



CHARLOTTETOWN

PLANNING BOARD AGENDA NOTICE OF MEETING

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

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda** – Approval of Agenda for Tuesday, June 04, 2019
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, May 06, 2019
5. **Business arising from Minutes**
6. **Reports:**
 - a) **Rezoning**
 1. Miller Street / Pearson Street / Hanover Street (PID #530980) *Greg*
Request to rezone the property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone. Public meeting was held on Tuesday, May 28, 2019.
 2. 25 Pownal Street (PID #335588) *Greg*
Request to rezone the property from the Downtown Neighbourhood (DN) Zone to the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Requires a recommendation to proceed to public consultation.
 3. 351 North River Road (PID #'s 1014224 & 373415) *Laurel*
Request to rezone the property at 351 North River Road from R-2S (Low Density Residential Single Zone) to R-3 (Medium Density Residential Zone) and amend the Official Plan Map from Low Density Residential to Medium Density Residential.
 4. 7 Lions Crescent (PID #278721) *Laurel*
Request to rezone the property at 7 Lions Crescent from R-1S (Single Detached Residential Zone) to R-3 (Medium Density Residential Zone) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. Requires a recommendation to proceed to public consultation.



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b) Variances

5. 6 Vic Campbell Blvd (PID #275743) Robert
Request for a home occupation for the retail sale of a cosmetic product. The use would entail the storing of inventory, packaging, shipping of items and the occasional customer pick up of the product.
6. 37 Vista Street (PID #373225) Greg
Request for a variance to reduce the rear yard setback requirement from 24.6 ft to approximately 18.0 ft in order to construct a garage addition (approximately 24.0 ft x 30.0 ft).

c) Others

7. 41-51 Allen Street (PID #371690 & PID #371609) and 53 Allen Street (PID #371517) Greg
Request to consolidate two (2) properties in the Mixed-Use Corridor Commercial (MUC) Zone.
8. 185 Brackley Point Road (PID #344044) Greg
Request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as a permitted use in the Single-Detached Residential (R-1L) Zone. Public meeting was held on Tuesday, May 28, 2019.
9. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2) Robert
Proposed amendments to allow for Home Occupations, Parking and Site Design Standards, 500 Lot Area Standards, and Tourist Accommodations along with other general housekeeping amendments. After receiving feedback at the public meeting some changes to the Tourist Accommodation amendments have been incorporated.

7. Introduction of New Business

8. Adjournment of Public Session

PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
MONDAY, MAY 06, 2019, 5:00 P.M.
COUNCILLOR CHAMBERS, 2nd FLOOR, CITY HALL

<p><u>Present:</u> Councillor Greg Rivard, Chair Deputy Mayor Jason Coady, Vice-Chair Councillor Alanna Jankov Basil Hambly, RM Bobby Kenny, RM Kris Fournier, RM Rosemary Herbert, RM</p>	<p>Reg MacInnis, RM Shalyn Murray, RM Alex Forbes, PHM Greg Morrison, PII Laurel Palmer Thompson, PII Robert Zilke, PII Ellen Faye Ganga, PH IA/AA</p>
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Also: **Mayor Philip Brown**

Regrets:

1. Call to Order

Councillor Rivard called the meeting to order at 5:04 pm.

2. Declaration of Conflicts

Councillor Rivard asked if there are any conflicts. Kris Fournier declared conflict of interest on agenda item number 6a.3) 89 Beach Grove Road (PID #386755). Councillor Rivard then moved to the approval of the agenda.

3. Approval of Agenda

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the agenda for Monday, May 06, 2019 be approved.

CARRIED

4. Adoption of Minutes

Moved by Kris Fournier, RM, and seconded by Basil Hambly, RM, that the minutes of the meeting on Monday, April 01, 2019 be approved.

CARRIED

5. Business arising from Minutes

Reg MacInnis, RM, asked what happened to applications under item 7) Corner of Upton Road and Royalty Road (PID #388595) and item 11) 183 Great George Street (PID #344044). Councillor Rivard responded that both applications were rejected at the Regular Meeting of Council on April 8, 2019.

6. 351 North River Road (PIDs #1014224 & 373415)

This is a request to rezone the property at 351 North River Road (PIDs #1014224 & 373415) from the Low Density Residential (R-2S) to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose of the rezoning is to demolish or move the existing dwelling, consolidate two lots and

facilitate the construction of two (2) townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The property is a 2.09 acre lot and the attached concept plan indicates that all the units will be three-storeys. The site plan also shows the proposed public road, however, if they build with the setbacks as shown, a private road would have to be constructed and the property will remain as one lot. If a public road is constructed, setbacks for units 8-13 will have to be adjusted. The property is located between land zoned CDA and a single-detached subdivision. The current zoning of the property would allow for semi-detached dwellings and the proposed townhouse development would only increase the total density by 4 townhouse units onsite. Staff does not view that as a significant increase. Rezoning the property to the R-3 Zone allows for other multi-unit uses which may pose concerns with residents. There is also a 50 meter coastal buffer zone that cannot be developed and this will remain as green space for the property. If the rezoning is permitted, a development agreement must be in place to limit the density and restrict the development as proposed. Staff noted that the bulk and mass of the development does not appear to be out of scale with existing development and recommends that it be approved to proceed to a public consultation to gauge the resident's opinions. Greg Munn, architect for the development, was present to provide more details and to answer any possible questions.

Mr. Munn mentioned that the applicant wants to increase the density of the property and that the owners are willing to sign a development agreement with the City to ensure that they only build townhouses are constructed and the applicant has no intention of pursuing apartment units. The owner's idea is to build townhouses/row houses that will cater to the upper/middle range clients. Mr. Munn also added information on the buffer zone being maintained as green space, the materials to be used and other details of the development.

Reg MacInnis, RM, asked what would be the estimated cost per unit and Mr. Munn responded that it has not been determined at this point but is guessing to be at the \$400,000-\$500,000 range. Councillor Rivard clarified that the parking will be private. Mr. Munn confirmed and this is a good location for a nice architecturally designed project and would be a nice example to set for the area. Councillor Jankov asked if these houses are to be sold individually or rented (short and long term or Airbnb), and if any of these houses would be for affordable housing. Mr. Munn responded that they will be sold individually and will definitely not be for short term rentals. Mr. Munn also added that the owner originally wanted to subdivide the lot into individual lots but there may be concerns with setback requirements if they proceed in this manner. However, the subdivision type has not been resolved to date. There may be fewer units if developed on a public street with individual lots but the owner wants to develop it as row houses/condo. Mr. Munn also confirmed that there will be no affordable housing units on this development.

Rosemary Herbert, RM, asked if Mr. Munn could respond to whether they intend to use public or private roads and how they intend to design them. Ms. Thompson responded that if the road is a public road, units 8-13 will require adjustments or reorientation to meet the rear yard setbacks or a variance will be required. The owners prefer not to develop this property with requests for variances. If it is developed as a private road, it can be developed with the existing setbacks.

Councillor Rivard asked what the heights of the houses would be and Ms. Thompson responded that it is 39.4 feet for townhouses and that they will measure the average finished grade. Mr. Munn also mentioned that they will be looking at the average heights of the buildings and there could be adjustments to the heights as the development is finalized. Mr. Munn also confirmed that it will be under 39 feet in height. Councillor Rivard added that there are apartment buildings on the other side and single houses on the other and wanted to make sure that it matches with the surroundings.

Mr. MacInnis also asked if the number of units is flexible and asked if there is a possibility of taking out units. Mr. MacInnis also asked if they have talked to the neighbours about the proposed development. Mr. Munn responded that they haven't talked to the neighbors. Mr. MacInnis also inquired if the owners are waiting for the public meeting and Mr. Munn confirmed this was the case. Councillor Rivard clarified with Ms. Thompson that this is going to go to public meeting to rezone and the net increase is only for 4 four additional units beyond what they would be permitted by right in the current zone which permits semi-detached dwellings. Ms. Thompson confirmed that rezoning will only increase the density by four units. Ms. Thompson also added that the land grade slopes down from the road to the water side so the heights would be lower. Bobby Kenny, RM, asked if the garage would fit one or two cars and Mr. Munn responded that it will be for one car but will have around 16 feet of driveway.

Councillor Rivard clarified that if the application was approved, they are going to stick to what is presented. Mr. Munn confirmed that they have looked at all possible developments including apartment buildings but confirmed that the townhouses are the best route for this property.

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

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the 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 Low Density Residential (R-2S) to Medium Density Residential (R-3) Zone,**
- for property at 351 North River Road (PIDs #1014224 & 373415), be recommended to Council to proceed to public consultation.**

CARRIED

7. Miller Street/ Pearson Street/ Hanover Street (PID #530980)

This is a request to rezone the property on the corner of Miller Street/ Pearson Street/ Hanover Street (PID #530980) from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone to subdivide the vacant property and construct five (5) single-detached dwellings. Greg Morrison, Planner II, presented the application. See attached report.

In 2014, an application to rezone this property was submitted but at that time, was deferred until more details were provided. No updates were made until 2019 where this is again being

requested to proceed to public consultation to rezone the property. The applicants are requesting that the properties face Miller Street. Should the property be rezoned, it will meet all the required setback requirements of the R-1N zone. When dealing with through lots, the frontage would be based upon the smaller of two and in this case, will be on Pearson Street, and it doesn't matter where the house would be facing. Also, it has been discussed that instead of a green space requirement, cash-in-lieu would be required. Based upon the existing lot area and lot frontage, the applicants would be able to subdivide the property into three R-1L lots which would each allow for the construction of a secondary suites for a total density of six residential dwelling units. The current proposal is for five narrow lots (R-1L). Staff is recommending that it be approved to proceed to public consultation. The applicants were present to answer any possible questions.

Councillor Rivard clarified that accessory structures are allowed on R-1L lots and Mr. Morrison responded that they are not allowed for R-1N zones. There are other properties in the City that are zoned R-1N in East Royalty but none have been developed yet. Mr. Kenny asked if the homes surrounding the property all single family homes. Mr. Morrison mentioned that majority of the houses are single detached dwellings; however, there may be a few legal-non conforming two unit dwellings.

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

Moved by and seconded by, RM, that the request to amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single-Density Residential (R-1L) to Narrow Single-Density Residential (R-1N) for the property on the corner of Miller Street / Pearson Street / Hanover Street (PID #530980), be recommended to Council to proceed to public consultation.

**CARRIED
(7-1)**

8. 89 Beach Grove Road (PID #386755)

Kris Fournier declared conflict and has stepped out of the room for this application.

This is a request to rezone the property at 89 Beach Grove Road (PID #386755) 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. The purpose of the rezoning is to facilitate the construction of a two storey, 6-unit apartment building. Greg Morrison, Planner II, presented the application. See attached report.

The current property is a legal non-conforming duplex dwelling in the R-1L Zone and the applicant is looking to rezone to R-3 in order to demolish the existing duplex and construct a 6-unit apartment building facing Kirkcaldy Drive. A similar application was submitted in 2017 but was deferred by Planning Board because there were no specific plans at that time. Rezoning the property to R-3 would allow for eight dwelling units but the applicant is applying to build six bachelor apartment units. The applicant is planning to relocate the driveway from Beach Grove Road to Kirkcaldy Drive. The plans will be adjusted to meet landscape buffer requirements and

the building size will also be determined. The neighbouring properties are mostly R-1L lots with the exception of the 4-unit apartment directly adjacent the property and the apartment complexes at each end of Beach Grove Road. The height of the building will line up with adjacent properties and will be smaller than the 4-unit due to the elevation of the land. Staff recommends that it be approved to proceed to public consultation with a note that introducing an apartment building may create land use conflict and may raise potential concerns with the residents if they feel that an apartment building may be incompatible to the neighbourhood. The applicant, Drew Melnick, was present to answer any questions.

