means a publically accessible registry or list of Secondary and “*Garden*” Suites which have been legally approved through the Building and Development Permit process;

Land Use Buffer means a portion of any Lot or parcel of land that is set aside to serve as a visual and spatial separation “*through the use of a landscaped berm, trees or a man-made feature such as a wall, fence, or walkway*” between a specified land use that is carried out on the Lot and a different land use that is carried out on the adjacent Lot;

Appendix D be amended as follows:

Delete **APPENDIX D PLANNING ACT PROVINCE WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS** and replace with:

APPENDIX D: LANDSCAPE STANDARDS, SPECIFICATIONS & SPECIES LIST

New planting sites for trees must meet the following criteria:

Along the street planting sites will be setback the recommended distance of 4m (13.1ft) from the curb. When this cannot be achieved planting sites may be positioned up to a minimum setback of 2m (6.5ft) on smaller streets. Large statured trees cannot be placed underneath existing utility transmission lines.

Plantings should not impede sight lines or create a visibility hazard. Plantings should be near the City property line. If room allows, trees can be planted on public property but must follow the setbacks outlined below:

Tree Sizing Requirements

Caliper minimum size: 55mm

Root ball minimum size: 70cm

Setback for trees:

Streets, lanes and sidewalks – 2m (6.5ft)

Fire hydrants - 3m (9.8ft)

Electrical boxes on ground – 2m (6.5ft)

Sewer/water grates – 2m (6.5ft)

Surface utility equipment – 3m (9.8ft)

Underground services – 3m (9.8ft)

Private approaches – 3m (9.8ft)

Light poles and poles with transformer boxes in residential areas - 6m (19.6ft)

Bus stops - 8m (26.2ft) from the approach direction

Stop signs - 8m (26.2ft)

Light poles and poles with transformer boxes on arterial roads - 10m (32.8ft)

Signal regulated street intersections - 10m (32.8ft)

Setback for Shrubs:

Surface utility equipment – 0.5m (1.6ft)

Streets, lanes and sidewalks – 1m (3.3ft)

These plants have been identified by the PEI Invasive Species Council as invasive and shall not be planted on properties within the City of Charlottetown:

Non-Permitted Invasive Species List:

Norway maple, *Acer platanoides*

Manitoba maple, *Acer negundo*

Sycamore maple, *Acer pseudoplatanus*

Scots (Scotch) pine, *Pinus sylvestris*

Silver (White) poplar, *Populus alba*

European mountain ash, *Sorbus aucuparia*

Sycamore maple, *Acer pseudoplatanus*

White fringe tree, *Chionanthus virginicus*, is also a host to emerald ash borer (EAB). Avoid planting to help combat EAB.

Glossy buckthorn, *Frangula alnus*, *Rhamnus frangula*

Common buckthorn, *Rhamnus cathartica*

Blackthorn, *Prunus spinosa*

Scotch broom, *Cytisus scoparius*, *Sarothamnus scoparius*

Salt cedar (Tamarisk), *Tamarix spp.*

Oriental bittersweet, *Celastrus orbiculatus*

Virginia creeper, *Parthenocissus quinquefolia*, *Parthenocissus vitacea*

Multiflora rose, *Rosa multiflora*

Species of Note

Ribes spp. (currents and gooseberries) can be the secondary host for white pine blister rust which is a devastating disease for white pine trees.

Berberis spp. (barberry) can be an alternate host for stem rust of wheat.

American elms, *Ulmus americana*, are susceptible to Dutch elm disease (DED). Cultivars and hybrids have been developed that are resistant to DED and are good alternatives to native elm trees. All true ash trees are susceptible to emerald ash borer (EAB). There are two ash species native to Prince Edward Island – white ash, *Fraxinus americana* and black ash, *Fraxinus nigra*. Choose alternate species to plant. If planting native ash trees, also plant a variety of other species to increase biodiversity.

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 has been determined that some sections were removed relating to regulations pertaining to undersized lots, landscaping requirements for major developments and siting requirements for Lodging and Group Homes. The proposed amendments helps to further clarify how to regulate these uses when they come up for review and consist of corrections to text and Bylaw references.

