



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

*Monday, December 02, 2019 at 4:30 p.m.
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Monday, December 02, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on Wednesday, November 06, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
 - a) Variances**
 1. 35 Prince Street (PID #337089) Greg
Request for a variance to extend the legal non-conforming use of the Eating & Drinking Establishment by applying for a liquor license.
 2. 165 Dorchester Street (PID #338400) Greg
Request for a variance to reduce the required lot frontage in order to convert the 4-unit apartment building into a 5-unit apartment building.
 - b) Other Business**
 3. 38 Palmers Lane (PID #275156) Greg
Request for a reconsideration of Council's decision on September 9, 2019 to approve the rezoning from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone.
 4. 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. Public consultation on November 27, 2019.
 5. Update on Traffic Study of Tim Hortons along Maypoint Road Alex
- 7. Introduction of New Business**
- 8. Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
WEDNESDAY, NOVEMBER 06, 2019, 4:45 P.M.
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL**

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

Shallyn Murray, RM
Alex Forbes, PHM
Laurel Palmer Thompson, PII
Greg Morrison, PII
Robert Zilke, PII
Ellen Faye Catane, PH IA/AA
Reg MacInnis, RM
Rosemary Herbert, RM

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

1. Call to Order

Councillor Rivard called the meeting to order at 4:44 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Councillor Bob Doiron and seconded by Shallyn Murray, RM, that the agenda for Wednesday, November 06, 2019, be approved.

CARRIED

4. Adoption of Minutes

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the minutes of the meeting held on Monday, October 07, 2019, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 68 Brackley Point Road (PID #396713)

This is a 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 containing a total of 14 residential dwelling units. One of the townhouses would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units. Greg Morrison, Planner II, presented the application. See attached report.

13 letters of opposition were received prior the deadline and at the Public Meeting held on October 29, 2019, 11 residents spoke in opposition to proposed development. Three (3) additional comments were received after the deadline. Mr. Morrison mentioned that most of the concerns were on sight lines, vehicle/pedestrian traffic and speed limit issues. Based on Police

and Public Works feedback, the applicant presented a revised site plan where the building footprints were flipped to move the access further to the north. Mr. Morrison also outlined the positives and shortcomings of the proposed development. Staff explained that the applicant has submitted a request to defer the application until January 2020 to give them time to provide a traffic study from an engineer. The applicants were at the meeting to answer any possible questions.

Councillor Rivard asked if the applicant wanted to provide more information about the application and the request for deferral. Brad MacPherson, representative of the developer, mentioned that they understood the concerns of the residents on the safety sight line concerns. Mr. MacPherson indicated that instead of dealing with assumptions, they would rather deal with facts. They have contacted an engineer from Coles & Associates to prepare a proper traffic study to address the issues raised by residents. Mr. MacPherson also added that by having a traffic study, there could be a more educated decision rather than assumptions and has requested that this application be deferred to the January 06, 2020 meeting.

Councillor Rivard asked Mr. Forbes what traffic study would entail since at the public meeting concerns were raised on safety with regards to the sidewalk being on the opposite side as well as sight lines concerns due to snow. Councillor Rivard also clarified if traffic study only factors the amount of traffic, sight lines or what other factors does it consider. Mr. Forbes responded that those are questions you may ask the consultants and would depend on the terms of reference that you require them to review. A request to look into public concerns may be included in order to alleviate the concerns. Based on the technical analysis that would be provided by traffic engineers, staff may also recommend additional factors that may have to be reviewed or considered. If the board recommends moving forward with a traffic study, staff will work with the applicants to ensure that all these concerns are included in the review.

Councillor McCabe would agree that traffic studies maybe good for certain types of applications but when you live in the neighbourhood and experience the concerns everyday, you would see the picture clearer than a traffic study. Residents also feel that infrastructure is a huge issue in that area. Councillor McCabe suggested that the Department have proper things in place before developing the property.

Councillor Rivard also clarified the concern of one resident whose property is adjacent to the proposed development where they were not granted access along Brackley Point Road. Councillor Rivard asked that if a property across the road was not allowed access, how access would be allowed for the proposed development. Mr. Forbes responded that he is not certain about the concern and the department does not have details of the study that the resident was pertaining to. Mr. Morrison also indicated he was not present at the time of the development to provide more information but he included all information from the file in this report relating to the property that was mentioned.

Councillor Rivard explained that there are three options available here tonight which the board may recommend: a) Reject the application, b) Accept the application subject to a development agreement and, c) to defer the application until a traffic study is presented.

Shallyn Murray, RM, appreciated the applicant's offer to conduct a traffic study; however, Ms. Murray felt that this application is not the right scale for the site and even with the traffic study available; her vote would remain to be the same. Ms. Murray then made a motion to accept staff recommendation to reject.

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

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the 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 for rejection.

CARRIED

(5-1)

K. Fournier opposed

7. Lot 2014-6 Towers Road (PID # 1076728)

This is a request to amend an existing 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 for Lot 2014-6 Towers Road (PID # 1076728). Laurel Palmer Thompson, Planner II, presented the application. See attached report.

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. The original Development Agreement that outlined the terms of conditions of the Development Concept Plan was signed on August 15, 2013 for Lot 2014-6 consisted of one (1) 48 unit apartment building and one (1) 24 unit apartment building. In May of 2016, the current owner applied for an amendment to the approved development concept plan 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 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. Staff recommendation is to approve to proceed to public

consultation. The developers, Robert Cheng and Jen Du, were present to answer any possible questions.

Jen Du, representative of the applicant, introduced their company and provided the board with additional information with regards to the developments they have constructed for the City of Charlottetown and other towns in the Province. Ms. Du also added that their proposed apartment building would help address the current housing crisis within the City. Gregg Munn, architect for the project, reiterated that the applicants have been allowed 88 units before but due to the water easement, the design needed to be revised by increasing the building height to be able to construct the same number of units.

Councillor Rivard agreed that the proposed development was still in keeping with the future plan in that area and there are other developers who are potentially building similar buildings within that neighbourhood as well. Councillor McCabe clarified if this is only a request to proceed to a public consultation. Councillor Rivard also asked why this application needs to go back to public consultation with very minimal changes to the proposed development. Mr. Forbes responded that this is under a Development Agreement and when an agreement is changed, it has to go through the process again.

Councillor Doiron asked for clarifications on a few items with regards to the development and Ms. Thompson's (and staff) responses are italicized in below summary:

- Is the proposed development going higher because of the underground parking and was the underground parking a concern in the original proposed plan? *Originally, about at least 10 years ago when the original plan was approved, the building was 48 units and the height requirements at that time were a lot lower. When it was purchased by the current developer, the development agreement was amended to increase the total density to 88 units. Development in the CDA Zone is based on an agreement or contract with the City therefore there are no specific setback or height requirements. The actual height requirement of the City has also changed since then and the new bylaw allows for higher building heights. But regardless of the change in the height requirement, because there is a change in the current development concept plan, this application has to go through the public meeting process. The underground parking does not have anything to do with the height or any other requirements.*
- It was his understanding that the City agreed to the development to have the underground parking to have more greenspace. *The allocated greenspace for the site was the parkland that was deeded to the City for the development as required. Underground parking would provide for more green area and less paving on the site but not a parkland/green space requirement. Ms. Thompson also emphasized that the underground parking to provide more green space was not approved or voted on at that time as a trade-off but would only be considered as a bonus to have less asphalt on site. Mr. Forbes also added that you get more density by having underground parking. The applicants now are looking to have surface parking and increasing the height of the building.*

Councillor McCabe also asked that if by going above ground, they are able to get affordable housing units on that property and Ms. Thompson confirmed. Councillor Rivard added that 32% of the units will be affordable housing and Ms. Thompson also noted that 28 units will be affordable housing and because the property is in a CDA zone, there are no density bonus calculations and the 88 units would be the number of units approved in the existing development concept plan. The applicants are not changing the density but changing the configuration of the site and height of the building only.

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

Moved by Kris Fournier, RM, and seconded by Basil Hambly, RM, that the request to amend an existing 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 for Lot 2014-6 Towers Road (PID # 1076728), be recommended to Council to proceed to public consultation.

**CARRIED
(6-0)**

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

This is a reconsideration of a rejected variance application for a home-based business (i.e. Counseling/ Therapy service) located at 13 Donwood Drive (PID #278531). Alex Forbes, Planning & Heritage Manager, presented the application. See attached report.

This application has been approved to proceed with reconsideration and it is now back to the board for a recommendation to Council. The applicant appealed to Council originally that the type of service she would be providing is not like any other medical type of operations. At that time, Council rejected the application and Councillor MacLeod was not present at that time to speak to the application.

Councillor Rivard clarified and remembered that Council approved this application in the last Council in October and Mr. Forbes corrected it to say that it was approved by Council for reconsideration and to allow the applicant to go through the variance application process again. Councillor MacLeod wanted to speak to this application and that is why Council has approved the reconsideration request. Mr. Forbes added that the application went back to the required process. There was one letter of support and one letter of opposition received. Staff still felt that this type of service cannot be considered as home occupation and the recommendation is still to reject the application. Planning Board may then make a recommendation whether to approve this application, or keep the original decision to reject the proposed home occupation.

The board had discussions around the previous decisions regarding this application and staff indicated that it was initially recommended to Council for rejection and Council accepted staff's recommendation. Councillor McCabe commented that there was more clarity around the service level for medical services versus counselling services. Mr. Forbes added that the Board or Council may or may not change their decision. In the letter of support that was received, it

indicated that this type of business required privacy and preferred not to let other clients see each other in a lobby as an example. Councillor Rivard clarified that if this application was submitted to the department today, it would not have to go through Planning Board because it is a prohibited use for home occupation and Mr. Forbes confirmed.

Councillor McCabe commented that you would understand how a medical service setup would be and that this type of home based services cannot be considered as medical service practice. Councillor McCabe also added that a dog grooming business was approved last month and felt that the applicant's proposed profession is not going to be cause a number of clients lining up at her home. It will take a while for her to establish her services and would make sense to start her business at her home if she felt comfortable having clients in her home.

Bobby Kenny, RM, also commented that this type of counselling is different than a medical service where a counselling would be more one-on-one while a medical service would have at least two or three people. If a dog grooming business was approved last time, Mr. Kenny indicated that he would support this application.

Mr. Forbes noted that the only concern with counselling is that the scope can be very board and would be difficult for the City to monitor such types of home occupations. Mr. Kenny asked if an agreement can be put in place to put controls and Mr. Forbes indicated that it is possible and would be binding on the applicant. Concerns on home based businesses would be the success of the applicant could create issues with neighbours in the future. Councillor McCabe also added that for that type of business, there would only be a max of 8 clients per day if one worked 8 hours a day with one client per hour.

Mr. Zilke added that he did some research on how other municipalities treat such type of services and they normally included a separate definition such as health services which would be permitted as a home occupation but with certain restrictions. If there would be an appetite for council to do the same, an amendment to the bylaw may be considered.

Kris Fournier, RM, commented that the applicant wants to start a business and asked if a 36 month permit be issued instead. Mr. Forbes responded that the decision can either be to approve or to reject. A development agreement may be put in place but you cannot put a time frame on a development agreement. It is either to allow the applicant and set conditions in the development agreement.

Basil Hambly, RM, asked if there are any other similar counselling sessions that is known or were previously approved by Council and Mr. Forbes responded that there are none that is known by the department but there are a lot of home businesses that are operating without a permit. The department's goal is to facilitate home businesses that do not or will not create nuisances or mischiefs to their neighbours.

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

Moved by Councillor Julie McCabe 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 for approval.

**CARRIED
(5-1)**

B. Hambly opposed

9. 10 Harley Street (PID #274365) and a portion of 297 Allen Street (PID #274449)

This is a 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. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

A 28-unit apartment building on the property was destroyed by fire earlier this year and the applicant is reconstructing the building and adding ten (10) additional units for a total of 38 units with underground parking. In addition, the applicant is also requesting to consolidate 10 Harley Street (PID #274365) and a portion of 297 Allen Street (PID #274449). 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. The location of the property is desirable for seniors and an additional ten (10) units would support the demand for additional housing options especially for residents looking to downsize.

Staff sent out 48 letters and received two (2) letters of opposition and one (1) letter of support. Concerns were on snow melting on the vacant lot and lights from cars and the building shining toward the adjacent property. The developer has talked to residents in the area to address those concerns. Staff recommends approval of the lot consolidation subject to a development agreement or conditions placed on the building permit to address concerns.

Councillor Doiron asked if there are any indications on requiring sprinklers in the building should the proposed building be three or four storeys high. Mr. Forbes responded that sprinklers would be required if a building goes beyond three floors high and would be based on the requirements of the Building Code.

Shallyn Murray, RM, asked if the consolidation only pertains to the strip of property between the buildings and asked if they could build the building without any lot consolidation. Ms. Thompson confirmed that they can build on the property but would not be able to construct as many units as what is being proposed. The lot size allows for additional density. Ms. Thompson also added that the strip of land being subdivided from the adjacent property is in excess of what

they are required for the building on Allen Street, hence consolidating it with the property in question would allow for additional units to be built.

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

Moved by Bobby Kenny, RM, and seconded by Kris Fournier, RM, that the request to consolidate 10 Harley Street (PID #274365) and a portion of 297 Allen Street (PID #274449), in order to construct a 38-unit apartment building, be recommended to Council for approval, subject to a final pinned survey plan.

**CARRIED
(6-0)**

10. 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 5.5: Non-conforming uses;
- 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;
- Section 45.13 Lot Size;
- Appendix A. Definitions.

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

Mr. Zilke mentioned that the amendments have been explained in detail in the previous Planning Board meeting and at the public meeting held on October 29, 2019. At the public meeting, a question was posed on how staff would determine what would be considered a significant alteration thereby triggering a design review. Mr. Zilke noted that a process and additional definition were added to clearly define what would trigger a design review. If the Development Officer received an application that could potentially compromise the architectural design then it could be forward to the Design Review Board for a recommendation to either approve it or send it through the formal design review process. The process would require the submission to undergo a design review conducted by a licensed architect for compliance with the 500 Lot Area design guidelines.

Councillor Rivard agreed to the definitions but asked Mr. Zilke how staff would be able to determine the need for a design review. Mr. Zilke responded that when a developer intends to

make changes to the overall shape, material, craftsmanship, etc., then it would be an indication to go through the design review committee who could recommend approval or require a third party architect to review the project. Staff would also be in consultation with the department's Heritage Officer who has formal design training. Mr. Forbes also clarified that for every designated property in the downtown area, there is likely four more that should be designated. Since properties that are in the 500 Lot area that are not designated heritage process, they are no longer covered by the Heritage Preservation Bylaw. This design review process requirement is intended to protect these properties from any significant development in the future.

Councillor Rivard asked if the new Heritage Preservation Bylaw allows the board to automatically designate a property or would there be an avenue to designate a property. Mr. Forbes mentioned that the board/Council may slow the process down but the Board/Council needs to be cautious with this process.

Councillor McCabe asked where the parking regulations on rounding up/down threshold would fall under and Mr. Zilke responded that it would fall under the operations section. Councillor Rivard clarified that that current bylaw does not allow calculations to be rounded up and Mr. Zilke confirmed. Mr. Zilke added that given the housing situation, this proposed calculations would be desirable. Councillor Doiron also asked what the parking spot requirements are for every unit. Mr. Zilke responded that it would depend on the zone of the property and type of building. Councillor Doiron also asked why parking spot requirement in the Downtown Area is only 0.5 per unit while all the other areas require one parking space per unit. Mr. Forbes responded that in the downtown area, you can purchase parking spaces in a parking structure. Also, most properties in the Downtown area don't have driveways. Councillor Doiron then asked how cash-in-lieu works and Mr. Forbes would be applicable for developments in the downtown area where parking spaces cannot be provided and therefore, developers would have to pay for cash-in-lieu of parking for future parking structure developments.