Mr. Melnick emphasized that the height of the proposed apartment will be similar to the other apartment buildings. Councillor Jankov asked if these are going to be long term rentals or bnbs. Mr. Melnick confirmed that these are for long term rentals and the target are the upper range housing with a one year lease.

Basil Hambly, RM, asked if the roadway exiting the building will be directly across the current apartment building and Mr. Melnick confirmed and commented that they are flexible on keeping the access along Beach Grove Road or move it to Kirkcaldy Drive, depending on what the direction of the City would be. Mr. Hambly added that there are traffic issues in that area and adding another apartment building may result to more congestion and may be a more dangerous on a busy road. Mr. Morrison also added that the Bylaw requires an access distance of at least 50 meters from the corner for a corner lot and the parking cannot be in the front yard of apartment. The flankage would be along Kirkcaldy Drive therefore the parking will not be located closer to Beach Grove Road than the proposed apartment building.

Councilor Rivard commented that he shares the same concerns with Mr. Hambly on the traffic flow on Beach Grove Road and asked if it would create any potential issues having two large parking lots opposite each other and one with one entry/exit point. Mr. Morrison responded that the bylaw would only permit one access point. Councillor Rivard also asked about the building facing Kirkcaldy versus facing Beach Grove Road considering that most if not all houses face Beach Grove Road. Mr. Morrison noted that the building can remain to face Kirkcaldy Drive and can make some design features for the façade facing the street. Mr. Melnick also added that they have reviewed a plan of the building Beach Grove Road with parking on the side and can also be considered.

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

Moved by Shallyn Murray, RM, and seconded by 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 89 Beach Grove Road (PID #386755), be recommended to Council to proceed to public consultation.

**CARRIED
(5-2)**

9. 93 Weymouth Street (PID #340984)

This application is request for variance for the property at 93 Weymouth Street (PID #340984). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Robert Zilke, Planner II, presented the application. See attached report.

Mr. Zilke mentioned that current and the next application will have the same variance request to reduce the lot frontage requirement from 65.6 ft to approximately 30 ft., same ownership and are two adjacent properties. The proposed variance is to allow the applicants to convert the existing five (5) unit dwelling to a six (6) unit dwelling. Both properties have undocumented renovations at the time they converted the dwelling into a six unit dwelling. Staff noted that it is difficult to review the application considering that work has been done prior seeking proper approvals; staff feels that approving this application would then allow the department to adhere to Building Code requirements and bring the building up to safety with the existing Building Code and fire regulations. The applicants are more than willing to work with Staff to meet all these requirements. Staff recommendation is to approve the application. Karolyn Walsh, representative of the applicant was present to add more details and to answer any possible questions.

Rosemary Herbert, RM, asked that the report mentioned consolidating the property and if in doing so, would it almost meet the Zoning By-law requirement. Mr. Zilke confirmed that consolidating the property would still require a variance but for just 1.5 meters of lot frontage. Mr. Zilke also did a brief survey of the properties on the block and informed the Board that most properties range from three (3) to eight (8) units. There is quite a bit of density in that area. Mr. Zilke noted though that he is not advocating the lot consolidation but providing it as an example that if a lot consolidation was done, they would still be permitted to go up to a max of 12 units. Ms. Herbert commented that it may also be a good option because it limits the variance request and it may send a message to others to follow the laws and apply for the necessary permits for consideration. Mr. Zilke noted that that may be an option for the board to consider as well.

Shallyn Murray, RM, asked if there is an issue for the buildings being too close if they were consolidated. Mr. Zilke responded that it is not a factor and the buildings were built prior to the adoption of the current bylaw. As it is, and if they were consolidated, it would still adhere to the bylaw as they are not expanding the structure or making changes to the dimensions. The only thing that would apply at this point would be Fire and Building code requirements. Pertaining to parking, they are not required to provide additional parking spaces. For any renovations or additions to property within the 500 Lot area, the parking requirements are triggered when units are over 4200 sq.ft. which in this case, the units combined floor area are smaller than 4200 sq.ft. This applies to both applications.

Councillor Rivard asked how many parking spaces are available. Mr. Zilke responded that there are three (3) stalls on each site, 93 and 101 Weymouth Street. The three stalls on 101 Weymouth are not tandem parked so they have three accesses without moving the other vehicles. For 101,

parking is on the side of the building and cuts through another parking lot owned by another business. The applicants were present to provide more information about the parking. Councillor Rivard then asked for the total number of units for both buildings. Mr. Zilke responded that there are 6 units per property, 93 Weymouth Street is requesting one additional unit and 101 Weymouth Street is requesting an additional three units. Councillor Jankov asked if 101 Weymouth Street contains 6 units at present and Mr. Zilke confirmed that both currently have 6 units per property. Councillor Jankov also asked if the apartments are used for short term or long term rentals. Mr. Zilke responded that he cannot comment on the length of time they are rented and the applicants may wish to comment on this question.

Ms. Walsh confirmed that there are no changes to the front of the building, the property will be long term rentals and will never be rented for short term rentals or for airbnbs. Ms. Walsh also commented that they do not need additional parking and parking is currently not a concern. Since the building is side by side, and if in the future, tenants of one of the building would require additional parking, they can use parking spaces from the other lot and vice versa. There are no plans to consolidate the lot. The owners will be applying for permit approvals as necessary to bring the building into compliance. The rentals will not be low rentals but reasonable/affordable rentals.

Bobby Kenny, RM, clarified that these units are not intended to be airbnbs and Ms. Walsh confirmed this to be correct. Mr. Kenny noted that there are students there. Ms. Walsh responded that these students may also be working during the summer and are staying year round and would most likely sign a year lease, not like other students who would stay from September to April and then have the units rented out as bnbs during the summer. Ms. Walsh confirmed that they are definite it will not be for short term rentals. Councillor Rivard commented that housing for students is a need as well. Mr. Kenny also asked if the driveway is a shared driveway and Ms. Walsh confirmed that it is a shared driveway for both dwelling units. There is enough space for parking for the two properties.

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

Moved by and seconded by, that the application to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing five (5) unit dwelling into a six (6) unit dwelling for the property at 93 Weymouth Street (PID #340984), be recommended to Council for approval, subject to the following condition:

- **That an occupancy permit is issued on the additional dwelling unit based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.**

CARRIED

10. 101 Weymouth Street (PID #340992)

This application is request for variance for the property at 101 Weymouth Street (PID #340992). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Robert Zilke, Planner II, presented the application. See attached report.

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

Moved by and seconded by, that the application to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing three (3) unit dwelling into a six (6) unit dwelling for the property at 101 Weymouth Street (PID #340992), be recommended to Council for approval, subject to the following condition:

- **That occupancy permits are issued on all the additional dwelling units based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.**

CARRIED

Shallyn Murray, RM, asked for clarifications on the restrictions for frontages whether it is required just to keep the scale of the property or does it have anything to do with fire access, etc. Mr. Forbes responded that lot frontage and lot area work together and the Downtown area would usually have smaller frontages. A minimum distance is required for a driveway in order to gain entry and a certain distance is required for the building with side yard. There are several properties in the downtown that do not meet the standards and in this case, this property has been operating as six units over the years and staff did not receive any complaints. The frontages are also used to calculate density in some areas.

11. 15 Hillsborough Street (PID #336198)

This is a request for variances for the property at 15 Hillsborough Street (PID #336198) in order to demolish the existing accessory building (10 ft. x 15.6 ft.) and construct a new accessory building (approximately 10 ft. x 18 ft.). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) and is a Designated Heritage Resource. Greg Morrison, Planner II, presented the application. See attached report.

The applicant originally proposed to construct an addition to the existing accessory building while moving the accessory on the property. This is feasible but the applicants would prefer to construct a new one which would create a better structure for the accessory building. The current Bylaw requirement for side and rear yard setback for an accessory building is 3.9 ft and a distance of 3.9 ft from the eaves of the accessory building to the dwelling. The current accessory building does not conform to the current setback but since it was erected prior to the introduction of the said bylaw, it can continue to exist. The proposed structure is attempting to meet the requirement for the minimum distance between the main dwelling and the accessory building but will result in the side and rear yard setbacks being reduced and requiring a variance.

Staff has been working with previous, current and prospective property owners in order to retain and renovate the existing building and should this application be approved, the design of the accessory building will be subject to Heritage Board approval as well.

Councillor Rivard commended Mr. Coles for stepping in to purchase the historic log cabin and restoring it and would support applications in relation to this property.

Bobby Kenny, RM, commented that it will not have a significant difference if the accessory building was moved and it may not even be noticeable or will not have any impact on adjacent properties. Mr. Morrison presented the site plan showing an enclosed fuel tank encroaching to the property and the neighbor does not seem to have any opposition to this variance application.

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

Moved by Councillor Alanna Jankov and seconded by Bobby Kenny, RM, that the request to:

- a) Reduce the required side yard setback from 0.85 m (2.79 ft) to approximately 0.31 m (1.02 ft); and**
- b) Reduce the required rear yard setback from 0.48 m (1.57 ft) to approximately 0.30 m (0.98 ft),**

in order to demolish the existing accessory building (10 ft. x 15.6 ft.) and construct a new accessory building (approximately 10 ft. x 18 ft.) for the property at 15 Hillsborough Street (PID #336198), be recommended to Council for approval.

CARRIED

Councillor Jason Cody had to leave the meeting and Mayor Philip Brown stepped in for the remainder of the meeting.

12. 185 Barkley Point Road (PID #390963)

This is a request to obtain a site-specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning & Development Bylaw for the property at 185 Barkley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses. Greg Morrison, Planner II, presented the application. See attached report.

This application was before the board on March 4, 2019 to rezone the property from R-1L to M-1 but was deferred by Planning Board and suggested that a site specific exemption may be a more feasible option. The property is currently a split zone between an MUC and R-1L zone and the applicant is proposing to locate a taxi stand as well as an automobile body shop on the R-1L portion of the property which is not a permitted use for this zone. The owner is not involved in this application but has given permission to the applicants to proceed with their proposal.

The proposed automobile body shop services would include light vehicle painting, light repair but no large scale repair. A mobile taxi stand is also being proposed where only one vehicle will be onsite and all other inquiries will be made through the applicant's mobile phone. The Police Department requires that a taxi stand have a business address for it to be approved. A taxi stand is a permitted use in the MUC zone but this specific taxi stand is located in the R-1L portion of the property which is why it is included in the application. That being said, the auto body shop is not permitted in either zone. Staff has concerns rezoning it to the M-1 zone because of the other permitted uses that are allowed in an M-1 zone. Staff recommends that it proceed to a public

consultation to determine whether there would be concerns from the residents regarding the proposed use and the attached single detached dwelling.

Rosemary Herbert, RM, asked if there are any safety considerations in terms of potential fire or explosion hazards. Mr. Morrison responded that they would be performing some repair welding but most of would be light painting. If this is approved, they will be required to apply for a change of use permit which will be reviewed by building inspector and possibly fire and this should address the safety concerns or risks. Mayor Brown added that there will be welding and other equipment in the City which may be flammable but will not pose a high risk. Mr. Kenny asked if they require a license and Mr. Morrison mentioned that the City would provide a permit but if they need business licenses, it would be through the Province.

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 obtain a site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning and Development Bylaw as it pertains to 185 Brackley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses, be recommended to Council to proceed to public consultation.

CARRIED

13. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

This is a proposal to amend sections of the Zoning & Development Bylaw (PH-ZD.2) pertaining to Home Occupations, Tourist Accommodations, Low Density (R-2) and (R-2S) Zones, 500 Lot Area Design Standards, Parking Standards and Appendix A. Definitions. Robert Zilke, Planner II, presented the application. See attached report.