Housekeeping Amendments

The purpose of the housekeeping amendments is to make corrections to references and update previous regulations that have been altered or changed. Some changes relate to references for the appointment or recommendation of committees residing with Council as per the recent changes to the Municipal Government Act (MGA). Other references to the Secondary Suite Registry relate to the inclusion of Garden Suites. The other housekeeping amendments are to recognize as-of-right development for undersized lot(s) in the City and include lot siting regulations for both Lodging Houses and Group Homes since these regulations were removed from the last major By-law amendment.

New Permitted Uses and Regulations Amendments

Recently, the department has received either inquiries or applications for two different land uses that are not specifically defined in the Zoning & Development; Asphalt Plant and Transitional Housing Facility. The analysis for each use is as follows:

Asphalt, Aggregate, Concrete Plant is proposed as both a definition and permitted use in the Heavy Industrial (M-2) Zone. Historically, the City has approved such a use through the Discretionary use approval process that has been removed from the existing By-law. Due to substantial land use impacts this use can have on adjacent properties (i.e. noise, odour, dust), staff is bringing this type of land use forward to Council for direction to determine if it should be included as a permitted use in the Heavy Industrial (M-2) Zone. If so, then staff is also bringing forward Environmental Impact Assessment requirements for land uses that could potentially present a nuisance or could have a negative environmental impact. These requirements are based on those regulations set out in the provincial *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 for developments that may cause the emission or discharge of contaminants that would have a significant effect on the environment. The purpose of this requirement is to ensure that the proposed development operations were analyzed under an Environmental Impact Assessment to the satisfaction of either the Federal or Provincial agency having jurisdiction. This is to ensure that the proposed development is operating under all applicable government environmental regulations and will not have a detrimental impact on adjacent properties.

Transitional Housing Facility is proposed as both a definition and permitted use in the Institutional (I) Zone. Recently, the Provincial government has received funding to construct dwelling units to temporarily house vulnerable segments of the population. This land use is unique in that it

provides rotating accommodation for people from a state of homelessness or who resided in a facility that received supervised care and will transition to independent living. Given the nature of transitional housing, staff feels that this type of use would be best accommodated in the Institutional Zone where other community based residential uses are permitted.

Landscaping Requirement Amendments

Staff is proposing Landscaping requirements for multi-residential, commercial, business industrial and institutional type developments. This is to bolster and support community beautification through the provision of trees, ornamental planting beds and hard landscaping (decorative stonework) for larger more intensive developments. These requirements also support other City initiatives and plans such as the Integrated Sustainability Plan, Parks Master Plan and enhance the existing urban forest/tree canopy. Some benefits from landscaping include the following:

- i) Reduction of air pollution and provide oxygen;
- ii) Reduction of the urban heat island effect and reduce the temperature of cities that assist with the effects of climate change;
- iii) Improve water filtration, store water and help preserve biodiversity;
- iv) Increase property values;
- v) Create attractive business/commercial districts; and
- vi) Improve a visitor's perception of the community;

The landscaping regulations seek to enhance existing landscaping throughout the City, provide standardized siting requirements for landscaping and restrict the planting of invasive species. There is also a landscaping deposit requirement where developers submit a financial security to the City that would be returned if the required landscaping work is completed as per the final approved site plan. If the developer does not install the required landscaping they will forfeit their deposit and the money will go into a City tree fund which will be used for the planting of trees in public space. The remainder of the proposed landscaped amendments consist of providing additional landscaping within land use buffer areas for enhanced mitigation and visual appeal.

LEGISLATIVE REQUIREMENTS:

Notification

On March 11, 2019, Council passed the following resolution:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site

Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments, be approved to proceed to 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 March 16, 2019 & March 23, 2019.