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

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the 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 5.5: Non-conforming uses;**
- **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;**
- **Section 45.13 Lot Size;**
- **Appendix A. Definitions.**

be recommended to council for approval;

**CARRIED
(6-0)**

11. New Business

Alex Forbes, PHM, gave the Planning Board that there may be a request for a special board meeting to discuss the results of the traffic study for the corner of Capital Drive and Maypoint Road (proposed Tim Horton's drive-thru). Staff was hoping to get the reports at the time of the Planning Board meeting but since the reports are not in yet, staff will be meeting with the developer to review the report and then request for a special meeting.

12. Adjournment of Public Session

Moved by Bobby Kenny, RM, and seconded by Councillor Bob Doiron, that the meeting be adjourned. The meeting was adjourned at 5:53 p.m.

CARRIED

Councillor Greg Rivard, Chair



**Public Meeting of Council
Wednesday, November 27, 2019, 7:00 PM
Grafton Room, Rodd Charlottetown Hotel
75 Kent Street**

Deputy Mayor Jason Coady presiding

Present:

**Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe
Councillor Mike Duffy
Councillor Terry Bernard**

**Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Robert Doiron
Councillor Mitchell Tweel (*dial-in*)**

Also:

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

Ellen Faye Ganga, PH IO/AA

Regrets:

**Mayor Philip Brown
Greg Morrison, PII**

Robert Zilke, PII

1. Call to Order

Deputy Mayor Coady 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

Deputy Mayor Coady 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 application.

4. Lot 2014-6 Towers Road (PID # 1076728)

This is a request to amend an existing development concept plan and development agreement under Section 41, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw for Lot 2014-6 Towers Road (PID #1076728) from two

(2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

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 follows the same process as amendment to the Zoning and Development Bylaw and 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 the Board. Although the developer is submitting the architectural building plans for review and approval at this time, the Affordable housing portion of the building will also have to undergo the design review process.

The property in question is Lot 2014-6 and it consists of 94,410 sq. ft. This lot is part of the original 15 acre site. It is bound to the north by Towers Road, to the east by Lot 2014-4 of the Development Concept Plan, to the south by a parkland parcel and Rails to Trails to the west.

The original Development Agreement that outlined the terms of the Development Concept Plan was signed on August 15, 2013 and the approved uses and density consisted of one (1) 48-unit apartment building and one (1) 24-unit apartment building with a building height of 39.4 feet.

In May of 2016, the current owner applied for an amendment to the approved development concept plan and was approved by Council. It includes one (1) 64-unit apartment building with underground parking and a maximum height of 50 ft. and one (1) 24-unit apartment building with a maximum height of 39.4 ft. The total density approved on site was a total of 88 units.

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. Therefore, the property owner has requested to amend the Development Concept Plan.

The current proposal is to combine the two buildings into one L-shaped building. The total units on site would still be 88 units contained within one building and the originally proposed underground parking will now be surface parking. Also, the applicant is proposing that 28 of the units contained within the building be designated for affordable housing. The change to surface parking is to make the project more economical to be able to offer a portion of the building as affordable housing.

Since the total building footprint will be smaller, the applicant is also requesting to increase the height of the building from 50 ft. to 62 ft. to allow for 88 units. Greg Munn,

architect for the project, is here to present additional details regarding the proposed development.

Mr. Munn presented additional plans showing the proposed development. Mr Munn explained that they have looked at initially moving the water line but this would be cost prohibitive and it would be more reasonable to combine the two buildings into one. The overall footprint will be smaller but the building will be one floor higher. There will be 60 market units and all units will be 2-bedroom apartments. The 28 affordable units would consist of 16 2-bedroom units and 12 1-bedroom units. Thirty two (32%) of the total units will be affordable housing.


Councillor Bob Doiron asked if there will be 88 parking spaces on site and Mr. Munn confirmed. Councillor Julie McCabe noted that while the 88 parking spaces meet the bylaw requirements, Ms. McCabe asked if there are plans to add additional parking spaces for visitors. Mr. Munn responded that the proposed design would have 88 parking spaces but the owners are willing to revisit the plans and accommodate additional parking spaces. Since the parking spaces are situated closer to the street, there is a green space buffer allocated between the street and the parking spots.

Councillor Mitchell Tweel asked that while the current proposed development is to combine the two buildings into one structure, would the applicant be coming back in the future to develop the same property (and the vacant lot at the back of the building) even further. Mr. Munn responded that the current proposal would be the full development of the property and full extent of the project. Councillor Tweel mentioned that the original concept plan provided for 10% green space instead of cash in lieu and that the green space would be available and developed for the residents to utilize in the future. Mr. Munn responded that the remaining parcel of land at the back of the building is the green space and it is situated next to the trail.

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

5. Adjournment of Public Session

Moved by Councillor Kevin Ramsay and seconded by Councillor Alanna Jankov, that the meeting be adjourned. Meeting adjourned at 7:14 p.m.

TITLE: LEGAL NON-CONFORMING USE VARIANCE FILE: PLAN-2019-2-DECEMBER- GA-1 35 PRINCE STREET (PID #337089) OWNERS: EAT & ENJOY LTD.		 CHARLOTTETOWN
MEETING DATE: December 2, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Letters of Opposition	
SITE INFORMATION: Context: Mixed-Use Building in the 500 Lot Area Ward No: 1 – Queens Square Existing Land Use: Eating & Drinking Establishment with Two (2) Residential Dwelling Units Official Plan: Downtown Neighbourhood Zoning: Downtown Neighbourhood (DN) Zone		
PREVIOUS APPLICATIONS: Council rejected a variance on June 11, 2018 to extend a legal non-confirming use to allow the existing Eating & Drinking Establishment to apply for a liquor license.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request for a variance to extend a legal non-confirming use (i.e., allow the existing Eating & Drinking Establishment to obtain a liquor license) at 35 Prince Street (PID #337089).

BACKGROUND:

Request

The property owners, Eat & Enjoy Ltd., are requesting permission to apply for a liquor license for the existing Eating & Drinking Establishment (Eat & Enjoy) at 35 Prince Street (PID #337089).

Development Context

The existing mixed-use building is located in Downtown Neighbourhood (DN) Zone of the 500 Lot Area on the corner of Prince Street and King Street.

Property History

Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Monday, December 12, 2016:

That the request for a variance to extend a legal non-conforming use (i.e., Eating & Drinking Establishment) into the former coin laundromat area of 35 Prince Street (PID #337089) be approved subject to the signing of a Development Agreement that would restrict this property to a restaurant only and limit the hours of operation until midnight.

The Development Agreement signed in February of 2017 stated that:

- 2.6 The Developer and any parties hereto, their heirs, successors and assigns shall not be permitted to obtain a Liquor License without obtaining Council approval to amend the resolution dated December 12, 2016 and attached as Schedule B.*
- 2.7 The subject property contains a legal non-conforming use. The attached resolution Schedule B) is intended to restrict the definition of an Eating & Drinking Establishment by excluding the sale of liquor as a permitted use. All existing non-conforming uses and other permitted uses applied to the Downtown Mixed-Use Neighbourhood (DMUN) Zone will remain as permitted uses on this property.*
- 2.8 Hours of operation are Monday to Sunday between the hours of 10:00 am to 12:00 am.*
- 2.9 No expansion of the existing Eating & Drinking Establishment (restaurant) within the building beyond 370 square feet will occur.*

The applicants applied for a variance on May 15, 2018 to extend the legal non-conforming use (i.e., Eating & Drinking Establishment) on the subject property by amending the existing Development Agreement in order to allow the applicant to apply for a liquor license for the Eating & Drinking Establishment; however, Charlottetown City Council then passed the following resolution on June 11, 2018:

That the request for a variance to extend a legal non-conforming use (i.e., allow the existing Eating & Drinking Establishment to apply for a liquor license and obtain outdoor seating) at 35 Prince Street (PID #337089), be rejected.

In light of the fact that the variance application was rejected by Council, the applicant cannot reapply for the same or a similar variance within one (1) year as per Section 3.9.5 of the Zoning & Development By-law:

When an application for a Major Variance has been lawfully denied, the same or a similar Major Variance application shall not be reheard by Council within one (1) year of its rendering a decision unless:

- a) New material facts or evidence not available at the time of the initial order or decision have come to light; or*
- b) A material change of circumstances has occurred since the initial order or decision.*

Because one (1) year has elapsed, the applicant is once again requesting a variance to extend the legal non-conforming use (i.e., Eating & Drinking Establishment) on the subject property by amending the existing Development Agreement in order to allow the applicant to apply for a liquor license for the Eating & Drinking Establishment.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property on November 4, 2019 which soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Friday, November 22, 2019.

Public Feedback

The Planning & Heritage Department received four (4) letters of opposition prior to the deadline and one (1) letter of opposition following the deadline (Attachment B).

ANALYSIS:

When dealing with legal non-conforming uses, planning rationale dictates that the long term direction of the property should slowly gravitate back to those uses that legally conform in the zone. In this situation, the legal non-conforming Eating & Drinking Establishment had already been expanded once, and now the applicant is looking to further expand the legal non-conforming use which is contrary to good planning principles. In light of the foregoing, staff is recommending that the variance application be rejected.

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 variance has already been approved to allow the extension of a legal non-conforming use. ▪ Property should be slowly gravitating back to permitted uses. ▪ Expanding non-conforming uses is contrary to good planning principles.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request for a variance to extend a legal non-conforming use (i.e., allow the existing Eating & Drinking Establishment to obtain a liquor license) at 35 Prince Street (PID #337089).

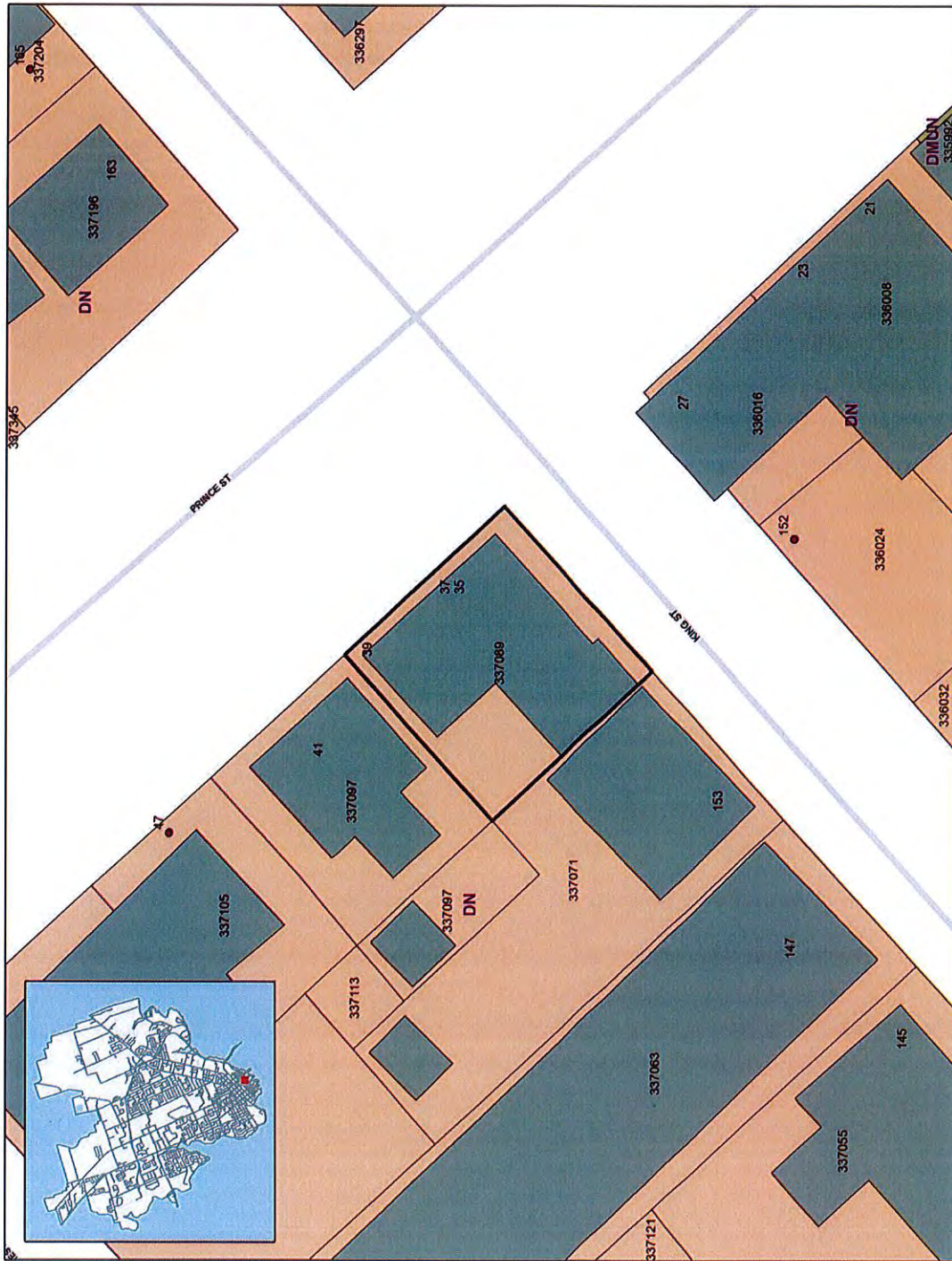
PRESENTER:


Greg Morrison, MCIP
Planner II

MANAGER:


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-2-DECEMBER-
35 Prince Street (PID #337089)
Owner: Eat & Enjoy Ltd.



Attachment B

5 Letters of Opposition Attached:

Prior to the Deadline

1. Henry Chapin
2. Lori Pendleton
3. Honey Landry
4. Kevin Murphy

Following the Deadline

5. Patrick McCarthy

Attachment B: Letters of Opposition
File: PLAN-2019-2-DECEMBER-
35 Prince Street (PID #337089)
Owner: Eat & Enjoy Ltd.



Catane, Ellen

From: Henry Chapin <hbchap@gmail.com>
Sent: Tuesday, November 12, 2019 10:45 PM
To: Planning Department
Subject: 35 Prince Street (PID337089)

I hereby state my disapproval to grant this license on the subject property. I am opposed to allowing another restaurant/cafe to open. Charlottetown has enough as it is.

Thank you for your consideration of this matter.

Henry Chapin
www.henrychapin.com

Summer:

2570 East Point Road
Souris, Prince Edward Island
CANADA C0A 2B0
Land: 902-357-2421
Cell: 646-373-8236

USA:

627 West 113th Street
New York, NY 10025
Land: 212-222-2295
Cell: 646-373-8236
Living in Time, eh?

Lori Pendleton

P.O. Box 1523, Charlottetown, PE C1A 7N3 902-628-7592

Nov 17, 2019

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

Attention: Greg Morrison, MCIP, Planning Department

Dear Sir,

Re: Request for Variance for 35 Prince Street for outside seating and Liquor permitting previously declined.

I am in receipt of your letter dated Nov 4, 2019 wherein the owners of 35 Prince street have reapplied to have the existing development agreement amended to allow the applicant to apply for a liquor licence for the Eating & Drinking Establishment.

I want to reiterate my objection and original concerns with regard to the application. These concerns are with respect to traffic, noise, and potential vandalism that I would expect to occur as a result of the proposed variance if granted.

As it stands now the traffic patterns from the down town bars flow up Great George Street and down Water Street in both directions with the King/Dorchester Street block which is primarily residential remaining relatively quiet in the evenings. With the establishment of a drinking establishment with outdoor seating at the corner of King and Prince Streets this walking traffic pattern will change and I will believe will interfere with the quiet enjoyment residential properties owners currently enjoy on King, Dorchester and Prince Streets.

The city needs to understand that residents particularly those in historic properties, paying a higher than average rent have an expectation of being able to enjoy their property without the concern of intoxicated individuals wandering through their yards, defecating in their flower beds and vandalising their property. All of these things I have seen. Should the City wish individuals to continue to invest in the downtown core and in the maintenances of properties and in particular heritage properties, some provisions must be made to protect investments in our residential neighbourhoods and properties.

The proposed variance will not improve the streetscape of downtown Charlottetown in any way. The current owners/tenants of the property have done nothing to improve the exterior of the property since the original application was made that would provide residents with any

confidence that the proposed expanded operation would improve the streetscape. There will also be additional traffic and less access for residential parking. I can guarantee that my warehouse entrance at 147 King St. and 144 Dorchester St. will be blocked on a daily basis during the summer evenings to a greater extent than they already are.

