



---

**PLANNING BOARD AGENDA  
NOTICE OF MEETING**

*Tuesday, July 02, 2019 at 4:30 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, July 2, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, June 04, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
  - a) Rezoning**
    1. 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.
    2. 221 Belvedere Ave (PID #395087) Laurel  
Request to rezone a portion of the property at 221 Belvedere Ave. from R-2 (Low Density Residential Zone) to P (Parking Zone) and amend the Official Plan Map from Low Density Residential to Commercial.
    3. Miller Street / Pearson Street / Hanover Street (PID #530980) Greg  
Request to rezone 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.
    4. 71 and 73 Upper Prince Street (PID #683748 & PID #359521) Robert  
Request to proceed to public hearing to rezone both 71 and 73 Upper Prince Street from Low Density Residential (R-2) Zone to the Medium Density (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential in order to construct six (6) additional apartment units to create a twelve (12) unit apartment building.
  - b) Variances**
    5. 29 Ole King Square (PID #344713) Robert  
Request for a major variance to reduce the required lot frontage from 20m (65.6 ft) to approximately 12.1m (40.02 ft) in order to permit the existing four (4) residential dwelling units



# CHARLOTTETOWN

---

6. 16 Maypoint Road (PID #777920) Robert  
Request for two major variances to decrease the minimum lot area requirement for a 12-unit townhouse use in the R-3 Zone from 2,640 sq.m (28,416.7 sq.ft.) to 2,387.6 sq.m (25,700.4 sq.ft.) and to decrease the rear yard setback requirement from 7.5m (24.6ft.) to 3.6m (11.8 ft.) in order to construct six (6) additional dwelling units.
  
7. 38-40 Hillsborough Street (PID #337535) Greg  
Request for a major variance to decrease the required lot frontage from 65.6 ft to approximately 45.9 ft in order to convert the existing 3-unit dwelling into a 4-unit dwelling.
  
- c) **Others**
  8. 4 Prince Street (PID #841536) Laurel  
Request for cash-in-lieu of parking spaces.

## **7.Introduction of New Business**

## **8.Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES  
TUESDAY, JUNE 04, 2019, 5:00 P.M.  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL**

**Present:** Councillor Greg Rivard, Chair  
Councillor Bob Doiron  
Councillor Julie McCabe  
Basil Hambly, RM  
Bobby Kenny, RM  
Kris Fournier, RM  
Rosemary Herbert, RM

Reg MacInnis, RM  
Alex Forbes, PHM  
Greg Morrison, PII  
Laurel Palmer Thompson, PII  
Robert Zilke, PII  
Linda Thorne, PH AA

**Regrets:** Deputy Mayor Jason Coady, Vice-Chair  
Mayor Philip Brown

Shallyn Murray, RM  
Ellen Faye Ganga, PH IA/AA

**1. Call to Order**

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

**2. Declaration of Conflicts**

Councillor Rivard asked if there are any conflicts. Reg MacInnis, RM, declared conflict of interest on agenda item number 6.a.4. 7 Lions Crescent (PID #278721). Councillor Rivard then moved to the approval of the agenda.

**3. Approval of Agenda**

Moved by Basil Hambly, RM and seconded by Councillor Doiron, that the agenda for Tuesday, June 4, 2019, be approved.

**CARRIED**

**4. Adoption of Minutes**

Moved by Reg MacInnis, RM, and seconded by Councillor Doiron that the minutes of the meeting held on Monday, May 6, 2019, be approved.

**CARRIED**

**5. Business arising from Minutes**

There was no business arising from minutes.

**6. 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.

Councillor McCabe asked if there has been any further discussion with the future roadway being connected to Tara Heights. Mr. Morrison responded that a future connection was proposed during the East Royalty Master Plan discussion but any future connection would have to be approved and there has been no application made at this time to construct the connection. Councillor McCabe asked if that development would have to go through a process. Mr. Morrison responded that it would not be a public process but would be reviewed by the various City Departments.

Franklin MacDonald, applicant, explained that the concerns raised at the public meeting were in relation to the height of the proposed dwellings and he had two examples of two storey dwellings in the existing neighbourhood.

Bobby Kenny, RM, stated that there were a number of dwellings along Miller Street that would look into the back of the five proposed dwellings in light of the fact that they are proposed to face Pearson Street.

Andrew Oakley, representative of the applicant, indicated that they would be willing to have two dwellings face Miller Street and three dwellings to face Pearson Street as a compromise.

Rosemary Herbert, RM, asked if the applicants had a chance to meet with the residents since the public meeting. Mr. MacDonald indicated that he did not go door to door speaking with residents.

Basil Hambly, RM, asked if they are still planning to be rentals. Mr. MacDonald confirmed they would be.

Councillor Rivard asked what the maximum permitted height would be. Mr. Morrison responded that it is 36.1 ft. Councillor Rivard asked the applicants if they would be maximizing this building height. Mr. Oakley indicated that the height would be approximately 27.0 ft.

Franklin MacDonald, applicant, indicated that this property would allow three single-detached dwellings, each with a secondary suite for a total of six units.

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

**Moved by Kris Fournier, RM, and seconded by Basil Hambly, 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 approved.**

**MOTION LOST  
(1-6)**

**7. 25 Pownal Street (PID #335588)**

This is a request to rezone the property at 25 Pownal Street (PID #335588) from the Downtown Neighborhood (DN) Zone to the Downtown Mixed-Use Neighbourhood (DMUN) Zone to avoid restricting the commercial uses permitted at this location in the future. Greg Morrison, Planner II, presented the application. See attached report.

Regan MacLellan, representative of the applicant, indicated that the commercial space was there when she purchased it and thought that losing this use would devalue the property. Mr. MacLellan, also indicated that it is difficult to find a tenant if they are required to go through a variance / rezoning process each time.

Councillor Rivard explained that previous Boards had concerns about the use of the building without any specific use in mind. Mr. MacLellan, stated that the prospective tenant is a hairdresser. Councillor Rivard asked if there was a minimum lease period for each tenant and Mr. MacLellan confirmed there was.

Councillor McCabe asked for clarification about the current use of the property. Mr. Morrison explained that they would be a legal non-conforming bakery and would be permitted to open another bakery if the six month period had not elapsed.

Councillor Rivard asked if we rejected this application would they have to apply for a site specific exemption. Mr. Morrison explained that the applicant would have to follow the variance process if the rezoning was rejected.

Rosemary Herbert, RM, asked if any future commercial use would require a variance. Mr. Morrison confirmed a variance would be required unless it was a permitted use in the DN Zone.

Councillor Rivard asked if we could approve the rezoning but limit the permitted uses. Alex Forbes, PHM, indicated that this would set up a situation whereby we were engaging in contract zoning which would make it difficult in the future (for planners and real estate people) to understand what would be permitted on this property.

Mr. Morrison stated that the uses that are not permitted in the DN Zone but would be permitted in the DMUN Zone include an Eating & Drinking Establishment, Funeral Establishment, Medical, Health & Dental Office, Office, Personal Service Shop, and Retail Store.

Mr. Forbes indicated that once a variance is approved they would be permitted to operate until a new tenant takes over the space. In this circumstance, there is more control and better understanding from the neighborhood perspective as to what use is permitted.

Councillor McCabe asked if there would be renovations between tenants and Mr. MacLellan confirmed there would be.

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

**Moved by Reg MacInnis, RM, and seconded by Basil Hambly, RM, that the request to:**

- a) Amend Appendix “A” – Future Land Use Map of the Official Plan from Downtown Neighbourhood to Downtown Mixed-Use Neighbourhood; and**
- b) Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Downtown Neighbourhood (DN) Zone to the Downtown Mixed-Use Neighbourhood (DMUN) Zone;**

**for the property at 25 Pownal Street (PID #335588), be recommended to Council for rejection.**

**CARRIED  
(5-2)**

**8. 351 North River Road (PID #'s 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.

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.
- There 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 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 the lot on North River Road 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 2 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 poses concerns with residents. 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 neighbourhood.

In addition this proposed development is located along a watercourse and provincial regulations require a 50 meter 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.

Given the lack of clarity on the location of the wetland staff recommends that the application be deferred until the wetland and the surrounding buffer can be delineated by the Department of Environment. Once the boundary of the wetland is determined staff will forward a final recommendation to the Board.

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 and the applicant has no intention of pursuing apartment units. The owner's idea is to build townhouses/row houses that will cater to upper/middle range clients. Mr. Munn also added information on the buffer zone and stated that the Department of Environment is coming out this week to assess the wetland. Mr. Munn also discussed 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 it would be and that, "this is a good location for a nice architecturally designed project and would be a nice example to set for the area". Councillor MacCabe 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, then the units fronting on North River Road will require adjustments or reorientation to meet the rear yard setbacks or this particular lot would have to be constructed as a single detached dwelling. 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.

Mr. MacInnis also asked if the number of units is flexible and asked if there is a possibility of taking out units. 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 is approved, the owners are bound to construct 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 and that they are willing to enter into a development agreement.

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

**Moved by Councillor McCabe and seconded by Bobby Kenny, 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 the property at 351 North River Road (PIDs #1014224 & 373415), be deferred until the wetland is properly delineated by the Department of Environment.**

**CARRIED**

**9. 7 Lions Crescent (PID #278721)**

This item is a 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. This will require a recommendation to proceed to public consultation. Please see attached staff report



Mr. MacInnis, RM, declared a conflict and left the meeting for the staff presentation and the Board's discussion and decision.

The area to be rezoned is approximately 0.45 acres and will require a lot consolidation to permit the construction of the proposed residential building. The building will be 3 stories in height and will have 32 affordable units marketed towards seniors. This infill development is located on a public transit route and would be a typical use in this mixed residential neighbourhood. The applicant will be required to go through the Design Review Process.

Forty seven (47) parking spaces are required for the new apartment building and the existing building on site. The total lot area is 83,441 sq. ft. and the Bylaw requires 1,507 sq. ft. of lot area per unit on a corner lot. Therefore, 55 units are permitted. A density increase under Section 3.13 of the Bylaw can be applied to this building because it is an affordable housing project. Therefore, the density can be increased to a total of 66 units on site. The applicant is proposing a total of 62 units between the existing and proposed building. The R-3 zone permits more than one building on site.

Staff recommends that this application be recommended to Council to proceed to the public consultation phase.

Robert Haggis, architect, was present to answer any questions. He noted that the building will be 3 stories in height and the project is being developed by the Lions Club. He also noted that the Design Review Process will be an asset to this project.

Councillor MacCabe asked if there will be 47 parking spaces on site for 66 units. Ms. Thompson responded that a density bonus would permit an increase in the number of units without parking requirements.

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

**Moved by Rosemary Herbert, RM, and seconded by Reg McInnes that the request to rezone the property at 7 Lions Crescent (PID #278721) from Single-detached Residential (R-1S) Zone to Medium Density Residential (R-3) Zone and the request to amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and to amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single-detached Residential (R-1S) Zone to Medium Density Residential (R-3) Zone, for the property at 7 Lions Crescent be recommended to Council to proceed to public consultation.**

**CARRIED**

**10. 6 Vic Campbell Boulevard (PID #275743)**

This item is a 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. Please see attached staff report.

Robert Zilke, P11, presented the application. The applicant proposes to have on-line retail sales of false eyelashes. The product will be stored on site and deliveries will be carried out by Canada Post. Two responses to the variance mail out were received both citing concern that there will be an issue with an increase in traffic. Mr. Zilke noted that there will be no direct retail sales from the premises

Councillor Rivard asked if the City has any recourse if the applicant does not follow the requirements or if there is an increase in traffic. Mr. Forbes responded that it is difficult to monitor and determine if a property is receiving too much traffic. He suggested that it is a much better practice to apply appropriate terms and conditions up front to ensure that traffic is managed from the outset.

Basil Hambly, RM, asked if the application as presented would have limit on site retail sales. Mr. Forbes commented that the business may grow but this should not be a concern if the property is limited to on-line sales only with no direct retailing from the property.

Rosemary Herbert RM commented that if clients were picking up product this would generate an increase in traffic. Mr. Zilke responded that distribution will be through mail only as this will be a condition of approval.

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

**Moved by Councillor MacCabe and seconded by Basil Hambly, RM, that the request for a Home Occupation to allow retail sale of a cosmetic product at 6 Vic Campbell Boulevard (PID # 275743) be recommended to Council for approval.**

**CARRIED**

**11. 37 Vista Street (PID #373225)**

This is a 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). Greg Morrison, Planner II, presented the application. See attached report.

John Bell, resident, explained that he is in support of the proposed rezoning for the following reasons:

- This property was formally a rental property and he had to deal with garage, noise, etc... for a number of years.
- All but one of the properties in the neighbourhood have a two car garage.
- The driveway on Vista Street will be removed which will create a better safety for vehicular traffic.
- A two car garage increases the property value and makes it easier to sell.

Councillor Rivard asked for clarification about whose view would be blocked in light of the proposed addition. Mr. Morrison explained that the two letters of opposition were from the residents at 41 Vista Street and 45 Vista Street. Councillor Rivard indicated that they would be

permitted a one car garage as-of-right. Mr. Morrison clarified that they would be permitted an 18.4 ft addition without a variance. Councillor Rivard indicated that with an 18.4 ft addition this would also block their view and the residents don't have rights to the view.

Mr. Bell explained that there is a row of trees between their properties so the only view plane would be towards the Ball diamond.

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 Councillor McCabe, that the 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) on the property at 37 Vista Street (PID #373225), be approved.**

**CARRIED  
(7-0)**

**12. 41-51 Allen Street (PID #371690 & PID #371609) and 53 Allen Street (PID #371517)**

This is a request for a lot consolidation of two properties in the Mixed-Use Corridor Commercial (MUC) Zone in order to demolish the existing single-detached dwelling at 53 Allen Street and construct an addition (approximately 40.0 ft x 60.0 ft) to Most Wanted Pawn. Greg Morrison, Planner II, presented the application. See attached report.

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

**Moved by Basil Hambly, RM, and seconded by Bobby Kenny, RM, that the request for a lot consolidation of 41-51 Allen Street (PID #371690 & PID #371609) and 53 Allen Street (PID #371517), be approved subject to a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of Lot 19-1 be recommend to Council for approval.**

**CARRIED  
(7-0)**

**13. 185 Brackley 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.

Councillor Rivard asked what light body work consists of. Mr. Morrison explained that an Automobile Body shop would allow an engine rebuild. Osama Abdoh, applicant, indicated that

due to the size of the space, they would be limited to fixing rusted edges of the vehicles and touch paint. Mr. Abdoh explained that they would cut the rust off and re-weld.

Mr. Abdoh explained that he was formally an engineering manager and would be able to do the calculations to ensure that there no disruption and pollution beyond 5 m unless there was a high wind speed which would extend it to 10 m. Mr. Abdoh also indicated that the paint is not toxic but it just inconvenient to smell.

Bobby Kenny, RM, asked if he spoke with adjacent property owners. Mr. Abdoh indicated that he has spoken with the adjacent property owner and they have a good working relationship.

Bobby Kenny, RM, asked if there was a physical paint room. Mr. Abdoh explained that there was not enough room for a dedicated paint room which is why only touch painting is performed.

Mr. Morrison asked if his business operates in the two front bays. Mr. Abdoh confirmed that this was correct.

Bobby Kenny, RM, asked if masks were required during painting. Mr. Abdoh indicated that only masks to reduce dust / rust inhalation are required.

Bobby Kenny, RM, asked what equipment is required to do the sanding. Mr. Abdoh explained that only hand sanders are required.

Bobby Kenny, RM, asked if most of the clients were personal vehicles or rental vehicles. Mr. Abdoh that he only operates on customers owned vehicles.

Rosemary Herbert, RM, expressed her concern in relation to the current R-1L Zoning and the fumes generated from this business.

Councillor Rivard asked who would be using the parking lot. Mr. Abdoh indicated that the parking is used primarily for Discount Car Rental and the proposed taxi stand would not have any vehicles on site.

Reg MacInnis, RM, asked if during his time operating this business, if he had received any complaints. Mr. Abdoh confirmed that he has not.