Public Feedback

A public meeting of Council was held on March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, Mayor Brown inquired as to the number and location of M-2 zoned properties in which an asphalt plant would be permitted, staff responded that there are two areas in the City that have a concentration of M-2 Zoned properties; North Winsloe and the West Royalty Industrial Park. The requirement for an Environmental Impact Assessment was brought forward to ensure land use compatibility of an asphalt plant adjacent to existing residential properties that abut M-2 zoned properties, such as the case in the West Royalty Industrial Park. A resident posed the question on why an asphalt plant was removed from the By-law. Staff responded that it was once allowed as a discretionary use in the Airport (A) Zone under the previous By-law but was removed with the creation of the new By-law in the fall of 2018. Staff confirmed that the purpose of this amendment is to have Council determine whether such a land use should be permitted within the City. A resident had a question concerning the proposed landscaping amendments pertaining to allowing for hardscaping as an alternative to planting trees. Staff responded that hardscaping would have to be decorative and mixed with landscaping features such as shrubs or grasses. No further questions or comments were made.

CONCLUSION:

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

PRESENTER:

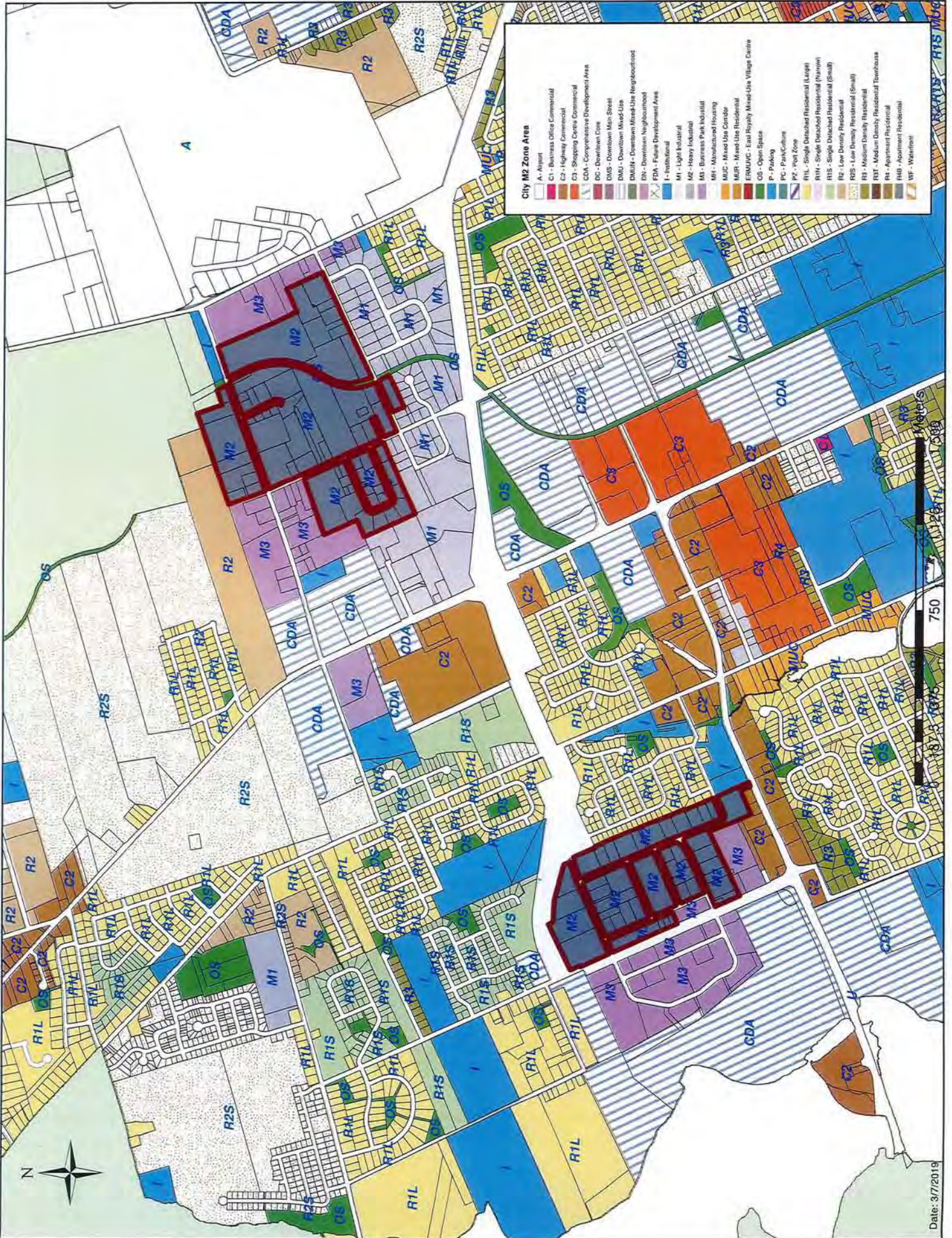


Robert Zilke, MCIP
Planner II

MANAGER:




Alex Forbes, MCIP, MBA
Manager of Planning &
Heritage



City M2 Zone Area

A - Airport	C1 - Business Office Commercial	M1 - Light Industrial	OS - Open Space
C2 - Highway Commercial	C2 - Shopping Centre Commercial	M2 - Heavy Industrial	PC - Park/Culture
C3 - Shopping Centre Commercial	CDA - Comprehensive Development Area	M3 - Business Park Industrial	PZ - Port Zone
DC - Downtown Core	DMS - Downtown Main Street	M4 - Manufactured Housing	R1L - Single Detached Residential (Large)
DMS - Downtown Main Street	DMU - Downtown Mixed-Use	MUR - Mixed-Use Residential	R1M - Single Detached Residential (Medium)
DMU - Downtown Mixed-Use	DMUR - Downtown Mixed-Use Neighbourhood	MUR - Mixed-Use Residential	R1N - Single Detached Residential (Narrow)
DMUR - Downtown Mixed-Use Neighbourhood	DH - Downtown Neighbourhood	ERMUC - East Royal Mixed-Use Village Centre	R1S - Single Detached Residential (Small)
