



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

~~Monday, November 04, 2019 at 4:30 p.m.~~

Wednesday, November 06, 2019 at 4:45 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 Wednesday, November 06, 2019
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, October 07, 2019
5. **Business arising from Minutes**
6. **Reports:**
 - a) **Rezoning**
 1. 68 Brackley Point Road (PID #396713) Greg
Request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings containing a total of 14-units.
 - b) **Variances**
 2. Reconsideration for 13 Donwood Drive (PID #278531) Alex
Reconsideration of rejected variance application for a home-based business (i.e. Counseling/Therapy service) located at 13 Donwood Drive. The property owner will be the sole operator of the home occupation and shall operate out of an office in the dwelling.
 - c) **Other Business**
 3. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2) Robert
Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.
 4. 10 Harley Street (PID #274365) and a portion of 297 Allen Street (PID #274449) Laurel
Request to consolidate 10 Harley Street with a portion of 297 Allen Street in order to reconstruct an apartment building that was destroyed by fire with additional density.
 5. Lot 2014-6 Towers Road (PID # 1076728) Laurel
Request to amend an approved development concept plan in the CDA Zone from two (2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units.



7. Introduction of New Business

Traffic Study of Tim Hortons along Maypoint Road

8. Adjournment of Public Session

The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial street in the City. The section of the subject property is zoned R-1L and contains either one or two unit dwelling units. The applicants submitted a rezoning application on January 14, 2019 from R-1L to R-3 for a 48-unit apartment building on the vacant property. The application was presented to Planning Board which the board recommended to Council that it be rejected to proceed to public consultation. Following the board meeting, the applicant requested to withdraw the application.

The applicant indicated in their application that there is very little vacant land available in the City and this development would allow for housing densification and an opportunity to fill the gap of the streetscape and support the need for housing. This new application significantly reduced the number of units from a 48-unit apartment building to 14 townhouse units. This application meets the requirements of the Bylaw but should this rezoning be approved, the applicant has to develop their plans further to include mobility parking spaces, landscaping requirements and driveway access. At this time, staff is still waiting for comments from Fire and Police in terms of the site distances but there were previous records back in 2008 for this property where there were concerns on the site distance from the South (coming from Ellis Brothers Mall) to the property.

Bobby Kenny, RM, clarified if it would be a show stopper if the development does not meet site line requirements. Mr. Morrison confirmed that the application meets the current bylaw requirements but should there be site line or concerns from Fire or Police in terms of the access, then that would be more of a concern.

Councillor Julie McCabe mentioned that the property has been evaluated for site lines in the past and inquired as to what were the concerns in relation to this property. Mr. Morrison responded that there was a file in 2008 and they did indicate that there were concerns but it didn't provide sufficient details as to how it would pertain to the specific development. Standards may have changed since then, therefore this has to be re-evaluated.

Mayor Philip Brown clarified that there was application for 88 Brackley Point Road was presented to the Board months ago for an apartment dwelling and townhouse dwellings and the some residents indicated that the concern was more on the high density apartment building and Mr. Morrison confirmed.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Bobby Kenny, RM, and seconded by Kris Fournier, 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 and Development Bylaw from the Single-Detached Residential (R-1L) to Zone to the Medium Density Residential (R-3) Zone;**

for property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be recommended to Council for approval to proceed to public consultation.

**CARRIED
(7-1)**

Councillor McCabe opposed

7. 9 Pine Drive (PID #393322)

This application has been requested to be deferred and will not be discussed in tonight's Planning Board meeting.

8. 17 Tamarac Avenue (PID #392878)

Councillor Bob Doiron declared conflict and has stepped out of the room for this application.

This is a request to operate a dog grooming business as a home occupation at 17 Tamarac Avenue (PID #392878). Greg Morrison, Planner II, presented the application. See attached report.

The applicants intend to operate throughout the week from Monday to Friday, 9:00a.m.to 5:00p.m. with four to five (4-5) clients per day. The business will be located behind the existing carport. Three letters of opposition were received for this application and the concerns were on parking, increase in dog waste/waste in general, business may expand in the future, traffic issues and impact to property values. There are currently no zones that allow dog grooming as permitted use except for pet stores as auxiliary uses but should not occupy more than 20% of the gross floor area. Staff is recommending that this application be approved. Carson Greer, applicant, is here to answer any questions.

Mr. Greer added that they have no plans to expand their business in the future. They would only use the area proposed in the application. They have also hired a person to clean their front yard on a regular basis.

A resident commented that the business has been operational since the beginning of October and noted that there will be about four or five dogs a day but on one occasion, there were nine. The resident commented that there are two parked RVs and there is insufficient parking, there are extra staff members working on site and some their clients are backing up onto the neighbour's driveways.

Mr. Greer responded that one of the RVs belonged to her daughter and that they have already left so there would be enough parking now. His wife also has friends who come in and help with their business but are not paid employees. Mr. Greer also indicated that there would only be four to five clients per day and most of their clients would only do nails.

Bobby Kenny, RM, commented that he struggles to recommend approval of this application because there were previous home occupation applications that were denied.

Rosemary Herbert, RM, asked what measures have the owners taken to ensure that the dogs (or the business) do not cause any issues for neighbours and would there be any risks that dogs may accidentally get away or outside the property. Mr. Greer responded that clients can drive directly to the carport to drop their pets and when dogs come in leashed, they would certainly come out leashed as well.

Mayor Brown asked if the business used to be located along St. Peters Road and Mr. Greer responded that it used to be along University Avenue. The property has since been sold and their leased expired and so they had to look for another location for their business. Mr. Greer indicated that he had a conversation with Mr. Brown and indicated this home occupation to be a possible option. They have found locations in the past but were not suitable for the business and had other issues with the landlords. Currently, they are still unable to find a suitable location to conduct their business. Mr. Brown clarified that the discussion at that time was for the home occupation to be an incubator until they find a location. Mr. Greer acknowledged and confirmed if this application is approved, they would still be looking for other locations to hold their business.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Mayor Philip Brown and seconded by Rosemary Herbert, RM, that the request to operate a home occupation (i.e., dog grooming business) from a portion of the dwelling located at 17 Tamarac Avenue (PID #392878), be recommended to Council for approval.

**CARRIED
(4-3)**

Councillor McCabe, B. Kenny and R. MacInnis opposed

9. 33 Bolger Drive (PID #492579)

This is a request to decrease the minimum lot area requirement for a garden suite from 0.50 acres to approximately 0.34 acres for the property at 33 Bolger Drive (PID #492579). Greg Morrison, Planner II, presented the application. See attached report.

Letters were sent to residents within 100 meters and received one (1) in opposition. The applicant also submitted four (4) letters from adjacent property owners in support of the application. The old bylaw requirement to allow for a garden suite is to have a lot size of one acre or larger. On March 19, 2019, the Bylaw was amended to reduce the lot size requirement to 0.5 acres or larger. The subject property has 0.34 acres based on provincial assessment (0.356 acres from GIS map). This request is to reduce the required lot area for a garden suite to 0.34 acres. The proposed garden suite would meet all the requirements of the bylaw. There are approximately 589 properties that are 0.5 acres or greater and there are ~1780 properties that are 0.34 acres or greater. This may set a precedent for similar requests in the future. If this is something that Council would approve, staff would recommend that the bylaw requirements be reviewed and amended to allow gardens suites for smaller properties. Staff recommendation is to reject this application. Aaron Stavert, representative, is present to provide more details and answer any other questions.

Mr. Stavert added that this request would be similar in terms of size of adding a two-car garage on the property and would require less setback requirements. The proposed garden suite would provide an increase in habitation and while staff does not support this application because of the potential requests from similar properties, other properties with the same size have houses that are built so far back that you are not able to meet the setback requirements to be able to build a garden home. While Mr. Stavert supports the idea of reviewing the bylaw to allow for garden suites on smaller properties, this specific application time bound as the intent is to accommodate ageing parents to be able to live on the proposed gardens suite. The property is a mature lot and will submit a drainage plan should this variance request be approved.

Shallyn Murray, RM, asked if the owners will be replacing the existing fence and Mr. Stavert that they are replacing the existing fence. Mayor Brown also clarified that requested reduction in lot size is about 7,000 sq.ft. and Mr. Stavert confirmed and added that the proposed garden suite would be similar to adding a double garage on the property, which they can build as of right. The only difference is that this would allow for an increase in housing to the property. The property will be used for long term rental, one parking space is provided and access will utilize the existing access of the property. Bobby Kenny, RM, asked about snow removal and Mr. Stavert responded that it will be the same as the current snow removal process. The property has enough room to dump the snow.

Councillor McCabe clarified that there would be no issues or concerns if the proposal was to add on to the existing house. Mr. Stavert responded that the owners explored the possibility of building a secondary suite to the upper level of the house. However, there would be a significant cost to do the renovation and considering that it would be for ageing parents, the upper level may not be a very good option. Reg MacInnis, RM, also asked what happens to the garden suite when the parents no longer live there. Mr. Stavert responded that it will be used for long term rental and the owner would be responsible for the property.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Shallyn Murray, RM, and seconded by Councillor Julie McCabe, that the request to reduce the minimum lot area requirement from 0.50 acres to approximately 0.34 acres in order to construct a garden suite on the property located at 33 Bolger Drive (PID # 492579), be recommended to Council for approval.

**CARRIED
(8-0)**

Councillor McCabe recommended that the bylaw requirements on garden suites be reviewed to allow garden suites for smaller properties.

10. 50 King Street (PID #335687)

This is a request to increase the maximum building height requirement for the existing single-detached dwelling from 39.4 ft to approximately 56.0 ft. for the property at 50 King Street (PID #335687). Greg Morrison, Planner II, presented the application. See attached report.

In 2012, a permit was issued to renovate the property for a custom workshop garage on the ground floor and a single-detached dwelling on the two floors above. When the permit was issued at that time, the plans showed two floors of living space above the workshop with a total building height of 39ft. 1in. to the bottom of the steel deck roof. The plans also showed a mechanical penthouse above the floors for a total height of 48ft. 10in. as well as an elevator penthouse for a total height of 53ft. 5in. The current bylaw and the bylaw at that time exempted elevator penthouse and mechanical penthouse from the height calculation. Staff cannot locate any revised plans showing the current layout that has a smoking room and a washroom and the location of the mechanical room being moved from the original plan. The mechanical room, washroom and smoking room all looked original to the building and would have been constructed at the time of the renovation. The applicant is looking to apply for an increase in height to 56 feet to rectify the existing situation and to bring it to conformance to the bylaw.

Letters were sent out to residents within 100 meters and received one (1) letter in opposition. The letter had a concern that outdoor living space is being approved and that space would be closed in and would create site line issues and additional density. In this case, the applicant is only applying for a variance to bring the existing property into conformance. The mechanical room is exempt from the height calculations in the current bylaw. The variance will not include any other addition above the 39.4 feet. Any new renovations or development on the fourth floor will require the applicant to go through the bonus height provisions or a variance. Staff is recommending approval of the requested variance to increase the height to 48.83 ft for the living space (washroom and smoking area). Tim Banks, applicant, is here to answer any questions or comments.

Tim Banks noted that the building was renovated in 2012 and the City had concerns that the property will be an apartment building. A letter of undertaking was provided to indicate that it will be a single-detached dwelling. Mr. Banks bought a property adjacent to the property in question and applied for a permit to demolish the dwelling. At the same time, Mr. Banks also had a discussion with staff to add on to the existing dwelling at 50 King Street and staff had indicated that the property did not have approval for the fourth floor of the building. Mr. Banks clearly stated that they submitted stamped drawings of how the existing building was constructed. However, these documents were not available or cannot be found on file. Mr. Banks indicated that he is wondering why he needs to apply for something that has already been approved in 2012.

Mayor Brown asked if all the plans have been approved and Mr. Banks responded that the City has to inspect the property before all the other departments such as Maritime Electric conducts their inspection as well. Mr. Banks indicated that they would not be able to get a permit to renovate the building without providing the drawings. Mr. Forbes commented that the current floor plans do not reflect what has been approved in 2012. The revised drawings may have been submitted but at the moment, cannot be located in the files. The purpose of this variance is to legalize or to bring the property into conformance. Mr. Banks pointed out that he wanted staff to acknowledge that at the time of application, there was approval to renovate as proposed.

Members of the board commented that at this time, the request is for a variance to the height requirements to bring the property into conformance.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Mayor Philip Brown and seconded by Bobby Kenny, RM, that the request to increase the maximum building height requirement for the existing single-detached dwelling from 39.4 ft to approximately 48.83 ft. in order to bring the existing single-detached dwelling located at 50 King Street (PID #335687) in conformance to the bylaw, be recommended to Council for approval.

**CARRIED
(8-0)**

11. 60-66 Dorchester Street Street (PID #336826 &336818)

Shallyn Murray declared conflict and has stepped out of the room for this application.

This is a request to decrease the minimum side yard setback for a 4-unit townhouse in the Downtown Neighbourhood (DN) Zone from 6 ft. to approximately 0 ft. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

Ms. Thompson indicated that this application was before the board in 2014, 2017 and 2018 with the same variance application. On all three occasions, the variance was approved. The application is before the board again today because the Bylaw indicates that when a variance is not acted upon within a year, the variance shall be deemed null and void. Staff recommendation is to approve this request.

Mayor Brown clarified if this is the same property that is being currently being reviewed by the Design Review Board and asked if this can be reviewed after the Design Review Board has finished the review. Ms. Thompson confirmed that this is the same property but the item being reviewed by this board would be for the variance request while the Design Review Board will be looking at the design modifications for the development.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Julie McCabe and seconded by Reg MacInnis, RM, that the request to decrease the minimum side yard setback from 6.0 ft to 0.0 ft in order to construct a 4-unit townhouse dwelling for the property at 60-66 Dorchester Street (PID #336826 &336818), be recommended to Council for approval.

**CARRIED
(7-0)**

12. 21 Greenfield Ave (PID #352955)

This is a request to reduce the interior side yard setback from 1.83m (6ft) to 1.2m (4ft) for the property at 21 Greenfield Avenue (PID #352955), in order to construct an addition to the rear portion of the existing single-detached dwelling. Robert Zilke, Planner II, presented the application. See attached report.

This application could be considered to be a unique circumstance as this property is one of the smaller R-1L lots in the established neighbourhood of Brighton. The existing side portion of the dwelling is already at 4.0ft setback and the proposed renovation to the rear of the dwelling would follow the same setback distance. There were two letters of support received for this application. One letter of concern from a neighbour that stated concerns with fire separation and emergency access, drainage and aesthetics of the addition. Should this application be approved, the applicant would still be required to submit a permit application and would have to meet all the bylaw and building code requirements. Staff recommendation is to approve this request.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the request to reduce the interior side yard setback from 1.83m (6ft) to 1.2m (4ft) in order to construct an addition to the rear portion of the existing single-detached dwelling at 21 Greenfield Ave (PID #352955), be recommended to council for approval.

**CARRIED
(7-0)**

Councillor McCabe was not in the room at the time to vote for on this application

13. 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974), & 100-102 Dorchester St (PID #336966)

Shallyn Murray declared conflict and has stepped out of the room for this application.

This is a request for a lot consolidation of four properties in the DMUN Zone, request to reduce the minimum lot frontage required in order to be eligible for bonus height in the DMUN Zone from 98.4 ft to approximately 80.1 ft and a request to reduce the minimum side yard stepback for the fifth storey from 18.0 ft to approximately 13.0 ft away from Queen Street properties for the properties located at 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974), & 100-102 Dorchester St (PID #336966). Greg Morrison, Planner II, presented the application. See attached report.

Letters were sent to property owners within 100 meters and received one letter of support. The purpose of this application is to construct a five-storey, 43-unit apartment building. The preliminary plans presented would also include 21 underground parking spaces. The design of the building will not be voted on by the board but will undergo design review process. The applicant is requesting for a bonus height of one (1) additional floor which is permitted in the zone provided that the variances requested be approved. All the requests for this application must be approved before a bonus height is granted and the application would be subject to a design

review, development agreement and public benefit. Silva Stojak, representative for the application, is here to answer any possible questions.

Rosemary Herbert, RM, asked what would happen to the current tenants of the properties. Ms. Stojak responded that they would be displaced at the time of construction but the new development would be able to accommodate a total of 43 tenants. Ms. Herbert also asked if assistance would be given to these residents when they are displaced. Mr. Forbes responded that those aspects are beyond what the board can decide on. It definitely would impact the current tenants but this is something the board cannot decide based on these factors. There is no policy on displacement at this time. Mayor Brown added that this would be more of a social responsibility. Mr. Forbes added that the Planning Board is more of the technical body looking at bylaw requirements and the Council would be more of a political body who can look into other aspects. Mayor Brown also noted that this application was before the Heritage Board as well and Mr. Morrison commented that it was presented to the Heritage Board for information only. Mr. Forbes also added that if the requests are approved, this application would have to go through Design Review to ensure that it meets the provisions in the Bylaw. Mr. Morrison also added that the applicants can apply to demolish the properties as-of-right. However, they are applying for a bonus height which would require provisions for public benefit, which includes affordable housing as an option.

Mr. Kenny asked if these are long term rentals and Ms. Stojak confirmed. Ms. Herbert also commented that the project looks great and asked about provisions on green space. Mr. Morrison responded that they are required to provide at least 10% of landscaping on the property or at least 25% green roof. Ms. Herbert also asked if the variance would allow for affordable housing and Mr. Morrison responded that one of the public benefit options for bonus height requests include affordable housing. The applicants would determine the type of public benefit to meet the value required by the City.

Councillor Doiron commented that most if not all applications would indicate that developments would be for long term rentals. However, there are no recourse as to whether they would be used for long term rentals. Mr. Forbes responded that it would be up to the landlords to determine the type of rentals. Council is still looking at short term rental provisions at this time.

Mayor Brown also asked what the maximum height would be permitted and Mr. Morrison noted that it would be 60.7 feet. Ms. Stojak responded that the building would be approximately 50 feet.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Julie McCabe and seconded by Kris Fournier, RM, that the following requests:

- **Consolidate 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974), & 100-102 Dorchester St (PID #336966); and**

- **Reduce the minimum lot frontage required in order to be eligible for bonus height in the DMUN Zone from 98.4ft to approximately 80.1ft on the consolidated property (consisting of PID #s 336909, 336917, 336974 and 336966); and**
- **Reduce the minimum side yard stepback for the fifth storey from 18.0ft to 13.0ft away from the four (4) properties fronting on Queen Street (PID #336982, 336990, 337006 & 337014) on the consolidated property (consisting of PID #s 336909, 336917, 336974 and 336966);**

in order to construct a five-storey, 43-unit apartment building, be recommended to Council for approval subject to:

- **A pinned final survey plan;**
- **A new perimeter deed description being registered describing the outer boundaries of the consolidated parcels;**
- **Design Review Approval;**
- **Public Benefit being provided for the fifth storey; and**
- **The signing of a Development Agreement.**

**CARRIED
(7-0)**

14. 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982)

Shallyn Murray declared conflict and has stepped out of the room for this application.

This is a request to consolidate two properties at 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982). The properties are located in the Downtown Main Street (DMS) Zone. Greg Morrison, Planner II, presented the application. See attached report.

The purpose of this application is to consolidate the two properties and renovate the buildings. The buildings will not be demolished and the façade of the building will be retained. The consolidation would allow the developers to remove the interior walls of the two properties and have more flexibility to break up the space or to accommodate a larger tenant. The outdoor layout/design (canopy) shown in the photo is not part of this application and the heritage property on the corner will also remain.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Kris Fournier, RM, and seconded by Reg MacInnis, RM, that the request to consolidate the properties at 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982), be recommended to Council for approval subject to:

- **A pinned final survey plan;**
- **A new perimeter deed description being registered describing the outer boundaries of the consolidated parcels; and**
- **Design Review Approval for any significant exterior renovations.**

**CARRIED
(7-0)**

15. 165 &185 John Yeo Drive (PID #1078179& 1102102)

This is a request to consolidate two properties located at 165 &185 John Yeo Drive (PID #1078179& 1102102). The properties are located in the Light Industrial (M-1) Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

Lot consolidations under the Light Industrial Zones require Council approval. Both lots have been developed and the applicants would like to consolidate the two properties and subdivide a portion of the property for future development. M-1 Zones would allow for more than one property on a parcel. Parcel C would be allocated for a future development and would still have frontage on John Yeo Drive.

Bobby Kenny, RM, asked if John Yeo Drive is a private or public road and Ms. Thompson indicated that it is a private road.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the request to consolidate the properties at 165 John Yeo Drive (PID #1102102) and 185 John Yeo Drive (PID #1078179), be recommended to Council for approval, subject to a final pinned survey plan.

**CARRIED
(8-0)**

16. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2)

This is an application to make amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation;
- Section 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4: Accessory Structures;
- Section 4.6: Non-conforming buildings;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;
- Section 44.13.3, 44.15.1 and 44.16.1 Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to sign regulations for Designated properties.

Robert Zilke, Planner II, presented the application. See attached report.

Mr. Zilke indicated that Sections 2, 3.14, 4, 4.6, 43.1 and 44.21 have already been discussed in the September Planning Board meeting and was approved to proceed to public consultation. New amendments are being proposed for Sections 3.8.6 and 3.9.6 to increase the validity of variances from one year to two years. Some developments require more than one year to put together final development plans hence, they would have to reapply for same variances if they are unable to

complete their applications within one year. Signage guideline amendments are also being proposed for the placement of Fascia signs on buildings four stories or greater.

Ms. Murray asked if the regulations for signage be location based because it may depend on how the building is built. Mr. Forbes commented that these would be standard provisions for signage. Mayor Brown asked if this would cover the screen scape signage application and Mr. Forbes responded that staff is working with the applicant with regards to the parameters surrounding what is required to obtain the signage requested. Mayor Brown cited signage examples such as the location of the MRSB and Pilot house signage's and asked if these provisions would override heritage provisions. Mr. Forbes responded that there are heritage provisions where the heritage board may determine where the signage location on a designated property would be better placed. Mr. Forbes also noted that if there are variance provisions to the signage by-law with regard to location, the department and the board would be receiving and reviewing variance applications for signage every month.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- **Section 2: Operation;**
- **Section 3.8.6 and 3.9.6 Minor and Major Variances;**
- **Section 3.14 Design Review;**
- **Section 4: Accessory Structures;**
- **Section 4.6: Non-conforming buildings;**
- **Section 43.1 Parking Space Standards;**
- **Section 44.12.4 General Provisions for Fascia Signs;**
- **Section 44. 13.3, 44.15.1 and 44.16.1 Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;**
- **Section 44.21 Exemptions to sign regulations for Designated properties**

be recommended to council to proceed to Public Consultation;

**CARRIED
(8-0)**

17. Reconsideration for 13 Donwood Drive (PID #278531)

This is a request to reconsider the minor variance application for a home-based business located at 13 Donwood Drive (PID #278531). Alex Forbes, Planning & Heritage Manager, presented the application. See attached report.