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

**Moved by Councillor McCabe and seconded by Bobby Kenny, RM, that the request to obtain a site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning & Development By-law 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 approved subject to the signing of a Development Agreement.**

**CARRIED**  
**(5-2)**

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

This item is proposed amendments to the Zoning and Development Bylaw for Home Occupations, Parking and Site Standards, 500 Lot Area Standards and Tourist Accommodations along with other general housekeeping amendments. After receiving feedback at the public meeting held on May 28, 2019, some changes to the Tourist Accommodations have been incorporated after receiving feedback from the public meeting. See attached staff report.

Robert Zilke, P11, presented the proposed amendments. He noted that the proposed amendments cover broad topics, and alterations have been made to Appendix A. Definition section of the Zoning & Development By-law with regards to Tourist Homes. Mr. Zilke also noted that a public meeting has been scheduled on June 19, 2019, to hear comments on short term rentals.

Councillor Rivard asked if short term rentals meet the definition as proposed. Mr. Zilke responded that Tourist Accommodations are regulated under the *Provincial Tourism Act*. The proposed amendments to the Bylaw would restrict the number of bedrooms that would be permitted in a tourist accommodation. Mr. Forbes noted that the proposed amendments will reinforce what was in the existing Bylaw. Staff are trying to ensure that the existing by-law which has always recognized tourist accommodations in the past is not ambiguous. This in turn will provide greater clarity as we move forward to determine how short term rentals should be managed in the future.

Rosemary Herbert, RM, suggested that the amendments should be deferred until after the public meeting on June 19, 2019. Mr. Forbes responded that we need to put these amendments in place now because we are dealing with short term rentals in various capacities in the Zoning By-law and these amendments are actually restricting tourist accommodations by limiting the bedroom count. There is a need to fortify existing regulations pertaining to tourist accommodation until such time that short term rentals are recognized and regulated, which will be determined by Council in the near future.

Reg McInnis, RM, asked if there will be any penalty in place if there are more than the approved number of bedrooms and who will enforce this. Mr. Forbes commented that there have been regulations in place in the existing Bylaw that have worked well and the new amendments will reinforce what presently exists and will further restricts a tourist accommodation until formal amendments relating to short term rentals comes forward in the future. Mr. McInnis asked what the source was for the definition and if the City uses the Industry Canada Codes. Mr. Zilke responded that the definition was created in the fall when the consultant reformatted the Zoning by-law, staff also conducted a jurisdictional scan of other municipal By-laws across Canada.

Rosemary Herbert, RM, asked if short term rentals could be added to the definitions. Mr. Forbes responded that this is determined by the length of time a property is rented. Zoning By-laws have typically not stipulate the length of time a property could be rented. At this time the Province is the only authority that is issuing the licenses for short term rentals and there review is

not related to zoning or with land use. He also noted that Toronto and Vancouver have regulations in place for short term rentals and staff is watching how these municipalities are effectively regulating this type of land use. He also noted that written approval from the City is required to be a recognized short term rental in the City of Charlottetown.

Councillor Rivard noted that there is a lot of confusion around short term rentals. Mr. Forbes also noted that a legal opinion will also be needed when the amendments are brought forward at a later date.

Councillor Rivard asked if there were further questions; there being none, the following resolution was put forward:

**Moved by Basil Hambly, RM, and seconded by Bobby Kenny, 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 for approval (as attached).**

**CARRIED**

**15. New Business**

There was no new business discussed.

**16. Adjournment of Public Session**

**Moved by Basil Hambly, RM, and seconded by Bobby Kenny, RM, that the meeting be adjourned. The meeting was adjourned at 6:45 p.m.**

**CARRIED**

---

**Councillor Greg Rivard, Chair**



**Public Meeting of Council  
Tuesday, June 25, 2019, 7:00 PM  
Studio 1, Confederation Centre of the Arts  
145 Richmond Street**

**Mayor Philip Brown Presiding**

**Present:**

**Mayor Philip Brown  
Deputy Mayor Jason Coady  
Councillor Alanna Jankov  
Councillor Mitchell Tweel**

**Councillor Mike Duffy  
Councillor Robert Doiron  
Councillor Terry Bernard**

**Also:**

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

**Ellen Faye Ganga, PH IO/AA**

**Regrets:**

**Councillor Greg Rivard  
Councillor Julie McCabe**

**Councillor Kevin Ramsay  
Councillor Terry MacLeod**

**1. Call to Order**

Mayor Philip Brown called the meeting to order at 7:04 pm.

**2. Declarations of Conflict of Interest**

There were no declarations of conflict.

**3. Approval of Agenda**

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting. Mayor Brown introduced the application and turned over to Laurel Palmer Thompson, Planner II, to provide more details.

**4. 7 Lions Crescent (PID #278721)**

This is a request to rezone the property at 7 Lions Crescent from Single Detached Residential Single (R-1S) 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 consolidate **four (4) lots with the existing building at 7 Lion's**

Crescent to facilitate the construction of a 3-storey, 32-unit affordable apartment building next to the existing building. Robert Haggis, architect for this application, is here to explain the proposed development.

Robert Haggis explained that the proposed development would require the consolidation of four lots in order to build an addition of 32-unit apartment building on the property and additional parking spaces. Mr. Haggis also provided details of the proposed apartment building having a mix of one and two bedroom unit and proposed materials for the exterior of the building.

Erin Kielly, resident, raised her comments and concerns regarding the proposed development and is outlined below:

- Concerns about off-street parking and asked if this will be addressed by the proposed development. Kids are on the street because they play along the park and wants to make sure all parking will be on site and be a safer place for kids to drive their bikes along Laurie Drive/Lion's Crescent
- Requested to expound the proposal on Lions Crescent of potential of being converted to a one-way street
- Consideration about possible upgrade or addition to the existing park. She recommended a concrete pad that would act as a rink or basketball court would be a good addition.

Alex Forbes, PHM, responded on the parking concern and mentioned that the existing apartment did not have enough parking spaces and this new development is an opportunity to add more parking spaces for the apartment.

Robert Haggis also commented that the additional parking spaces will help address the issue on parking.

Erin's sister who is also a resident of the area commented that since it is a senior's dwelling, is there a plan in place for accessibility and sidewalks along Laurie Drive/Lions Crescent. She added that it is not safe to walk along that street anymore. There are about two to three group homes in their area and there is almost zero accessibility. One of the Lion's Club member responded that as members of the club, we want to help the community.

Mayor Philip Brown commended Ms. Kielly's comments and recommendations and asked who owns the park. A Lion's club representative confirmed that the park is owned by the City and therefore Mr. Brown requested Ms. Kielly to summarize all concerns or recommendations on park upgrades and accessibility and forward it to her Councillor (Councillor Terry MacLeod).

Ms. Kielly also asked if the tree line along the property will be maintained and additional landscaping will be in place and Mr. Haggis confirmed that they are going to try and keep



the trees along the property. Ms. Kielly also asked about the storm water management plan and Mr. Haggis responded that this will be dealt with at the development permit stage.

Mayor Brown asked about the timeline to begin with the development and a member of the Lions' Club responded that as soon as they get the zoning changed and financing approved, including working with the government for affordable housing incentives, then they would start with the development. They also added that they are going to work with the neighbours to ensure that all the concerns are addressed.

Ms. Kielly, mentioned that there are a lot of residents that walk that loop everyday and we just want to make **sure it's safe and that** the Lion's Club is a good neighbor. Also, it is not the residents driving along we are concerned about because the seniors are very cautious, it is more the people driving through.


Earl Foster, resident, commented that the development will not affect him or his property too much but echoes the same concerns about traffic Mr. Foster is afraid that **if we're not** cautious with traffic, a child may get injured. Mr. Foster also added that there are no sidewalks along the area and asked where the City is going to get the property to make sure there is plenty of room for sidewalks. Children walk across properties to reach the park. Mr. Foster also added that if residents have company, where are they going to park their cars. Mr. Haggis noted that there will be 36 parking spaces for the new development.

Councillor Mitchell Tweel asked Mr. Haggis if this development has been consulted with the Police Department regarding the traffic concerns. Mr. Haggis responded that they have not discussed this with the Police Department yet. Mr. Forbes added that staff can work with the Police Department and Public Works to look at these concerns. Mr. Forbes added that the sidewalks are more of the City's issues rather than the applicant's issues. Mr. Tweel also clarified if this should be consulted with the Police Department first and Mr. Forbes responded that a traffic study is normally performed for a significant development or busier streets but will ask the opinion of the Police Department to see how this development would impact the neighbourhood.

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

## **5. Adjournment of Public Session**

Moved by Councillor Mike Duffy and seconded by Councillor Terry Bernard that the meeting be adjourned. Meeting adjourned at 7:27 p.m.

|  |   |   |
|--|---|---|
| <b>TITLE:</b><br><b>FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 278721) 7 Lions Crescent</b><br><b>FILE: PLAN-2019-07-July-6A1</b><br><b>OWNERS: Parkdale Sherwood Lions Corporation</b><br><b>APPLICANT: Sable Arc Studios</b>  |   |  |
| <b>MEETING DATE:</b><br>July 2, 2019   |   | <b>Page 1 of 10</b>   |
| <b>DEPARTMENT:</b><br>Planning & Heritage  | <b>ATTACHMENTS:</b><br>A. GIS Map<br>B. Concept Plan<br>C. Elevation Drawings |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Mature mixed density neighbourhood adjacent to a low density, medium density and MUC zoned land.<br><b>Ward No:</b> 2 Belvedere<br><b>Existing Land Use:</b> vacant R-1S lot.<br><b>Official Plan:</b> Low Density Residential<br><b>Zoning:</b> Low Density Residential |   |   |

**RECOMMENDATION AFTER PUBLIC CONSULTATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council to Approve the request to amend Appendix "A" the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and a request to amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-1S (Low Density Residential Single) Zone to R-3 (Medium Density Residential) Zone at 7 Lions Crescent (PID #278721 ).

**REQUEST**

This is a request to rezone the property located at 7 Lions Crescent PID # 278721 from R-1S Low Density Residential to R-3 Medium Density Residential and to amend Appendix "A" the Official Plan Map from Low Density Residential to Medium Density Residential.

### ***Development Context***

The property is bounded to the north by Lions Crescent, to the east, by Laurie Drive with single detached dwellings on the opposite side of the street, to the south by R-1S zoned land and R-3 zoned land and to the west by R-3 zoned land on Lions Crescent.

### **LEGISLATIVE REQUIREMENTS:**

#### ***Notification***

In accordance with Section 3.10 of the Zoning & Development By-law, on June 13, 2019 notice was sent to 34 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 stated the deadline to submit written comments on the application.

#### ***Public Feedback***

In response to the City's notification letter there were no letters received.

The Public meeting was held on June 26, 2019 at the Rodd Charlottetown Hotel. At the public meeting Robert Haggis the property owner's consultant presented the details of the application including parking, building design, building elevations, building materials and site design. When Mr. Haggis finished his presentation residents were invited to ask questions and make comments.

Approximately three residents spoke at the public meeting. They stated they had some concerns regarding traffic but indicated they weren't opposed to the development. Some of the comments received at the public meeting included:

- Questions about turning Lion's Crescent into a one way street?
- Some of the residents have concerns about off street parking?
- One resident indicated kids are crossing and on the street because of the park and she wants to make sure all parking will be on site and Lions Crescent will be a safe place for children to drive their bikes.
- Question if there is any consideration for park upgrades? The park needs to be upgraded a concrete pad that would act as a rink or basketball court would work well in the area.
- Since it's a senior building will sidewalks be put in? It's not a safe street to walk on anymore. There is 2-3 group homes in the area and there is almost zero accessibility in the area.
- Question to Council about making the park accessible.
- Will the tree line remain along the property?
- Where is the city going to get the property to make sure there is plenty of room for sidewalks?
- Would like to ensure there is enough parking on site to accommodate visitors.

**ANALYSIS FOLLOWING THE PUBLIC MEETING:**

This is an application to rezone 1 lot approximately .45 of an acre located on the corner of Laurie Drive and Lions Crescent. The land is currently zoned R-1S (Single Detached Residential) and is vacant. The proposal is to consolidate 4 lots and construct an additional apartment building on the three vacant lots. There is currently a 30 unit apartment building on one property the applicant is proposing to construct a 3 storey thirty two (32) unit affordable housing project on the remaining three lots. All properties will be consolidated and a new parking lot will be constructed between both buildings to provide parking for both. Forty seven (47) parking spaces are required for both buildings. The total lot area is 83,441 sq. ft. and the Bylaw requires 1,507 sq. ft. of lot area per unit on a corner lot. Therefore, 55 units are permitted. A density increase under Section 3.13 of the Bylaw can be applied to this building because it is an affordable housing project. Therefore, the density can be increased to a total of 66 units on site. The applicant is proposing a total of 62 units between the existing and proposed building. The R-3 zone permits more than one building on site. At the public meeting residents voiced concerns about parking on street from the existing building. The existing parking lot current only accommodates parking for 6 cars. Therefore, the new parking lot will alleviate the issue with on street parking.

This property borders land that is zoned for low density residential and land that is zoned for medium density residential. The single detached dwellings that are adjacent to the subject property along Lorie Drive back on to existing multi-unit dwellings. Open space consisting of a playground and park is located on the north side of Lions Crescent. Lions Crescent is also a bus route for public transit located within a mature mixed density residential neighbourhood. Zoning within this neighbourhood ranges from single detached residential to commercial development on St. Peter's Road. This lot is a corner lot and does provide a transition zone between the multi-unit development on Lions Crescent and the low density development on Lori Drive. However, if this property were rezoned to R-3 Medium Density Residential it would not be out of character with the neighbourhood as it is adjacent to a contiguous R-3 zone. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development.

Residents at the public meeting did not have a concern with the change in landuse on this property. They did not feel the use was out of character for the neighbourhood. However, they did want to ensure that safety measures such as sidewalks are put in place so that children can safely access the park and ride their bikes along the street. Councillor Tweel asked if the proposal had been reviewed by the Police Department? Staff have since forwarded the proposal to the police department and feedback will be available before the Council meeting.

The property is located on a public transit route and therefore, residents do not have to rely on automobiles if public transit is available. This is an affordable housing project and the bylaw requires that in order to receive a density bonus the residence has to be located within 500 m of a public transit stop. There currently is a demand for affordable multi-unit residences within Charlottetown's mature neighbourhoods.

Infill development within established low density residential neighbourhoods is supported within the policies of the Official Plan.

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.*

### **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. 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. The proposed apartment building is 3 storeys in height and is similar in height and scale to the existing apartment building on the street. If the rezoning is granted because it is an affordable housing project the building design will be required to go through a design review process.

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 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.

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"> <li>▪ The City is experiencing a demand for housing and this proposal would provide additional affordable options for housing within a mature neighbourhood.</li> <li>▪ The proposal is close to parkland and public transit.</li> <li>▪ The property is in an area that has municipal services.</li> <li>▪ The project is an affordable housing project.</li> </ul> | <p>Residents have concerns about on street parking and lack of sidewalks in the area. Sidewalks need to be assessed by Public Works.</p> | <ul style="list-style-type: none"> <li>▪ The site is located adjacent to some low density development.</li> </ul> |

**CONCLUSION:**

Given the location of this proposed infill development adjacent to medium density development and that it is in a mixed density residential neighbourhood staff feel that the apartment building proposal can be integrated well on the site with the use of landscape buffers between it and the existing single detached residential dwellings. Therefore, staff feel that it is an appropriate use for the mixed residential neighbourhood. It should be considered that there is a severe housing shortage within the City. Therefore, such an affordable development would provide housing choices within the neighbourhood. Staff feel that the proposal does have merit and are recommending for approval of the application.

**RECOMMENDATION:**

Planning & Heritage Department encourages Planning Board to recommend to Council to approve the rezoning request for 7 Lion’s Crescent.