DH - Downtown Neighbourhood	FDA - Future Development Area	OS - Open Space	R2 - Low Density Residential
FDA - Future Development Area	I - Institutional	P - Parking	R3 - Low Density Residential (Small)
I - Institutional	M1 - Light Industrial	PC - Park/Culture	R4 - Medium Density Residential
M1 - Light Industrial	M2 - Heavy Industrial	PZ - Port Zone	R5 - Medium Density Residential
M2 - Heavy Industrial	M3 - Business Park Industrial	R1L - Single Detached Residential (Large)	R6 - Apartment Residential
M3 - Business Park Industrial	M4 - Manufactured Housing	R1M - Single Detached Residential (Medium)	R7 - Apartment Residential
M4 - Manufactured Housing	MUR - Mixed-Use Residential	R1N - Single Detached Residential (Narrow)	WF - Waterfront
MUR - Mixed-Use Residential	ERMUC - East Royal Mixed-Use Village Centre	R1S - Single Detached Residential (Small)	
ERMUC - East Royal Mixed-Use Village Centre	OS - Open Space	R2 - Low Density Residential	
OS - Open Space	PC - Park/Culture	R3 - Low Density Residential (Small)	
PC - Park/Culture	PZ - Port Zone	R4 - Medium Density Residential	
PZ - Port Zone	R1L - Single Detached Residential (Large)	R5 - Medium Density Residential	
R1L - Single Detached Residential (Large)	R1M - Single Detached Residential (Medium)	R6 - Apartment Residential	
R1M - Single Detached Residential (Medium)	R1N - Single Detached Residential (Narrow)	R7 - Apartment Residential	
R1N - Single Detached Residential (Narrow)	R1S - Single Detached Residential (Small)		
R1S - Single Detached Residential (Small)	R2 - Low Density Residential		
R2 - Low Density Residential	R3 - Low Density Residential (Small)		
R3 - Low Density Residential (Small)	R4 - Medium Density Residential		
R4 - Medium Density Residential	R5 - Medium Density Residential		
R5 - Medium Density Residential	R6 - Apartment Residential		
R6 - Apartment Residential	R7 - Apartment Residential		
R7 - Apartment Residential			

TITLE: CITY OF CHARLOTTETOWN SECONDARY AND GARDEN SUITE REGISTRATION BY-LAW FILE: PLAN-2019-1-APRIL- 60-8		
MEETING DATE: April 1, 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A) City of Charlottetown Secondary and Garden Suite Registration By-law	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the proposed Secondary and Garden Suite Registration By-law, be **approved**.