Mr. Forbes explained that this application was before the board in September in which Council rejected the application. The applicant spoke to the application at the Planning Board meeting and at the application was forwarded to the next Council Meeting. Councillor MacLeod was not present at the Council meeting but had made his intentions known that he wanted to speak to this

application. Councillor MacLeod wanted to bring to Council's attention what he felt was different with regard to her proposed counselling service and what the by-law intentionally tried to prohibit. Staff feels that the application doesn't really fit the strict legal criteria for reconsideration but she has filed an appeal with IRAC and has requested reconsideration of the application. The issue for the board at this time is whether Councillor MacLeod should have the opportunity to speak to this application at Council. Council MacLeod has spoken to the applicant and feels that he has a different perspective on her application and would like the opportunity to share that with Council. Since the applicant does not have the opportunity to speak at Council, having a Council either convey information to their colleagues or ask questions of staff is important. As a result, Staff feel that an argument can be made that allowing Councillor Macleod to speak is similar to providing new information and therefore would like to request that this be recommended for reconsideration.

Mr. Kenny commented that he struggled with making recommendations to this home occupation application after the previous home occupation application for dog grooming business was recommended for approval. Mr. Forbes responded that these are two different types of home occupation and the dog grooming could be considered to be unique in nature. The reason why these types of home occupations are restricted in the zoning bylaw relates to the fact that the majority of them can scale up quickly and become very busy.

Councillor McCabe also commented that she voted for approval the last time as well because she felt the application was different and unique in a sense that there would not be four people in a counselling session. There would be more dogs than people in a counselling session. Councillor McCabe also explained that although counselling sessions may qualify for insurance for those types of service, it would not be considered as medical service either. Mayor Brown also added that these home occupations are intended to start off the business and then eventually move out to the community. Mr. Forbes noted that it may not necessarily be the case. Home occupations normally stay in an established location. Staff concerns are related to our effectiveness and ability to regulate these type of operations if and when they become successful. If they end up having more clients per hour than anticipated, then neighbours would call the department to look into the operation. Since home occupations have the potential to generate different levels of traffic, staff recommends that the board contemplate anticipated impacts from home based businesses and make the necessary recommendations.

Deputy Mayor Coady asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the request to operate a home occupation (i.e. counselling/therapy service) for the property located at 13 Donwood Drive (PID #278531), be recommended to Council to approve the request for reconsideration.

**CARRIED
(8-0)**

18. New Business

Mayor Brown briefly asked if the submitted drawings must be stamped by an architect who is a member of the architect association. Mr. Forbes and Ms. Murray confirmed they have to be part of the association to stamp drawing plans. They are not allowed to stamp documents if they are not part of the association.

19. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Mayor Philip Brown, that the meeting be adjourned. The meeting was adjourned at 6:27 p.m.

CARRIED

Deputy Mayor Jason Coady, Vice-Chair



**Public Meeting of Council
Tuesday, October 29, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent Street**

Mayor Philip Brown Presiding

Present:

**Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe**

**Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Mitchell Tweel
Councillor Robert Doiron**

Also:

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

**Ellen Faye Ganga, PH IO/AA
Robert Stavert, TA**

Regrets:

**Councillor Mike Duffy
Councillor Terry Bernard**

Laurel Palmer Thompson, PII

1. Call to Order

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

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting and turned the meeting over to Councillor Rivard, Chair of Planning Board, who explained the Public Meeting process and then proceeded to introduce the first application.

4. 68 Brackley Point Road (PID #396713)

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would

contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units. Greg Morrison, Planner II, added more details about the application and stated that the applicant is also present to answer any questions or comments.

The subject property is currently vacant and the applicants are proposing to build two townhouse dwellings for a total of 14 units. Eight units will be at the front of the property and the other six units will be towards the back of the property. The elevations and floor plans were presented and it was explained that each unit are all identical with a garage at the front and three bedrooms on the second floor.

Susan Dillon, resident, commented that over the past years, there has been interest in this property and the rumour around Sherwood was that the property did not have access to Brackley Point Road. Ms. Dillon then asked where the access for the townhouse would be. Mr. Morrison responded that the access would be along the southern part of the property along Brackley Point Road and there would be a turning point at the rear of the property. Ms. Dillon also asked if there was a study in terms of safety of vehicles coming out of Brackley Point Road. Mr. Morrison mentioned that the site plan was sent to the Police, Fire and Public Works Department for review and comments. Staff received comments from Police and Public Works today. The Police Department have indicated that they were satisfied with the proposed site plan. The Public Works Department has issues particularly with the sight line to the south and have indicated that the proposed location would not be acceptable but access to the north of the property could be acceptable. Should Council look to approve this rezoning, these comments would have to be incorporated in redesigning the property. Ms. Dillon asked if staff have driven to the property and looked both ways. Mr. Morrison confirmed that he did and also added that he is not a traffic expert and must defer the review to corresponding departments. Ms. Dillon added that you cannot see cars approaching the top of the hill. For many years, it has been rezoned as a single family and has not been sold because there was no access to Brackley Point Road and was wondering how 14 townhouses can be developed there and have access off Brackley Point Road.

Ms. Dillon also asked the Mayor if there is any other ward that is as busy as Ward 9 with rezoning. Mayor Brown responded that for any rezoning, traffic study is being considered and looking at Brackley Point Road, it is a connector to the arterial highway and then branches off to neighbourhoods. Mayor Brown also asked Mr. Forbes if there is any background or facts to add on to Ms. Dillon's inquiry. Mr. Forbes responded that Ward 9 is as busy as any other ward. Rezoning applications are not concentrated in a specific ward or the other. Ms. Dillon commented that she asked this question because this is the third public meeting she attended to since March 2019 and that she never attended any meetings in the past. She felt that there is always another piece of land being rezoned in her neighbourhood. Ms. Dillon also asked if the City has any strategic plan for the City to look at the overall map and see where development or rezoning could happen or it is based on a property being purchased and requested to be

rezoned. Mr. Rivard responded the City has a Zoning Map and an Official Plan in place that shows where density should go in the City. The neighbourhood is predominantly R1 zoning but looking at that specific parcel of land and the reason why residents are back here for the third time for another public meeting. With the current housing crisis, developers are taking the opportunity to develop properties to meet the housing needs. Mr. Rivard noted that it may be right or wrong and he just pointed out the reason why a public meeting is scheduled every month. Public meetings can happen for any ward as well. Mr. Rivard also shared that there have been other properties that went through public meeting in the past for a rezoning as well such as the West Royalty area. Ms. Dillon asked if this went to public consultation and if Council got the same push back with the properties along Sherwood. Mr. Rivard confirmed that any rezoning application requires a public meeting and also confirmed that on some applications, Council got the same push back from residents. Mr. Brown also read portions of the policy in the Official plan (refer to report) and the Official Plan allows for some latitude for changes to the Bylaw. Anytime there is a change to the Bylaw, it requires public meeting. Ms. Dillon asked then if 14 townhouses surrounded by single family dwellings make sense. Ms. Dillon also commented that when residents voted Councillors in the City, residents hoped that they could come up with a strategic plan that doesn't just last for today or a few years but for 50 years down the road. Ms. Dillon also stressed that residents put Council in place to entrust that Council is making positive, informed and factual decisions on whether a property is to be rezoned or not. Ms. Dillon pointed out that she cannot understand how 14 townhouse units can be put on top of Brackley Point Road. It is busy as it is. She was in a few months ago requesting that the parcel further down Brackley Point Road by Stone Park not be rezoned to R-3 and now residents are back here for 14 townhouses on a small parcel of land that most people wanted to put a single family dwelling on but couldn't do it because the sight lines were not appropriate or was not safe. Mayor Brown clarified that the purpose of the public consultation is to get feedback from residents where development can happen or look at broader scopes or plans for the City of the City of Charlottetown.

Ms. Dillon stated that Council voted on this application and agreed to proceed to public consultation and staff just got the information from Police and Public Works on the same day of the public meeting. If no one showed up tonight to speak about the application, this was going through because Council already voted for it without all the necessary information. Mayor Brown clarified that Council did not vote in favour of the rezoning but voted that this application proceed to public consultation to get feedback. People may interpret it as a vote for the rezoning but this is only a vote to bring it to public consultation. Ms. Dillon reemphasized her earlier statement about Council making the right decision and that every time residents attend a public meeting, they felt like that are fighting for Council to make the right decision for the residents. Mr. Rivard mentioned that residents should not assume that Council would automatically approve an application when residents do not speak or show up at a public meeting. Council looks at the whole process and public meeting is one piece of the whole process. Staff prepares a report and makes a recommendation to the Board. Board makes a

recommendation to Council and Council makes an ultimate decision based on all the information provided. Mr. Brown also added that members of the Planning Board are at the meeting tonight listening to inputs of the residents and they would provide their inputs at the Planning Board meeting as well.

Councillor Tweel responded to a question asked earlier whether any other ward is as busy, he mentioned that his ward has been busy dealing with Planning issues and it has been nothing but a "horror show".

Andrew MacLean, resident, noted that the diagram showing the size of the lot is incorrect because his mom's property adjacent to the property in question is 0.75 acre while the rest are 1.5 acres. The far side of the road has a grass area about 10 feet wide and then narrows as it reaches the top of the hill. The top of the hill along Brackley Point Road is very narrow. It was noted that traffic studies were provided by Police and Public Works but the top of the hill was intended to be narrower so that you are not able to park on the side of the road and that it can be a safe spot as possible. During the winter time, there would be about six to seven feet of snow for six months in year. There used to be a sidewalk on the east side of the road but was moved to the other side of the street. There is also a fire hydrant close to that location. Living adjacent to the property in question, Mr. MacLean noted that they do not back out of their driveway in 35-40 years. They drive on to the front lawn and drive out straight ahead. When there is snow, they would have to drive out north because traffic drives out 50-60km/hr and there is poor visibility. Mr. MacLean then asked what would happen if there is snow about 50 feet to the north and 25-30 cars trying to pass traffic to work. Mr. MacLean doesn't think that they are going to drive north and through that roundabout. Mr. MacLean felt that it is a dangerous spot.

Doug Carmoby, resident, recommended that a roundabout be built near Vogue Optical to get rid of some of the traffic, let Woods develop his property and build a road where the house is built down off Duncan Heights. There was supposed to be a road there out by Stonepark and residents can use the land that is there. Most properties are at least an acre land, residents pay taxes on it but cannot use the land.

Andrew Cotton, resident indicated that the lot has been vacant for years because it cannot have access off Brackley Point Road from that lot and asked about the property where the water tower used to be. Mr. Cotton asked why this property needed to have access off Maxfield instead of Brackley Point Road. A resident commented that it was because of the line of sight. Mr. Cotton then commented that it was not safe enough for that side of the road but would be safe for 14 cars on the other side of the road.

Jeremy Crosby, resident, mentioned that he will be submitting a letter to Council tonight. Mr. Crosby indicated that he is not against redevelopment of the property but rezoning from single family to R-3 is too high density for the property. Mr. Crosby quoted items in the report saying that this rezoning may change the long term direction

of the neighbourhood and may lead to additional rezoning requests within the neighbourhood, secondary plan may be put in place and would need to consult the public on this, the scale of the townhouse units may adversely affect the existing low density dwellings, the section of Brackley Point Road is an established single-detached dwellings, the access on to Brackley Point Road may not have sufficient sight lines. Mr. Crosby noted that proposal for 14 townhouse units may be considered at some point but felt that the change from an R-1L to R-3 is too high of a density and that there are no guarantees that the applicant would come back and plan to build an apartment instead. He also added that the bylaw be reviewed to amend the permitted uses for an R-2 to allow townhouse units but not other types of developments that are included in the R-3 Zone. Mr. Crosby also mentioned that the residents are tired of the constant attempts to rezone the area around their neighbourhood to higher density. The last attempts to rezone properties earlier this year were both denied. Mr. Crosby requested to consider how these rezoning applications affect residents each time they have to go through the process. Mr. Crosby also requested that should a development take place on the property, the treed area/buffer zone be kept in place to benefit the residents and current owners.

Mayor Brown commented that a development agreement may be put in place when amendments are approved. Mr. Forbes explained that when there is an application to rezone a property, Council has the ability to restrict developers to what is being proposed and permitted on the property and that would be through a development agreement. If developers want to change the plan, they would have to undergo the same process again. Mr. Crosby asked if that would apply even if the property was sold to a new developer and Mr. Forbes confirmed. When developers apply with a plan, the proposal is what would be reviewed and potentially approved. If developers come back and change their plans, Staff will forward it to Council for approval if there is a significant change to the original plans submitted. Mr. Crosby asked if there were situations in the past where these development agreements are challenged and Mr. Forbes noted that most rezonings come with a development agreement and it is a standard tool and would be difficult to get around a development agreement. Mr. Crosby also commended staff for doing a great job preparing the report. Mr. Rivard also added that staff cannot stop or prevent land owners or developers from applying to develop or rezone their property. If the application is turned down and there are no significant changes to the proposed development, they would have to wait for another year to make another application. Mr. Crosby commented that the attempt to develop or rezone the property has been going on for many years now and would recommend that future development here would be something that is more agreeable than trying to rezone to an R-3. Mr. Rivard also asked Mr. Morrison what an R-2 permits and Mr. Morrison responded that it would allow for one and two unit dwellings. R-3 would allow townhouse and apartment units based on lot area. Mr. Crosby also added that there are other uses beyond that for R-3 and Mr. Morrison confirmed. While it says Medium Density, Mr. Crosby felt that it is perceived as high density for most residents living in an R-1 zone. Mr. Crosby also commended the developer and felt that it is a decent

proposal but the R-3 zone is what unnerves residents. Councillor Tweel commented that that an R-3 zone opens doors for apartment complexes and when a zoning has been changed, Mr. Tweel asked why it have to come back to the public consultation process again. Mr. Morrison responded that should Council approve the rezoning, it would be done subject to a Development Agreement. The Development Agreement would indicate what can only be built on the property with the proposed site plan and elevations. Should these drawing change, the developers would have to go back through the same process. Technically, the R-3 Zoning for the property would only allow them to build 14 townhouse dwelling units as per proposed. Mayor Brown also mentioned that the request to look at the R-2 zoning to allow for townhouse dwelling may be looked at or considered at some point.

One resident asked about the setback requirements for an R-1 zone allowing a development 15 feet from property line. Mr. Morrison responded that for a single detached dwelling in an R-1 zone, the minimum setback would be 19.7 feet from the front line, 24.6 feet from the rear and 6 feet from the side yard. Mr. Morrison clarified that the plan shows 14.8 and not 4.8 feet on the side.

Ian Handrahan, resident, asked what the speed limit is along Brackley Point Road and Councillor Doiron responded that it is 50 km/hr. Mr. Handrahan asked if the line of sight test was done (3ft cone, 150m back and still visible) and Mr. Morrison responded that he is not a traffic engineer but was sent to Public Works & Police Department who reviewed and provided their inputs on the proposed development.

Joan Ivany, resident, asked if the application would have to start over if driveway was moved to the other side. Mr. Morrison indicated that the developers would have to change their plans and would be reviewed by staff and the other departments but would not have to go back for another public meeting. Should the access be moved, the developers would have to amend their plans and include them in the development agreement. Ms. Ivany commented that the townhouses behind Charlottetown Mall do not look like the initial plans that they have proposed. Mr. Rivard responded that the developers went back to Council for approval when the plans were changed.

Mark Grimmett, resident, commented that car traffic was discussed but not pedestrian traffic that would potentially be associated with the development. Mr. Grimmett asked how pedestrians would access the sidewalk on the other side of the street and Mr. Morrison commented that it would be more of a Council question if they have the appetite to construct a sidewalk on the side of the street or a crosswalk. Mr. Grimmett also asked how this development is adjacent to commercial areas as how other R-3 developments are. He also echoed comments from other residents that the R-3 zone set people off and cause concerns to residents in the neighbourhood regardless if there is a development agreement or not. As a property owner along that property, he is not in favour of the proposal of one of the resident to add another road access through the property along Duncan Heights.

Wendy MacDonald, resident, commented that their property was turned down in the past because of sight line issues even for a single family dwelling. Ms. MacDonald questioned how 14 new residents with potentially 28 cars coming out of the top of the hill. She mentioned that she has been rear-ended and side swiped several times trying to pull out of her driveway with signal lights and at clear daylight. With snow, it is even more difficult. And when you try to put a driveway immediately across the property with the increased number of vehicles coming out, Ms. MacDonald and her husband are completely opposed to the development. Ms. MacDonald also guaranteed that vehicles do not drive 50-60km/hr up that hill. Vehicles drive up to 80 km/hr and ambulances also drive that route into town and felt that the proposed access is completely not safe.

Doreen Connolly, resident, commented that with the townhouses being three bedrooms, there would be numerous families that would live there with children. Kids will be walking to school across Brackley Point Road and felt that it will not be very safe and I am against this proposal.

Jeremy Ivany, resident, mentioned that he has attended about seven public meetings for the area since moving to Pope Ave and had called it a parachute rezoning. Mr. Ivany noted that the issues would always be developers purchasing single family homes and he expects Council to work with residents to allow the neighbourhood to remain the same. Mr. Ivany acknowledged that there would always be changes in houses or residences but the concerns for this property would be 1) traffic safety where vehicles don't follow the 50km/hr speed limit and 2) when the Belvedere Ave/St. Peters Road roundabout will be constructed, vehicles trying to get to town will most likely drive through Duncan Heights. Mr. Ivany plead that Council not approve this rezoning. In the original plan, there was a proposed road that would run from north to south and would come out of Heather Ave but over the years, plans were changed, the City was amalgamated and the long term plan was ignored. Mr. Ivany commented that he does not have a lot of faith with the City and would like to see someone start thinking about residents.

Mayor Brown mentioned that all the information gathered tonight will be taken to the Planning Board which is scheduled on Monday, November 4, 2019 at 4:30pm at Council Chambers, 2nd Floor, City Hall. Mayor Brown also added that it will be an open meeting and the residents are welcome to attend the meeting.

Councillor Doiron thanked the residents for attending the meeting and encouraged everyone who are opposed to this development to come out on November 12, 2019 at the Council Meeting. Mr. Doiron commented that there have been rezoning applications in the past where the public came out in full force who expressed their opposition but when Council voted for the application, Council went with the housing crisis and approved the applications. Mr. Doiron added that he is aware that there are a lot of opposition to this application and that Council listened to all the comments of the

residents saying they don't want it but when it comes to a vote, Council votes for it anyway. Mr. Doiron also noted that it is great that residents are here tonight but because it happened a couple of times in the past, he encouraged residents who are opposed to this rezoning to attend the Council meeting in November. Mayor Brown reiterated that there is a Planning Board Meeting on November 4 at 4:30pm where a recommendation will be made by the Board to Council and the Council Meeting is scheduled on Tuesday, November 12 at 5:00pm.

Susan Dillon, resident, reiterated her earlier comments saying that "we interest the Councillors of the City to make sound, informed decisions based on facts to lead the City in a direction that shows positive growth for many years to come." Ms. Dillon expressed that she doesn't want to be in a public meeting but wanted Council to look at the zoning, the sidewalks, sight lines, etc. and ask if it matches what the community needs. She also mentioned that the reason why she voted her Councillor, why residents voted their Councillors in, is not for residents to be at public meetings but for Councillors to look at the issues, be the voice of the residents and make sound decisions based on what is best for the community. Mr. Doiron agreed with Ms. Dillon's comments and mentioned that he is listening to the crowd but when Council votes, things changed, people tend to forget the people at the public meeting. Mr. Doiron cited the previous rezoning along Upper Prince and Palmers Lane where, residents attended the public meeting and spoke in opposition, but Council voted to go ahead with it. Mr. Doiron understands that residents entrust their Councillors to do what residents think is right and what he believed is right but he mentioned that he is not going to sit and thank residents for all the concerns raised and vote for what the residents want, while everyone else would indicate that the City is in a housing crisis and would go that way. Mr. Doiron added that he does not want to give residents false hopes and so encourages people to come out and attend the Council meeting while council vote. Mr. Doiron felt there has to be a balance in terms when it comes to housing crisis and every Councillor wanted to do the right thing and mentioned that Councillors are stuck to what the right thing is.

Mayor Brown mentioned that he understands the trust that Ms. Dillon is giving her Councillor and Council, and to add on to Mr. Doiron's comments, City Hall is open and there is a Planning Board Meeting on November 4th at 4:30pm where this issue will be voted on and then voted by Council on November 12th at 5:00pm at the regular meeting of council. Mayor Brown also added that he has good faith in all the Councillors that represent the wards of the City.

Councillor McCabe clarified if this application can be shut down at the Planning Board and does not necessarily go to Council. Mr. Rivard responded that a recommendation will be made by Staff to the Planning Board, Planning Board then makes a recommendation to Council and then Council makes final decision. Mr. Rivard added that the Planning Board may recommend that the application not move forward and Council would have the ultimate vote.

A resident commented that the Planning Board Meeting scheduled at 4:30pm is not an appropriate time for most residents, especially for those who are working. Mayor Brown understands that the time may not be appropriate for everybody but the Planning Board meetings are always scheduled at 4:30pm and Council Meeting has been moved to 5:00pm and the City tried to accommodate most of the schedules of members. While a video recording is not available for Planning Board, there will be a live stream for Council meeting. The resident informed Council that since most would be working, many people won't be able to make it at the meeting.

Councillor Tweel thanked residents for attending the public meeting and reiterated Mr. Doiron's comment where people attended the public meetings and spoke in opposition to the development (mentioned the previous applications in his ward), staff recommended for or against the application, Planning Board recommended for approval or rejection and finally to Council for a vote. Mr. Tweel mentioned that some Councillors are listening and some, because of housing or other situations, and when letters were sent, the letters would only talk about the rezoning or variance requirements. Mr. Tweel added that some do take it to heart and listen directly to what the constituents are saying.

Mayor Brown reminded the residents of the schedules for Planning Board Meeting and Council Meeting and Mr. Rivard and Ms. McCabe reminded the residents that the deadline for submission of any written comments or concerns is 12:00pm, October 30, 2019.

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Robert Zilke went through the specific amendments as detailed in the report.

Joan Cumming, resident, thanked Robert for explaining the amendments in detail and mentioned that she called City Hall about four times to talk to someone to gather more information about the proposed amendments but staff wasn't able to provide the information and had indicated that she had difficulty trying to look for the information in


the website. Ms. Cumming noted that she would have wanted to study the information ahead of time. Mayor Brown asked Mr. Zilke if this was part of the information in the website and Mr. Zilke confirmed. Ms. Cumming added that since she could not find the information on the website and should these amendments move forward, it would have been a concern for her not being able to access the information or made comments to it. Ms. Cumming was more particular about the signage and a little confused with the subdivision of lots. Ms. Cumming requested to have a better job in terms of keeping residents informed and asked if these amendments were thought of a little or long time ago or just today. Mr. Zilke responded that he is willing to talk to Ms. Cumming after the meeting to set a time to discuss the amendments in detail. Mayor Brown clarified that this is a public consultation and the Planning Board meeting is scheduled on November 4th and would be another avenue for Ms. Cumming to make her comments. Ms. Cumming added though that she doesn't have a copy of the report. Mr. Rivard responded that the reports are in the website with the information and will be reviewed again at the next Planning Board meeting. Councillor Jankov also asked where the package is saved since she is not aware where to find it. Ellen Catane explained that all reports are part of the Planning Board package, which also becomes part of the Council package and a Public meeting package is also sent to Council before the Public meeting. Mayor Brown added that Mr. Zilke will work on a time to meet with Ms. Cumming. Ms. Cumming commented that that would help her but asked how the information would get to the other residents. Mayor Brown noted that staff did their best to provide the information for residents and tried to make it as user friendly as possible and apologized if she had difficulty accessing the site and will check to see how the website can be improved further for the public to have better access.