Mayor Brown clarified if the airbnbs will fall under tourist homes and Mr. Zilke confirmed. Mr. Zilke also added that Airbnb is basically an online platform to allow them to advertise the property. From a land use perspective, it is treated as a bed and breakfast and would follow the same requirements for this use. Mayor Brown then mentioned that by the end of May, the owner of a property along Upper Prince Street wants to convert his property for short term rentals and clarified if this will then be considered as a tourist home. Mr. Zilke confirmed and commented that adding the definition for the tourist home would allow the department to regulate the use. The Building Code requirement for bnbs requires that the proprietor has to live in the property being rented out. For airbnbs, owners are not required to live onsite. This definition would then recognize the use. Mayor Brown clarified if the Airbnb along Dorchester Street would then be categorized as a tourist home. Mr. Zilke responded that when either rooms are rented or the whole property is being rented, it has to follow the requirements. Mayor Brown asked clarifications on owner occupied businesses and if they can use it as short term rentals instead of home occupations such as massage/hair dressing and also asked if they pay non-residential taxes. Mr. Forbes clarified that we are not amending regulations pertaining to short term rentals at this point but we are just trying to utilize existing tools in the current bylaw to make short term rentals a reality. In the future, Council may give us direction to change the requirements on this

issue as well and then provide clearer regulations on short or long term rentals. Mayor Brown asked how a decision can be made if there are no regulations in the bylaw relating to it. Mr. Forbes indicated that the Zoning & Development Bylaw is an effective tool to regulate most land use decisions but from time to time, amendments are required to address concerns that are realized when an application comes in and specifically referenced in the existing bylaw.

Councillor Jankov clarified the definition of tourist home where apartment units/rooms cannot be considered for short term rentals and if it was allowed before. Mr. Zilke responded to say that the current bylaw only permits tourist accommodations in single family residential dwellings. Mayor Brown asked if this changed and Mr. Zilke responded that it did not change but it just defines what a tourist home is. Mr. Forbes and Mr. Zilke both clarified and confirmed that tourist homes/short term rentals are typically located in a single detached dwelling unit. Mr. Forbes indicated that people go to the province to apply for short term rental approval and they are advised to go to the City to ensure that the property is properly zoned to permit this type of use. The City does not recognize short term rentals as a permitted use but there are other ways to achieve the same objective by permitting them in tourist homes. Planning staff will need direction in the future to monitor short term rentals and where they can be permitted. There are about approximately 500 short term rentals in the City and 70% are located in the single family dwellings.

Mr. MacInnis mentioned that the definitions are clear and if we could add the term Airbnb. Mr. Brown mentioned that the City may wish to define the length of time it operates as short term rentals. Mr. Forbes added that short term rentals are an issue and staff is fortifying the existing Zoning By-law to address this issue. Staff cannot sign off on an application for a short term rental in some situations even if the province has already approved the use. Mr. Forbes also added that this is the reason why the amendments are to go to public consultation to assess what the public thinks and then Council may obtain further clarity and provide a recommendation to staff as to how they wish to move forward.

Ms. Herbert also asked how this definition will help staff make decisions on short term rentals. Mr. Zilke noted that there are two types of short term rentals, one is bed and breakfast and the other is a tourist home. The tourist home is mentioned in the Bylaw but was never defined. Therefore by providing the definition, it will be easier for staff to determine which type of short term rentals are they inquiring about.

Councillor Jankov clarified that since a definition of a tourist home is in place, then if and when applicants want to apply for a tourist home, they can apply for a permit through the City and it will be clear to determine whether the applications would be permitted or not. Mr. Forbes confirmed and also added that the provincial tourist home operator form refers to tourist homes and bed and breakfast operations and the form has been used by the province for years. Recently they added the requirement to get approval from the City for airbnbs. Councillor Jankov asked if we can force people to apply. Mr. Forbes mentioned that we cannot enforce since the province is approving the permits. Councillor Jankov emphasized that applicants must meet the requirements of the City first before applying to the Province to ensure that they meet our regulations. Mr. Zilke also added that the Province does not perform inspections or compliance to applicable

building and fire codes. Therefore, the municipality/City needs to review the application to ensure that there are no safety issues/concerns before a permit is approved.

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 Rosemary Herbert, RM, that the amendments to the Zoning and Development Bylaw (PH-ZD.2) pertaining to:

- **Home Occupations;**
- **Tourist Accommodations;**
- **Low Density (R-2) and (R-2S) Zones;**
- **500 Lot Area Design Standards;**
- **Parking Standards; and**
- **Appendix A. Definitions**

be recommended to Council to proceed to a Public Consultation.

CARRIED

14. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

This is an application to amend section of the Zoning & Development Bylaw (PH-ZD.2) pertaining to Section 36 Heavy Industrial (M-2A) Zone to permit an Asphalt, Aggregate and Concrete Plant and insert a definition for said use under Appendix A. Robert Zilke, Planner II, presented the application. See attached report.

This application was deferred by the Planning Board on April 1, 2019 in order for staff to meet with the Department of Provincial Environment to discuss the environmental assessment requirements for asphalt, aggregate and concrete plant to be located in the City. For any application for these uses, they are required to undergo an environmental screening through the province who in turn will make a recommendation to the City before a permit can be approved. The Department of Provincial Environment indicated that these uses can be accommodated in M-2 Heavy industrial zones. There are only two areas in the City that are zoned M-2, one in West Royalty and one along Sherwood Road. The M-2 Zone along West Royalty Road would have low density residential zones adjacent to it and will not meet the screening buffer requirement, therefore will not be suitable to locate these uses. Should this use be proposed in the City, it will most likely be along the Sherwood Area. The previous amendments dealing with this issue included the requirement for Environmental Impact Assessment and it has been determined that this is no longer required in the Zoning By-law because the province is already mandated to have to undertake this type of review.

Rosemary Herbert, RM, asked why the environmental assessment requirement is no longer going to be required by the City. Mr. Zilke noted that since the environmental assessment will already be done by the province prior and will make a recommendation to staff based on their environmental screening. It will become redundant to require the applicants to redo the assessment. Ms. Herbert then asked if this screening process is the same as an environmental

assessment and is our bylaw congruent with the province. Mr. Zilke confirmed that it is the same assessment and requirement. It is up to the applicant or the owner to choose the best and correct site and then work with the Province to complete the necessary assessments.

Mayor Brown also clarified that the zones we are looking at are those along Sherwood Road near the Island Construction and the other one along West Royalty Industrial Park. Mr. Brown also confirmed that applicants who will be looking at West Royalty Industrial Park as a potential will be advised that it is not a suitable site. Mr. Forbes responded that they will be advised that the properties in the West Royalty Industrial Park are located near residential properties which will make it very difficult to pass the screening. Applicants wishing to establish an asphalt plant need to locate and undergo the assessments necessary before being granted approval. The DOE goes through a screening process before they move to a full environmental impact review. Screening can result in a project either being screened in or out and the province may determine that an environmental impact assessment is not required. Mr. Brown also asked if there are any other M2 zones and Mr. Forbes confirmed that only those two M2 sites in the City.

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 Kris Fournier, RM, that the request to amend Section 36 of the Zoning & Development Bylaw (PH-ZD.2) to permit an Asphalt, Aggregate and Concrete Plant and insert a definition for said use under Appendix A, be recommended to Council for approval.

**CARRIED
(7-1)**

15. New Business

There were no new businesses discussed.

Moved by Councillor Alanna Jankov and seconded by Bobby Kenny, RM, that the meeting be adjourned. The meeting was adjourned at 6:56 p.m.

Councillor Greg Rivard, Chair



**Public Meeting of Council
Tuesday, May 28, 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 Terry MacLeod
Councillor Mitchell Tweel
Councillor Terry Bernard**

Also:

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

Linda Thorne, AA

Regrets:

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

Councillor Robert Doiron

1. Call to Order

Mayor Philip Brown called the meeting to order at 7 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 and turned the meeting over to Councillor Rivard, Chair of Planning Board, who explained the Public Meeting process and then proceeded to introduce the first application.

4. 351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) Zone to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose of this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.

Greg Munn, Sablearc Designs, presented the application on behalf of the developer. The developer is proposing to demolish or move the existing house on the property. The original proposal was for 13 units in total. The design of the project has been modified and will now house 10 units. There will be 4 semi-detached/duplex dwellings and 6 townhouse dwellings. They also propose a buffered area consisting of a green space and treed area. The developer feels that the market will support fewer high end units. The proposed units will be smaller with 2,200 square feet in size. The portion of the development on the water side of the property will have walk-out basements and feature an expanse of glass.

Mayor Brown asked for any questions or comments.

Trevor Pye, 21 Madison Avenue

Mr. Pye asked if the buffer zone will be maintained with the existing trees or will new trees be planted. Mr. Munn responded that the existing trees will be maintained and additional trees planted if needed.

John Bell, 2 Madison Avenue

Mr. Bell noted that the area was developed for single family dwellings and should remain that way. He asked if the proposed dwellings will be owned or rented. Mr. Munn responded that the units will be sold but could be rented.

Judy Pye, 21 Madison Avenue

Mrs. Pye expressed concerns that the existing designated wetland be maintained and asked if the developer intends to maintain the proposed 50% greenspace. She also noted that there is no parking for visitors and feels that the development is not well thought out.

Mayor Brown asked for any additional questions or comments.

Gayle Mamyé, Westwood Crescent

Ms. Mamyé has concerns with traffic issues and the lack of provision of moderate or low income housing. She also feels that the proposed development is not practical with the lack of accessible housing. Mr. Munn responded that Charlottetown is growing and noted that the traffic concerns are part of a broader Planning issue. He noted that there is a shortage of all types of housing and that the developer has done a study on what

could be built on the property. The higher cost of the units is required to make the project more feasible.

Dianne Bell, 2 Madison Avenue

Mrs. Bell's biggest issue is with the townhouses and feels that there should be single family dwellings. She also has concerns with the wetland area. She noted that properties in this area are in the highest tax bracket in the City. She also has issues with the possibility of transient tenants and noted that lots in the area are selling for \$65,000.

Dr. Ayo Harris-Eze, 13 Madison Avenue

Dr. Harris-Eze noted that a letter in opposition has been submitted with 15 signatures encompassing all of the property owners on Madison Avenue. He feels that this is a badly conceived development that will devalue properties in the area. He has concerns with the traffic issues and completely opposed to the proposed development.

Brian Gillis, 71 Greenfield Avenue

Mr. Gillis asked if the roadway will be deeded to the City as a public road and noted that a Development Agreement needs to be signed prior to construction of the services and roadway. This should be conditional to the removal of the existing house. He asked if there was a commitment to these services as they are a value to residents and will protect the residents interests. He asked if every unit will be a rental and stressed that a Development Agreement needs to be in place to clearly define the scope of the proposal.

Councillor Rivard asked staff if they were aware of the wetlands on the property.

Ms. Palmer Thompson explained that staff had spoken to the Department of the Environment and noted that the area of the wetland had yet to be designated.

Councillor Rivard noted that could change the plan a lot. Ms. Thompson noted that the Department of the Environment will have to determine the area.

John Bell, 2 Madison Avenue

Mr. Bell asked how far the treed area has to be from the wetland and noted that 75 feet would result in a 150 feet setback. He asked if staff had walked the property and noted that the area is dangerous for children especially in the spring. Ms. Thompson explained that she had walked the property and that the Bylaw had been amended to reflect the 75 feet wetland buffer required by the Department of Environment. She also noted that there are several environmental groups that maintain the wetland areas, plant trees and maintain the banks.