Further to my original objection, I am at a loss as to why the City would sign a development agreement for a restaurant with the provision of no liquor licencing and then entertain an application shortly there after for the same establishment with the addition outdoor seating. Surely this was know at the time of the initial variance request, and potentially the applicant was advised that there would be objections, and a two phase approach would be an easier approval through the planning process. This is not acceptable. Objections would have been made at the outset of the proposed restaurant activity in 2018 should the proponent have indicated their intent for liquor licencing with outside seating.

In closing I believe that I have made, and will continue to make with the properties currently in my portfolio, a significant contribution towards the improvement and maintenance of the streetscape in Charlottetown . I am hopeful that the City will support me in being able to continue to do this by protecting my investment in full time residential housing (in this case 143 and 145 King St a heritage property) and also protect the interest of current residents and tenants in this downtown section of the 500 block area.

Sincerely



Lori Pendleton

Property Owner

Catane, Ellen

From: honey landry <honey_bee770@hotmail.com>
Sent: Tuesday, November 19, 2019 2:46 PM
To: Planning Department
Cc: major@charlottetown.ca; Jankov, Alanna
Subject: 35 Prince street

I am writing about 35 Prince street asking the city for a liquor licence for the restaurant. I have lived at 153 King Street for 27 years and my husband has lived here for 58 years. We live directly behind 35 Prince Street in a residential and heritage area.

We have seen many convenient stores/laundromat/restaurant in this building. And the last owner put up the big venting structure which is an eye sore for sure now that it is rusted.

We have been dealing with parking in the area. There is not enough parking for the cars for customers and they have parked in our driveway or in our residential parking.

I oppose to them getting a liquor licence as it is a residential area and in the summer people coming down Prince Street heading to Peakes Quay would stop in at 35 Prince for a quick drink.

I am a very concerned resident that has had damage done to property at night.

Thanks for your time

Honey Landry

Catane, Ellen

From: Kevin Murphy <kmurphy@mhgpei.com>
Sent: Friday, November 22, 2019 3:20 PM
To: Planning Department
Subject: 35 Prince St OID # 337089

To whom it may concern:

Further to your notice dated November 4 2019 requesting feedback on the variance request for this property. My concern is the type of food and beverage operation they are purposing as this is in a very residential neighbourhood. I would be reluctant to approve a use that does not conform to the existing bylaws of the area. You mentioned in your original ruling that one can not apply within a year if there application was rejected unless there is new material facts. I would like to know what facts have changes from one year ago. Liquor licenses can be quite varied in there use and time of day etc.

Kevin Murphy
President
Great George Properties

Catane, Ellen

From: Patrick McCarthy <ozzy12@eastlink.ca>
Sent: Saturday, November 23, 2019 4:04 PM
To: Morrison, Greg
Cc: Planning Department
Subject: RE: 35 Prince St. (PID # 337089)

Hello again,

Concerning the letter dated November 04, 2019, my reply is the same as it was regarding the same request - letter dated May 16, 2018. (see below)

I realize I am a day late with my response but hopefully it will still be accounted for.

Thank you... finest regards,

Patrick McCarthy
PH: (902) 628-9494
FX: (902) 569-8243
EM: ozzy12@eastlink.ca

From: Morrison, Greg [<mailto:gmorrison@charlottetown.ca>]
Sent: May 25, 2018 4:33 PM
To: ozzy12@eastlink.ca
Subject: RE: 35 Prince St. (PID # 337089)

Good Afternoon Patrick,

Thanks for your email.

The proposed patio is indeed located on the Prince Street side of the business. The proposed patio is located between the sidewalk and the building where there is no parking currently.

This application has not been reviewed by Council to date. The application was made by the property owner and is at this time only being circulated for public comment before Council reviews it. All your comments will be sent to them prior to making their decision on the application.

Thanks,

Greg Morrison, MCIP
Planner II

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, Prince Edward Island
Canada C1A 7K2
Office: 902-629-4429
Fax: 902-629-4156

gmorrison@charlottetown.ca
www.charlottetown.ca



Please consider the environment before printing this e-mail!

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From: Patrick McCarthy [<mailto:ozzy12@eastlink.ca>]
Sent: Thursday, May 24, 2018 10:30 AM
To: Planning Department
Subject: 35 Prince St. (PID # 337089)

RE: Letter dated May 16, 2018.

Concerning the request to locate a patio on/abutting the subject property; your letter is vague in defining the location of the patio. Is it on the Prince Street side or the King Street side of the property? As there doesn't appear to be room on the King Street side, we'll assume the patio is to be on the Prince Street (front) of the property.


Will the patio impede already limited parking? Has Council considered the fact that there is a bank of community mailboxes very close to the proposed patio location? And that people park (and double park) at times to retrieve their mail?

As far as Council granting a liquor license to the applicant? An emphatic NO. We do not need another liquor dispensing establishment in this neighborhood – contributing to the noise and petty vandalism in this area which thankfully, has lessened somewhat in the past couple of years due in part to the elimination of most of the other "liquor dispensing establishments"....the neighborhood bootleggers.

Let good, common sense prevail!

Sincerely

Patrick McCarthy
PH: (902) 628-9494
FX: (902) 569-8243
EM: ozzy12@eastlink.ca

TITLE: LOT FRONTAGE VARIANCE FILE: PLAN-2019-2-DECEMBER- GA-2 165 DORCHESTER STREET (PID #338400) OWNERS: GERHARD WERNER & ELIZABETH PARSONS		
MEETING DATE: December 2, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map	
SITE INFORMATION: Context: Apartment Dwelling in the 500 Lot Area. Ward No: 1 – Queens Square Existing Land Use: 5-Unit Apartment Dwelling Official Plan: Downtown Neighbourhood Zoning: Downtown Neighbourhood (DN) Zone		
PREVIOUS APPLICATIONS: A zoning inquiry was completed on October 24, 2019.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request for a variance to decrease the required lot frontage from 65.6 ft to approximately 44.5 ft in order to convert the existing legal non-conforming 4-unit apartment dwelling located at 165 Dorchester Street (PID #338400) into a 5-unit apartment dwelling.

BACKGROUND:

Request

The property owners, Gerhard Werner & Elizabeth Parsons, are applying to vary the lot frontage requirement as illustrated in Section 28.2.1 of the Zoning & Development By-law in order to convert the existing legal non-conforming 4-unit apartment dwelling located at 165 Dorchester Street (PID #338400) into a 5-unit apartment dwelling. The subject property is located in the Downtown Neighbourhood (DN) Zone.

Development Context

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

Hillsborough Street. The buildings on this portion of Dorchester Street generally contain between one (1) and seven (7) residential dwelling units.

Property History

A Zoning Inquiry submitted on October 9, 2019 requested *confirmation that the existing use as a 5 unit apartment building ... is in compliance with the zoning for the property.* The completed Zoning Inquiry dated October 24, 2019 stated that:

The property is located in the Downtown Neighbourhood (DN) Zone. Our RAP files indicate that the property contained a 4-unit apartment building in 1982 which would be considered a legal non-conforming use. Since the property is currently being used as a 5-unit apartment building, it would be considered non-conforming. In light of the foregoing, a building permit would be required for the change of use from a 4-unit apartment building to a 5-unit apartment building. In order to approve the 5-unit apartment building, a lot frontage variance would have to be approved by Council.

The property owners submitted a variance application on November 8, 2019.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property on November 13, 2019 which soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Thursday, November 28, 2019.

Public Feedback

The Planning & Heritage Department did not receive any written comments prior to the deadline.

ANALYSIS:

The Downtown Neighbourhood (DN) Zone does not regulate lot area; rather, the residential density permitted on a property is determined by the lot frontage:

- Up to 34.8 ft of lot frontage = 1 residential dwelling unit permitted.

- 34.8 ft up to 65.6 ft of lot frontage = 3 residential dwelling units permitted
- 65.6 ft or greater of lot frontage = 4 or more residential dwelling units permitted.

In light of the fact that the subject property has approximately 44.5 ft of lot frontage, three (3) residential dwelling units would be permitted. Notwithstanding, our RAP files indicate that the property contained a 4-unit apartment building in 1982 which would be considered a legal non-conforming use in the DN Zone.

The property owners are now applying for a variance to allow the legal non-conforming 4-unit apartment dwelling into a conforming 5-unit apartment dwelling. The existing 4-unit apartment building has exceeded the number of residential dwelling units permitted on the property. That being said, the property has been renovated the building to locate an additional residential unit within the building prior to obtaining a building & development permit.

Official Plan

Converting the existing 4-unit apartment dwelling into a 5-unit apartment dwelling would be categorized would be a more efficient 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.*

Because no renovations are required in light of the fact that the 5-unit apartment dwelling exists, the request would not be out of character in the neighbourhood due to setbacks, 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 to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

*Section 3.2.1 - Our **objective** is to preserve the built form and density of Chorlottetown'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.*

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 3.3.1 - 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.*

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

Should the variance be approved, the property owner would be required to obtain a building & development permit for the additional dwelling unit which would have to conform to the regulations of the National Building Code.

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

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Efficient use of existing infrastructure. ▪ Moderately higher density in the downtown core. ▪ Harmonious with adjacent properties as no exterior renovations are required. ▪ Preserves existing built form. ▪ Additional housing near centers of employment. 	<ul style="list-style-type: none"> ▪ While additional parking is not required, the existing parking on the property is limited. 	<ul style="list-style-type: none"> ▪ The property does not have the lot frontage required in the DN Zone. ▪ The renovations were completed prior to obtaining a permit.

CONCLUSION:

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

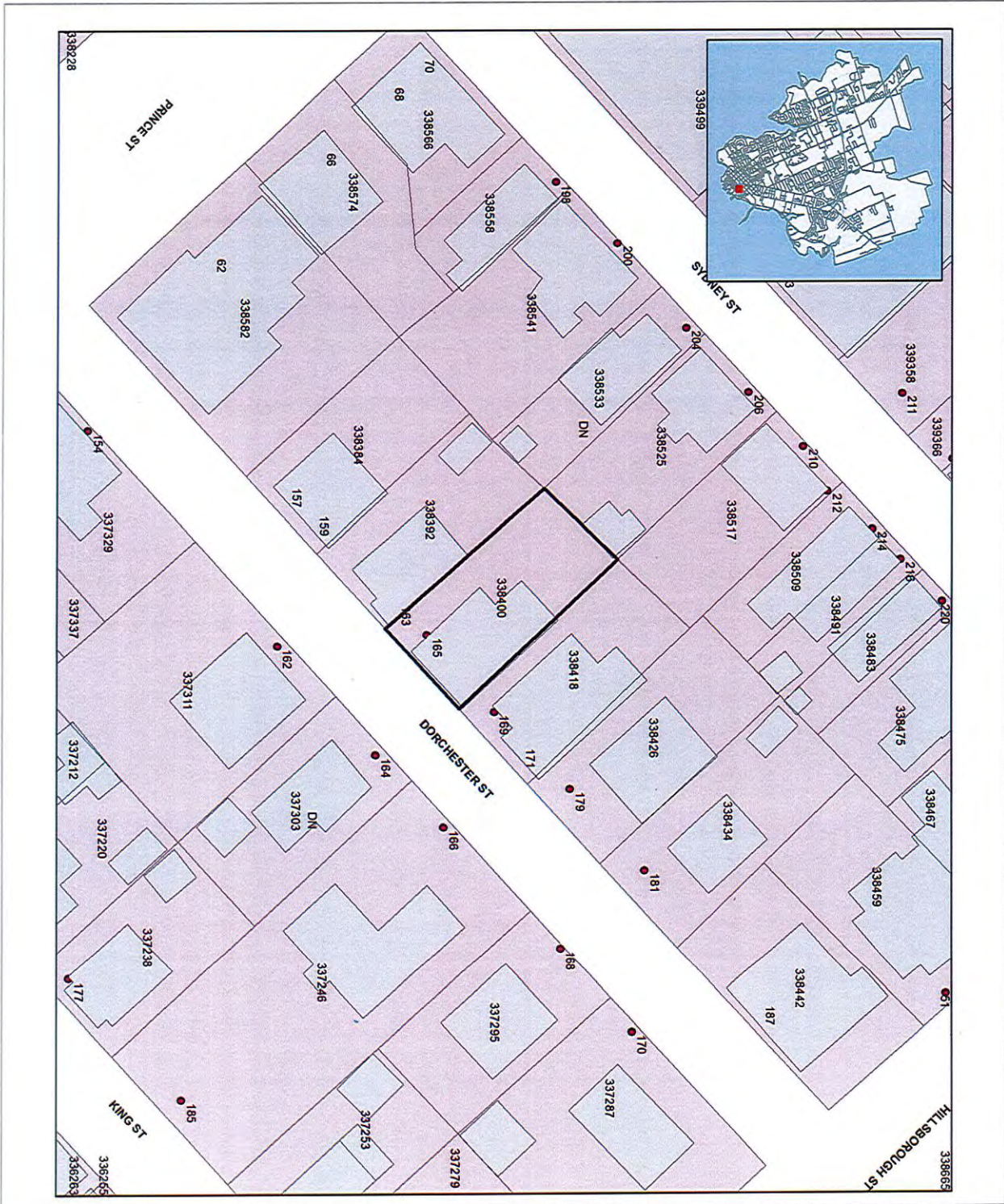
PRESENTER:

Greg Morrison, MCIP
Planner II

MANAGER:


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-2-DECEMBER-
165 Dorchester Street (PID #338400)
Owners: Gerhard Werner & Elizabeth Parsons



TITLE: RECONSIDERATION REQUEST FILE: PLAN-2019-2-DECEMBER- 6B-3 38 PALMERS LANE (PID #275156) OWNER: WEYMOUTH PROPERTIES LTD.		 CHARLOTTETOWN
MEETING DATE: December 2, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Reconsideration Request B. Original Rezoning Report (Sept 3, 2019)	
SITE INFORMATION: Context: Vacant property in Parkdale Ward No: 4 – St Avars Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Low Density Residential (R-2) Zone		
PREVIOUS APPLICATIONS: The request to rezone the vacant property from the R-2 Zone to the R-3 Zone was approved by Council on September 9, 2019 in order to construct a three storey, 18-unit apartment building.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to not reconsider their September 9, 2019 decision pertaining to 38 Palmers Lane (PID #275156).

BACKGROUND:

Request

The property owners, Weymouth Properties Ltd., are applying to rezone the vacant property located at 38 Palmers Lane (PID #275156) from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone.

The purpose of the rezoning would be to construct a three storey, 18-unit apartment building on the vacant property.

Development Context

The subject property is located along Palmers Lane between Mount Edward Road and St. Peter's Road.

Property History

Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Monday September 9, 2019:

That the request to:

- a) Amend Appendix "A" the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential; and*
- b) Amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2 (Low Density Residential) Zone to R-3 (Medium Density Residential) Zone;*

for property located at 38 Palmers Lane (PID #275156), in order to construct an 18-unit apartment building, be approved.

On October 15, 2019, a Notice of Appeal with the Island Regulatory and Appeals Commission (IRAC) was filed appealing the decision of Council. In the letter to IRAC, the appellant indicated that they were seeking a reconsideration by Council pursuant to Section 3.15 of the Zoning & Development By-law and asked that the IRAC appeal be held in abeyance.

On October 16, 2019, IRAC wrote the appellant and confirmed that the appeal would be held in abeyance pending the outcome of the reconsideration request. On October 22, 2019, IRAC then wrote the City of Charlottetown confirming that the appeal will be held in abeyance pending the outcome of the reconsideration request.

LEGISLATIVE REQUIREMENTS:

There are two stages to a reconsideration request:

1. The application for reconsideration is required to pass a threshold test. To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained in Section 3.15 of the Zoning & Development By-law which states that *Council may review, rescind, change or vary any order or decision made by the Development Officer or by Council provided that:*

- (a) New material facts or evidence not available at the time of the initial order or decision have come to light;*
- (b) A material change of circumstances has occurred since the initial order or decision; or*
- (c) There is a clear doubt as to the correctness of the order or decision in the first instance.*

2. If, after receiving a recommendation from the Planning Board, Council determines that the request passes the threshold test, the rezoning request will be re-initiated.