BACKGROUND:

In the fall of 2018, Council adopted amendments to the Zoning & Development By-law that would permit secondary suites in single-detached dwellings. As part of those amendments Council directed staff to develop and implement a Secondary Suite Registry (The Registry) that would become a public database of legally approved secondary suites in the City of Charlottetown.

Since that time staff is also proposing to include garden suites on the Registry, since they operate and are similar in nature from a land use perspective – providing a secondary residential use on a property. The Registry will also inform and support a future strategy to track and implement regulations relating to short-term rentals.

ANALYSIS:

The Registry is intended to give owners or principle residents a “stamp of approval” that can be easily verified by tenants and prospective purchasers of properties with suites. Once the suite is approved, the onus of ensuring the basic conditions of approval are in place and maintained at all times during occupancy will be on the owner or principle resident. It also makes it easier for an enforcement officer to identify potentially illegal suites. The suites can be identified with a unique civic address (#a = main dwelling; #b = secondary or garden suite) thereby improving emergency response services to the property, inform additional services such as refuse bins to the units and provides confirmation to the Province that property owners are paying their required taxes.

The Registry is considered as a necessary part of a strategy to legalize existing accessory dwelling units that may or may not require upgrades to meet the By-law and Building/Fire Code

requirements. New suites that go through the permit process are expected to be added to the Registry systematically as those permits are approved. A transition or grace period of two (2) years will be provided to allow property owners with illegal suites to make an application to legalize and register undocumented suites without repercussions. To incentivize owners to register existing in-law suites or undocumented suites, the department will waive certain registration fees (up to January 1st 2021) for the following situations:

- i) In-law suites or non-conforming suites approved since July 10, 2011 (adoption of the 2010 National Building Code) will be exempted from the registration fee; and
- ii) In-law suites or non-conforming suites prior to July 10, 2011 will be exempted from the registration fee and the inspection fee will be decreased by 50%.

After the end of the grace period any suite that is undocumented would be subject to full registration fees and an inspection. The intention is to have both existing and new suites be registered with the City and made available to the general public.

LEGISLATIVE REQUIREMENTS:

Notification

On March 11, 2019, Council passed the following resolution:

That the proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements, be approved to proceed to 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 March 16, 2019 & March 23, 2019.

Public Feedback

A public meeting of Council was held on March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, questions pertaining to the regulations of a secondary suite came up pertaining to where they would be permitted, how they are assessed and if the registry would be public. Staff noted that only single detached dwellings would be permitted to have a secondary suite despite the zoning, the property would still be assessed as one (1) unit since the suite is part of the dwelling unit and the registry would be made publically available.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed Secondary and Garden Suite Registration By-law, be **approved**.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

BEING A BY-LAW OF THE CITY OF CHARLOTTETOWN WITH RESPECT TO THE REGISTRATION OF SECONDARY AND GARDEN SUITES PURSUANT TO THE PROVISIONS OF THE *MUNICIPAL GOVERNMENT ACT* R.S.P.E.I. 1988, CAP. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

1 TITLE AND AUTHORITY

- 1.1.1 This by-law may be cited as the *City of Charlottetown Secondary and Garden Suites Registration By-law (By-law PH-SS.1-000)* and may also be referred to as the 'Secondary Suites By-law' or 'the by-law' within the context of this document.
- 1.1.2 This by-law is enacted under the authority of the *Municipal Government Act (MGA)* R.S.P.E.I. 1988, Cap. M-12.1.

