



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

Tuesday, August 04, 2020 at 4:30 p.m.
Council Chambers, 2nd Floor, City Hall, 199 Queen Street
Live streaming: www.charlottetown.ca/video

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Tuesday, August 04, 2020
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, July 06, 2020
- 5. Business arising from Minutes**
- 6. Reports:**
 - a) Rezoning**
 1. Corner of Towers Road and Mount Edward Road (PID #s 390534, 390559 and 390542) Laurel
Request to proceed to public consultation to amend Appendix “B” of the Zoning & Development Bylaw (Comprehensive Development Area (CDA) Parcels and Permitted Uses); a request to amend Appendix “A” the Official Plan Map from Low Density Residential to Comprehensive Plan Area; and to amend Appendix “G” of the Zoning & Development Bylaw to rezone a portion of PID # 390559 and PID #390542 from Low Density Residential(R-2S) to Comprehensive Development Area (CDA) to facilitate a mixed use development.
 2. 12 Valley Street (PID #358192) & 281 University Avenue (PID #358051 & PID #358077) Greg
Request to rezone a portion (approximately 416.3 sq m) of the property located at 12 Valley Street from the Low Density Residential (R-2) Zone to the Mixed-Use Corridor (MUC) Zone. This request is to proceed to public consultation only at this time but should also be noted that it includes a lot consolidation and variance request that will be dealt with following public consultation.
 3. 40-42 Kensington Road / 3 Park Street (PID #365676) Greg
Request to proceed to public consultation to rezone the property located at 40-42 Kensington Road / 3 Park Street (PID #365676) from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone. This request is to proceed to public consultation but should also be noted that it includes a variance request that will be dealt with following public consultation.
 - b) Others**
 4. Tim Hortons Drive-thru on Maypoint Road Alex
Request to permit a Tim Hortons drive-thru subject to proposed upgrades to Maypoint Road/ Capital Drive
- 7. Introduction of New Business**
- 8. Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
MONDAY, JULY 06, 2020, 4:30 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Present: Mayor Philip Brown
Councillor Greg Rivard, Chair
Deputy Mayor Jason Coady, Vice-Chair
Councillor Julie McCabe

Bobby Kenny, RM
Basil Hambly, RM
Kris Fournier, RM
Reg MacInnis, RM
Shallyn Murray, RM
Rosemary Herbert, RM*
(*participated via teleconference)

Also: Alex Forbes, PHM
Greg Morrison, PII
Laurel Palmer Thompson, PII

Robert Zilke, PII
Ellen Faye Catane, PH IO/AA

Regrets: Councillor Bob Doiron

1. Call to Order

Councillor Rivard called the meeting to order at 4:32 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Reg MacInnis, RM, and seconded by Shallyn Murray, RM, that the agenda for Monday, July 06, 2020, 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, June 01, 2020, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

Before the start of the discussions, Councillor Rivard advised the board that Laurel's reports will be presented first. Also, since the applicants for 385 Queen Street, 506 Malpeque Road and 270 Mount Edward Road were at the meeting, these applications will be reviewed first before proceeding with the other items in the agenda.

6. 53 Towers Road (Lot 2014-5) (PID #1076702)

This is a request to amend a comprehensive development plan and amend a development agreement to increase the density on the lot located at 53 Towers Road (Lot 2014-5) (PID #1076702) from 60 to 62 units. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

A 60-unit apartment was approved through the Comprehensive Development Plan process. The building is currently being constructed and the building includes two (2) guest suites to provide for overnight accommodation for visitors. These guest suites are not equipped with kitchens. Canadian Mental Health Association are looking for units for their tenants and reached out the applicant to see if the applicant is interested in providing units for the association's tenants and suggested that these guest suites be converted into bachelor units.

Staff does not have any issues with this request. However, any changes to the agreement would require that this go through the public meeting process. Staff is recommending that this proceed to public consultation.

Reg MacInnis, RM, asked where this application would stand should it receive opposition at the public meeting. Ms. Thompson responded that the public should be able to provide a good reason if they do not agree with the application. However, the final decision would still be up to Council whether to allow or reject the request for the additional two (2) units. If the application is rejected, the units would remain as guest suites with no kitchen and cannot be used as rental units.

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

Moved by Reg MacInnis, RM, and seconded by Basil Hambly, RM, that the request to amend the Development Concept Plan and Development Agreement pertaining to 53 Towers Road (Lot 2014-5) (PID #1076702), be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

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

These are amendments to the Zoning & Development Bylaw (PH-ZD.2) as it pertains to three different sections. Laurel Palmer Thompson, Planner II, and Alex Forbes, Planning & Heritage Manager, presented the application. See attached report.

(1) Section 20.2 Medium Density Mixed Use (MUR) Zone:

In 2016, the City adopted the East Royalty Master Plan. When this was adopted, there was a policy in the Zoning & Development Bylaw to implement the plan and the MUR Zone was created. The purpose of the zone is to create an area with various forms of housing options and topologies to prevent one continuous type of housing form throughout the East Royalty area. Since the adoption of the plan, staff has reviewed subdivision proposals within the MUR zone. With the recent subdivision applications, staff and developers had difficulties with the placement and spacing of certain building topologies along streetscapes to meet the

requirements of the zone. The current mixing formula made it difficult to provide any type of building groupings along the streetscape.

Staff is proposing that the regulations attached in the report be recommended to Council to proceed to public consultation.

Reg MacInnis, RM, asked what areas would staff have concerns. Ms. Thompson responded that when reviewing subdivision layout, the MUR zone is broken up in percentages for each type of housing unit. Most of the time, the mixing formula and spacing did not work, either the correct percentages cannot be provided or two buildings that shouldn't be adjacent to each other would be built. Staff is therefore looking at a formula that could work better in designing the subdivision and meeting market demand.

Ms. Thompson also noted that the previous bylaw's wording stated that, "a single-detached dwelling had to be located beside a run of semi-detached dwellings". However, when the bylaw was amended in 2018, the word "run" was taken out of the requirement. The developers would then locate a single-detached, semi-detached and single-detached which did not work and was not intended to be that case. Staff is now trying to correct that.

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

Moved by Mayor Brown and seconded by Councillor Julie McCabe, that the request to amend the Zoning & Development Bylaw (PH-ZD.2), as it pertains Section 20.2: Regulations for Mixed Density Distribution, be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

(2) Section 45.6 General Provisions for Subdivision & Section 45.12 Private Street Access

Staff is proposing for this this section that deals with private streets be removed from the current bylaw. In the past, the City has allowed the construction of some private streets and many of these private streets were constructed to minimum standards – narrower roads, safety concerns, drainage and snow removal issues. In addition, the City has had requests to take over ownership and maintenance of these substandard streets after the development has been sold.

The City has requirements for the construction of public streets and is summarized in the Zoning and Development Bylaw. Staff is recommending that all streets within the municipality be designed to Public Road Standards. Moreover, those existing private streets will be allowed to continue to be used and developed but if this amendment is approved, no new private streets will be permitted.

The amendments for Section 45.6 deal with removing any references to allowing the construction of new private streets within the City. It also establishes requirements for existing private streets within the City. There is also a provision added for rear lane access driveways

to be permitted in areas where multiple driveways onto a public street is not deemed appropriate in the interest of safety. These rear lane access must be constructed to a minimum standard to provide safe access for emergency vehicles.

Mayor Brown asked what the percentage is for the two (2) year security on roads and services. Ms. Thompson explained that the security is based on the road construction, services and cost of engineering and would be a 25% security. At provisional acceptance, 50% of the security is released and the remaining 50% is held for another year. At final acceptance, 25% is released and the remaining 25% is held until after the two (2) year period is met. Mayor Brown confirmed that this is equivalent to a warranty and Ms. Thompson agreed. Mayor Brown noted that the provincial government's warranty is 12 months and asked if this is a best practice among other jurisdictions. Ms. Thompson responded that she is not sure what other municipalities do but the two (2) year security has been the City's practice for over 20 years. Mr. Forbes added that other jurisdictions have other standards and requirements. Mayor Brown then clarified that the two (2) year period requirement of the City is to ensure that the roads meet all the city's requirements. Mr. Forbes shared that the city has had experiences in the past where roads are not built to acceptable standards. Ms. Thompson added that the security is held to ensure that developers are able to resolve issues that arise. Ms. Thompson also noted that there has not been a lot of private road constructions in the city. But for those that had private roads built, there have been issues on all of those roads. Other municipalities no longer allow private road constructions anymore and so staff is recommending that this section of the bylaw be removed and require all roads to be built to public road requirements.

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 Reg MacInnis, RM,, that the request to amend the Zoning & Development Bylaw (PH-ZD.2), as it pertains to Section 45.6 General Provisions for Subdivision & Section 45.12 Private Street Access, be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

(3) Section 44.12.4 Regulations for Fascia Sign General Provisions:

Mr. Forbes explained that the current regulations for fascia signs for commercial buildings in the downtown area were limited to four or five stories. However recent amendments to the Zoning Bylaw permit buildings in certain commercial zones to add additional stories if they satisfy design standards and require that the additional floors be step back from main building wall. Fascia signs should be placed on the top floor of the building. In cases where the top floors are stepped back, the signs will not be visible from the street. Staff is proposing that for buildings involving a step back above the fourth floor fascia signage could either be located on the 4th floor street wall frontage or the top of the stepped back building. In the event that the building includes a stepback above the fourth floor, additional fascia signage may also be located at the top of the four storey streetwall, below the stepback, provided that the maximum allowable sign area for the building wall will not be exceeded.

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

Moved by Mayor Philip Brown and seconded by Reg MacInnis, RM, that the request to amend the Zoning & Development Bylaw (PH-ZD.2), as it pertains to Section 44.12.4 Regulations for Fascia Sign General Provisions, be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

8. 385 Queen Street (PID #356923)

This is a request for one (1) minor variance to reduce the required lot frontage from 98.4 ft to approximately 94.1 ft in order to construct a 10-unit apartment dwelling at 385 Queen Street (PID #356923). Greg Morrison, Planner II, presented the application. See attached report.

The application was before the board in June 2020 and at that time, the applicants were proposing to retain the existing duplex along Queen Street and construct an eight (8) unit apartment dwelling. The board recommended approval but Council deferred the application.

The applicant revisited the plans and came back with a new proposal to demolish the existing duplex and construct a 10-unit apartment building, two (2) of which would be affordable units. The parking lot would now be relocated further away from Queen Street along Costello Lane. The applicant will revise the plan to adhere to the side yard setback requirement and avoid applying for a major variance. Therefore, the only variance required for this revised application would be the lot frontage variance. Four (4) letters of support and three (3) letters of opposition were received. Some of the concerns raised were surrounding parking, access onto Costello Lane, trees on the property that would be removed and potential tenant issues. Staff is recommending that the proposed variance be approved. The applicant, Riley Cameron, was present to provide additional information and answer any questions.

Councillor Rivard clarified that the original application had a total of three (3) variances. Mr. Morrison confirmed that the original application was for two (2) major variances and one (1) minor variance. The minor variance for lot frontage is the same variance application before the board today. Since the applicant is moving the building from 10 ft to 14.8 ft from the property line, the applicants would now meet the bylaw requirements. Councillor Rivard also confirmed that two (2) affordable housing units are still part of the proposal and Mr. Morrison confirmed.

Reg MacInnis, RM, asked if the applicants would still put a fence on the property. Mr. Morrison responded that if a parking lot abuts a residential property, the bylaw requires that it be landscaped with a 3.3 ft by 3.3 ft tall vegetation or a fence. It is staff's discretion and the applicant could do one or both options.

Riley Cameron, applicant, added that he spoke with some of the neighbouring property owners and they have indicated that they have no issues with the proposal other than a fence. Mr. Cameron indicated that he is in full support of putting up a fence.

Bobby Kenny, RM, asked if the proposed building would be two (2) storeys or three (3) storeys high. Mr. Cameron responded that it would be three (3) storeys and under 49 ft.

Mayor Philip Brown asked what the Council's concerns were from the last Council meeting resulting to a deferral of the application. Councillor Rivard indicated that he requested for the deferral to allow the applicants to address the concerns by Councillor Tweel on the density where, only six (6) units and the existing duplex are desired. Another concern was the traffic exiting onto Costello Lane and he preferred that the access be off Queen Street. Mr. Cameron responded that if he didn't get approval for the variances, he could continue to build a smaller apartment building with six (6) units instead of eight (8). However, the units will be much smaller. With the new proposal, Mr. Cameron would be able to build eight (8) units as-of-right and two (2) additional affordable housing units. These units would then be good sized, standard two (2) and three (3) bedroom units.