Mayor Brown asked for any further comments or questions.

Dr. Harris-Eze stressed that there is a lot of opposition to the proposed development, concerns with traffic and the protection of the wetland area. He feels that the

application should be taken back to Planning Board for approval for single family development only.

Mr. Munn responded that he will take the comments back to the developer and noted that this is the "first kick at the can". He also noted that he appreciated the comments from the residents and will hopefully have a new plan to present in the near future.

Mayor Brown asked for confirmation if a lot consolidation will be required. Staff confirmed that is the case.

Councillor Rivard noted that 8 units might be possible and more study will be required with regards to the wetland area.

Dianne Bell noted that only 25% can be duplex in the R-2S Zone and also a walkway has been proposed over to Bishop's Cove.

Mayor Brown thanked the residents for their input and noted that the applications will go back to Planning Board for a recommendation to Council.

5. Miller Street / Pearson Street / Hanover Street (PID #530980)

A request to rezone the property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone in order to subdivide the vacant property and construct five (5) single-detached dwellings.

Franklin MacDonald presented the application on behalf of the developer, Mac & Mac Enterprises. He noted that the property has been owned by his father Myron MacDonald and Leroy MacLeod since 1979. The proposal is to rezone the property from R-1L to R-1N to permit five single detached two-storey homes with garages located at the front. All of the dwellings will be facing Miller Street and no modular homes will be constructed. Mr. MacDonald also indicated that no daycares or any type of businesses will be permitted, all utilities will be underground, and secondary units are not permitted in the R-1N Zone. All dwellings will have a single driveway for each home.

Mayor Brown asked for any comments or questions.

Sarah Kennedy

Ms. Kennedy feels that the proposed development would not be good for the area because of the increased traffic. She also feels that the proposed two-storey dwellings would not fit in with the existing homes in the area. Mr. MacDonald noted that two lots over on Miller Street has three-storey homes as well as the area has a variety of development. He also explained that a roadway to connect to Montgomery Heights will be constructed in the future.

Linda Boyle, 17 Pearson Street

Mrs. Boyle is opposed to the development and asked what the price will be for the new dwellings. Mr. MacDonald responded that they are not sure yet but the units will be rented. Mrs. Boyle commented that the proposal does not fit in with the style of the existing homes. This is a small subdivision and another five houses will result in 10 more cars using the roadway. She also feels that the proposed houses will completely block her view. She also noted that a previous development proposal for this land was opposed by the residents. Mr. MacDonald noted that the existing zoning would allow three homes with in-law suites. He feels that the proposed dwellings will enrich the area.

Mayor Brown asked for any further questions or comments.

Jeremy MacEachern, 16 Miller Street

Mr. MacEachern agrees with the other residents and is opposed to the development.

Andrew Oakley,

Mr. Oakley noted that there is empty land in the area and two-storey homes will be developed soon.

Mayor Brown asked if the developer of Terrace Heights had been in contact with the Public Works Department.

Councillor Bernard asked if the proposed homes meet the setback requirements. Mr. MacDonald confirmed that they will be 28 feet wide houses with 6 feet setbacks designed to meet the Bylaw.

6. 185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted uses in the Single-Detached Residential (R-1L) Zone.

Greg Morrison, Planner II, briefly explained the proposed application and noted that the property has split zoning: R-1L and Mixed Use Corridor. The proposed uses are not permitted in the existing zones and will require site specific exemptions for this property only.

Osama Abdoh, applicant, presented the application. He noted that the existing building is 20 years old and contained the former Brown's Auto Shop. He also noted that there are some commercial uses in the area. He purchased the property two years ago and plans to offer light body work and touch paint services. The second business proposed is a taxi stand which will provide call services only. He noted that he will have to go through the City's taxis permit application process. No taxis will be parked on site and will have only a call centre.

Mayor Brown asked for any comments or questions.

Rex Earle, 44 Lilac Avenue

Mr. Earle commented that he has no issue with the taxi business but has concerns about the body shop due to personal health issues. Mr. Abdoh explained that the business will provide small touch ups only and will not have any odors. The body shop services will be in addition to the existing auto shop services.

Kirby Eldershaw, 14 MacAleer Drive

Mr. Eldershaw noted that all Police requirements will have to be met with regards to the taxis stand.

Mayor Brown asked for any further comments or questions.

7. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

Proposed amendments to the Zoning & Development Bylaw pertaining to Home Occupations, Tourist Accommodations, Low Density (R-2) and (R-2S) Zones, 500 Lot Area Design Standards, Parking Standards and Appendix A. Definitions.

Laurel Palmer Thompson, Planner II, presented the proposed amendments. The amendments pertaining to Home Occupations will allow more uses. Home Occupations which are appointment-based will be required to go through the variance process and will allow Council to determine the maximum number of clients. Tandem parking will also be permitted. The amendments will also determine prohibited uses. Heritage Inns will be permitted to have 4 to 7 rooms if they meet the lot area requirements. This will be a way to preserve heritage properties. Also proposed is a definition for Tourist Home which will tighten up the requirements. In the Waterfront Zone additional requirements as well a step backs for side yard setbacks will also be set out. This will permit more flexibility for narrow lots.

Mayor Brown asked for any comments or questions.

Brian Gillis, 71 Greenfield Avenue

Mr. Gillis asked if Council had put forward amendments for taxing tourist accommodations. Mayor Brown responded that this matter is deferred until such time a legal opinion is obtained. He also noted that the proposal is for a room levy. Mr. Gillis asked about the process for converting a single family dwelling in the R-1L Zone to a Tourist Home. Ms. Thompson responded that regulations for short term rentals are still under review. Mr. Forbes noted that at present accessory units cannot be used for short term rentals. Ms. Thompson noted that the new definition was created in 2018 to replace the definition for B & B's. She also stressed that presently there are no regulations allowing Air BNB's. They are not permitted. Mr. Gillis asked if a Home Occupation permit would allow for Air BNB's or room rentals.

Mr. Gillis noted that presently there is a waiting list for homes with Habitat for Humanity. The rise in applications has been from 3 in 2017 to 90 in 2019. This is due to rents being unaffordable and there are no safe accommodations available. People are being evicted from their rental homes because of sale of the property or renovations. This has caused a real crisis. There is a need for development of homes for families. Mr. Gillis asked if he could meet with Mayor and Council to discuss this.

Ms. Thompson noted that the proposed amendments will tighten up the Bylaw and all comments will be taken into consideration.

Mayor Brown responded that an Affordable Housing Council is being set up and also that the Planning Department has given this top priority and are presently working on developing regulations with regards to affordable housing.

Jonathan Greenan

Mr. Greenan commented that other provinces have outlawed Air BNB's in other types of housing and supports taking away this use for single family dwellings. He also noted that the proposed amendments will fill in the gap.

Ms. Thompson noted that the lot area requirements will tighten up the definition of short terms rentals. Existing short term rentals maybe shut down and the Planning Department investigates all reports of this use by residents.

Mr. Forbes explained that the City does not give permission for short term rentals. These applications are regulated by the Province. A public meeting will be held later in June to discuss the results of the Short Term Rentals Survey. He also noted that there is still a lot of work to be done.

Mr. Gillis asked if a hair salon would be permitted. Ms. Thompson explained that all appointment-based Home Occupation applications will have to go through the variance process and Council will have the final approval of these applications.

Mr. Forbes noted that a public meeting will be set up shortly to consider this matter and also that short term rentals are presently under legal review in Vancouver and Toronto. At the present time all short terms rentals are approved and regulated by the province.

Mayor Brown commented that a public meeting will be held to ensure an open, transparent and accountable process will be developed.

Osamo Abdoh, Charlotte Drive

Mr. Abdoh commented that there is an economic side to this and that jobs are needed in order for people to live well.

Nathan ???, 93 Nassau Street

This gentleman asked about the Affordable Housing Advisory Board. Mayor Brown noted that there is still one space available on the board. He noted that this housing crisis requires a broad scope of study and there is still a lot to do.


Ann Gillis, 71 Greenfield Avenue

Mrs. Gillis noted that there is a significant rise of short term rentals in her neighbourhood. Councillor Rivard noted that Alicia Packwood will be following up on the results of the survey.

Mayor Brown asked for any further comments or questions. There being none, the meeting adjourned at 8:40 p.m.

8. Adjournment of Public Session

Meeting adjourned at 8:42 p.m.

TITLE: REZONING APPLICATION FILE: PLAN-2019-4-JUNE- 6A1 MILLER ST / PEARSON ST / HANOVER ST (PID #530980) OWNER: MAC & MAC ENTERPRISES INC.		 CHARLOTTETOWN
MEETING DATE: June 4, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Letters of Opposition	
SITE INFORMATION: Context: Vacant property on the corner of Miller Street, Pearson Street, and Hanover Street Ward No: 9 – Stonepark Existing Land Use: Vacant Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L)		
PREVIOUS APPLICATIONS: Application to rezone the property from R-1L to R-1N was submitted on June 13, 2014.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone for the property located on the corner of Miller Street, Pearson Street, and Hanover Street (PID #530980).

BACKGROUND:

Request

The property owners, Mac & Mac Enterprises Inc., have made an application to rezone the property located on the corner of Miller Street, Pearson Street, and Hanover Street (PID #530980) from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone. The purpose of the rezoning is to subdivide the vacant property and construct five (5) single-detached dwellings.

Development Context

The subject property is located in East Royalty on a corner lot bounded by three (3) streets. These streets include Miller Street, Pearson Street, and Hanover Street.

Property History

A similar application was made on June 13, 2014 to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone in order to subdivide the vacant property and construct five (5) single-detached dwellings. This application proceeded to the Planning Board meeting on July 7, 2014.

At the meeting, Councillor Hilton asked the Board to defer this application until such time she can meet with the residents and the developer. The Board agreed to defer a recommendation on this application until next month.

The application did not proceed back to the Planning Board since the meeting on July 7, 2014.

LEGISLATIVE REQUIREMENTS:***Notification***

On May 13, 2019, Council passed the following resolution:

That the request amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single-Density Residential (R-1L) to Narrow Single-Density Residential (R-1N) for the property on the corner of Miller Street/ Pearson Street/ Hanover Street (PID #530980), be approved to proceed to 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 May 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 Wednesday, May 29, 2019.

In addition, staff published a notice in two issues of The Guardian on May 18, 2019 & May 25, 2019 and posted a copy of the notice on the subject property.

Public Feedback

Of the 28 letters sent to affected property owners, five (5) letters of opposition from four (4) properties and a petition signed by 17 residents (Attachment C) were received prior to the deadline for comments. The letters of opposition had concerns that the proposed dwellings will be incongruous with the existing bungalows due to their style and appearance (narrow dwellings as well as being two stories in height). In addition, the increase of five new dwellings and likely 10 more vehicles would lead to traffic issues in the existing small neighbourhood.

In addition to the public feedback received during the mailout process, a public meeting of Council was held on May 28, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, three (3) residents spoke against the application. The concerns of the meeting were reflective of those concerns identified in the letters.

That being said, one resident asked what the price of the dwellings would be and the applicant responded that they would be for rent at this time and not for sale. Councillor Jankov asked if they would be short or long term rental and the applicant responded that they would be for long term rental only.

Finally, Councillor Bernard asked what the distance is between dwellings and the applicant responded that they would be at least 12 ft between dwellings as per the Zoning & Development By-law requirements.

Staff would note that any dwelling in the Single-Detached Residential (R-1L) Zone would be permitted to construct their dwelling with a maximum height of 36.1 ft. This would include second storey additions to existing dwellings. Further, the only requirement for dwelling style is that the minimum width of the dwelling is 18 ft. The proposed type of dwelling would be permitted to be constructed on this property today, but the lot size would have to be in accordance to the R-1L Zone.