Councillor Tweel thanked Mr. Zilke for the presentation and requested to elaborate on the difference of the current Design Review procedure and the proposed amendment of what constitutes a significant alteration. Mr. Zilke responded that a design review is required for any development within the 500 Lot Area. Council approved the 500 Lot Area years ago in order to maintain the character on the design of the buildings in that location. The existing regulation pertains to any new construction, multi-unit residential or increase in building footprint, etc. The proposed amendment is when any building in the 500 Lot Area goes through a significant alteration especially to the exterior of the existing property, it would require to undergo the design review process. Councillor Tweel quoted the statement, "This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future", and mentioned that he has discussed this with Council over the last number of months with regards to the architectural character of the new buildings being built in the downtown area especially when it comes to brick materials. Mr. Tweel indicated that on the fourth and fifth floor, there is the introduction of steel siding that is a significant material change to the design of the building. Mr. Tweel mentioned that he is not an architect but felt that there is inconsistency and wondered why those are allowed to happen. Mayor Brown responded that those items will be dealt with by the Design Review Committee.

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

6. Adjournment of Public Session

Moved by Councillor Mike Duffy and seconded by Councillor Greg Rivard, that the meeting be adjourned. Meeting adjourned at 7:48 p.m.

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| TITLE: REZONING APPLICATION FILE: PLAN-2019-4-NOVEMBER- GA-1 68 BRACKLEY POINT ROAD (PID #396713) OWNER: HILL-BAY HOLDINGS INC. | |  CHARLOTTETOWN |
| MEETING DATE: November 4, 2019 | | Page 1 of 13 |
| DEPARTMENT: Planning & Heritage | ATTACHMENTS: A. GIS Map B. Site Plan C. Elevations D. Floor Plans E. Letters of Opposition | |
| SITE INFORMATION: Context: Vacant property in Sherwood Ward No: 9 - Stonepark Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone | | |
| PREVIOUS APPLICATIONS: The applicant withdrew their application on February 7, 2019 to rezone the subject property from the R-1L Zone to the R-3 Zone in order to construct a 48-unit apartment building. | | |

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the property for a total of 14 units.

BACKGROUND:

Request

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

The purpose of the rezoning would be to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other townhouse dwelling would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

Development Context

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

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

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

Property History

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

That being said, the applicant submitted a rezoning application on January 14, 2019. The request was to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct a 48-unit apartment building on the vacant property.

The rezoning request was presented to Planning Board on February 4, 2019 and made the following motion:

Moved by Rosemary Herbert, RM, and seconded by, RM, that the request to:

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

for the property located at 68 Brackley Point Road (PID #396713), be recommended to Council to reject the request to proceed to a Public Consultation.

Following the Planning Board meeting, the application was withdrawn by the applicant on February 7, 2019.

Staff would note that a rezoning request for 88 Brackley Point Road (PID #396770) to rezone from the R-1L Zone to the R-3 Zone in order to construct a 30-unit apartment building and townhouse dwelling units was already rejected by Council on April 8, 2019. Council in their decision making noted the public opposition from affected property owners who expressed concerns relating to the increased density of the proposed zoning in the existing neighbourhood, the potential for reduced property values of adjacent properties in the neighbourhood and the potential for increased traffic generated from the proposed rezoning.

LEGISLATIVE REQUIREMENTS:

Notification

On October 15, 2019, Council passed the following resolution:

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 and Development Bylaw from the Single-Detached Residential (R-1L) to Zone to the Medium Density Residential (R-3) Zone;*

for property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be approved to proceed to public consultation.

As per Section 3.10.4 of the Zoning & Development By-law, written notice was sent to all affected property owners within 100m of the subject property on October 16, 2019. The letter informed them of the rezoning application and the upcoming public meeting. The letter then explained that comments for or against the proposed rezoning must be submitted prior to 12:00 p.m. (noon) on Wednesday, October 30, 2019.

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

Finally, a public meeting of Council was held on October 29, 2019 at 7:00 p.m. in the Provinces Room, Rodd Charlottetown Hotel, 75 Kent Street.

Public Feedback

Thirteen (13) letters of opposition were received prior to the deadline for comments and eleven (11) residents spoke in opposition of the rezoning application at the public meeting. One (1) letter of opposition was received after the deadline but before this Planning Board report was drafted.

The concerns expressed by the residents are categorized / summarized below. The letters of opposition are attached to this report (Attachment E) and the public meeting minutes can be found in the Planning Board report.

Site Lines

Comments pertaining to site lines from the residents include, but are not limited to, the following:

“The location for this project would have a very unsafe connection to Brackley point road due to extremely poor sight lines for the entry and exit way.”

“From what I understand from last night's meeting, no studies have been done and no tests have been conducted in regards to the sight line issue by either the developer or the city. “

“accessing Brackley Point at the top of the hill which already has sight and accessibility challenges.”

Staff sent the preliminary site plan the Police Department and the Public Works Department and received comments back on October 29, 2019:

Police Department

This is a relatively large tract of land which, unfortunately, seems land locked with reduced access solely to Brackley Point Rd. The 14 unit development would put some strain on access/egress on Brackley Point Rd. That stated it is not unlike some other areas such as Redwood Lane off North River Rd. or Dowling Lane off Kensington Rd. It would appear from the site plan that the access point is placed in the best area in terms of site lines. ... We wouldn't have an issue with it.

Public Works Department

I did a site visit this morning and I have concerns of the driveway location. The property in question is at the top of crest in the road, which limits sight lines. Looking north of Brackley Pt Rd, there are no major concerns of these sight lines, however, when looking south, the crest is quite steep, which limits sight line distance. With the number of residents proposed in this location, I am concern about the plan as presents. As such, it is recommended that the driveway be relocated to the northern most point on the property to help mitigate these issues.

Staff would note that a formal traffic study was not conducted by the applicant for this proposed development.

Vehicular Traffic / Speed Limit

Comments pertaining to vehicular traffic / speed limit from the residents include, but are not limited to, the following:

"This is a very busy road with a speed limit of 50 km/h, to add a potential 28 vehicles coming in and out of a driveway at the top of that hill is surely a recipe for disaster. "

"Traffic entering and exiting the neighbourhood, based on two vehicles per unit, or 28 vehicles ... will create complicated and unwelcome congestion."

Pedestrian Traffic

Comments pertaining to pedestrian traffic from the residents include, but are not limited to, the following:

"The location of this lot presents the same safety issues to pedestrians. There is no sidewalk on the proposed side of Brackley Point Road. An additional 14 families residing on

this property would surely increase pedestrian traffic, including many young children needing to walk to school either at Sherwood Elementary or Stonepark. These Pedestrians would have to either walk down the hill (with no sidewalk) to one of the crosswalks."

Staff would note that the location of sidewalk and crosswalks are determined by the Public Works Department / Committee. While additional density affects pedestrian traffic, it is not the responsibility of the application to construct sidewalks.

R-3 Zoning

Comments pertaining to the permitted uses in the R-3 Zone and the precedent for adjacent properties from the residents include, but are not limited to, the following:

"Under the R3 designation, there is no guarantee that these lots might not morph into even larger developments, like an apartment building (s) or more extensive townhouse or condominium complexes"

"There are no other R-3 properties in this immediate area."

"this rezoning request would set a precedent for the area and potentially open the door for future R-3 requests."

Should the rezoning be approved, staff would suggest that it be made subject to the signing of a Development Agreement that would restrict the permitted use of the property to two (2) townhouse dwellings consisting of 14 residential dwelling units. Should these plans change in the future, re-approval would be required by Council.

Other

Comments pertaining to other items from the residents include, but are not limited to, the following:

"This development will, without a doubt, decrease the property value of residents in the area. Increased traffic, increased noise pollution (what is to stop these town houses from being filled with university students and making it the next Browns Court?), decreased safety as explained above. What will prevent these town houses from becoming short term rentals? "

“Arguments about the housing crisis will be made and solutions will have to be decided upon. (This development will not resolve the “housing crisis”) When it is resolved, the damage to this neighborhood will still be with us.”

“In the winter the snow banks are too high and not blown back by public works that at times you can not see.”

“Even though reduced in size from original it is still considered too high of a density for the area. It is not “harmonious” with the mature well established existing neighborhood.”

ANALYSIS:

General

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

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

Official Plan

The applicant is proposing to construct two (2) townhouse dwellings on the property for a total of 14 units on the vacant property. In the Medium Density Residential (R-3) Zone, the subject property would be permitted approximately 55 apartment dwelling units without underground parking, 67 apartment dwelling units with underground parking, and 33 townhouse dwelling

units based upon the survey plan showing a lot area of 1.59 acres. Constructing 14 townhouse dwelling units on the vacant property would not maximize the use of the property but would be categorized as compact urban form and would be a better use of existing underground services. Because of this, the following objectives of the Official Plan would be satisfied:

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

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

That being said, the proposed rezoning could be considered a spot rezoning due to the fact that the closest property with R-3 zoning is approximately 800 ft away. The neighbourhood is primarily one-unit or two-unit dwellings, meaning the townhouse dwellings may be out of character in the neighbourhood due to land use and massing. The Official Plan promotes moderately higher densities in neighbourhoods which are harmonious and do not adversely affect existing low density housing:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods, ... 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 3.2.1 - 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*

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

*Section 3.2.1 - Our **policy** shall be to establish an appropriate relationship between the height and density of all new development in mixed-use residential areas of existing neighbourhoods.*

*Section 3.2.2 - Our **policy** shall be to ... permit multiple unit developments in suburban areas provided that it is development at a density which will not unduly adversely affect existing low density housing.*

Other sections of the Official Plan that relate to this development include:

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

*Section 3.1.2 - Our **policy** shall be to encourage in-fill development through public land assembly initiatives, flexible zoning provisions and the reduction or waiver of development fees for small or irregularly shaped lots and, when warranted, the use of tax incentives within fully serviced areas of the City.*

*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.*

Currently there is a demand for dwelling units in the City of Charlottetown and this development would help to help to satisfy this demand. The Official Plan supports in-fill development through flexible zoning provisions (i.e., rezoning / variances).

Applicant's Rationale

In the applicant's rationale on their previous rezoning application, they refer to the significant housing shortage and explain that:

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

In order to reduce the effect of the increased density on existing low density housing along Brackley Point Road, the applicant has reduced their request from a 48-unit apartment building to 14 residential dwelling units constructed within two (2) townhouse dwellings.

Zoning & Development By-law

When reviewing the submitted preliminary site plan and building plans, the applicant appears to be adhering to all setback requirements as illustrated in the Zoning & Development By-law below:

| | Requirement | Proposal |
|-----------------------------------|-------------------------|---------------------------|
| Lot Frontage | 82.0 ft (min) | 156.5 ft |
| Lot Area | 29,386 sq ft (14-units) | +/- 69,000 sq ft |
| Front Yard Setback | 19.7 ft (min) | 19.7 ft |
| L Side Yard Setback | 9.8 ft (min) | 21.5 ft |
| R Side Yard Setback | 9.8 ft (min) | 14.8 ft |
| Rear Yard Setback | 24.6 ft (min) | 55.1 ft |
| Height | 39.4 ft (max) | +/- 35.0 ft (top of vent) |
| Unit Width* | 21.3 ft (max) | 21.25 ft |
| Distance Between Buildings | 19.7 ft (min) | 49.4 ft |

**Section 15.3.8 – Where 8 consecutive dwelling units are proposed, individual dwelling units shall not exceed 6.5 m (21.3 ft) in width.*

Should the rezoning application be approved, the applicant will have to further develop their plans to ensure compliance with the parking requirements (Section 43 of the Zoning & Development By-law) and with the landscaping requirements (Section 6.5 of the Zoning & Development By-law). Specifically, the application lacks mobility disabled parking spaces as well as a landscaped area consisting of trees and shrubs within the minimum front yard setback.

29 Maxfield Avenue (PID #396283):

Through public feedback process, the following information was provided:

In 2001, James and I purchased the former Reservoir property, which is located directly across from PID # 396713 (68 Brackley Point Road) from the City of Charlottetown. After a few years of owning the property (approximately 2004), we submitted a proposal to subdivide the lot which included a request for access from the property to Brackley Point Road. This access to Brackley Point Road was denied due to sight distance and as such we

had to change the proposal to have access to both lots off Maxfield Avenue. It is very concerning to think that this proposal for a single family dwelling access to Brackley Point Road was denied; however a proposal for 14 residential units accessing the same portion of Brackley Point Road would have proper sight distance and be approved.

A subdivision was approved by the City on March 4, 2005 for Lot 1 and Lot 2 Maxfield Avenue as per Gulf Surveys Ltd. Dwg No. 6563 dated December 17, 2004. An email in the file from the Development Officer states:

There are concerns from the adjacent property north of these subdivided lots. In the past a lack of access off Brackley Pt Rd has results in people parking and driving over the adjacent property.

Any development permit for the flag lot should state that access will only be from Maxfield and the use of the adjacent property for parking or access is strictly forbidden.

A memo in the file from the Deputy Chief of Police states:

From a traffic perspective, we have no concerns related to this lot being developed. We took note that the lot will not be accessible from Brackley Pt Rd and the road configuration of Maxwell Avenue ...

June 29, 2015 for Lot 15-1 MacWilliams Road as per ISE Drawing No. 15067 dated June 23, 2015.

A building permit was then issued on September 24, 2008 for the construction of a single-detached dwelling at 29 Maxfield Avenue. There are no comments in the file pertaining to the access or site lines.

Other

Staff would suggest that it is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. This rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for the rest of the properties. Ideally, the long term direction of this neighbourhood should be dealt with in a secondary planning process where the residents would be consulted for input on potential

changes to the land use in this area. Notwithstanding, the applicant has reduced the scale of their proposed development in an attempt to limit the negative impact on adjacent properties.

CONCLUSION:

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"> ▪ Compact urban form and infill development. ▪ More efficient use of existing underground services than a single-detached dwelling. ▪ Moderately higher density in an existing neighbourhood. ▪ Higher density should be located along arterial roads. ▪ Two schools are located within 300m. ▪ A commercial shopping centre and bus stop is located within 500m. ▪ The proposed development appears to be able to meet the requirements of the By-law. | | <ul style="list-style-type: none"> ▪ May adversely affect existing low density dwellings. ▪ Arguably not harmonious with its surroundings because this section of Brackley Point Road is established as low density dwellings. ▪ The footprint and massing may not be physically related to its surroundings. ▪ It is difficult to evaluate a spot rezoning of this one property. ▪ The access from this property onto Brackley Point Road may create difficult site lines. ▪ Adjacent properties may seek similar rezonings in the future if this is approved which would change the character of the neighbourhood. |

In light of the foregoing, the Planning & Heritage Department recommends that the rezoning application be rejected.

PRESENTER:



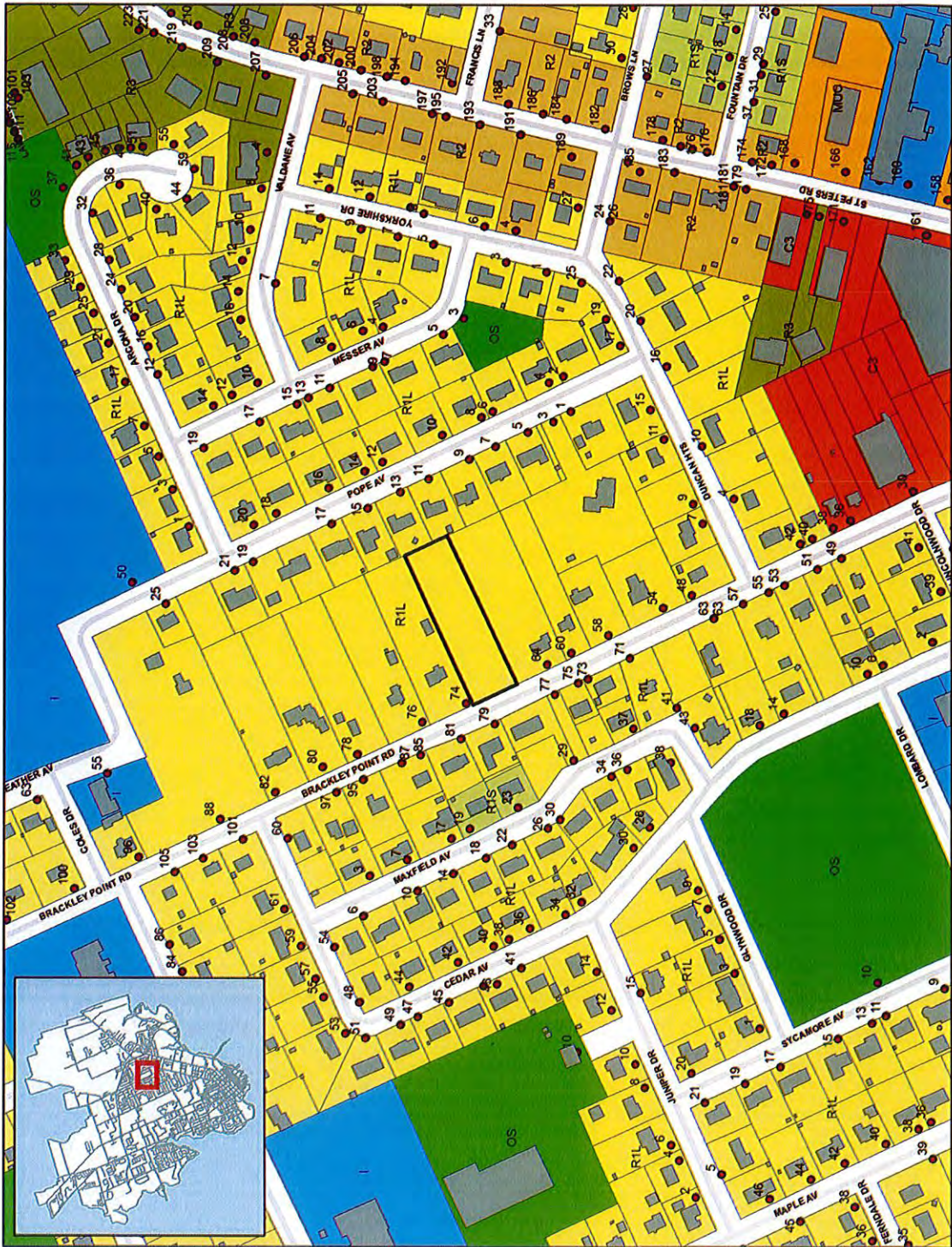
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

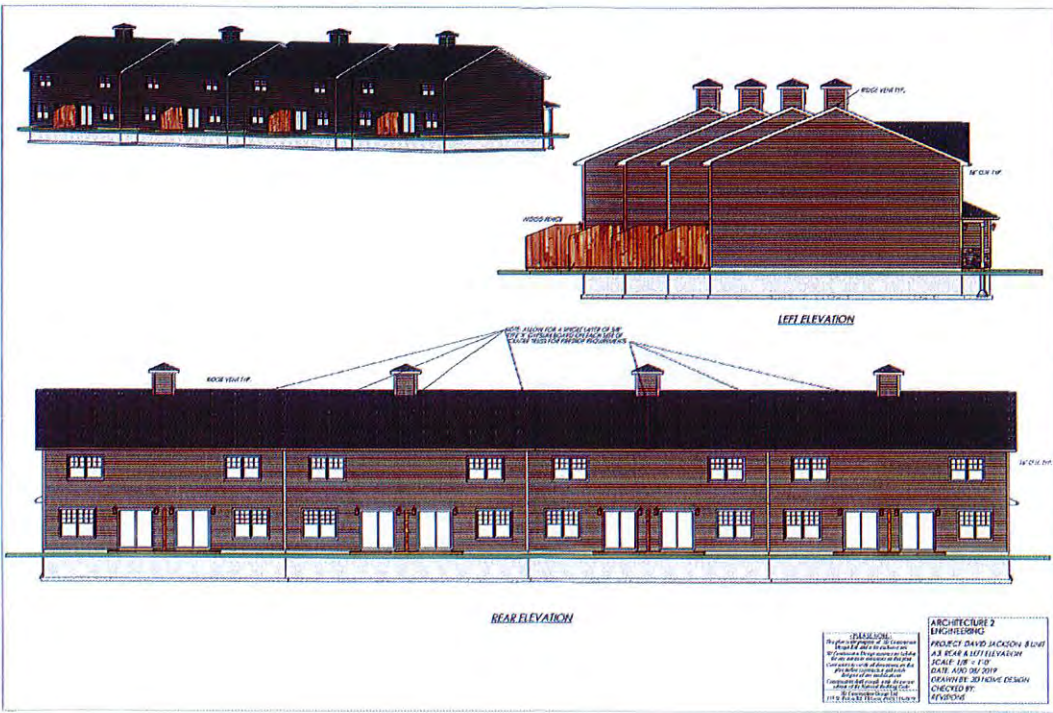
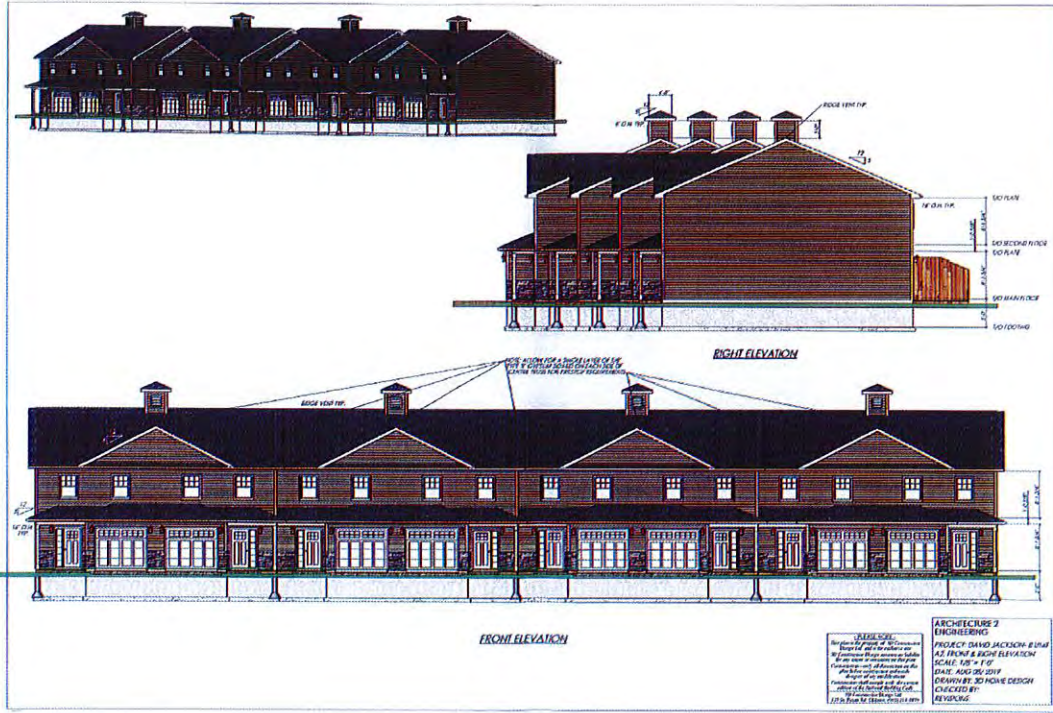


Attachment A: GIS Map
File: PLAN-2019-4-NOVEMBER-
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.