Mayor Brown asked if the affordable housing component would be through CHMC ruling. Mr. Morrison responded that the applicants are allowed an additional 20% density as long as they are affordable dwelling units and would receive some subsidy from the provincial/federal government. Mr. Cameron responded that he has been in touch with the provincial affordable housing program but indicated that they could not move ahead with the process until the proposed building design is available and variance is approved. Mayor Brown asked about how the affordable unit rentals would be and Mr. Cameron indicated that he is not sure at this point as there are different programs that are made available. As soon as the plans are in place, Mr. Cameron indicated that they should have a better idea on the affordable dwelling unit rental requirements.

Councillor McCabe noted that concerns on snow removal were raised during the last meeting. Mr. Cameron explained that since the setback of the property has been adjusted to almost 15 ft. there would be more green spaces on Costello Lane to address the snow removal concerns. Mr. Kenny also noted that the previous application did not have a lot of green space and Mr. Cameron agreed that this new proposal would provide more green space.

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 for one (1) minor variance to reduce the required lot frontage from 98.4 ft. to approximately 94.1 ft., in order to construct a ten (10) unit apartment building with access to Costello Lane, two (2) of which would be affordable units, for the property located at 385 Queen Street (PID #356923), be recommended to Council for approval.

**CARRIED
(9-0)**

9. 506 Malpeque Road (PID #402735)

This is a request to reduce the minimum side yard setback requirement of 1.8 metres (6ft) to approximately 0.9 metres (3ft) in order to convert an existing accessory structure into a garden suite, which is a self-contained dwelling unit, and located in the side yard of the existing single-detached dwelling at 506 Malpeque Road (PID #402735). Robert Zilke, Planner II, presented the application. See attached report.

The property is a fairly large property with a tree line located along the north of the property. The existing accessory structure is a one-storey unit built on slab. The previous owners used it for their home occupation (Art Gallery) business. Accessory structures are ideally located at the rear of the property. This structure is located beside the main dwelling. Staff do not see an issue with the existing structure and is recommending for approval of the requested variance. The applicant, Tanya Dickey, was present to answer any questions.

Ms. Dickey added that the accessory structure does not have any windows at the back so the adjacent property will not have any privacy issues. Ms. Dickey also confirmed that it was used as rental unit by the previous owners and would like to legalize the use of the structure as a garden suite.

Reg MacInnis, RM, asked Ms. Dickey if they are looking to use it as rental units in the future. Ms. Dickey confirmed and that is the main reason why they would like to legalize it as a garden suite. 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 Reg MacInnis, RM, that the request to reduce the minimum side yard setback requirement from 1.8 m (6 ft) to approximately 0.9 m (3 ft), in order to allow for an existing accessory structure be used as a garden suite in the side yard of the property located at 506 Lower Malpeque Road (PID #402735), be recommended to Council for approval.

**CARRIED
(9-0)**

10. 270 Mount Edward Road (PID #663948)

This is a request to vary the height of an existing accessory structure from 5.3m (17.5 ft) to 7m (23 ft) and vary the size of an existing accessory structure from 750 sq.ft. to 1,200 sq.ft. in order to permit an enlarged accessory structure at 270 Mount Edward Road (PID #663948). Robert Zilke, Planner II, presented the application. See attached report.

This application was before the board in 2019 to determine whether a variance application would be permitted for accessory structures. A legal opinion indicated that variances on accessory structures would not be permitted. The previous bylaw allows variances for principal uses only. When the bylaw was amended in 2018, the variance section has been changed. Interpretation from the applicant's lawyer indicated that variances could be applied on accessory structures. Staff revisited this and confirmed that variances could be applied.

Staff reviewed the application and analyzed it based on land use merits. Mr. Zilke noted though that the structure was already built and was constructed without a building permit. The structure was built to replace an older garage. A complaint was received initially and during staff's investigation, it was confirmed that it was in the midst of construction. At that time, the owners stopped construction and then proceeded to apply for variances to vary the height and size of accessory structures. The current structure consists of two (2) storeys. Mr. Zilke noted that this review is based on land use, built, form and compatibility with the neighbourhood only and not on the fact that the applicant already built it without a permit.

The principal dwelling is a two (2) storey dwelling. The existing accessory structure is located at the rear of the property. It is screened by an existing tree canopy. The second floor has a landing and a door which could be an access for a potential residential suite above the garage. While the application tonight is for an accessory structure, there is a potential for the building to be used as a garden suite. The structure meets all the setback requirements except for the height and gross floor area. Staff is recommending that the variances be rejected.

In the past, staff does not accept variances for accessory structures but as a result of the most recent bylaw's interpretation, it was confirmed that variances could apply to accessory structures. There is no official plan policy that supports enlarged accessory structures. If the application was for a garden suite, certain sections of the official plan could apply. One of staff's concern is that this application could set a precedent for future applications for larger accessory structures. Staff is also recommending that instead of approving one application on a case by case basis, staff could review developing garden suite design criteria in the future.

Councillor Rivard clarified if staff was on site during the construction of the structure. Mr. Zilke explained that staff received a complaint and had staff visit the site. The building inspector confirmed that construction is on-going. There was no permit at that time and an order to stop work was issued. At that time, the applicants ceased work and then applied for the variances. Councillor Rivard then asked if a permit was issued and Mr. Zilke responded that a permit was not issued. Councillor Rivard asked if the images shown on the screen was the state of the building at the time the inspectors visited the site. Mr. Zilke confirmed. The applicant was present to answer any possible questions.

Ms. Herbert asked if the structure would fit the criteria for a garden suite but not an accessory structure. Mr. Zilke responded that garden suite follow the same regulations as the accessory structure requirements. This application does not meet the garden suite lot size requirement at this time. There is a proposal to decrease the lot size from 0.5acre to 0.3acre. If this was approved, it would then meet this criteria but still, not meet the gross floor area and height requirements. If this was converted to a garden suite, the same variance application would still be required.

Mr. Zilke added that staff received one (1) letter of support and one (1) letter of opposition. The letter of opposition indicated that their concerns were non-compliance to the bylaw and potential precedent this could set for other properties to do the same. The letter of support was from the adjacent property owner and the letter indicated that the new building was a good replacement of

the dilapidated garage, could increase property values and potentially provide accommodation for student rentals.

Mr. MacInnis asked what will happen if this application is rejected. Mr. Zilke responded that the structure would have to be altered to be in compliance with the regulations. Mayor Brown asked what the legal opinion is on when we say this could set a precedent. Mr. Zilke responded that each land use application is analyzed on a case by case basis. It does not set a precedent in the same way that a legal case may. This could be an example where, if this was approved, residents could argue and say, this was approved and so why other larger accessory structures cannot be approved. While there are no legal basis for precedent setting, there could be a perceived notion.

Councillor McCabe asked if the garden suite could be looked at differently if it was situated on top of the garage. Mr. Zilke responded that the garden suite would still be based on the floor area. Councillor McCabe asked if the bylaw could be amended consider the garden suite area separately with the accessory structure requirements. Mr. Zilke responded that it was one of his points in his presentation.

Councillor Rivard asked Michael Young, owner, why they did not get a permit before building the structure. Mr. Young responded that he made a mistake taking advice from a friend who mentioned that they would help him with the permit process. The permit was unfortunately sent to the provincial office instead of the Planning & Heritage Department. Mr. Young was only made aware that there was no paperwork in place when the stop work order letter was sent. As soon as that was received, Mr. Young reached out to the department to settle this.

Councillor Rivard indicated that the board is in a tough spot because the structure is bigger than what would be allowed and at the same time and if the variances were not granted, Mr. Young would have to tear down the second floor of the building. Approving this request may be perceived negatively by other residents. Mr. Young explained that the property is 0.46 acre and the structure is 22 ft 8in and is aware that this is not within the requirements. Councillor Rivard noted that the board is accountable to the residents to ensure that the correct recommendations are made in accordance to the bylaw. Mr. Young noted that he heard the discussions about the garden suite and he would like to take that route instead to be able to get the variances approved.

Mr. MacInnis recommended that this application be deferred until the garden suite regulations are revisited. Mr. Zilke responded that should the applicants come back and apply for variances to the garden suite, the variances would remain the same. Planning Board requested that staff research and bring forward possible regulations for garden suites that would regulate the built form (i.e. mass and scale) that has been done in other municipal jurisdictions.

Ms. Murray asked if anyone could apply for a garden suite or is this the first application for staff. Mr. Zilke stated that this is the first time a variance is being accepted on accessory structures. Mr. Fournier asked if there are any other second floor garden suites in the city at this time. Mr. Zilke responded that there are older carriage houses where the lofts have been converted to living space. Owners would still have to apply to legalize the garden suites, this is why staff created a registry process.

Mr. Hambly asked Mr. Young if they plan to rent out the second floor and Mr. Young confirmed and indicated that because of the current situation, he does not have the financial means to tear down the second floor of the structure should this be rejected. Mayor Brown asked if this would be for short or long term rentals. Mr. Young responded that it would be for long term rentals and that it is not intended for Airbnb.

Councillor Rivard pointed out that he is not saying that the structure does not look good but his point is that it violated the current bylaw regulations.

Ms. Murray asked what the basis is for the height variance and what would be an acceptable height variance. Mr. Young responded that regardless of the what the acceptable height would be, it will not change the current look of the structure. Mr. Zilke responded that decisions would be based on the massing and scale of the accessory structure to the principle dwelling and other buildings in the vicinity.

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 Mayor Philip Brown, that the request to:

- **Vary the height of an existing accessory structure from the maximum allowable height of 5.3m (17.5 ft) to 7m (23 ft); and**
- **Vary the maximum gross floor area of an existing accessory structure from the maximum gross floor area of 750 sq. ft. to 1,200 sq. ft;**

in order to permit the existing accessory structure on the property located at 270 Mount Edward Road (PID #663948), be deferred.

**CARRIED
(8-1)**

Bobby Kenny opposed

11. 131 Sydney Street (PID #339077); 330 University Avenue (PID #359687); 70 Grafton Street (PID #340273); and 41 Allen Street (PID #371690)

This is a request for a temporary structure variance in order to utilize required parking for an outdoor patio for the 2020 summer season in order to adhere to social distancing requirements. Greg Morrison, Planner II, presented the application. See attached report.

Due to the coronavirus pandemic, social distancing requirements and restaurant restrictions have been in place. Several establishments have since then explored alternative options to provide more seating for their operations while adhering to public health requirements. One of the options is to have outdoor seating. The bylaw indicated that outdoor seating cannot be located on required parking spaces unless there is an excess number of parking spaces. The applications tonight for outdoor seating would be in required parking spaces and therefore, cannot be reduced without applying for a variance for temporary structures, which is for a maximum of one year. The

Planning & Heritage Committee also determined that the application fees for these types of variances may be deferred until the end of September 2020.

Four (4) establishments applied for this temporary variance:

- (1) The first application is for 131 Sydney Street (Old Dublin Pub) and the applicants are requesting for three (3) parking spaces to be used for outdoor seating. The proposal is to locate a patio below the existing patio on the second floor. Letters were sent out to property owners within 100 meters and a total of four (4) letters were received in support of this application.

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

Moved by Rosemary Herbert, RM, and seconded by Councillor Julie McCabe, that the request for a temporary structure variance for an outdoor patio occupying three (3) required parking spaces at 131 Sydney Street (PID #339077), until the end of October 2020, be recommended to Council for approval.

**CARRIED
(9-0)**

- (2) The second application is for 330 University Ave (Seoul Food Restaurant) and the applicants are requesting for three (3) parking spaces to be used for outdoor seating. The proposal is to locate a patio in front of their business. Letters were sent out to property owners within 100 meters and no letters were received for this application.

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 Kris Fournier, RM, that the request for a temporary structure variance for an outdoor patio occupying three (3) required parking spaces at 330 University Avenue (PID #359687), until the end of October 2020, be recommended to Council for approval.

**CARRIED
(9-0)**

- (3) The third application is for 70 Grafton Street (The Pilot House). The applicants currently have an existing patio and are requesting for an additional two (2) parking spaces to expand the existing patio towards the sidewalk. Letters were sent out to property owners within 100 meters and two (2) letters were received in support of this application.

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 for a temporary structure variance for an outdoor patio occupying two (2) required parking

spaces at 70 Grafton Street (PID #340273), until the end of October 2020, be recommended to Council for approval.

**CARRIED
(9-0)**

- (4) The fourth application is for 41 Allen Street (Upstreet Craft Brewery). The applicants are requesting for five (5) parking spaces. There is an existing small patio and they are looking to expand the patio on the parking spaces in front of the business. A plan for a food truck was part of the discussion but is not part of this current application. Letters were sent out to property owners within 100 meters and two (2) letters were received. The two letters were neither in support or opposed to the application but indicated concerns on whether customers would potentially park on Walthen Drive or Van Kampen's Greenhouse. Staff discussed the concerns with the applicant and business owner and they have indicated that under normal circumstances, Upstreet Brewery could accommodate approximately 100 people. Due to the current restrictions, four (4) tables were setup and this could only accommodate a maximum of 16 people inside the building, and potential takeout customers. The additional outdoor patio could accommodate 30 people, which would approximately be half the capacity under normal circumstances. Staff felt that the remaining parking spaces would still be sufficient to accommodate the customers for this establishment.