ANALYSIS:

The property owner is requesting to subdivide the vacant property and construct five (5) single-detached dwellings. The preliminary site plan designed by ISE which is attached to this report

(Attachment 'B') meets the requirements of the Zoning & Development By-law should the rezoning application be approved. An analysis of the By-law is below:

Lot Frontage

Should the subdivision be approved as proposed, each of the properties would be considered as through lots in light of the fact that the lots are bound on two opposite sides by streets. Further, where a lot abuts two streets, the lot frontage is the lesser distance of the two frontages. In light of the foregoing, the lot frontage for Lots 1-4 would be on Pearson Street while the lot frontage for Lot 5 would be on Hanover Street. The minimum lot frontage for an interior lot is 34.8 ft while the minimum lot frontage for a corner lot is 49.9 ft. The property owner is proposing a lot frontage of 36.0 ft for Lots 1-4 and a lot frontage of 70.2 ft for Lot 5.

Setbacks

The front yard setback requirement of 19.7 ft would be required along Pearson Street for Lots 1-4 while the rear yard setback requirement of 19.7 ft would be required along Miller Street. Lot 5 is unique in the fact that the front yard setback requirement of 19.7 ft would be required along Hanover Street while the flankage yard setback requirement of 19.7 ft would be required along Pearson Street and Miller Street. All interior side yard setback requirements are 6.0 ft. The property owner is proposing to located the proposed dwellings 19.7 ft front Pearson Street with 6.0 ft interior side yard setbacks, meeting the requirements of the By-law.

Height

The property owners are proposing a building height of approximately 27.5 ft. The maximum height for a single-detached dwelling in the R-1N Zone is 36.1 ft.

Secondary Uses

The property owners are proposing to construct five (5) single-detached dwellings in the R-1N Zone. The R-1N Zone does now allow for secondary uses and therefore the maximum density for this property would be five (5) residential dwelling units.

In contrast, if the applicant elected to develop this property with R-1L Zoning (i.e., 59.1 ft lot frontage for interior lots, 72.2 ft lot frontage for the corner lot, 5,812.5 sq ft lot area for interior lots, 7,384 sq ft lot area for the corner lot) they would likely be able to construct three (3) single-

detached dwellings each with a secondary suite for a maximum density of six (6) residential dwelling units.

Parkland

When a subdivision includes more than two (2) properties, the applicant is required to provide parkland dedication in the amount of 10% or pay cash-in-lieu of green space. The total lot area of the property is 27,710 sq ft which equates to a green space requirement of 2,771 sq ft. Originally the property owners proposed a 3,000 sq ft green space on the corner of Pearson Street, Hanover Street, and Miller Street. This request was directed to the Manager of Parks & Recreation who indicated that *'staff will be recommending to accept cash-in lieu for this development, since the size of parkland they are required to give (and recommending) is extremely small (3,000 square feet). There is greenspace across the street from this development, which meets the needs of this neighborhood.'* On April 30, 2019, the PRLA Committee concurred with staff's recommendation and elected to reject the proposed green space and required cash-in-lieu of green space instead.

This proposed development reflects the type of housing that has been constructed on Esher Street in Charlottetown, Madison Heights in Cornwall and Hollis Avenue in Stratford. Further, there are vacant properties zoned R-1N in Horseshoe Hills Estates and Emery Estates in East Royalty.

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

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

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

Section 3.2.1 - Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

The development of narrow lot residential dwellings allows for compact urban form when developing a vacant property while utilizing existing services. The additional dwellings on the same street frontage promotes density and alternative forms of housing but in a harmonious manner as the dwellings are physically related to its surroundings which include other low density residential dwellings.

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"> • Meets the requirements of the By-law. • Compact urban form. • Infill development. • Efficient use of existing services. • Harmonious development. • Does not involve an Official Plan amendment. 		<ul style="list-style-type: none"> • The subject property is not zoned for the proposed lot area and lot frontage. • Approving this request would introduce a new subdivision standard (narrow lots) into the existing neighbourhood.

CONCLUSION:

Staff is recommending that the rezoning application be approved.

PRESENTER:



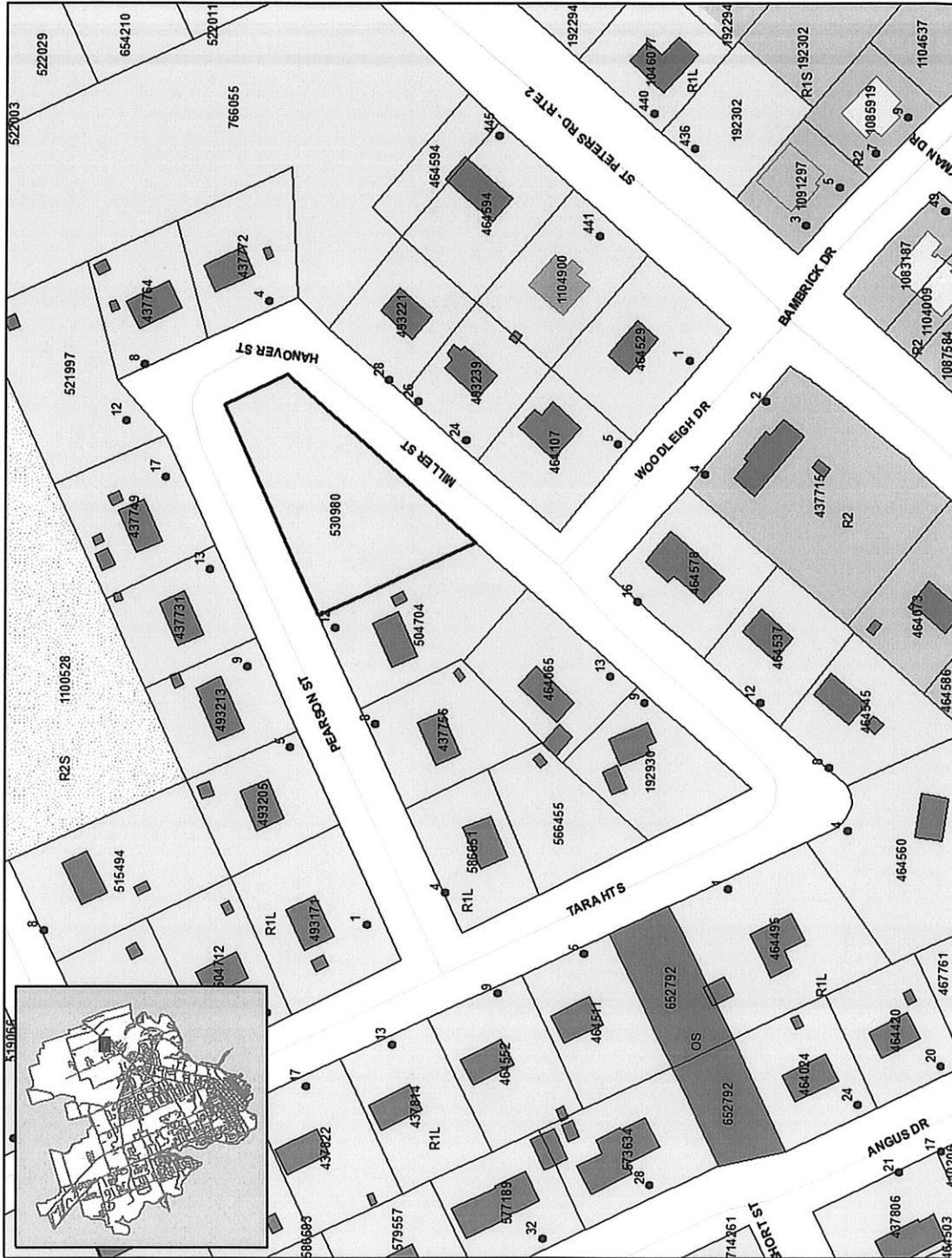
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

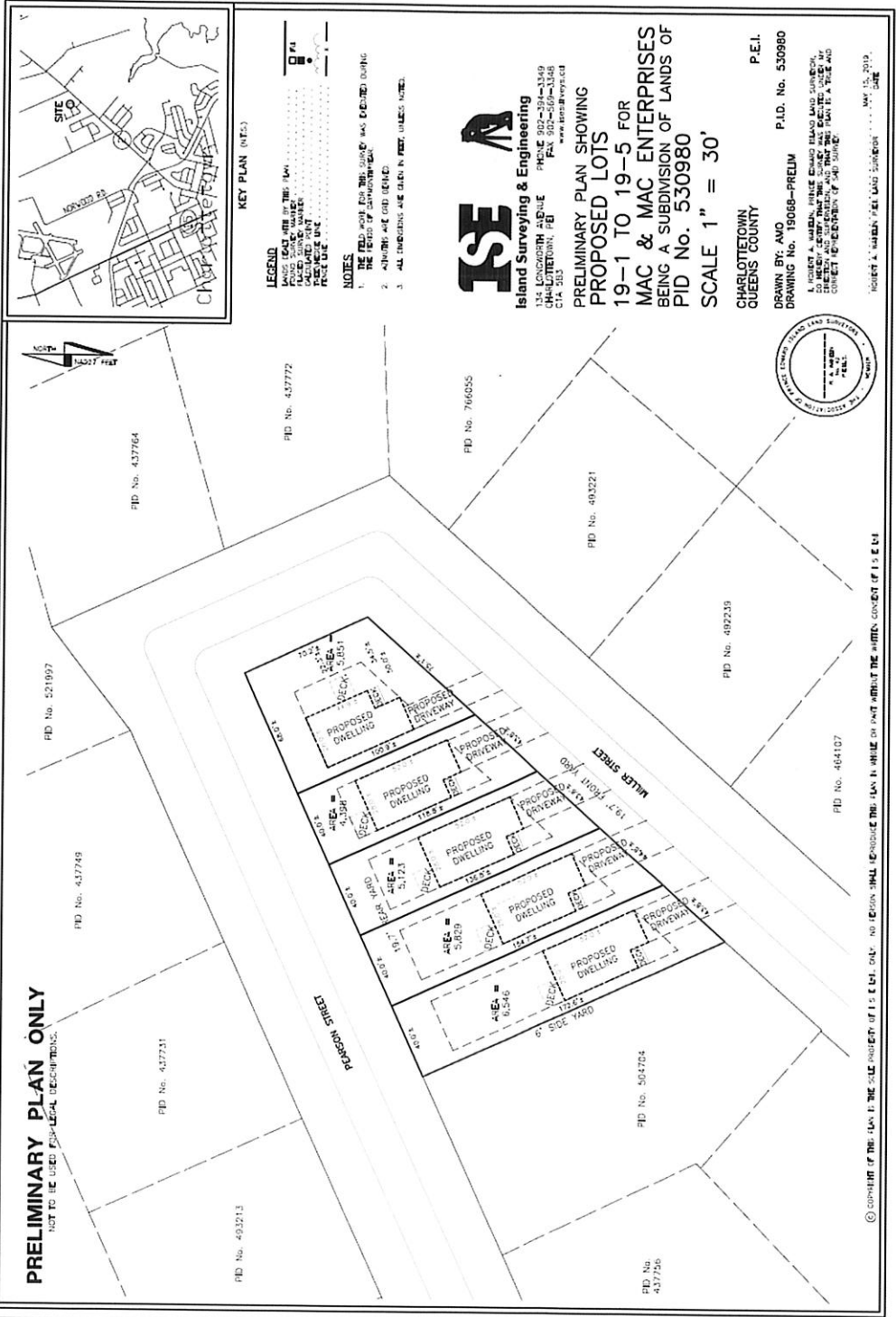


Attachment A: GIS Map
File: PLAN-2019-4-JUNE- 6A1
Miller St / Pearson St / Hanover St
(PID #530980)
Owner: Mac & Mac Enterprises Inc.