CHARLOTTETOWN
Planning & Heritage
Department



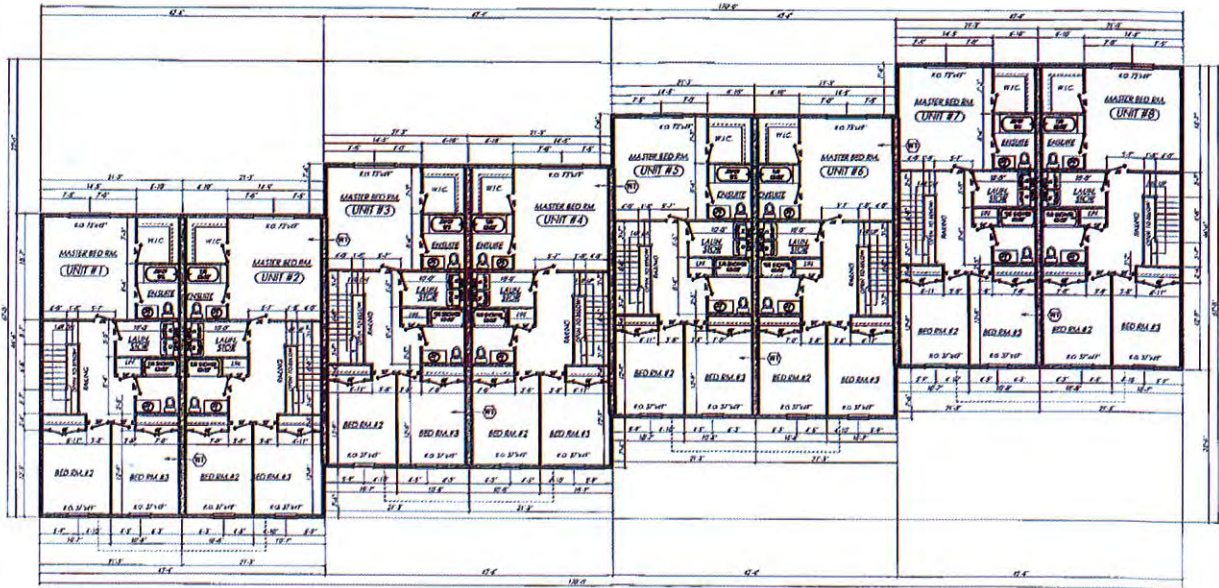
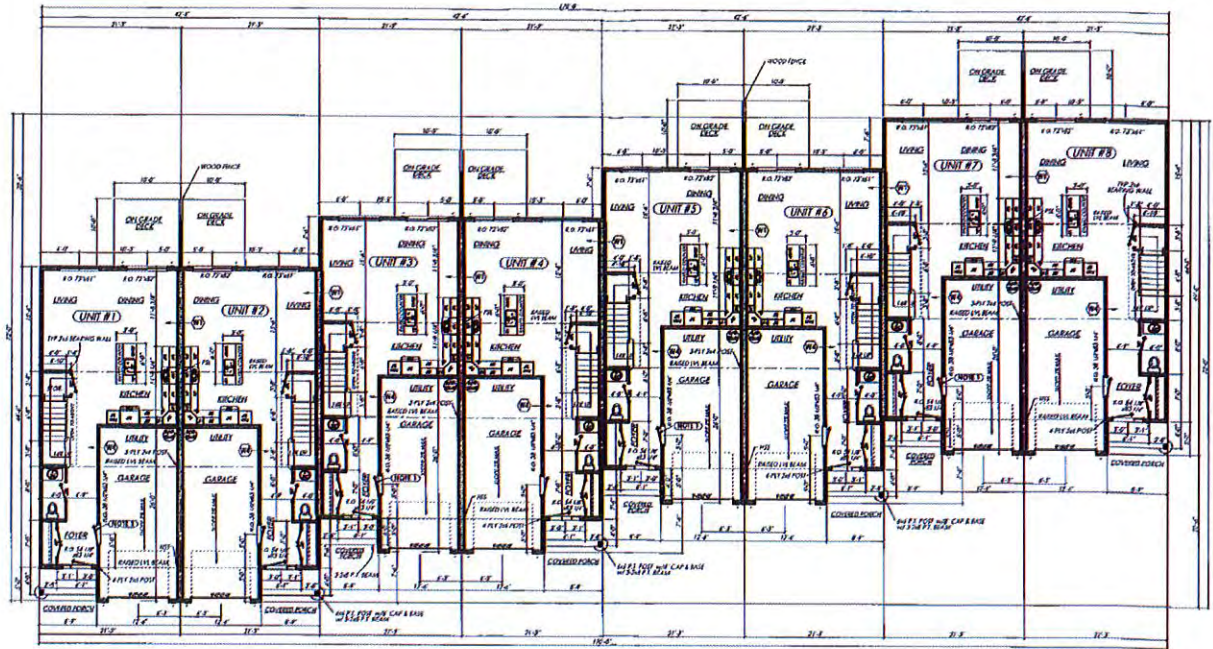
Attachment C



Attachment C: Elevations
 File: PLAN-2019-4-NOVEMBER-
 68 Brackley Point Road (PID #396713)
 Owner: Hill-Bay Holdings Inc.



Attachment D



Attachment D: Floor Plans
File: PLAN-2019-4-NOVEMBER-
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.



Attachment E

14 Letters of Opposition Attached:

1. Tracey Andrew
2. Jerry A. Ivany
3. Shelley Morrison & David Morrison
4. Jeremy Crosby
5. Mark Grimmett
6. Doreen Connolly
7. Helena J. McCarville
8. Andrew MacLean
9. Wendy & James MacDonald
10. Gary Ellis
11. Andrew Cotton
12. Marcia Gardiner & Tom Steepe
13. Cal Morrison
14. Peter Poirier

Attachment E: Letters of Opposition
File: PLAN-2019-4-NOVEMBER-
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.



Stavert, Robert

From: Tracey Andrew <tracey.andrew@hotmail.com>
Sent: October 16, 2019 8:26 PM
To: Planning Department
Cc: McCabe,Julie L.
Subject: Rezone request for 68 Brackley Point Roaf

I am writing with my concern about the request to rezone 68 Brackley Point Road to R3. I am totally against it. We have way too much traffic by that daycare/ school now, more traffic in that area is an accident waiting to happen. Brackley point road is busy and to think of that many more cars turning onto Brackley point right there is a scary thought, the school cross walk area is a risk your life crossing area now..... As well Mornings and after school time is impossible on Pope Drive. I walk my dogs everyday down that hill and across that crosswalk on Brackley point , and everyday I see a near miss with cars and buses turning and stopping, kids jumping out of the way alot of times!!! Cars are lined on both sides of the road at 3pm by Stonepark school making only one lane of traffic which goes half way up pope drive. I hope that more people will speak up. I unfortunately can't make the meeting so I wanted to voice my disapproval of the rezoning request. I hope the city will reconsider rezoning to R3.

Thank you

Tracey Andrew

(Arcona Drive Resident)

Sent from Tracey's iPhone

Get [Outlook for iOS](#)

Stavert, Robert

From: Jerry Ivany <jaipag@eastlink.ca>
Sent: October 28, 2019 7:26 PM
To: Planning Department
Cc: McCabe,Julie L.
Subject: Zone chance application for Lot 68 Brackley Pt Rd.,
Attachments: Lot 68 Brackley Point Rd Rezoning Oct 28, 2019.docx

Planning Board;

Please see attached letter against this application.

Jerry Ivany
17 Pope Ave

To: Charlottetown City Council and Planning Board:

Date: October 28, 2019.

From: Jerry A. Ivany,

17 Pope Ave

RE: Application for Rezoning Lot 68 Brackley Point Rd from R-1L to R3

Zoning request should not be approved because:

- I purchased my property in an R-1 zone with the understanding that it would not be changed and I believe I should be able to expect the City of Charlottetown to hold to that agreement. The area contains well maintained properties and residents know their neighbours for streets around, take pride in our neighbourhood and keep them updated. We have had to fight at least 6 applications to downgrade the zoning, we have worked together to defeat these, pointing out why such changes would not be beneficial to the city, our neighbourhood, and families. There is no desire for rezoning in the neighbourhood.
- Owners of single family homes who have paid our taxes for many years are being ignored in the City of Charlottetown. The frenzy to parachute apartment buildings and other structures that are not appropriate has to stop. We want single family houses built on normal size lots not dense concentrations of row houses and apartment buildings.
- Brackley Pt Rd will become much more dangerous as visibility southward is restricted. Brackley Pt Rd is a busy feeder street to and from the city, and the addition of 14 +++ vehicles entering the street will result in a significantly greater risk for traffic accidents.
- Rezoning adds nothing appropriate to the neighbourhood. Single family houses in the \$250,000 to \$300,000 are most wanted by buyers (Guardian March 22, 2019), and adding single family houses would be attractive. A concentration of row houses is not.
- This neighbourhood is a very desirable location for single family homes and property values can be expected to decline if rezoning is approve.
- An increased density of this sort in this area was recently noted in the Official Plan of the city as not suitable for this neighbourhood.

Stavert, Robert

From: Shelley Morrison <mailforshelley@hotmail.com>
Sent: October 29, 2019 10:04 AM
To: Mayor of Charlottetown (Philip Brown); McCabe, Julie L.; Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; Bernard, Terry; Planning Department
Subject: 68 Brackley Pt Rd

October 29, 2019

RE: 68 Brackley Pt. Road Potential Rezoning

Attention Mayor, City Councilors, City Planning:

We, the property owners of 80 Brackley Pt. Road are against the rezoning of 68 Brackley Pt. Road from existing R1 to an R3 zone. Following are a few of the reasons why we are opposed to an R3 rezoning at this location:

1. Property at 68 Brackley Pt. Road **does not meet required site lines for driveway access**. The single residential home built directly across the street from this property (in recent years) was not granted driveway access to Brackley Pt. Road. Their driveway enters upon Maxfield. The city will appear to be "bending the rules" for developers when an R1 homeowner would not be granted access onto Brackley Pt. Road - yet the city will consider allowing multiple units to do so (for a developer).
2. **Traffic study has not been conducted**. **SAFETY** should be primary concern when developing properties! It is alarming that a potential development would even be considered when it does not meet the standard safety measurement guidelines set forth by the city and should not have advanced to public consultation without meeting this primary concern. We have noted in recent rezoning development the city appears to break the rules for developers but when it comes to safety this is alarming.
3. This **R1** property is located in an "**R1 single residential existing established neighborhood**" surrounded by single residential homes. Dropping an R3 development in the middle of such a neighborhood goes against the city of Charlottetown's "Future Land Use" map, "**City of Charlottetown Official Plan**" and does not "fit" into the established neighborhood. Even though reduced in size from original it is still considered too high of a density for the area.
4. It is not "**harmonious**" with the mature well established existing neighborhood.
5. **Spot zoning/domino affect**. Even though we did not receive a letter from the city regarding this rezoning, we live a mere 4 properties away (and 2 properties away from 88 Brackley Pt. Road, the other recent rezoning request). We would be swallowed up by R3 development. The city is making a decision that will affect the future of our home. In recent rezoning requests it was stated that planning department "may need to visit future planning for this area as these properties have large backyards". Not only did we not receive notification of this rezoning request but the future development of **OUR** backyard is being discussed and determined by these rezoning requests! This potential rezoning will affect the "**Streetscape**", safety, surrounding property values and sets a precedent for the rezoning of these "larger" properties - one of which we built our home 15 years ago in an established R1 neighborhood. It will also set a precedent for future developers who purchase property at a lesser R1 value to just rezone to pad pockets.
6. We are concerned that even with "development agreements" plans can change. The Mayor stated (at public meeting regarding 88 Brackley Pt Road) that changes can occur even with agreements as he

referred to the development behind the mall as the "chameleon".

In summary, we are concerned that City Council and City Planning would consider going against the "City of Charlottetown Official Plan" to once again disrupt the community, cause anguish among majority of the surrounding area affected and not follow policies set forth in their own city plan. One of the policies set forth in the "City of Charlottetown Official Plan of Strategic Directions for Charlottetown in the 21st Century and Beyond " states: "Preserve existing residential *low density neighborhoods*". The "City of Charlottetown Official Plan" has also identified future land use for development, policies to "encourage diversified development in NEW subdivisions" **AND for mature existing neighborhoods to remain as they exist**. So why are we as residents of an R1 low density established existing neighborhood continuously having to "fight for our rights" as R1 property owners by continuously revisiting the same rezoning requests?

Sincerely,
Shelley and David Morrison
80 Brackley Point Road

October 29, 2019

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

Re: Proposed Re-zoning (PID # 396713) 68 Brackley Point Road

Mayor, Council and Planning and Heritage Staff,

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

On October 16, 2019, I was notified that an application was submitted to re-zone the property located at 68 Brackley Point Road, Charlottetown (PID 396713) from Single Detached Residential R1L to Medium Density Residential R3 to construct two (2) townhouse dwellings with a total of 14 residential units on the vacant property.

Although I don't disagree with the redevelopment of this property, I feel that moving from Single Detached Residential R1L to Medium Density Residential R3 is too large a step for the area and will completely change the built form and density of the neighborhood. I have also reviewed the report that was prepared for the October 7, 2019 Planning and Heritage Board Meeting. Within that report the following items/concerns were identified:

- *The rezoning has the potential to change the long-term direction of this neighbourhood and may lead to additional rezoning request for the rest of the properties. Ideally the planning process should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area;*
- *The scale of the townhouse dwellings may adversely affect existing low-density dwellings;*
- *This section of Brackley Point Road is established as single-detached dwellings;*
- *The access from this property onto Brackley Point Road may not have sufficient sight lines;*

- *It is difficult to evaluate a spot rezoning of this one property; and*
- *Adjacent properties may seek similar re-zonings in the future if this is approved which would change the character of the neighbourhood.*

In addition to the above, the official plan clearly states that development in the area will not adversely impact the existing low-density residential neighbourhood, and higher density development was not contemplated in the area for the long-term planning of this neighbourhood. Within the official plan land use map, it clearly shows that this area is to remain Low-Density Residential (R1L).

The proposal for two townhouses with a total of 14 units may be something that could be considered, however the rezoning of the property to R3 allows for too much uncertainty as to what could potentially be developed on the property. If the rezoning is approved, it has the potential to have up to 55 units developed on the property as well as a variety of other potential uses that does not fit in with the current neighborhood.

One consideration that might help to allow for some increased density in the area without drastically changing the existing character and long term direction of the neighbourhood would be to amend the R2 zone in the City's Zoning and development Bylaw to allow for Townhouse units without including the higher density of apartment units.

I have had many conversations with new and long-term residents of the area, and we are all tired of the constant attempts to rezone the areas around our homes to higher density. The last attempts were in March and February of this year of which both were denied. Please consider how this affects people each time we must go through this process.

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

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

Sincerely



Jeremy Crosby, P.Eng.

Home (902) 894-1154

Cell (902) 626-5443

Stavert, Robert

From: Mark Grimmatt <grimmattmark@hotmail.com>
Sent: October 30, 2019 7:05 AM
To: Planning Department; McCabe, Julie L.
Subject: 68 Brackley Point Road (PID#396713)

October 29, 2019

Mark Grimmatt
3 Pope Ave
Charlottetown, PE
C1A 6N4

RE: Rezoning of 68 Brackley Point Road (PID #396713)

Dear City of Charlottetown Planning and Heritage Department,

I am writing in response to a recent letter I received from the Planning and Heritage Department related to the rezoning of the R-1 property located at 68 Brackley Point Road to R-3 and the construction of 14 townhouse units. I do not support this request for rezoning and have the following concerns with this proposal.

Traffic and Pedestrian Safety

The property in question is located at the top of a blind hill on the busy Brackley Point Road. The addition of 14 separate units, most with at least 1 vehicle, will add considerable traffic turning on and off of Brackley Pt. Road. In addition to extra vehicle traffic townhouse pedestrian traffic would be required to cross Brackley Point Road to access the sidewalk on the west side of Brackley Pt. Road in an area with limited sight lines and no crosswalk. I have safety concerns with this additional vehicle and pedestrian traffic.

Zoning not Consistent with Surrounding Area

The proposed request would rezone a property in the middle of a predominately R-1 area to R-3. There are no other R-3 properties in this immediate area. I ask that the planning board and council carefully consider this request as a change to the current zoning would ultimately change the look and feel of the area - a reason that many homeowners have chosen to live in Sherwood.

Furthermore, this rezoning request would set a precedent for the area and potentially open the door for future R-3 requests. The city recently turned down a request to rezone a nearby property at 88 Brackley Point road to R-3 on a much larger area of land. There are a number of large properties adjacent to 68 Brackley Point Road that could be sold over time and result in similar requests to the Planning and Heritage Board.

City Development Plan Needed

As we continue to see development across the city and many rezoning requests, I urge the city to revisit their development plan and create a comprehensive plan that considers: current and future needs of the city as a whole, demographic trends, public transit, water and sewer infrastructure and the impacts of short term rental properties on housing. Such a plan would help guide the Planning and Heritage Board and city council on development and associated rezoning requests.

Thank you for the opportunity to provide feedback on this request.

Sincerely,
Mark Grimmatt

Stavert, Robert

From: McCabe,Julie L.
Sent: October 30, 2019 8:30 AM
To: doreen
Cc: Planning Department
Subject: Re: Rezoning 68 Brackley Pt Road

Absolutely - I have included planning on this response. Thank you for your feedback and it was very nice to see you last night.

Julie

Sent from my iPhone

> On Oct 30, 2019, at 8:28 AM, doreen <doreenconnolly7@gmail.com> wrote:

>

>

> Hi Julie..

>

> Could you'll forward this on to the Planning Board Please. I will not be able to attend the meeting on November 4th.

>

> Re the rezoning of 68 Brackley Pt. RoadI would like you to know that I am against this rezoning. There is far too much traffic on Brackley now without the vehicles from the proposed town houses.

>

> I use the Duncan Heights entrance on to Brackley either walking or in the car daily and it is very hard at times to get across. The traffic is moving way too fast. In the winter the snow banks are too high and not blown back by public works that at times you can not see. This would be the same situation for exit out of the town house area.

>

> The town houses are to be three bedrooms which would be mainly for families with children who would be either going to Stonepark Middle School or Sherwood Elementary Schools. There is no sidewalk on that side of Brackley and I can not see the city putting a sidewalk in for just this proposed development. It would be hazard for pedestrians, bikes and vehicles.

>

> If this rezoning is changed I can see other properties along this stretch of Brackley wanting to get on the band wagon and sell their properties for development.

>

> Hoping you will turn down this proposal.

>

> Doreen Connolly

> Pope Ave

>

> Sent from my iPad

Stavert, Robert

From: Helena McCarville <helenajm@eastlink.ca>
Sent: October 30, 2019 8:31 AM
To: Planning Department
Subject: 68 Brackley Point Road

Good Morning:

I oppose the re-zoning of the lot at 68 Brackley Point Road. If this proposal gets approved, it won't take long before accidents will be occurring, people getting killed or crippled and then there will be finger pointing at City Hall for the botched up job they did in allowing this development to occur. I heard at the meeting where Transportation doesn't approve. You would think this would be enough to shut down this proposal with there being no sight distance. **Even if you move the driveway further south, then it would be across the street from my driveway. I don't want that. How safe would that be for me and my family.**

I also think it would be an eye sore when looking out my window to see these townhouses in amongst all the single family dwellings. I realize there is a shortage crises for people needing places to live, and yet you are willing to risk the lives of so many people everyday travelling on the Brackley Point Road.

Please make the right decision to protect all Islanders travelling the Brackley Point Road.

Helena J. McCarville
79 Brackley Point Road.

Stavert, Robert

From: andrew maclean <jedwolfie@gmail.com>
Sent: October 30, 2019 9:25 AM
To: Planning Department
Subject: 68 Brackley Pt. Rd. against due to unsafe traffic conditions

I attended the rezoning meeting Oct 29 regarding 68 Brackley Pt. Rd. thinking I would hear about a traffic study regarding the safety of the proposed 14 unit townhouse development. What I heard was a conflicting report from the police dept and public works. The police say the proposed driveway would be safe but public works said it isnt and should be placed further north. A drive way was proposed for a property directly across from the proposal and was deemed unsafe. I would really like to see the written reports on the safety conditions regarding access to Brackley pt rd. On Monday I sat and did a traffic count from 7:50 to 8:50 AM..420 cars went south and 220 went north that is in one hour. At least three time cars stopped who thought I wanted across the street which I didnt. What happens with 14 families children who want to go to Sherwood school during this time is the traffic going to be stopped at the top of the hill. Does everyone who lives there have to run across the road to get to the sidewalk. It is just not a safe place for that large a development.

ANDREW MACLEAN

Stavert, Robert

From: Wendy MacDonald <wendylmacdonald@hotmail.com>
Sent: October 30, 2019 10:54 AM
To: Planning Department
Cc: Wendy MacDonald
Subject: Request to Rezone PID# 396713 - 68 Brackley Point Road
Attachments: Rezone Request - 68 Brackley Point Road.docx

Good Morning,

In response to your letter dated October 16, 2019, regarding the request to rezone PID # 396713 - 68 Brackley Point Road from Single-Detached Residential (R-1L) Zone to a Medium Density Residential Zone (R-3), please find attached our written comments against this rezoning application.

If you have any questions, please feel free to contact us at 902-626-3116.

Thanks
Wendy & James MacDonald

October 30, 2019

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE
C1A 7K2

Re: Request to Rezone PID #396713 – 68 Brackley Point Road

To the Planning and Development Committee;

Thank you for providing us with the opportunity to comment on the proposed zoning change at 68 Brackley Point Road. Please consider this letter as our official letter of opposition to the proposal to rezone PID # 396713 (68 Brackley Point Road) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3).

This area of Charlottetown consists of primarily single family dwelling, zoned as R1L and should continue to be zoned the same due to the high level of traffic in the area. Allowing an additional 14 residential units at the top of the hill would result in approximately 14 to 28 vehicles accessing Brackley Point at the top of the hill which already has sight and accessibility challenges.

James and I have resided at 77 Brackley Point Road for approximately 20 years and over these years we have experienced numerous near misses and close calls as well as being rear-ended, while stopped with signal lights on, to turn left off Brackley Point into our driveway on bright sunny days when there should not be visibility challenges. Winter months make access to and from Brackley Point even more challenging. Snow banks are frequently quite tall and seldom winged back to allow visibility of on-coming traffic. In recent years we have noticed an increase in ambulances, with lights and sirens on, travelling this route as this is one of the main routes for Island EMS to access emergency situations in Charlottetown.