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

Moved by Bobby Kenny, RM, and seconded by Basil Hambly, RM, that the request for a temporary structure variance for an outdoor patio occupying five (5) required parking spaces at 41 Allen Street (PID #371690), until the end of October 2020, be recommended to Council for approval.

**CARRIED
(9-0)**

12. 35 Connolly Street (PID #358556)

This is a request to rezone the subject property at 35 Connolly Street (PID #358556) from the Shopping Centre Commercial (C-3) Zone to the Mixed-Use Corridor (MUC) Zone in order to construct a single-detached dwelling on the vacant property. Greg Morrison, Planner II, presented the application. See attached report.

The property in question is quite narrow but would meet the requirements of an R-1N Zone. Rezoning to MUC zone would allow a single-detached dwelling to be constructed under R-1N Zone requirements. The neighbourhood is composed of a commercial centre and residential dwellings, which could be considered to be a mixed use neighbourhood. The north side of Connolly Street is zoned C-3 and the south side is zoned MUC. The north side contains several residential dwelling units, the property in question and the shopping centre. The south side is a mixed-use development consisting of residential dwelling units, parking lots and the Bingo Hall. The single detached dwellings in the C-3 zone are considered legal non-conforming and the current

bylaw does not allow single detached dwellings to be constructed. The MUC zone, however, would allow for single detached dwellings to be constructed.

Because of the lot size, the only permitted use in the MUC zone should this be rezoned would be a single-detached dwelling. There are several items in the Official Plan that could support this type of application. However, staff is recommending that the application be rejected to proceed to public consultation. Since there is a commercial nature to the neighbourhood, rezoning it to allow for a residential dwelling would likely remain residential in the future instead of having the neighbourhood return to its permitted zoning. Typically, smaller and older residential dwellings are demolished in order to develop a larger commercial building. Constructing a new residential dwelling on a commercial neighbourhood would result to this newer dwelling remaining on the property. Staff felt that the existing area/neighbourhood is intended for larger commercial development and there are only very few properties in the city that are zoned C-3.

A single detached dwelling existed on the property that was demolished in 2002. Since then, the owners had limited options for development because of the size of the lot. Constructing a new single detached dwelling on the property may pose potential land use conflicts. Staff also realized that should this application be rejected, there would be limited options for future development unless this property is consolidated with another property or several variance applications be considered.

Councillor Rivard noted that majority of the properties along the street leading to the vacant property are residential dwellings and Mr. Morrison confirmed. Mr. Morrison noted though that the mixed-use building on the corner should also be considered and that the two (2) residential dwellings adjacent to the vacant property are both legal non-conforming dwellings. Reg MacInnis, RM, identified several properties along Valley Street and Connolly Street owned by the Sherwood Parkdale Lions Club. There are very few older residential dwellings left in that area and these older houses could have potential for future development.

Alex Forbes, PHM, added that the department is trying to provide a balanced opinion in this application but there is not much shopping centre zoning readily available in the city. This vacant property may become valuable for someone in the future who wishes to develop this area into commercial, versus a developer wanting to rezone the property to accommodate a residential house.

Mayor Brown asked with the C-2 zone is not included in the C-3 zone and Mr. Morrison explained how the bylaw provides specific step down zoning process.

Rosemary Herbert, RM, shared that she has mixed feelings on this application since it is a nice proposal for the vacant lot but the issue on the zoning and future development has to be considered as well.

Mayor Brown asked if this is a request to go to a public consultation and Mr. Morrison confirmed. Mayor Brown felt that it would be good to hear comments from the public. Mr. MacInnis noted that he agreed with staff's recommendation in order to keep the composition of the neighbourhood

and accommodate potential future commercial use. Kris Fournier, RM, asked how long this property has been vacant and Mr. Morrison responded that it has been vacant since 2002. Ms. Herbert asked if the city would like to see more shopping malls in the area. Mr. Morrison responded that it is important not to reduce the existing stock of commercial zoned lots available in the city. If this property is rezoned, there could be a potential demand or request to rezone other properties in the city to accommodate more commercial land use.

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 Kris Fournier, RM, that the request to rezone the vacant property located at 35 Connolly Street (PID #358556) from the Shopping Centre Commercial (C-3) Zone to the Mixed-Use Corridor (MUC) Zone, be recommended to Council to reject to proceed to public consultation.

**CARRIED
(5-4)**

Mayor Brown, Councillor McCabe, Bobby Kenny and Shallyn Murray opposed

13. Lot 19-1 Sherwood Road (PID #1107200)

This is a request to rezone the subject property located at Lot 19-1 Sherwood Road (PIDs #1107200) from the Comprehensive Development Area (CDA) Zone to the Business Park Industrial (M-3) Zone and amend Appendix “A” the Official Land Use Map from Comprehensive Planning Area to Industrial. A lot consolidation is also included as part of the application. Robert Zilke, Planner II, presented the application. See attached report.

A public consultation was held on June 30, 2020. One resident spoke at the public meeting. The applicant was also at the meeting to respond questions. The purpose of the rezoning is to cleanup the split zone on the subject property and if approved, would allow the applicants to subdivide the property and develop it into office spaces to the east of the property and truck maintenance services to the west. Staff is recommending approval of the proposed rezoning, subject to the terms and conditions outlined in the report. This application also includes a lot consolidation.

Councillor Coady added that the tree buffer requirement is a good idea to buffer the industrial uses with the residential areas located behind the subject property. Mr. MacInnis asked if a tree buffer is also required along the Island EMS building. Mr. Zilke responded that this is not required. Mr. Hambly asked if the property on the left of the subject property is vacant and Mr. Zilke confirmed.

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

Moved by Mayor Philip Brown and seconded by Reg MacInnis, RM, that the request to:

- **Amend Appendix “A” – Future Land Use Map of the Official Plan from Concept Planning Area to Industrial for the property located at Lot 19-1 Sherwood Road (PID #1107200);**

- Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from the Comprehensive Development Area (CDA) Zone to the Business Park Industrial (M-3) Zone for the property located at Lot 19-1 Sherwood Road (PID #1107200); and
- Subdivide PID #1107200 and consolidate a portion with PID #145961,

be recommended to Council for approval, subject to the following:

- 1) Adhering to the Terms & Conditions pertaining to infrastructure servicing outlined in the report;
- 2) Construction of both a fenced and treed landscaped buffer all along the northern periphery of the property line that abuts the Low Density Residential (R-2) zoned property.

**CARRIED
(9-0)**

14. John Yeo Drive (PID #388249)

This is a request to consolidate two properties in the Business Park Industrial (M-3) Zone located at John Yeo Drive (PID #388249). Robert Zilke, Planner II, presented the application. See attached report.

This application was before the board in June 2020 and at that time, Council approved the requested variance. The application before the board tonight is to consolidate a portion of PID #388249 with PID #388272 and subdivide into two lots. The portion that is being consolidated was originally intended for a future road connector for lands to the north. However, after consultation with Public works, it was determined that the road connector would no longer be required. Access to the lands would be directed from Sherwood Road. Staff is recommending approval of the proposed lot consolidation.

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 Councillor Julie McCabe, that the request to subdivide a portion of 21 John Yeo Drive (PID #388272) and consolidate said portion with John Yeo Drive (PID #388249), be approved, subject to a final pinned survey plan.

**CARRIED
(9-0)**

15. Amendments to the Zoning and Development By-law

These are proposed amendments to the Zoning & Development Bylaw pertaining to decrease the minimum lot size area for a Garden Suite, permit Mobile Canteens to start operations in April, creation of a Manufactured Housing Residential (MHR) Zone, insert Dormitory into the Institutional (I) as a permitted use, insert Storage Facility into the Light (M1), Heavy (M2), Business Park (M3) Industrial Zone(s), Parking Space Standards, adding Dormitory and Storage Facility to Appendix A: Definitions Zilke, Planner II, presented the application. See attached report.

A public consultation was held on June 30, 2020. At the public meeting, one resident asked about the garden suite amendments.

Councillor Rivard noted that this application is where the board could look at the Garden Suite and determine if this needs to be deferred. Mr. Zilke confirmed that this garden suite amendment is to reduce the lot size to 0.3acre. The direction is to reevaluate the requirements for garden suites in terms of built form and do a comprehensive amendment.

Mayor Brown asked this amendment would have to go back to public consultation if it was deferred. Councillor Rivard responded that if this was deferred, it does not have to go back to public consultation. However, any future amendments to the garden suite regulations would require public consultation.

Councillor McCabe noted that since these amendments have already been to a public consultation, she recommended that the board move ahead and approve the proposed amendments. Should there be any future enhancements as it relates to garden suites, it could then be reviewed by the board in the future.

Councillor Rivard explained that he suggested that the garden suite amendment piece be deferred so that it could be reviewed in its totality and not have garden suite amendments presented back in another public meeting. It may draw some red flags for residents. Councillor McCabe responded that the amendment to decrease the lot size was already presented at the public meeting and Council would still have to decide whether they would accept this amendment or not.

Ms. Herbert asked about the rationale supporting the garden suite. One of the main issues supporting it is the vacancy rate and need for housing and requested if staff could do a study or analysis of what the vacancy rate would be after all the approved apartments are constructed. Mayor Brown responded that at the public meeting, the resident noted that changing the lot size to 0.3acre would increase the number of properties eligible for garden suites being increased from 380 to 1900 and that it could change neighbourhoods. Ms. Herbert agreed and added that there could be a potential of 1900 more garden suites in the city. Ms. Herbert then asked if 1900 more garden suites is necessary. Councillor Rivard responded that it is a moving target and members of the board may have a different opinion on this. Mayor Brown felt that there will not be a flurry of applications in the near future. Reducing the lot size requirement would only provide options for some residents who would want to build a garden suite and it doesn't mean that all property owners would end up applying for it. Ms. Herbert asked how many applications have been received over the past year and Mr. Zilke responded that there were two official applications.

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 Shallyn Murray, RM, that the proposed Zoning & Development Bylaw amendments pertaining to:

- **Section 5.7.1.b: Garden Suites;**
- **Section 5.17: Mobile Canteens;**

- **Section 13: Manufactured Housing Residential (MHR) Zone;**
- **Section 21: Institutional Zone;**
- **Section 23: Mixed Use Corridor Zone;**
- **Section 35: Light Industrial (M-1) Zone;**
- **Section 36: Heavy Industrial (M-2) Zone;**
- **Section 37: Business Park Industrial (M-3) Zone;**
- **Section 43.1: Parking Space Standards; and**
- **Appendix A. Definitions,**

be recommended to Council for approval.

CARRIED
(9-0)

16. New Business


There are no new businesses discussed.

17. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Reg MacInnis, RM, that the meeting be adjourned. The meeting was adjourned at 6:38 p.m.

CARRIED

Councillor Greg Rivard, Chair

TITLE: REQUEST FOR PUBLIC CONSULTATION FOR A DEVELOPMENT CONCEPT PLAN AND REZONING, FILE: PLAN-2020-04-AUGUST-6 PROPERTY NORTH OF TOWERS ROAD OWNER: G. Stewart MacKay Real Estate Ltd. APPLICANT: APM COMMERCIAL		
MEETING DATE: August 4, 2020		Page 1 of 14
DEPARTMENT: Planning & Heritage	ATTACHMENTS: GIS Map, Preliminary Survey Drawing, Concept Site Plan, Building Concepts	
SITE INFORMATION: Context: Comprehensive Development Area Zoned Land Ward No: 8 – Highfield Existing Land Use: vacant Official Plan: Comprehensive Planning Area and Low Density Residential Zoning: (CDA) Comprehensive Development Area and R-2 Low Density Residential		

RECOMMENDATION:

Staff encourages Planning Board to recommend to proceed to public consultation to amend to Appendix “B” of the Zoning & Development Bylaw (Comprehensive Development Area (CDA) Parcels and Permitted Uses); a request to amend Appendix “A” the Official Plan Map from Low Density Residential to Comprehensive Plan Area; and to amend Appendix “G” of the Zoning & Development Bylaw to rezone a portion of PID # 390559 and PID #390542 from Low Density Residential(R-2S) to Comprehensive Development Area (CDA) to facilitate a mixed use development).

BACKGROUND:

Request

This is an application in accordance with Section 41 of the Zoning & Development Bylaw, to amend Appendix “B” of the Zoning & Development Bylaw (Comprehensive Development Area (CDA) Parcels and Permitted Uses) in order to develop land as a mixed use residential neighbourhood consisting of townhouses, apartment dwellings and a commercial health care facility along Mount Edward Road.

Section 41.2.5, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw requires that Council approve the Development Concept Plan for the site prior to the approval of new buildings or uses occurring on the site. The 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 CDA Zone allows Council to approve any uses or mix of uses allowed in any zone of the Zoning and Development Bylaw including innovative mixed-use developments subject to a development concept plan and development agreement.