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B



Attachment B: Site Plan
 File: PLAN-2019-4-JUNE- 6A1
 Miller St / Pearson St / Hanover St
 (PID #530980)
 Owner: Mac & Mac Enterprises Inc.



Attachment C

Five Letters of Opposition & Petition Attached:

1. Sandy MacEachern for Barbara Israel
2. Stan & Linda Boyle
3. Ann & Waldron McDonald
4. Greg Nicholson & Cindy Riley
5. Linda M. Boyle
6. Petition Signed by 17 Residents (2 Pages)

Attachment C: Letters of Opposition

File: PLAN-2019-4-JUNE- **6A1**

Miller St / Pearson St / Hanover St

(PID #530980)

Owner: Mac & Mac Enterprises Inc.



Morrison, Greg

From: Ganga, Ellen on behalf of Planning Department
Sent: May 22, 2019 1:41 PM
To: Sandy Maceachern; Morrison, Greg
Subject: RE: PID #530980

Hi Sandy,
Good day and thank you for your email.

Hi Greg,
Fyi.

Best Regards,
Ellen

From: Sandy Maceachern [<mailto:sanleemac@gmail.com>]
Sent: Wednesday, May 22, 2019 11:41 AM
To: Planning Department
Subject: PID #530980

I am against the proposed rezoning of the land on Miller, Pearson and Hanover streets. The lots and proposed houses will look incongruous with the bungalows on the street. I'm assuming the houses will be two story as the lots will be narrow, so the buildings will look totally out of place. There is quite a lot of space on the lot so it makes more sense for the builder to put two bungalows on Pearson, two on the other side and one on the end. This will also be more effective for the situating of driveways on the roads. Five separate but close driveways on one side of the street seems unnecessary and possibly a little dangerous. I don't object so much about the property going from three lots to five (greed aside, we do have a housing shortage), it is the aesthetics that are of concern to me. For that reason, I am against the proposal.

Sincerely,
Sandy MacEachern for Barbara Israel

Morrison, Greg

From: Planning Department
Sent: May 27, 2019 3:44 PM
To: Morrison, Greg
Subject: FW: Re:Corner of Miller St/Pearson St./Hanover St. (PID#530980)

From: sboyle [mailto:sboyle@pei.eastlink.ca]
Sent: Monday, May 27, 2019 10:40 AM
To: Planning Department
Subject: Re:Corner of Miller St/Pearson St./Hanover St. (PID#530980)

To Whom It May Concern,

My husband and I are opposed to this rezoning and construction of 5 houses. Being residents here for 44 yrs we have loved the openness around us. There is a lot of traffic up here now for a small area and 5 new houses will probably add 10 more vehicle's to the mix.

Also those new houses will not fit in with 40 plus year old bungalows. About 5 years ago when this same proposal was brought up everyone at a meeting was oppised to it.

Maybe the city could purchase the land and leave as green space.

Sincerely,
Stan and Linda Boyle
17 Pearson St.

Sent from my Galaxy Tab® E

Morrison, Greg

From: Julie McCabe <julynnemccabe@gmail.com>
Sent: May 28, 2019 7:37 PM
To: Morrison, Greg
Subject: Fwd: Development Meeting

Sent from my iPhone

Begin forwarded message:

From: Waldron McDonald <waldron@eastlink.ca>
Date: May 25, 2019 at 7:21:25 PM ADT
To: Julie McCabe <julynnemccabe@gmail.com>
Subject: Re: Development Meeting

Julie

Follow up to our telephone conversation on May 20th

1 - Regarding the zoning on Miller ,Pearson & Hanover Streets in East Royalty, we oppose having it changed to a 5 building property, the style and appearance would be not similar to existing homes.

2-- On both sides of Pearson Street where it meets Tara Heights for better part of the year has water collecting, needs to be filled with crushed old pavement .

3 --Your support to see that Tara Heights and Norman Drive are not connected to the new Development - Montgomery Heights - is needed, extra traffic on the streets that were built in early 1970's with 90 degree turn at bottom of hill , and in general construction of the streets are not built for the traffic.

Thank You for your Support

Ann & Waldron McDonald

25 Tara Heights

Morrison, Greg

From: Planning Department
Sent: May 29, 2019 10:26 AM
To: Morrison, Greg
Subject: FW: Rezoning proposal PID #530980

Importance: High

From: Cindy Riley [<mailto:criley@confederationcentre.com>]
Sent: Wednesday, May 29, 2019 10:18 AM
To: Planning Department
Subject: Rezoning proposal PID #530980
Importance: High

I am writing today with objections to the rezoning proposal for the property located on the corner of Miller Street, Hanover Street & Pearson Street.

My family lives at 13 Pearson Street, directly across from the proposed rezoning property. My concerns to this rezoning are as follows:

- 1) A number of years ago this same rezoning proposal was presented to the home owners in this subdivision. We feel as strongly today as we did then, that such a rezoning does not fit within this small, 40 year old subdivision.
- 2) Not only would these 2 story dwellings completely block our view, adding 5 single detached dwellings on such a narrow property would cause great congestion on such a small parcel of land.
- 3) Statistics reveal that for each dwelling there would be a minimum of 2 vehicles for each household, meaning 10 additional vehicles coming and going into this small quiet subdivision. That is without also factoring in additional drivers in each unit i.e. young teenage drivers, friends, etc. I foresee major issues with sufficient parking. This 40 year old subdivision is not large and accommodating this magnitude of increased traffic would create congestion and a lot of additional noise to what is now a very peaceful place to live.
- 4) As this vacant lot currently is we enjoy seeing the many local children enjoying this green space, regularly playing baseball, Frisbee, walking their dogs, having little picnics, etc. This space would be better suited sold to the City to remain a healthy green space or local park or similar, to continue being enjoyed by many.
- 5) The homes currently in this subdivision are 40 year old bungalow's. I don't see the fit for 2 storey, single detached dwellings.
- 6) What a shame it would be for our family, after living in this location and loving it for 23 years, to now feel forced out but encroaching properties directly in front of our home and in the very near future, possible development directly behind us as well.

Thank you,

Greg Nicholson & Cindy Riley
13 Pearson Street

~ Cindy ~

Cindy Riley
Theatre Administration
Confederation Centre of the Arts
145 Richmond Street
Charlottetown, PE C1A 1J1
(902) 628-6102
Fax: (902) 566-4648
e-mail: criley@confederationcentre.com
www.confederationcentre.com of the Arts

~ you have not lived a perfect day, regardless of money, if you have not done something for someone who cannot repay you ~



CONFEDERATION CENTRE OF THE ARTS
CENTRE DES ARTS DE LA CONFÉDÉRATION

145 Richmond Street
Charlottetown P.E.I.
Canada C1A 1J1

145, rue Richmond,
Charlottetown I.-P.-É.
Canada C1A 1J1

confederationcentre.com



SUPPORT US through membership

Morrison, Greg

From: Planning Department
Sent: May 29, 2019 10:26 AM
To: Morrison, Greg
Subject: FW: Corner of Miller St/Pearson St/Hanover St (PID#530980)

From: sboyle@pei.eastlink.ca [<mailto:sboyle@pei.eastlink.ca>]
Sent: Wednesday, May 29, 2019 10:03 AM
To: Mayor of Charlottetown (Philip Brown)
Cc: Planning Department
Subject: Corner of Miller St/Pearson St/Hanover St (PID#530980)

Good morning to Mayor Brown and city council members and member of city planning dept.

As a very concerned resident of 17 Pearson St., (my house directly facing above mentioned property), and being opposed to the rezoning and proposed development of 5 new 2 storey homes I would like to extend an invitation to Mayor Brown, city council members and members of Charlottetown Planning Dept. to stand in my living room to see the present view we have of this property and then for you all to visualize 5- 2 storey homes in that space. I visualize it and it actually sickens me.

If anyone would like to take me up on this invitation I can be reached at 629-1693 or 629-5775

Thank you for your time.

Sincerely,
Linda M. Boyle

P1 of 2

PLANNING

Rec'd May 29, 2019 Int. g/m

May 29/2019

Linda M. Boyle

17 Pearson St.

Charlottetown, P.E.I.

To Whom It May Concern,

Re: Corner of Miller St/Pearson St/Hanover St. (PID#530980)

Residents OPPOSED to proposed rezoning and development of above mentioned property.

The reasons being more traffic in a small area subdivision where small children drive bicycles and scooters etc on the streets due to no sidewalks. Five new 2 storey homes will not fit in style wise and cost wise with present 40 plus year old bungalows surrounding them and the open view it will take away from those residents directly around this area in mention. When we chose to build here years ago we were told that area was designated green space.

NAME

ADDRESS

Susan Pica	8 Hanover St.
Suzanne	Charlottetown PE
Stanley D. Boyd	40155
Linda Boyle	17 PEARSON ST.
Mark Hill	17 Pearson St.
Doug Deere	4 Pearson St.
Donna McDonald	89 PEARSON ST
Cindy Riley	12 Pearson St.
Gail MacEachern	13 Pearson St.
Sandra Gregory	16 Miller St.
	13 Miller St

May 29/2019

Linda M. Boyle

17 Pearson St.

Charlottetown, P.E.I.

To Whom It May Concern,


Re: Corner of Miller St/Pearson St/Hanover St. (PID#530980)

Residents OPPOSED to proposed rezoning and development of above mentioned property.

The reasons being more traffic in a small area subdivision where small children drive bicycles and scooters etc on the streets due to no sidewalks. Five new 2 storey homes will not fit in style wise and cost wise with present 40 plus year old bungalows surrounding them and the open view it will take away from those residents directly around this area in mention. When we chose to build here years ago we were told that area was designated green space.

NAME	ADDRESS
<i>David [Signature]</i>	1 Tara Heights
Donna K Chenero	1 Tara Heights
<i>S. [Signature]</i>	9 TARA HEIGHTS
<i>K. R. [Signature]</i>	4 Hanover St.
<i>William B. [Signature]</i>	13 Tara Heights.
Carolyn Redmond.	16 Tara Heights -
Bonnie [Signature]	5 Pearson St

These were the only people I could reach this morning. Some were not home. L. Boyle

TITLE: REZONING APPLICATION FILE: PLAN-2019-4-JUNE- 6A7 25 POWNAL STREET (PID #335588) OWNER: HEATHER MOYSE		 CHARLOTTETOWN
MEETING DATE: June 4, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map	
SITE INFORMATION: Context: Mixed-use building on the corner of Pownal Street and King Street Ward No: 1 – Queen Square Existing Land Use: Vacant commercial space on ground floor and four residential dwelling units. Official Plan: Downtown Neighbourhood Zoning: Downtown Neighbourhood (DN)		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

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

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Downtown Neighbourhood to Downtown Mixed-Use Neighbourhood for the property located at 25 Pownal Street (PID #335588); and
2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Downtown Neighbourhood (DN) Zone to the Downtown Mixed-Use Neighbourhood (DMUN) Zone for the property located at 25 Pownal Street (PID #335588).

BACKGROUND:

Request

The property owner, Heather Moyse, has made an application to rezone 25 Pownal Street (PID #335588) from the Downtown Neighbourhood (DN) Zone to the Downtown Mixed-Use Neighbourhood (DMUN) Zone. The purpose of the rezoning is to avoid restricting the commercial uses permitted in the ground floor by allowing all of the uses permitted in the DMUN Zone.