In 2001, James and I purchased the former Reservoir property, which is located directly across from PID # 396713 (68 Brackley Point Road) from the City of Charlottetown. After a few years of owning the property (approximately 2004), we submitted a proposal to subdivide the lot which included a request for access from the property to Brackley Point Road. This access to Brackley Point Road was denied due to sight distance and as such we had to change the proposal to have access to both lots off Maxfield Avenue. It is very concerning to think that this proposal for a single family dwelling access to Brackley Point Road was denied; however a proposal for 14 residential units accessing the same portion of Brackley Point Road would have proper sight distance and be approved.

Over the years, PID # 396713 has been listed for sale, unsuccessfully, multiple times and we have been told that the difficulty in selling the property was because there was no access to Brackley Point Road due to sight distance. As you are aware, the Hill Bay Holdings Inc. acquired parcel no. 396713 from Austin and Isabel Bowman in 2018 under the current zoning of Single-Detached Residential (R-1L). The purchaser, Hill Bay Holdings Inc. therefore, was fully aware of the current zoning of the property and completed the purchase with no requirement for the property transaction to be subject to any re-zoning approvals. The developer knew exactly what would be allowed to be developed on the land being purchased based on R-1L Zoning.

By denying the request to rezone PID # 396713 (68 Brackley Point Road) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3), it will preserve the distinctive character and identity of the existing neighbourhood and will help preserve the harmony and integrity of this land with existing adjacent neighbourhoods.

In addition to the above, any proposed re-zoning of PID # 396713 to any other than that of an R-1L Zone would have a negative affect on the current and future market values associated with the surrounding single family dwellings.

Sincerely,

Wendy & James MacDonald

77 Brackley Point Road
Charlottetown, PE
C1A 6Y3
(902) 626-3116

Stavert, Robert

From: Gary Ellis <gary.ellis@amgclaims.ca>
Sent: October 30, 2019 10:56 AM
To: Planning Department
Cc: Julie Mccabe
Subject: 68 Brackley Point Road

This concerns the request to rezone the property at 68 Brackley Point Rd from R1 to R3. I Live at 21 Pope Avenue and was in attendance at the Public Meeting last night. I did not speak as I feel and appreciate the opportunity to provide written comments.

The first and most important issue is safety. Brackley Point Rd. is a major artery in and out of the city. The roundabout at Oak Dr. has been a welcome addition although I wish it was larger. My travels out of my neighborhood require a left turn onto Brackley Point Rd. about 50 % of the time. This is difficult at the best of times. Traffic tends to speed especially when going up the hill on either side of 68 Brackley Point Rd. This uphill speeding seems to be a phenomenon. I find myself doing it. I have viewed the sight lines at 68 Brackley Point Rd. and assume they have been measured and, if approved, meet the requirements. My suspicion is that they just barely meet the requirements and there is no margin for speeding and traffic volume. Now add traffic from 24 new units at the top of the hill, most of which will be turning left, and someone dies. You can't install a roundabout at that location to solve that problem. I trust city council will be appraised of all of the facts behind any approval of site lines. I am also sure the developer is not concerned as he or she will not be living there.

Secondly there is the issue of rezoning from R1 to R3. I know that council deals with this all of the time and may be a little numb to the arguments, both for and against. The reality is, this is a big jump. This is an R1 neighborhood. People purchased and build homes here with that in mind. Arguments about the housing crisis will be made and solutions will have to be decided upon. (This development will not resolve the "housing crisis") When it is resolved, the damage to this neighborhood will still be with us. R3 is an open ended zone. Sure there will be agreements to restrict, but if you are willing to change zoning from R1 to R3, I suspect you are willing to allow alteration to any agreement. The bottom line is, this rezoning request and proposed development is detrimental to our neighborhood. Changes should be for the positive, not the negative.

Thank you

*Gary Ellis
21 Pope Ave.
Charlottetown, PE*

Stavert, Robert

From: Andrew Cotton <andrew_cotton88@hotmail.com>
Sent: October 30, 2019 11:10 AM
To: Planning Department
Cc: Mayor of Charlottetown (Philip Brown); Tweel, Mitchell; Doiron, Bob; McCabe, Julie L.
Subject: Rezoning of 68 Brackley Point Road

To whom it may concern,

I am writing in regards to the proposed re-zoning of 68 Brackley Point Road from (R-1L) Single Detached Residential to (R-3) Medium Density Residential. I was in attendance at the public meeting last night at the Charlottetown Hotel. My wife and I reside at 81 Brackley Point Road and are both opposed to this plan for the following reasons:

Safety- First and foremost is the issue of safety for both the existing residents of the area as well as the residents of the proposed townhouses. These issues were echoed again and again at last night's meeting by residents who live in and know the area well. There are many safety concerns with this property being rezoned to R-3, not just with the plan as it currently presented but with ANY plan for an increased density on that property to medium or higher.

- **Blind Hill (vehicle Traffic)-** The most obvious concern with this lot is its proximity to the top of the hill. This is a very busy road with a speed limit of 50 km/h, to add a potential 28 vehicles coming in and out of a driveway at the top of that hill is surely a recipe for disaster. There is simply not the proper sight lines that would be needed to safely pull in and out of this property. As a resident who lives further down the north side of the hill, I can tell you that I have had more than a few near misses both pulling out of and into my driveway. We heard from one resident last night who has been rear ended 6 times in the past 20 years turning into her driveway at the top of the hill. We heard from another resident who was denied driveway access to Brackley Point Road because of sight line issues, this property is located directly across the road from the lot in question. This property is now accessed from Maxfield Ave. From what I understand from last night's meeting, no studies have been done and no tests have been conducted in regards to the sight line issue by either the developer or the city. To approve any rezoning of this lot without any such testing or research would be irresponsible on the part of council.
- **Pedestrian Traffic-** The location of this lot presents the same safety issues to pedestrians. There is no sidewalk on the proposed side of Brackley Point Road. An additional 14 families residing on this property would surely increase pedestrian traffic, including many young children needing to walk to school either at Sherwood Elementary or Stonepark. These Pedestrians would have to either walk down the hill (with no sidewalk) to one of the crosswalks, OR chance their luck crossing the road at the top of a busy blind hill. In the winter, with snow on that side of the road, the ONLY option would be to cross the road at the top of a busy blind hill WITH icy road conditions. I am not interested in rolling that dice too many times and I hope that the planning committee and city council would not be interested in it either.

I believe the the above issues regarding the safety of residents, present and future, should be reason enough to deny this purposed re-zoning of this property. But in case it is not, please consider the following as well.

This development will, without a doubt, decrease the property value of residents in the area. Increased traffic, increased noise pollution (what is to stop these town houses from being filled with university students and making it the next Browns Court?) , decreased safety as explained above. What will prevent these town houses from becoming short term rentals? I understand that the city has a plan to implement regulations in the spring regarding short term rentals but that is not in place yet and there are always loop holes that can be found and exploited. I would personally be looking out my kitchen window, across the street, into the "back yard" of 8 families. Statistically speaking, 1 of those 8 "back yards" is likely to be a eye sore. There are too many variables for things to go wrong, that city would have little control over and that would adversely affect the property values in the surrounding areas.

I have noticed over the past week, through certain platforms, an attempt to spin this issue and frame this project as one that is being proposed solely for the **benefit** of the people of Sherwood, solely to help the city of Charlottetown with a housing crisis. I do not doubt the that the developer has these intentions in mind and that their intentions are genuine. But at the end of the day, this is a rental income business. It is a project designed and put forth with the **PRIMARY** goal of generating income for the developer. And there is nothing wrong with that, If there were nothing to be gained from developing rental properties then no one would do it and the "housing crisis" would be far worse than it currently is. Where it becomes wrong, is when that **income property** is developed and profits for the developer come at the **cost** of the residents in the area. This cost will be in the form of **decreases property values** and more importantly it will come at the cost of **public safety in the area**. I can only hope that it one day does not come at the cost of a human life in the form of a collision at the top of that hill.

I understand that we are in the midst of a housing crisis, I have many friends, family and co-workers that are affected by low vacancy rates and outlandish rent prices. I am not blind to the issue. I am not here to point fingers as to how this became an issue in the first place. However, the solution is not to put apartment buildings or town houses (with outlandish rent prices) on every vacant piece of land in Charlottetown. This will only serve to replace a short term problem with a whole new set of long term problems. Councilor Tweel put it best last night when he said that council should be voting on this matter for what it is, and that is a **Rezoning issue** not a housing crisis issue.

Thank you for taking the time to hear my concerns and the concerns other residents, I hope that you will take these concerns into serious consideration.

Sincerely,

Andrew Cotton

City of Charlottetown
233 Queen Street
Charlottetown, PEI
C1A 7K2

PLANNING
11:27 AM
Rec'd _____ Int RS
OCT 30, 2019

Wednesday, October 30, 2019

Re: Townhouse development/R1-R3 rezoning, 68 Brackley Point Rd., Charlottetown

From: Marcia Gardiner and Tom Steepe, 7 Pope Avenue, Charlottetown (Sherwood)

Good morning;

My husband and I were in attendance at the meeting last evening, regarding the proposed townhouse development and rezoning of 68 Brackley Point Road. While we, and our neighbours, recognize that this plot of land will eventually be redeveloped, we are NOT in favour of the proposal as it stands.

The proposed 14 units, which, in projected figures, based on three bedroom units, would house 56-65 new residents, would create a huge, sudden population increase in our community, which presents a whole host of problems: Site lines, which, even if relocated to the north side of the lot, will still create a dangerous situation for traffic entering and exiting this new development; if you review your information from last evening, you can refamiliarize yourself with residents personal experiences, that is, that it is already a dangerous, "blind" area, even without the proposed development.

Brackley Point Road is a major route to shopping areas, and already hosts high commuting and ambulance/hospital traffic. An increase in traffic flow does not make sense; are the traffic studies, which have been carried out, been completed by a reputable, unbiased firm? As it is, the speed rate of 50 km/hr. is generally disregarded; in areas where a new, higher density of residents is concentrated, is the speed rate not generally lowered as a very practical safety precaution? Would a new speed rate of 30 km/hr., which is generally the norm, actually be observed? Very likely not.

Traffic entering and exiting the neighbourhood, based on two vehicles per unit, or 28 vehicles, not counting visitors, fuel delivery, construction, etc. will create complicated and unwelcome congestion.

Surely, the new housing will be home to new families, whose school aged-children will attend one of our two local schools; as this is a dangerous area for pedestrians already, think of the very serious implications for children making their way, by foot, to classes each day. Other areas are more in keeping with this type of dense development, areas that adjacent to those currently commercially zoned, which is not the case in the 68 Brackley Pt. Rd. area.

We especially object to the rezoning of the area to an R3 designation, which will open up the adjacent large lots to similar development. In fact, under an R3 designation, there is no guarantee that these lots might not morph into even larger developments, like an apartment building(s) or more extensive townhouse or condominium complexes. According to the official plan, this neighbourhood was established as an R1, or single-family dwelling area. This new scheme does not fall in line with the plan, and does not take into consideration the wishes of the residents, or the character of the neighbourhood.

Developers, by their very nature and definition, are not, in the words of a councillor in attendance, out to "help alleviate the housing shortage." This type of language insults the intelligence of those in attendance; let us recognize the developers for who they are; business people, who wish to develop

City of Charlottetown
233 Queen Street
Charlottetown, PEI
C1A 7K2

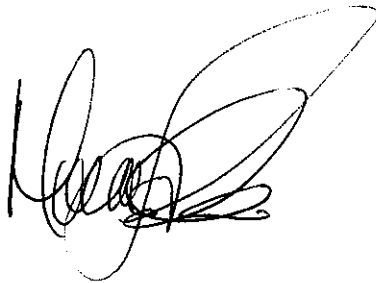
their land, as profitably as possible. We, the residents, depend on our elected council representatives to act in our best interests; we rely upon it.

Hopefully, you will take the concerns of the neighbourhood into serious consideration; in conversation with my neighbours after the meeting, we were appalled by Councillor Doiron's general feeling that we were merely complainers, and that our concerns might not be "remembered" by the time this issue came to the vote. Why do we all assemble, time and again, year after year, if not to make our views known, and those views given the serious weight they deserve?

Sincerely,

Marcia Gardiner

Tom Steepe

A handwritten signature in black ink, appearing to be 'Marcia Gardiner', written over a large, faint, circular watermark or stamp.

Stavert, Robert

From: Cal Morrison <calmorrison99@live.ca>
Sent: October 30, 2019 11:57 AM
To: Planning Department
Subject: 68 Brackley Point Rd (PID #396713)

Planning Department of Charlottetown,

I would like to express my concern about the proposal on 68 Brackley Point Rd. The location for this project would have a very unsafe connection to Brackley point road due to extremely poor sight lines for the entry and exit way. The other single home driveways in the immediate area have trouble enough, adding 14 units right in the centre of the unsafe area would be a major safety concern and an accident waiting to happen.

Thanks,
Cal Morrison
80 Brackley Point Rd

Stavert, Robert

From: Peter Poirier <petepe@gmail.com>
Sent: October 30, 2019 1:30 PM
To: Mayor of Charlottetown (Philip Brown); Doiron, Bob; Planning Department; Rivard, Greg
Subject: 68 Brackley Point Road

Hi,

I have been a resident of Sherwood for the last 22 years. Up to this year I have never felt the need to attend a public meeting regarding planning, I have attended 2 so far this year and had plans to attend my third last night. I was unable to attend last night but I would like to voice my opinion.


As a daily user of Brackley Point Rd, I drive by the property in question twice a day, I am not in favor of development of this parcel for anything that what it is zoned for – Single Detached Residential(R-1). This is a residential community of mostly single detached homes (except for the mess on the corner of Tower Rd and Mount Edward).

I won't go on about increased traffic flows, to me this is not the issue. The issue is that it is zoned R-1 for a reason and it needs to stay R-1. Last spring with the public meeting for the other property down the street, we were told that the Police/Public Works stated that a driveway with access to Brackley Point road would never be approved. Yes the word "Never" was used by someone from the city while at the podium. What has changed since then to even bring this up again? I don't think that the traffic flow has gotten lighter or the road has changed.

Just like in real life "No" should mean "No", not "maybe".

Thanks,

Peter Poirier
23 Oak Drive

| | | |
|--|--|---|
| TITLE: PLAN-2019-04-NOVEMBER-GB-2 RECONSIDERATION OF VARIANCE FOR HOME OCCUPATION 13 DONWOOD DRIVE (PID 278531) OWNER: PAULA MACDONALD | |  CHARLOTTETOWN |
| MEETING DATE: November 04 2019 | | Page 1 of 4 |
| DEPARTMENT: Planning & Heritage | ATTACHMENTS: A. Application related documents B. Map C. Public Letters | |
| SITE INFORMATION: Context: Residential neighbourhood Ward No: 2 Belvedere Existing Land Use: Single Detached Dwelling Official Plan: Low Density Residential Zoning: Single Detached Residential (R-1S) Zone | | |
| PREVIOUS APPLICATIONS: N/A | | |

RECOMMENDATIONS:

Staff encourages Planning Board to recommend to Council to *reject* the request to operate a home occupation (i.e., counselling/therapy service) at the property located at 13 Donwood Drive (PID #278531).

BACKGROUND:

Request

The Planning & Heritage Department has received a request to operate a home occupation (i.e., counselling/therapy service) from the property located at 13 Donwood Drive (PID #278531) which is zoned Single Detached Residential (R-1S) Zone. Approval of this application will allow for a counselling/therapy service consists of appointment based visits with only one client visiting the home at a time, due to the sensitive nature of the operation. The applicant is proposing to operate the above mentioned business throughout the week, Monday to Friday during business hours of 2pm – 6pm. The total number of clients visiting per week would be around three (3) with appointments scheduled on an hourly basis, the owner identified that this could increase in the future. The owner of the dwelling would be the only employee operating the counselling service and will occupy 7.8 sq. m (84 sq ft) of the 95 sq.m (1022 sq ft) dwelling.

The property has enough room to accommodate three (3) off-street parking spaces.

Reconsideration

The application was rejected by Council on September 9th, 2019. On September 24th, 2019 a letter requesting a reconsideration (attached) was received from the applicant. The applicant has filed an appeal to IRAC who are awaiting the outcome of the reconsideration process before scheduling

a hearing on this case. The applicant has primarily based their request for reconsideration on *(a) new material facts or evidence not available at the time of the initial order or decision have come to light*. It could be argued that criteria (a) maybe applicable in this case from the perspective of what transpired at the Council meeting on September 9th 2019 when the decision was rendered.

The Ward Councillor spoke to the applicant about her business and wanted to articulate some of the more subtle aspects of how her counselling services differed from other medical and counselling services contemplated in the Zoning and Development By-law. The Councillor was not in attendance at the meeting and as a result there was very little discussion on the merits of this application. The Ward Councillor has indicated that he would have liked the opportunity to speak to his fellow Councillor's at the last Council meeting before they deliberated.

If reconsideration was granted it would allow this opportunity to take place and ensure a full discussion at Council before a final discussion is granted.

Development Context

The subject site is currently developed with a single detached dwelling, and is located midblock surrounded by single detached dwellings. Donwood Drive provides a single access to the site.

ANALYSIS:

The Zoning & Development By-law 2018-11 was recently amended to state prohibited uses for a Home Occupation due to issue of compatibility in low density residential areas. One of the uses that is prohibited as a Home occupation is a *Medical, Health and Dental Office*, which is defined as *an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such uses as medical and dental offices, physiotherapy services, chiropractic services, counseling services, and ancillary clinic counseling services, but does not include Veterinary Services*. It was determined by staff that these types of uses are better suited in the Institutional (I) Zone and therefore inserted a prohibited home occupation list as defined in Section 5.9.4 as follows:

The following uses are prohibited as Home Occupations:

- a. ***Medical, Health and Dental Office;***
- b. *Automobile Body Shop;*
- c. *Eating and Drinking Establishment;*
- d. *Retail Store;*
- e. *Welding and Metal Fobrication.*

Should this home occupation intensify in the future, staff does not have the ability to monitor the number of clients visiting the business on a daily or hourly basis. At the time the owner submitted the Home Occupation application the above mentioned amendments were not approved by the Province.

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

| Positives | Neutral | Shortcomings |
|---|---------|---|
| <ul style="list-style-type: none"> • A goal in the Official Plan is to encourage home occupations as a platform for new economic growth. • An objective in the Official Plan is to support the creation and operation of home occupations in all residential zones. | | <ul style="list-style-type: none"> • The current the Zoning & Development By-law prohibits any Medical, Health and Dental Office. • A policy in the Official Plan is to allow home occupations that are unobtrusive. • Difficult to monitor the intensity of a home occupation of this nature. |

Due to the fact that the nature of the business generally operates with frequent appointments and a home occupation of this nature is listed as a prohibited use in the recently approved Zoning & Development By-law, staff would recommend that the home occupation be *rejected*.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.8.4 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.

Public Feedback

On August 9th 2019, forty-six (46) letters were sent to property owners located within 100 meters of the subject property. The letter informed them of the proposed home occupation and solicited their comments, to be received in writing no later than Tuesday, August 25, 2019. After mailing letters, staff received two (2) responses, only one which was a formal objection.

The resident that opposed the home occupation had the following concerns:

- Safety concerns relating to the type of cliental that could possibly use the counselling service;

- The possibility that the intensity of this service could grow with more client visits to the property;
- Detrimental to the character of the existing low density residential neighbourhood.

During the recirculation for reconsideration the Planning & Heritage Department received one letter of support for the proposed home occupation.

The resident that supports the proposal stated the following:

- Trip generation for the proposal will not generate much traffic;
- Counselling service is a much needed resource;
- The counselling service would fit well into the neighbourhood.

CONCLUSION:

Staff encourages Planning Board to recommend to Council to *reject* the request to operate a home occupation (i.e., counselling/therapy service) at the property located at 13 Donwood Drive (PID #278531).

PRESENTER:



Robert Zilke, MCIP

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Charlottetown: Planning, Development & Heritage Department

Request for Minor Variance Received from: Paula MacDonald, MSW, RSW

Property Location:

13 Donwood Drive, Charlottetown Prince Edward Island C1A 5L1

Home Occupation Form

What will be the nature of the business?

I would like to operate a paramedical mental health counselling/therapy service to the public provided through my Master of Social Work license. I would like to provide cognitive-behavioral therapy services to the public. Cognitive-behavioral therapy is a type of psychotherapy where negative patterns of thoughts about the self and the world are challenged in order to alter unwanted behavior patterns or treat mood disorders such as anxiety and depression.

I will receive clients who are referred to me through various insurance companies. These insurance companies include: Homewood, Shepell:FGI, Ceridian, Blue Cross, and Green Shield. Services will be designed for community members who are seeking assistance with mild adjustment issues that can be treated within community.

The business should not directly or indirectly effect any of the neighboring properties as clients or service users will be able to part in the driveway of the property. The service is quiet and confidential. Customers who use this service value their privacy. Due to the nature of business it is likely it will not impact the surrounding neighbors.

How many Employees will you have?

I will not have any employees. I will be the only therapist operating out of this proposed location.

What is the total floor area of your dwelling?

The total floor area of my dwelling has 1022 square feet on the main level with 410 square feet in the basement. Please see a floor plan of the main floor of house, which contains most of the living space.

Floor area used for business.

I would like to use approximately 84 square feet of this dwelling to interview clients in as needed. This is approximately 8% of the total living area upstairs in the home. Its approximately 6% of the totally living space in the house.

How many parking spaces do you have?

My driveway can comfortably park three vehicles. Please see the diagram for greater clarification.

Is your property currently being used for any other uses besides a dwelling?

No

Days and hours of operation?