**PRESENTER:**

Laurel Palmer Thompson, MCIP  
Planner II



**MANAGER:**

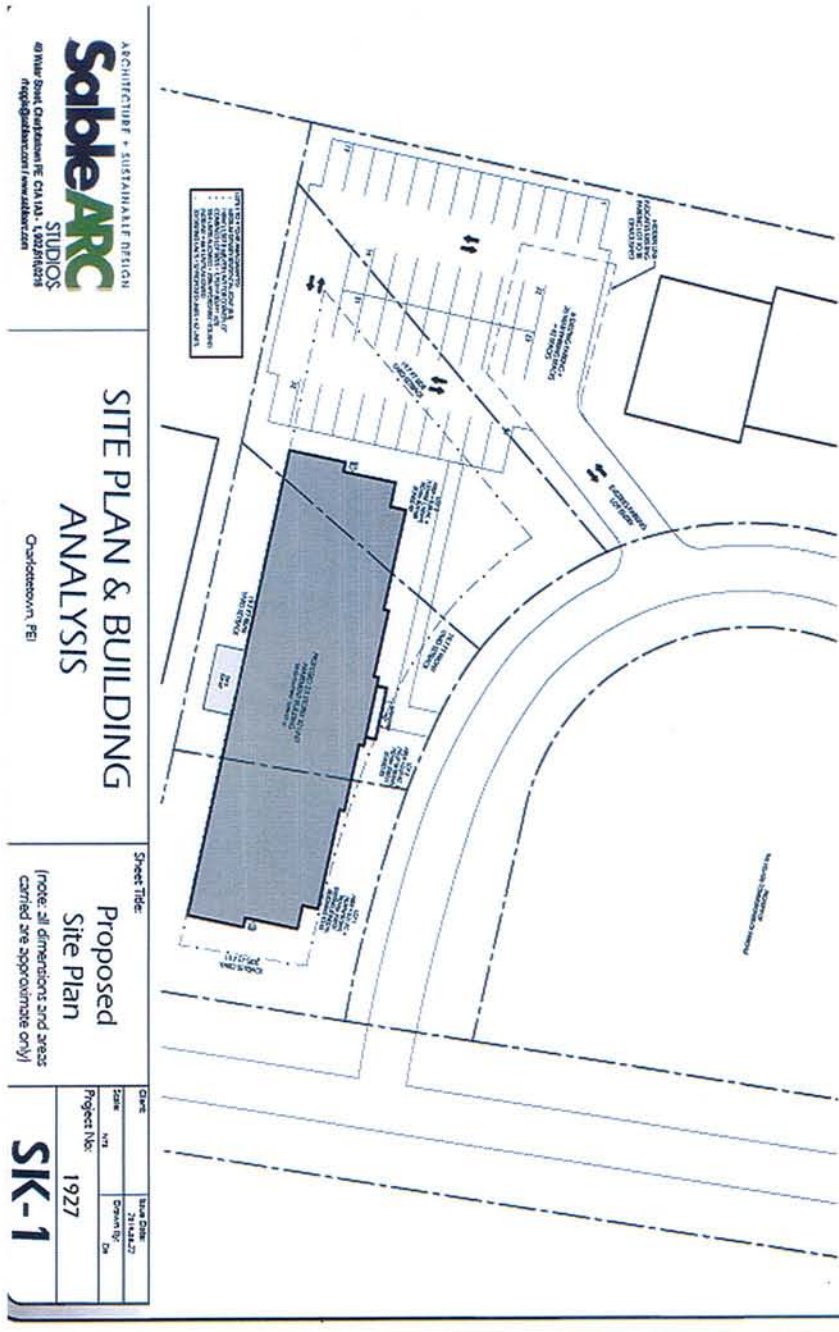
Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



GIS Map:

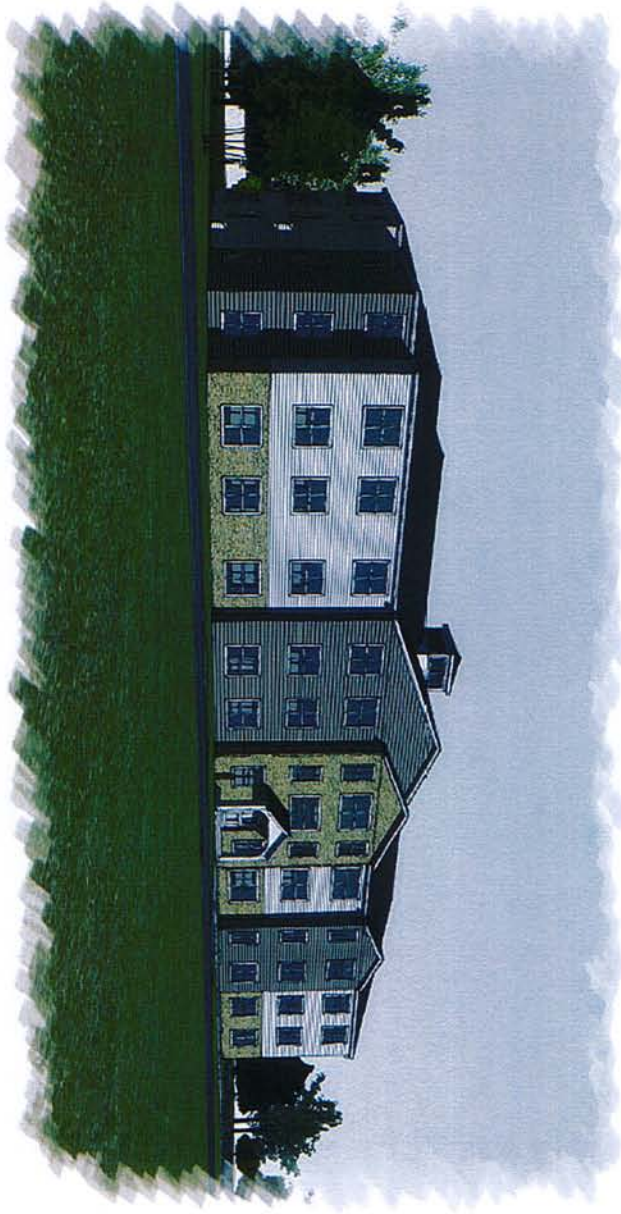



Site Map:



Elevations:

ARCHITECTURE • INTERIORS DESIGN  
**SableARC**  
STUDIOS  
Lions club 32 unit  
Side perspective  
2019.05.22



|   |                                   |   |
|---|-----------------------------------|---|
| <b>TITLE:</b><br><b>FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 395087) 221 Belvedere Ave.</b><br><b>FILE: PLAN-2019-06-June-6A-2</b><br><b>OWNERS: GGR Holdings Ltd.</b><br><b>APPLICANT: Robert MacLellan</b>   |                                   |  |
| <b>MEETING DATE:</b><br>July 2, 2019  |                                   | <b>Page 1 of 5</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage   | <b>ATTACHMENTS:</b><br>A. GIS Map |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Mature mixed density neighbourhood adjacent to a low density, medium density and MUC zoned land.<br><b>Ward No:</b> 2 Belvedere<br><b>Existing Land Use:</b> vacant R-2 lot.<br><b>Official Plan:</b> Low Density Residential<br><b>Zoning:</b> Low Density Residential |                                   |   |

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council to proceed to public consultation for the request to amend Appendix “A” the Official Land Use Map of the City of Charlottetown from Low Density Residential to Commercial and a request to amend Appendix “G” – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2 (Low Density Residential) Zone to P (Parking) Zone at 221 Belvedere Ave (PID #395087).

**REQUEST**

This application is for the property located at **221 Belvedere Avenue (PID #395087)** which is currently zoned **R2- Low Density Residential**. The applicant has proposed to subdivide the property and to rezone the rear portion to **P-Parking**. This portion of the property would then be consolidated with the adjacent MUC-Mixed Use Commercial property (Sherwood Drug Mart) to provide approximately 16 additional parking spaces. The front portion of the parcel in question, which currently contains a single detached dwelling, will remain as R2 – Low Density Residential. This application also requires an Official Plan amendment from Low Density Residential to Commercial.

***Development Context***

The property is bounded to the north by Medium Density Residential (R-3) on Valhalla Court, Parking (P) to the east, by Low Density Residential (R-2) to the east and by Low Density Residential (R-2) and Business Office Commercial (C-1) zoned land to the west.

**ANALYSIS:**

This rezoning may be seen as equivalent to an extension of the MUC – Mixed Use Corridor on Brackley Point Road, which is part of the suburban commercial center, the Sherwood Shopping Center. However, consideration is required as to whether or not we want to allow a shift of the MUC/Parking zone further into the adjacent residential area on Belvedere Avenue. In the past the Parking zone has been used as a *transition zone* between commercial properties and residential properties, and often demarks the limits of such Commercial areas. It should be considered that in 2011 the applicant applied for the same application to extend the parking zone across the back of 223 Belvedere Avenue. The current application is an extension of that parking lot farther into the residential area.

Key sections from the Official Plan to be considered include:

*Section 3.2.3*

*Our policy shall be to allow small-scale commercial and institutional development which serves the local needs of the neighbourhood, subject to the City’s development regulations.*

*Section 4.3.2*

*Our policy shall be to encourage in suburban centres the development of small to medium-scale structures, and in the Sherwood Shopping Centre, to encourage the development of a village atmosphere through the application of comprehensive urban design principles for buildings and street improvements.*

*Our policy shall be to require that appropriate landscaping be introduced as part of any expansion or improvements in both suburban centers so as to improve the visual appeal and general attractiveness of these areas.*

Although we generally think of “development” in terms of building construction, the extension of a parking lot is another form of development which is directly related to business growth, and in this case the growth of a community service oriented business, a medical center/pharmacy. This property (approx. 2 acres), contains the medical center, a pharmacy, and a restaurant, all of which have high parking demands. Although the property owner has met the City’s parking requirements with the expansions of these businesses over the past 10 years, there has been

more demand for parking for these businesses. There is also a small expansion slated for the restaurant which shares the site.

Typically with “parking” applications we are challenged by the impacts of holes being left in the streetscape, however in this case the proposed parking area will be in the rear of existing properties and the streetscapes shall remain unchanged. If permitted there would be a requirement of landscaped buffers and/or fences between the new parking area and adjacent residential properties. The adjacent parking area is already serviced with storm water catchbasins which will be extended and utilized to prevent drainage onto adjacent properties.

However, we must also consider that although this area does already have a mix of commercial uses it is a further extension of a commercial use into a residential area. Currently the R-2 Low Density Residential Zone is adjacent to a Medium Density Residential (R-3) Zone. Both of these zones are transitional and this would be viewed in planning as “stepped zoning”. The extension of the Parking Zone along these residential properties would require landscaped buffers.

The Official Plan also promotes having a balance between all modes of transportation. ... *A growing awareness of the environment and the benefits of a healthy lifestyle has led to an increased demand for improved transit service and more facilities for pedestrians and bicyclists.* It would be with disregard of the Official Plan, and further the City’s Sustainability Plan, to increase the size of parking lots in response to such demand, without also looking at increased need for transit, cycling and pedestrian services to this area of the City.

Belvedere and Brackley Point Rd have been marked with bike lanes which allows cyclists to safely travel in this area of the City. There is a bus stop across the street at the Sherwood Shopping Center that many patients are known to use. Perhaps additional transit stops could be increased to the area to promote transit use instead of reliance on automobiles.

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"> <li>▪ The additional parking will add parking capacity to the site and will prevent motorists from parking along streets.</li> <li>▪ The proposal is already adjacent to an existing parking and MUC Zone.</li> </ul> |         | <ul style="list-style-type: none"> <li>▪ The site is located adjacent to residential development</li> <li>▪ Rezoning to parking can be viewed as commercial creep into a residential area.</li> </ul> |

**CONCLUSION:**

Given the location of this proposed extension of an existing parking zone and that it will not impact the streetscape. If approved appropriate landscape buffers would have to be integrated on the site between the parking lot and the existing residential development. The property is also adjacent to medium density development in a mixed use neighbourhood staff feel that it is worth gauging the neighbourhood's opinion on this request and are therefore recommending advancing the proposal to public consultation..

**RECOMMENDATION:**

The public meeting is an important first step in the rezoning process for the purpose of receiving the views and opinions of the public and applicant prior to Council approving or rejecting the rezoning and development application. **As such, Staff recommends proceeding to the public consultation stage for the rezoning application.**

**PRESENTER:**

---

Laurel Palmer Thompson, MCIP  
Planner II

*Laurel Palmer Thompson*

---

**MANAGER:**

---


Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

*Alex Forbes*

---





|   |  |   |
|---|--|---|
| <b>TITLE:</b><br><b>REZONING APPLICATION</b><br><b>FILE: PLAN-2019-2-JULY- GA-3</b><br><b>MILLER ST / PEARSON ST / HANOVER ST (PID #530980)</b><br><b>OWNER: MAC &amp; MAC ENTERPRISES INC.</b>   |  | <br><b>CHARLOTTETOWN</b> |
| <b>MEETING DATE:</b><br>July 2, 2019  |  | <b>Page 1 of 2</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage   | <b>ATTACHMENTS:</b><br>A. GIS Map<br>B. Site Plan (rezoning request) |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Vacant property on the corner of Miller Street, Pearson Street, and Hanover Street<br><b>Ward No:</b> 9 – Stonepark<br><b>Existing Land Use:</b> Vacant<br><b>Official Plan:</b> Low Density Residential<br><b>Zoning:</b> Single-Detached Residential (R-1L) |  |   |
| <b>PREVIOUS APPLICATIONS:</b><br>Application to rezone the property from R-1L to R-1N was submitted on June 13, 2014.   |  |   |

**BACKGROUND:**

***Request***

The property owners, Mac & Mac Enterprises Inc., had 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 was to subdivide the vacant property and construct five (5) single-detached dwellings.

***Property History***

On June 4, 2019, this application was reviewed by the Planning Board at which time it was recommended to Council to reject the rezoning request. Council then met on June 10, 2019 at which time they elected to defer the application.

**ANALYSIS:**

Since that time, the applicants have decided to abandon their rezoning application. Instead, the applicants intend on subdividing the subject property into three parcels for the construction of single-detached dwellings in accordance with the Single-Detached Residential (R-1L) Zone requirements.

In light of the foregoing, the applicants have not provided any amendments or new information pertaining to their previous rezoning application from the R-1L Zone to the R-1N Zone. Due to the fact that Council previously deferred their application, the disposition of the application must now be determined by either rejecting the rezoning application or allowing the applicants to withdraw their rezoning application.

Staff would note that if this request was rejected, the applicants would not be permitted to apply to rezone the property to the R-1N Zone for one (1) year but they would still be able to proceed with the subdivision and development within the R-1L Zone.

**CONCLUSION:**

Council must determine the disposition of the application by either rejecting the rezoning application or allowing the applicants to withdraw their rezoning application.