In addition to the comprehensive development plan approval process the applicant is also requesting to rezone a portion of PID # 390559 and PID #390542 from R-2S (Low Density Residential) to CDA (Comprehensive Development Area). The rezoning process will run simultaneous with the comprehensive development plan approval process as these properties will form part of the overall development concept plan for this area.

Development Context

The properties in question are PID# 390534, PID#390559 and PID#390542. The total acreage for the properties is 14.78 acres. They are bound to the north by CDA zoned property and R-2S zoned land, to the east by Mount Edward Road, to the south by a former private road that leads to the Charlottetown Mall (Towers Road) and to the west by the Confederation Trail and C-3 (Shopping Centre Commercial) zoned land containing a number of commercial box stores and the Charlottetown Mall.

The development concept plan that has been submitted by the applicant contains a mix of buildings with varying density and uses. The plan includes:

- 1 four story apartment building containing 60 affordable housing units.
- 2 five story apartment buildings containing 88 market units.
- 1 five story apartment building containing 78 market units.
- 7 town house buildings containing a total of 36 dwelling units.
- 1 commercial health care facility.

Parking for the development will be surface parking.

Staff would note that there is no minimum lot area requirement for density in the CDA Zone. All density is approved by way of a development concept plan and a development agreement.

ANALYSIS:

This area of the City surrounding the Charlottetown Mall and along Mount Edward Road has experienced significant growth in the past 10 years with the area behind the Charlottetown Mall developing into the Sherwood Greens Development. In addition there has been significant pressure in the past two years for development on this tract of land which runs behind Mount Edward Road and stretches north of Tower's Road to the Arterial Highway. The subject properties are included within this tract of land. Many of the development proposals received for this area proposed single lane driveway accesses to Mount Edward Road. It was identified early in the process that multiple driveway accesses to individual developments could pose a safety issue relating to access onto Mount Edward Road. In addition these types of long driveways, some stretching over 1000 ft in length were not ideal and posed concerns for emergency vehicles to reach buildings. Therefore, early in the process it was determined by City staff that a traffic master plan would need to be initiated to determine the most appropriate locations to provide access to this area, to determine locations for internal roads and the feasibility of extending adjoining roads such as Spencer Drive through this tract of land. The City's traffic master plan is currently being carried out and a final report is expected in 4-6 weeks.

In addition to the City's traffic master plan the applicant also commissioned a traffic study at the City's request for his development proposal. The applicant's traffic consultant identified that *"all the development's driveways are projected to operate with excellent to good LOS A to C. No operational issues are projected. However, it is noted that the driveways for the townhomes and the community health centre are in proximity to the signalized intersection at Mt. Edward Road/Towers Road/Montgomery Drive and may be impacted by vehicle queues during peak hours."* The applicant's traffic report also identified, *"that with the development in place future conditions (2025) the study area intersections are projected to have increases in vehicle delays, and some may experience poor levels-of-service (LOS F)."* Within the report the traffic consultant summarized the issues that potentially could happen at each intersection and identified proposed improvements to mitigate these issues.

The applicant's traffic report was also circulated for review to the Manager of Public Works and after receiving a draft of the City's traffic master plan he stated, *"that from a Public Works standpoint, APM's project can move ahead, conditional that the final master traffic plan being prepared for the City confirms that a north/south connector through APM's property is not required over this portion of property."* He has confirmed that he expects to have this traffic report in the next 4-6 weeks. However, he has stated that, *"The major concern is driveway access to the City ROW. It is recommended that the proposed site plan be modified so that there are only 2 driveways in and out of the property: 1 located approx. midway on Tower's Rd and 1 located approx. midway on the future Spencer Dr extension road. This will help with future traffic concerns. Any access to Mt Edward Rd. would not be recommended from this development."* In

addition along the north boundary of this proposed development the concept plan shows a corridor of land that is reserved for a future public road connector to Spencer Drive. It is imperative that this corridor of land be deeded to the City if the development concept plan is approved. This road corridor must be deeded at the time the Development Agreement is executed.

There were various sections of the Official Plan that were considered by staff in deliberation of this application. This area of Sherwood was identified as one of the key re-urbanization areas in the City when the Official Plan was originally adopted following amalgamation in 1999. Section 3.6 of the Official Plan states,

3.6 Concept Plans

Starting Point

There are within the new municipality several key re-urbanization areas which need to be strategically positioned so as to help shape and direct future urban growth and development in Charlottetown. Collectively, these sites offer the potential to:

- *accommodate future residential, commercial, industrial, and recreational growth;*
- *provide commercial and high technology employment clusters;*
- *protect and enhance strategic open space and viewscape characteristics; and*
- *contribute to efficient modes of transportation.*

These re-urbanization areas are critical not only to the form and substance of Charlottetown's urban future, but also to its image and identity. Although not specifically mentioned in the Report of the Boylan Commission, these sites embrace many of the characteristics the Commission identified as essential to developing a "farsighted approach to what the City may be not just in the 21st century but also into the 22nd century."

To enable them to achieve this full potential, each of these re-urbanization areas requires a concept plan prior to being developed. The City's site development principles will form the basis for concept plans for lands within the Comprehensive Development Area zoning classification. Initial development concepts for each site have been identified through the research and consultation which took place as part of this planning process. These impressions are incorporated within the following summaries of each key re-urbanization area.

Charlottetown Mall - Area

The Charlottetown Mall currently is the largest shopping centre in Prince Edward Island, and along with Canadian Tire, Sobeys and now Wal-Mart, is a significant commercial area. These factors, combined with its direct proximity to the City's major arterial routes, have led to the designation of this major retail area as the City's major suburban centre.

As residential development in the neighbourhoods of Sherwood, West Royalty, and Winsloe continues, there will be a requirement for expanded commercial services and institutional facilities to sustain these communities. As a designated suburban centre, higher density residential development may become established here. A concept plan for this area should introduce an appropriate mix of commercial, residential, and institutional uses; detail the potential re-alignment of the Peter Pan intersection into a 'T' intersection designed for efficiency, and a street extension of the current Trans Canada Highway across to Mt. Edward Road; and preserve connections to the open space corridor, the spine of which is formed by the Routes to Nature and Health trail.

The Official Plan identifies the need for a mix of housing typologies to support commercial services that were anticipated in the Official Plan to develop in this area of Sherwood. In addition with the increase in immigration that the City is currently experiencing and the City's aging population Charlottetown is experiencing a shortage of housing, especially housing for those with special needs. This area of Charlottetown (Sherwood) is an older established neighbourhood and is located within a walkable neighbourhood near amenities and services. The developer has proposed a mix of affordable units and market priced units within this development to accommodate various income levels.

A range of housing for all sectors of society within a neighbourhood is good. This would provide 60 units of safe affordable housing with the balance being market priced.

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."*

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 where rents can be kept at affordable levels.

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

The Official Plan also supports mixed forms of housing within existing neighbourhoods to allow for housing choices. Housing choices within neighbourhoods are important as they provide housing variety for people at various stages of their lives. An addition of 60 affordable units within this neighbourhood would provide more housing options for residents with specific needs and at various income levels. Below are excerpts from sections of the Official Plan that supports moderately higher densities and housing choices.

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

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

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

Below is a brief summary of the positive, neutral attributes and shortcomings of the proposed development.

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> The City is experiencing a demand for housing and the addition of 60 affordable housing units 		<ul style="list-style-type: none"> -increased traffic from the development will more than likely require

<p><i>would provide more housing options within this neighbourhood.</i></p> <ul style="list-style-type: none"> ▪ <i>The proposal is close to amenities such as shopping, parkland and public transit.</i> ▪ <i>The property is in an area that is fully serviced with municipal services.</i> ▪ <i>The proposal is located within a walkable neighbourhood.</i> ▪ <i>This area was identified in the Official Plan as one of the key re-urbanization areas.</i> ▪ <i>The development will provide additional tax base to the City.</i> 		<p><i>upgrades to various intersections surrounding the development.</i></p> <ul style="list-style-type: none"> ▪ <i>The proposed accesses from the development onto Mount Edward Road will become blocked as vehicles queue on Mount Edward Road. This may also cause traffic to stop on Mount Edward Road as vehicles attempt to make left hand turns to the health centre.</i> ▪ <i>Some of the internal roads proposed within the development may have to be reconfigured to provide better flow internally for emergency vehicles and traffic in general.</i>
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CONCLUSION:

From a planning perspective a variety of housing choices that addresses various needs and income levels is important within a neighbourhood. It allows people to locate safe and affordable housing within desirable neighbourhoods where it is easy to access various amenities. In addition, 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 proceed to public consultation for a request to approve a Development Concept Plan and a request to rezone a portion of PID # 390559 and PID #390542 from R-2 (Low Density Residential) to CDA (Comprehensive Development Area) be advanced to a public meeting.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

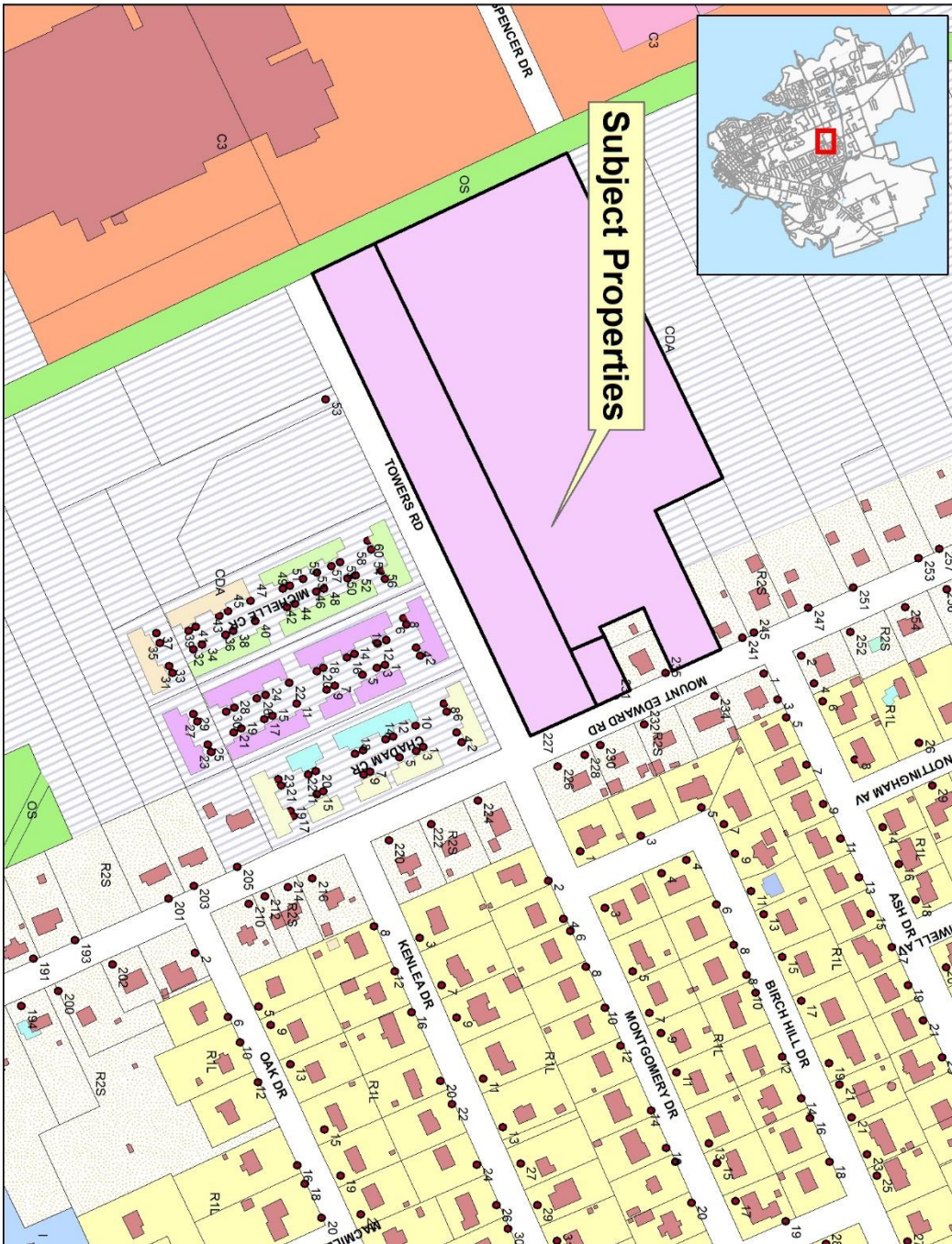
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MANAGER:

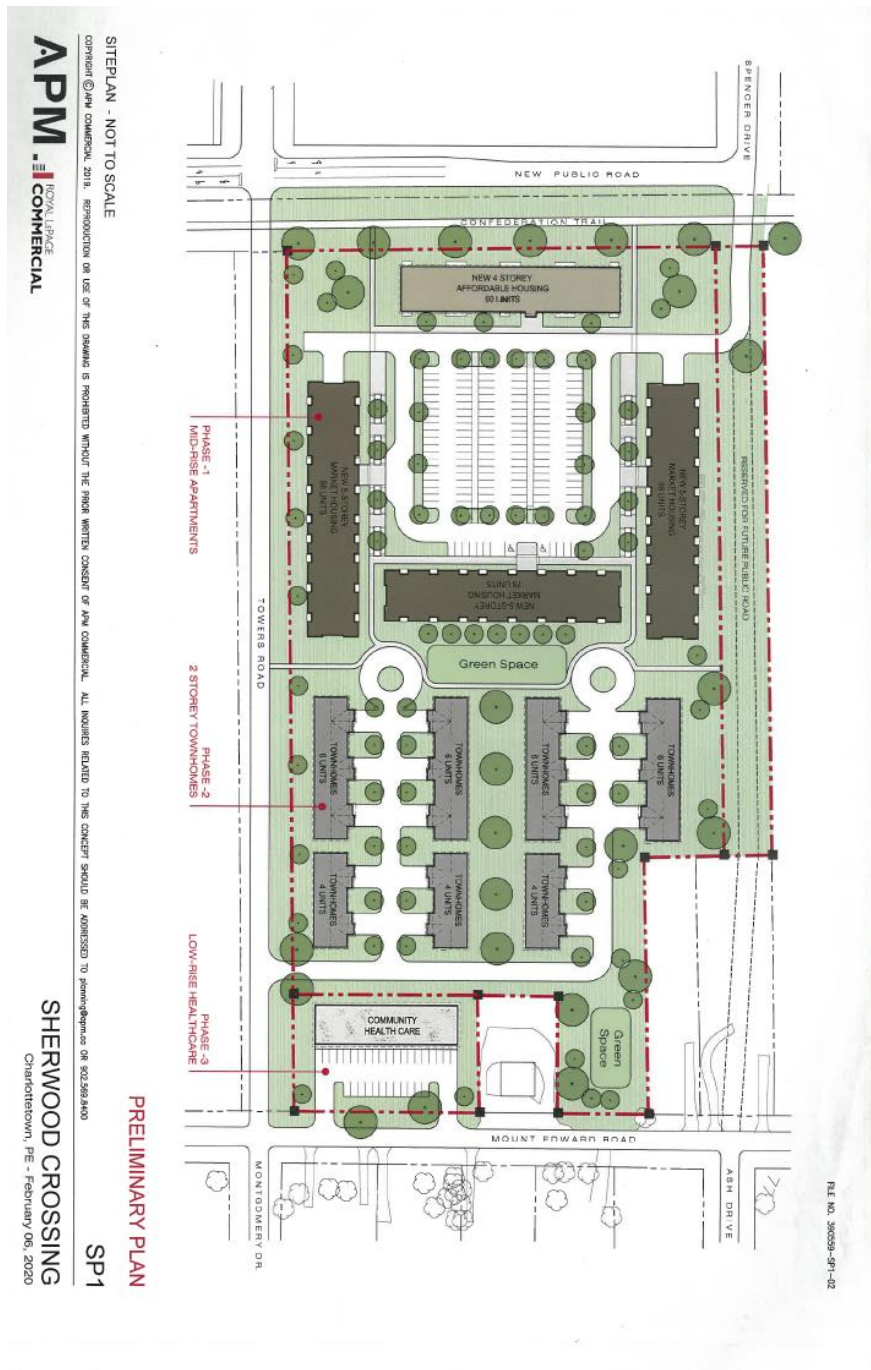
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

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GIS Map:



Site Plan Concept Drawing:



Building Concepts Health Centre:




Building Concepts Town Homes:



Building Concepts Apartment Buildings:



TITLE: REZONING, LOT CONSOLIDATION & VARIANCE APPLICATION FILE: PLAN-2020-4-AUGUST- GA-2 281 UNIVERSITY AVENUE (PID #358051 & PID #358077) 12 VALLEY STREET (PID #358192) APPLICANT: BERT RONAHAH (PROVINCIAL CREDIT UNION)		
MEETING DATE: August 4, 2020		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Subdivision / Consolidation Plan C. Site Plan for Proposed Development	
SITE INFORMATION: Context: Single-Detached Dwelling on Valley Street & Financial Institution on University Avenue Ward No: 4 – Spring Park Existing Land Use: Single-Detached Dwelling & Financial Institution Official Plan: Commercial Zoning: Low Density Residential (R-2) Zone & Mixed-Use Corridor (MUC) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to amend Appendix 'G' of the Zoning & Development By-law in order to rezone a portion (approximately 416.3 sq m) of the property located at 12 Valley Street (PID #358192) from the Low Density Residential (R-2) Zone to the Mixed-Use Corridor (MUC) Zone as well as amend Appendix 'A' of the Official Plan by changing the land use designation from Low Density Residential to Commercial be approved to proceed to public consultation.

BACKGROUND:

Request

The applicant, Bert Ronahan with the Provincial Credit Union, has submitted applications to:

1. Subdivide a portion of 12 Valley Street (PID #358192);

2. Rezone a portion of the subdivided property at 12 Valley Street (PID #358192) from the Low Density Residential (R-2) Zone to the Mixed-Use Corridor (MUC) Zone;
3. Consolidate the portion of the subdivided property at 12 Valley Street (PID #358192) with 281 University Avenue (PID #358051 & PID #358077) which currently contains six (6) parcels; and
4. Variance to the flankage yard setback in order to construct a new addition to the Provincial Credit Union.

Development Context

The Provincial Credit Union is located along University Avenue between Reserve Street & Douglas Street. The property contains six (6) parcels of land with two separate PID numbers. All properties are located in the Mixed-Use Corridor (MUC) Zone.

The single-detached dwelling located at 12 Valley Street (PID #358192) is located in the Low Density Residential (R-2) Zone between Reserve Street & Douglas Street.

Property History

There is no recent building & development permit history for these properties.

LEGISLATIVE REQUIREMENTS:***Notification***

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4 of the Zoning & Development By-law. The notification shall also include the request for variance in accordance with Section 3.9.3 of the By-law.

ANALYSIS:

This application is a multi-faceted request; the first of which pertains to 12 Valley Street (PID #358192). The property is owned by the Provincial Credit Union who are requesting to subdivide the back portion of the property so that it can be consolidated with 281 University Avenue (PID #358051 & PID #358077) in order to allow the expansion of the existing parking lot. The property located at 12 Valley Street is located in the Low Density Residential (R-2) Zone while the Provincial

Credit Union at 281 University Avenue is located in the Mixed-Use Corridor (MUC) Zone. In order to consolidate these properties, the subdivided portion of 12 Valley Street must be rezoned.

The minimum lot frontage requirement for a single-detached dwelling in the Low Density Residential (R-2) Zone (stepping down to the R-1S Zone) is 59.1 ft. The property located at 12 Valley Street (PID #358077) does not meet the minimum lot frontage requirement; however, the property contained a single-detached dwelling prior to the effective date of the Zoning & Development By-law and is therefore a conforming use with an undersized lot frontage. The applicant is requesting to subdivide the subject property and while the property is undersized in lot frontage, it is not undersized in respect to lot area and the minimum requirement must be maintained in order to approve the subdivision. The minimum lot area for a single-detached dwelling in the Low Density Residential (R-2) Zone (stepping down to the R-1S Zone) is 540 sq m. The applicants are proposing to have the property at 12 Valley Street retain the minimum lot area of 540 sq m while subdividing 416.3 sq m for the parking lot addition. The applicant is proposing to rezone the 416.3 sq m of the subdivided property from the Low Density Residential (R-2) Zone to the Mixed-Use Corridor (MUC) Zone. The property located at 12 Valley Street containing 540 sq m of lot area will remain in the R-2 Zone.

The second part of the application is to consolidate the rezoned parcel of land at 12 Valley Street (PID #358192) with 281 University Avenue. The Provincial Credit Union at 281 University Avenue is currently located on six (6) parcels of land, five (5) of which contain the PID #358051 and one (1) of which contains the PID #358077.

As per Section 45.3.4.a. of the Zoning & Development By-law, any lot consolidations in zones other than the Single-Detached Residential (R-1) Zone and Low Density Residential (R-2) Zone shall be subject to Council approval.

The Development Officer May grant final approval to Subdivisions which comply with this by-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling may be constructed in a R-1 or R-2 Zone;

Because the properties are / will be located in the Mixed-Use Corridor (MUC) Zone if the rezoning request is approved, the lot consolidation is subject to Council approval. Public notification is not required as part of the lot consolidation application but the intent to consolidate will form part of

the public notification should the request for rezoning is approved to proceed to public consultation. The applicants have submitted a preliminary consolidation plan. The purpose of the lot consolidation is to expand the existing parking at the Provincial Credit Union. The applicants have also submitted a site plan illustrating the proposed parking layout.

The third and final part of the request is for a flankage yard variance in order to construct an addition to the Provincial Credit Union. The minimum flankage setback in the Mixed-Use Corridor (MUC) Zone is 6.0 m (19.7 ft); however, the applicants are proposing a flankage yard setback of 1.59 m (5' 2 ½"). As per Section 4.8.1. of the Zoning & Development By-law, *No person shall Erect a Building or Structure on a Lot and have any part of the Building or Structure closer to the Front Lot Line than the minimum Front Yard Setback which is established for the Zone in which it is located, unless the proposed Building is to be located between existing Buildings on adjoining Lots on the same Block and side of the Street, and the adjacent Buildings have a reduced Front Yard Setback, in which case the minimum Front Yard Setback for the proposed Building shall be that which aligns with the front walls of the adjacent Buildings.* Because the front yard of the subject property is located along Reserve Street (the smaller of the two lot frontages), the requirement above would not be applicable. That being said, the proposed addition would maintain the same setback of 269 University Avenue (PID #358036). In staff's opinion, because Section 4.8.1 of the By-law does not apply, a variance would be required but feel that this is a reasonable request and should be approved.

When considering the rezoning of the subject properties, key points from the Official Plan to be considered include:

*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 3.2.3 - Our **objective** is to support the provision of suitable commercial and institutional needs, employment opportunities, community-based services, and public realm amenities within neighbourhoods.*

*Section 4.4.1 - Our **objective** is to support the measured and appropriate growth of the two commercial corridors on University Avenue and St. Peter's Road, which are predominantly characterized by highway commercial uses.*

*Section 4.4.1 - Our **policy** shall be to allow incremental growth of highway commercial, medium density residential, and institutional uses on the west side of University Avenue, except as may be provided for through concept planning of the Charlottetown Mall/Wal-Mart area suburban centre.*

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">▪ Incremental growth of commercial uses along University Ave.	<ul style="list-style-type: none">▪ The required lot area of the existing single-detached dwelling is retained.▪ The consolidation removes existing property lines throughout the property.	<ul style="list-style-type: none">▪ The setback of the proposed addition does not meet the By-law; however, it is physically related to adjacent properties.