Monday-Friday (2pm-6pm)

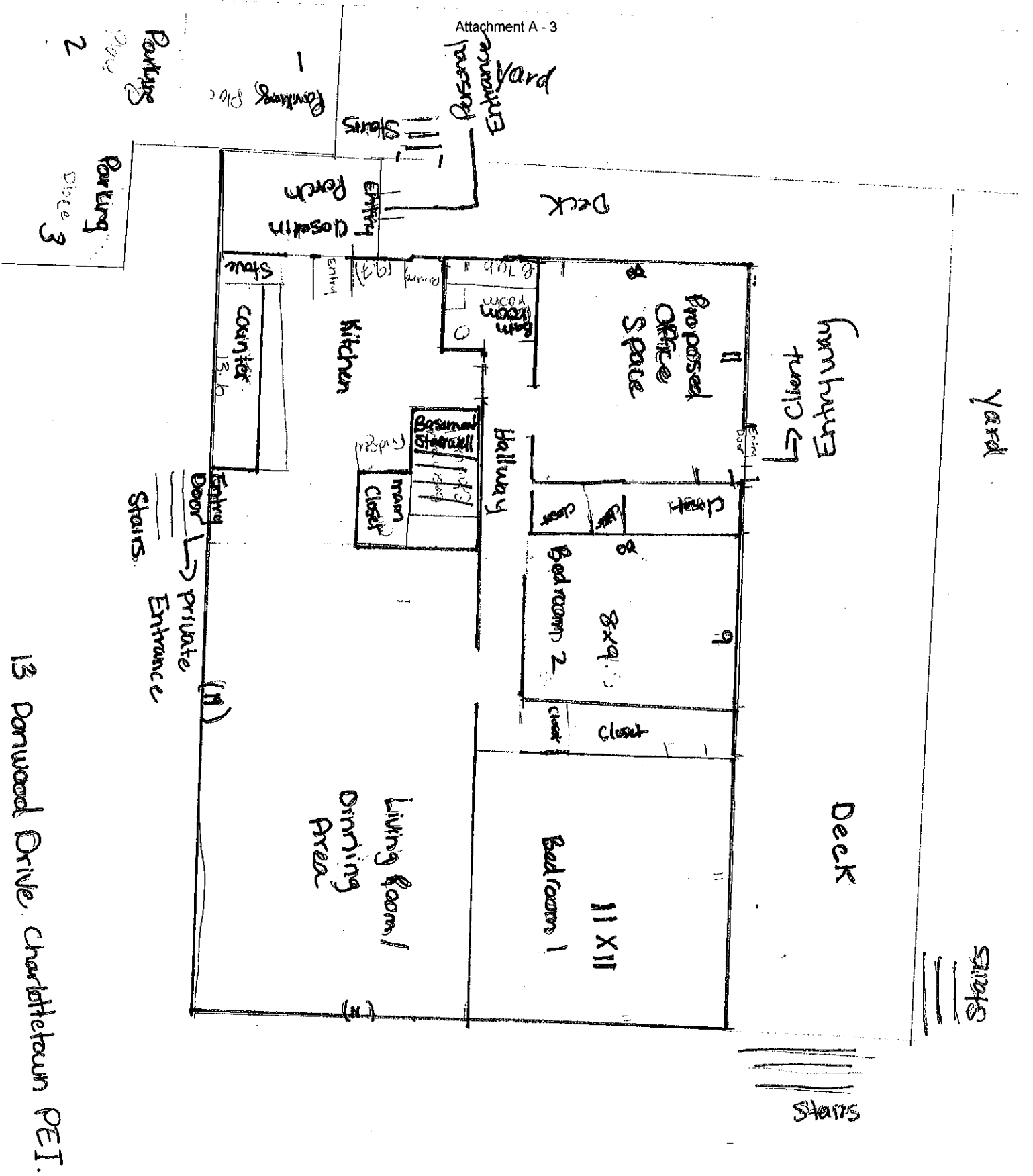
Will clients/customers visit your home?

Yes, Occasionally

How many visits per hour or day are anticipated?

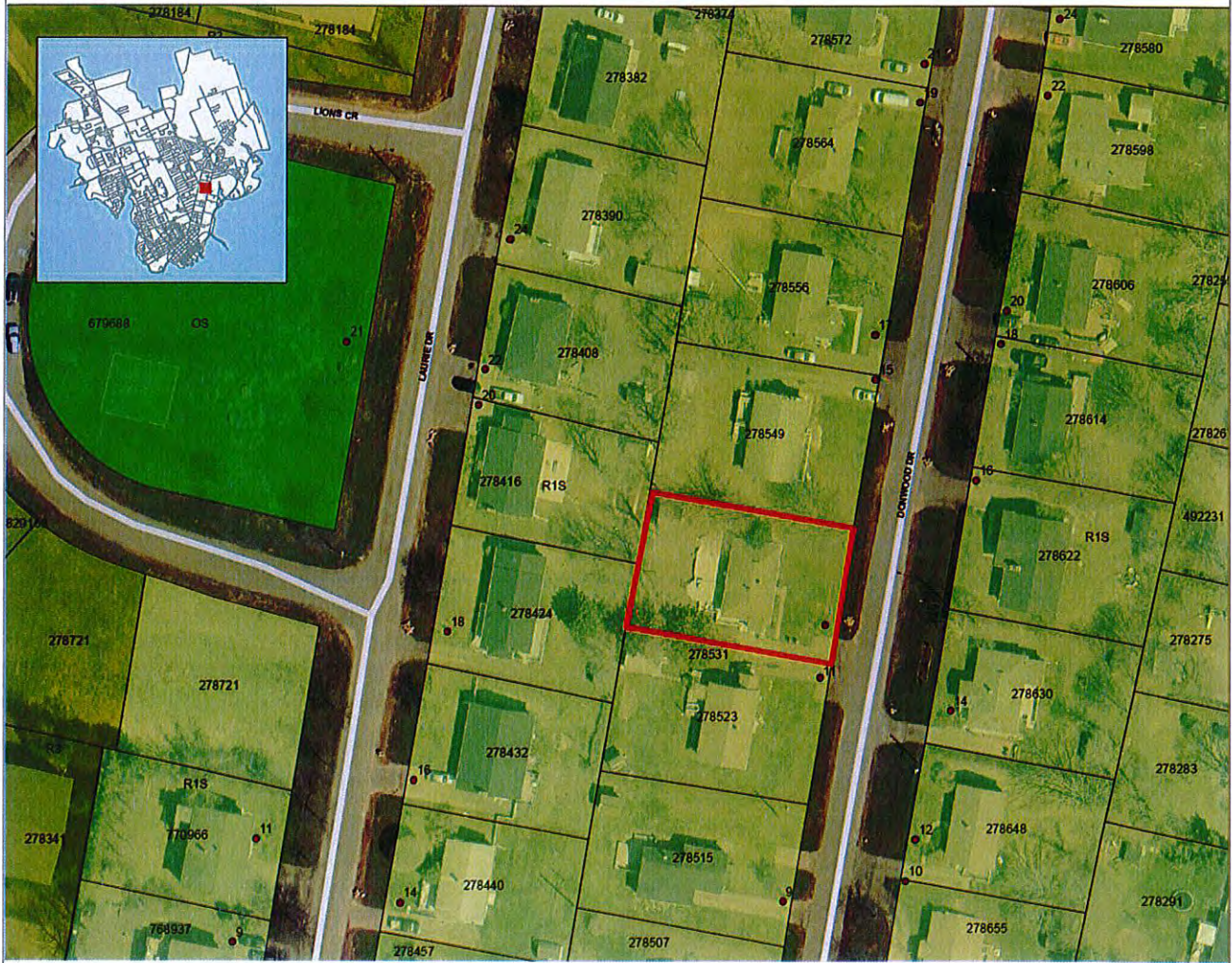
I anticipate having 3 client visits per week to begin with. Appointments will be offered in hourly increments. Clients will be scheduled with 30 minutes between client appointment times to allow for clients to arrive and leave the premise without seeing each other. This will provide clients with additional privacy and limit interactions with each other.

There will be no significant changes to the dwelling. Clients will enter the premise through a separate entrance that directly leads to the room where the service will be provided. There will be no external storage of materials or containers. There will be no animal enclosures, there will be no commercial vehicles. There will be no impact to adjacent properties. There will be no visible signs to assist with maintaining privacy of individuals using the service.



13 Donwood Drive, Charlestown PEI.

Attachment B



Attachment B:
Map of Subject Property
File: PLAN-2019-03-SEPT-



Attachment C

Letter of Objection

I am opposed to the request for the minor variance as per section 5.9.3.

I am an immediate neighbour that shares the driveway with the following concerns:

A para medical mental health clinic, is for recovering addicts of all types, not just drugs. Cognitive-behavioral therapy is to change negative behaviours, which is for any kind of addictions.

People need to discover what brought them to addiction. Addicts have to incorporate good healthy living to take place of the addiction. This would include recreation, family, learning to spend time with themselves, which is the hardest, and finding hobbies to occupy their time. It is a total lifestyle change that can be very hard to have a client do.

I have 2 special needs children in the home that are vulnerable and could possibly come in harm's way of an angry client or a client in relapse. I shouldn't have to worry about going outside in my yard when clients visit.

What guarantees do we have, if a client is having an off day, for our safety?

What happens if a client doesn't like their session and gets angry and comes back after hours?

We don't need a relapsed client coming into the neighbourhood, looking for quick money to feed their addiction. Relapses happen quite frequently as the behaviour therapy is a long term commitment.

If this was approved, how many clients would this build to over the course of the week?

She states 3 a week to begin with between 2 PM to 6 PM Monday to Friday but then goes on to say this may increase. Just for the hours mentioned, this could increase to 15 in a week. Once approved, who says she wouldn't work full time Monday to Friday from 8 AM to 6 PM. This would allow 30 clients a week.

There is a high demand for her services and I'm very supportive of these types of services in Charlottetown but I believe this type of service needs to be kept out of a residential area, especially with many young children in the area.

Thank you,
Linda Arain

Letter of Support

My husband and I live at 5 Donwood Drive. We have read your letter of October 15th, 2019. We understand the content of this letter and we are in agreement that this reconsideration for the counselling / therapy at 13 Donwood Drive be allowed to go forward. Three appointments per week will not add much to traffic on this street. The need for this type of help is at an all-time high and desperately needed on PEI. It poses no type of threat or inconvenience to neighbours on either side of the residence, across the street from the residence nor to the residences up and down the street from that residence. As

homeowners who share a double driveway with our next door neighbour , the amount of vehicles coming and going from both our residences has never been an issue .


It is our wish that this home based business definitely be allowed and welcomed to our area.

Yours truly

Bernie and Vernon Anderson

Attachment C:
Public Letters
File: PLAN-2019-04-NOV-



| | | |
|--|---|---|
| TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-04-NOVEMBER- 6C-3 | |  |
| MEETING DATE: November 04, 2019 | | Page 1 of 7 |
| DEPARTMENT: Planning & Heritage | ATTACHMENTS: Attachment A – Operations Calculation of Numerical Requirements Attachment B – Variance Approval Expiry Attachment C – Design Review Attachment D – Attached Garages Attachment E – Non-Conforming Buildings Attachment F – Non-Conforming Uses Attachment G – Parking Space Standards Attachment H – Fascia Signage General Requirements and reinsertion of the DMS Zone Attachment I – Reinsertion of the DMS Zone into the General Provision Tables for Signage Attachment J – Designated Heritage Resource Sign Exemptions Attachment K – Subdivision Regulations Lot Size Attachment L – Appendix A. Definitions | |

RECOMMENDATION:

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 5.5 Non-Conforming Uses;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;

- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations;
- Section 45.13 Lot Size;
- Appendix A. Definitions.

be *approved* to proceed to public consultation.

BACKGROUND / ANALYSIS:

Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the Zoning & Development By-law on October 1, 2018 staff have encountered some applications that require a review or insertion of additional regulations relating to formalizing standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, establish Marijuana Production Facility parking requirements, provide clarification for fascia sign placement on buildings four (4) stories or greater and enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources.

Measurements under Operation Section (Attachment A)

The Zoning & Development does not contain provisions to deal with calculations of numerical measurements. For example both density and parking calculations could result in fractions thereby leaving some ambiguity to the final calculation. Currently, staff have been using common practices to determine final dwelling unit or parking space counts, instances whereby a calculation results in a fraction of a whole number staff either rounds up or down if it is less than 0.5 or greater than 0.5 of the whole number. The other proposed amendments is to clarify situations that pose discrepancies between metric and imperial measurements. The proposed amendments are to formalize rounding practices.

Minor and Major Variance Approval Expiry (Attachment B)

Currently, the Zoning & Development By-law prescribes that either a Minor and Major Variance approval shall expire after one (1) year if *no Development and/or Building Permit has been issued*

or the Development and/or Building Permit has not been acted upon (i.e. construction has not commenced), the Variance approval and Permit shall automatically be deemed null and void. Due to the limited construction season and high demand for labour, it can make it difficult for applicants to satisfy the requirements of the variance approval and thus lose said approval. This then precipitates a reapplication through the variance process that takes up additional time and resources for approved applications. In most instances the application remains unchanged but still requires the execution of the full approval process. Staff is proposing on lengthening the expiry period to two (2) years in order to provide the applicant with an adequate amount of time to satisfy the requirements or conditions of their variance approval.

Criteria for Design Review Requirements (Attachment C)

The Zoning & Development By-law requires any new construction, multi-unit residential, increase in a Building's footprint/GFA by 20 sq.m or greater, or development that requires a land use approval application (i.e. subdivision, major variance, bonus height) in the 500 Lot Area to undergo the Design Review process. Staff is recommending that in addition to the above criteria that any development proposal that compromises the *Character-defining elements* (a term to be defined) to a Building's design may also be subject to the Design Review process. After eliciting feedback from both the Planning Board and Council, staff worked on revising what would constitute a *significant alteration* and when this would be applied. The revised regulation would allow staff to use some discretion to determine when a development application would compromise the architectural design of a building. If there was an instance in which this would occur then staff would have the ability to send the development application to the Design Review Board to obtain an independent recommendation. The Board may then decide to either recommend approval of the application or require it to be sent through the formal Design Review process. This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but preserved.

General Provisions for Buildings and Structures – Attached Garage (Attachment D)

The Zoning & Development By-law does not regulate maximum sizes for attached garages for residential properties. Over the past couple of years the Planning office has been receiving inquiries and at times applications for large attached garages for residential properties. In some instances, the attached garage has been larger than the residential floor area of the dwelling. This has led to massive garages that is out of scale and character of a typical residential area that has caused various neighbourhood complaints. To address this staff is proposing a limit to the size of an attached garage for residential dwellings. Presently, the size of detached accessory structures (i.e. sheds, garages) are regulated in the Zoning & Development By-law. As per jurisdictional

research and a scan of permits that have been previously approved staff is recommending that attached garages be restricted to a maximum gross floor area of 40% of the residential dwelling.

Non-Conforming Buildings (Attachment E)

Jurisdictional scan of other municipalities show that non-conforming buildings may be reconstructed, repaired or renovated but does not necessarily allow the non-conforming building to be enlarged. To allow for a non-conforming building to be enlarged undermines the purpose for discontinuing the non-conforming building to encourage compliance with the Zoning standards of the day. The purpose of the amendment is to remove references of enlargement of a non-conforming building.

Non-Conforming Uses (Attachment F)

The Zoning & Development By-law previously allowed for the use of a Converted Dwelling or Semi-Detached Dwelling that was lawfully in existence to be a conforming use in the R-1L or R-1S Residential Zones. Staff is proposing to reinsert that regulation back into the By-law to recognize these previously determined conforming uses.

Parking Space Standards (Attachment G)

The first amendment is to delete the reference to the parking requirement calculation regarding rounding of parking space requirements since this provision has been moved to the Operation section of the By-law. The second is to include parking space calculations for a Marijuana Production Facility in the City. The Zoning & Development By-law does not include a parking standard for this particular use, but due to its unique nature as a land use and operation it would require a specific standard. Through research staff recommends that "1 space per 200 sq. m (2,152.8 sq. ft) of *Floor Area* or 1 space per employee per shift, whichever is greater" be inserted into the General Provisions for Parking.

Fascia Sign Requirements for Buildings that are Four (4) Stories or Greater (Attachments H and I)

The Zoning & Development By-law had some ambiguity regarding the placement of fascia signs for buildings that were four (4) stories or taller, especially those buildings that had multi-tenants. Staff is seeking to provide clarity into this matter by providing clear regulation. The proposed regulations will allow for additional fascia signs to be located either below the second storey windows and/or if the maximum allowable sign area for the façade has not been met additional fascia signage may be located above the fourth storey windows. This regulation seeks to limit the proliferation of fascia sign coverage on buildings and maintain the aesthetics of taller buildings.

The other amendment to the signage provisions is to re-insert the Downtown Main Street DMS Zone back into the permitted Zones for signage. In the previous By-law the DMS Zone permitted the same signage and had the same standards as that of the Downtown Core DC Zone but was removed in the last comprehensive review. Staff are proposing to reinsert the DMS Zone back into the General Provisions for Fascia, Free Standing, Sandwich Board signs and Temporary Banners.

Enable Heritage Board to make a recommendation to Council for Variance of Signage on Designated Heritage Resources (Attachment J)

Clarification on the variance process for signage on Designated Heritage Resources is required to ensure that both the Zoning & Development By-law and the Heritage Preservation By-law is consistent. The proposed amendments seek to enable Heritage Board to provide a recommendation to Council for signs on designated heritage properties relating to the design and placement.

Subdivision Regulations for Lot Size (Attachment K)

Staff are proposing an additional regulation to allow for the subdivision of undersized lots pending the approval of a lot area or frontage variance for the dwelling unit. Council would need to approve the variances prior to the subdivision approval being granted.

Appendix A. Definitions (Attachment L)

Staff advises to include a definition that clarifies what type of changes a resident makes to a building in the 500 Lot Area that would trigger a Design Review. In order to address this Staff is proposing to include a definition of *Character-defining elements* that would need to be protected in order to preserve the architectural design of the building. The following definition is proposed:

Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, exterior façade features, as well as the various aspects of its site and environment.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed amendments to the Zoning & Development By-law PH-ZD.2 are 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 PH-ZD.2.

Public Feedback

A public meeting of Council was held on October 29, 2019 at 7:00 p.m. at the Provinces Room, Rodd Charlottetown Hotel of the Arts, 75 Kent Street. During the public meeting one (1) resident spoke to the proposed amendments. The resident was looking for clarification on the proposed amendments concerning lot area and frontage. Staff informed them that the amendments would allow Council to provide variances to both lot frontage and area requirements to subdivide parcels that would not meet the minimum requirements. Councillor Tweel requested further clarification on the Design Review amendment on determining what constitutes a *significant alteration* and when a design review would be required. The intent of the amendments were explained but it was noted that additional clarification would be beneficial.

The Planning & Heritage Department did not receive any written response pertaining to these amendments.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 5.5 Non-Conforming Uses;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;
- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations;
- Section 45.13 Lot Size;
- Appendix A. Definitions

be *approved* to proceed to public consultation.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

Section 2.0 OPERATIONS is amended by inserting the following section:

2.7 CALCULATION OF NUMERICAL REQUIREMENTS

2.7.1 All numerical requirements in this By-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

2.7.2 In this By-law, unless otherwise stated for density and parking calculations metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number.

Attachment A:
Amendments to Operation
File: PLAN-2019-04-NOV-


CHARLOTTETOWN
Planning & Heritage Department

Attachment B

Sections 3.8.7 MINOR VARIANCES and Section 3.9.7 MAJOR VARIANCES is amended as follows:

Delete “one (1) year” and replace with “two (2) years” as follows:

3.8.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.

3.9.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.

Attachment B:
Amendments to Minor and Major Variance
Approval Expiry
File: PLAN-2019-04-NOV-



Attachment C

Section 3.14 DESIGN REVIEW is amended by adding an additional subsection as follows:

3.14.1 The Design Review process shall apply to the following Building and/or Development Permit applications for any Affordable Housing development(s) in or outside the 500 Lot Area and properties located within the 500 Lot Area, as defined and described in Appendix H:

- a. New construction of any non-residential use or of a Multi-unit Residential Building;
- b. An increase in an existing Building's footprint or Gross Floor Area by 20 sq. m (215 sq ft) or more, excluding residential properties with less than four (4) Dwelling Units;
- c. A Development application that involves a Subdivision/Consolidation, Major Variance, Bonus Height and/or a Site Specific Exemption;
- d. *When in the opinion of the Development Officer a development application that compromises the Character-defining elements of any building in the 500 Lot Area, the application shall be forwarded to the Design Review Board for a recommendation to either direct staff to approve the application or to direct staff to send the application through the Design Review process.*

Attachment C:
Amendments to Design Review
File: PLAN-2019-04-NOV-



Attachment D

Section 4 is amended by adding an additional subsection as follows:

4.18 Attached Garages

4.18.1 An Attached Garage may be added to any dwelling, but the maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space.

4.18.2 A portion of an Attached Garage may be utilized for a Secondary Suite, subject to the Secondary Suite Regulations therein.

Attachment D:
Amendments to General Provisions for
Buildings and Structures
File: PLAN-2019-04-NOV-



Attachment E

Section 4.6 Non-Conforming Buildings is amended as follows:

By deleting the words “enlarged”, “reconstructed”, or “demolished”, “enlargement” and “new Building”; and

adding “or” between “repair” and “renovation”/“renovated” as follows:

4.6.1 Where a Building has been Erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area , or having less than the minimum Setback required by this by-law, the Building may be ~~enlarged, reconstructed,~~ repaired or renovated, ~~or demolished~~ provided that:

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

Subsection 4.6.3 (b) is amended as follows:

By deleting subsection (b)

~~b. Such rebuilding, enlargement, reconstruction, repair, Renovation, or new Building does not further reduce a required Front Yard or Side Yard that does not conform to this By-law;~~

and replacing it with the following:

b. An applicant who loses a Building through fire or demolition can apply to seek a variance to reinstate the property as it existed prior to its removal.