**PRESENTER:**



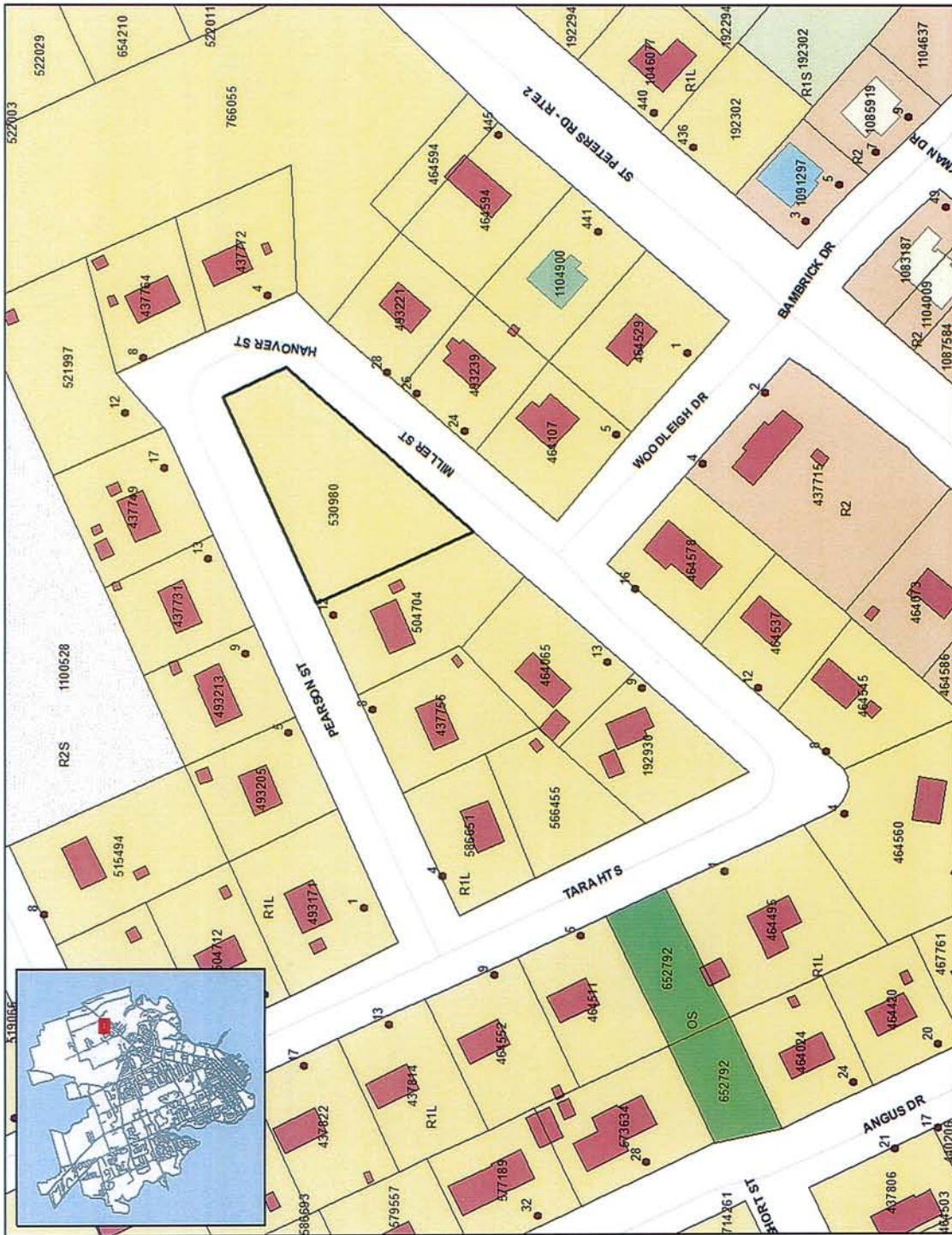
Greg Morrison, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

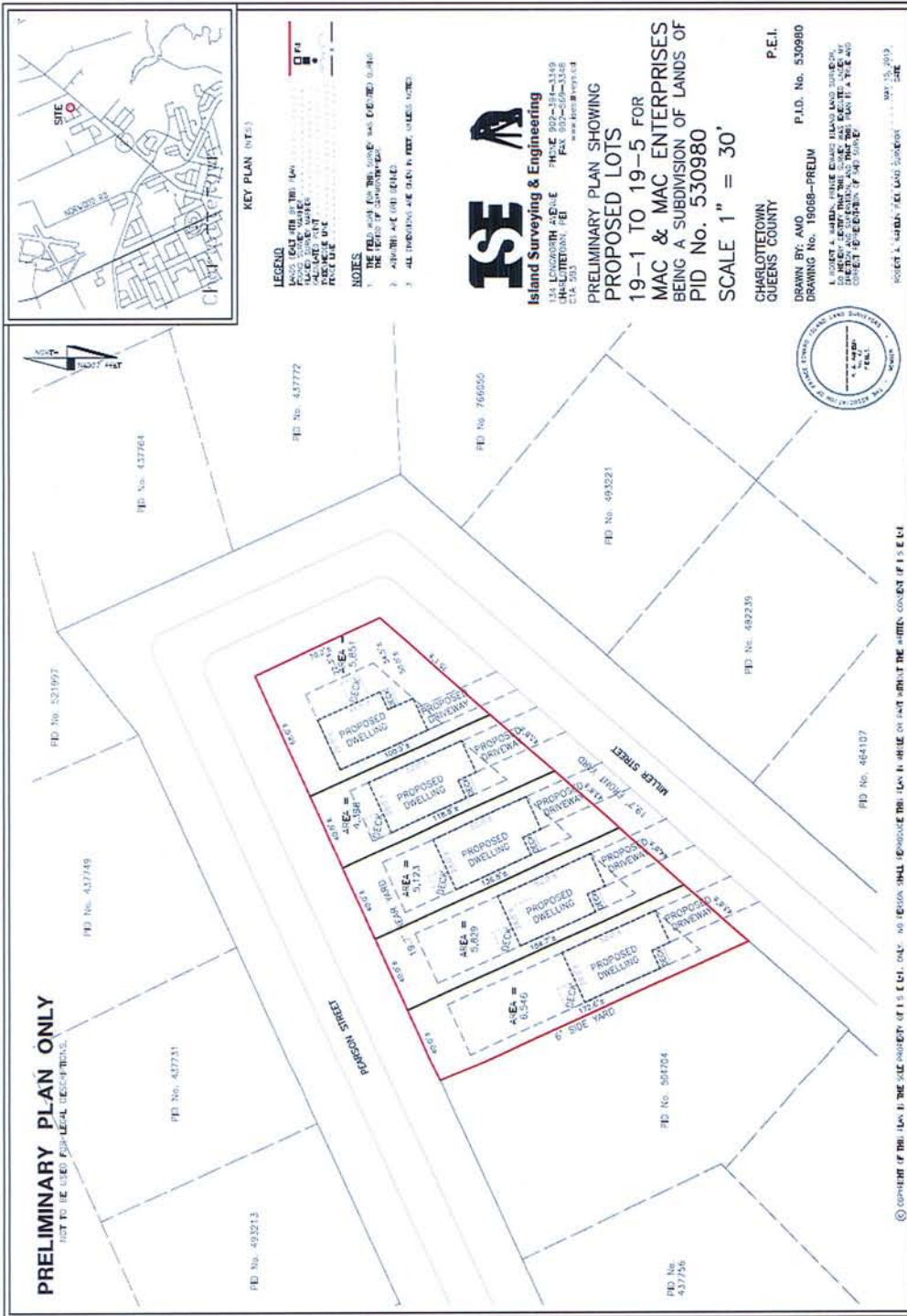
# Attachment A



Attachment A: GIS Map  
File: PLAN-2019-2-JULY-  
Miller St / Pearson St / Hanover St  
(PID #530980)  
Owner: Mac & Mac Enterprises Inc.




# Attachment B



Attachment B: Site Plan  
File: PLAN-2019-2-JULY-  
Miller St / Pearson St / Hanover St  
(PID #530980)  
Owner: Mac & Mac Enterprises Inc.



|   |   |   |
|---|---|---|
| <b>TITLE:</b><br><b>REZONING APPLICATION</b><br><b>FILE: PLAN-2019-2-JULY- GA-4</b><br><b>71 AND 73 UPPER PRINCE STREET (PID 359521/683748)</b><br><b>OWNER: BRIAN &amp; SHAWN SHEA</b>   |   | <br><b>CHARLOTTETOWN</b> |
| <b>MEETING DATE:</b><br>July 2, 2019  |   | <b>Page 1 of 4</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage   | <b>ATTACHMENTS:</b><br>A. Application and Building Plans<br>B. Property Map |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Two separate properties with five dwelling units<br><b>Ward No:</b> 4<br><b>Existing Land Use:</b> A five (5) unit apartment building<br><b>Official Plan:</b> Low Density Residential<br><b>Zoning:</b> Low Density Residential (R-2) Zone |   |   |
| <b>PREVIOUS APPLICATIONS: 89-147, 98-403</b>  |   |   |

**RECOMMENDATION:**

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

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential for the properties located at 71 and 73 Upper Prince Drive (PID #359521 & #683748); and
2. Amend Appendix "G" – Zoning Map of the Zoning & Development By-law from the Low Density Residential (R-2) Zone to the Medium Density (R-3) Zone for the properties located at 71 and 73 Upper Prince Drive (PID #359521 & #683748).

The applicant is also requesting a lot consolidation of both properties to construct the proposed addition. The requested lot consolidation does not require public consultation but notification of this consolidation will be included in the public meeting notification. The proposed lot consolidation will also be included in the recommendation to Council following the public meeting.

**BACKGROUND:**

***Request***

The property owner, Shawn Shae, is applying to rezone the properties located at 71 and 73 Upper Prince Drive (PID #359521 & #683748) from the Low Density Residential (R-2) Zone to the Medium

Density (R-3) Zone. The purpose of the rezoning is to allow for an additional six (6) apartment units to the existing five (5) apartment units for a total of eleven (11) apartment units.

***Development Context***

The subject property is an interior lot that is adjacent to institutional and multi-dwelling developments in the vicinity. To the north is an Institutional (I) Zone property (i.e. Chances Daycare), to the south is a property zoned High Density Residential (R-4) and across the street is a three (3) dwelling unit and Prince Street Elementary School. The remainder of the surrounding properties in the area are zoned Low Density Residential (R-2) Zone and being used for residential purposes.

***Property History***

According to the Charlottetown City Directory for 1937, Mrs. Julia Farquharson lived at 73 Upper Prince Street. The Farquharsons chose the fashionable Second Empire style for 71-73 Upper Prince Street. The style is readily identified by its Mansard roof that is almost flat on the top section and has deeply sloping, often curved, lower sections that generally contain dormers. In 1989 an interior renovation permit was issued to renovate a seven (7) bedroom apartment to three (3) one bedroom apartments. The last building permit was issued in 1998 for renovations to the existing building's roof system.

**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. The public notification will also include the request for lot consolidation.

**ANALYSIS:**

The subject properties 71 and 73 Upper Prince Street once consolidated would meet the requirements of the Medium Density (R-3) Zone in terms of lot frontage and area. In fact the total lot area of the combined properties would permit a total of up to 15 apartment units. The owner is ensuring that the proposed addition would maintain the form and design of the existing building onsite. Should the rezoning be approved, the applicant is also applying for a lot consolidation. The consolidation of 71 and 73 Upper Prince Street would contain the entirety of the proposed

development. There are two existing accesses for both properties that would be maintained off of Upper Prince Street for residents.

On balance, when considering both the rezoning and Official Plan amendments in question, key points from the Official Plan to be considered include:

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

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

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

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

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"> <li>▪ Moderately higher density using existing underground services.</li> <li>▪ Additional density without adversely affecting existing character of the area.</li> <li>▪ The additional dwelling units would be constructed to</li> </ul> | <ul style="list-style-type: none"> <li>• May increase interest in medium density development in the neighbourhood.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Submitted plans will have to be revised to convert a proposed regular parking space into an accessible space. Refuse container storage will have to be identified.</li> </ul> |



applicable Building and Fire Codes.

- Provides three (3) additional parking spaces above what is required.

The four sections of the Official Plan above provide policy to support higher density in existing neighbourhoods with existing underground services.

**CONCLUSION:**

The Planning & Heritage Department recommends that the rezoning and Official Plan amendment applications be approved to proceed to public consultation to obtain feedback from the adjacent property owners.

**PRESENTER:**

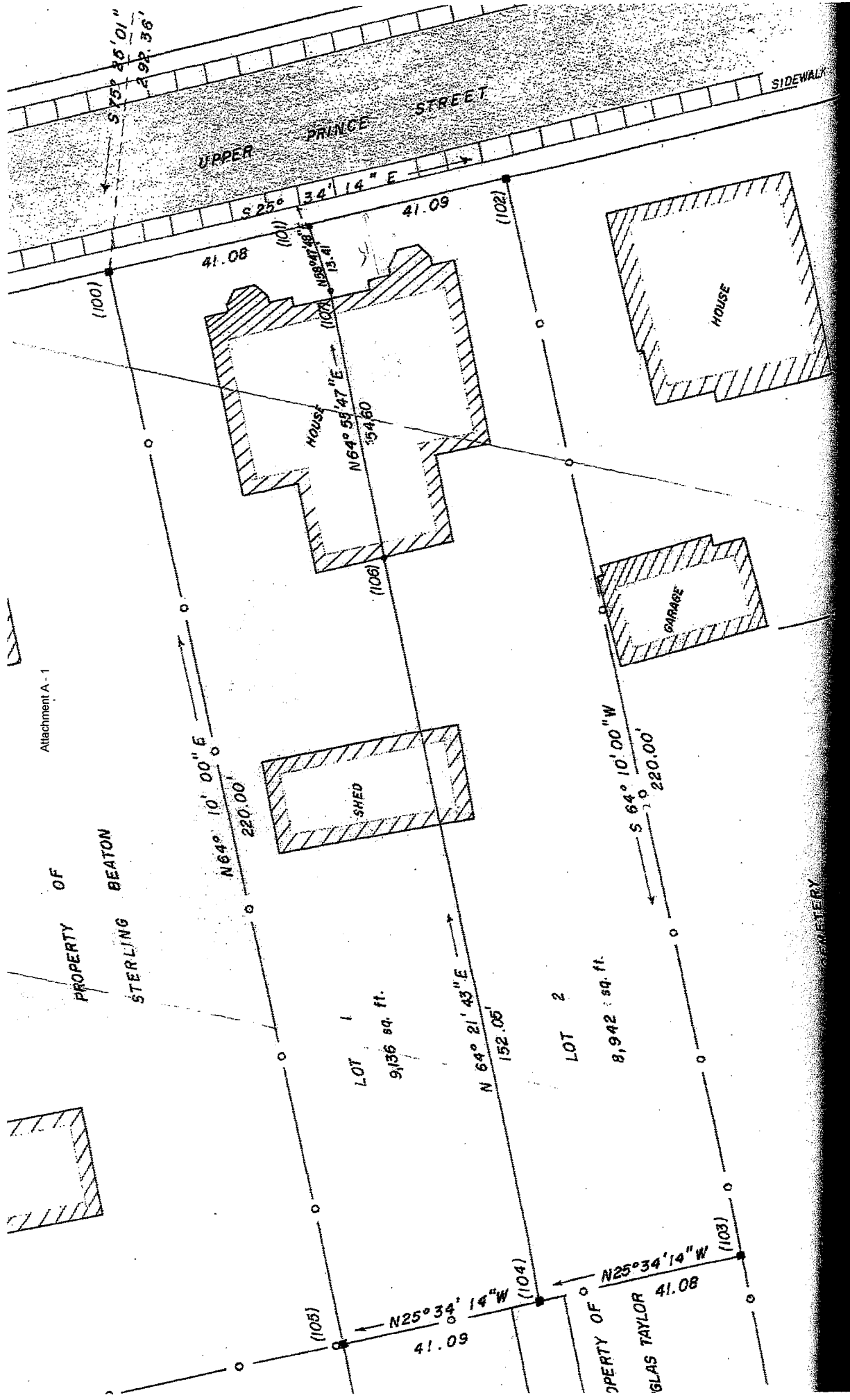


Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

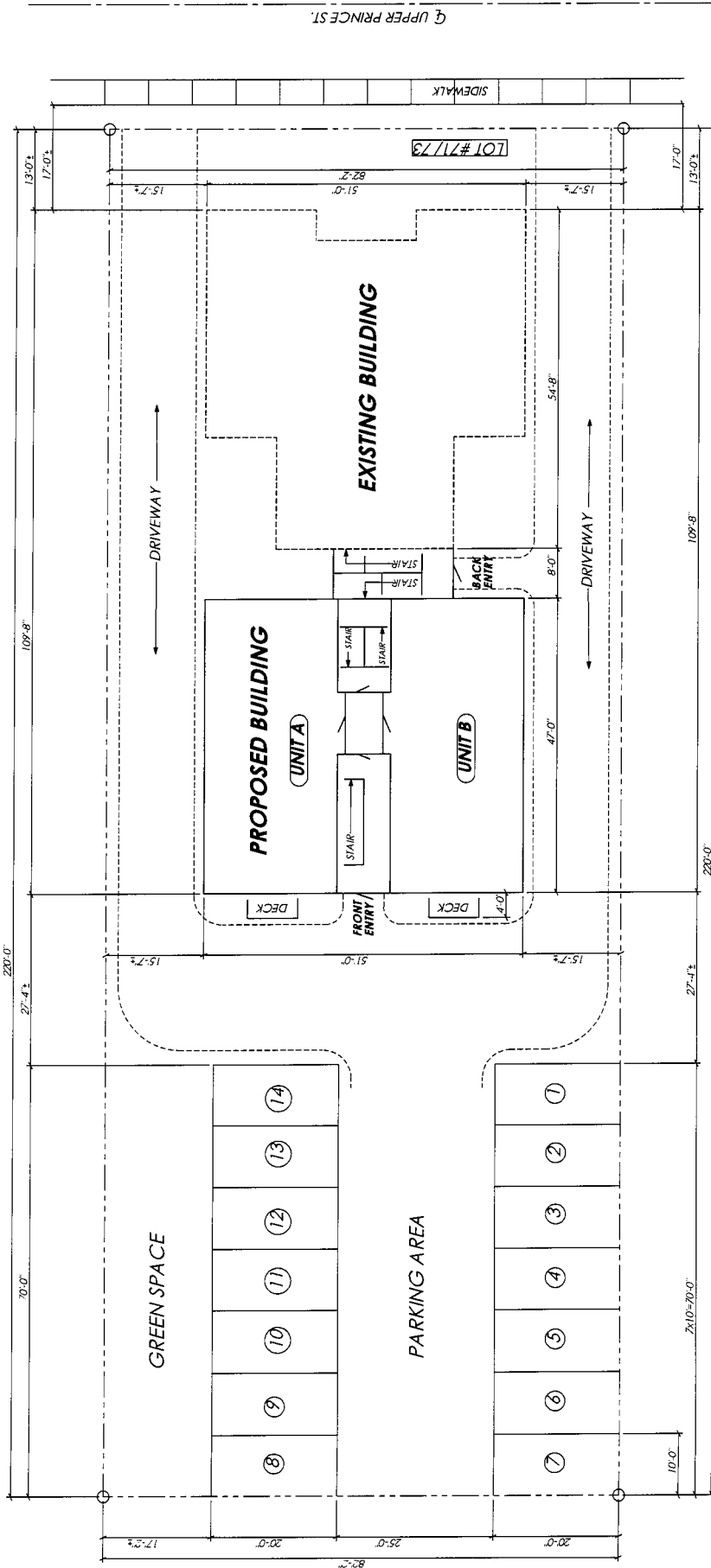


Attachment A-1

PROPERTY OF STERLING BEATON

PROPERTY OF GLAS TAYLOR

PROPERTY



SITE PLAN

PROJECT: SHAWN SHEA- 6 UNIT  
 71773 UPPER PRINCE ST.  
 TITLE: SITE PLAN  
 SCALE: N.T.S  
 DATE: MAY 17/ 2019  
 DRAWN BY: 3D HOME DESIGN  
 REVISIONS:

PLAN NO. 1208 AP

WIDTH: 51'-0"  
DEPTH: 55'-0"

MAIN FLOOR AREA: 2550 ft<sup>2</sup> ( 236.9 m<sup>2</sup>)  
- UNIT #1: 1011 ft<sup>2</sup>; #2: 1011 ft<sup>2</sup>; COMMON: 528 ft<sup>2</sup>  
SECOND FLOOR AREA: 2149 ft<sup>2</sup>  
- UNIT #3: 1011 ft<sup>2</sup>; #4: 1011 ft<sup>2</sup>; COMMON: 127 ft<sup>2</sup>  
THIRD FLOOR AREA: 2149 ft<sup>2</sup>  
- UNIT #5: 1011 ft<sup>2</sup>; #6: 1011 ft<sup>2</sup>; COMMON: 127 ft<sup>2</sup>  
TOTAL LIVING AREA: 6848 ft<sup>2</sup> ( 636 m<sup>2</sup>)

NBC 3.2.52 GROUP C UP TO 3 STOREYS  
MAX BLDG AREA PERMITTED : 900 m<sup>2</sup>  
FLOORS, LOADBEARING WALLS, COLUMNS,  
ARCHES REQUIRE A 45 MIN. F.R.R.

### LIST OF DRAWINGS

- A1. COVER PAGE
- A2. EAST ELEVATION
- A3. SOUTH ELEVATION
- A4. WEST ELEVATION
- A5. NORTH ELEVATION
- A6. MAIN FLOOR PLAN
- A7. SECOND FLOOR PLAN
- A8. THIRD FLOOR PLAN
- A9. SECTION A-A, ROOF PLAN
- A10. SECTION B-B
- F1. FOUNDATION PLAN

Attachment A - 3

## PRELIMINARY DRAWING



### Residential Apartment Building - Occupancy Group C

#### General Notes to be applied to drawings:

1. All Service Rooms: ceilings to be 2 layers 5/8" thick Type X gypsum board, 1 hour fire-resistant fire separation rating.
2. Doors to these rooms are to be minimum 45 minute rated doors and door frames complete with closures.
3. All doors and door frames from corridors to residential units to be fire rated minimum 20 minute complete with closures.
4. All exterior walls, including exterior walls with 1/8" thick Type X drywall.
5. Wrap all exposed beams, columns and joists with 1/2" thick Type X drywall.
6. Install handrails to each side of stairs. Handrails shall be continuous on one side of stair minimum and terminate 12" beyond top and bottom of step (on one side minimum).
7. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
8. All ceilings to have 2 layers 5/8" Type X drywall for required 1 h fire resistance rating.
9. Locations is permitted below stairs.
10. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
11. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
12. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
13. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
14. All ductwork shall be steel unless it is entirely within a single residential unit.
15. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
16. Deadbolt locks shall be provided on all dwelling unit doors.
17. Door viewers shall be provided on all dwelling unit doors.
18. Provide fire-rated fireproofing for all utility rooms/dwelling unit - Walls to be constructed as follows:
  - 3 1/2" thick absorptive material
  - Resistent Metal Channels on one side spaced 24" O.C.
  - 2 layers 5/8" Type X drywall on other side
  - 2 layers 5/8" Type X drywall on other side
19. Provide floor numbering permanently affixed on the top-side of the wall of the finish side of doors to exit stair shafts. The lettering shall be min. 2 1/2" high and shall be located 5 feet above the finished floor level and not more than 12" from the door.

architecture  
Engineering

PROJECT: SHAWN SHEA - 6 UNIT  
71173 UPPER PRINCE ST.

A1. COVER PAGE

SCALE: N.T.S

DATE: MAY 14/ 2019

DRAWN BY: 3D HOME DESIGN

CHECKED BY:

REVISIONS:



EAST ELEVATION

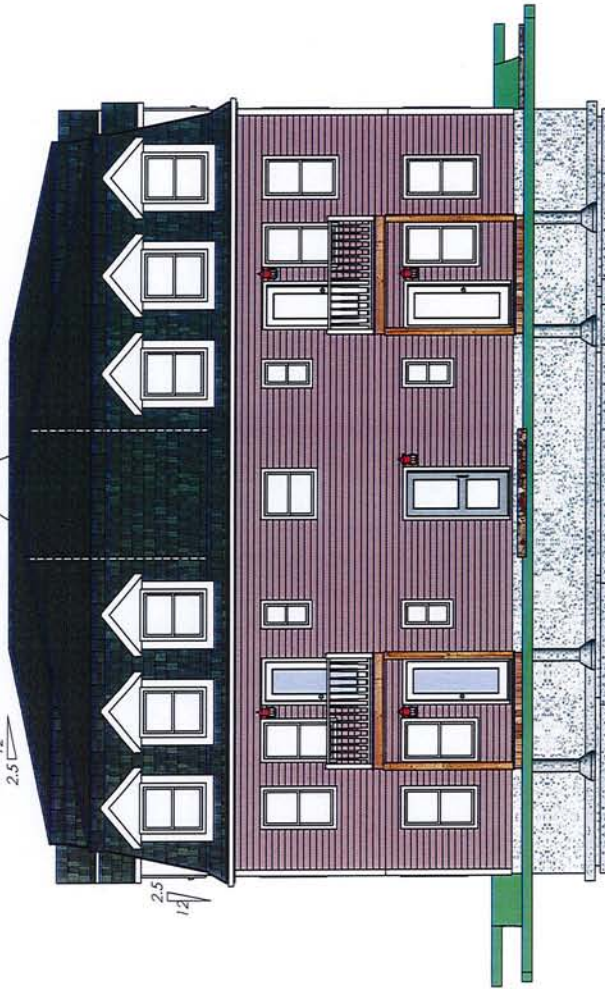
architecture  
Engineering  
PROJECT: SHAWN SHEA - 6 UNIT  
71/73 UPPER PRINCE ST.  
A2. EAST ELEVATION  
SCALE: 1/8" = 1'-0"  
DATE: MAY 14/ 2019  
DRAWN BY: 3D HOME DESIGN  
CHECKED BY:  
REVISIONS:





ALLOW FOR A SINGLE LAYER OF 5/8" TYPE 'A' GYPSUM BOARD ON EACH SIDE OF CENTRE TRUSS FOR FIRE STOP REQUIREMENTS

2.5  
12



WEST ELEVATION

architecture  
Engineering

PROJECT: SHAWN SHEA - 6 UNIT  
71/73 UPPER PRINCE ST.  
A4. WEST ELEVATION  
SCALE: 1/8" = 1'-0"  
DATE: MAY 14/ 2019  
DRAWN BY: 3D HOME DESIGN  
CHECKED BY:  
REVISIONS:



NORTH ELEVATION

architecture  
Engineering

PROJECT: SHAWN SHEA - 6 UNIT  
71/73 UPPER PRINCE ST.

A.S. NORTH ELEVATION

SCALE: 1/8" = 1'-0"

DATE: MAY 14/ 2019

DRAWN BY: 3D HOME DESIGN

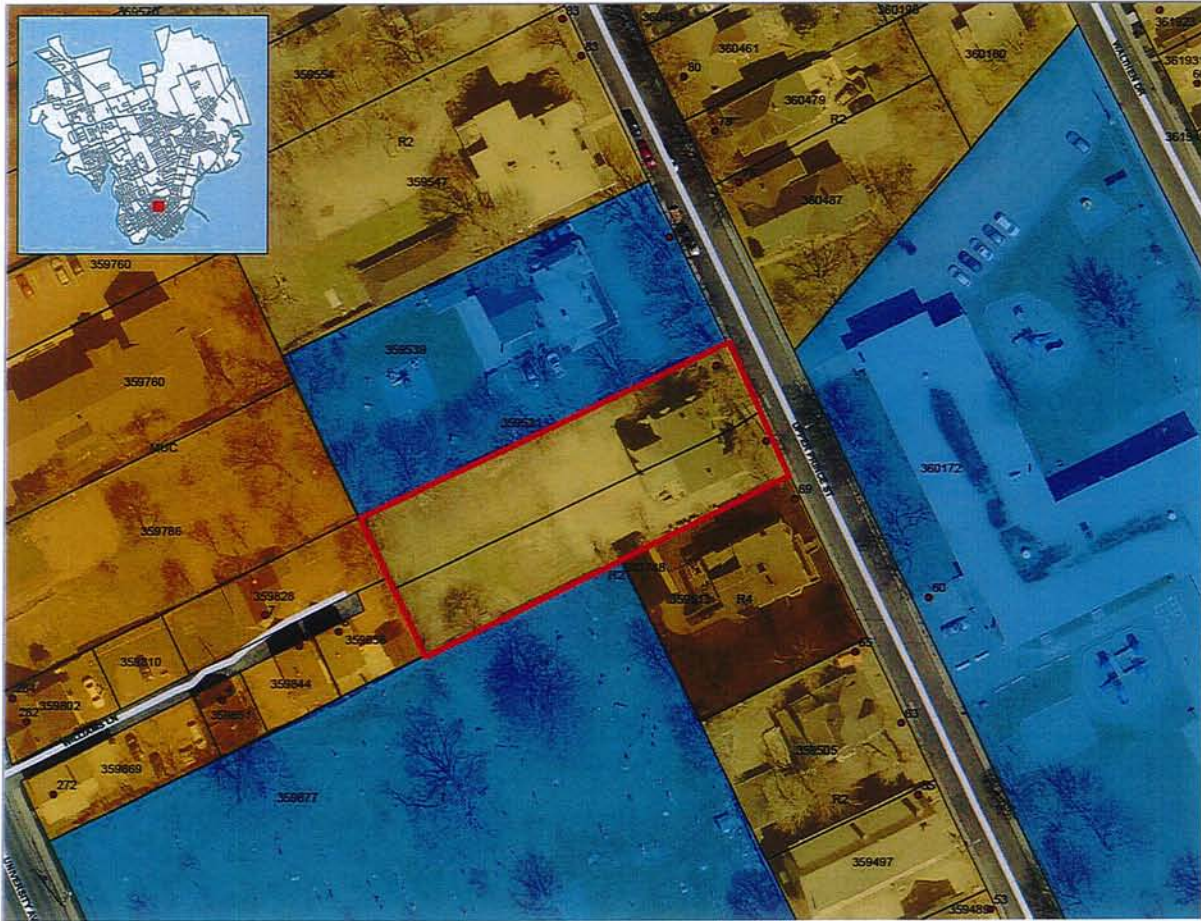
CHECKED BY:




REVISIONS:






# Attachment B



|   |   |
|---|---|
| <p>Variance File #: 303-REZ-19<br/>                 Address: 71 and 73 Upper Prince St<br/>                 Ward #: 4<br/>                 Zone: Low Density Residential (R2)</p> | <p>0 12.5 25 50 Meters</p> <hr/> <p>0 40 80 160 Feet</p>  |
| <p>LEGEND</p> <p> Affected Lot</p>   | <p>City of Charlotte<br/>                 Planning &amp; Heritage<br/>                 Department</p>  |
|    | <p>Map Created: 06-26-2019</p>  |

|   |  |   |
|---|--|---|
| <b>TITLE:</b><br>LOT FRONTAGE VARIANCE<br>FILE: PLAN-2019-6-JULY- 6B-5<br>29 OLE KING SQUARE<br>OWNERS: STACY DRISCOLL & TERRY HENNESSEY  |  |  |
| <b>MEETING DATE:</b><br>July 2, 2019  |  | Page 1 of 6   |
| <b>DEPARTMENT:</b><br>Planning & Heritage   | <b>ATTACHMENTS:</b><br>A. Application<br>B. Property Map |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Existing Dwelling in the 500 Lot Area.<br><b>Ward No:</b> 1 – Queens Square<br><b>Existing Land Use:</b> 4-Unit Dwelling<br><b>Official Plan:</b> Downtown Neighbourhood<br><b>Zoning:</b> Downtown Neighbourhood (DN) Zone |  |   |
| <b>PREVIOUS APPLICATIONS:</b><br>A zoning inquiry was completed on Feb 2019 and May 2019.   |  |   |

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request for a variance to Section 28.2.1 of the Zoning & Development By-law by reducing the required lot frontage from 20m (65.6 ft) to approximately 16m (52 ft) in order to permit the existing four (4) residential dwelling units 29 Ole King Square (PID #344713), subject to the following conditions:

- 1) 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; and
- 2) That the existing surface driveway that leads out onto the crosswalk at the corner of Ole King Square and Weymouth Street be decommissioned and restored with landscaping.

**BACKGROUND:**

***Request***

The owners Stacy Driscoll and Terry Hennessey, is applying to vary the lot frontage requirement as illustrated in Section 29.2.1 of the Zoning & Development By-law in order to legally establish a 4-

unit dwelling at 29 Ole King Square (PID #344713). The subject property is located in the Downtown Neighbourhood (DN) Zone.

### ***Development Context***

The subject property is currently located in an established neighbourhood within the 500 Lot Area. The subject property is located on Ole King Square across from King Heritage Square and between Weymouth Street to the north-east and Hillsborough Street to the south-west. The buildings around King Square generally contain between single detached homes and multi-unit apartments.

### ***Property History***

Issues with this property were first raised by a zoning inquiry that indicated that there were four (4) dwelling units on the subject property. Both Provincial Assessment and City records indicated that there were only three (3) dwelling units approved for this building. Due to the size of the property and existing frontage of 16m (52 ft), the Zoning regulations of the past required 140 sq.m for each unit and thus the size of the property would still have only permitted a maximum of three (3) dwelling units.

### **LEGISLATIVE REQUIREMENTS:**

#### ***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Friday, June 28, 2019.

#### ***Public Feedback***

The Planning & Heritage Department has received no letters of support or opposition to this application.

### **ANALYSIS:**

This property is unique in the fact that it has gone through various renovations and change in uses. The configuration / elevation of the building lends itself to resemble a large 3 storey single-detached dwelling – which it likely was in the past. In light of the fact that the property is located in the Downtown Neighbourhood (DN) Zone, any building type with four units or more requires 20m (65.6ft) of lot frontage. The property has a lot frontage of approximately 16m (52ft), which limits the lot to only three (3) dwelling units under the current and previous Zoning By-law regulations.

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

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

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

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

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

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

Should the variance be approved, the property owner would be required to obtain a Building & Development permit for the additional dwelling unit which would have to conform to all applicable fire life safety standards and Building Code regulations. Also, there is an existing surface parking area that was installed without Public Work approval, the space leads directly into the crosswalk

at the intersection of Ole King Square and Weymouth Street, thereby creating a vehicular and pedestrian conflict point.