2 SCOPE

- 2.1.1 This by-law applies to all lands, buildings, structures and Developments within the City on which a Secondary or Garden Suite has been established.
- 2.1.2 Every person who establishes, operates or permits the occupancy of a legally existing or new Secondary or Garden Suite shall register the Secondary or Garden Suite in accordance with this by-law.
- 2.1.3 This by-law prescribes the:
- a. Provisions for the registration of a Secondary or Garden Suite; and
 - b. Provisions for revoking the registration of a Secondary or Garden Suite.
- 2.1.4 Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of any other by-law of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any by-law of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

3 ADMINISTRATION

- 3.1.1 Council shall appoint a Registrar who shall administer this by-law.
- 3.1.2 The Registrar has the authority to register, to refuse to register or to revoke a registration of a Secondary or Garden Suite.
- 3.1.3 The Registrar may delegate any responsibilities conferred to the Registrar to a designee according to this by-law.

4 EXISTING DWELLING UNITS

4.1 IN-LAW SUITES

- 4.1.1 An In-law Suite which is lawfully in existence on the effective date of this by-law and which may not conform to the regulations pertaining to the Development, use, or occupancy of a Secondary Suite, may continue to exist.
- 4.1.2 All conditions as stated on the Building and/or Development Permit, and in the In-law Suite Agreement shall remain in effect and the In-law Suite shall be removed from the Dwelling when the named resident of the In-law Suite ceases to live there.
- 4.1.3 In-law Suites will not be included in the Registry of Secondary Suites unless an application is made and approved to register the In-law Suite as a Secondary Suite.

4.2 LEGAL NON-CONFORMING UNITS IN A SINGLE-DETACHED DWELLING

- 4.2.1 A subordinate Dwelling unit which is lawfully in existence on the effective date of this by-law and which may not conform to the regulations pertaining to the Development, use or occupancy of a Secondary Suite, may continue to exist.
- 4.2.2 Legal non-conforming units will not be included in the City's Registry of Secondary Suites unless an application is made and approved to register the unit as a Secondary Suite.

5 REGISTRATION APPLICATION

5.1 THE APPLICANT

- 5.1.1 An application to register a Secondary or Garden Suite shall be made by the Owner of the property using the appropriate form provided by the Registrar.
- 5.1.2 If the Owner is not the Principle Resident of the of the Secondary Suite:
 - a. Both the Owner and Principle Resident shall be required to authorize the application to register the Secondary or Garden Suite; and
 - b. The Principle Resident shall be responsible for overseeing the use and occupancy of the Secondary or Garden Suite and shall be identified as the primary contact on the property in relation to the Registry.

5.2 REGISTRATION OF EXISTING DWELLING UNITS

- 5.2.1 An In-law Suite in a Single-Detached Dwelling, for which a Building and/or Development Permit and Occupancy Permit has been issued since July 10 2011, may be registered as a Secondary Suite based on the previously approved Building and/or Development Permit and Occupancy Permit.

- 5.2.2 An In-law Suite or legal non-conforming unit, which was lawfully in existence prior to July 10 2011, may be registered as a Secondary Suite through the same application process as described for a new Secondary Suite.
- 5.2.3 An application to register an In-law Suite or Legal Non-Conforming Unit for which a Building and/or Development Permit and Occupancy Permit has been issued since July 10 2011, shall be submitted with the following information:
- a. A completed Secondary Suite Registration Form;
 - b. A copy of the previously approved Building and/or Development Permit and Occupancy Permit verifying the date of the permit approval for the In-law Suite or Legal Non-conforming Unit;
 - c. Payment of all required fees.
- 5.2.4 Where copies of the previously approved Building and/or Development Permit and Occupancy Permit for the In-law Suite or legal non-conforming unit are not available, the Owner may make application to the City of Charlottetown Planning and Heritage Department for a records search and additional fee shall apply accordingly.

5.3 NEW SECONDARY OR GARDEN SUITES

- 5.3.1 An application to register a new Secondary or Garden Suite shall be made at the same time as the Building and/or Development Permit application and shall be submitted with the following:
- a. A completed Secondary Suite Registration Form;
 - b. Payment of all required fees.
- 5.3.2 The new Secondary or Garden Suite will be registered upon approval of the Building and/or Development Permit and issuance of the Occupancy Permit.