Attachment E:
Amendments to Non-Conforming Buildings
File: PLAN-2019-04-NOV-


CHARLOTTETOWN
Planning & Heritage Department

Attachment F

Section 5.5 NON-CONFORMING USES is amended by adding the additional subsections 5.5.5 as follows:

5.5.5 *An existing Converted Dwelling or an Existing Semi-Detached Dwelling that is lawfully in existence at the effective date of this By-law in any location within an R-1L or R-1S Residential Zone, shall be a Permitted Use and shall be deemed to be a conforming Use in the R-1L or the R-1S Zone within which it is located at that date.*

Attachment F:
Amendments to Non-Conforming Uses
File: PLAN-2019-04-NOV-


CHARLOTTETOWN
Planning & Heritage Department

Attachment G

Section 43.1 PARKING SPACE STANDARDS is amended as follows:

Delete subsection 43.1.2 "A Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 shall be deemed to be a requirement for one (1) additional space" with all corresponding subsections renumbered; and

Insert "Marijuana Production Facility" under Use following "Funeral Establishment" as follows:

| | |
|--|---|
| Dwelling Unit in the 500 Lot Area | 1 space per <i>Dwelling Unit</i> in a <i>Building</i> with three or few <i>Dwelling Units</i> ; and in a <i>Building</i> with more than three <i>Dwelling Units</i> the parking shall be 1 space for every two <i>Dwelling Units</i> with no <i>Parking Lot</i> to have less than three <i>Parking Spaces</i> . |
| Funeral Establishment | A minimum of 15 spaces plus 1 space for each 5 seats |
| Marijuana Production Facility | 1 space per 200 sq. m. (2,152.8 sq. ft.) of Floor Area or 1 space per employee per shift, whichever is greater. |
| Hospital | 1.25 spaces per bed |

Attachment G:
Amendments to Parking
File: PLAN-2019-04-NOV-




Attachment H

Section 44.12.4 FASCIA SIGN REGULATIONS Table is amended as follows:

Insert the following in the table below:

- Insert “DMS Zone” under Zone
- Delete “One Sign per Building wall may be erected above the bottom of the second Storey windows if:” and “The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and”
- Insert “unless” preceding “Signs shall be erected below the bottom of the second Storey windows;” and
- Insert “then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.” preceding “The Building is four or more stories in Height”.

| Zone | Dimensions | General Provisions |
|---|---|--|
| DMUN Zone | Sign Area shall not exceed 0.30sq m per linear meter (1.0 sq ft per linear foot) of the Building wall upon which the Sign is erected. | Signs shall be erected on a Building wall that abuts a public street. If a Business Premise is located on a Corner Lot or in a Shopping Centre, Signs may also be erected on one wall that abuts an interior Parking Lot; |
| DC Zone DMS Zone PC Zone WF Zone | Sign Area shall not exceed 0.38sq m per linear meter (1.25sq ft per linear foot) of the Building wall upon which the Sign is erected. | Signs shall be erected on a maximum of three Building walls, in accordance with Section 5.12.4.a; Signs shall be erected parallel to a wall; Signs shall not project more than 0.31m (1ft) from the wall upon which it is erected; |
| C-1 Zone DMU Zone I Zone MUC Zone OS Zone P Zone PZ Zone | Sign Area shall not exceed 0.46sq m per linear meter (1.5sq ft per linear foot) of the Building wall upon which the Sign is erected. | Signs shall not extend beyond the extremities of the wall upon which it is erected; Signs shall be erected below the bottom of the second Storey windows; <i>unless</i> |
| C-2 Zone C-3 Zone | Sign Area shall not exceed 0.53sq m per linear meter (1.75sq ft per linear foot) of the Building wall upon which the Sign is erected. | One Sign per Building wall may be erected above the bottom of the second Storey windows if:- |

| | | |
|--|---|---|
| <p>A Zone M-1 Zone M-2 Zone M-3 Zone</p> | <p>Sign Area shall not exceed 0.61sq m per linear meter (2sq ft per linear foot) of the Building wall upon which the Sign is erected.</p> | <p>The Building is four or more stories in Height <i>then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.</i></p> <p>The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and</p> <p>Signs erected in the 500 Lot Area or on a Heritage Resource shall not exceed 1.21m (4ft) in the vertical dimension.</p> |
| <p>Attachment H: Amendments to the Fascia Sign Regulations File: PLAN-2019-04-NOV-</p> | |  <p>CHARLOTTETOWN Planning & Heritage Department</p> |

Attachment I

Sections 44.13.3, 44.15.1 and 44.16.1 is amended as follows:

Insert "DMS Zone" under Zone for the following tables:

| Zone | a. Dimensions | b. General Provisions |
|--|---|--|
| DC Zone DMS Zone DMUN PC Zone WF Zone | <p>Sign Area shall not exceed 2.32sq m (25sq ft) per Sign Face.</p> <p>Signs shall not exceed 2.5m (8.2ft) in Height.</p> | <p>Signs shall have a maximum of two parallel Sign Faces;</p> <p>Signs shall not impede pedestrian or vehicular visibility when accessing a lot;</p> <p>Signs shall be setback a minimum of 1m (3.3ft) from the property line and a Building;</p> <p>Signs erected on a Corner Lot shall be prohibited within the Sight Triangle Area;</p> |
| C-1 Zone DMU Zone P Zone PZ Zone | <p>Sign Area shall not exceed 3.72sq m (25sq ft) per Sign Face.</p> <p>Signs shall not exceed 3.7m (12.1ft) in Height.</p> | <p>Signs shall have a minimum Clearance of 2.2m (7.2ft) above open areas and 4m (13ft) above a driveway or vehicular traffic area;</p> <p>When a Business Premise(s) is located on a Corner Lot or through lot, one Sign is permitted on each of two Lot Frontages, provided that the second Sign is 50% of the total Sign Area identified in this table, and there is a minimum distance of 30.1m (99ft) between the Signs.</p> |
| OS Zone | <p>Sign Area shall not exceed 4.65sq m (50sq ft) per Sign Face.</p> <p>Signs shall not exceed 3.7m (12.1ft) in Height.</p> | |
| C-2 Zone MUC Zone I Zone | <p>Sign Area shall not exceed 9.29sq m (100sq ft) per Sign Face.</p> <p>Signs shall not exceed 6m (19.7ft) in Height.</p> | |
| C-3 Zone | <p>Shopping Centres:</p> <p>Sign Area shall not exceed 30sq m (323sq ft) per Sign Face.</p> <p>Signs shall not exceed 9.75m (32.0ft) in Height.</p> <p>Non-Shopping Centres:</p> <p>Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face.</p> | |

| | | |
|--|--|--|
| | Signs shall not exceed 8m (26.2ft) in Height. | |
| A Zone M-1 Zone M-2 Zone M-3 Zone | Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in Height. | |

| Zone | Dimensions | General Provisions |
|---|---|--|
| DC Zone DMS Zone DMUN Zone OS Zone PC Zone PZ Zone WF Zone | Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height. | Signs shall only be displayed when the advertised Business Premise is open; Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian or vehicular visibility when accessing the lot; |
| A Zone C-1 Zone C-2 Zone C-3 Zone DMU Zone I Zone M-1 Zone M-2 Zone M-3 Zone MUC Zone P Zone | Placed On Public Right-of-way: Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height. Placed On Private Property: Sign Area shall not exceed 1.2sq m (13sq ft) per Sign Face. Signs shall not exceed 1.21m (4ft) in Height. | Signs shall be placed on private property or on the public Right-of-way abutting the subject Building, excluding the sidewalk, where possible; Where there is insufficient space to satisfy c., the Sign may be placed on the sidewalk abutting the subject Building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5m (5ft) exists on the sidewalk; Signs shall display the City's approval sticker indicating that said Sign has been approved in accordance with this by-law; When placed on a public Right-of-way, the owner of a Sign shall carry liability insurance that names the City as a third party and provides a minimum coverage of \$1,000,000; and Proof of liability insurance shall be provided on an annual basis. |

| Zone | Dimensions | General Provisions |
|--|--|---|
| A Zone DC Zone DMS Zone DMU Zone DMUN Zone C-1 Zone C-2 Zone C-3 Zone I Zone M-1 Zone M-2 Zone M-3 Zone MUC Zone OS Zone P Zone PC Zone WF Zone | Sign Area shall not exceed 1.95sq m (21sq ft) per Banner face. | <p>In the 500 Lot Area, two Banners are permitted per property. In all other areas a maximum of four Banners are permitted per property;</p> <p>Banners shall be securely attached parallel to a Building wall, or to a supporting Structure(s);</p> <p>Banners shall not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and</p> <p>Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.</p> |

Attachment I:
 Amendments to Reinsert the DMS Zone into
 Sign Regulation Tables
 File: PLAN-2019-04-NOV-



Attachment J

Section 44.21 EXEMPTIONS TO SIGN REGULATIONS is amended as follows:

44.21 EXEMPTIONS TO SIGN REGULATIONS

44.21.1 Heritage Board shall ~~review~~ *make a recommendation to Council on sign Permit applications for Designated Heritage Resources that do not adhere to the Sign Design Criteria and/or the placement of the sign, but not allow an increase to the permitted sign face area.*

44.21.2 Planning Board shall review applications and make a formal recommendation to Council for applications:

- a. for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration;
- b. for Off-premise Signs for Special Events where there is a request to erect Signs on an annual basis; and
- c. ~~where a Variance is being sought due to conditions peculiar to the property or unique to the area. This request shall only pertain to the placement and design of Signs, not an increase to the permitted Sign Area.~~

Attachment J:
Amendments to Exemptions to Sign
Regulations
File: PLAN-2019-04-NOV-


CHARLOTTETOWN
Planning & Heritage Department

Attachment K

Section 45.13 LOT SIZE is amended by adding the additional subsections (a) to section 45.13.1 as follows:

45.13 LOT SIZE

45.13.1 No Lot shall be reduced in area, either by conveyance or alienation of any portion thereof, or otherwise, so that any Building or Structure on such Lot shall have a Lot Coverage that exceeds, or a Front Yard, Rear Yard, Side Yard, Lot Frontage, or Lot Area that is less than that required by this by-law for the Zone in which such Lot is located, *notwithstanding*:

- a) If Council approves the construction of a Semi-Detached Dwelling or Townhouse Dwelling on an undersized lot through a lot area or frontage variance, each Semi-Detached Dwelling unit or Townhouse Dwelling Unit can be further subdivided subject to the requirements in Section 4.14.*

Attachment K:
Amendments to General Provisions for
Subdividing Land
File: PLAN-2019-04-NOV-


CHARLOTTETOWN
Planning & Heritage Department

Attachment L

Appendix A. Definitions are amended as follows:

- 1) By inserting the definition alphabetically for “Character-defining elements” proceeding after “Cemetery” but before the existing definition “Channel Letters” as follows:

Cemetery means land that is used as a place for the internment of the dead or in which human bodies have been buried.


Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, exterior façade features, as well as the various aspects of its site and environment.

Channel Letters means a type of Sign where a series of single solid Structures - each resembling a letter, number, logo, or other symbol - are affixed parallel to a wall or Sign board in order to display a message. Channel letters may be lit by an internal or external light source, or by Halo Lighting.

City means the City of Charlottetown established pursuant to the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

Attachment L:
Amendments to Appendix A. Definitions
File: PLAN-2019-4-NOV-



| | | |
|---|--|---|
| TITLE: LOT CONSOLIDATION FILE: PLAN-2019-04-NOVEMBER-6C-4 10 Harley St. OWNER: KILLIAM INVESTMENTS (PEI) INC. | |  CHARLOTTETOWN |
| MEETING DATE: November 4, 2019 | | Page 1 of 4 |
| DEPARTMENT: Planning & Heritage | ATTACHMENTS: A. GIS Map, survey plan | |
| SITE INFORMATION: Context: Medium Density Land Ward No: 4 – Spring Park Existing Land Use: Lot with foundation on it from a previous building destroyed by fire. Official Plan: Medium Density Residential Zoning: (R-3)Medium Density Residential | | |
| | | |

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the consolidation of PID# 274365, 10 Harley Street with a portion of PID #274449, 297 Allen Street be approved subject to a final pinned survey plan.

BACKGROUND:

Request

The City of Charlottetown has received an application in accordance with Section (Section 45.3.4 a) of the Zoning and Development Bylaw (General Provisions for Subdividing Land) to construct a 38 unit apartment building with underground parking.

Specifically the applicant is requesting to re-construct the building that was demolished by fire at 10 Harley Street and is planning to add ten (10) additional units for a total of thirty eight (38) units with underground parking.

In addition they are requesting to consolidate PID# 274365, 10 Harley Street with a portion of PID # 274449, 297 Allen.

Lot consolidations in the Business Park Industrial Zone (I) requires approval from Council.

Development Context

The subject property is located on Harley Street in the R-3 Medium Density Residential Zone. A twenty eight (28) unit apartment building previously existed on the property but was destroyed by fire earlier this year. The applicant is planning to re-construct the apartment building on the same lot but is proposing to add an additional story to the building to gain an additional 10 units. The previous Bylaw allowed a maximum height of 39.4 ft. for buildings in the R-3 Zone. However, in 2018 the zoning and Development Bylaw was amended to increase the maximum height to 49.2 ft. in the R-3 Zone. This will allow for an additional story to be built. The current lot area is 35,222 sq. ft. which allows for 28 units. The applicant is proposing to consolidate 4,060 sq. ft. from 297 Allen St. to increase the lot size. This will create a lot that is approximately 39,282 sq. ft. which supports 31.7 units. The applicant is proposing underground parking. The Zoning and Development Bylaw permits a density bonus of 20% when 75% of the parking is located underground. The density bonus will allow a total of 38 units if the lot consolidation is approved.

ANALYSIS:

The applicant has requested a lot consolidation of the parcels to facilitate additional density on the site at 10 Harley St. The lot at 297 Allen St. can currently support a density of 26 units. The building only contains 23 units and has underground parking. In terms of density the building would contain 18 units with a 20% density bonus to bring it to 23 units. Therefore, there is additional land/density that can be combined with 10 Harley Street.

There is a demand for multi-unit housing within this neighbourhood. The previous building on this site was fully occupied. The residents were displaced when the fire occurred. This neighbourhood is desirable to seniors and other demographics as it is located on a transit route and it is proximate to shopping centres and greenspace. An additional 10 units within this neighbourhood would help to address some of the demand for housing within the City.

It is important for a neighbourhood to have housing options that provide more choice. As people age they often are looking for housing options that require less maintenance and allow them to downsize from larger homes. If housing options are not available within their neighbourhood oftentimes people are forced to leave their neighbourhoods to seek appropriate housing. The Official Plan states, *"If Charlottetown is going to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City."* In addition the Official Plan also supports moderately higher densities in neighbourhoods. Listed below are excerpts from sections of the Official Plan that supports moderately higher densities and housing choices.

*Section 3.2.2 - Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.*

*Section 3.3.2 - Our **objective** is to enhance the range of housing available to residents who have special social, economic or physical needs*

*Section 3.3.2 - Our **policy** shall be to actively work with our partners to address the housing needs of seniors, to expand the range of affordable housing available to them, and to provide it in neighbourhoods preferred by them.*

| Positives | Neutral | Shortcomings |
|--|----------------|---|
| <ul style="list-style-type: none"> ▪ <i>The City is experiencing a demand for housing and the additional units would provide more housing within this neighbourhood.</i> ▪ <i>The proposal is close to amenities such as shopping, parkland and public transit.</i> ▪ <i>The property is in an area that has municipal services.</i> ▪ <i>The proposal is located within a walkable neighbourhood</i> ▪ <i>It does not expand the footprint of the previous apartment building.</i> | | <ul style="list-style-type: none"> ▪ <i>The additional story would increase the bulk and scale of this building along the streetscape.</i> |

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 45.3.5 of the Zoning & Development By-law, on October 1, 2019 notice was sent to forty eight (48) residents located within 100 meters of the subject property advising them of the request to consolidated 10 Harley St with a portion of 297 Allen St. The letter solicited their written comments for or against the proposed request for a lot consolidation and stated the deadline to submit written comments on the application.

Public Feedback

In response to the City's notification letter there were 2 (two) letters received in opposition to the proposed lot consolidation and 1 (one) letter received in support. Please see attached letters.

CONCLUSION:

Staff feel that the additional density would not be out of scale for the neighbourhood and do not feel that an additional 10 units would cause any adverse impacts to the neighbourhood. The property is in a serviced area and the additional density would make more efficient use of existing services in the area. The Planning & Heritage Department encourages Planning Board to recommend that the lot consolidation of PID #274365, 10 Harley Street and a portion of PID # 274449, 297 Allen Street be approved subject to a final pinned survey plan.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

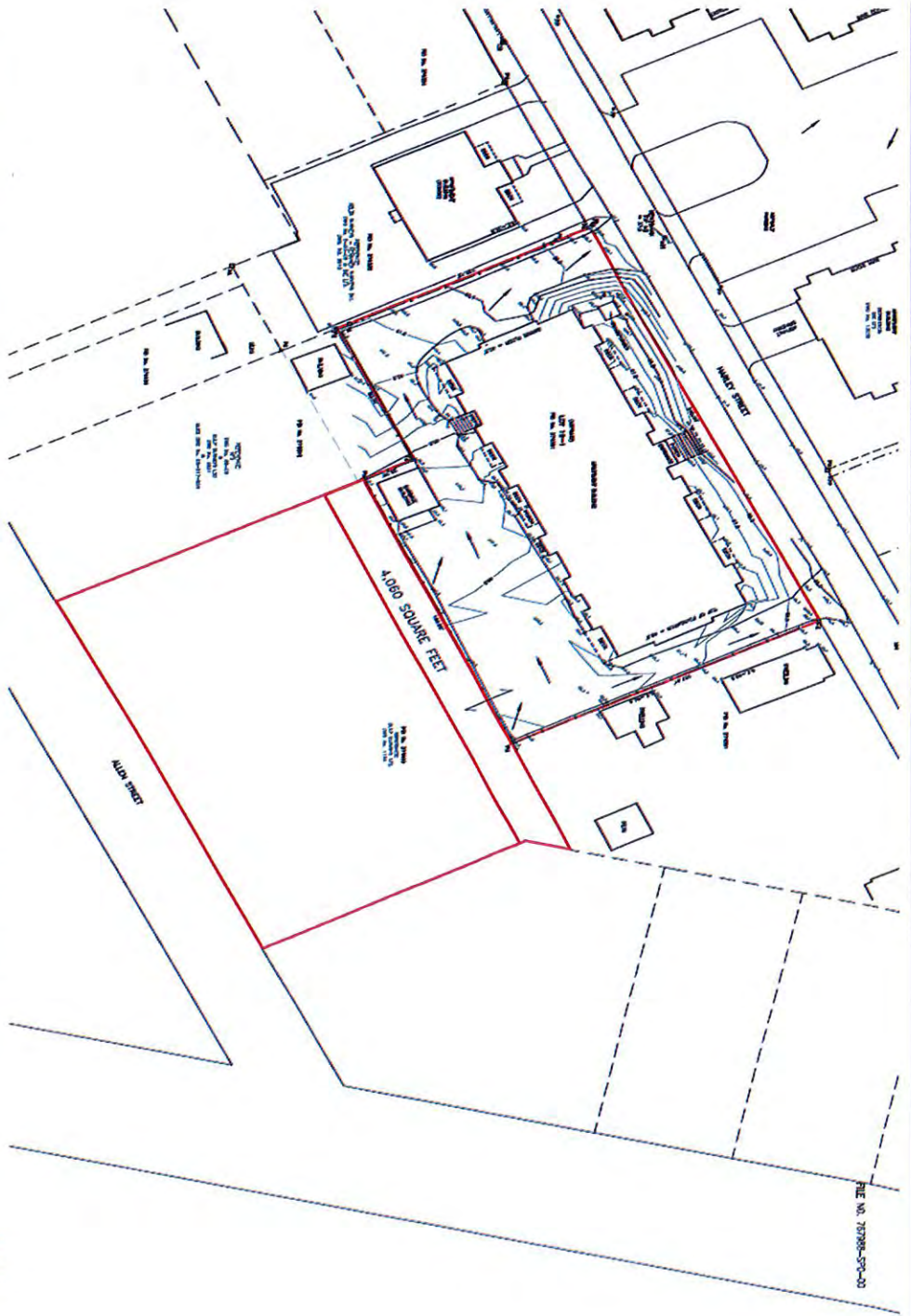


MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



Survey Plan:



APM ROYAL LEPAGE
COMMERCIAL

10 HARLEY STREET LAND CONSOLIDATION
10 Harley Street, Charlotteville, PE - Sept. 26, 2019

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SP-0

FILE NO. 191268-SP-00

Thompson, Laurel

From: Planning Department
Sent: Tuesday, October 15, 2019 8:16 AM
To: Roy; Planning Department; Thompson, Laurel
Subject: RE: Roy & Lynn MacArthur

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

Thank you!

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer/Administrative Assistant

City of Charlottetown
233 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 4B9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca

From: Roy [<mailto:rmacarthur@eastlink.ca>]
Sent: Monday, October 14, 2019 8:35 PM
To: Planning Department
Cc: rmacarthur@eastlink.ca
Subject: Roy & Lynn MacArthur

Roy & Lynn MacArthur
16-18 Harley Street
Charlottetown, P.E.I.
C1A-5T8

October 11, 2019

To whom it may concern,

As residents of 16-18 Harley Street we wish to address our concerns about consolidating 10 Harley Street with 305 Allen Street. When 10 Harley Street was built the original plans had green space between 10 Harley Street and 16 Harley Street, when the build began we were informed that there was going to be a driveway there instead. We had concerns with exit driveway so close to our property. Which we had no recourse on this subject. Also this driveway was never in original plans at the public meetings. Before the project on was complete on Harley Street we were informed there would be another apartment building going up on 305 Allen Street. The fence that bordered the property of Allen Street and Harley Street properties was removed and a exit to 305 Allen Street appeared. City council and planning department really pushed against listening to the residents and their concerns. We were told that there were no issues with this matter which I spoke that the 2

properties needed to be consolidated. Only to be told it didn't, now we are now looking at consolidating these properties. I think before this is approved you need to address people using the exit as an entrance as a go between to Allen Street. Other issues is snow removal at 3 am in the morning going down driveway into empty lot across the street which has damaged public road way, salt damaging our property from runoff. Damaged to our fence in back as tenant ran into twice which was never repaired. The wind tunnel between building and our home which has caused damage to our roof several times. The empty lot in spring filling peoples basements with water. We would like to see not so much lighting on new building on exit driveway side as it has caused sleeping disorders. These are only a few of our concerns that have fallen on deaf ears. I understand we are in a housing crisis **but as taxpaying residents we have a right to be heard.** We also are having our front steps removed from front of our house due to the street and sidewalks **work at our expense** with the only possible way to have steps is to have them exiting on 10 Harley Streets driveway makes us feel safe. Please address some of our concerns sit down with us and listen to our concerns. We understand that the building will be rebuilt but **please address our concerns** with driveway ,lighting, early morning construction, snow removal, roadway, sidewalks, frontage of our home only a few items that we ask as concerned residents. Also has green space been considered for all these apartments buildings.....maybe the empty lot on Harley Street should be consider for this use. As it was discussed that it would be green space not a snow removal dumping ground. Please explain the building code and standards that are require to insure fire safety for 38 building unit in order to prevent future building fires as we have seen major damage this summer due to the previous fire building at 10 Harley Street.

Thank You

Roy and Lynn MacArthur

Sent from my iPad

FROM

Arthur Horne
19 Harley St
Charlottesville PE C1A 5T9

TO LAUREL PALMER THOMPSON
MCIP PLANNER II SHILOH

DEAR SIA Re grading lot consolidation of 10 Harley St
with a portion of 297 allow ST I do not have
any objections to this.

Thanks you for asking.

Arthur Horne
19 HARLEY ST
Charlottesville, PE.

PLANNING
FIELD
OCT 15, 2019
MJK

October 13, 2019

City of Charlottetown

Planning and Heritage Department

To Whom It May Concern

RE: Lot consolidation of 10 Harley St with a portion of 297 Allen St - Letter of October 02, 2019

As property owners of 17 Harley St, **we oppose the lot consolidation** of 10 Harley St. with a portion of 297 Allen St. This will result in additional traffic on Harley St by providing vehicular access to and from 297 Allen St.

We oppose the re-construction of 10 Harley St until an acceptable snow relocation plan is approved by the City of Charlottetown.

We object to the practice of relocating snow from several properties to the two vacant lots between 17 Harley St and 9 Harley St. The noise and lights from multiple pieces of heavy equipment operating in the late evening and early morning hours is extremely disruptive. It is not like a City snowplow making a couple of passes to remove snow from the street.

A picture taken March 5, 2019 is attached which depicts the building at 10 Harley St and the snow and ice mountain created from November 2018 to March 2019. The pile of snow extends from the rear of the vacant lots to the street. To put things in perspective, the top of the fence posts on each side of the picture are approximately 5 feet above ground level. The slope of the pile begins at the base of the fence.


The biggest concern with the mountain of snow and ice is in the milder weather when the melt begins in earnest. The water from the melting snow and ice sinks into the ground and causes our sump pump to run frequently with very little "resting time". This is disruptive and stressful. Our sump pump is capable of dealing with a natural amount of snow and ice melt but not to be challenged to the limit by the melt from an artificial mountain of snow and ice which should not be there. Even after the streets and lawns were bare, our sump pump operated for about an additional 3 weeks dealing with the melting snow and ice mountain. A mechanical failure of the sump pump or a power outage at an inopportune time would have disastrous consequences.