Development Context

The subject property is located in the 500 Lot Area on the corner of Pownal Street and King Street.

Property History

The City of Charlottetown Zoning & Development By-law was amended as of September 11, 2013 to include a new 500 Lot Area (properties south of Euston Street).

Prior to this date, the property was located in the Business Office Commercial (C-1) Zone. When the By-law was amended in 2013, the property was rezoned to the Downtown Neighbourhood (DN) Zone.

A building permit was then issued on February 28, 2014 to locate a bakery (Yummy Naan) within the ground floor commercial space of the subject property.

LEGISLATIVE REQUIREMENTS:

Notification

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

ANALYSIS:

As per Section 5.5.3 of the Zoning & Development By-law, a non-conforming use of land or building shall not be permitted to resume if it has been discontinued for a period of six (6) consecutive months, and in such event the land or Building shall not thereafter be used except in conformity with this by-law.

The Yummy Naan Bakery has been closed for at least ten (10) months now. In light of the foregoing, only the uses identified in the DN Zone would be permitted. Below is a table analyzing the permitted commercial uses in the C-1 Zone in August 2013 as well as the DN Zone and DMUN Zone in May 2019.

Permitted Commercial Uses		
C-1 Zone (August 2013)	DN Zone (May 2019)	DMUN Zone (May 2019)
Bakery Shop*		
Book and Stationary Store*		
Commercial Daycare Centre*		
Community Institutional	Community Building	Community Building
Convenience Store*	Community Institutional	Community Institutional
	Convenience Store	Convenience Store
	Cultural Establishment	Cultural Establishment
Educational Institution		Eating & Drinking Establishment
Florist or Gift Shop*		
Funeral Establishment*		Funeral Establishment
	Government Office	Government Office
Laundromat*		
	Library	Library
Medical and Health Office		Medical, Health and Dental Office
Office		Office
Personal Service Shop*		Personal Service Shop
Photography Studio*		
	Place of Worship	Place of Worship
	Recreation or Fitness Center	Recreation or Fitness Center
		Retail Store

**Discretionary Use (i.e., Council approval)*

In order to obtain a commercial use not permitted in the DN Zone, the applicant would be required to obtain a major variance in order to allow *the extension or intensification of a specific non-conforming use upon a site occupied by such use or building on the effective date of this By-law / a less intensive use of the building or site other than the previous non-conforming use, provided that the building or structure had not at any time in the interim become a conforming use.*

The property owner is interested in locating a Personal Service Shop in this location which may be considered a less intensive use than the former bakery. That being said, the property owner would prefer to rezone the property to the DMUN Zone which would avoid the need to apply for

variances for each new tenant as additional commercial uses would be considered as-of-right in the DMUN Zone.

While staff sympathize with the applicant that when the rezoning of their property took place in 2013, some commercial uses were no longer permitted, the requested rezoning would introduce a number of uses such as an Eating & Drinking Establishment and Retail Store which were not contemplated in the former zoning.

In light of the above, and the fact that this request would be considered a spot rezoning, staff feel that commercial uses at this property would be better dealt with on a case by case basis through the variance process rather than rezoning the property to the DMUN Zone.

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"> Property was formally located in the C-1 Zone. Property formally contained a Bakery which could be considered an intensive commercial use. Aside from a restaurant, any new use would likely be less intensive. 	<ul style="list-style-type: none"> An avenue exists to change the commercial use through the variance process. 	<ul style="list-style-type: none"> This request would be considered a spot rezoning. DMUN Zone would introduce a number of intensive commercial uses. Includes an Official Plan amendment.

CONCLUSION:

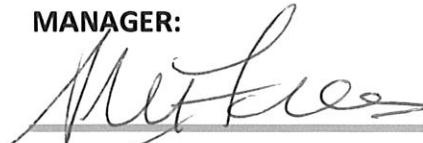
Staff is recommending that the rezoning application be rejected to proceed to public consultation.

PRESENTER:



Greg Morrison, MCIP
 Planner II

MANAGER:



Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage


Attachment A



Attachment A: GIS Map
File: PLAN-2019-4-June- 6A2
25 Pownal Street (PID #335588)
Owner: Heather Moyse


CHARLOTTETOWN
Planning & Heritage
Department



TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 1014224 & 373415) 351 North River Rod FILE: PLAN-2019-06-June-6A3 OWNERS: Sammi Zhang APPLICANT: Sable Arc Studios		
MEETING DATE: May 6, 2019		Page 1 of 13
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Concept Plan C. Elevation Drawings	
SITE INFORMATION: Context: Mature mixed density neighbourhood adjacent to a low density subdivision and vacant CDA land. Ward No: 5 – Ellen’s Creek Existing Land Use: existing single detached dwelling and vacant land. Official Plan: Low Density Residential Zoning: Low Density Residential Single (R-2S) Zone		

RECOMMENDATION FOLLOWING PUBLIC CONSULTATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to defer the application for a request to rezone the property at 351 North River Road and a 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-2S (Low Density Residential Single) Zone to R-3 (Medium Density Residential) Zone at 351 North River Road (PID #1014224 & 373415) until a site plan delineating the wetland is provided.

REQUEST

This application was before the Board last month and a recommendation was passed to advance the application to public consultation. This is a request to rezone the property located at 351 North River Road PID #'s 1014224 & 373415 from R-2S Low Density Residential Single 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 vacant land zoned Comprehensive Development Area (CDA) and a lot containing a single detached dwelling zoned Low Density Residential Single (R-2S), to the east, by North River Road, to the south by R-1S zoned land on Madison Avenue and R-2 zoned land along North River Road and to the west by Ellen’s Creek.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.10 of the Zoning & Development By-law, on May 17, 2019 notice was sent to 33 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 two (2) letters were received in opposition to the rezoning application. One letter was signed by 9 residents on Madison Avenue. The letters stated various concerns such as:

- The rezoning will impact the designated wetlands.
- The development will impact our quiet single family neighbourhood.
- It will cause a negative impact on our property value.
- The will be a dramatic increase in traffic.
- A town house development will look out of character in our neighbourhood
- I bought my house in a single family neighbourhood and I did not expect the zoning to change. Please see the attached letters.

The Public meeting was held on May 28, 2019 at the Rodd Charlottetown Hotel. At the public meeting Greg Munn the property owner’s consultant presented the details of the application including parking, the square footage of the proposed units, the public road, building elevations, building materials and site design. When Mr. Munn 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 that it is not a good fit adjacent to our single detached neighbourhood.
- There is already too much traffic on North River Road

- This development is adjacent to a wetland and the buildings appear to be sited within that area.
- The buffer that is required for a wetland is 75 feet and therefore a great deal of this property is not able to be developed.

ANALYSIS Following the Public Meeting:

This is an application to rezone approximately 2.09 acres of land located off of North River Road. The land is currently zoned R-2S (Low Density Residential Single) and is occupied by a single detached dwelling with vacant property to the west bordering Ellen’s Creek. The proposal is to demolish or move the single detached dwelling, consolidate the two lots and construct a group of townhouses on the one property. The applicant is proposing to rezone the land to R-3 (Medium Density Residential) to facilitate the construction of two townhouse dwellings and one semi detached dwelling for a total of thirteen (10) units. All units are 3 stories (see attached concept drawings).

The property has frontage on North River Road and if the two properties are consolidated the dwellings could be built on the one parcel under the R-3 zone. The site plan shows a proposed public road however, if the buildings are constructed with the setbacks shown on the site plan a private road would have to be constructed and the property would remain as one lot. The applicant has indicated that the property owner has interest in constructing a public road, subdividing and selling each townhouse as an individual lot. If the property owner chooses to proceed with this approach then the rear yard setback for the dwelling fronting on North River Road will have to be increased and it is likely that this future lot will only be able to be developed with a single detached dwelling. Therefore, the density on the property may decrease to 9 units. If a private road is constructed then the proposed setbacks conform.

This property sits between property that is zoned Comprehensive Development Area, and a single detached residential subdivision on Madison Avenue. The CDA zoned land is currently vacant however; a comprehensive development proposal was approved in the early 2000’s for multi unit dwellings. Madison Avenue subdivision was also developed in the early 2000’s. At that time the current R-2S Zoning on this parcel allowed for single detached dwellings with 25% semi-detached or duplex dwellings. In the fall of 2018 a new Zoning and Development Bylaw was adopted and the R-2S Zone was changed to allow 100% of the lots in a subdivision to be developed as semi-detached or duplex dwellings. Therefore, the allowable density for this property has already doubled with the adoption of the new Bylaw. If the property is rezoned to R-3 there would be an increase of approximately 2-3 townhouse units on site. Staff does not view this as a significant increase. However, the R-3 zone permits other multi-unit buildings such as apartment dwellings. If a rezoning is permitted than a development agreement must be required to limit the density and to restrict the developer to the project that has been proposed at the public meeting.

This property is located within a mature mixed density residential neighbourhood. There is R-3 development to the north on Waterview Heights and assisted living and community care facilities on North River Road. The subject parcel lies between a property which is slated for high density development and a low density subdivision. The current R-2S zoning provides a buffer between the proposed high density development to the north and low density development to the south.

There are institutional zoned properties consisting of an elementary school and a high school within a 15 minute walk to this property. North River Road is located along a public transit route. It is beneficial for medium and higher density developments to be located within walking distance to schools, and public transit. When located in proximity to such services residents do not have to rely on automobiles to access such uses. Town houses also provide an alternate housing choice for young families and people looking to downsize.

This proposed development is located along a watercourse and provincial regulations require a non-developable buffer zone. At the public meeting many residents voiced concerns about a wetland that is located along the south boundary of the property. The site map provided by the applicant did not include the wetland and staff are unsure where the exact boundaries of this wetland exists. Depending on the location of the wetland it may alter the placement of the dwellings as the site plan currently shows. Ideally the wetland should be delineated by the Department of Environment to determine its location and where the buffer exists.

A large percentage of this property is shown on the site plan as green area. Therefore, once the wetland is properly delineated it is possible to site the buildings around this wetland. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development. Staff does not feel that the townhouse development is out of scale for the neighbourhood. However, given the proposed zoning change it does cause concern for area residents.

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 housing 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."*

It should be considered that the City is currently experiencing an increased demand for housing of all types and price ranges. 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 if it is appropriate in mass, scale and height and will integrate well into the surrounding neighbourhood.

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, transit and parkland.

Staff feel the proposed development meets many of the technical requirements stipulated in the Zoning Bylaw and policies of the Official Plan. The subject property is located within a mixed density neighbourhood. However, staff do feel that concerns raised by area residents regarding the proximity of this proposed development to a low density subdivision does have merit as many residents bought their properties prior to the density increase in the R-2S Zone. In addition the concerns raised by residents regarding the wetland has to be resolved and the wetland boundary determined.

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 City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood. ▪ The proposal is close to schools, parkland and public transit. ▪ The property is in an area that has municipal services. ▪ At least 50% of the site has been left as green space in the proposal. 	<p>The property is located along a watercourse and an environmental buffer must be reserved.</p>	<ul style="list-style-type: none"> ▪ The site is located adjacent to a low density subdivision. ▪ The proposal has been viewed by area residents as not compatible for the neighbourhood. ▪ The wetland boundary has not been delineated and therefore the placement of dwellings on the property may be altered.