The application is currently at the “Threshold Test” stage.

ANALYSIS:

Official Plan

The City of Charlottetown Official Plan states that *with population growth in the order of 1% per annum projected through the year 2006 ... and a significant reserve of undeveloped residential lots, the City is well-positioned to introduce a comprehensive Growth Management Strategy. An effective municipal growth management program is founded on the principles of fiscal efficiency, environmental conservation, and urban containment. In Charlottetown, this means that the City will maximize the use of existing underground services before new water and wastewater lines are extended into areas that are essentially undeveloped. Finally, it means that moderately higher density development may be permitted in existing commercial areas and arterial corridors where it does not interfere with existing built-up residential neighbourhoods ...Collectively, these measures will promote compact and contiguous development patterns, the deployment of efficient municipal services and the preservation of significant resource areas for present and future generations.*

The applicant is proposing to construct a three storey apartment building containing 18 residential dwelling units on the vacant property at 38 Palmers Lane (PID #275156). In the Medium Density Residential (R-3) Zone, the subject property would be permitted 17 residential dwelling units. Constructing an 18-unit apartment dwelling on the vacant property with the approval of a rezoning and a minor variance for density would be categorized as compact urban

form and would maximize the 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 appellant explains that the proposed three storey apartment building would be out of character in the neighbourhood due to setbacks, 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.*

There is a variety of zoning along Palmers Lane. The eastern end of Palmers Lane along St. Peter's Road consists of Mixed-Use Commercial (MUC) Zoning. The north side of Palmers Lane transitions from MUC Zoning to Low Density Residential (R-2) Zoning. The MUC Zoning and the R-2 Zoning is separated by MacKay Drive. The south side of Palmers Lane transitions from MUC Zoning to Apartment Residential (R-4) Zoning. There are two 12-unit apartment buildings adjacent to the subject property. The vacant subject property is located in the R-2 Zone as well as the remaining properties on the south side between the subject property and Vic Campbell Boulevard. Vic Campbell Boulevard separates the R-2 Zoning with Single-Detached Residential (R-1S) Zoning on the north side and Institutional (I) Zoning on the south side (Parkdale Elementary School).

Both apartment buildings adjacent to the subject property are 2.5 storeys with a pitched roof. The applicant is proposing a 3 storey apartment building with a flat roof. The proposed apartment building would be in scale with the adjacent apartment buildings but would be considerably larger than the adjacent 1.5 storey single-detached dwelling.

When there are medium density apartment buildings near low density dwellings, good planning principles would suggest having a land use buffer between the uses would minimize land-use conflicts (i.e., semi-detached dwellings / townhouse dwellings). The existing vacant subject property allows a unique opportunity to accomplish this transition when it is developed. When discussing if the proposal is harmonious, one would argue that it is harmonious in scale with the adjacent apartment buildings but not the low density residential dwellings in the neighbourhood. The vacant property may be best suited for a townhouse dwelling which would provide a transition between the existing uses.

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.*

Currently there is a demand for dwelling units in the City of Charlottetown and this development would help to help to satisfy this demand.

*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.

The Official Plan supports in-fill development through flexible zoning provisions (i.e., rezoning / variances).

*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.*

St. Peter's Road is primarily MUC Zoning which is an employment corridor. The subject property is within 100m of commercial development.

*Section 4.4.1. - Our **policy** shall be to allow incremental growth of medium sized highway commercial, medium density residential, and residential uses along both sides of St. Peter's Road between the Sherwood Shopping Centre and the CN Rail corridor.*

This policy encourages the medium density residential dwellings to be constructed along St. Peter's Road. This rezoning would allow medium density residential dwellings to further creep into the low density residential neighbourhood away from St. Peter's Road. Should this rezoning be approved, it may set a precedent for adjacent low density residential dwellings to seek a rezoning to be allowed additional density on their property. Utilizing this property as a transition between higher density dwellings and low density dwellings would reduce the possibility of the higher density dwellings to creep into the low density neighbourhood.

Reconsideration

The appellant has requested the reconsideration pursuant to Section 3.15.3.c of the Zoning & Development By-law as in their opinion; *there is a clear doubt as to the correctness of the order or decision in the first instance.*

In staff's opinion, this ground is primarily reserved for circumstances where there was a procedural defect or irregularity over the course of Council reaching its decision as opposed to a difference of opinion over the appropriate exercise of a discretion reserved to Council through the Zoning & Development By-law (i.e., a rezoning decision).

The grounds submitted by the appellant do not suggest that a procedural error occurred during the process of Council's decision:

1. *Council was misinformed as to the importance of a feasible and compliant proposal for the intended structure which accompanied the application to rezone the subject property.*
2. *Council's decision has no merit based on sound planning principles as the general practice in zoning is to mitigate land use conflicts between high and low density uses. A transitional use or buffer use is preferable between high and low density uses and in this case, that may include town houses or semi-detached dwellings.*
3. *Council's decision does not comply with the principles and objectives of the City's Official Plan. In particular Section 3.1.2 of the Official Plan outlines the objective of promoting compact urban form and infill development, section 3.2 outlines the goal of the City to maintain the distinct character of the City of Charlottetown and 3.2.2 promotes well planned development that is harmonious with existing residential neighbourhoods. Council's decision does not comply with any of these principles as the proposed structure is the largest, tallest and most imposing structure in the neighbourhood and would be entirely out of character.*
4. *Council's decision did not demonstrate a bona fide exercise of discretion. There was no consideration, debate or discussion of the application by Council thus demonstrating an arbitrary decision of Council to allow to bylaw amendment contrary to the recommendation by the Planning and Heritage Department to reject the proposal and the two (2) previous rejected applications by the same applicant. It appears that Council made the decision in response to the "housing crisis" in Charlottetown but failed to give proper consideration to other relevant factors.*

Further, as outlined through the Official Plan section of the report, there are policies in place that could support Council's decision as being reasonable and fair. These policies arguably support Council's decision to allow the rezoning application in question. Similarly, the appellant has cited a number of alternate provisions of the City's Official Plan in support of their request for reconsideration. It is not uncommon for the Official Plan to potentially provide support for opposing sides of an argument such as this. So, while the appellant has support for their position

and doesn't agree that Council's decision was in compliance with the principles and objectives of the Official Plan, in staff's opinion, Council has some support from the principles and objectives of the Official Plan in having allowed the rezoning.

In staff's opinion, there is no appearance of "clear doubt as to the correctness" of Council's decision. The appellant's dissatisfaction with Council's decision is based on their interpretation of the Official Plan and the Zoning and Development By-law. The exercise of Council's discretionary decision on a rezoning matter under its Bylaws and the Official Plan is, in staff's opinion, not a matter to be best dealt with on reconsideration under Section 3.15.c; rather, it is a matter best suited to be dealt with on appeal to IRAC.

CONCLUSION:

In light of the foregoing, the Planning & Heritage Department recommends that Council not reconsider their September 9, 2019 decision pertaining to 38 Palmers Lane (PID #275156).

PRESENTER:



Greg Morrison, MCIP
Planner II

Morrison, Greg

From: Thompson, Laurel
Sent: October 25, 2019 9:17 AM
To: Morrison, Greg
Subject: FW: Request for Reconsideration

Hi Greg:

Here is the request I received from Jessie Frost Wicks for a reconsideration. Let me know if you need anything else.

Laurel

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

From: Jessie Frost-Wicks [mailto:j.frostwicks@gmail.com]
Sent: Tuesday, October 15, 2019 9:41 PM
To: Thompson, Laurel
Cc: Mayor of Charlottetown (Philip Brown); Tweel, Mitchell; Doiron, Bob
Subject: Request for Reconsideration

Good afternoon,

Please accept this correspondence as our application, pursuant to Section 3.15 of the City of Charlottetown Zoning and Development Bylaw, for a reconsideration of City Council's approval and adoption of Bylaw PH-ZD.2-019, a Bylaw to amend the Zoning & Development Bylaw, to rezone the property at 38 Palmers Lane (PID #275156) from Low Density Residential (R-2) to Medium Density (R-3) Zone, which approval and adoption took place at a Special Meeting of Council on September 26, 2019.

The grounds for this application are that there is a clear doubt as to the correctness of the decision in the first instance. More specifically, we take the position that:

1. Council was misinformed as to the importance of a feasible and compliant proposal for the intended structure which accompanied the application to rezone the subject property. Prior to the vote at the first reading, Councillor Rivard advised Councillor Duffy, in the presence of all the other Councillors in attendance, that the proposed structure was irrelevant, and that the vote only pertained to the rezoning application. The proposed structure is, in fact, integral to the question of rezoning. How else can the Council properly make a determination as to whether or not the rezoning is appropriate and in keeping with the principles and objectives of the Official City Plan? In this case, the proposed structure contains more units than can be accommodated on the property, and Councillor Duffy's questions pertained to that deficiency in the proposal. Councillor Rivard's comments may well have swayed the votes of other Councillors, as well as Councillor Duffy's vote.

2. The decision of the Charlottetown City Council has no merit based on sound planning principles. In its initial report from August 6, 2019, the City of Charlottetown Planning & Heritage Department completed an analysis of this proposal and noted that the general practice in zoning to mitigate land use conflicts between higher density and lower density uses is to allow a transitional use such as town houses or semi-detached dwellings between low and higher density uses. It also noted that the existing neighbourhood is an older established neighbourhood comprised of one and two unit dwellings to the west of the subject property as well as on the opposite side of the street. It concluded that, notwithstanding the shortage of affordable housing in the City, the main issue in this proposal is the shifting of a higher density residential zone further into an existing, low density mature neighbourhood. The proposal was stated to conflict with the primary objective of the Charlottetown Official Plan which is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings. The recommendation was that medium density residential development in this area of the City should be encouraged to be located towards the Commercial Corridor of St. Peter's Road rather than into the interior of the existing neighbourhoods.

On September 3, 2019, that report was amended by additions following public meetings. The Planning & Heritage Department reiterated the statements previously made and added that the rezoning of the subject property to R-3 would

not provide any form of transition or buffer between the existing apartments and low density uses, noting that the subject lot once contained a single detached dwelling, which was there when most, if not all, of the surrounding residents in the neighbourhood purchased their property, not anticipating the potential for higher density development. The Department indicated that while the Official Plan does encourage infill development within neighbourhoods, it must be development that will not adversely impact adjoining neighbours. There needs to be stability within existing low density neighbourhoods. In planning practice, higher density is usually located along the periphery of low density neighbourhoods and not encroaching into them.

The Planning department of the City of Charlottetown is comprised of trained professionals who are there specifically to advise Council and its members and provide their expertise on issues pertaining to planning. As residents and taxpayers in this City, we pay to have those trained professionals in that Department and we should be able to rely on their decisions and on the fact that the City Council will heed that advice when and wherever possible. Sound planning principles and recommendations were presented to City Council on at least three occasions with respect to this property, and were ignored.

3. The decision of the Charlottetown City Council does not comply with the principles and objectives of the Official City Plan. Section 3.1.2 of the Official City Plan outlines the objective of promoting compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities. It sets out the policy which shall be to allow moderately higher densities in neighbourhoods, and to allow in-law suites in residential land-use designations, and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.

Section 3.2 of the Official City Plan further states that the goal is to maintain the distinct character of Charlottetown's neighbourhoods, to enhance the special qualities of each, with an objective of preserving the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings. The policy that accompanies that is to ensure that the footprint, height, massing and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings. The objective of Section

3.2.2 is to allow moderately higher densities and alternative forms provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

The proposed structure on this ½ acre lot of land is an 18 unit apartment building, which is constructed with a brick exterior, is three full storeys high, and allows the bare minimum of setback on both the front and sides of the buildings. The property is surrounded by single, semi-detached and duplex residential properties to the north, west and south, On the east are two 12 unit low-rise buildings, each 2 ½ storeys in height. All of the homes in the neighbourhood are wood construction with wood or vinyl siding, and none are more than 2 storeys in height, with most being 1 or 1 ½ storeys. If this rezoning is permitted to proceed, this proposed structure will be the largest, tallest, most imposing structure in the neighbourhood. It will tower over the single family property immediately adjacent to it on the east, and will place the entire west side of the low-rise 12 unit building on the east of it in virtual darkness, as, although it meets the minimum setback of 14.9 feet on the east side, the low-rise 12 unit building sits right on the property line. There will be only 14.9 feet between the 2 ½ storey structure and the 3 storey structure, which will be completely out of character for the neighbourhood, as all other properties enjoy ample green space around the structures. It will, in essence, be an eyesore and a blemish on the appearance of this established neighbourhood. It flies in the face of the primary objective of the Official City Plan.

4. There was no bona fide exercise of discretion on the part of Charlottetown City Council in deciding to approve the rezoning of 38 Palmers Lane from R-2 to R-3. Council had the discretion to reject this proposal before it went to Public Meeting, as well as at First Reading, and again at Second Reading, and had ample opportunity for a judicious and reasonable consideration of all of the relevant factors. There is, however, no record of any consideration, in the form of discussion or debate at City Council. There is no such thing as discretion which allows for arbitrary decisions, but there is no evidence that this decision by City Council was anything but arbitrary.

When this application was received, the Planning and Heritage Department recommended to City Council that the application be rejected and that it should not go to Public Meeting. City Council ignored that recommendation, and the application when to Public Meeting on August 27, 2019.

At the Public Meeting, there was an indisputably negative response from the residents from the neighbourhood of this property, both in person at the meeting and in written submissions. Many concerns were expressed including traffic concerns, excess runoff from the elevated property, and the fact that this is the third time the applicant has brought an application to rezone this property or to build structures over an above what is permitted. The first such application was for a

12 unit multi-residential structure, which was rejected by City Council based on the concerns of the neighbourhood and the fact that it was not an appropriate structure for the neighbourhood. The second application sought to have a grouping of structures, which would be comprised of three 3-storey duplexes. This, too, was rejected by City Council as the buildings proposed were out of character with the other buildings in the neighbourhood and were of a discordant size for the area. This third application clearly has no similarity to the first two and is particularly repugnant as it presents a structure even larger, less attractive and more imposing on the neighbourhood than the first two. The primary concern of the residents at the public meeting was the size, and appearance of the proposed structure. It will be massive in relation to all of the surrounding homes, and although new and no doubt well maintained, it will be unsightly and jarring. Residents suggested that they are not opposed to development of the vacant lot, but only ask that the development be of a size and construct that is in harmony with the neighbourhood. The precedent of the first two applications was apparently meaningless to City Council, and the concerns of the residents were also ignored.

Subsequent to the Public Meeting, the City of Charlottetown Planning Board met on September 3, 2019, and considered the application. The Board considered the report of the Planning Department, and after lengthy discussion, recommended to City Council that the application be rejected, based on a 6 – 3 majority vote.

On September 9, 2019, the proposal was presented to Council. There was no discussion or debate. There was one question asked by one Councillor, one response (which is outlined in item #1 above), and it went to vote. Despite the recommendation of the Planning and Heritage Department, the Planning Board, and the clear concerns of the residents of the affected neighbourhood, City Council voted 5 – 4 in favour of the proposal at first reading. Subsequently, on September 26, 2019, the resolution went to second reading, and the only issue discussed was whether or not the residents had adequate notice of the special meeting that had been called to present it for second reading. At second reading, City Council again voted 5 – 4 in favour of the proposal.

There is nothing in the records available to suggest that Council considered any of the relevant factors in reaching this decision.

There was certainly much evidence before Council, from professionals and lay persons alike, to suggest that the proposal should be rejected, and yet City Council inexplicably voted in favour of the proposal. The only reason given was the "Housing Crisis". No other justification was presented, nor even any details about the housing crisis, or what makes it relevant to this particular application. City Council had an obligation to give a thorough consideration of all factors, but it seems they simply adopted the phrase "Housing Crisis"

as a catch all justification to render decisions randomly. Certainly, there have been other similar applications presented in recent months that were turned down. Was the housing crisis not a concern then?