Respectfully Submitted

Lloyd and Carol MacKinnon

17 Harley St 902 566 9770



| | | |
|---|--|---|
| TITLE: <p style="text-align: center;">CDA AMENDMENT FILE: PLAN-2019-04-NOVEMBER-6C-5 LOT 6 TOWERS ROAD OWNER: 10019038 Canada Ltd.</p> | |  CHARLOTTETOWN |
| MEETING DATE: November 4, 2019 | | Page 1 of 11 |
| DEPARTMENT: Planning & Heritage | ATTACHMENTS: A. GIS Map, site plan, architectural renderings | |
| SITE INFORMATION: Context: Comprehensive Development Area Zoned Land Ward No: 8 – Highfield Existing Land Use: vacant land Official Plan: Comprehensive Planning Area Zoning: (CDA) Comprehensive Development Area | | |
| | | |

RECOMMENDATION:

Staff recommends for Planning Board to recommend to Council to advance the request to amend the Development Concept Plan and Development Agreement pertaining to Lot 2014-6 (only) PID # 1076728 to a public meeting.

BACKGROUND:

Request

This is an application to amend an existing development concept plan and development agreement under Section 41, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw.

Section 41.2.5 of the Zoning and Development Bylaw requires that amendments to a Development Concept Plan be approved by Council. The amendment/approval process must be treated as if it were an amendment to the Zoning and Development Bylaw and therefore requires notification of property owners within 100 meters of the subject property, posting of the proposed bylaw amendment and a public meeting. The Bylaw also requires that the working site plan and buildings also be approved on the recommendation of Planning Board. The developer is also submitting the architectural building plans for review and approval at this time.

Development Context

The property in question is Lot 2014-6 consisting of 94,410 sq. ft. This lot is part of the original 15 acre site. That comprises the approved Development Concept Plan. It is bound to the north by a former private road that leads to the Charlottetown Mall (Towers Road), to the east by Lot 2014-4 of the Development Concept Plan, to the south by an open space parcel that forms part of the overall concept plan and Rails to Trails to the West.

The original Development Agreement that outlined the terms of conditions of the Development Concept Plan was signed on August 15, 2013.

The approved uses and density for Lot 2014-6 at that time consisted of:

- One 48 unit apartment building and
- One 24 unit apartment building

As per the Development Agreement both buildings were to be a maximum of 39.4 ft. in height.

In May of 2016 the current owner applied for an amendment to the approved development concept plan to include:

- One 64 unit apartment building with underground parking and a maximum height of 50 ft. and
- One 24 unit apartment building with a maximum height of 39.4 ft.

The applicant applied to increase the density of the 48 unit building to 64 units and Council approved the density increase to a total of 88 units on site. Following approval of the amended development concept plan the applicant began site design and discovered a water line easement was closer to the 24 unit apartment building than what was originally sited on the concept plan. The water line easement is located where the south west corner of the 24 unit apartment building is proposed to be located. Therefore, the property owner has requested to amend the Development Concept Plan again to combine the two buildings into one building. The total units on site would still be 88 units contained within one building. The proposed building would be L shaped with the shorter portion of the building being located closer to the south property boundary. This location and building design configuration would allow the proposed building to avoid the water line easement. Another item to note is that the 64 unit apartment building was proposed to have underground parking. The current proposed 88 unit building will have surface parking. The applicant is proposing that 28 of the units contained within the building be designated for affordable housing. The parking has changed to surface parking to make the project more economical to be able to offer a portion of the building as affordable housing.

The applicant is also requesting to increase the height of the building so he is able to maintain 88 units on site. In order to avoid the waterline easement the building footprint would have to decrease and therefore, the height of the building would have to increase from 50 ft. to 62 ft.

In regards to the request to increase the height of the proposed building, the overall site slopes from Mount Edward Road to the Charlottetown Mall. There is a considerable drop in elevation from Mount Edward Road to Lot 2014-6. Therefore, if the height increase for this building is approved in an amendment the height would generally be in line with future buildings built on lots to the east.

Staff would note that there is no height requirement for the CDA Zone. However, given that this is a CDA Zone and there is an approved Development Concept Plan and Development Agreement in place, both documents specifically list the number of buildings and units permitted on the site as well as the height. Staff is not able to approve the height increase or the reconfiguration of the site design without following the process of an amendment to a development concept plan as stipulated in the Zoning and Development Bylaw.

The applicant is therefore requesting his application be advanced to a public meeting.

ANALYSIS:

This area of Charlottetown (Sherwood) is an older established neighbourhood. Sherwood was incorporated in the 60's and growth mainly occurred in the late 60's to 70's. Many residents within the neighbourhood are at an age where they are considering downsizing and moving out of their single family homes into smaller units.

A range of housing within a neighbourhood is good. This would allow more choice for people who want to locate or remain within the neighbourhood as they age. The Official Plan States, *"If Charlottetown is going to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City."*

"in the recent past there has been a chronic shortage of most types of senior's housing. As the population base continues to age, this problem will become more acute unless civic decision makers address it in a forthright manner."

Given these circumstances, the strategic direction of the CHARLOTTETOWN PLAN is to:

- apply the policies of new housing within the fully serviced areas of the City and within neighbourhoods;*
- encourage the provision of adequate housing for those residents with special needs; and*

- address the specific need to provide more affordable housing for seniors in neighbourhoods in which they prefer to live.

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.

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, parkland, shopping and amenities.

The Official Plan also 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. An addition of 28 affordable units within this neighbourhood would provide more housing options for residents at various income levels. Below are excerpts from sections of the Official Plan that supports moderately higher densities and housing choices.

*Section 3.2.2 - Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.*

*Section 3.3.2 - Our **objective** is to enhance the range of housing available to residents who have special social, economic or physical needs*

*Section 3.3.2 - Our **policy** shall be to actively work with our partners to address the housing needs of seniors, to expand the range of affordable housing available to them, and to provide it in neighbourhoods preferred by them.*

| Positives | Neutral | Shortcomings |
|---|----------------|---|
| <ul style="list-style-type: none"> ▪ The City is experiencing a demand for housing and the addition of 28 affordable housing units would provide more housing options within this neighbourhood. | | <ul style="list-style-type: none"> ▪ The additional story and the combining of the two buildings would add more bulk to the building. ▪ Underground parking is being converted to surface |

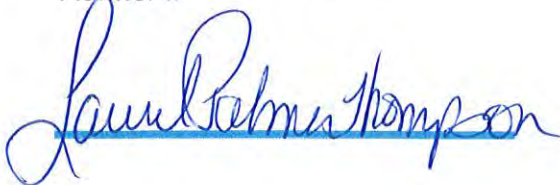
| | | |
|--|--|--|
| <ul style="list-style-type: none"> ▪ <i>The proposal is close to amenities such as shopping, parkland and public transit.</i> ▪ <i>The property is in an area that is fully serviced with municipal services.</i> ▪ <i>The proposal is located within a walkable neighbourhood.</i> | | <p><i>parking. Therefore, there will be less greenspace on the site.</i></p> |
|--|--|--|

CONCLUSION:

From a planning perspective a variety of housing choices is important to have within a neighbourhood. It allows people to remain within their neighbourhoods when they transition from single detached homes. It provides options for young families. Density and housing variety is sustainable, as it allows for better use of services that are already available (see Section 3.10 of the Official Plan); it decreases urban sprawl which is an outcome of approval of single family subdivisions. Staff is therefore recommending that the application to amend the Development Concept Plan and Development Agreement pertaining to Lot 2014-6 (only) PID # (1076728) be advanced to a public meeting.

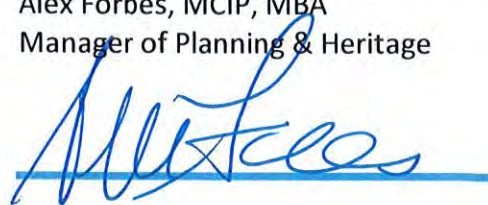
PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

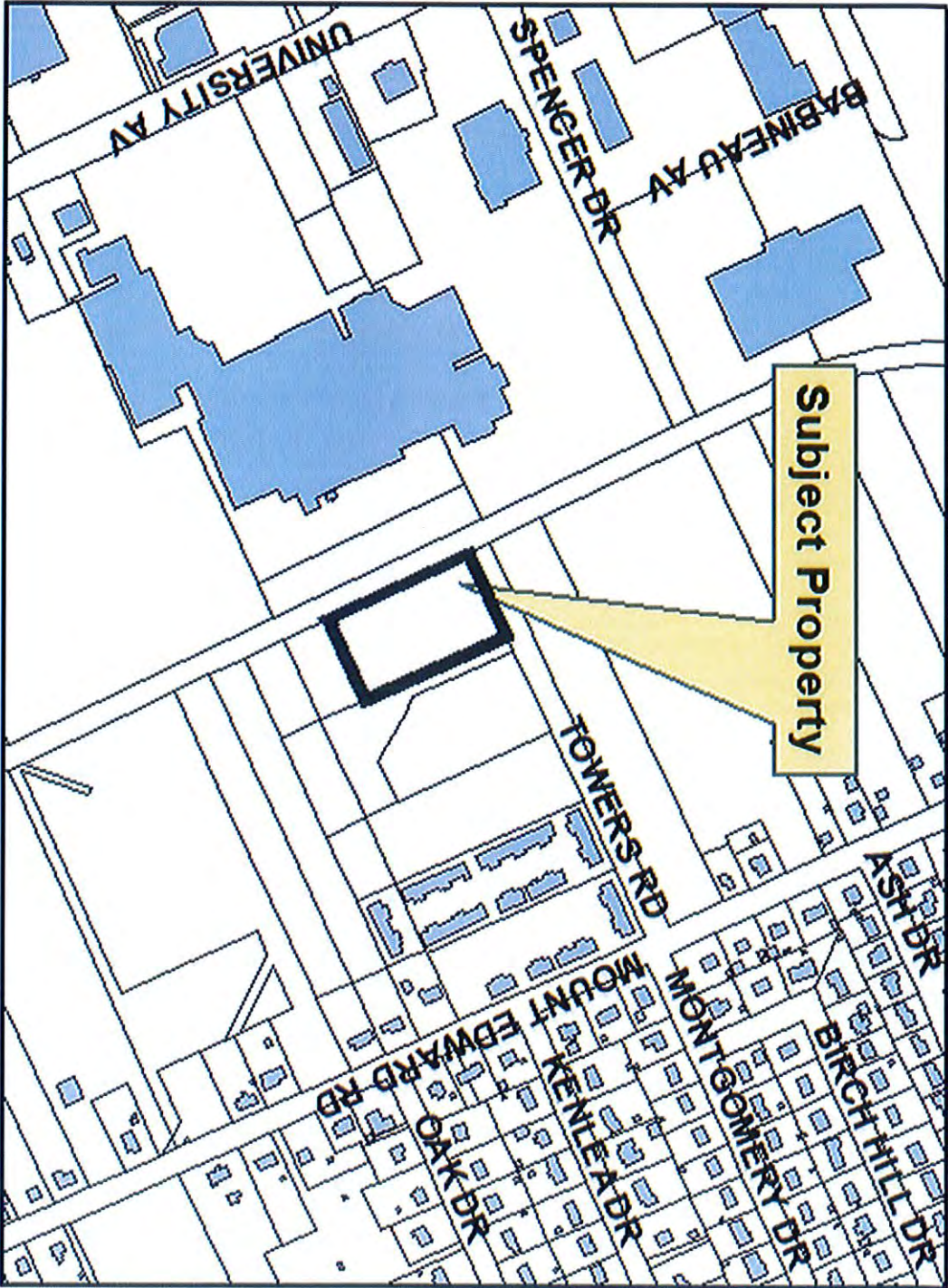


MANAGER:

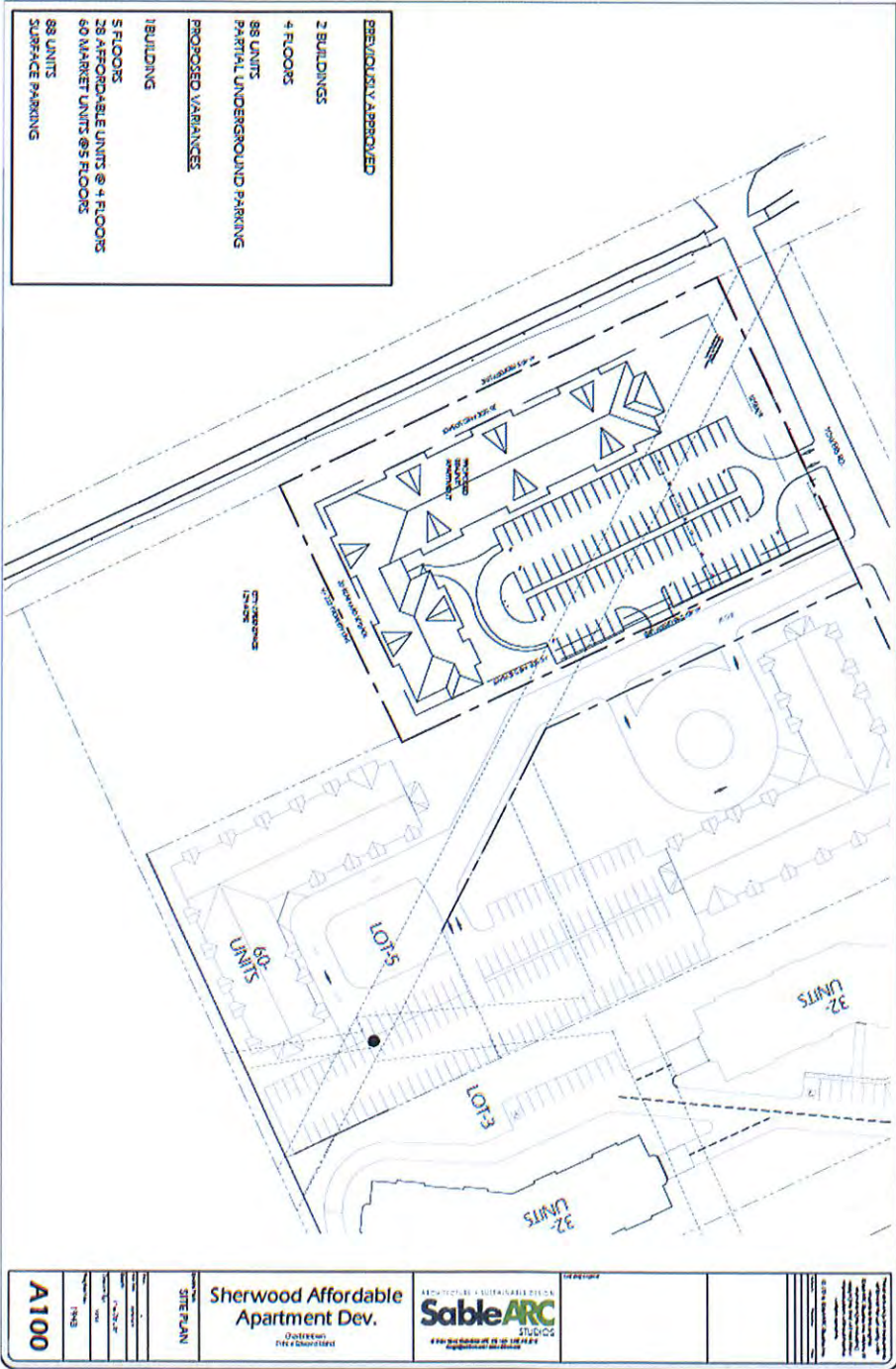
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



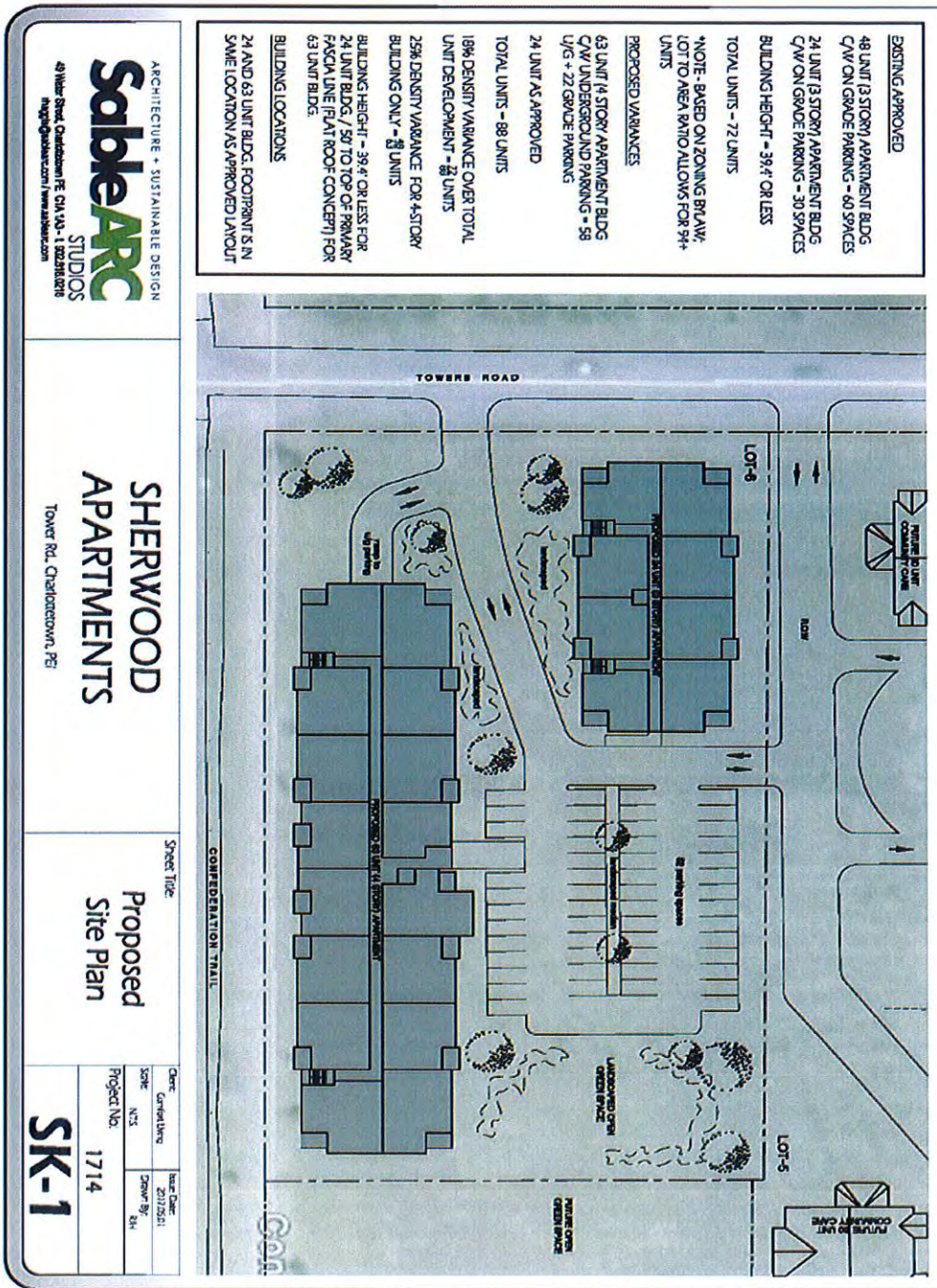
GIS Map:



Proposed Site Plan:



Current Site Plan:



SHERWOOD APARTMENTS
Tower Rd., Charleston, SC

Sheet Title:
Proposed Site Plan

| | | | |
|--------------|---------------------|-----------|-----------|
| Client: | Cornwall Properties | Date: | 2/17/2021 |
| Scale: | N.T.S. | Drawn by: | SA |
| Project No.: | 1714 | | |
| | SK-1 | | |

Concept Elevations:



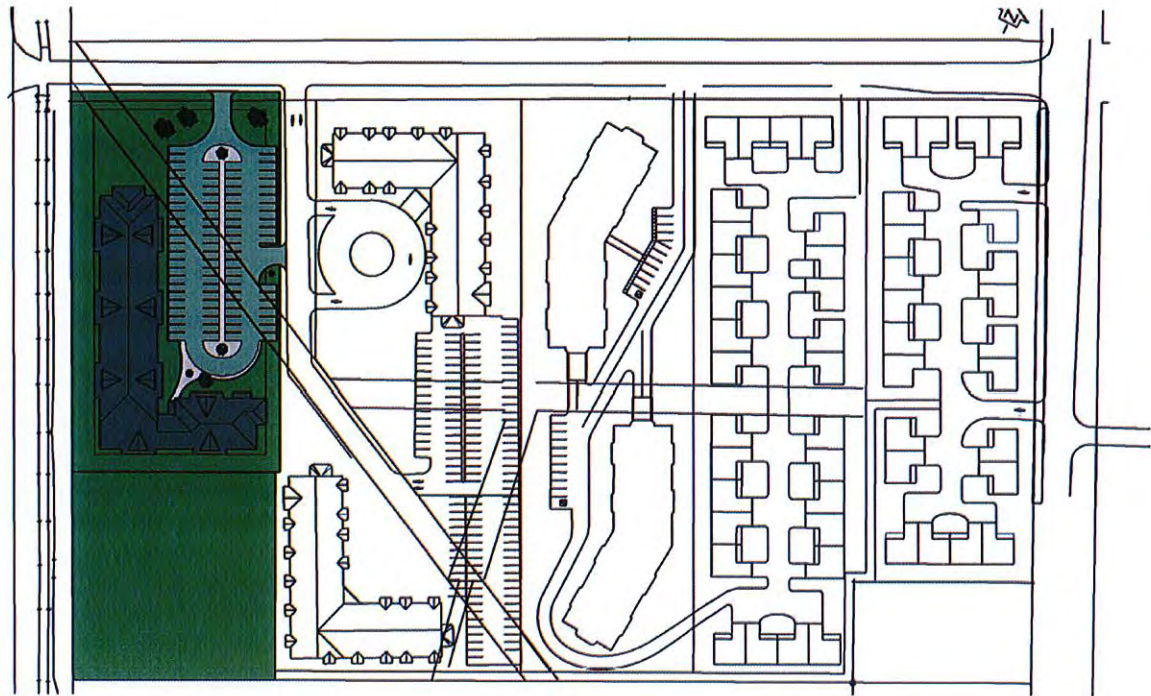


ARCHITECTURE + SUSTAINABLE DESIGN
SableARC Studios
Sherwood Affordable Apartment Development
5 Floors with 88 units
2019.10.17 Towers Rd, Charlottetown



ARCHITECTURE + SUSTAINABLE DESIGN
SableARC Studios
Sherwood Affordable Apartment Development
5 Floors with 88 units
2019.10.17 Towers Rd, Charlottetown

Over All Development Concept Plan:



ARCHITECTURE + SUSTAINABLE DESIGN
SableARC Studios
Sherwood Affordable Apartment Development
5 Floors with 88 units
2019.10.17 Towers Rd, Charlottetown