5.4 APPLICATION REVIEW

- 5.4.1 The Registrar or their designate shall receive, process and review all applications to register a Secondary or Garden Suite.
- 5.4.2 The Registrar or their designate shall maintain a record showing all applications received, pending, approved, and registrations renewed or revoked, in order to create and maintain the Registry.
- 5.4.3 The Registrar shall refuse to register a Secondary or Garden Suite if:
- a. The application to register an Secondary Suite is not compliant with the requirements of this by-law; or
 - b. An application form or any other document provided by the Owner contains a false statement or false information.
- 5.4.4 The Owner bears the onus of proving that a Secondary or Garden Suite meets the requirements of this by-law to the Registrar's satisfaction.

- 5.4.5 The Registrar may deem an application abandoned if all requirements of the registration pursuant to this by-law have not been fulfilled to the Registrar's satisfaction three (3) months from the date that the Registrar receives the application.
- 5.4.6 An Owner may re-apply for registration when an application has been deemed abandoned.
- 5.4.7 All notices with regards to the status of the application and revoking of a registration of a Secondary or Garden Suite shall be sent to both the Owner and the Principle Resident if they are not the same person, as identified on the application form.

6 REVOKING A REGISTRATION

- 6.1.1 The Owner bears the onus of providing updated information as necessary to maintain the registration of the Secondary Suite in good standings to the Registrar's satisfaction.
- 6.1.2 The Registrar shall revoke the registration of a Secondary or Garden Suite if:
 - a. A Secondary or Garden Suite is found to be in violation of this or any other by-law;
 - b. An Owner fails to renew the registration of a Secondary Suite after taking ownership of the property;
 - c. An Owner fails to renew the registration when there is a change in the Principle Resident, if they are not the same person;
 - d. If the Secondary or Garden Suite is being used as a short-term rental; or
 - e. The information contained in the application or any other document provided by the Owner is found to contain a false statement, false information or the information previously provided is no longer accurate.
- 6.1.3 If the registration of a Secondary or Garden Suite is revoked, the Registrar may order that the Secondary or Garden Suite shall not be occupied as a secondary suite, in accordance with the *Municipal Government Act (MGA – Part 9 Section 238)* until the renewal application is approved.

7 REGISTRATION RENEWAL

- 7.1.1 Once a Secondary or Garden Suite has been registered according to this by-law, the Suite shall remain registered unless:
 - a. The registration is revoked;
 - b. The Property Ownership changes; or
 - c. The Principle Resident changes.
- 7.1.2 If the registration of a Secondary Suite has been revoked due to non-compliance with regards to a violation in the *Zoning and Development By-law* and/or *Building Code By-law*, the registration renewal shall also require a copy of a new Occupancy Permit to confirm the violation has been addressed prior to the renewal being approved.

8 FEES

8.1 REGISTRATION, INSPECTION AND RENEWAL FEES

8.1.1 The City shall collect registration fees for the administration of the application process and ongoing maintenance and upkeep of the Registry as follows:

a.	Registration of an existing In-law Suite or Legal Non-conforming Unit approved since July 10, 2011	\$100 (waived until Dec 31, 2020)
b.	Registration of a new Secondary Suite	\$ 100 (does not include fees pursuant to the <i>Zoning and Development By-law Fee Schedule</i>)
c.	Building and/or Development Permit and Residential Inspection	As per <i>Zoning and Development By-law Fee Schedule</i>
d.	Registration Renewal	\$50
e.	Re-inspection of Secondary Suite	\$200 (\$100 until Dec 31, 2020)

9 BY-LAW ENFORCEMENT, PENALTIES AND APPEAL

9.1.1 By-law enforcement may be undertaken by the City in accordance with the *Municipal Government Act. (MGA – Part 9)*

9.1.2 A person who, being the Owner or occupant of any land, Building, or Structure to which this by-law applies:

- a. Fails to register a Secondary or Garden Suite;
- b. Permits an unregistered Secondary or Garden Suite to be occupied; or
- c. Alters a Secondary or Garden Suite in any way that violates this or any other by-law without first seeking the necessary permit approvals and a registration renewal;
- d. Uses the Secondary or Garden Suite as a short-term rental.

is guilty of an offence of this by-law.