According to the City Planners, the crisis for housing in this city centers on affordable housing. Did City Council consider whether this proposal presents an option for affordable housing? There is no evidence of it, if they did. There were so many other relevant considerations that didn't even seem to come to light – Is this going to provide affordable housing? What impact will this development have on the "housing crisis"? If there is an impact, is it greater than the impact the development will have on the existing neighbourhood?

What is it about this development that makes it somehow better or more appropriate than the previous two applications by the same developer for this same property?

City Council has been reported in the media as being completely inundated with development permits, having already approved 1200 units in the city with many more to come. Permit values for multi-unit residential housing in PEI, according to CBC, have increased by 450% in the past two years alone. There are empty buildings in the downtown core which could be developed to provide affordable housing.


It is unknown whether City Council considered these factors, but there is no evidence to suggest that they did. The "Housing Crisis" in and of itself is not a sufficient reason to approve this proposal without an examination of exactly what it is about the affordable housing shortage that will be addressed by this development, and whether or not the benefit will outweigh the cost to the rest of the existing neighbourhood. City Council did not exercise its discretion in a reasonable and judicious manner and it was obligated to do so.

Based on the foregoing, we submit that the decision was flawed on several grounds, and are requesting that City Council reconsider its decision. It is our position that the decision to approve the bylaw amendment should be rescinded. That said, we recognize that the developer cannot be expected to maintain a vacant lot indefinitely. Given that, we submit that the proposal be remitted back to the developer for the purpose of re-drafting the structure to a smaller, more harmonious scale and style, in consultation with the residents of the neighbourhood, as had been suggested previously. Should you require further information, or have any further questions, please feel free to contact the undersigned.

Jessie Frost-Wicks
36 Palmers Lane
Charlottetown, PE C1A 5V8
902-628-1657
j.frostwicks@gmail.com

In her own right, and on behalf of William Wicks (36 Palmers Lane), Yvonne Gallant (29 Palmers Lane), Elizabeth DeWolf (37 Palmers Lane), Desmond Duffy (29 Palmers Lane), Rikki Petrie (25 Palmers Lane), Todd Petrie (25 Palmers Lane), Marcel Arsenault (23 Palmers Lane), Betty Carroll (27 Palmers Lane), Harold Snow (65 Confederation Street), Eleanor Snow (65 Confederation Street), and Judy Bayliss (28 Palmers Lane).

COPY

TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 275156) 38 Palmers Lane FILE: PLAN-2019-03-September OWNERS: Weymouth Properties Ltd. APPLICANT: Weymouth Properties Ltd.		 CHARLOTTETOWN
MEETING DATE: September 3, 2019		Page 1 of 11
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Elevation Drawings D. Letters From Residents	
SITE INFORMATION: Context: Mature low density neighbourhood adjacent to medium density (R-4) zoned land transitioning to Mixed Use Corridor (MUC) zoned land. Ward No: 4 Spring Park Existing Land Use: vacant R-2 lot. Official Plan: Low Density Residential Zoning: Low Density Residential		

RECOMMENDATION AFTER PUBLIC MEETING:

The Planning & Heritage Department encourages Planning Board NOT to recommend to Council for the request to amend Appendix "A" the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and a request to amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2 (Low Density Residential) Zone to R-3 (Medium Density Residential) Zone at 38 Palmers Lane (PID #275156).

REQUEST

This is a request to rezone the property located at 38 Palmers Lane PID #'s 275156 from R-2 Low Density Residential to R-3 Medium Density Residential and to amend Appendix "A" the Official Plan Map from Low Density Residential to Medium Density Residential.

Development Context:

The property is bounded to the north by Palmers Lane with R-2 zoned properties on the opposite side of the street, to the east, by two properties zoned R-4 (Apartment Residential) transitioning further east to Mixed Use Corridor (MUC) properties, to the south with Single Detached Residential (R-1S) zoned properties and to the west with Low Density Residential (R-2) zoned properties.

COPY

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.10 of the Zoning & Development By-law, on August 16, 2019 notice was sent to forty one (41) residents located within 100 meters of the subject property advising them of the request to rezone and the date, time and location of the public meeting. The letter solicited their written comments for or against the proposed rezoning request and stated the deadline to submit written comments on the application.

Public Feedback

In response to the City's notification letter there were 7 (seven) letters received in opposition to the proposed development and 1 (one) letter received in support. Please see attached letters.

The Public meeting was held on August 27, 2019 at the Rodd Charlottetown Hotel. At the public meeting Robert Haggis the property owner's consultant presented the details of the application including parking, building design, building elevations, and site design. When Mr. Haggis finished his presentation residents were invited to ask questions and make comments.

Approximately six residents spoke at the public meeting. All were in opposition to the application. They stated that they did not feel it was an appropriate density for their neighbourhood and that this would be the start of allowing higher density to bleed further into the interior of their street. Please see attached minutes from the public meeting.

ANALYSIS FOLLOWING THE PUBLIC MEETING:

This is an application to rezone 1 lot approximately .5 of an acre located on Palmers Lane. The land is currently zoned R-2 (Low Density Residential) and is vacant. The proposal is to construct a 3 storey 18 unit apartment building on the property. The total lot area is approximately .5 of an acre or 21,780 sq. ft. and the Bylaw requires 1,237.9 sq. ft. of lot area per unit. Therefore, 17 units are permitted on a lot of this size in the R-3 zone. The applicant is proposing 18 units therefore a minor variance would be required to allow 18 units on site if the rezoning is approved. The proposed building footprint is approximately 7,520 sq. ft. and meets the setback requirements for the R-3 zone. Eighteen (18) standard parking spaces are required for the proposed building. In comparison to the two existing 12-unit buildings the proposed building; has a larger footprint, almost double in size and would be a full 3 stories tall whereas the two existing buildings are 2.5 stories in height.

Zoning within this neighbourhood is R-2 consisting of low density single family and two-unit buildings to the west as well as on the opposite side of the street, in contrast to the two 2.5-storey (R-4) apartment buildings to the east, which then transition into the commercial

properties (ie. car dealer, real estate office) on St. Peters Road. The lot in question contained a single-detached dwelling which was demolished after 2010. If a three storey apartment building is constructed on the subject property it will result in a westward shift of the low-to-high-density transition along Palmer's Lane. Given that this lot is adjacent to an R4 zone it would not be considered a spot zone if it were rezoned to R-3 Medium Density Residential. If rezoning were to occur in order to mitigate any land use conflicts a landscape buffer would be required to be retained along the property boundary of the proposed development and any low density development.

Background:

There have been several requests to rezone this property. On April 6, 2009 a request was submitted to rezone this property to R-4 (Apartment Residential Zone) to allow a 24 unit apartment building. The recommendation from planning staff at the time was to reject the request to proceed to public consultation. Following planning staff's recommendation not to proceed to public consultation the applicant revised their proposal and resubmitted an application to rezone the property to R-3 (Medium Density Residential) to permit a 12 unit apartment building on the property. Planning staff at the time recommended to advance the application to public consultation to gauge the public's opinion as staff stated the revised proposal, "*was more in line with the goals of having a gradual transition between high and low density residential, strictly from a zoning perspective.*"

At the public meeting the application met with opposition from residents in the neighbourhood as they felt that higher density development was moving further into the low density neighbourhood. There were concerns that if this property was permitted to be rezoned would the trend continue along the street. In the end the recommendation was to reject the application to rezone the property to R-3 to allow a 12 unit apartment building.

In March of 2010 an application was brought to a public meeting to consolidate the two adjoining R-4 properties with 38 Palmers Lane to allow for the construction of 3 – duplex dwellings on the parcel located at 38 Palmers Lane. The two existing 12- unit apartment buildings were proposed to remain with the newly constructed duplexes as a grouped dwelling project. Although staff recommended for the consolidation of the three properties to allow a grouped dwelling project the application was also not approved due to public opposition.

Discussion:

Many sections of the Official Plan need to be considered for such an application, in order to achieve a balance between ensuring new development is harmonious with the existing neighbourhood, while also ensuring that there is an adequate supply and variety of affordable housing, and increased density in various areas of the City. Key points from the Official Plan to be considered include:

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

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

Section 3.2 of the Official Plan further states,

3.2 *Sustaining Charlottetown’s Neighbourhoods*

Defining Our Direction

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

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

- *Our policy shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings.*
- *Our policy shall be to establish an appropriate relationship between the height and density of all new development in mixed-use residential areas of existing neighbourhoods.*

Section 3.2.2 Our objective is to allow moderately higher densities and alternative forms... provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

3.3 *Housing Needs and Variety*

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

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

Defining Our Direction

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

1. *Our objective is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*
 - *Our policy shall be to ensure that all new multiple dwelling unit buildings are serviced by water and wastewater systems which have the capacity to accept the development proposed.*
 - *Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.*

Section 4.4.1 Our policy shall be to allow incremental growth of medium sized highway commercial, medium density residential, and residential uses along both sides of St. Peter's Road between the Sherwood Shopping Centre and the CN Rail corridor.

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

The City is currently experiencing an increased demand for housing. The vacancy rate within the City is very low. Many residents are being forced to leave the City because of the lack of housing

options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices were rents can be kept at affordable levels. The Official Plan has various policies which support the efficient use of services and making neighbourhoods stable and sustainable by supporting more infill development. The Plan also supports various housing options within existing neighbourhoods if it is appropriate in mass, scale and height and will integrate well into the surrounding neighbourhood. This proposal would provide additional housing options to assist in addressing the housing crises. 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 close walking distance to a school, transit and parkland. Therefore, the proposal meets many of the technical requirements stipulated in the Zoning Bylaw and policies of the Official Plan.

However, for this proposal the existing neighbourhood context must be considered. The majority of the neighbourhood is currently comprised of one and two unit dwellings to the west of the subject property as well as on the opposite side of the street. This is in, contrast to the two, 2.5-storey apartment buildings on the east, which then transition into the commercial properties (ie. car dealer, real estate office) on St. Peters Road. The addition of a third, 3-storey 18 unit apartment building would result in a westward shift of the high-to-low-density transition along Palmer's Lane. Rezoning the lot to R-3 would not provide any form of transition or buffer between the existing apartment buildings and low density uses. The proposed 18-unit building is larger than the existing 12 unit buildings therefore, the density would increase between the existing apartment buildings and low density uses. The decrease in zoning (R4-R3-R2) would actually result in the same hard transition that currently exists between the 12 unit building and the single detached dwellings to the west. However, it would now be one property further westward on Palmers Lane. The general practice in zoning to mitigate land use conflicts between higher density and lower density uses is to allow a transitional use such as town houses or semi-detached dwellings between low and higher density uses. It should also be considered that the subject lot once contained a single detached dwelling. The adjoining property owners at the public meeting and in a written submission stated that they had concerns about the loss of privacy and light into their home and yard should the building be constructed next to them. They indicated that when they purchased their home they purchased it next to a low density R-2 zoned dwelling. They did not anticipate the potential for a higher density development. With that being said although the Official Plan does encourage infill development within neighbourhoods it

must be development that will not adversely impact adjoining neighbours. Therefore, there needs to be stability within existing low density neighbourhoods. In planning practice higher density is usually located along the periphery of low density neighbourhoods. The Official Plan speaks to this area of the city and states that higher density development be located along both sides of St. Peters Road in the area between the Sherwood Shopping Centre and the CN Rail corridor.

Section 4.4.1 Our policy shall be to allow incremental growth of medium sized highway commercial, medium density residential, and residential uses along both sides of St. Peter’s Road between the Sherwood Shopping Centre and the CN Rail corridor.

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

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ The City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood. ▪ The proposal is close to a school, parkland and public transit. ▪ The property is in an area that has municipal services. ▪ The proposal is located within a walkable neighbourhood 		<ul style="list-style-type: none"> ▪ The site is located adjacent to low density development. ▪ The development would result in a westward shift of higher density development into an existing, mature low density neighbourhood. ▪ If approved it may result in future applications for rezonings along the street to allow for higher density development. ▪ The proposal may be viewed by area residents as not compatible for the neighbourhood.

CONCLUSION:

Given the location of this proposed infill development adjacent to apartment residential development the proposal would not be considered a spot zone and technically could be considered “compatible” with the adjoining land uses to the east. If rezoned appropriate land use buffers would have to be integrated to mitigate any potential land use conflicts that may arise between lower and higher density development. It should also be considered that there is

a severe housing shortage within the City and such a development would provide housing choices within the neighbourhood.

Notwithstanding, the main issue remains to be the shifting of a higher density residential zone further into an existing, low density mature neighbourhood, which conflicts with the primary objective of Section 3.2 of the Charlottetown Official Plan which states that: *“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”*. Perhaps a more appropriate option for the site would be a town-house development that is less dense, is more fitting in mass & scale and provides a further transition between higher density development and low density development along the street.

Although a zoning change to R-3 (medium density) would not be considered spot zoning the existing neighbourhood is somewhat buffered by the density and commercial uses that currently surround it. Section 4.4.1 of the Official Plan states that *“Our policy shall be to allow incremental growth of medium sized highway commercial, medium density residential, and residential uses along both sides of St. Peter’s Road between the Sherwood Shopping Centre and the CN Rail corridor”*. Therefore, it is staff’s interpretation that medium density residential development in this area of the City should be encouraged to be located towards the Commercial Corridor of St. Peters Road rather than into the interior of the existing neighbourhoods.

Given the direction of the Official Plan, staff is not recommending approval of this rezoning.

RECOMMENDATION:

Planning & Heritage Department encourages Planning Board not to recommend to Council the rezoning request for 38 Palmers Lane.

PRESENTER:

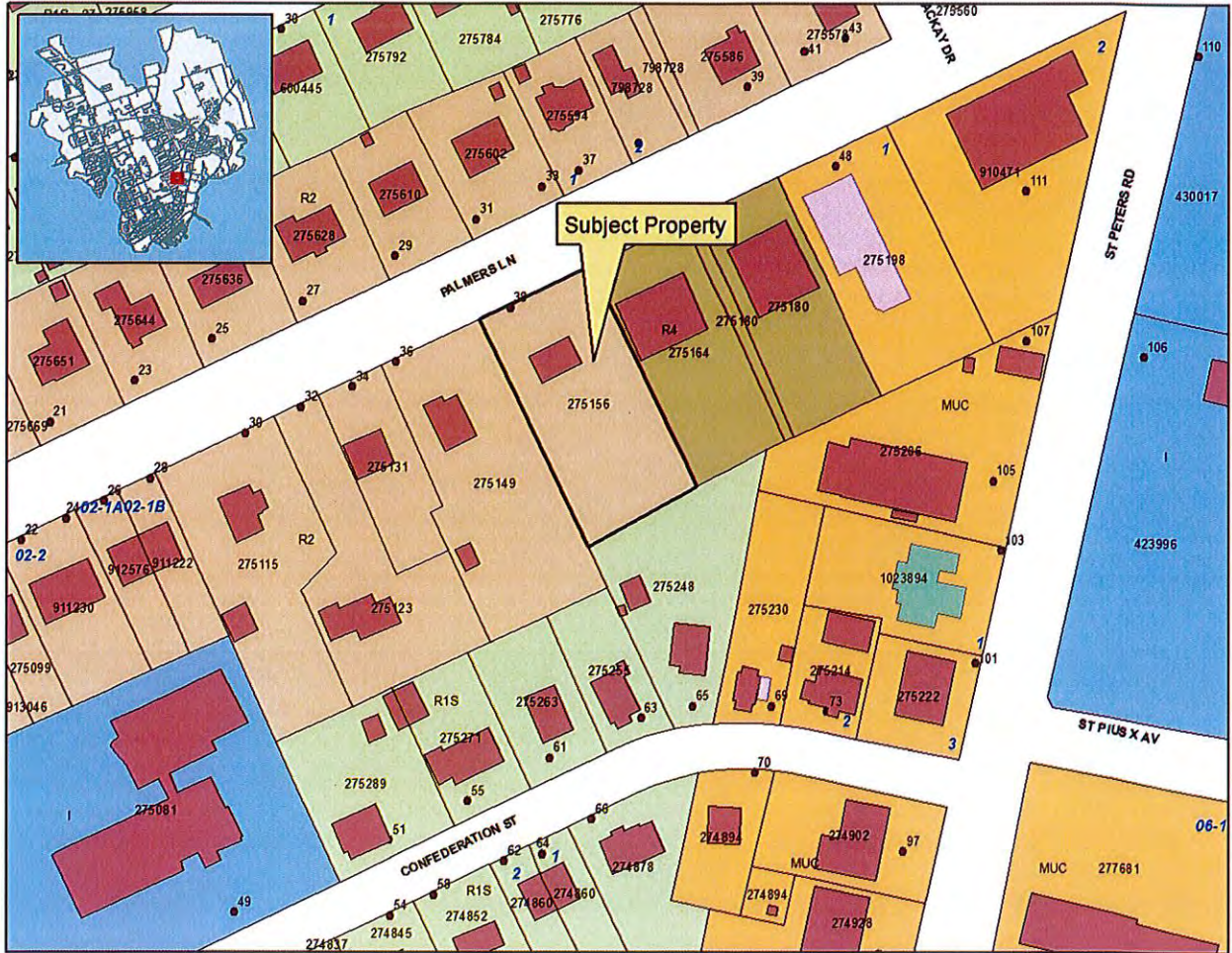
Laurel Palmer Thompson, MCIP
Planner II

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

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GIS Map:



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Site Map:



Elevations:

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Architectural rendering of a multi-story residential building, shown from various angles (front, side, rear, and elevated views) to illustrate the proposed development. The building features a modern design with a mix of brick, stone, and wood accents, and a prominent gabled roofline. The rendering includes landscaping with trees and lawns.