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"> <li>▪ Moderately higher density using existing underground services.</li> <li>▪ Additional density without adversely affecting existing density character of the area.</li> <li>▪ The additional dwelling units and building would receive necessary Code upgrades to make the units safer.</li> </ul> | <ul style="list-style-type: none"> <li>▪ While additional parking is not required, the existing parking on the property is limited.</li> </ul> | <ul style="list-style-type: none"> <li>▪ The property does not have the lot frontage required in the DN Zone.</li> <li>▪ The additional dwelling unit was constructed prior to obtaining a building permit.</li> <li>▪ Existing surface parking off Ole King Square egresses into an existing crosswalk that is unsafe.</li> </ul> |

Staff would note that it is difficult to determine when the non-conformance started on the property. There is conflicting information with regards to the City's files, Provincial assessment records and the statutory declaration. In light of the fact that the unit has been in existence for some time, staff feel that the most appropriate concern should be the safety of the occupants and that the building meets all applicable fire safety and Building Code standards and that the existing parking stall creating an unsafe situation at the corner of Ole King Square and Weymouth Street be removed.

**CONCLUSION:**

The Planning & Heritage Department recommends that the lot frontage variance application, be *approved* subject to the following conditions:

- 1) *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; and*
- 2) *That the existing surface driveway that leads out onto the crosswalk at the corner of Ole King Square and Weymouth Street be decommissioned and restored with landscaping.*

PRESENTER:



Robert Zilke, MCIP  
Planner II

MANAGER:



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

PLANNING

Rec'd April 23, 2019 Int EG

214-VAR-19



# CHARLOTTETOWN

## PLANNING & HERITAGE DEPARTMENT

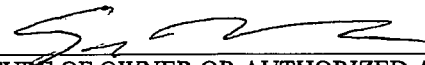
### APPLICATION

|                                    |                               |                                  |
|------------------------------------|-------------------------------|----------------------------------|
| <b>FILE NUMBER</b><br>19-067       | <b>HERITAGE</b>               | <b>SUBDIVISION</b><br>Name _____ |
| <b>ASSESSMENT NUMBER</b><br>344713 | <b>VARIANCE</b><br>214-VAR-19 | <b>Number of Lots</b> _____      |
| <b>REZONING FROM</b> _____         | <b>TO</b> _____               | <b>OTHER</b>                     |

- Applicant's Name Stacy Driscoll / Terry Hennissey
- Address 375 University Ave.
- Telephone: Work 902-626-5979 Home 902-626-5979
- Civic Address of Property to be Developed 29 010 King Square
- Present Use of Property (Zone) DN zone
- Proposed Use of Property and Brief Description of Work applying for variance for lot frontage. We have 16m and we require 20m for a four unit
- Site or Subdivision Plan Provided Yes  No
- Building Plans Provided Yes  No
- Estimated Start Date \_\_\_\_\_ Completion Date \_\_\_\_\_

I, the undersigned, as owner or authorized agent for the owner of 29 010 King Square (Civic Address) hereby make application for the above-noted development and certify the truth of all statements or representatives contained herein.

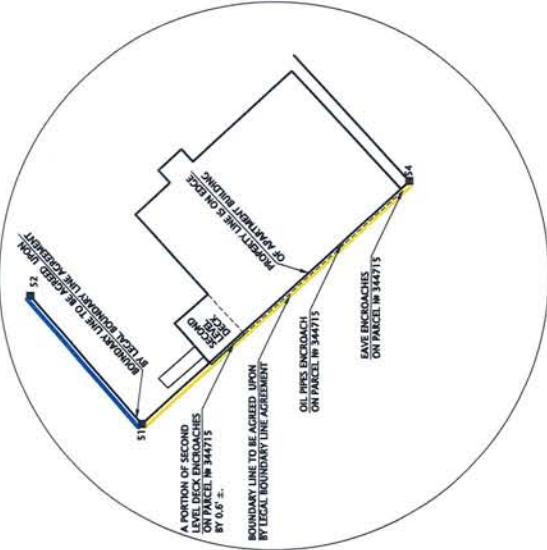
April 23/19  
DATE

  
SIGNATURE OF OWNER OR AUTHORIZED AGENT

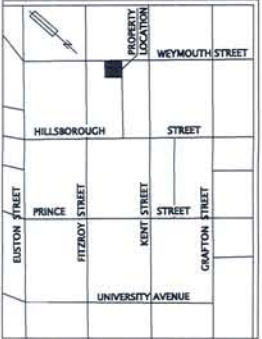
**NOTE:** This is an application ONLY and does not authorize the applicant to proceed with the proposed development until a building permit is applied for and issued for the development.



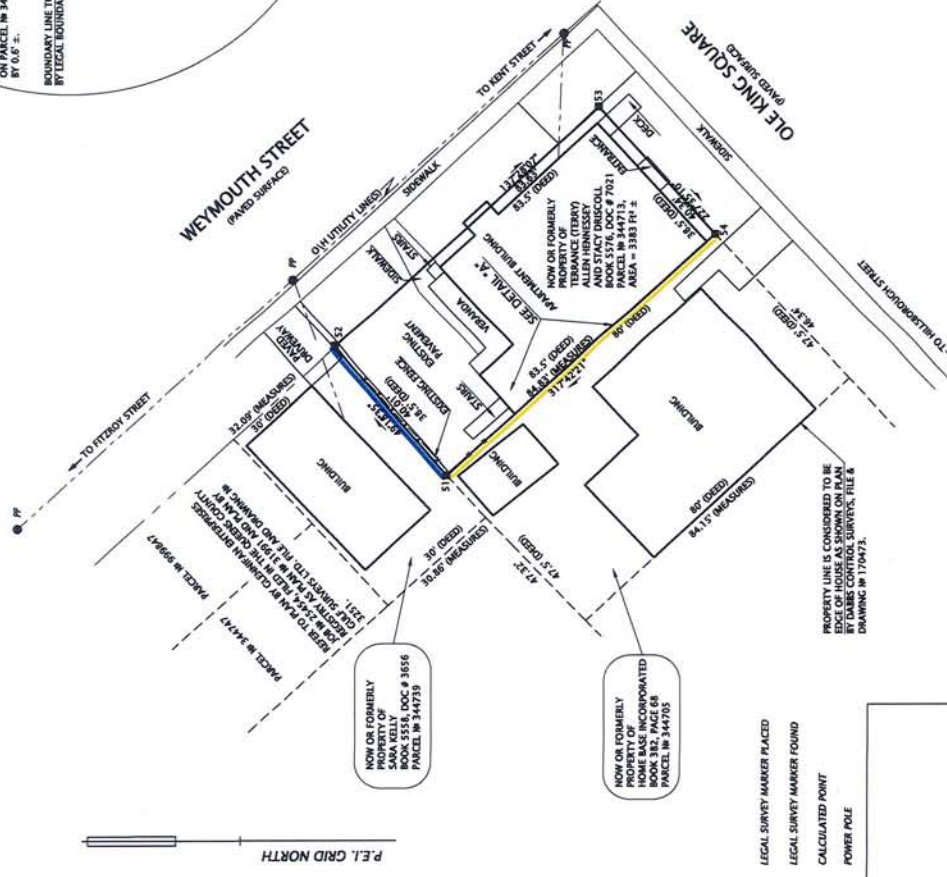
| COORDINATES EXPRESSED IN FEET |           |           |  |
|-------------------------------|-----------|-----------|--|
| POINT                         | EASTING   | NORTHING  |  |
| S1                            | 468429.91 | 331482.44 |  |
| S2                            | 468460.25 | 331508.53 |  |
| S3                            | 468516.78 | 331446.90 |  |
| S4                            | 468487.00 | 331419.70 |  |



DETAIL "A"



KEY PLAN : NOT TO SCALE



- LEGEND:
- LEGAL SURVEY MARKER PLACED
  - FD LEGAL SURVEY MARKER FOUND
  - CP CALCULATED POINT
  - PP POWER POLE

NOTE: FOR THIS SURVEY TO BE VALID IT IS NECESSARY TO PREPARE AND EXECUTE LEGAL BOUNDARY LINE AGREEMENTS AS SHOWN.

NOTE: STREET LIMIT ON WEYMOUTH STREET TAKEN OFF PLAN BY GLENFERRICH ENTERPRISES JOB #P-25454 AND PLAN BY GULF SURVEYS LTD. FILE AND DRAWING # 3251.

NOTE: STREET LIMIT ON OLE KINGS SQUARE TAKEN OFF PLAN BY GULF SURVEYS LTD. FILE AND DRAWING # 3983.

- YELLOW — BOUNDARY LINE TO BE AGREED UPON BY LEGAL BOUNDARY LINE AGREEMENT BETWEEN TERRANCE (TERRY) ALLEN HENNESSEY & STACY DRISCOLL (PARCEL # 344715) AND HOME BASE INCORPORATED (PARCEL # 344705).
- BLUE — BOUNDARY LINE TO BE AGREED UPON BY LEGAL BOUNDARY LINE AGREEMENT BETWEEN TERRANCE (TERRY) ALLEN HENNESSEY & STACY DRISCOLL (PARCEL # 344715) AND SARA KELLY (PARCEL # 344739).

NOTE: AZIMUTHS ARE GRID AND COORDINATES SHOWN ARE BASED ON THE P.E.I. DOUBLE STEREOGRAPHIC PROJECTION WITH NAD83 (CSRS) REFERENCE SYSTEM. ALL COORDINATES ARE EXPRESSED IN FEET.

NOTE: I, BRIAN P. POTTER, PRINCE EDWARD ISLAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.



**DELTA SURVEYS - DESIGNER SURVEYS INC.**  
- INCORPORATED (1968) -

94 1/2 QUEEN ST. CHARLOTTETOWN, P.E.I. P.O. BOX 818 PH. 894-5531

TITLE  
PLAN SHOWING PROPERTY OF  
TERRANCE (TERRY) ALLEN HENNESSEY  
AND STACY DRISCOLL

|          |                                      |
|----------|--------------------------------------|
| LOCATION | CHARLOTTETOWN, QUEENS COUNTY, P.E.I. |
| SCALE    | 1" = 20'                             |
| DATE     | APRIL 15, 2019                       |
| DRAWN    | GT                                   |
| CHECKED  | E.P.P.                               |
| FILE     | 2019-D-3                             |
| SHEET    | 1                                    |
| OF       | 1                                    |

29 OLE KING SQUARE/173 WEYMOUTH

PROPERTY LOCATED ON THE CORNER OF OLE KING SQUARE AND WEYMOUTH STREETS. THERE IS A GROUND FLOOR UNIT AND SECOND FLOOR UNIT FACING OLE KING SQUARE. THERE IS A GROUND FLOOR UNIT AND SECOND FLOOR UNIT FACING WEYMOUTH STREET.

AT THE TIME OF PURCHASE THE SECOND FLOOR UNIT FACING OLE KING SQUARE WAS USED AS A BOARDING HOUSE UNIT. AFTER THE PURCHASE THE EXISTING KITCHEN AND BATHROOM WERE UPGRADED AND THE UNIT WAS RENTED MONTHLY.




THANK YOU


STACY DRISCOLL

TERRY HENNESSEY

# Attachment B



|   |   |
|---|---|
| <p>Variance File #: 214-VAR-19<br/>                 Address: 29 Ole King Square<br/>                 Ward #: 1<br/>                 Zone: Downtown Neighbourhood (DN)</p> | <p>0 12.5 25 50 Meters<br/>                 _____<br/>                 0 40 80 160 Feet</p>   |
| <p><b>LEGEND</b><br/>  Affected Lot</p>  | <p>City of Charlottetown<br/>                 Planning &amp; Heritage<br/>                 Department</p>  |
|    | <p>Map Created: 07-30-2018</p>  |

|  |  |   |
|--|--|---|
| <b>TITLE:</b><br><p style="text-align: center;"><b>VARIANCE</b><br/> <b>16 MAYPOINT ROAD - 6B-6</b><br/> <b>OWNER/APPLICANT: RAKA HOLDINGS INC</b></p>   |  | <br><b>CHARLOTTETOWN</b> |
| <b>MEETING DATE:</b><br>July 2 <sup>nd</sup> , 2019  |  | <b>Page 1 of 4</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage  | <b>ATTACHMENTS:</b><br>A. Application related documents<br>B. Map, air photo & drawings<br>C. Previous Application<br>D. Letters of Opposition |   |
| <b>SITE INFORMATION:</b><br>Context: Corner Lot<br>Ward No: 7<br>Existing Land Use: 6-unit townhouse<br>Official Plan: Medium Density Residential<br>Zoning: Medium Density Residential (R-3) Zone |  |   |
| <b>PREVIOUS APPLICATIONS: 97-155, 047-bld-11</b>   |  |   |

**RECOMMENDATIONS:**

That Variance Application 254-VAR-19 to vary the following:

- 1) To decrease the minimum lot area requirement for a 12 unit townhouse use in the R-3 Zone from 2,640 sq.m (28,416.7 sq.ft.) to 2,387.6 sq.m (25,700.4 sq.ft.); and
- 2) To decrease the rear yard setback requirement from 7.5m (24.6ft.) to 3.6m (11.8 ft.).

to allow for six (6) additional townhouse dwelling units in the Medium Density (R-3) Zone be **rejected** at 16 Maypoint Road (PID #777920).

**BACKGROUND:**

***Request***

The owner/applicant, Raka Holdings Ltd, is applying for the following variances:

- 1) To decrease the minimum lot area requirement for a 12 unit townhouse use in the R-3 Zone from 2,640 sq.m (28,416.7 sq.ft.) to 2,387.6 sq.m (25,700.4 sq.ft.); and
- 2) To decrease the rear yard setback requirement from 7.5m (24.6ft.) to 3.6m (11.8 ft.).

In order to create an additional six (6) dwelling units for property located at 16 Maypoint Road in the Medium Density (R-3) Zone. Approval of this application will allow for the construction an

additional six (6) townhouse dwelling units to an existing six (6) unit townhouse for a total of twelve (12) townhouse units.

### ***Development Context***

The subject site is currently developed with a six (6) unit townhouse development, and is located on the corner of Maypoint Road and Beach Grove Road. The property is relatively flat and level. Uses surrounding the site include other multi-dwelling developments in the form of apartments and townhouses. Maypoint Road provides access to the site.

### ***History***

In 2011 the current owner applied for a townhouse addition similar to the proposed development but with only four additional units rather than six. At that time the proposed rear yard setback was approximately 6m (19'10ft) based on an average calculation of all building walls facing the rear lot line. The permit expired prior to the work being commenced and was not extended.

### **ANALYSIS:**

The owner proposes to construct an additional six (6) townhouse units that would result in a total of twelve (12) townhouse unit development. In order to develop the twelve (12) unit townhouse concept provided (see attachment A-2) the proposal requires two variances, one for lot area and one for a rear yard setback reduction of close to 50% from the minimum standard. The criteria for obtaining a variance is *owing to peculiar conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship*. As-of-right the owner could construct four (4) additional units, thereby creating a 10-unit townhouse development that complies with all the requirements of the R-3 Zone without going through the major variance process. On balance, when considering the variance in question, key points from the Official Plan to be considered include:

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

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

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

Increasing density is a priority of the Official Plan and there is a need for additional dwelling units in the City but it must be done in a manner that respects the character and built form of the area which does not compromise established Zoning standards. A variance is to relieve a hardship that is unique and owing to the property, in this case the requested variances are to gain two additional units that would result in the maximization of density on the property. The additional parking area request off of Beach Grove Road would not be supported due to sight line issues for eastbound traffic. The site already maintains 12 parking spaces and as per the regulations in the Zoning By-law of one (1) parking space per unit, there is sufficient parking currently onsite.

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"> <li>▪ Moderately higher density using existing underground services.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Additional parking is not required.</li> </ul> | <ul style="list-style-type: none"> <li>▪ The property does not have the required lot area and rear setback required in the R-3 Zone.</li> <li>▪ Additional access off of Beach Grove Road compromises sightlines.</li> <li>▪ There is no unique circumstance or hardship that limits the development of the property.</li> </ul> |

***Commenting Agencies***

All comments have been addressed and summarized below.