CONCLUSION:

Given the location of this proposed infill development between a property that is slated for higher density development and a low density subdivision this property acts as a buffer between both. The current zoning allows for the property to be developed with semi-detached dwellings which would allow for approximately 8-9 units. The developer is proposing 10 units. The proposed density with the subject townhouse development is not a significant increase in units from what is currently permitted. The increase in density is very minor and not significant to create an impact on density. With such a small gain in units staff questions the purpose for the rezoning. Therefore, if approved a Development Agreement must be required to ensure the developer is restricted to constructing the townhouse development. Staff also feel that the wetland and the buffer area must be delineated before a final decision can be made on unit count and the placement of the dwellings on site as the wetland location may significantly alter the site design. Staff feel that the townhouse proposal can be integrated well on the site with the use of landscape buffers. It should be considered that there is a severe housing shortage within the City. Therefore, such a development would provide housing choices within the neighbourhood. Staff feel that the proposal does have merit but at this time are recommending the application be deferred until the wetland is properly delineated and the site designed in accordance with the wetland buffer.

RECOMMENDATION:

Planning & Heritage Department encourages Planning Board to recommend to Council to defer the application for a request to rezone the property at 351 North River Road until a site plan delineating the wetland is provided.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II



MANAGER:

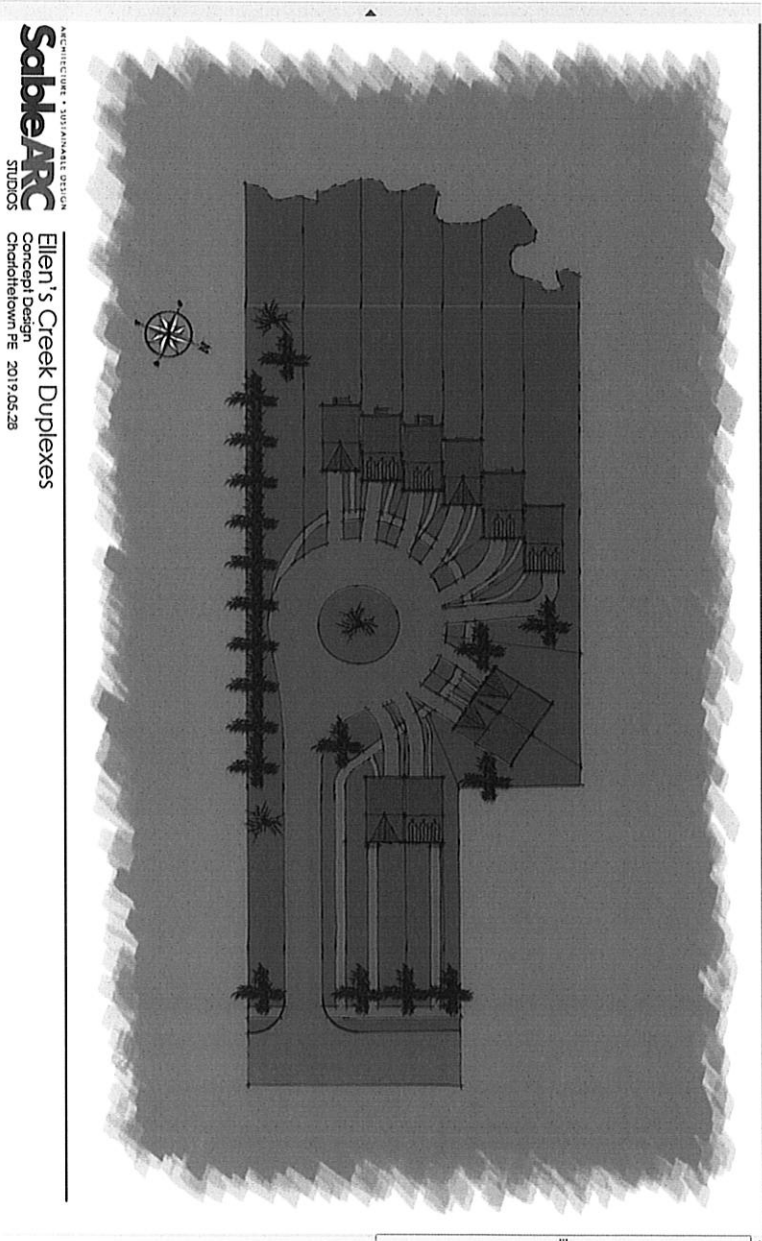
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

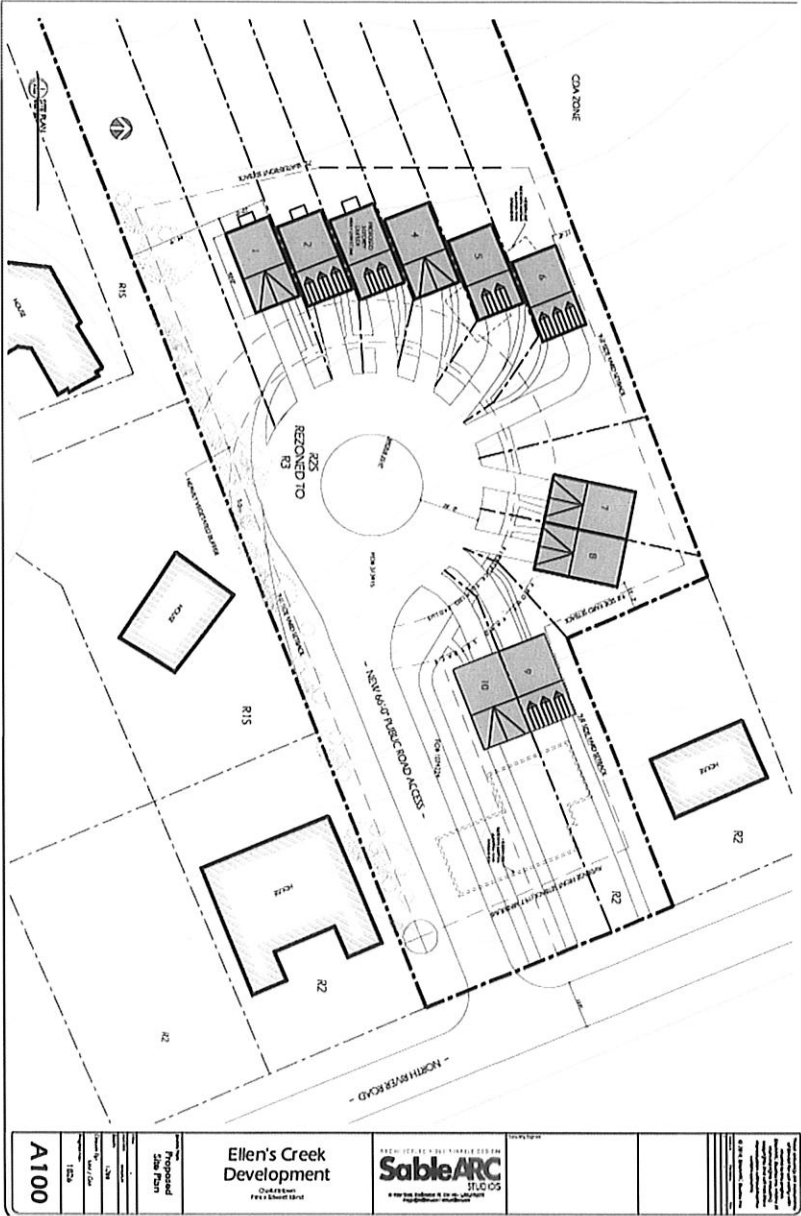


GIS Map:



Site Map:





A100	Project Name	Ellen's Creek Development	 SableARC INCORPORATED A PROFESSIONAL ARCHITECTURAL FIRM	PREPARED BY: SABLEARC DESIGN DATE: 10/15/2014 PROJECT NO: 14-001	SHEET NO: 11 OF 13 TOTAL SHEETS: 13
	Proposed Zoning	R25			

Elevations:







May 23, 2019

PLANNING

Rec'd *Reid by* Int *LD*
Dark Email
May 21/19

Planning & Heritage Department
City of Charlottetown
P.O.Box 98, 233 Queen Street
Charlottetown, PE, C1A 7K2

Fax 902 6294156
Email – planning@charlottetown.ca

Re: 351 North River Road (PID#s 1014224 & 373415; Rezoning request

We the undersigned, as the closest and most impacted by the request to rezone the above property from **Low Density Residential Single (R-2S) Zone** to **Medium Density Residential (R-3) Zone**, appeal the granting of this request.

We also appeal any granting of the proposal to build 13 new residential units in an area the city has consistently maintained as a **Low-Density** single building zone.

As you can see from the signatures at the end of this letter, virtually all the residents on Madison avenue, Charlottetown, support this appeal.

Our most compelling reasons include:

1. The rezoning will impact the designated Wet land areas.
2. There will be destruction of Greenland and disruption of animal life.
3. This will be detrimental to our quiet low density neighbourhood.
4. This will negatively impact the value of our property.
5. If the rezoning is approved and the planned development completed, the residential neighborhoods surrounding the property will witness a dramatic increase in traffic in an already heavily congested area.

We respectfully ask that the request to rezone the property should not be granted.

Respectfully,

Dr. Ayo & Florence Harris-Eze

Dr. Ayo & Florence Harris-Eze
13 Madison Avenue

Trevor & Judy Pye

Trevor & Judy Pye
21 Madison Avenue

John & Dianne Bell
2 Madison Avenue

John & Dianne Bell
Dianne Bell

Dr. John & Krista Campbell
6 Madison Avenue

Dr. Lynn Bowler & Glen Rixon
5 Madison Avenue

L. Bowler
Glen Rixon

Ali & Marjan Assadi
18 Madison Avenue

SAMI & HIND LATOUF
10 MADISON AVE

Sami & Hind Latouf

TRUNG NGO & THANH NHAN

Trung Ngo & Thanh Nhan
14 Madison Avenue

Thompson, Laurel

From: Planning Department
Sent: Tuesday, May 28, 2019 8:08 AM
To: Morrison, Greg; Thompson, Laurel
Subject: FW: 351 North River Road (PD #s 1014224 and 373415) - Response from Trung Ngo, 14 Madison

From: Ngo Trung Dung [<mailto:trungdung.ngo@gmail.com>]
Sent: Monday, May 27, 2019 5:46 PM
To: Planning Department
Subject: Re: 351 North River Road (PD #s 1014224 and 373415) - Response from Trung Ngo, 14 Madison

Hello,

We received your letter regarding to the request of rezoning from R-2S to R-3 with a plan of building a series of townhouse at the lots (PD #s 1014224 and 373415).

I AM WRITING TO CONFIRM MY OBJECTION TO THIS PLAN because

1. Re-zoning of the lots to build townhouses is only to make profits for a single person/company but does not help to improve the quality of life of people living in this area as well as the Charlottetown residence in general. In addition, you should not forget that the traffic of North River Rd is extremely heavy so you should not add more residence to this area. There are plenty of lots in West Royalty, Cornwall so there is no reason to help a guy to make his own profit by re-zoning the lots to build townhouses or apartment buildings.
2. The high density of townhouses will change the R-3 living culture, which will create unexpected security issues of this living area when the population density increases. I have already witnessed unexpected security issues of many re-zoning areas in Charlottetown. The Department of Planning must not allow a guy to gain his own profits by creating unexpected issues to the society.
3. Construction of the townhouses will remove all the green area of this area and block all the free path way down to the water of the area. The Department of Planning must not allow a guy to make his own profit by taking advantages of the community common places.
4. Last but not least, if the Department of Planning allows the contractor to re-zone these lots, you must allow me (or us of the madison ave and nearby area) to re-zone our lots so we can also build townhouses or even apartment building so we can make money too. We all know that it is easy to make money by re-zoning our lots to build townhouses and apartment building. If you are going to re-zone all the lots of the residence of Madison ave, North River Road, and close-by areas, we will discuss this issue again. Otherwise, don't wait our time for this issue - helping a guy to enrich his pocket.

Regards,
The owner of 14 Madison Ave, Charlottetown, PEI