C101	Palmers Lane Development C101 Front Street View	ARCHITECTURE + SUSTAINABLE DESIGN SableARC STUDIOS 400 Main Street, Suite 100, PO Box 100, Littleton, CO 80120 Phone: 303.761.1000 www.sablearc.com	<small>Scale: 1/8" = 1'-0" Date: 10/15/2023 Project: Palmers Lane Development Drawing: C101 - Front Street View Author: [Name] Checked: [Name] Title: Architect</small>
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Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 1:01 PM
To: Hal and Eleanor Snow; Thompson, Laurel; Stavert, Robert
Subject: RE: rezoning request at 38 Palmer's Lane

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

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

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

eganga@charlottetown.ca
www.charlottetown.ca

From: Hal and Eleanor Snow [<mailto:snowz@eastlink.ca>]
Sent: Wednesday, August 28, 2019 11:54 AM
To: Planning Department
Subject: rezoning request at 38 Palmer's Lane

Following the public meeting last night where we thought we would get more information about this proposal, we have to say that not a lot of specifics were shared. We heard things like, " **I think it will be clapboard and vinyl** " and when asked the height of the building next door, we heard , " **I think it is 34 feet.**" That would make this proposed building higher if it is going to be 36 feet, which we don't think was actually stated as a certainty. The large scale depiction did not show clearly how the 18 parking spaces are supposed to fit in that space (!!!!!), especially since it will extend back further than the one next door, where they barely fit in 12 spaces. We found this lack of clarity to be very misleading and seemed to minimize that aspect of the proposal, we certainly hope not intentionally. We think when the applicant had a presenter there to show details, we should have seen details. If the applicant comes to the table unprepared, we think the proposal should be denied.

Thank you for your consideration of these comments.

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Hal and Eleanor Snow

65 Confederation Street

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We oppose the request for consideration of rezoning the property located at 38 Palmer's Lane (PID 275156) as outlined in the letter from the City Of Charlottetown to nearby property owners and dated August 16, 2019.

There were requests in 2009 and 2010, one for a 12 unit apartment building and one for 3 duplex dwellings which would have required a rezoning to accommodate those proposals. These requests were not welcomed by the neighborhood at that time and declined by the City. So, it will not be a surprise that we are even more opposed to an 18 unit building on the same property. At this time, we do not know what it would take for this applicant to get the message that we want this property to remain as low density residential. It would seem that there are other options for development that would comply with the current bylaws and the City's Official Plan. Surely the applicant is aware of this and of the wishes of the residents.

We live on Confederation Street and our property borders the property on Palmer's Lane. Since we are within 100 meters of this property, we have many concerns.

- Water runoff became a concern when the applicant's two existing buildings were erected and the elevation changed, so another apartment building with an asphalt parking lot will only add to that problem
- Snow from the existing apartment properties is presently placed on the property in question, so I am not sure what, if any plan, they would have for removal of snow when a new 18 unit building is on that property. Presently some of that snow ends up against our fence and even occasionally in our yard. Again....adding to the water problem. In the Spring, the ground on our property and that of neighboring ones is extremely saturated. Besides the water each Spring, we can look forward to removing pieces of asphalt and misplaced trash items from overfilled garbage bins, and frequently damage to our fence.
- The proposal would not blend with the present low density neighborhood and could adversely affect our property values.
- The addition of 18 units, virtually in our backyard would increase concerns regarding waste disposal, littering, parking, car emissions, increased traffic and noise, security and privacy, lack of green space to name only a few.
- There is an elementary school nearby and the increased traffic could prove problematic for those young children.
- There were no details provided concerning elevation or measurements, so it seems unfair to the residents not to have that information before a meeting was called. Does that information not have to be provided upon application?
- It does not appear to solve any of the issues around AFFORDABLE housing
- This appears to be an example of spot zoning.
- How many times do we have to defend our neighborhood against such a development from the same applicant ?

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I can think of no situation where this applicant has shown an interest in the concerns of the neighbors. In fact, when approached about a problem with the intrusion of Japanese Knotweed, a noxious weed, onto our property from the one at 38 Palmer's Lane, we were met with a disinterest and an outright refusal to address the problem. It was the same when we tried to talk to them about our concerns over repeated damage to our fence from their snow removal equipment. A neighborhood is made up of people who work for what is best for the common space they share. This applicant has definitely not demonstrated that in the past.

For these reasons, and for the many concerns of our other neighbors, we urge you to deny this request.

Thank you,

Hal and Eleanor Snow

65 Confederation Street

Charlottetown, PE C1A 5V5

902-892-8638

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Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 9:44 AM
To: Thompson, Laurel
Subject: FW: Rezoning request at 38 Palmer's Lane
Attachments: Town Hall 2019.docx

From: Mayor of Charlottetown (Philip Brown)
Sent: Wednesday, August 28, 2019 9:06 AM
To: Planning Department
Subject: FW: Rezoning request at 38 Palmer's Lane

From: Hal and Eleanor Snow [<mailto:snowz@eastlink.ca>]
Sent: Tuesday, August 27, 2019 2:16 PM
To: Mayor of Charlottetown (Philip Brown)
Subject: Rezoning request at 38 Palmer's Lane

There is a public meeting tonight regarding a rezoning request for 38 Palmer's Lane. We have sent a submission against it to the planning committee and request that you review it as well. We are very much opposed to this 3rd request and hope that we can rely on support for this opposition, Thanks You. Hal and Eleanor Snow

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Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 11:04 AM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane

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

From: Florence Hennessey [<mailto:fdrakehen@eastlink.ca>]
Sent: Wednesday, August 28, 2019 11:03 AM
To: Planning Department
Subject: 38 Palmers Lane

We are owners of Cadaco Holdings Inc. located at 103 St. Peter's Road and Hendra Holdings Inc, 69 Confederation Street and are responding to letters received from Laurel Palmer Thompson, MCIP dated August 16, 2019.

Please be advised we are 'strongly opposed' to the request to consider rezoning the above noted property on Palmers Lane.

Our dental clinic is located at 103 St. Peter's Road and we have had multiple incidents of water in the basement of our new professional building. We have previously written to the City of Charlottetown stating our concerns with regards to this matter. In our opinion, the city's antiquated storm pipe water system cannot control the amount of water drainage in our area. This has caused considerable cost to us..increased insurance premiums, cleanup cost, purchase of sump pumps, battery backups, etc.

Climate change is happening and the situation is bound to worsen. We pay substantial amounts for land tax only to end up in the basement of our clinic bailing out water. Rezoning the property at 38 Palmers Lane would add to the dilemma we and our neighbours are presently experiencing.

Please take our concerns into serious consideration.

Sincerely,

Rob and Florence Hennessey

Sent from my iPhone

COPY

Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 11:02 AM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane (PID#275156) Revised .. Final

From: Marcel Arsenault [<mailto:marcel.arsenault5@gmail.com>]
Sent: Wednesday, August 28, 2019 10:56 AM
To: Planning Department
Subject: 38 Palmers Lane (PID#275156) Revised .. Final

Too whom it may concern,

This comment is to indicate that the residents of 23 Palmers Lane are against this development.

For the following reasons.

- Does not fit into the neighbourhood scheme
Which is low density area with a school & a Parks Canada
National office on the street

An 18 unit apartment structure makes no sense in this context.

- Is in contravention to the current City Plan (21 March 19).
- The building proposal is in contravention to current city land regulations
- Only superficial details were made available by the applicant prior to the public meeting

Thus the applicant has not submitted a formal detailed proposal prior to the meeting.

We have no concrete plan to review.

- The proposed structure is very unattractive.
- The general conduct of the applicant to date has been below standard.

The applicant is unresponsive to residents when approached for its current two apartment buildings on the street on various (snow removal etc.) issue and various historical reasons

- This is third time the applicant has applied to build on this land.
Each time the proposal is larger & imposing on the lives & homes of the residents.

It seems the applicant will continue to put forth proposals until one gets approved by city council.

When does it end.

COPY

Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 1:01 PM
To: Elizabeth DeWolf; Thompson, Laurel
Cc: Stavert, Robert
Subject: RE: proposed rezoning to accomodate Bevans' plans for apartment building on Plamer's lane

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

Thank you!

Best Regards,
Ellen

Ellen Faye Ganga
Intake Officer/Administrative Assistant

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

eganga@charlottetown.ca
www.charlottetown.ca

From: Elizabeth DeWolf [<mailto:e.dewolf@eastlink.ca>]
Sent: Wednesday, August 28, 2019 11:29 AM
To: Planning Department
Subject: proposed rezoning to accomodate Bevans' plans for apartment building on Plamer's lane

TO MAYOR, COUNCIL AND PLANNING COMMITTEE

RE PROPOSED REZONING TO ACCOMODATE BEVANS' PLANS FOR APARTMENT BUILDING ON PALMER'S LANE

As a long time property owner and resident of Palmer's Lane (since 1994), I am opposed to the proposal as it stands. Bevans' other two apartments were across the street when we bought the property.. They appear to be well maintained and the tenants quiet.(the neighbors behind them has given examples of lack of co-operation in property maintenance.) The buildings themselves, although larger than the two storey houses facing them, are not so large or so radical in design that they do not fit in with the neighborhood. They both have a nice setback from the street with green lawns and trees and walkways as do all the houses and flats on the street. This is not the case with the new proposal,

The proposed building is too large for the site. I estimate that my frontage including driveway is larger than the proposed site and the depth of my property and the depth of my property is about the same. Yet my property accomodates a single family Victorian two storey house. If I remember correctly from hearings on previous (and rejected) proposals for the property, the property is deemed by city bylaws to be suitable only for a duplex. Previously, the owners had argued for a change in variance and permission to build multiple units by "borrowing" some frontage from the apartment next door. No doubt this would have put that apartment into non-compliance. It was not approved.

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The incline of Palmer's Lane is very gentle as it starts up from St. Peter's Rd to Mt. Edward, but after the existing apartment buildings on that side and my house on the other the street starts to rise more steeply. That rise could make any new building higher in relation to existing buildings by probably half a storey more than its actual height.

The developer did not show a very clear picture of what the proposed building would look like - its style, its resemblance or contrast to the existing buildings and the amount of setback and green space around the building. It is possible to design buildings which fit into the style of a neighborhood. However, it is not very easy to do this when you are intent on squeezing eighteen units into a space designed for two. Is a modern little glass and cardboard sardine tin what is on offer? Have the developers' plans included the planting of trees along the back and sides of their plan to shield the neighbor's yards from balcony eyes? Probably not, because there is not enough space for such luxuries.

I do admit that I am concerned with the amount of traffic 18 units would generate on an already busy road used by trucks as a shortcut between larger roads and by school buses and parents transporting students to school. The new speed bumps have generated a lot of noise, especially in the middle of the night, but do not to me have done much to lessen speed except to create jerky speed.

The papers have been full of discussion on housing crises and the shortage of affordable housing. I see nothing in this proposal that is suggesting that any of these units are meant for low income accommodation. In fact I suspect that they will be offered at the highest market price, probably marketed to students who are willing to share small spaces because of the closeness to the university.

Palmer's Lane is a neighborhood with neighbors who greet each other, help each other out. I don't want this to change. Should this proposal pass, and should I be forced for health reasons to move, what then? Would an eighteen unit building across the way pave the way for a developer to propose a four or five storey building on my similar lot across from the building across the street on the grounds that it would not be all that much different in height or density.

I do believe that we purchase property with a knowledge of the neighborhood and the existing regulation, and that the city on its part has an obligation to live up to the planning guidelines it has commissioned.

Elizabeth DeWolf, 37 Palmer's Lane, Chantlotown 902-892-7096

COPY

From: Planning Department
Sent: Wednesday, August 28, 2019 11:02 AM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane (PID#275156) Revised .. Final

From: Marcel Arsenault [<mailto:marcel.arsenault5@gmail.com>]
Sent: Wednesday, August 28, 2019 10:56 AM
To: Planning Department
Subject: 38 Palmers Lane (PID#275156) Revised .. Final

Too whom it may concern,

This comment is to indicate that the residents of 23 Palmers Lane are against this development.

For the following reasons.

- Does not fit into the neighbourhood scheme
Which is low density area with a school & a Parks Canada
National office on the street

An 18 unit apartment structure makes no sense in this context.

- Is in contravention to the current City Plan (21 March 19).
- The building proposal is in contravention to current city land regulations
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Thus the applicant has not submitted a formal detailed proposal prior to the meeting.

We have no concrete plan to review.

- The proposed structure is very unattractive.
- The general conduct of the applicant to date has been below standard.

The applicant is unresponsive to residents when approached for its current two apartment buildings on the street on various (snow removal etc.) issue and various historical reasons

- This is third time the applicant has applied to build on this land.
Each time the proposal is larger & imposing on the lives & homes of the residents.

It seems the applicant will continue to put forth proposals until one gets approved by city council.

When does it end.

- Will add traffic to already much discussed problem with speeding & not stopping at appropriate signs on Palmers Lane

Our councillor and mayor are well of the issue.

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None of the solutions have worked to date.

We are very concerned that death or injury will occur given the above

- No room for parking on the premise on the land proposed
Very obvious to anyone viewing the land.

- Unconvincing presentation by the applicant

- The use of 'affordable' housing as justification at the public meeting to gain social licence to build.

The mayor, the councillors present, and concerned citizens know that this is not case.

The applicant is looking for profit.

In summation, the residents of 23 Palmers Lane do not support this development.

This development will not improve life on Palmers Lane.

The Arsenaults
23 Palmers Lane.

COPY

Thompson, Laurel

From: Planning Department
Sent: Tuesday, August 27, 2019 1:01 PM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane - Rezoning Application

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

From: Jessie Frost-Wicks [mailto:j.frostwicks@gmail.com]
Sent: Tuesday, August 27, 2019 12:09 AM
To: Planning Department
Subject: 38 Palmers Lane - Rezoning Application

Attn: Laurel Palmer Thompson, MCIP

Dear Ms. Palmer Thompson,

I, together with my husband, am writing to you to express my opposition to the application which will be heard before City Council on August 27, 2019, regarding the possible rezoning of the property located at 38 Palmers Lane. My husband and I are the owners of the property immediately adjacent to this parcel, 36 Palmers Lane.

We live in a very old, very well established neighbourhood, zoned as low density residential, and comprised primarily of single family, semi-datched and duplex residences. At the bottom of the street, there are two low-rise, 8 unit apartment buildings. These buildings were constructed prior to our moving to our home 28 years ago, and they serve as a transition from the commercial corridor of St. Peter's Road into the low density residential neighbourhood that we currently enjoy. These two buildings are owned by the Applicant. The property in question this evening is located in between our home and the two low-rise buildings.