Attachment A - 6
City of Charlottetown Secondary Suites Registration By-law

- 9.1.3 A person who is guilty of an offence of this by-law is liable on summary conviction to:
- a. a fine in an amount
 - i. not less than \$200 and not more than \$10000, and
 - ii. an additional fine in an amount not less than \$500 and not more than \$2,500 for each day or part of a day on which the offence continues after the first day;
 - b. imprisonment for up to one year; or
 - c. both a fine in accordance with clause (a) and imprisonment in accordance with clause (b).
(MGA – Section 234)
- 9.1.4 When an offence under this by-law is committed or continued for more than one (1) day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued. *(MGA – Section 234 (3))*
- 9.1.5 A person who is dissatisfied with the administration or an order issued by an employee of the City under this by-law may appeal the decision or order to council. *(MGA – Section 239)*
- 9.1.6 A person who is appealing a decision to council made under this by-law must submit a written statement outlining the reason for appeal. *(MGA – Section 239 (2))*

10 DEFINITIONS AND INTERPRETATION

10.1.1 For the purposes of this by-law:

- a. **Building and/or Development Permit** means an official document giving authorization to proceed with a proposed action as regulated under the Zoning and Development By-law (2018-11) and/or Building Code By-law.
- b. **Building Code By-law** means the *City of Charlottetown Building Code By-law (2018-##)*.
- c. **City** means the City of Charlottetown;
- d. **Council** means the duly elected Mayor and Councilors of the City.
- e. **Development** means a change in the use of land, building, structure or sign for any purpose, and shall include the carrying out of any building, engineering, construction, or other operation in, on, over, or under land and water; or the construction, addition, erection or alteration of any building, structure or sign.
- f. **Dwelling** means a building or portion thereof used for residential occupancy.
- g. **Garden Suite** means a self-contained Dwelling Unit that is located in the Rear Yard of a Single-Detached Dwelling.
- h. **In-law Suite** means a legal non-conforming use, similar to a Secondary Suite but with specific regulations pertaining to who is permitted to live within the subordinate Dwelling Unit and a requirement that it is to be removed from the Single Detached Dwelling when the named individual no longer lives there.
- i. **MGA** means the *Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1* of the Province of Prince Edward Island.
- j. **Occupancy Permit** means an Occupancy Permit as required and/or obtained pursuant to the *City's Zoning and Development By-law*.
- k. **Owner** means a person who legally owns a lot and is a registered land Owner; or an executor, administrator, trustee, agent, or other person managing the subject lot or building for the registered land Owner.
- l. **Principle Resident** means the individual who resides within a Dwelling and who lives, makes their home and conducts their daily affairs within this Dwelling, including, without limitation, paying bills and receiving mail, and is generally the Dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.
- m. **Registrar** means the person appointed by Council to administer this by-law and unless otherwise appointed shall be the City's Manager of Planning and Heritage;

Attachment A - 8
City of Charlottetown Secondary Suites Registration By-law

- n. **Registry, or Registry of Secondary Suites** means a publically accessible Registry or list of Secondary Suites which have been reviewed by the City and approved based on conformance with the Zoning and Development and Building Code By-law regulations as well as other best practices for supporting safe and affordable housing.
 - o. **Secondary Suite** means a subordinate Dwelling unit located within a Single-Detached Dwelling.
 - p. **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 30 consecutive days. **Single-Detached Dwelling** means a building which is a completely detached Dwelling unit, and whose main walls have a minimum width of not less than 5.5 m (18 ft).
 - q. **Zoning and Development By-law** means the *City of Charlottetown Zoning and Development By-law (2018-11)*.
- 10.1.2 In this by-law words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word 'shall' is mandatory and is not permissive.