CONCLUSION:

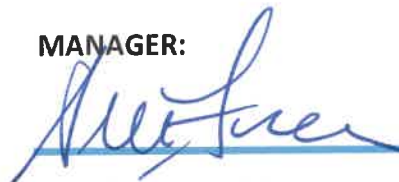
The Planning & Heritage Department recommends that the rezoning application be approved to proceed to public consultation.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

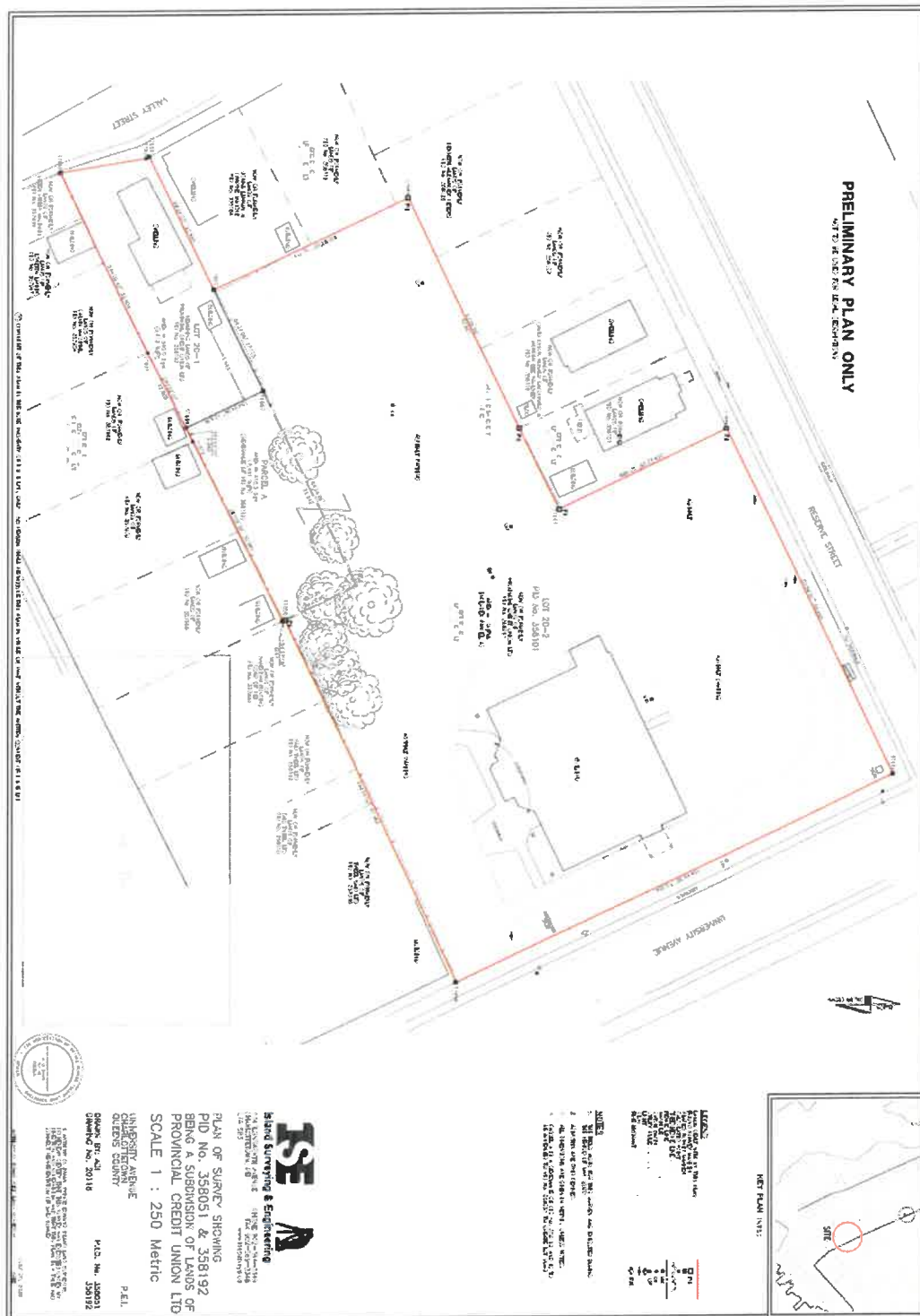


Attachment A: GIS Map
File: PLAN-2020-4-August-[GA-2](#)
12 Valley Street / 281 University Avenue
Applicant: Bert Ronahan (Credit Union)


CHARLOTTETOWN
Planning & Heritage
Department



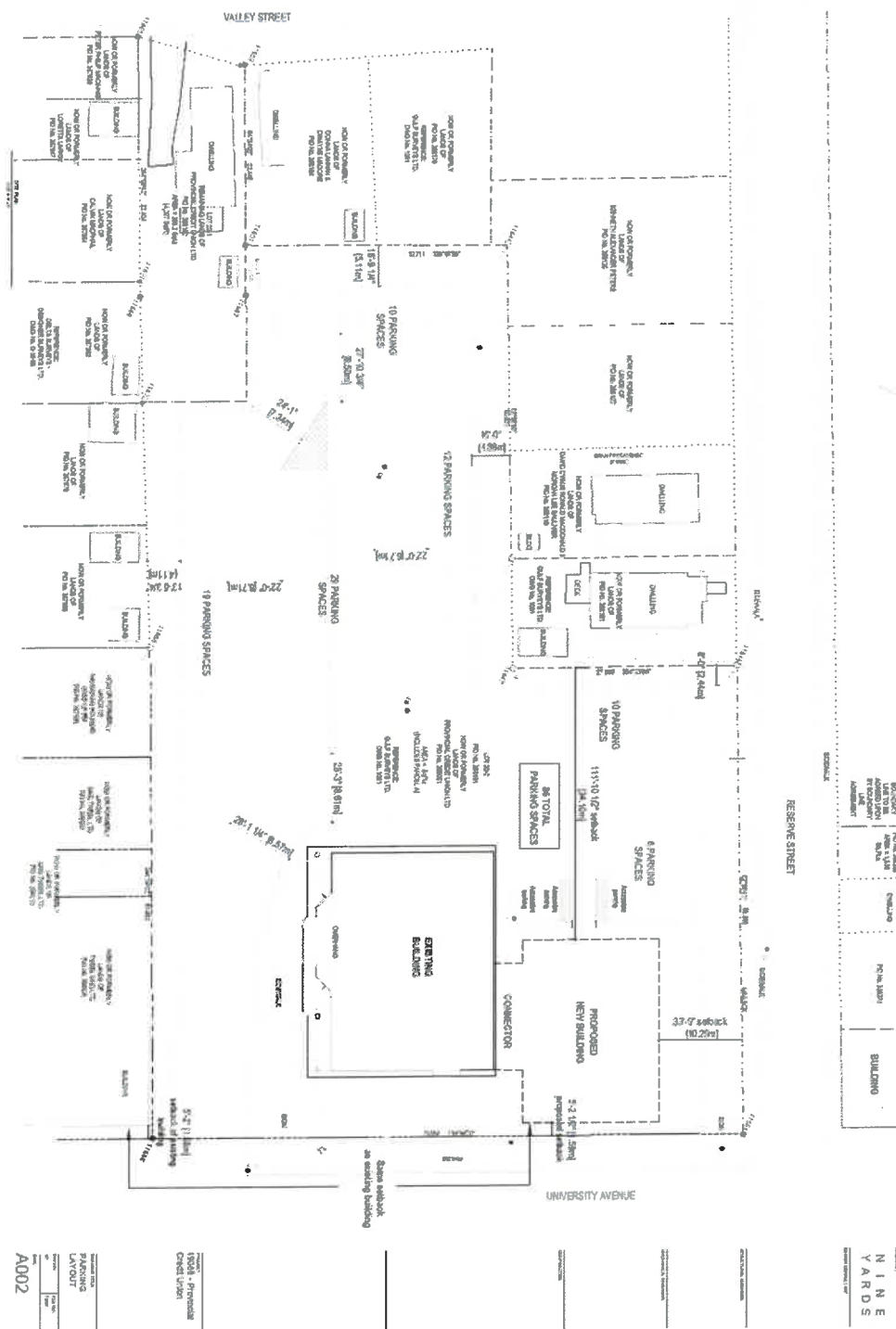
Attachment B



Attachment B: Subdivision / Consolidation Plan
File: PLAN-2020-4-August- GA-2
12 Valley Street / 281 University Avenue
Applicant: Bert Ronahan (Credit Union)



CHARLOTTETOWN
Planning & Heritage Department

Attachment C



Attachment C: Site Plan
File: PLAN-2020-4-August-6A-2
 12 Valley Street / 281 University Avenue
Applicant: Bert Ronahan (Credit Union)



TITLE: REZONING & VARIANCE APPLICATION FILE: PLAN-2020-4-AUGUST- 6A-3 40-42 KENSINGTON ROAD / 3 PARK STREET (PID #365676) APPLICANT: BOYD DRISCOLL		
MEETING DATE: August 4, 2020		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Surveyed Site Plan	
SITE INFORMATION: Context: Apartment Dwelling on the corner of Kensington Road & Park Street Ward No: 2 – Belvedere Existing Land Use: Legal Non-Conforming 3-Unit Apartment Dwelling Official Plan: Low Density Residential Zoning: Low Density Residential (R-2) Zone		
PREVIOUS APPLICATIONS: A Zoning Inquiry was completed on March 8, 2019. A Complaint Form was submitted on June 5, 2020.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to amend Appendix 'G' of the Zoning & Development By-law in order to rezone the property located at 40-42 Kensington Road / 3 Park Street (PID #365676) from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone as well as amend Appendix 'A' of the Official Plan by changing the land use designation from Low Density Residential to Medium Density Residential be rejected to proceed to public consultation.

BACKGROUND:

Request

The applicant, Boyd Driscoll, has submitted applications to:

40-42 KENSINGTON ROAD / 3 PARK STREET

1. Rezone the property located at 40-42 Kensington Road / 3 Park Street (PID #365676) from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone; and
2. Variance to the lot frontage requirement from 98.40 ft to 53.87 ft.

The purpose of the rezoning and variance is to convert the existing three (3) unit apartment dwelling into a four (4) unit apartment dwelling.

Development Context

The subject property located at 40-42 Kensington Road / 3 Park Street (PID #365676) is located on the corner of Kensington Road and Park Street in the Low Density Residential (R-2) Zone.

The subject property is located adjacent to the Eastlink Centre and near an apartment complex containing three (3) buildings with 105 total units. The remaining nearby properties along Kensington Road, Park Street and Belmont Street are located in the R-2 Zone.

Property History

A Zoning Inquiry was completed on March 8, 2019 which stated that:

The property is located in the Low Density Residential (R-2) Zone. We have one building permit record no. 1995 for this property that converted the single dwelling unit into two (2) dwelling units. A three (3) unit dwelling is not permitted in the R-2 Zone.

On March 6, 2019, the Planning & Heritage Department received a statutory declaration signed by Adelle Hussey dated March 6, 2019 stating that as the owner of the property from 1967 to 2002 and living there until 2008 has indicated that the dwelling on the property was used as a triplex. This office relies on the Zoning & Development Bylaw adopted August 25, 1999 as the date that all properties must conform to the relevant provisions of this Bylaw. Since the long term property owner has provided documentation that the non-conforming building existed prior to August 25, 1999, this office will accept this evidence and deem the three (3) unit triplex building as legal non-conforming unless new information is provided to the contrary. Please be advised that recognition of the legal non-conforming use of this property does not relate to any outstanding building or fire code regulations.

The Planning & Heritage Department received a complaint form on June 5, 2020 which stated that work was being done to the exterior of the building without a permit and potentially additional

units were being added. The Building Inspector visited the property on June 8, 2020 and confirmed that a two (2) electrical meters were added, new deck & stairs and numerous new entrance doors.

A letter describing the violations was sent to the property owner on June 9, 2020. The applicant, Boyd Driscoll, submitted a Building & Development Permit Application on June 17, 2020, a Rezoning Application on June 15, 2020 and a Variance Application on June 18, 2020.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4 of the Zoning & Development By-law. The notification shall also include the request for variance in accordance with Section 3.9.3 of the By-law.

ANALYSIS:

The subject property is a legal non-conforming three (3) unit apartment dwelling meaning that the Low Density Residential (R-2) Zone typically allows two (2) unit dwellings to be constructed; however, in light of the fact that the property contained three (3) residential dwelling units prior to the effective date of the Zoning & Development By-law, it is permitted to remain.

The applicant is not only applying to make the third residential dwelling unit a conforming use (no longer a legal non-conforming use) he is also looking to add a fourth residential dwelling unit on the property. In order to do so, the property would have to be rezoned to the Medium Density Residential (R-3) Zone. Should the property be successfully rezoned to R-3, an apartment building in the R-3 Zone on a corner lot requires 98.4 ft of lot frontage and 1,507 sq ft of lot area per unit. The subject property has sufficient lot area for a four (4) apartment dwelling in the R-3 Zone but has insufficient lot frontage. The subject property has 53.87 ft of lot frontage; therefore, requiring a major variance.

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 & rezoning 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 & rezoning 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.

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

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

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

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

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

The proposed rezoning and variance would allow additional density near centres of employment while utilizing the existing underground services. The work to expand the number of residential dwelling units can be done through interior renovations (other than the proposed deck and stairs) and does not require an addition to the building.

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 three (3) unit apartment dwelling exceeds what is permitted in the By-law and rezoning the property would further expand the number of residential dwelling units on the property.

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

Positives	Neutral	Shortcomings
<ul style="list-style-type: none">▪ Moderately higher density using existing underground services.▪ Additional density without adversely affecting existing low density housing.▪ Additional density near centres of employment.	<ul style="list-style-type: none">▪ Work was done prior to obtaining a permit.▪ The property is already a legal non-conforming use in the R-2 Zone.	<ul style="list-style-type: none">▪ The property requires a spot rezoning and Official Plan amendment to allow the additional dwelling units.▪ The property does not have sufficient lot frontage for the proposed use.

CONCLUSION:

The Planning & Heritage Department recommends that the rezoning application be rejected to proceed to public consultation.

PRESENTER:

Greg Morrison, MCIP
Planner II

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2020-4-August- [GA-3](#)
40-42 Kensington Road / 3 Park Street
Applicant: Boyd Driscoll


CHARLOTTETOWN
Planning & Heritage
Department



TITLE: Planning Board Meeting FILE: PLAN-2020-04-August- 6B-4 Traffic Study Maypoint Road / Capital Drive OWNER: Cordova Realty		
MEETING DATE: August 4, 2020		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: 1. Appendix 'A' Site Plan 2. 2019 Planning Report	
SITE INFORMATION: Context: Proposed Tim Horton's Drive Thru queuing and stacking plan Ward No: 7 Existing Land Use: Hotel, proposed drive thru restaurant, convenience store, quick service restaurant and gas bar (8 pumps), and separate car wash. Official Plan: Commercial Zoning: C 2 Highway Commercial		
PREVIOUS APPLICATIONS: 2016 Rezoning Application / 2019 Traffic Review		

RECOMMENDATION:

The Planning & Heritage Department recommends that Planning Board recommend to Council to approve the request to accept the traffic study prepared by Crandall Engineering dated November 5th, 2019 for the development on the corner of Maypoint Road and Capital Drive (PID 387365) to permit a drive thru Tim Horton's restaurant (stacking and queuing spaces) as proposed in the traffic study and shown as Appendix "A".

BACKGROUND:

Request

In November 2016 a traffic study was prepared for D. P. Murphy to comment on a proposed 125 room hotel, a gas station with food outlet/convenience store/car wash with a total of 12 fueling stations and a high turnover restaurant. The consultant (Don Good) from EXP Services Fredericton, New Brunswick reviewed the proposed land uses for both properties and outlined where three access points to service the hotel and adjacent commercial development should be located. The consultant identified two access points to Maypoint Road (with full access) and one access point to Capital Drive which was restricted (to right in / right out only).

Since that time the hotel has been constructed with 124 hotel rooms and development of the adjacent piece of property on the corner of Maypoint Road and Capital Drive for commercial purposes. The original concept for the adjacent parcel now includes a gas bar /convenience store with 8 fueling stations, car wash and a quick service restaurant (without Drive thru) and a Tim Horton's restaurant with double lane drive thru. Since the original traffic study for the subject property was prepared in 2016 the new roundabout has been constructed and it was determined that the previous traffic study needed to be reviewed to ensure that any and all impacts were identified before proceeding to approve a drive thru at this location. The section below is from the Zoning By-law which indicates that before approving a drive thru that Police and Public Works need to provide input as well as a traffic study where deemed necessary. It was determined that a traffic study was necessary in this case because of the implications for queuing on Maypoint Road and the proximity to the new arterial roundabout.

43.8 QUEUING SPACE

43.8.1 Queuing spaces shall be provided in accordance with the following requirements:

- a. Car Wash:
 - i. five (5) in-bound queuing spaces Shall be provided the first bay and three (3) spaces for each additional bays; and
 - ii. out-bound queuing space Shall be provided on the exit side of each service position and this space Shall be located so as not to interfere with service to the next vehicle.
- b. Drive-thru Eating and Drinking Establishment:
 - i. **Council shall determine stacking requirements after receiving input from the Police and Public Works Departments and/or from a traffic consultant.**
- c. Automobile Service Station:
 - i. four (4) in-bound spaces Shall be provided; and
 - ii. three (3) out-bound spaces Shall be provided.

43.8.2 All queuing spaces shall be a minimum of 6.5 m (21.3 ft) long and 3.0 m (9.8 ft) wide, and queuing lanes Shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a Designated fire lane.

As the Board will recall this application was reviewed in August of 2019 (see attached planning report) and not supported for approval because of concerns with analysis of the EXP traffic report that recommended a drive thru could be accommodated on this site without impacting adjacent traffic. Council concurred with this opinion and a subsequent peer reviewed traffic report was

prepared by Crandall Engineering from St. John New Brunswick. The Crandall Report indicated that the drive thru could be accommodated with a significant design modification to the adjacent street network to accommodate a right turning lane from Maypoint Road to Capital Drive. See Appendix A showing outlining the site plan.

LEGISLATIVE REQUIREMENTS:

Notification

Notification is not required on this application. The provision in the Zoning & Development By-law was put in place to ensure that the technical merits associated with the queuing spaces for a drive thru were properly addressed. Upon the recommendation of Council with input from Public Works and Police and in this case a traffic study, approval can be provided.

ANALYSIS:

The Crandall Report agreed with the EXP Report and suggested that the right turn lane be provided at this time at the developers expense to ensure that the proposed traffic from the development will not impede adjacent traffic flow in and around the roundabout. The Crandall Report states that:

*"The exp report stated that if queue lengths grew beyond the 2024 planning horizon and created long term operational concerns that a second northbound entry lane could be added at the roundabout to accommodate right turns. A concept drawing of a potential right-turn lane on Maypoint Road was created and is included in **Appendix A**. It was determined that it would be feasible to construct a 50 m right-turn lane by widening the east side of Maypoint Road and realigning the existing curb and sidewalk to the east. This would require approximately 175 m² of right-of-way from the proposed development site. The construction costs for this work were estimated at \$118,000. This includes a 20% contingency and HST. The detailed cost estimate is shown in Appendix B."*

The developer (Cordova Realty) has reviewed this requirement from the traffic study and is prepared to enter into a Development Agreement to build the required right turn lane at their expense subject to a number of terms and conditions. Staff support this approach but still have concerns that even with the right turn lane provided there is still the potential for queuing at Maypoint Road for those attempting a left turn into the site from the roundabout. The Development Agreement will bind the developer to a stipulation that if traffic disruption is

observed (and can be validated) on two consecutive days the developer will be required to close the primary access to the Cordova site and direct all traffic to the access lane to the south that provides the entrance into the Hampton Inn hotel.

Development Agreement

The applicant will be required to sign a development agreement outlining what the conditions required to ensure that construction of the right turn lane is provided to the City's satisfaction.

The following statements reflect what the City will require in the Development Agreement to ensure the developer adheres in this commitments to obtain the drive thru at this location.

Upon notification to the City by the Provincial Department of Transportation Infrastructure and Energy, or the travelling public, that vehicular traffic attempting to make a left turn into the Tim Horton's property (Cordova Realty) on Maypoint Road is causing a backup of traffic that is spilling into the Capital Drive roundabout, the City will immediately initiate a review to monitor the situation to determine if the following conditions are occurring:

- Southbound traffic on Maypoint Road queues back into the roundabout for an observable timeframe;
- The above queuing must be observed on two consecutive days;
- If City staff suspect that the above conditions have been met, the presence and extent of queuing will be confirmed with the use of video recordings of the Maypoint Road approach of the roundabout; and
- Review of traffic problems from this property does not include when an extraordinary event has occurred in the area that impacts traffic. Extraordinary shall be defined as: required provincial or municipal maintenance or roadwork in the immediate area that causes disruption or detours to existing daily traffic patterns, car accidents or extreme weather events (flooding or culvert washout) that damage or restrict traffic in the area

The City of Charlottetown will notify Cordova Realty of the need to immediately close the primary Maypoint Road access to their property and redirect all of their traffic to the adjacent access point to the south for the Hampton Inn Hotel, once the above conditions have been met and confirmed. The closure of the Cordova Realty Maypoint Road access point shall be determined at by the Manager of Public Works as per the observable and quantitative criteria set out in the agreement.

In the event that the primary access to the Cordova property on Maypoint Road needs to be closed, the City will work with the property owner (Cordova Realty) to create a revised site plan that will show how the Tim Horton's drive thru on the Cordova property will be safely accessed from the adjacent Hampton Inn Hotel right of way on Maypoint Road. The owner of the Hampton Inn Hotel will be required to sign the Development Agreement regarding Cordova's ability to utilize their driveway access in the event that Cordova's primary access needs to be closed.

In addition, the City requires the right turn lane (as outlined on the attached sketch dated November 5th, 2019) be designed and constructed as outlined in the traffic report to the satisfaction of the Manager of Public Works and all cost associated with implementation and construction to be paid for by Cordova Realty. prepared by Crandall Engineering. The developer can engage any local engineering consultant that is familiar with City of Charlottetown street standards. Once the developer engages a consultant and a design prepared, the City will require that the proposed street design be reviewed to ensure the drawings and specification meet all municipal standards.

Transportation, Infrastructure and Energy

The Province supports this application with the stipulations outlined in this report.

City of Charlottetown Police Services

Charlottetown Police Services support this application with the stipulations outlined in this report.

Public Works

Public Works supports this application with the stipulations as outlined in the report.

CONCLUSION:

The Planning & Heritage Department recommends that Planning Board recommend to Council to approve the request to accept the traffic study prepared by Crandall Engineering dated November 5th, 2019 for the development on the corner of Maypoint Road and Capital Drive (PID 387365) to permit a drive thru Tim Horton's restaurant (stacking and queuing spaces) as proposed in the traffic study and shown as Appendix "A" and the signing of a Development Agreement.

PRESENTER:

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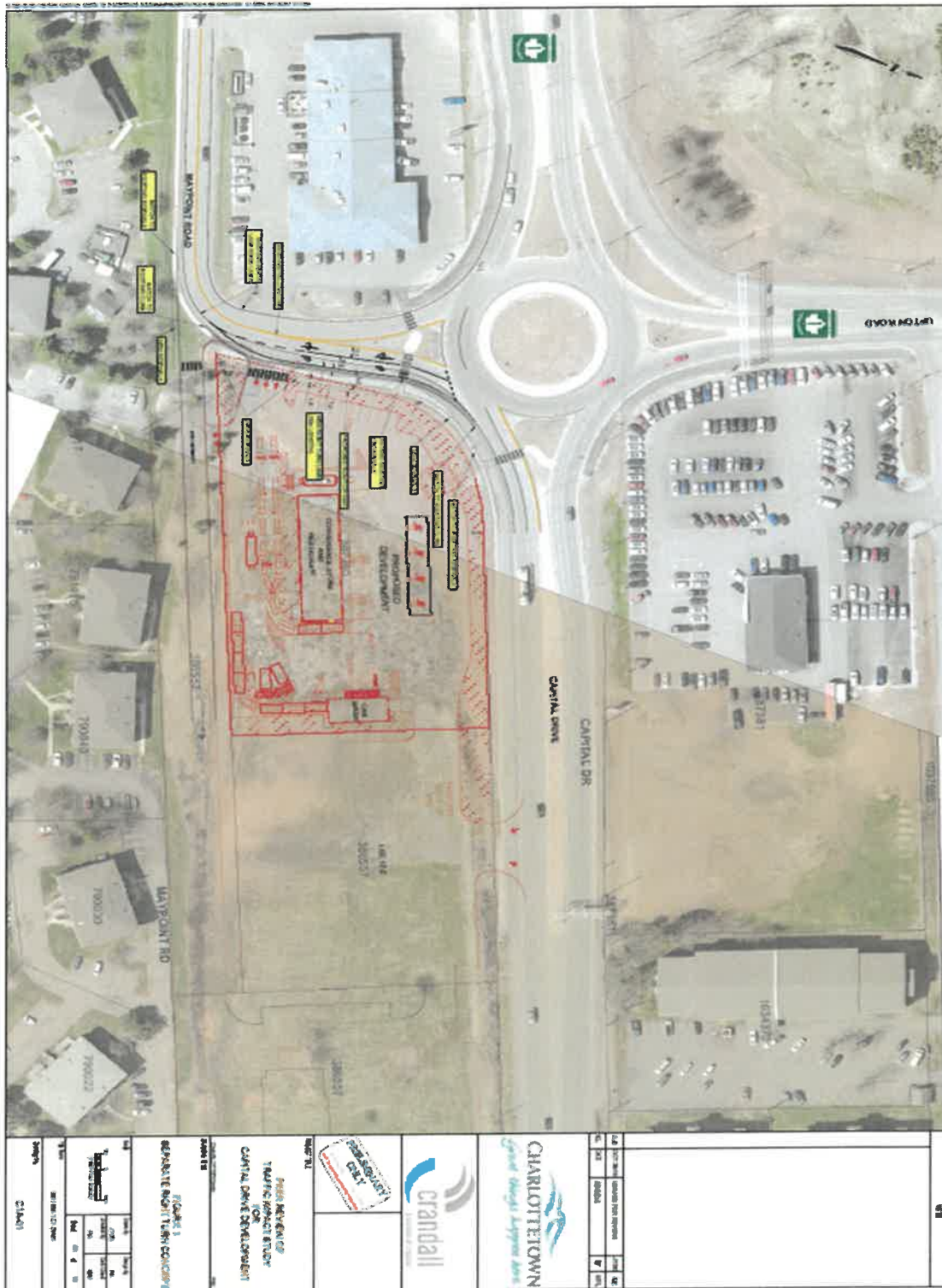
Alex Forbes, FCIP, MBA
Manager of Planning and Heritage

MANAGER:

A handwritten signature in blue ink, appearing to read 'Alex Forbes', written over a solid blue horizontal line.

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

Appendix 'A' Site Plan from the Traffic Report



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TITLE: Special Planning Board Meeting FILE: PLAN-2019-23-August-6a-1 Traffic Study Maypoint Road / Capital Drive OWNER: Cordova Realty		
MEETING DATE: August 23, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Property Map B. 2019 Traffic Study prepared by EXP Services Inc. C. Site Plan TIE Comments D. Departmental Comments	
SITE INFORMATION: Context: Proposed Tim Horton's Drive Thru queuing and stacking plan Ward No: 7 Existing Land Use: Hotel and foundation for proposed drive thru restaurant, convenience store, quick service restaurant and gas bar (8 pumps), and separate car wash. Official Plan: Commercial Zoning: C 2 Highway Commercial		
PREVIOUS APPLICATIONS: 2016 Rezoning Application		

RECOMMENDATION:

The Planning & Heritage Department recommends that Planning Board recommend to Council to approve the request to accept the traffic study prepared for the development on the corner of Maypoint Road and Capital Drive (PID 387365) to permit a drive thru Tim Horton's restaurant (stacking and queuing spaces) as proposed in the traffic study in Appendix "A" Option 3.

BACKGROUND:

Request

In November 2016 a traffic study was prepared for D. P. Murphy to comment on a proposed 125 room hotel, a gas station with food outlet/convenience store/car wash with a total of 12 fueling stations and a high turnover restaurant. The consultant (Don Good) from EXP Services Fredericton, New Brunswick reviewed the proposed land uses for both properties and outlined where three access points to service the hotel and adjacent commercial development should be located. The consultant identified two access points to Maypoint Road (with full access) and one access point to Capital Drive which was restricted (to right in / right out only).

COPY

Since that time the hotel has been constructed with 124 hotel rooms and efforts are underway to develop the adjacent piece of property on the corner of Maypoint and Capital Drive for commercial purposes. The original concept for the adjacent parcel now includes a gas bar /convenience store with 8 fueling stations, car wash and a quick service restaurant and a Tim Horton's with double lane drive thru. Since the original traffic study for the subject property was prepared in 2016 the new roundabout has been constructed and it was determined that the previous traffic study needed to be reviewed to ensure that any and all impacts were identified before proceeding to approve a drive thru at this location. The section below is from the Zoning By-law which indicates that before approving a drive thru that Police and Public Works need to provide input as well as a traffic study where deemed necessary. It was determined that a traffic study was necessary in this case because of the implications for queuing on Maypoint Road and the proximity to the new arterial roundabout.

QUEUING SPACE

Queuing spaces shall be provided in accordance with the following requirements:

Car Wash:

- five (5) in-bound queuing spaces Shall be provided the first bay and three (3) spaces for each additional bays; and
- out-bound queuing space Shall be provided on the exit side of each service position and this space Shall be located so as not to interfere with service to the next vehicle.

Drive-thru Eating and Drinking Establishment:

Council shall determine stacking requirements after receiving input from the Police and Public Works Departments and/or from a traffic consultant.

Automobile Service Station:

- four (4) in-bound spaces Shall be provided; and
- three (3) out-bound spaces Shall be provided.

All queuing spaces shall be a minimum of 6.5 m (21.3 ft) long and 3.0 m (9.8 ft) wide, and queuing lanes Shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a Designated fire lane.

LEGISLATIVE REQUIREMENTS:

Notification

Notification is not required on this application. The provision in the Zoning By-law was put in place to ensure that the technical merits associated with the queuing spaces for a drive thru were properly addressed. Upon the recommendation of Council with input from Public Works and Police and in this case a traffic study, approval can be provided.

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ANALYSIS:

The attached report provides the required analysis of the implications and impacts from the proposed two lane queuing aisles for the Tim Horton's restaurant. Additional comments from the Province and input from the relevant City departments (Police and Public Works) to determine stacking requirements can be found as follows:

Transportation, Infrastructure and Energy

Trip generation numbers seem reasonable. However, it was noted that the report projects that by 2024 the queuing length for traffic approaching the roundabout from Maypoint Road during peak PM travel periods could be in the order of 35m. This is the approximate length from the access to the proposed development to the roundabout and could potentially cause some issues for southbound traffic and traffic that wants to turn left into the proposed development since there is not a dedicated southbound left turn lane. The traffic report does project that the queuing length for traffic entering the roundabout from Maypoint Road could be reduced to 18m if a dedicated right turn lane was added entering the roundabout. The addition of this lane would require widening and thus additional right-of-way. Analysis on other Tim Horton queuing lanes in the City was provided as follows:

- Grafton St TH has about 105m of queuing length before spilling onto Grafton St.
- Allen St TH has about 67m of queuing length before spilling onto Mt Edward. Additional storage (35+m) is available in parking lot towards Allen St.
- Queens Arms TH has about 120m of queuing length before spilling onto North River Rd.
- Nassau St TH has about 40m of queuing length before spilling onto Nassau. Additional storage (45m) is available in parking lot towards University Ave.
- St. Peters Rd has about 145m of queuing length before spilling onto St. Peters Rd

The proposed Tim Horton queuing lanes would have approximately 108m of queuing in the lineup and over 70m of queuing towards Maypoint and the gas pumps. The proposed development would therefore provide more queuing space than the other five above mentioned developments.

City of Charlottetown Police Services

The traffic study seems to have addressed the concerns pertaining to queuing length. Although the development example referenced in the study from Moncton off Mapleton Road presents some differences. The Mapleton Road development is on the corner of a traffic controlled intersection and not in close proximity to a roundabout but rather has a single access point that is significantly distant from said intersection. In comparison to other local Tim Horton

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developments the queuing at peak periods seem to not be an issue now but could be in five years.

Public Works

Public Works is satisfied with the review and findings of the study but requires the following to be provided:

- The new driveway to the proposed development align with the Maypoint strip mall driveway; and
- That additional land along the western portion (Maypoint Road side) from the proposed development be conveyed to the City for the future expansion of a right turn lane into the roundabout.

CONCLUSION:

Based on the 2019 traffic report and comments received from Transportation, Energy and Infrastructure, Police and Public Works the Planning & Heritage Department recommends that Planning Board recommend to Council to approve the request to accept the traffic study prepared for the development on the corner of Maypoint Road and Capital Drive to permit a double drive thru Tim Horton's restaurant (stacking and queuing spaces) as proposed in the traffic study in Appendix "A" Option 3 as per the following conditions:

- 1) That the draft 2019 Traffic Impact Study for the Development on Capital Drive prepared by EXP Services Inc. be finalized and submitted to the City of Charlottetown; and
- 2) Subject to the signing of a Development Agreement that in the event that stacking of northbound vehicles leaving the proposed development to the roundabout results in queuing/stacking issues, the owner of the proposed development convey additional land from the western portion (i.e. Maypoint Road side) of subject site to the City at no cost, for the future development of a dedicated right turn lane in order to alleviate queuing congestion along Maypoint Road, as identified in the Traffic Report.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

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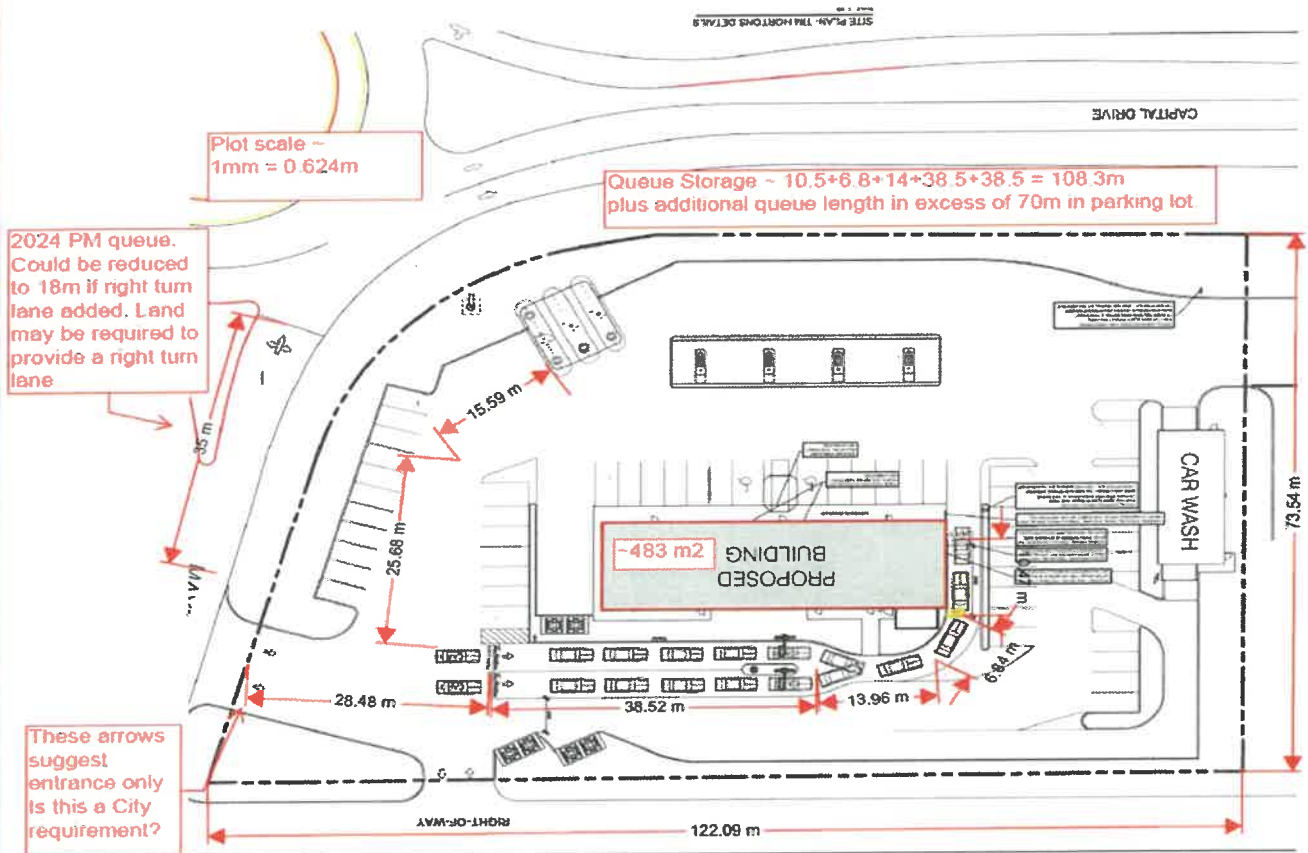
Attachment A

Subject Property



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Attachment C



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Attachment D

Transportation, Infrastructure and Energy Comments

I have undertaken a quick review of the Draft Traffic Impact Study by EXP Services Inc.

I have not delved deeply into the projected trip generation numbers but seem reasonable. I do note the report projects queuing approaching the roundabout on Maypoint in the 2024 (only 5 yrs away) PM peak could be in the order of 35m. This is just shy of the access (see sketch). EXP does project that this could be reduced to 18m (half) if a right turn lane into the roundabout is added. If queuing for northbound vehicles extends beyond the access to this new development it could have some impact for southbound vehicles leaving the roundabout if a SB vehicle is waiting to turn left into the new development as there is not a dedicated SB left turn lane. The addition of this lane obviously would require widening and thus could require additional right-of-way. The City may wish to consider this in their deliberations.

The study does appear to conclude that queuing on site should not be an issue in comparison to queuing that is being experienced at a similar site in Moncton. I've looked at mapping of other TH's in Charlottetown to determine available queuing lengths and have concluded the following:

- Grafton St TH has about 105m of queuing length before spilling onto Grafton St.
- Allen St TH has about 67m of queuing length before spilling onto Mt Edward. Additional storage (35+m) is available in parking lot towards Allen St.
- Queens Arms TH has about 120m of queuing length before spilling onto North River Rd.
- Nassau St TH has about 40m of queuing length before spilling onto Nassau. Additional storage (45m) is available in parking lot towards University Ave.
- St. Peters Rd has about 145m of queuing length before spilling onto St. Peters Rd

This new TH would have about 108m of queuing in the line up and over 70m of queuing towards Maypoint and the gas pumps. This site would thus seem to provide more queuing space than the other 5 above noted TH's.

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Attachment D

City of Charlottetown Police Service

Good Morning All,

I have reviewed the information contained in the document provided yesterday. The summary information seems to answer the concerns that we had discussed earlier. I would note that although In section 7 exp has referenced a similar style development in Moncton off Mapleton Rd. there are some differences. The Mapleton Rd property is on the corner of a traffic light controlled intersection and not in close proximity to a round about as is the case with this development. In addition there is only a single access point to the development which is off Lady Ada Blvd and a significant distance from the intersection.

Our concern was with respect to the potential issues of queuing at peak periods. At this point in comparison to other similar set ups it is not an issue, but could be 5 yrs out. Our concern was to ensure that the Province was aware of the potential impacts and this seems to have been addressed in Alan's email.

Paul S.

City of Charlottetown Public Works

Good Afternoon All,

I have quickly read through the report and I am satisfied with the findings. We will require the new driveway to align with the Maypoint strip mall driveway. I also agree with Alan's note that the developer should hand over that additional land to the city as the additional lane will be required at some time in the future. It will be easier and to take owner ship now than in 5-10 years from now.

Thank you,

Scott Adams, MEng., P.Eng.

Manager of Public Works

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