This is the third time that the Applicants have sought to obtain a variance or change the zoning of the property located at 38 Palmers Lane. This is the third time that we have been forced to defend the integrity of our neighbourhood.

The first application the same as the one currently before Council.

They are seeking a rezoning of this lot from Low Density to Medium Density. On this first occasion, however, they were only seeking to erect a 12 unit apartment building. This application was rejected by City Council, as the proposal was deemed inconsistent with the size and density of the existing structures in the surrounding area and was not appropriate as a transitional structure into an established low density residential neighbourhood.

For the second application, the Applicants sought a variance to construct a grouped dwelling on this small parcel, consisting of three – 3 storey duplexes. This, too, was rejected by City Council, for the same reasons as the first application. Now, for this third application, the Applicants are once again seeking to have the lot rezoned from Low Density Residential to Medium Density Residential to enable them to construct a three storey, 18 unit apartment building.

It is frustrating as a member of the neighbourhood, and frightening as the owner of the property immediately adjacent to this property, to again have to raise the same issues. The Applicant certainly knows the concerns of the people of this neighbourhood, and should be well aware of the limitations of the property at 38 Palmers Lane in terms of development, having already been told at least twice. This time, they have gone one step further and proposed

something even larger and more intrusive than the first two times knowing that those first two applications were turned down. At what point does Council say enough is enough?

The property that they own, 38 Palmers Lane, is zoned R2 – Low Density Residential, which is shown on the City of Charlottetown Official Plan. This Official Plan outlines the strategic directions for Charlottetown for the 21st Century and beyond, according to its title.

It was amended on March 21st of this year – it is a current official city plan that we, as taxpayers, have paid for and abide by. We expect our corporate citizens to abide by it as well.

The Official Plan for the City offers a growth management strategy.

This strategic direction articulates policies which preserve existing residential low density neighbourhoods and ensures that new residential development is physically related to its surroundings. In sustaining the existing neighbourhoods, the City's objective is to ensure that new development is harmonious with its surroundings, and to ensure that the footprint, height, massing, and setbacks of new residential development in existing neighbourhoods is physically related to its surroundings. This is simply not the case with the proposal currently before City Council. This proposed structure would have no counterpart in our neighbourhood – nothing as large, nothing as tall, nothing as imposing as this structure. I would like to offer more specifics on that point, but the Applicant has not provided the required details on elevations and measurements which we understood to be a required part of the application process. The building itself bears no resemblance to the typical style of structure in the area - it is even dissimilar to the two apartment buildings already in place there. Presumably, given that it has more than double the number of units, it is also more than twice the size of the existing apartment buildings. That, in itself does not suggest a transition into an established low density residential neighbourhood.

In addition to the concerns for the integrity of our neighbourhood, I have concerns which are unique to my husband and I, as the owners of the property immediately adjacent to this parcel. Over the past 28 years, we have invested so much time, effort and money into our property to improve it, maintain it, and build value into it such that if the day ever comes that we wish to sell it, we will be able to do so. It is troubling to think that this one application could seriously impact our property values if and when the time does come that we wish to sell. In the interim, we must face the prospect of a building much taller than ours in close enough proximity on the eastern side that we will lose most, if not all, of the morning sun - an impact on our gardens and on our light. Equally troubling is the loss of our privacy. One of the most attractive characteristics of our neighbourhood is the generous yardage surrounding the homes in it. Each property has space between it and the neighbouring property. A structure of this height, so close to the property line, with no less than 9 units facing our house in some aspect is not an welcome prospect, and represents a significant lost to our privacy and enjoyment of our own home.

We realize there is a housing crisis, and it is clearly a concern.

But, we ask that Council recognize that it doesn't mean "development at any cost" and the fact is that we aren't opposed to the development of this property. All we are asking is that the Applicants comply with the City's Official Plan. If part of their intent is to address the housing shortage, then build what is appropriate and permitted for the property. The last time the Applicants brought this property to City Council, my husband and I were approached by Mr. Bevan Jr., and rather forcefully asked 'what it would take to make us happy', At that time, we advised him that we would be very happy if they would build something in compliance with the City Plan. We maintain that position. If the Applicants were to do so, it would address their obvious desire to utilize the land. It would address our concerns as neighbours. It would allow all of us in the neighbourhood to maintain our property values. It would provide some needed housing.

Lastly, it would comply with the Official City Plan, and would, once and for all, put an end to these applications which are so troubling and unsettling for us and our neighbours.

We are asking that City Council adhere to the principles outlined in the Official City Plan and reject this application for the rezoning of

38 Palmers Lane. The housing crisis cannot justify a lack of adherence to a Plan which outlines the strategy for responsible development. To ignore those principles in this instance sets a dangerous precedent for the evolution and growth of our City.

Respectfully,
Jessie Frost-Wicks
36 Palmers Lane
Charlottetown, PE

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Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 11:02 AM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane PID#275156

From: William Wicks [mailto:wgwicks@gmail.com]
Sent: Wednesday, August 28, 2019 10:40 AM
To: Planning Department
Subject: 38 Palmers Lane PID#275156

My name is Bill Wicks, and my family and I reside at 36 Palmers Lane, which is the property immediately adjacent to the lot, 38 Palmers Lane, which is under consideration this evening.

- We live in a very old, very well established neighbourhood, zoned R2 - low density residential, which is comprised of single family, semi-detached and duplex residences. Since before we moved here 28 years ago, there have been two low-rise, 8-unit apartment buildings down the street. These 8-unit buildings serve as a transition from the commercial corridor of St. Peter's Road into the low density residential neighbourhood that we currently enjoy. The property in question this evening, 38 Palmers Lane, Zoned R2, is located in between our home and those two low-rise buildings and it used to have a single-family dwelling on it, but is now vacant land, the house having been torn down some years ago.
- This is the third time that the Bevans have sought to change the zoning of the property located at 38 Palmers Lane. This is the third time that we have been forced to come before you to defend the integrity of our neighbourhood.
- The first application was for rezoning this lot from Low Density to Medium Density – in effect, exactly what they are seeking this evening. On this first occasion, however, they were seeking to erect a 12-unit apartment building. This application was rejected by City Council, as the proposal was deemed inconsistent with the size and density of the existing structures in the surrounding area and was not appropriate as a transitional structure into an established low density residential neighbourhood.
- For the second application, Bevans sought a variance to construct a grouped dwelling on this lot, consisting of three – 3 story duplexes. This, too, was rejected by City Council, for the same reasons as the first instance.
- Now, for this third application, the Applicant is once again seeking to have the lot rezoned from Low Density Residential to Medium Density Residential to enable them to construct a three story, 18-unit apartment building.
- The City of Charlottetown Official Plan shows this property at 38 Palmers Lane as zoned R2 – Low Density Residential. In addition, according to Geolink, the property is ½ acre in size.

- The City of Charlottetown Official Plan outlines the strategic directions for Charlottetown for the 21st Century and beyond, according to its title. It was amended on March 21st of this year – it is a current official city plan.
- This Official Plan for the City offers a growth management strategy. This strategic direction articulates policies which preserve existing residential low density neighbourhoods and ensures that any new residential development is physically related to its surroundings.
- In sustaining the existing neighbourhoods, the City's objective is to ensure that new developments are harmonious with the surroundings, and is to ensure that the footprint, height, massing, and setbacks of any new residential development in existing neighbourhoods is physically related to its surroundings. This is simply not the case with the proposal currently before City Council. This proposed structure would have no counterpart in our neighbourhood – nothing as large, nothing as tall, nothing as imposing as this structure. I would like to offer more specifics on these points, but in their application, Mistert Bevens have not provided the details on elevations and measurements which we understand is a required part of the application process. In addition, it is my understanding that the applicant has not requested a variance, which is needed as an 18-unit apartment building requires more than ½ an acre of land. Specifically, Section 15.2 of the Zoning and Development By-law states that the minimum lot area for a building with 18-units must be 1,237.9 square feet per unit, or 22,282 square feet for this proposed 18-unit apartment building. The lot size, according to Geolink, is only 21,780 square feet.
- We realize there is an affordable housing crisis, and it is clearly a concern. But, if the reason for this structure is meant to address that concerns, it doesn't mean "development at any cost". We aren't opposed to the development of this property. All we are asking is that the Applicant comply with the City's Official Plan and to build what is appropriate and permitted for the property. Doing so addresses:
 - their obvious desire to utilize the land,
 - it would address our concerns as neighbours,
 - it would allow us, the affected homeowners, to maintain our property values.
 - it would comply with the official city plan.
 - it would provide some needed housing, and
 - it would mean that the City of Charlottetown Planning Department, we the homeowners and you as City Council would not have to keep coming back again, and again and again to defend our neighbourhood from unnecessary intrusion.
- I am asking City Council and the Applicant to comply with the Official City Plan and the Zoning By-laws. Use the guidelines offered by the Official Plan to promote and approve responsible development. This is the Official Plan that we, as taxpayers, have paid for and abide by. We expect our corporate citizens to abide by it as well. Otherwise, we, as taxpayers, have invested in an Official Plan which serves no purpose.
- It is frustrating as a member of the neighbourhood and frightening as the owner of the property immediately adjacent to 38 Palmers Lane, to have to continually raise the same issues. The applicant knows the concerns of the people of this neighbourhood and they are aware of the limitations of the property at 38 Palmers Lane in terms of development. With this application they have proposed

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something much larger and more intrusive than anything presented previously in their first two attempts, knowing that previous City Councils voted to turn down those previous applications. At what point does Council say enough is enough?

COPY

Thompson, Laurel

From: Planning Department
Sent: Wednesday, August 28, 2019 3:47 PM
To: Thompson, Laurel
Subject: FW: 38 Palmers Lane - PID #275156

From: Betty Carroll [<mailto:b.carroll@eastlink.ca>]
Sent: August 28, 2019 3:33 PM
To: Planning Department
Subject: Fwd: 38 Palmers Lane - PID #275156

Sent from my iPad

Date: August 28, 2019 at 3:25:17 PM ADT
To: Betty Carroll <b.carroll@eastlink.ca>
Subject: 38 Palmers Lane - PID #275156

Dear Sir/Madam

Re: 38 Palmers Lane (P.I.D. # 275156)

I have been a resident on Palmers Lane for 58 years. I attended the public meeting (August 27th) on the proposed apartment building development at 38 Palmers Lane located diagonally across the street from my property at 27 Palmers Lane.

I am strongly opposed to the proposed development as it does not conform to the Official Plan (OP). I refer you to the following subsections:

- 1.3 Strategic Directions (Page 8) . . . The Charlottetown Plan articulates policies which: preserve existing residential low density neighbourhoods , , ,
- 3. Direct Physical Growth (Page 14) The City will continue to build on its past by . . . maintaining the special qualities of charlottetown's neighbourhoods . . .
- 3.1 Guiding Settlement (Page 14) . . . Finally, it means that moderately higher density development may be permitted in existing commercial areas and arterial corridors where it does not interfere with existing built-up residential neighbourhoods . . .
- Defining Our Directions (Page 15) . . . Our policy shall be to allow moderately higher densities in neighbourhoods provided it is development at a density that will not adversely affect existing low density housing.
- 3.2 Sustaining Charlottetown's Neighbourhoods (Page 17) . . . In order to preserve the unique characteristics of Charlottetown's neighbourhoods the Charlottetown Plan

introduce policies which promote both stability and community identity. The aim is to sustain vibrant neighbourhoods which have a distinct sense of community, are places of close social contact, and are generally enjoyable. This is the clear preferences of Charlottetown's residents . . .

- Defining our Direction (Page 18) Our goal is the maintain the distinct character of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings . . .
- Environment for Change (Page 19) Preserving the distinctive character and identity of Charlottetown's neighbourhoods requires strategies that promote stability as well as a sense of community identity. The Charlottetown Plan incorporates policies which will help preserve the harmony and integrity in each existing neighbourhood within the City.

Previously the City has turned down development proposals for increased density on this low density residential lot in an established low density residential neighbourhood. What has changed? How many times do residents have to stand up to support the policies in the OP in the face of inappropriate development proposals on the same lot? Planning Board and City Council should refuse the development proposal since it does not conform to the OP as noted above.

The current housing shortage is not excuse for abandoning OP policies that protect established residential neighbourhoods. Approval of the development proposal would require substantive amendments to the OP beyond a simple amendment to the Future Land Use Map, If increased production of residential units is a priority I suggest consideration be given to permitting and encouraging various forms of accessory residential units in established residential areas like this one. This would be far more effective than introducing incompatible densities and uses on a piecemeal basis and be a win-win for both those seeking accommodation and owners/residents of properties in established residential neighbourhoods.

Respectfully submitted,

Betty Carroll
902-892-6698

COPY

Thompson, Laurel

From: Planning Department
Sent: Tuesday, August 20, 2019 8:13 AM
To: Forbes, Alex; Thompson, Laurel
Subject: FW: Proposed Development at 38 Palmers Lane

Best Regards,
Ellen

From: JamesBliss [<mailto:jimbliss@eastlink.ca>]
Sent: Monday, August 19, 2019 5:01 PM
To: Planning Department
Subject: Proposed Development at 38 Palmers Lane

To; [Charlottetown City Planning Department](#)


I am writing to express my support for the proposed development at 38, Palmers Lane. I have lived on this Lane for 46 years and even though I have moved 3 times during this period I have always remained on Palmers Lane.

The two apartment buildings next door to this proposed new complex have been extremely quiet and well maintained and the shared entrance has not been an issue. As a matter of fact my family wonders if anyone lives there.

My only concern that is **not related** to this development is the amount of speeding caused by non residents going well in excess of the posted 30k and 50k zones in a school district. I have reported this to Councillors Tweel and Doiron many many times and know this issue has been passed by them to the appropriate people in City Hall but nothing ever gets done about it except for the two speed bumps far away from where the vehicles are speeding!. My children are now fully grown, but I care about other peoples young children as well!. It's a pity other people don't feel this way.

Sincerely, Jim Bliss

COPY

TITLE: <p style="text-align: center;"> CDA AMENDMENT FILE: PLAN-2019-04-DECEMBER-6B-4 LOT 6 TOWERS ROAD OWNER: 10019038 Canada Ltd. </p>		
MEETING DATE: December 2, 2019		Page 1 of 11
DEPARTMENT: Planning & Heritage	ATTACHMENTS: GIS Map, site plan, architectural renderings, minutes from public meeting	
SITE INFORMATION: Context: Comprehensive Development Area Zoned Land Ward No: 4 – Spring Park Existing Land Use: vacant land Official Plan: Comprehensive Planning Area Zoning: (CDA) Comprehensive Development Area		

RECOMMENDATION FOLLOWING PUBLIC MEETING:

Staff recommends for Planning Board to recommend to Council to approve the request to amend the Development Concept Plan and Development Agreement pertaining to Lot 2014-6 (only) PID # 1076728 to reconfigure the site plan to allow two buildings to be combined into one building with 88 units total, to increase the height of the building from 50 ft. to approx. 62 ft. and to allow surface parking.

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. There is also an affordable housing component consisting of 28 units in this building. This portion of the building will have to go through a design review process prior to final approval of the architectural plans.

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 not be overwhelming as it is located next to a commercial shopping centre and from Mount Edward Road the building height would not be as visible due to the considerable drop in elevation on the site. If approved this building 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.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.10 of the Zoning & Development By-law, on November 13, 2019 notice was sent to ten (10) property owners located within 100 meters of the subject property advising them of the request to amend the CDA plan and the date, time and location of the public meeting. The letter solicited their written comments for or against the proposed CDA amendment and stated the deadline to submit written comments on the application.

Public Feedback

In response to the City's notification letter there were no letters received in opposition or in support to the proposed amendment.

The Public meeting was held on November 27, 2019 at the Rodd Charlottetown Hotel. At the public meeting Greg Munn the property owner's consultant presented the details of the application including parking, building design, building elevations, and re-configuration of the site design. When Mr. Munn finished his presentation residents were invited to ask questions and make comments.

There were no questions or comments from the public. Councillor Tweel asked if there would be anymore development on the site after the apartment building was built. Greg Munn responded that there would be no additional development as this would be fully constructed. Councillor Julie McCabe asked if there was one parking space per unit and Mr. Munn advised that there was. She added that she felt there should be additional spaces to accommodate guests. Please see the attached minutes from the public meeting.

ANALYSIS FOLLOWING THE PUBLIC MEETING:

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, shopping, 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. Also due to the proximity of services and amenities in the immediate area it would reduce the resident’s reliance on automobiles. 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 addition of 28 affordable housing units would provide more housing options within this neighbourhood.</i> ▪ <i>The proposal is close to</i> 		<ul style="list-style-type: none"> ▪ <i>The additional story and the combining of the two buildings would add more bulk to the building.</i> ▪ <i>Underground parking is being converted to surface parking. Therefore, there</i>

<p><i>amenities such as shopping, parkland and public transit.</i></p> <ul style="list-style-type: none"> ▪ <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> ▪ <i>The proposal would provide additional housing options for people who are looking to downsize and want to remain in their neighbourhood.</i> 		<p><i>will be less green area on the site.</i></p>
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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 approved. And further that a design review of the building be undertaken prior to construction and the design integrated into the development agreement.

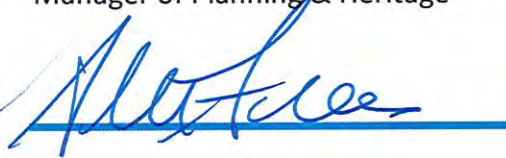
PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

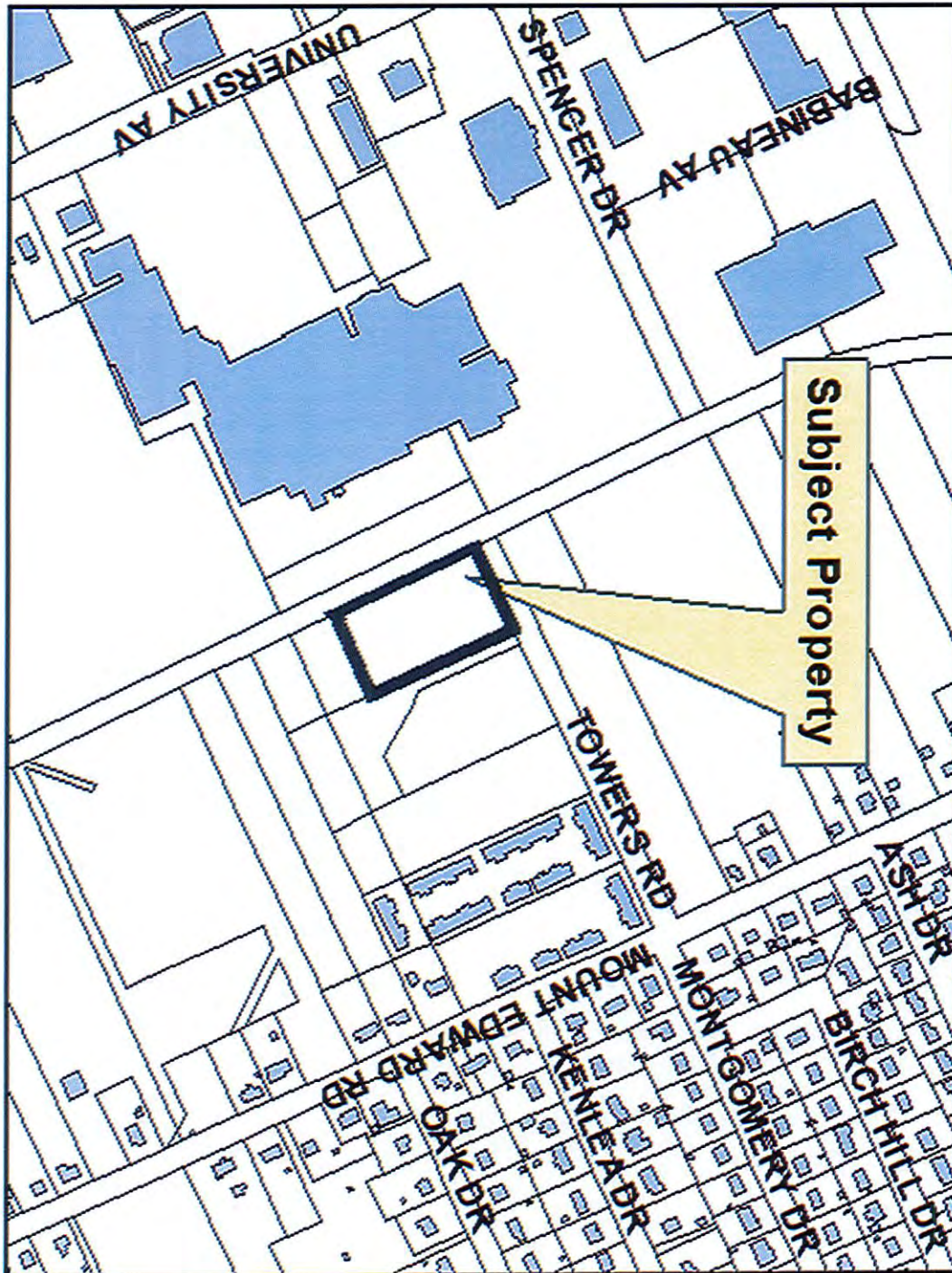


MANAGER:

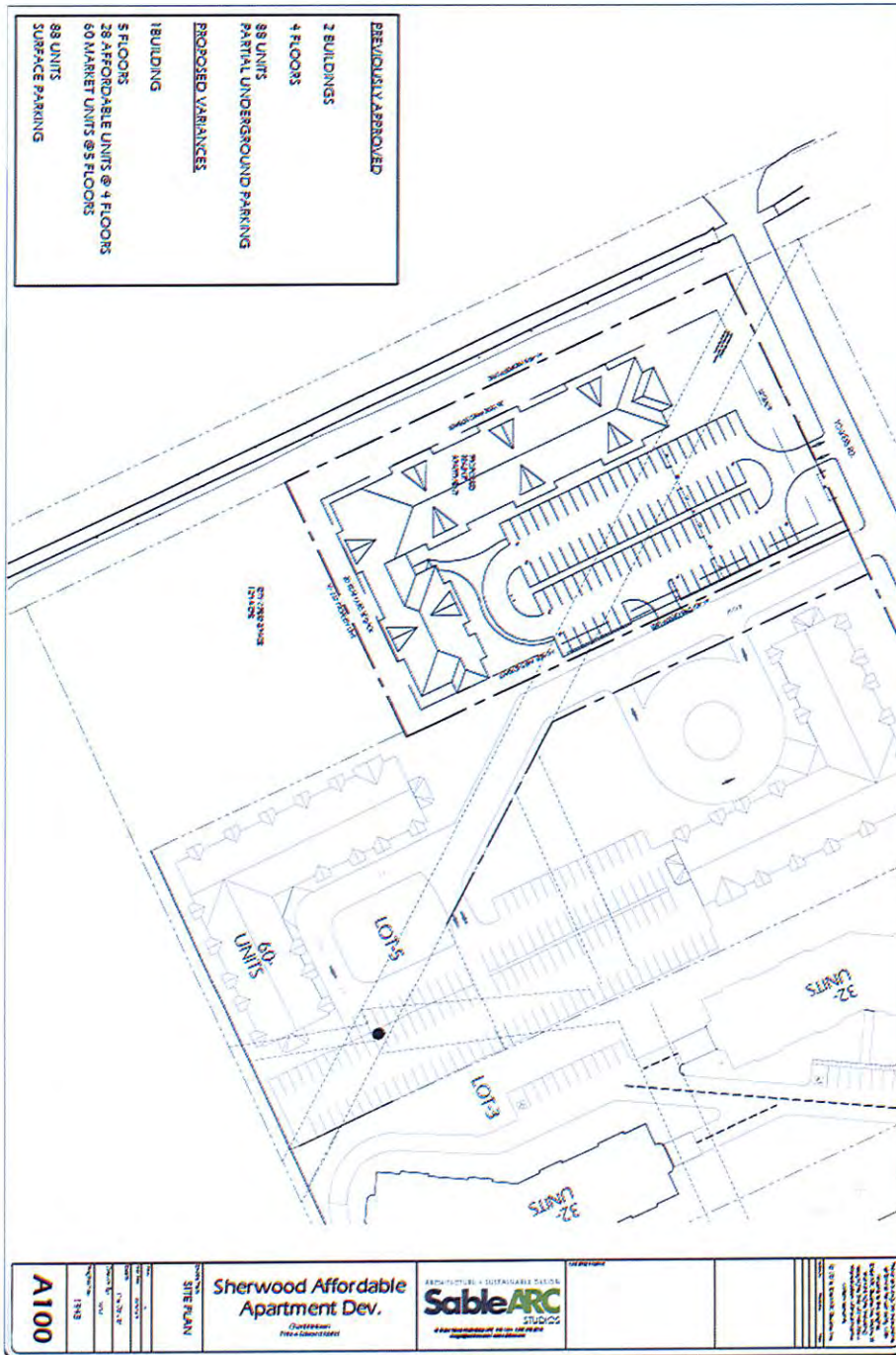
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



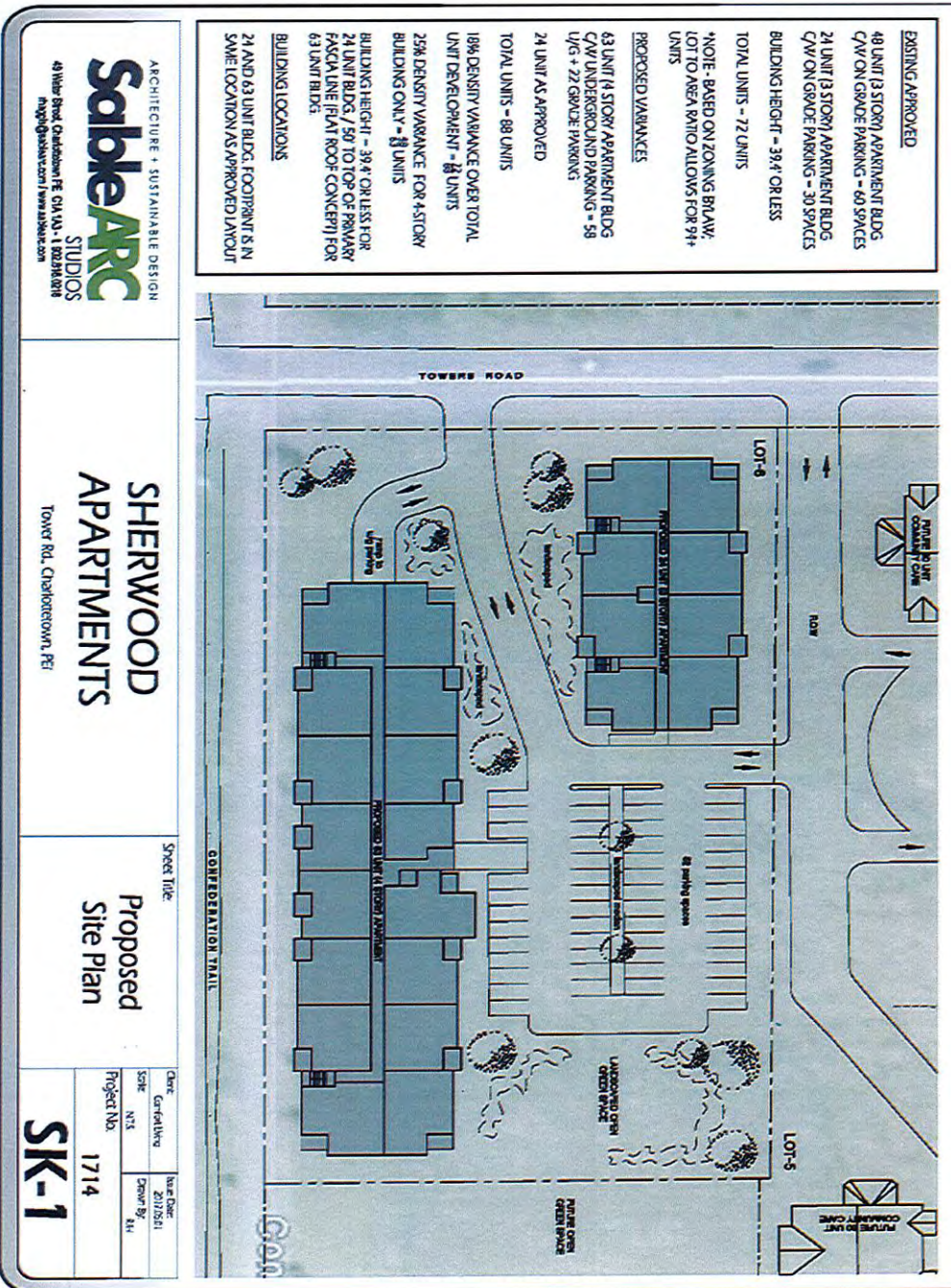
GIS Map:



Proposed Site Plan:



Current Site Plan:



Concept Elevations:



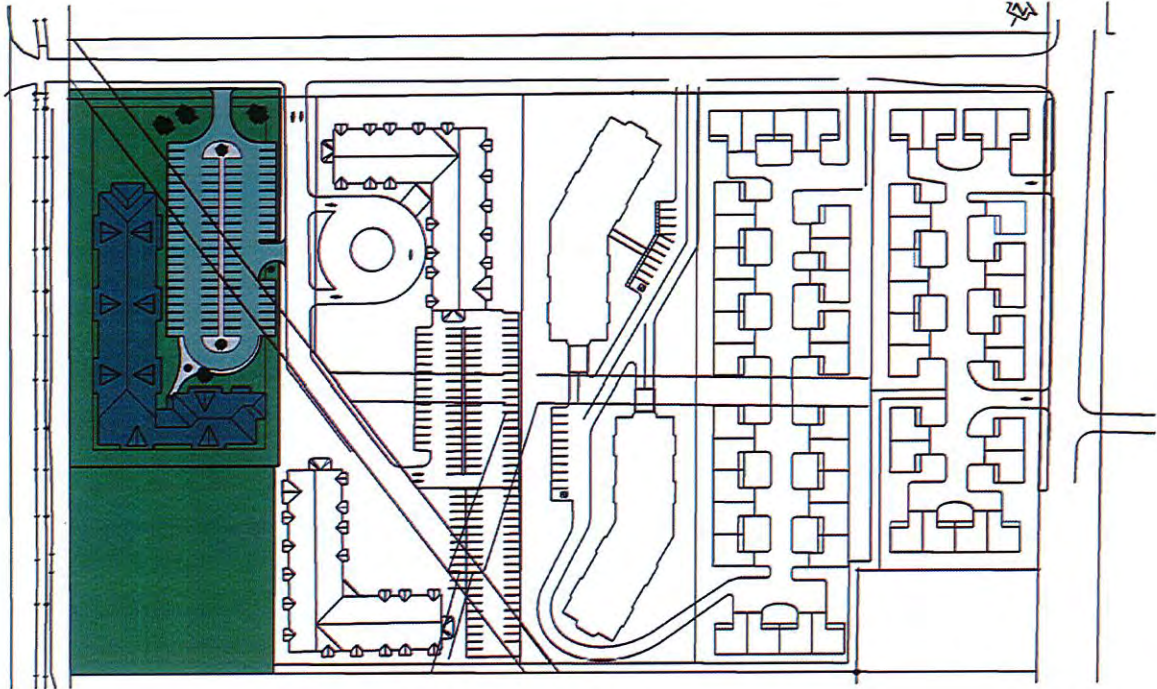


ARCHITECTURE • SUSTAINABLE DESIGN
SableARC Studios
Sherwood Affordable Apartment Development
5 Floors with 88 units
2019.10.17 Towers Rd, Charlottetown



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Over All Development Concept Plan:



ARCHITECTURE + SUSTAINABLE DESIGN
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