***Public Works***

Does not support the proposed southern access point off of Beach Grove Road due to sightline issues.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

In accordance with Section 3.9.3 of The Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

**Public Feedback**

As of the writing of this report, the Planning & Heritage Department has received two (2) letters of opposition to this application from the owners of properties located at 149, 151 and 153 Beach Grove Road. The letters outlined the following reasons for the objection:

- 1) Concerns relating to fire separation between the proposed addition being in close proximity to the existing adjacent building;
- 2) Issues with existing residents utilizing refuse bins on the neighbouring property;
- 3) Concern with the proposed addition being so close to the rear property line that it would reduce sunlight to the existing buildings, create too much density with buildings in close proximity to each other and would negatively affect property values.
- 4) Provide a precedent for a similar development located at 24 Maypoint Road to apply for a similar proposal.

**CONCLUSION:**

The Planning & Heritage Department recommends that the following variances be rejected:

- 1) To decrease the minimum lot area requirement for a 12 unit townhouse use in the R-3 Zone from 2,640 sq.m (28,416.7 sq.ft.) to 2,387.6 sq.m (25,700.4 sq.ft.); and
- 2) To decrease the rear yard setback requirement from 7.5m (24.6ft.) to 3.6m (11.8 ft.).

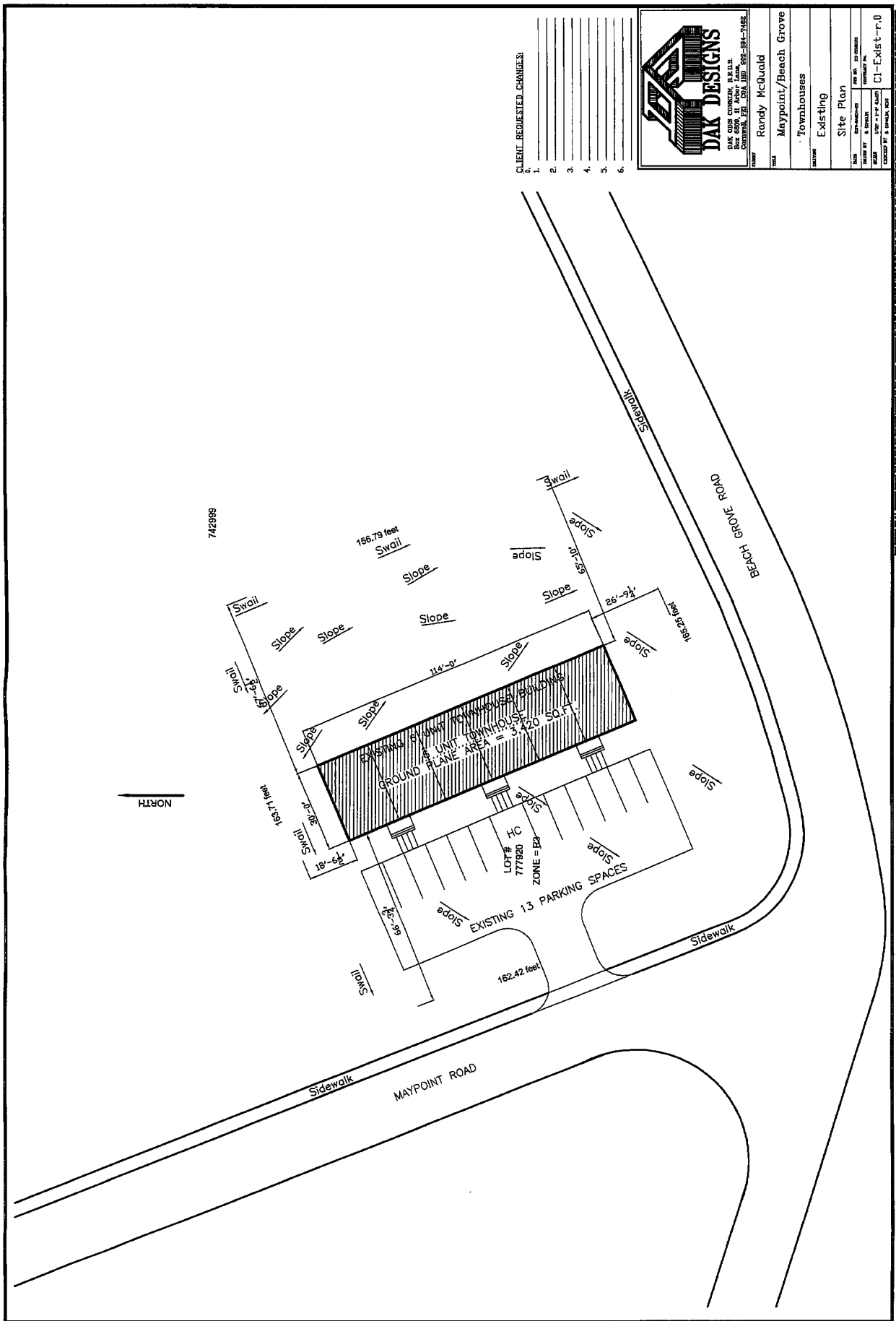
to allow for six (6) additional townhouse dwelling units in the Medium Density (R-3) Zone be **rejected** at 16 Maypoint Road (PID #777920).

**PRESENTER:**

Robert Zilke, MCIP


**MANAGER:**

Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



CLIENT REQUESTED CHANGES:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



**DAK DESIGNS**  
 DAK DESIGNS CORP., B.L.P.A.  
 2000 W. 10TH AVE., SUITE 100  
 DENVER, CO 80202-3848-7486

|             |                      |
|-------------|----------------------|
| OWNER       | Randy McQuaid        |
| PROJECT     | Maypoint/Beach Grove |
| DESCRIPTION | Townhouses           |
| DATE        | Existing             |
| SCALE       | Site Plan            |
| DATE        |                      |
| DESIGNED BY |                      |
| CHECKED BY  |                      |
| DATE        |                      |
| PROJECT NO. | CI-Exist-r-0         |





- GENERAL NOTES:**
- 1) FRAMING LUMBER (BEAMS, UNITS, JOISTS) TO BE S.P.F. No. 2 OR BETTER UNLESS OTHERWISE NOTED.
  - 2) ALL UNITS TO BE BOLD 2x6 UNLESS OTHERWISE NOTED.
  - 3) SUPPLIER SHALL DETERMINE DIMENSIONS OF ANY LAMINATED BEAMS SHOWN ON PLAN. INDICATED, SHALL BE DETERMINED BY AN ENGINEER.
  - 4) DIMENSIONS OF STEEL BEAMS, WHERE USED IN ALL BATHROOMS AND BASEMENTS.
  - 5) MOISTURE RESISTANT CYPRESS BOARD TO BE USED IN ALL BATHROOMS AND BASEMENTS.
  - 6) BASEMENT WINDOWS BELOW GRADE WILL BE PROTECTED BY GALVANIZED STEEL WINDOW WELLS. WRITTEN DIMENSIONS ALWAYS TAKE PRECEDENCE OVER SCALE MEASUREMENTS.
  - 7) ALL CONCRETE TO BEAR ON FIRM NATURAL UNDISTURBED SOIL.
  - 8) ALL WINDOW SIZES ARE GENERIC SIZES TYPE AND EXACT SIZES BY CONTRACTOR.
  - 9) ALL MAIN FLOOR WINDOW HEAD HEIGHTS TO BE 7'-0". ALL OTHERS AND EXTERIOR DOORS TO BE 7'-0" WITH THE 1985 BUILDING CODE OF CANADA AND ALL ASSOCIATED DOCUMENTS.

**NOTES:**

ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE FRAMING TO OUTSIDE FINISH, UNLESS NOTED OTHERWISE.

ALL INTERIOR WALL DIMENSIONS TAKEN TO CENTERLINE OF WALL.

ALL WINDOW SIZES ARE GENERIC SIZES TYPE AND EXACT SIZES BY CONTRACTOR.

ALL WINDOW SIZES ARE GENERIC SIZES TYPE AND EXACT SIZES BY CONTRACTOR.


ALL INTERIOR WALL DIMENSIONS TAKEN TO CENTERLINE OF WALL.

ALL WINDOW SIZES ARE GENERIC SIZES TYPE AND EXACT SIZES BY CONTRACTOR.

- CLIENT REQUESTED CHANGES:**
- 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.

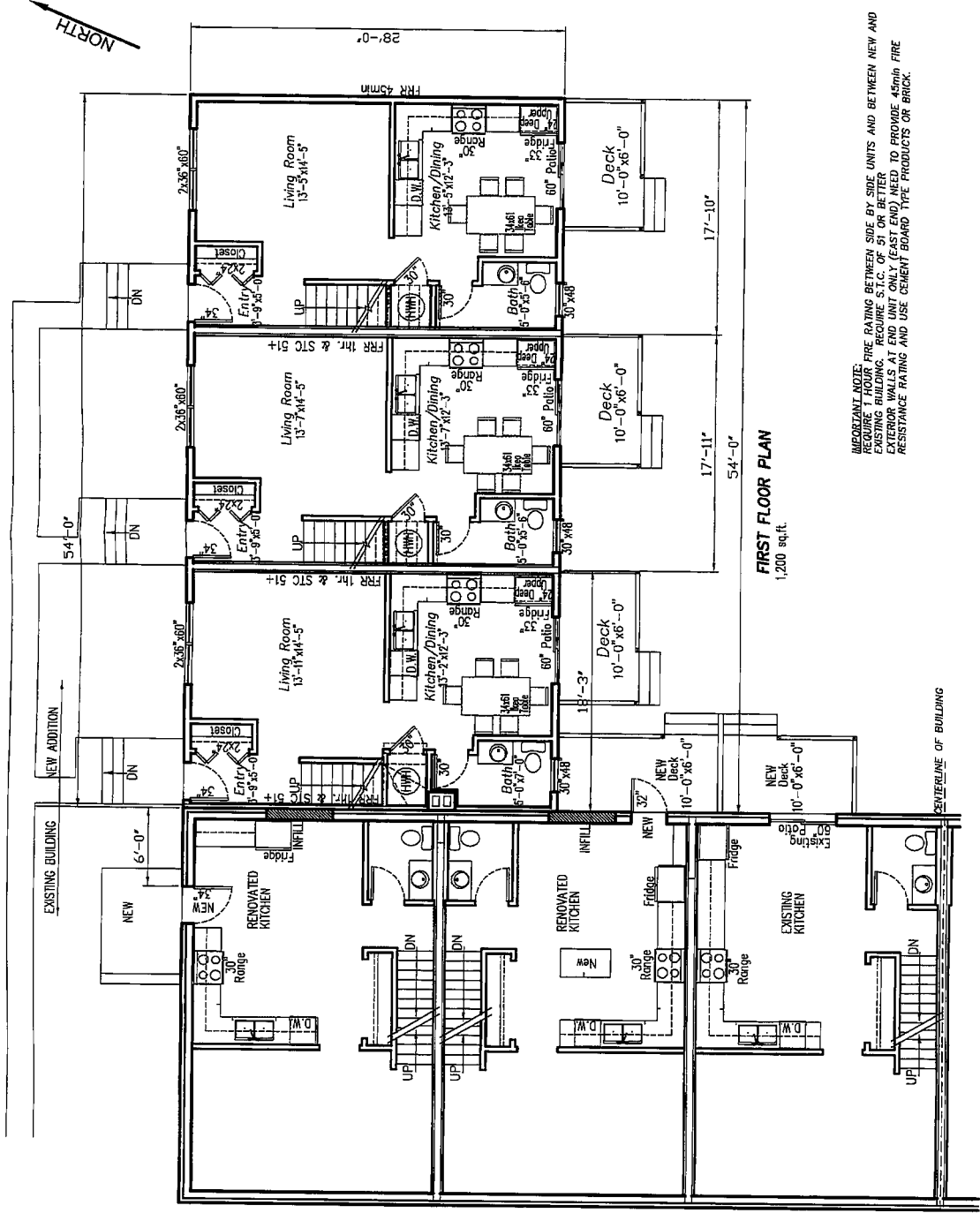
**REVISIONS:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.



**DAK DESIGNS**  
 DAK ODES CONSULTING, S.L.R.D.S.  
 1000 WEST 10TH AVENUE, SUITE 100  
 CALGARY, ALBERTA T2P 1K1  
 TEL: 403-243-8888 FAX: 403-243-8889

**DESIGNER:** Randy McQuaid  
**CLIENT:** Maypoint/Beach Grove  
**PROJECT:** Townhouses  
**FLOOR:** First Floor  
**DATE:** 2014-03-20  
**SCALE:** 1/8" = 1'-0" (AS SHOWN)  
**PROJECT NO.:** A3-Rev0






**FIRST FLOOR PLAN**  
 1,200 sq.ft.

**IMPORTANT NOTE:**  
 ACQUIRE 1 HOUR FIRE RATING BETWEEN SIDE UNITS AND BETWEEN NEW AND EXISTING UNITS. S.I.C. OF ST OR BETTER. PROVIDE 45min FIRE RESISTANCE WALLS AT EXTERIOR WALLS. PROVIDE 45min FIRE RESISTANCE RATING AND USE CEMENT BOARD TYPE PRODUCTS ON BRICK.

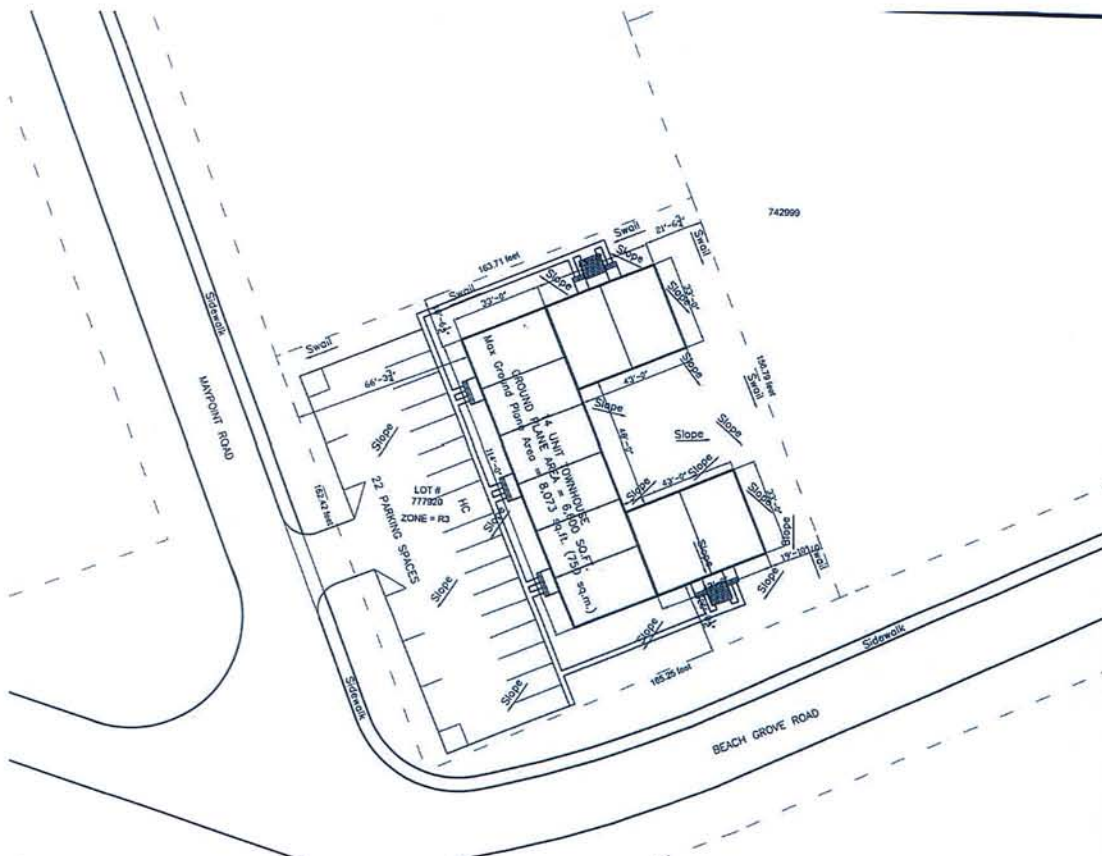
CENTERLINE OF BUILDING

# Attachment B



|   |   |
|---|---|
| <p>Variance File #: 254-VAR-19<br/>                 Address: 108 Spring Park Road<br/>                 Ward #: 7<br/>                 Zone: Medium Density Residential (R3)</p> | <p>0 12.5 25 50 Meters<br/> <hr/>                 0 40 80 160 Feet</p>  |
| <p><b>LEGEND</b><br/>  Affected Lot</p>  | <p>City of Charlottetown<br/>                 Planning &amp; Heritage<br/>                 Department</p>  |
|    | <p>Map Created: 06-26-2019</p>  |

# Attachment C



**DRAWING REVISIONS:**

|     |  |
|-----|--|
| 1.  |  |
| 2.  |  |
| 3.  |  |
| 4.  |  |
| 5.  |  |
| 6.  |  |
| 7.  |  |
| 8.  |  |
| 9.  |  |
| 10. |  |
| 11. |  |
| 12. |  |
| 13. |  |
| 14. |  |
| 15. |  |
| 16. |  |

**CLIENT REQUESTER CHANGE:**

|    |  |
|----|--|
| 1. |  |
| 2. |  |
| 3. |  |
| 4. |  |
| 5. |  |
| 6. |  |



**DAK DESIGNS**  
245 ONE CORNER, SUITE 200  
 1000 W. 13th Street, Suite 200  
 Anchorage, Alaska 99501-2100

Randy McQuaid  
 Maypoint/Besch Grove  
 Townhouses  
 Existing  
 Site Plan

## Attachment D

We represent David Williams who owns a 12-unit apartment building at 153 Beach Grove Road backing onto the above property. Our client strongly opposes these proposed major variances, for the following reasons:

1. Fire separation – the proposed variance to the rear yard setback is more than 50% of the bylaw requirement. Our client is concerned about fire separation between this proposed new building and the building located on his property. His is also concerned about the fire separation between the existing building at 16 Maypoint Road and the proposed new building. In his view this would represent a significant safety hazard to tenants on both properties. Attached is a photo taken by my client showing (at left) the existing building at 16 Maypoint Road and (at right) the treed property line shared with my client. As you can see from this photo, there is very little room to add a second building.
2. There is an ongoing issue with tenants at 16 Maypoint Road placing garbage in my client's garbage bins. There is also an issue with tenants at 16 Maypoint Road and their guests parking in my client's parking lot and with fuel trucks servicing 16 Maypoint using my client's parking lot. All of these issues will be exacerbated by further development at 16 Maypoint, especially given the close proximity of the proposed new building to my client's parking lot.
3. The back yard of my client's property is already dark and placing a new 6 unit building within 11.8 feet of the rear yard property line will only further reduce sunlight.
4. The proposed development would in our client's view result in excessive density on PID#777920. It would be unharmonious and unattractive and have a negative impact on adjacent property values.
5. Bylaws exist for a reason and adjacent property should be entitled, except in the rarest of cases, to expect that multiple major variances will not be granted.

Spencer Campbell



**Spencer Campbell, Q.C.**

Partner

D: 902.629.4549

C: 902.393.1696

scampbell@stewartmckelvey.com

[stewartmckelvey.com](http://stewartmckelvey.com)

# Attachment D-1


I am writing on behalf of the owners of Norray Properties regarding the requested variances to allow for the construction of another set of townhouses near our buildings located at 149 and 151 Beach Grove Road. We are against any proposed variances to allow for this construction. As you are aware, the request is to alter the city by-laws so another row of units can be jammed between two existing buildings and I will outline why we feel this should not be permitted.

1. Allowing another building to be constructed in such close proximity to the existing structures will decrease the setback by over half presently allotted in the bylaws. This is concerning due to the decreased fire separation between the existing structures and the new building.
2. The area is presently zoned for Medium Density Residential (R-3) and if these variances are granted the density will increase to High. It is very clear from the property maps there is no room to erect another structure between the existing buildings as all the units affected will essentially be jammed together. There is a recipe which is working in the area now and it would be detrimental to the physical nature of all neighbouring properties, property values and the optics of curb appeal will be negatively affected if allowance is granted for increased density.
3. Granting these variances will establish a precedent to allow for future major variances in the area. We feel allowing construction at 16 Maypoint Road and other future high density construction will have a negative effect on the value of the properties in the area and if this application is passed, it will give rise to another proposal at 24 Maypoint Road and place another build in our backyard, not to mention open the door to future high density builds in areas not zoned accordingly.
4. This proposed build also affects the neighbouring subdivisions and owners in the surrounding area should be given an opportunity to submit their opinions as well. A 100m radius is much too small an area and only allows for a small number of property owners to voice their concerns.

Thank you for considering our perspective on this issue.

Peter Norton, Gary Rayner, Joe Gillis

Norray Properties

|   |   |   |
|---|---|---|
| <b>TITLE:</b><br>LOT FRONTAGE VARIANCE<br>FILE: PLAN-2019-2-JULY- 68-7<br>38-40 HILLSBOROUGH STREET<br>OWNER: TERRIE WILLIAMS & DAVID TOOMBS  |   |  |
| <b>MEETING DATE:</b><br>July 2, 2019  |   | <b>Page 1 of 5</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage   | <b>ATTACHMENTS:</b><br>A. GIS Map<br>B. Proposed Exterior Renovations<br><i>(not included in this variance request)</i> |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Multi-Unit Dwelling in the 500 Lot Area.<br><b>Ward No:</b> 1 – Queens Square<br><b>Existing Land Use:</b> 3-Unit Dwelling<br><b>Official Plan:</b> Downtown Neighbourhood<br><b>Zoning:</b> Downtown Neighbourhood (DN) Zone |   |   |
| <b>PREVIOUS APPLICATIONS:</b><br>N/A  |   |   |

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to reduce the required lot frontage from 65.6 ft to approximately 45.9 ft in order to convert the existing 3-unit dwelling into a 4-unit dwelling at 38-40 Hillsborough Street (PID #337535).

**BACKGROUND:**

***Request***

The property owners, Terrie Williams & David Toombs, are proposing to convert the existing 3-unit dwelling into a 4-unit dwelling by renovating the third floor into an independent dwelling unit. Should the variance be approved, the applicant will also be constructing an exterior entrance on the back of the dwelling for the proposed unit but the increased density would be accommodated within the existing dwelling (i.e., no additions required for the additional dwelling unit).

***Development Context***

The existing 3-unit dwelling is located in the Downtown Neighbourhood (DN) Zone of the 500 Lot Area on the corner of Hillsborough Street and Dorchester Street.

***Property History***

A zoning inquiry was completed on April 4, 2019 which stated that:

*The property is located in the Downtown Neighbourhood (DN) Zone. A building permit was issued on July 12, 1993 for renovations to the existing 3-unit dwelling and as such, conforms to the uses of the DN Zone.*

*Further, the property is located in the Heritage Preservation Area and as such, must comply with the regulations relating to the 500 Lot Area.*

*Finally, the building may encroach on the Hillsborough Street right-of-way and the Dorchester Street right-of-way. The City would not object to either of the existing encroachments but does reserve the right to prohibit any new or future encroachment on either street right-of-way.*

Following the completion of the said zoning inquiry, the property was sold to the applicants, Terrie Williams & David Toombs.

A Building & Development Permit application was submitted to the Planning & Heritage Department on June 14, 2019. The detailed project description stated:

*New cape cod siding, new vinyl windows, new roof, replacement of rotten porch as per the attached drawings on the front. Paving and expansion of gravel driveway, new fences, addition of 2 small decks on back, opening up the third floor into a separate unit with it's own entrance at the back, frost wall added with mud room entrance to unit #2 at the back. Currently going from 3 units to 4 units (with the conversion of the loft into an apartment). New wiring throughout, new plumbing. Addition of heat pumps in each unit, separate electric hot water heaters and convect air electric heat.*

In light of the fact the conversion from a 3-unit dwelling to a 4-unit dwelling requires Council approval, a variance application was submitted on June 12, 2019.



**LEGISLATIVE REQUIREMENTS:*****Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application is Friday, June 28, 2019.

***Public Feedback***

At the time of writing this report, the Planning & Heritage Department did not receive any written comments. If any written comments are received prior to the deadline, they will be brought to the attention of the Planning Board members at the meeting on July 2, 2019.

**ANALYSIS:**

Appendix A. Definitions of the Zoning & Development By-law defines lot frontage as:

*Lot Frontage means the horizontal distance between the Side Lot Lines measured at the minimum Front Yard Setback for the Zone as measured parallel to the Street... Where a Lot abuts two Streets, the Lot Frontage means the lesser distance of the two Frontages.*

As per Section 28.2 of the Zoning & Development By-law, any building type, 3 units or less in the Downtown Neighbourhood (DN) Zone requires 34.8 ft of lot frontage. Further, an apartment dwelling: 4 units or more in the DN Zone requires 65.6 ft of lot frontage.

In light of the fact that the subject property has 45.9 ft of lot frontage, it would only be permitted to contain three (3) residential dwelling units.

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

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

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

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

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

The proposed variance to increase the existing 3-unit dwelling into a 4-unit dwelling adheres to several points from the Official Plan as it is allowing multiple-family dwellings un the downtown core, utilizing existing underground services to its fullest practical capacity, and is additional residential dwelling units near centres of employment. Further, in light of the fact that the renovations to create the fourth residential dwelling unit will not require any exterior additions, the existing streetscape and adjacent dwellings will not be adversely affected.

As per Section 43.2 of the Zoning & Development By-law, *Renovations, Alterations, changes in use or intensification of use, which do not result in an increase in the Gross Floor Area of more than 390.2 sq m (4,200 sq ft) of a Building, shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, changes in use or intensification of use shall not be diminished.* While not required, the applicants are proposing to pave and expand the existing driveway along Dorchester Street.

Should the variance be approved, the property owners would be required to obtain a Building & Development permit for the additional dwelling unit which would have to conform to the National Building Code.

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"> <li>▪ Moderately higher density using</li> </ul> | <ul style="list-style-type: none"> <li>▪ While additional parking is not</li> </ul> | <ul style="list-style-type: none"> <li>▪ The property does not have</li> </ul> |

- |  |  |   |
|--|--|---|
| existing underground services.   | required, the existing parking on the property is limited. | the lot frontage required in the DN Zone. |
| <ul style="list-style-type: none"><li>▪ Additional density without adversely affecting existing character / streetscape of the area.</li><li>▪ Additional density is located near centres of employment.</li></ul> |  |   |

**CONCLUSION:**

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

**PRESENTER:**



Greg Morrison, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage




# Attachment B



Attachment B: Proposed Exterior Renovations  
File: PLAN-2019-2-July-  
38-40 Hillsborough Street (PID #337535)  
Owners: Terri Williams & David Toombs



**CHARLOTTETOWN**  
Planning & Heritage Department

|  |                                   |   |
|--|-----------------------------------|---|
| <b>TITLE:</b><br><b>Request for Cash in lieu of parking and Site Specific Amendment(PID#841536 ) 4 a Prince Street</b><br><b>FILE: PLAN-2019-06-June-6C-8</b><br><b>OWNERS: Paul Jenkins, Paul Murphy</b><br><b>APPLICANT: Sable Arc Studios</b> |                                   |  |
| <b>MEETING DATE:</b><br>July 2, 2019   |                                   | <b>Page 1 of 5</b>  |
| <b>DEPARTMENT:</b><br>Planning & Heritage  | <b>ATTACHMENTS:</b><br>A. GIS Map |   |
| <b>SITE INFORMATION:</b><br><b>Context:</b> Waterfront Zone mixed use development<br><b>Ward No:</b> 1 Queen’s Square<br><b>Existing Land Use:</b> vacant WF lot.<br><b>Official Plan:</b> Waterfront<br><b>Zoning:</b> Waterfront               |                                   |   |

**RECOMMENDATION:**

Staff encourages Planning Board to recommend to Council to proceed to public consultation to obtain a site specific exemption of the Waterfront Zone (WF) Zone of the Zoning & Development By-law as it pertains to 4a Prince Street (PID #841536) in order to construct a seven (7) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide (20 standard parking spaces) off-lot on the Harbour Authority Parking lot at 3 Stan MacPherson Way PID# (335430) for a period of not less than 10 years which is contrary to the Zoning & Development By-law (2018-11) and to permit cash in lieu for 9 standard parking spaces.

**REQUEST**

The Planning & Heritage Department has received a request to construct a seven storey, mixed-use building on a vacant lot located at 4a Prince Street (PID #841536). The proposed building includes a ground floor with commercial space and a hotel lobby with the second to seventh floors containing 48 hotel units and 60 apartment units.

In order to construct the proposed building, the applicant requires a site specific exemption to the Zoning & Development By-law to allow the applicant to apply for off-lot parking which is not permitted in the Zoning & Development By-law (2018-11). The applicant is also requesting to provide cash-in-lieu for 9 standard parking spaces.

**ANALYSIS:**

**Parking:**

The subject property is located in the Waterfront Zone (WF) Zone. Staff completed a parking calculation based upon the submitted plans.

**Standard Parking Spaces**

*Business office / retail store in the 500 Lot Area = 2 spaces for the first 450 sq ft of floor area plus 1 addition space for each additional 1,045 sq ft of floor area.*

Main Floor = +/- 4,000 sq ft of commercial retail, hotel = 6 spaces

*Dwelling unit in the 500 Lot Area = 1 space for every two dwelling units in a building with more than three dwelling units.*

60 residential dwelling units = 30 spaces

*Hotel, 1 space per guest room.*

48 hotel units = 48 parking spaces

Total required parking = 84 spaces

**Parking spaces included onsite:**

19 standard spaces

36 spaces substituted for (2) bus parking spaces

3 barrier free spaces

Total onsite parking = 55 standard spaces and 3 BF

**Proposing offsite and cash-in -lieu:**

20 offsite

9 cash-in-lieu

As per Section 4.44.6 of the previous Zoning & Development By-law (August 1, 2018), the development officer could, with the approval of the Council, approve off-lot parking for developments located in the 500 Lot Area provided that the building containing the required parking is within 787.4 ft of the subject lot and the developer has filed with the City, a lease providing the parking for a period of not less than 10 years.

The Bylaw was revised on (2018-11) and currently does not allow for off-lot parking but rather requires that cash-in-lieu of parking must be paid when adequate parking cannot be provided on the property and therefore, a site specific exemption is required.

In this circumstance, the applicant would be required to pay \$174,000.00 (\$6,000 per space x 29 spaces) to construct the proposed building. In light of the fact that this project has been developing for the past few years, and that a lease was obtained by the previous property owner that transferred to the existing property owner for off lot parking spaces the applicant is requesting that they be able to enter into an agreement with the City to provide the 20 standard parking spaces as off lot on land owned by the Harbour Authority (PID# 335430) and the remaining 9 standard parking spaces as cash-in-lieu as per the previous Zoning & Development By-law (August 1, 2018).

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"> <li>• Promotes compact urban form and infill development, as well as the efficient use of infrastructure</li> <li>• Provides suitable commercial employment opportunities and public realm amenities within the neighbourhood.</li> <li>• Strengthens the character of the 500 Lot Area</li> <li>• Adds to the vibrancy of the waterfront.</li> <li>• Design review has been completed and the reviewer recommended for approval.</li> </ul> |         | <ul style="list-style-type: none"> <li>• Requires a site specific exemption to allow the applicant to apply for off-lot parking.</li> <li>• Requires 9 spaces to be paid in cash-in-lieu.</li> </ul> |

**CONCLUSION:**

This project has already gone through the Design review phase and was recommended approval by the design reviewer. The design reviewer did identify that the parking that could not be



accommodated onsite would have to be approved through the Bylaw provision for cash-in-lieu. The Design reviewer was not aware of the existing leased spaces off site.

That being said, staff is confident that the requirements in the Zoning & Development By-law has been satisfied and the proposed development will enhance the waterfront zone.

Staff has confidence in recommending for the project to proceed to the public consultation phase for a site specific amendment pertaining to parking, the building design has been recommended through the design review process and is subject to the signing of a Development Agreement to ensure that the plans that have been reviewed will be constructed. The Development Agreement will also include provisions pertaining to the parking arrangement.

**RECOMMENDATION:**

Staff encourages Planning Board to recommend to Council to proceed to public consultation to obtain a site specific exemption of the Waterfront (WF) Zone of the Zoning & Development By-law as it pertains to 4a Prince Street (PID #841536) in order to construct a seven (7) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide (20 standard parking spaces) off-lot on land owned by the Harbour Authority (3 Stan MacPherson Way, PID #335430) for a period of not less than 10 years which is contrary to the Zoning & Development By-law (2018-11) and cash-in-lieu for 9 standard parking spaces ).

**PRESENTER:**

Laurel Palmer Thompson, MCIP  
Planner II



**MANAGER:**

Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



Attachment A. GIS Map:

