



PLANNING BOARD MEETING PACKAGE

March 01, 2021 (Monday), 4:30pm

~~Council Chamber, 2nd Floor, City Hall~~

~~199 Queen Street~~

Via Videoconference (Webex)

Live Streaming: www.charlottetown.ca/video

Date prepared: February 26, 2021

Prepared by: efc

PLANNING BOARD MEETING

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3. Update on Zoning & Development Bylaw (PH-ZD.2) & Official Plan Amendments (PH-OPA.1) pertaining to Water Lot Regulations and limited signage inside murals. *Alex*
(no report to attach)



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

Monday, March 01, 2021 at 4:30 p.m.

Council Chambers, 2nd Floor, City Hall, 199 Queen Street

Via Videoconference (Webex)

Live streaming: www.charlottetown.ca/video

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda** – Approval of Agenda for Monday, March 01, 2021
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, February 01, 2021
5. **Business arising from Minutes**
6. **Reports:**
 - a) **Rezoning:**
 1. **Angus Drive (Lot 40) (PID #419143) & 413 St. Peters Road (PID #419135) Laurel**
Request to amend Appendix G – Zoning Map of the Zoning & Development Bylaw for:
 - Angus Drive (Lot 40) from Single Detached Residential (R-1L) Zone to Mixed Use Corridor (MUC) Zone; and
 - 413 St Peters Road from Low Density Residential (R-2) Zone to Mixed Use Corridor (MUC) Zone;And to amend Appendix A- Future Land Use Map of the Official Plan Map for:
 - Angus Drive (Lot 40) & 413 St Peters Road from Mature Neighbourhood to Village Centre Commercial; And further to consolidate Lot 40 Angus Drive (PID #419143), 413 St. Peters Road (PID #419135) and 415 St. Peters Road (PID #192187) being Mel's Convenience Store into one (1) parcel, in order to facilitate road upgrades by the Province to St Peter's Road and construct a second means of access for the convenience store to and from Angus Drive.
 2. **7-9 Pownal Street (PID #1105451) Laurel**
 - Request to Amend "Appendix C – Approved Site Specific Exemptions" as per Section 3.11 Site-Specific Exemptions of the Zoning and Development Bylaw to exempt 7-9 Pownal Street (PID #1105451) from Section 34.2 of the Zoning and Development Bylaw from the required Permitted Uses at Grade on Walkable Streets; and
 - Create "Appendix B – Approved Site Specific Exemptions" for the Official Plan to amend Section 4.2.3(2) of the Official Plan to exempt 7-9 Pownal Street (PID #1105451) from the designated permitted uses on a Walkable Street,In order to allow residential dwelling units on the ground floor abutting a walkable street.
 - b) **Others:**
 3. **Updates on Zoning & Development Bylaw Amendments (PH-ZD.2) & Official Plan Amendments (PH-OPA.1) Alex**
 - Water Lot Developments/Regulations
 - Amendments to permit limited signage inside of murals
7. **Introduction of New Business**
8. **Adjournment of Public Session**

PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
MONDAY, FEBRUARY 01, 2021, 4:30 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL, 199 QUEEN STREET
Live streaming at www.charlottetown.ca/video

<u>Present:</u>	Mayor Philip Brown Councillor Mike Duffy, Chair Councillor Julie McCabe, Vice-Chair Councillor Alanna Jankov* <i>*participated via teleconference</i>	Bobby Kenny, RM Basil Hambly, RM Kris Fournier, RM Shallyn Murray, RM Reg MacInnis, RM Rosemary Herbert, RM
<u>Also:</u>	Alex Forbes, PHM Laurel Palmer Thompson, PII Robert Zilke, PII	Emily Trainor, PI Ellen Faye Catane, PH IO/AA

Regrets: **Councillor Mitchell Tweel**

As the City continues to follow physical distancing protocols set out by PEI Public Health, the maximum seating for the public was limited to 15 within the 2nd Floor foyer and five (5) at the main floor. Upon arrival, individuals were required to provide information for contact tracing purposes.

1. Call to Order

Councillor Duffy called the meeting to order at 4:34 p.m.

2. Declaration of Conflicts

Councillor Duffy asked if there are any conflicts. Shallyn Murray, RM, declared conflict for 5 Great George Street Water Lot, 1 Weymouth Street Water Lot and 6 Prince Street.

3. Approval of Agenda

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the agenda for Monday, February 01, 2021, be approved.

CARRIED

4. Adoption of Minutes

Moved by Reg MacInnis, RM, and seconded by Kris Fournier, RM, that the minutes of the meeting held on Monday, January 04, 2021, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 5 Great George Street Water Lot (PID #335307)

Shallyn Murray, RM, declared conflict and stepped out of the room during the discussion.

This is a request for a temporary use variance to locate a floating dock with multiple commercial uses consisting of eating and drinking establishments. Presently, the Zoning & Development Bylaw does not define floating uses and would therefore require special approval. The temporary use approval would only be valid for the 2021 tourist season. Robert Zilke, Planner II, presented the application. See attached report.

This application would allow the existing operations to continue for the summer season of 2021. The applicants have applied for the same approval process in 2020 and received approval at that time. Mr. Zilke indicated that the only change from the previous application would be, that the house boats for short term rentals have been removed as part of the application for this year. Mr. Zilke also presented renderings of the proposed docks and indicated that there would be no expansions to the existing structure.

One (1) letter of objection was received and the author had concerns on the following: safety concerns relating to the lack of Building Code review on the structures and compliance with standards that other businesses are held to; existing adjacent businesses are struggling during the pandemic and additional restaurants to the area will negatively impact the capacity of these existing services; and Lack of parking and loading zones for the proposed floating development creates an unfair competitive advantage to existing businesses.

Mr. Zilke indicated that if this application is supported by the board, the following conditions should be included as part of the recommendation: must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use; must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use; the Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use; confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met, that the new proposed site for the float homes shall require the implementation of a Fire Standpipe System Class #1 and an approved Fire Safety Plan available onsite at all times; confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply; and copy of insurance for the floating development that provides third party liability coverage for operators, the owners of the water lot and the City of Charlottetown. Staff is recommending approval of the proposed variance. Robert Gale, applicant, participated via teleconference to provide additional information and answer any questions.

Councillor Jankov was confused with the current application and the report that was circulated to the board prior to the meeting regarding Water Lot regulations being forwarded to the City's solicitor and asked if these are two (2) different topics. Mr. Zilke responded that the document that was circulated prior to the meeting pertained to the proposed water lot regulation amendments to the Official Plan and Zoning Bylaw to establish a process to permit this type of use on a permanent basis.

Councillor Jankov also asked what happened to the floating homes that were included in the previous application. Mr. Zilke deferred the question to Mr. Gale to respond. Mr. Zilke explained that the current application, including the next similar application at 1 Weymouth Street Water Lot, only included the floating restaurants on the docks.

Mayor Brown shared that the City received a letter from Downtown Charlottetown Inc. on May 28, 2020 that indicated, “there will be no change in the current 2019 installation and development at Peake’s Marina and this will allow the City to develop bylaws. Mayor Brown noted that Mr. Zilke responded that the proposed bylaws are part of tonight’s agenda and then asked if the bylaws could be dealt with before dealing with this application. Mayor Brown added that the City committed to prepare amendments to address these types of applications and have the bylaw ready for this year. Alex Forbes, PHM, responded that it would be up to the board to make a recommendation on the temporary use variances but explained that the process to amend the OP and Zoning bylaws could take months before it is finally approved. The intent of tonight’s application is to get temporary use permits approved for this season in the event that the proposed bylaw changes are not approved by then. This will ensure that Mr. Gale’s tenants would have necessary approval to continue with their operations this season while the proposed bylaw amendments are under consideration.

Mayor Brown asked if staff could confirm that the bylaw will be in place by July or August 2021. Mr. Forbes responded that it is staff’s intent to get the bylaw amendments approved as soon as it possible. Councillor Duffy commented that this could be the last time these types of temporary use variance requests would have to be reviewed by the board before a bylaw is implemented and Mr. Forbes confirmed.

Reg MacInnis, RM, clarified that once the proposed amendments are approved, there will no longer be any temporary use variance applications as it relates to these water lots that will have to be reviewed by the board. Mr. Forbes explained that the current application is for approval for temporary use. However, when the bylaw is in place dealing with these water lot uses, any applicant would then have to apply for a permanent use instead of a temporary use.

Councillor Jankov felt perplexed that in 2020, the board recommended to allow for the temporary use variance with the expectation that by October 2020, a process would be in place so that any water lot development would not have to go through the temporary variance approval process again. Councillor Jankov noted that nothing was done in October and asked what happened why this process was not done earlier. Mr. Forbes responded that staff has a report for tonight to present the amendments pertaining to future approval of water lots development. Mr. Forbes also explained that the department is dealing with volumes of permits and bylaw amendments and have certain capacity limits as to what they can completed at any given time.

Basil Hambly, RM, had concerns when the previous permit was issued, they operated without the required approvals. Mr. Hambly then asked if there would be any safety concerns if this application would be approved. Mr. Zilke responded that when the previous variance was approved, it required certain conditions to be met. These conditions were not met, and a development permit was not

issued and the uses operated without permits or approval. It would be the responsibility of the applicant to satisfy the conditions before a permit is issued. Otherwise, enforcement actions would have to take place.

Robert Gale, applicant, explained that the uses along the dock at that time posed challenges especially on determining whose jurisdiction would these uses fall under and what would be the best way to regulate and ensure compliance to specific requirements. Mr. Gale felt that they have always been in compliance with all regulations and the City was not certain about what they can control. Mr. Gale also shared that the pandemic has caused delays and slowed down some of the processes and this year could also be uncertain for their business as well (no cruise ships, etc). For the safety issues, he confirmed that they were in compliance with the requirements. Mr. Gale is hoping to get approvals for this year so they can let their tenants know in advance whether they could continue to operate this season.

Mr. Hambly was concerned about the safety of residents using the floating docks if there are no engineering approvals on the docks. Mr. Forbes explained that 2020 was the first year that the City regulated these water lot uses. Most but not all conditions were adhered to at that time. It should be noted though that the applicants complied to most requirements and the only outstanding issue was the engineering report on the docks. This will be required to be provided for this application. If the temporary use will be granted, the applicants would have sufficient time to prepare their documents before the summer season starts to ensure that they are in compliance. Mr. Forbes also emphasized that in the proposed bylaw, these concerns should be addressed in advance of application submission. Councillor Duffy asked if these conditions can be satisfied for this summer season and Mr. Forbes responded that he is certain that the City has the ability to ensure that the conditions are met before their operations begin.

Mayor Brown noted that the committee met on January 04, 2021 to discuss planning priorities and wanted to ensure that this will be part of the priorities. Mr. Forbes emphasized that the proposed bylaws will be presented as part of tonight's meeting agenda.

Councillor Jankov mentioned that she is willing to support this temporary use but asked what happened to the floating cottages and why this will not be part of this year's application. Mr. Gale explained that they had three (3) applications in 2020. One of the applications was to move the floating homes closer to the wharf but they then decided to withdraw this application. The cottages continued to operate within the Marina. For 2021, they are looking at two (2) locations where they plan to continue operations. However, Mr. Gale explained that it would be the same application as last year, including the floating cottages. The floating cottages fall under vessels and would fall under Federal rules. Mr. Gale was not sure where these vessels would fit in the City's requirements but will definitely be part of this year's operations. Mr. Zilke explained that based on the applicant's submission and conversation with staff, it was his impression that these floating cottages are not part of the application. Mr. Zilke confirmed that if these are registered vessels, they would be fall under federal jurisdiction but the City will require documentation to confirm. Councillor Duffy asked if Mr. Forbes received any documentation and Mr. Forbes responded that he has not received any documents as well. If the application would include the floating cottages,

the applicants can include it as part of the application as long as the necessary documentations are provided to the City.

Councillor Duffy asked if Mr. Gale has the documents and Mr. Gale confirmed. Mr. Gale also emphasized that he is not changing his application from last year.

Mr. Gale asked if he is required to participate in the discussion when the amendments to the bylaw pertaining to the water lot regulations and Mr. Forbes responded that it would be nice for Mr. Gale to be able to listen to the proposed amendments as it will most likely affect any future applications pertaining to water lot uses.

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

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the request for a major variance for the temporary placement of floating structures/uses (including 3 floating cottage vessels) on the water lot located at 5 Great George Street (PID 335307), in accordance with the site plan “Attachment A-2”, the elevation plan “Attachment A-3” and the letter of intent “Attachment B”, as attached in the Planning Board Report, PLAN-2021-01-FEBRUARY-6A-1, be recommended to Council for approval, subject to the operator/owner adhere to the following:

- **Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;**
- **Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;**
- **The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use;**
- **Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met;**
- **Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply; and**
- **Copy of insurance for the floating development that provides third party liability coverage for operators, the owners of the water lot and the City of Charlottetown.**
- **That the applicant provide documentation from the Federal Government having jurisdiction that the boat houses are registered vessels.**

**CARRIED
(8-0)**

S. Murray in conflict

7. 1 Weymouth Street Water Lot (PID #335430)

This is a request for approval of a temporary use variance for the development of a floating eating establishment located on a water lot. Presently, the Zoning & Development Bylaw does not define floating uses and would therefore require special approval. The temporary use approval would only be valid for the summer of 2021. Robert Zilke, Planner II, presented the application. See attached report.

Mr. Zilke explained that this application is similar to the first application for 5 Great George Street Water lot and will have the same conditions as well. Staff is recommending that if this application be approved, it would be done so as per the listed conditions outlined in the report.

Rosemary Herbert, RM, asked if this is located where the little Marina is located. Mr. Zilke presented the orthophoto of where the proposed floating structures are being proposed. Mr. Zilke explained that there is a gangway that comes off the public pathway into the main dock.

Ms. Herbert asked if the applicant has any plans of getting documentation from engineers for the structures. Mr. Gale explained that in 2020, he got a letter from the manufacturer, EZ Dock Corporation, regarding the wide loads along the dock. That letter will be provided to the City as well.

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

Moved by Basil Hambly, RM, and seconded by Reg MacInnis, RM, that the request for a major variance for the temporary placement of the floating eating and drinking establishment on the water lot identified as 1 Weymouth Street (PID #335430), in accordance with the site plan “Attachment A-2” and the letter of intent “Attachment B”, as attached in the Planning Board Report, PLAN-2021-01-FEBRUARY-6A-2, be recommended to Council for approval, subject to the operator/owner adhere to the following:

- **Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;**
- **Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;**
- **The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use;**
- **Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met;**
- **Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply; and**
- **Copy of insurance for the floating development that provides third party liability coverage for operators, the owners of the water lot and the City of Charlottetown.**

CARRIED

(8-0)

S. Murray in conflict

8. 1 Owen Terrace (PID# 276378)

This is a request for two (2) variances to accommodate an addition to an existing single-detached dwelling at 1 Owen Terrace (PID #276378) to reduce the side yard setback requirement from 1.83m (6ft) to approximately 0.91m (3ft) and to reduce the front yard setback requirement from

6.0m (19.7ft) to approximately 5.1m (16.7ft); Emily Trainor, Planner I, presented the application. See attached report.

After circulating notice to surrounding property owners regarding the variance request, Ms. Trainor received an updated survey plan which identified the need for a third variance to allow for a reduction in the minimum permitted separation distance between the existing detached garage and proposed addition from 1.2m to 0.82m. However, this variance will not be reviewed today since it will require a notice to be circulated to residents within 100m. This additional variance will be back to the board next month.

The property is a single-detached residential dwelling located in the Low-Density Residential Zone. Currently, it contains a legal non-conforming detached garage that was constructed back in the 70s with a rear yard setback of 0.5 meters.

One (1) letter of opposition was received. The concerns largely relate to grading and drainage requirement that will be addressed during the building permit approval process.

The applicant would like to retain the existing detached garage and build an attached double garage. The location of the proposed addition will be in front of the existing garage. The proposed reduction of the front yard setback is not owing to peculiar lot conditions and the removal of the detached garage would not result to any undue hardships to the property owner which are two criteria for Major Variances in the Zoning By-law. Removing the detached garage would potentially eliminate the need for a reduced front yard setback and future separation distance variance. For these reasons, staff do not support the variance request to reduce the front yard setback.

In regard to the variance request for a reduced side yard setback, staff support this request from a privacy and safety standpoint. There are no window or door openings on the elevation where the reduced side yard setback is proposed. Building inspectors deemed this reduction to be appropriate from a safety perspective. 18 Spring Lane, property adjacent to this subject property, is setback approximately 8m from the property line where the reduced side yard is proposed which is considered to be a sufficient separation distance.

Bobby Kenny, RM, asked if the applicant is in agreement to demolish the existing detached garage. Ms. Trainor responded that the applicant is looking to retain the detached garage, which would require them to apply for another variance for the separation distance between the two structures.

Councillor McCabe clarified the legal non-conforming use on the property and Ms. Trainor explained that an application was made in 1976 for the detached garage. There were no records of the permit being issued but records show that an application was put forward at that time. Councillor McCabe asked why would the applicant apply for a third variance if it was already deemed legal non-conforming. Ms. Trainor explained that the third the variance has been triggered by the proposed addition having less than 1.2m separation distance from the existing detached garage.

Councillor McCabe drove by the area to visualize the proposed addition and asked how many feet would the requested front yard reduction be. Councillor Duffy and Mr. Kenny responded three (3) feet.

Councillor Duffy asked how much would the applicant require to meet the separation distance between the existing dwelling and the proposed addition. Ms. Trainor responded that the site plan shows a separation distance of 0.82m (2.7ft) and the bylaw requires 1.2m (3.9ft). Councillor Duffy asked if the applicant was willing to adjust the proposed addition to meet the bylaw requirement, would they be able to proceed with the construction. Ms. Trainor responded that the footprint of the building meets the bylaw requirements and if the applicant cuts off the eaves of the addition, it would meet the bylaw requirements and a variance will not be required. Councillor Duffy also noted that if the applicant reduced the footprint by 3ft on the front, then the front yard variance will not be required as well. Ms. Trainor confirmed.

Bobby Kenny, RM, drove by the site to envision the proposed addition and felt that it does not have any huge impact to the streetscape and is barely noticeable. Ms. Trainor explained that she reviewed it more in relation to the detached garage, that if the detached garage did not exist, they would have enough space in behind to push the building back three (3) feet.

Rosemary Herbert, RM, clarified that the board would be expecting another variance next month in relation to this application and Ms. Trainor confirmed and explained that any variance application requires public notification. Since this third variance was not included in the first notification, a separate notification would be required for this third variance. Ms. Herbert asked if this application can be deferred to next month and then deal with the application as a whole. Ms. Trainor responded that it is possible to defer this to next month.

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

Moved by Rosemary Herbert, RM, and seconded by Reg MacInnis, RM, that the request for two (2) variances to:

- **Reduce the side yard setback requirement from 1.83m (6ft) to approximately 0.91m (3ft); and**
- **Reduce the front yard setback requirement from 6.0m (19.7ft) to approximately 5.1m (16.7ft);**

To accommodate an addition to an existing single-detached dwelling at 1 Owen Terrace (PID #276378), be deferred to next planning board meeting to include the third variance dealing with the separation distance between two (2) structures on the property.

**CARRIED
(9-0)**

After the deferral, Mayor Brown mentioned that Allan McKearney, applicant, was at the meeting and asked if he could be given an opportunity to explain his application. The board agreed and allowed Mr. McKearney to present.

Allan McKearney, applicant, addressed the concerns regarding the existing detached garage and separation distance with the proposed addition. Mr. McKearney explained that he intends to keep the detached garage for storage and use it as crafts room. Mr. Kearney also commented that he would be willing to adjust the eaves of the proposed addition to meet the bylaw requirements and not require a third variance.

The board felt that it doesn't make sense to defer the application at this time and decided to rescind the original recommendation and then put forward the following resolutions:

Moved by Mayor Philip Brown and seconded by Reg MacInnis, RM, that the request for the deferral of this application be rescinded; and that the request to reduce the side yard setback requirement from 1.83m (6ft) to approximately 0.91m (3ft) to accommodate an addition to an existing single-detached dwelling at 1 Owen Terrace (PID #276378), be recommended to Council for approval subject to the following conditions:

1. No window or door openings maintained along the south building elevation.
2. No structures (e.g.: eaves, gutters, footing etc.) encroaching into the reduced side yard setback.

**CARRIED
(9-0)**

Moved by Councillor Julie McCabe and seconded by Rosemary Herbert, RM, that the request for a variances to reduce the front yard setback requirement from 6.0m (19.7ft) to approximately 5.1m (16.7ft), to accommodate an addition to an existing single-detached dwelling at 1 Owen Terrace (PID #276378), be recommended to Council for approval.

**CARRIED
(9-0)**

9. 32 Tannery Court – Lot 15 (PID #1123058)

This is a request for a home occupation (massage therapy business) at 32 Tannery Court – Lot 15 (PID #1123058) to operate within a proposed dwelling (currently under building permit review). The applicant proposes to operate the business throughout the week, Monday – Friday from 8:00 am to 4:00 pm with up to four (4) appointments per day and a 0.5 hour buffer time between each appointment. There will be one (1) employee for this proposed business. The Zoning & Development Bylaw does not permit massage therapy as a home occupation use, however Section 5.9.3 of the Zoning & Development Bylaw allows for consideration of appointment-based home occupation uses following the Major Variance process. Emily Trainor, Planner I, presented the application. See attached report. Shelley Folley, applicant, was at the meeting to provide additional information and answer any questions.

Should Council approve the proposed request, Council must determine the maximum number of clients that will be permitted on the premise at any one (1) time and parking requirements.

The property is located at the bottom of the cul-de-sac and the proposed dwelling is still under the building permit review stage at this time. The proposed home occupation is being proposed to be

located in a 191 sq. ft. office space directly behind the double garage of the dwelling. The home occupation will be served by the onsite parking.

Letters were sent to property owners within 100m of the subject property. One (1) letter of support and three (3) letters of objection were received. The concerns raised from the letters of objection were: concerns regarding the ability of current and prospective property owners to comment on the proposed variance since the subdivision is still being developed at this time; traffic impact on the subdivision; monitoring and enforcement of business operations; privacy impact on adjacent properties; whether massage therapy is a regulated health service; signage and advertisement of business operations; home occupation being passed on to future owners if ownership changes; home occupation not supporting the original intent of the lots being residential; and setting a precedent for home occupations in the neighbourhood.

The Official Plan supports home occupation uses in residential zones that are secondary to the primary residential use of the property and that don't create land use conflict. The Zoning & Development Bylaw is a mechanism to implement the conditions for home occupation uses. The Bylaw permits home occupations in this zone.

Staff shared that the zoning bylaw definition does not specifically include massage therapy in its list of examples (which is not an exhaustive), however, massage therapy does align with the example uses in the definition. The Home Occupation regulations of the Zoning By-law contains a list of prohibited home occupation uses including medical, health and dental office uses. The list of prohibited home occupation uses took effect in 2019 following a City of Charlottetown initiated Zoning By-law Amendment process during which time medical, health and dental services were determined to be best suited for non-residential and mixed-use zones.

It is staff's opinion that the home occupation as proposed would not detract from the evolving low-density residential character of the neighbourhood. The proposed operation represents a low intensity use of the property and generate limited traffic impact and sufficient parking is proposed onsite to serve it. However, if the home occupation is approved, there is no mechanism in effect that would allow City of Charlottetown Planning & Heritage staff to monitor or enforce adherence to the approved business operations.

Bobby Kenny, RM, commented that the board has had similar situations in the past for home occupation applications with similar operations, such as a counselling therapy service. It was initially denied but after reconsidering the application, the counselling therapy service was then approved. The board also recommended for the approval of a dog grooming business as a home occupation. Other permitted home occupation uses have a more intense use such as daycare and tourist accommodations. Mr. Kenny felt that the definition of a medical, health and dental office is too broad and massage therapy is something that could fit into a neighbourhood. Mr. Kenny noted that this proposed home occupation is being prohibited because it could fall under the medical, health and dental office definition and felt that it could be pretty harsh and finds it hard to reject the application.

Councillor McCabe seconded what Mr. Kenny explained and felt that the applicant could meet the bylaw requirements. Councillor McCabe felt that the medical, health and dental services that would be prohibited for home occupation would be the larger types of medical, healthy or dental practices. Councillor McCabe asked if a site-specific amendment could be considered or if the bylaw could be revisited and amended to clarify these definitions or permitted home occupation uses. Councillor McCabe also indicated that it will be difficult for her not to support this application.

Councillor Duffy explained that Ms. Trainor comments were geared more towards enforcement and control factors which the City does not have at this time. Ms. Trainor confirmed that apart from alignment of the proposed Massage Therapy business with the medical, health and dental office use, which is a prohibited home occupation use, staff are concerned with the inability to monitor or enforce business operations once approved.

Reg MacInnis, RM, also shared that because of the pandemic, more residents have moved to working from home. It is difficult to determine whether those who are working from home (temporarily or permanently) would fall under the permitted uses for home and whether they meet the bylaw requirements or if they are aware of the requirements. Mr. MacInnis acknowledged that while there are no enforcements in place, this application is in today to ensure that they follow the regulations and felt that this use does not meet the true definition of a medical, health and dental services and asked if there are any violations if they would like to use their home for this type of service. Ms. Trainor explained that staff reviewed this application as an appointment-based home occupation and Mr. MacInnis comments highlight a larger policy issue: whether the Zoning By-law is flexible enough to respond to current work from home situations under Covid-19 restrictions which is beyond the scope of the current application but appreciated.

Mr. Kenny asked is a development agreement can be put in place for this application. Mr. Forbes explained that it would be up to the board, but development agreements are usually prepared for larger developments or complex applications. Even with the development agreement in place, it would be difficult to monitor or determine that there is an issue until a complaint is received by the department. Mayor Brown also noted that the City could look into a summary offense ticket to enforce this in the future.

Councillor Jankov commented she is hesitant not to support this application because there are a lot of residents working from home at this time which may have a broader coverage and operation that the City does not monitor at this time.

Councillor Duffy commented that there may be difference between people working from home and those with home occupation or home-based services. Councillor Duffy is not against the application but felt that if there was excessive parking or walk-in traffic, it could be a potential enforcement issue.

Shelley Folley, applicant, explained that she has been a massage therapist for over 17 years and is looking to move her business to her home and only do part-time work. She intends to have an average of three (3) with a maximum of (4) clients per day. She has enough onsite parking and

will have no advertisements or signages posted on the property. There will be no lingering issues as clients will arrive and leave as soon as their appointment is finished. Ms. Folley also committed that she will not exceed the number of clients per day. Also, she indicated that she has an approved Covid-19 operational plan for her operations.

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

Moved by Councillor Julie McCabe and seconded by Bobby Kenny, that the request to permit a massage therapy business as a home occupation use within the proposed single-detached dwelling at 32 Tannery Court (Lot 15) (PID #1123058), be recommended to Council for approval subject to the following conditions:

- Hours of operation: Monday – Friday from 8:00 am to 4:00 pm
- Up to four (4) appointments per day
- One employee (the owner of the proposed dwelling)
- Served by on-site parking (two-car garage and double driveway).

**CARRIED
(9-0)**

10. Norwood Road/Friar Drive (PID #416305)

This is a request to amend the Official Plan designation from Low Density Residential to Mobile Home Residential; and to rezone **a portion of** the property from Low Density Residential (R-2S) Zone to Manufactured Housing Residential (MHR) Zone located at Norwood Road/Friar Drive (PID #416305). Robert Zilke, Planner II, presented the application. See attached report.

In the original notices for public consultation, it indicated that the proposal was for a 59-lot mobile home neighbourhood. Since then, there has been changes to the proposal. The new proposal to only rezone a portion of the subject property (northern portion of the property) since the concept plan is only prepared for this proposed rezoning. The remainder of the property will remain Low Residential (R-2S) Zone.

Staff received feedback from the Department of Environment regarding the drainage easement and watercourse corridor located at the north of the property requiring a 15-m buffer on each side of the watercourse. As a result, the developers revised the proposed concept plan to address this issue. The revised concept plan was presented at the public meeting as well. The total number of lots has since changed from 59 to 66 lots, changing the lot sizes and lot orientations to ensure that the 15-m buffer is met. Additional comments were received from the Department of Environment in regard to the lots adjacent to the watercourse and the potential of those lots being undevelopable as part of the watercourse/easement regulations. The developers will work closely with the Province to ensure that if the rezoning is approved, all requirements will be met. The developers are looking to build mini homes and modular homes only as part of their business model since they are looking to sell it as a land and home package.

At the public meeting, there were concerns with the increased traffic on both Friar Drive and Norwood Road which does not have sidewalks or street lighting and thus there are concerns of additional traffic from additional residential units that could create more conflict between pedestrians and vehicles sharing the road. The concerns raised are valid as Friar Drive and Norwood Road is lacking infrastructure like sidewalks, bicycle lanes and widened road shoulders which would increase the safety for the residents of the area. That being said, it is not the responsibility of the applicant to create said infrastructure along either of these public streets. A traffic study would not typically be warranted or required on low density applications (i.e. single lot) with primary access on a local street. The City's Public Works department commented that any change in traffic would be negligible. There were concerns on the existing drainage corridor running through the subject property supports wildlife and an integral part of the Wright Creek Watershed. This important drainage corridor needs to be protected. The developer incorporated the 15m buffer into the proposal, however the final concept would still require confirmation of approval by the Department of Environment, Water and Climate Change.

Residents also asked what housing typologies were going to be incorporated into the proposed subdivision and how would property standards be maintained. Residents also asked when the earliest construction is scheduled to begin and is there a particular reason why land in question was not included in the original multi-family designation in the 1970s. The development would consist of manufactured dwellings (i.e. mini-home and modular). Property standards would be maintained through restrictive covenants. Pending the approval process the developer is looking to begin development Spring 2021. The developer also indicated that due to other projects the previous phases were placed on hold.

Various residents expressed concerns regarding the vacant field south of the proposed development that has been informally used as a soccer field. Residents expressed a desire for the city to take possession of this area to ensure that it can be used by the public for recreation. As a standard requirement for subdivision there is a 10% land dedication or cash-in-lieu substitute that can be taken as a requirement of subdivision approval. However, the Parks and Recreation committee determines which option will be chosen based on feedback from the Parks and Recreation department. There is an existing public park, Robin Hood Park, which is maintained by the City and has a playground and passive greenspace.

The Provincial Department of Environment provided comments pertaining to the existing watercourse boundary that runs along the north-eastern portion of the site. They advised that the standard 15m buffer measured from the watercourse boundary applies to the development. The developer should be advised that all development (including site prep/excavation/grading/etc.) must be outside the buffer zone; the dwellings must be situated such that disturbance of the buffer is not required. Lot 21-21 in particular does not appear to allow sufficient room for construction without buffer zone disturbance.

The Charlottetown Airport Authority provided information confirming that the subject property falls within noise buffer N-30 which means any future residents would experience increased noise from the airport's operations. The airport raised concerns with developing additional residential

lots in close proximity to the airport lands. These concerns can be mitigated by requiring the developer to include a caveat or covenant on every developable lot's land title stipulating that the purchaser is aware of their proximity to the airport and increase noise due to airport operations.

City of Charlottetown Public Works indicated that in regard to traffic, changing from a current R-2S zone to mini homes, the traffic volume increase is negligible. The only concern is with parking, each lot needs to have sufficient parking space off the right-of-way. Drainage will need to be determined by a comprehensive storm water review prepared by a professional engineer.

City of Charlottetown Parks and Recreation Staff provided feedback on the public reserve, stating that the request would be forwarded to the Parks and Recreation Committee for a decision on whether land would be taken or cash-in-lieu. Mr. Zilke also presented the portion of land (currently zoned R-1L) that is owned by the City and has an existing play area structure. A small portion located at the bottom of the property is owned by the City. It was originally intended as a potential connection to the bypass. The soccer field that the residents were expressing interest in, is owned by the Hamblys, and would be the subject property planned for their third phase of development. Staff is recommending that the application be approved.

Mayor Brown asked if the portion of the property being rezoned is 26 acres and Mr. Zilke confirmed.

Reg MacInnis, RM, asked how can the lots adjacent to the watercourse be developed. Mr. Zilke responded that as long the dwelling could be located outside the buffer, it is possible. Mr. MacInnis asked if the owner would like to build modular home instead of a mini-home and Mr. Zilke responded that if the rezoning and subdivision is approved, the lots affected by the buffer would have specific restrictions to ensure that the proposed dwelling would meet the requirements.

Mayor Brown asked if the size of the remaining lands owned by the Hamblys is over two (2) acres and Mr. Zilke confirmed. Mayor Brown asked what the current soccer field's acreage would be and Mr. Zilke responded that he is not sure what the exact acreage would be. At present, the developers do not have any plans of developing the remaining portion of the subject property. Mr. Zilke also added that he was speaking with Frank Quinn, Manager of Parks and Recreation, and should the subdivision be approved, the City will be requesting that the land dedication come from the portion of the property where the soccer field currently is. Mayor Brown also commented that that was what the residents were requesting at the public meeting, to have more green space/retain the soccer space. Mr. Zilke responded that the residents would like to maintain the green space that they currently use as a soccer field. Mayor Brown asked if the developers are amicable to that proposal and Mr. Zilke responded that the developers would be required to provide at least 10% land dedication and since the current soccer field is still part of the original parcel, the City can recommend that the land dedication be taken from that portion.

Rosemary Herbert, RM, asked if the soccer field would be enough to meet the 10% requirement. Mr. Zilke responded that it would be possible for the City to get a fair amount of land in that existing soccer field area to meet the required greenspace. Ms. Herbert felt that it would be great if that could be accommodated. Mr. Zilke added that all these will be done through the subdivision

process and in consultation with Parks and Recreations Department. Ms. Herbert commented that members of the board heard the comments from residents and asked how the City would ensure that those comments are not lost in the process. Mr. Zilke responded that from the discussion with Mr. Quinn, he is very much aware of the comments from residents and the desire to retain the greenspace instead of cash-in-lieu.

Councillor McCabe appreciated and agreed with Ms. Herbert's comments and felt that the board or the City needs to do much better before approving any future developments. Councillor McCabe indicated that she is not against the rezoning application and felt that most residents are also not against the proposed development. What they are tired of is seeing all these new developments in the area without investing on infrastructure upgrades or good planning in the area. In 2015, when the East Royalty Master Plan was adopted, it would be great to see the actions implemented. Councillor McCabe felt that the City could do better and have a complete package proposal and concept plan before any of the developments take place. A good example is making sure that staff work with different departments or agencies to look at the overall development before approving a development.

Councillor McCabe also commented on Norwood Road having a single entrance and exit access point. Council recently approved a rezoning along MacRae Drive and felt that it would be nice to see MacRae Drive and Norwood road connect in order to have an alternative access to these neighbourhoods. Councillor McCabe felt that she is not willing to support this application until all the questions and concerns are addressed.

Councillor Duffy commented that developing lands require a multi-faceted or multi-phase project. This application only deals with the rezoning of the property and the other aspects would be dealt with separately. It is not possible to have all the plans done such as roads, sidewalks, etc., during the rezoning process. Councillor McCabe understood Councillor Duffy's point but indicated that the City could commit to some of the actions that could be taken to address some of the issues.

Mayor Brown commented that members of Council and board members were at the meeting and heard the comments from residents and agree that the City needs to respect some of the requests of the residents. Mayor Brown agreed with Councillor McCabe that it would be preferred that some of the issues be addressed before any developments take place. Mayor Brown commented that the developers are great developers but would like to revisit the proposal to address some of the issues before anything is approved.

Councillor McCabe noted that she is not against the development and felt that it is a great idea and an opportunity for young families to start a home or people wanting to downsize. Councillor McCabe asked if the lot frontages would be smaller than two-unit lots and Mr. Zilke confirmed. Councillor McCabe asked if parking would be a concern since the lots would be smaller and if there would be enough space for at least two (2) cars. Mr. MacInnis commented that the Acadian park homes have two (2) parking spots and felt that the proposed designs would be able to accommodate more than one (1) vehicle. Councillor McCabe commented that she was talking to Public Works and they indicated that there may not be enough space for more than one (1) car. Mr. Zilke commented that he reached out to Public Works and he had concerns on parking spots.

Public Works indicated that what they would like to see in the plans would be adequate onsite parking spots for more than one (1) vehicle to ensure that there would not be an overabundance of vehicles parking on the street. Public Works prefers that there would be adequate parking onsite.

Rob Hambly, developer, addressed the parking concerns that were raised. Mr. Hambly indicated that their intention is to have a double width driveway to accommodate enough parking for two (2) cars and does not anticipate parking being an issue.

Mayor Brown mentioned that Mr. Hambly probably heard the concerns from the area Councillor and asked if he has any thoughts on these concerns. Mr. Hambly responded that if the application is approved, they will be working with staff to meet the requirements. However, there could be areas of concerns that would be beyond what their development covers.

Mayor Brown clarified what the area Councillor would like to consider as part of this application. Councillor McCabe responded that she would like to get a commitment from the City on adding infrastructure around the community and how the City can work more collaboratively for any future developments.

Councillor Duffy noted that there is a policy in place for location of sidewalks. Councillor McCabe noted that all she would like to have is a safe area for people to be able to walk to and from bus stops. Councillor Duffy added that all the departments in the City should work together to address the other concerns and Councillor McCabe noted that that is her point.

Mr. MacInnis that the intent to rezone this property to manufactured housing residential is to address the needs of the housing market and this would definitely fit this need.

Kris Fournier, RM, commented that there is a high demand for these types of housing and the area is a great area to locate the proposed subdivision.

Councillor Jankov acknowledged the concerns of the area Councillor and she had very valid points. While she is willing to support this, she also indicated that she would strongly support Councillor McCabe's push to get the rest of the departments to work together to address the rest of the City's needs.

Mayor Brown noted that the discussion is not about the development but it is more about working together to address the overall concerns of the residents and he agrees with the area Councillor.

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

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the request to:

- **Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Mobile Home Residential; and**

- **Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from the Low Density Residential Single (R-2S) Zone to the Manufactured Housing Residential (MHR) Zone,**

For the northern portion of the property at Norwood Road/Friar Drive (PID #416305) identified in Attachment A of the Planning Report (PLAN-2021-1-FEBRUARY-6B-5), in order to develop 66 manufactured home residential lots, be recommended to Council for approval, subject to a covenant be placed on the subject property that identifies that the entire lands of the proposed development is within the Airport N-30 boundary and subject to higher levels of noise caused by airport operations.

**MOTION CARRIED
(7-2)**

Councillor Julie McCabe and Mayor Philip Brown opposed

11. 6 Prince Street (PID #739128)

Shallyn Murray, RM, declared conflict of interest and stepped out of the room for this application.

This is a request to consolidate two (2) properties in the Waterfront (WF) Zone located at 6 Prince Street (PID #739128) in order to construct an outdoor amenity space (i.e. seating, band stand, fire pits, and patio) in support of the Founders’ Food Hall & Market. Robert Zilke, Planner II, presented the application. See attached report.

This application was before the board in January 2021 and was deferred to allow the applicant to be at the meeting to answer the questions from members of the board. Mike Cochrane, applicant, was at the meeting to provide additional details regarding the application.

Mr. Cochrane presented renderings of the proposed amenity space and explained that the intent of the lot consolidation is to be able to provide an outdoor seating for patrons. Originally, it was one (1) single lot and then the previous owners decided to subdivide the property. Mr. Cochrane would like to consolidate it back into one single lot.

The proposed outdoor amenity space will be comprised of outdoor seating area, berms and benches, landscaped area and a small band stand. The berms and landscaping will help beautify the space. The small band stand would be used for small scale entertainment only and would be smaller than what is located along Victoria Row. Should there be events, it will follow Founders Hall’s hours of operations and will comply with the City’s bylaws as well.

Councillor Jankov asked if the trees that currently exist will remain and Mr. Cochrane confirmed. Councillor Jankov also asked if an event is to be held at Founders Hall, would they be coordinating with other areas such as the Confederation Landing grounds to ensure that there will be no conflict or noise issues. Mr. Cochrane responded that their goal is to collaborate with other groups to ensure that there will be no conflict. Even if there would be simultaneous events happening, the level of noise that would be generated from this area will be very minimal. The location of the band stand is situated in a manner that there will be no issues related to noise or sound.

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

Moved by Councillor Julie McCabe and seconded by Rosemary Herbert, RM, that the request to consolidate Lot 17-2 and Lot 17-3 (6 Prince Street (PID #739128)), in order to construct an outdoor amenity space consisting of seating, fire pits, band stand, patio and a boardwalk extension for the Founders' Food Hall & Market, be recommended to Council for approval, subject to a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of the consolidated properties.

CARRIED

(8-0)

S. Murray in conflict.

12. Zoning & Development Bylaw (PH-ZD.2)

These are proposed amendments to the Zoning & Development Bylaw pertaining to:

- Section 3.3 Development and Building Permits: Expiry of incomplete building & development permit applications after six months of inactivity;
- Section 3.9.1 Major Variances: Clarify regulations subject to the variance process;
- Section 4.19 Amenity Space for apartment buildings: Define requirements for both indoor and outdoor amenity space;
- Section 6.2 Undersized Lots: Clarify minimum development rights by allowing for a single detached dwelling;
- Section 6.7 Garbage Area requirements: Standardize site requirements for garbage storage areas on multi-residential developments;
- Section 45 General Provisions for Signage: Insertion of additional fascia sign requirements for buildings over four (4) storeys in height in the 500 Lot Area;
- Appendix A. Definitions: Delete "Amenity Area" and its definition and replace with "Amenity Space" and its definition.

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

Mr. Zilke summarized the proposed amendments and recommended that it proceed to public consultation.

Mayor Brown asked about building permit application expiry and the 21-day appeal period. Mr. Zilke explained that the proposed amendment on permit application expiry is different from the 21 days appeal period. The proposed amendment refers to applications that are considered "abandoned" applications or applications that are not completed within six (6) months upon date of application. Mayor Brown then asked if residents who wanted to appeal would go directly to IRAC. Mr. Zilke responded that appeals go directly to IRAC. Mr. Forbes also explained that the appeal process is a provincial process and the City is not directly involved until an official notice of appeal is provided.

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

Moved by Reg MacInnis, RM, and seconded by Councillor Julie McCabe, that proposed amendments to the Zoning & Development Bylaw pertaining to:

- **Section 3.3 Development and Building Permits: Expiry of incomplete building & development permit applications after six months of inactivity;**
- **Section 3.9.1 Major Variances: Clarify regulations subject to the variance process;**
- **Section 4.19 Amenity Space for apartment buildings: Define requirements for both indoor and outdoor amenity space;**
- **Section 6.2 Undersized Lots: Clarify minimum development rights by allowing for a single detached dwelling;**
- **Section 6.7 Garbage Area requirements: Standardize site requirements for garbage storage areas on multi-residential developments;**
- **Section 45 General Provisions for Signage: Insertion of additional fascia sign requirements for buildings over four (4) storeys in height in the 500 Lot Area; and**
- **Appendix A. Definitions: Delete “Amenity Area” and its definition and replace with “Amenity Space” and its definition,**

Be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

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

These are proposed amendments to the Zoning & Development Bylaw (PH-ZD-2) pertaining to:

- **Section 21.1.1 Medium Density Mixed Use Residential (MUR) Zone to clarify the permitted uses within the zone as Townhouse Dwellings, Semi-detached or Duplex Dwellings, Single-detached Dwellings, Nursing Homes and Community Care Facilities;**
- **Section 17 Medium Density Residential Townhouse (R-3T) Zone to remove and repeal apartment dwellings as a permitted use in the zone.**

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

The MUR Zone was created when the East Royalty Master Plan was developed. The MUR zone allows for various housing typologies and are approved through percentages for each type. However, when the bylaw was repealed and replaced in 2018, the wording for the permitted uses in the MUR zone became unclear under those amendments and has created confusion on the permitted uses. This proposed amendment will clarify the permitted uses for this specific zone. The Bylaw currently references uses that are permitted in the R-3 zone however the specific uses in the R-3 Zone that are permitted in the MUR Zone are not referenced until the following section. This amendment will clearly list the permitted uses in Section 21.1.1 under “Permitted Uses for the MUR Zone”. Currently, the MUR’s most intensive use are townhouse dwellings. This amendment will make it clear that apartment dwellings are not permitted in this zone.

The amendments to Section 17, Medium Density Residential (R-3T) Zone, is to remove apartment dwellings as a permitted use in the zone. The most intensive use in the MUR Zone was intended to be townhouse dwellings. This zone was intended to be less intensive than an R-3 (Medium

Density Residential) Zone. Again, when the bylaw was repealed and replaced in 2018, apartment dwellings were added to this zone as a permitted use. The proposed amendment is to update the permitted uses in the R-3T zone to repeal and remove apartment dwelling as a permitted use.

Councillor McCabe asked what the percentage of uses are allocated within Montgomery Heights Subdivision and asked if a community care facility can be constructed in that area. Ms. Thompson responded that 30% is allocated for single-detached dwellings, 25% for semi-detached and townhouse dwellings and another 25% for community care. If the portion allocated for community care will not be used, it can be allocated toward other permitted uses.

Councillor Duffy 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 amend the Zoning & Development Bylaw (PH-ZD-2) pertaining to:

- **Section 21.1.1 Medium Density Mixed Use Residential (MUR) Zone to clarify the permitted uses within the zone as Townhouse Dwellings, Semi-detached or Duplex Dwellings, Single-detached Dwellings, Nursing Homes and Community Care Facilities; and**
- **Section 17 Medium Density Residential Townhouse (R-3T) Zone to remove and repeal apartment dwellings as a permitted use in the zone,**

Be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

14. Official Plan Amendment (PH-OPA.1)

This is a request to amend Schedule “A” Future Land Use Map to remove the designation Concept Planning Area and replace all properties designated as such with Comprehensive Planning Area. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The Official Plan Map shows various land use designations throughout the City and this amendment is to remove different terminologies for the same land use. Currently, the Future Land Use Map shows two (2) designations - Concept Planning Area and Comprehensive Planning Area. Both designations appear on the map as different land use designations but are the same land use. Therefore, the same planning policies and zoning regulation apply to both. This has created confusion when administering the process for approval of a development concept plan under Section 42 of the Bylaw. Most planning documents refer to the land use designation as Comprehensive Planning Area. To address this issue, staff is proposing to remove the designation of Concept Planning Area and replace all designated properties on Appendix “A” with Comprehensive Planning Area. Staff is recommending that this amendment proceed to public consultation.

Councillor Duffy 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 amend Schedule “A” Future Land Use Map of the Official Plan to remove the designation Concept Planning Area and replace all properties designated as such with Comprehensive Planning Area, be recommended to Council to proceed to public consultation.

**CARRIED
(9-0)**

15. Zoning & Development Bylaw (PH-ZD.2) & Official Plan Amendments (PH-OPA.1)

These are proposed amendments to the Official Plans as it pertains to:

- Section 3.5.5 Waterfront Development;

And proposed amendments to the Zoning & Development Bylaw as it pertains to:

- Appendix G – Zoning Map of the Zoning & Development Bylaw; Port and Waterfront Zone
- Appendix A. Definitions to insert

Alex Forbes, Manager of Planning & Heritage, presented the application. See attached report.

Mr. Forbes explained that the intent of these proposed amendments is to be able to utilize water lots in Charlottetown subject to meeting established conditions. In 2019, the Gales have expanded their operations along the Marina. At that time, there were uncertainties with regard to whose jurisdiction would the water lots fall under and what appropriate permits would be issued. In 2020, a permit was issued to allow the Gales to operate under a temporary use variance approval process. At that time, the board recommended that staff look into a more permanent process to address these uses on water lots.

Staff is now back with proposed amendments to the Zoning & Development Bylaw and Official Plan to provide regulations and requirements for Water Lots and permitted uses on water lots. The report provides a detailed summary of the proposed amendments.

Mr. Forbes recommended that the proposed policies be reviewed by the City’s solicitor before it proceeds to public consultation to ensure that all controls are in place.

Several members of the board agreed that it is best to have a legal opinion on the proposed amendments to ensure that these regulations are reviewed in great detail especially on regulations pertaining to safety, enforcement, jurisdiction and permit approvals.

Councillor Duffy 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 proposed Zoning & Development Bylaw and Official Plan Amendments as it pertains to water lot development, be reviewed by the City’s solicitor before recommending to Council to proceed to public consultation.

**CARRIED
(9-0)**

16. New Business


Councillor Alanna Jankov shared that she has been receiving emails from residents looking for an update or status on the proposed seven (7) or eight (8) storey building along the Waterfront and asked staff if they have any information to share. Alex Forbes, PHM, responded that there are no pending permits or discussions with the applicant and the Planning & Heritage at this time. All previous applications and discussions regarding this proposed development has been dealt with and there are no active applications at this time.

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 7:46 p.m.

CARRIED

Councillor Mike Duffy, Chair

TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT Lot 40 Angus Drive (PID# 419143) and 413 St. Peters Road (PID #419135) Also Lot Consolidation of PID # 419143, PID # 419135, and PID # 192187 FILE: PLAN-2021-01-MARCH - GA -1 OWNER: Dan MacIsaac APPLICANT: Jeff Doucette		
MEETING DATE: March 1, 2021		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan showing roundabout and access driveway to Angus Drive	
SITE INFORMATION: Context: Single detached dwelling on the corner of Angus and St Peters Road and vacant lot on Angus Drive adjacent to (R-1L) Low Density zoned land. Ward No: 9 Stone Park Existing Land Use: PID # 419143 is vacant, PID # 419135 is occupied by a single detached dwelling on corner Official Plan: Mature Neighbourhood Zoning: PID # 419143, (R-1L) Single Detached Residential, PID # 419135, (R-2) Low Density Residential Zone		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to advance to public consultation the request to:

amend Appendix G – Zoning Map of the Zoning & Development Bylaw for:

Angus Drive (Lot 40) from Single Detached Residential (R-1L) Zone to Mixed Use Corridor (MUC) Zone; and

413 St Peters Road from Low Density Residential (R-2) Zone to Mixed Use Corridor (MUC) Zone;

And to amend Appendix A- Future Land Use Map of the Official Plan for:

Angus Drive (Lot 40) & 413 St Peters Road from Mature Neighbourhood to Village Centre Commercial;

And further to consolidate PID # 419143 Lot 40 Angus Drive, PID # 419135, 413 St. Peters Road and PID # 192187 being Mel's Convenience Store into 1 parcel.

In order to facilitate road upgrades by the Province to St Peter's Road and construct a second means of access for the convenience store to and from Angus Drive.

REQUEST

This is a request to proceed to public consultation for a request to amend Appendix G – Zoning Map of the Zoning & Development Bylaw for Angus Drive (Lot 40) from Single Detached Residential (R-1L) Zone to Mixed Use Corridor (MUC) Zone; and 413 St Peters Road from Low Density Residential (R-2) Zone to Mixed Use Corridor (MUC) Zone; and to amend Appendix A- Future Land Use Map of the Official Plan Map for: Angus Drive (Lot 40) and 413 St Peters Road from Mature Neighbourhood to Village Centre Commercial. The applicants are also requesting to consolidate PID # 419143 Lot 40 Angus Drive, PID # 419135, 413 St. Peters Road and PID # 192187 being Mel's Convenience Store into 1 parcel.

Development Context

The subject properties are bounded by R-1L zoning to the north, St. Peter's Road to the south, Mel's Convenience Store (MUC) to the east and Angus Drive to the west. Currently existing on the subject properties are a single detached dwelling and Lot 40 Angus Drive is a vacant lot. Mel's is located along St. Peter's Road which is a Provincial Highway. It is the main artery for traffic travelling into and out of Charlottetown.

Property History

January 6, 2014 - Application to rezone a portion of PID #'s 419143 from R-1L to MUC & 419135 from R-2 to MUC. The purpose of the request was to rezone a 35 ft. strip of land to facilitate an 1800 sq. ft. expansion to the existing Mel's Convenience Store and the parking lot.

Feb 3, 2014 - Deferral of rezoning application for a portion of PID #419143 from R-1L to MUC & a portion of PID # 419135 from R-2 to MUC until an engineered site plan showing on and off site traffic flow is submitted to the Planning Department for review.

April 7, 2015 - Application to rezone PID #'s 419143 from R-1L to MUC & 419135 from R-2 to MUC. The purpose of the request was to rezone the properties to facilitate a 1,200 sq. ft. expansion to the existing Mel's Convenience Store, to expand the parking lot, to create a new

access onto Angus Drive and to enable future development on the subject properties. Application was rejected to go to public consultation.

May 4, 2015 - Application to rezone a portion of PID #'s 419143 from R-1L to MUC and P (Parking) & 419135 from R-2 to MUC and P (Parking) and to amend The Future Land Use Map of the Official Plan from Low Density Residential to Commercial. Application was rejected until it could be determined when the controlled intersection at the corner of Angus Dr. and St. Peters Road will be constructed.

July 6, 2015 – Planning Board recommended advancing the May 5, 2015 application to a public meeting to gain input on the proposal to rezone a portion of PID #'s 419143 from R-1L to MUC and Parking & 419135 from R-2 to MUC and parking and to amend The Future Land Use Map of the Official Plan from Low Density Residential to Commercial.

September 10, 2015 - Following Public Consultation - Application was rejected to rezone a portion of PID #'s 419143 from R-1L to MUC and P (Parking) & 419135 from R-2 to MUC and P (Parking) and to amend The Future Land Use Map of the Official Plan from Low Density Residential to Commercial.

ANALYSIS:

There have been several requests over the years to rezone these properties. The current application has come forward because the Province is initiating major upgrades to St. Peter's Road during the summer of 2021. These upgrades will include the construction of a roundabout at the location of Angus Drive, St. Peters Road and Hanmac Drive. In addition to the construction of the roundabout a center medium on St. Peters Road will also be constructed. This medium will not allow vehicles travelling east to make left hand turns into Mel's and will also not permit west bound vehicles exiting the site to make left turns. Only right in/ right out movements will be permitted off St. Peters Road. Therefore, vehicles traveling east will be required to exit onto Angus Drive or St Peters Road in a west bound direction and circle the roundabout before heading east. This will create a much safer situation for vehicles accessing and entering the site.

A traffic study in conjunction with the Province and the City was completed in 2013. The study identified that controlled intersections would have to be constructed along strategic points as development occurs in East Royalty. Due to the traffic generated at this location Angus Drive was identified in the joint City/Provincial traffic study as one of the key intersections for controlled access.

Between the time span of January 2014 and September 2015 Mel's made several applications to rezone these two properties and expand the convenience store. At that time, the Province did not support those applications and indicated they would not support the rezonings without a direct, full access from the site onto Angus Drive. This full access would allow residents north of St. Peter's Road to access the site without having to enter traffic on St. Peters Road. As well it was identified that there would be no delays in traffic queuing on Angus to enter St. Peter's Road once a roundabout was constructed.

One of the major concerns with previous applications was traffic and how it enters and exits Mel's site. Many residents had safety concerns with motorists trying to access St. Peter's Road from Angus Drive. The proposed roundabout will alleviate issues with access from Angus Drive to St. Peters Road and will keep traffic flowing as opposed to waiting to make left or right turns. The proposed access driveway from Mel's property onto Angus Drive will also create a much safer situation for customers leaving or entering the site. However, there may be concerns from area residents regarding the impacts of expanding the commercial property. After the public consultation there may be mitigative measures that can be employed to alleviate resident's concerns.

Currently there are very few commercial support services in East Royalty. Mel's are providing retail amenities to the neighbourhood of East Royalty.

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"> Access onto Angus Drive from Mel's will create a much safer situation for vehicular traffic. The proposed traffic upgrades to St. Peters Road are upgrades that were identified in the joint 	<p>A portion of 413 St. Peters Road PID #419135 will become part of the roundabout.</p>	<ul style="list-style-type: none"> Residents adjacent to Mel's and the properties that are proposed to be rezoned may perceive potential land use conflicts from the proposed application.

traffic study between the City and the Province.

- East bound left turns from Mel's will be prohibited due to the construction of a new central medium. This will create a much safer situation.
- Residents living on the north side of St. Peters Road will not have to enter St. Peters Road to access Mel's but will be able to access the site via Angus Drive if the new access driveway is permitted.

CONCLUSION:

Given that these initiatives were identified in the 2013 traffic analysis between the City and the Province as beneficial. The construction of the roundabout and a rear access from Mel's onto Angus Drive will create a safer situation for the traveling public and customers entering and exiting Mel's. Staff feel that this application has merit and are recommending advancing the proposal to public consultation.

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to advance the rezoning request for Lot 40 Angus Drive and 413 St. Peters Road and the lot consolidation of 417 St. Peters Road (Mel's), Lot 40 Angus Drive and 413 St. Peters Road to public consultation.

**TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT– Lot 40
Angus Drive and 413 St. Peters Road. Lot Consolidation of PID # 419143 Lot 40
Angus Drive, PID # 419135, 413 St. Peters Road and PID # 192187, 417 St. Peters
Road**

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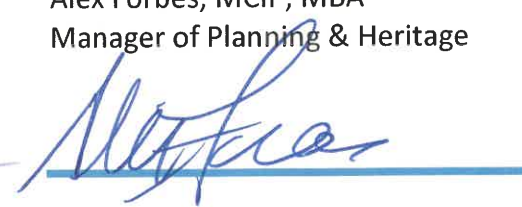
PRESENTER:

Laurel Palmer Thompson, RPP,
MCIP
Planner II



MANAGER:

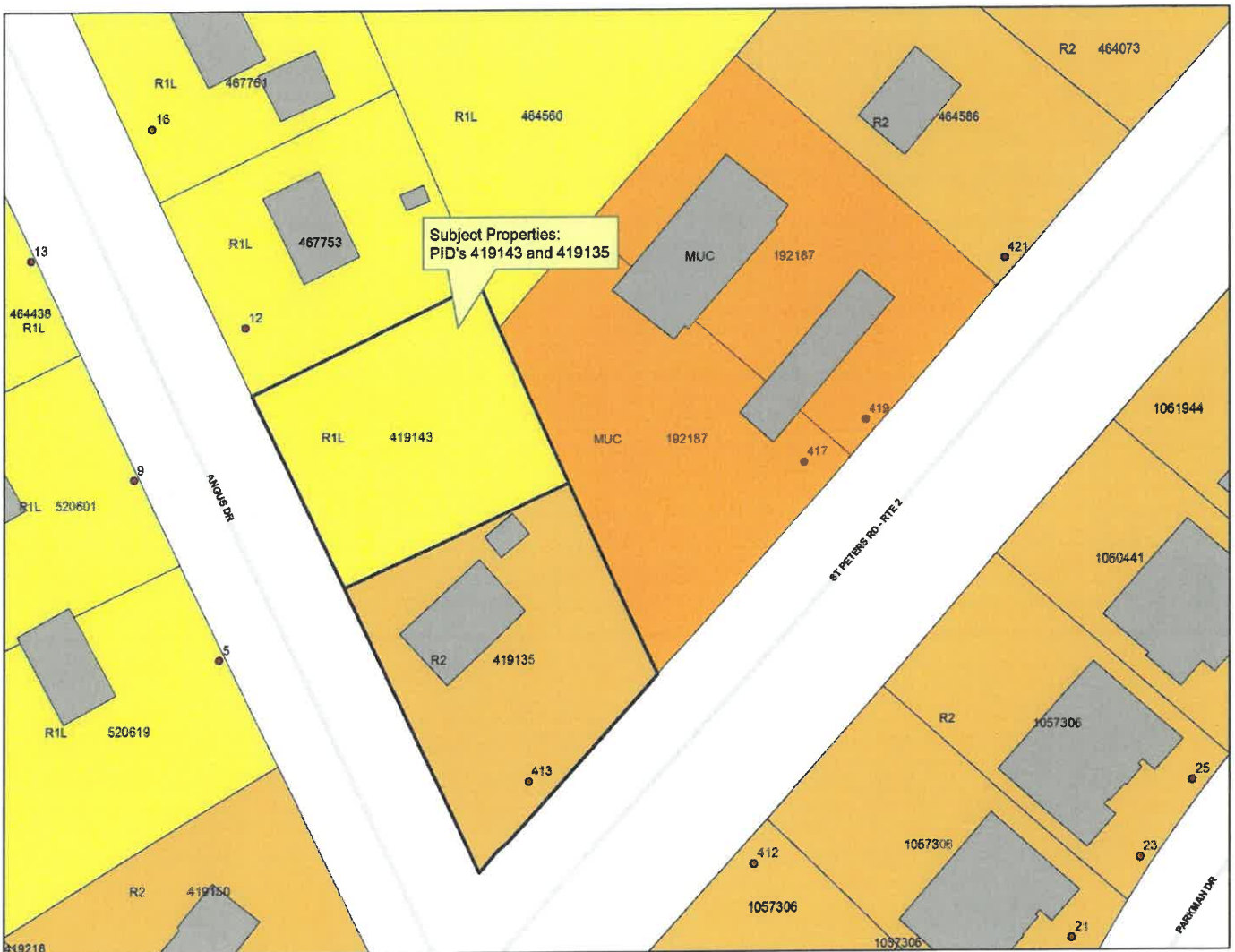
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT– Lot 40 Angus Drive and 413 St. Peters Road. Lot Consolidation of PID # 419143 Lot 40 Angus Drive, PID # 419135, 413 St. Peters Road and PID # 192187, 417 St. Peters Road

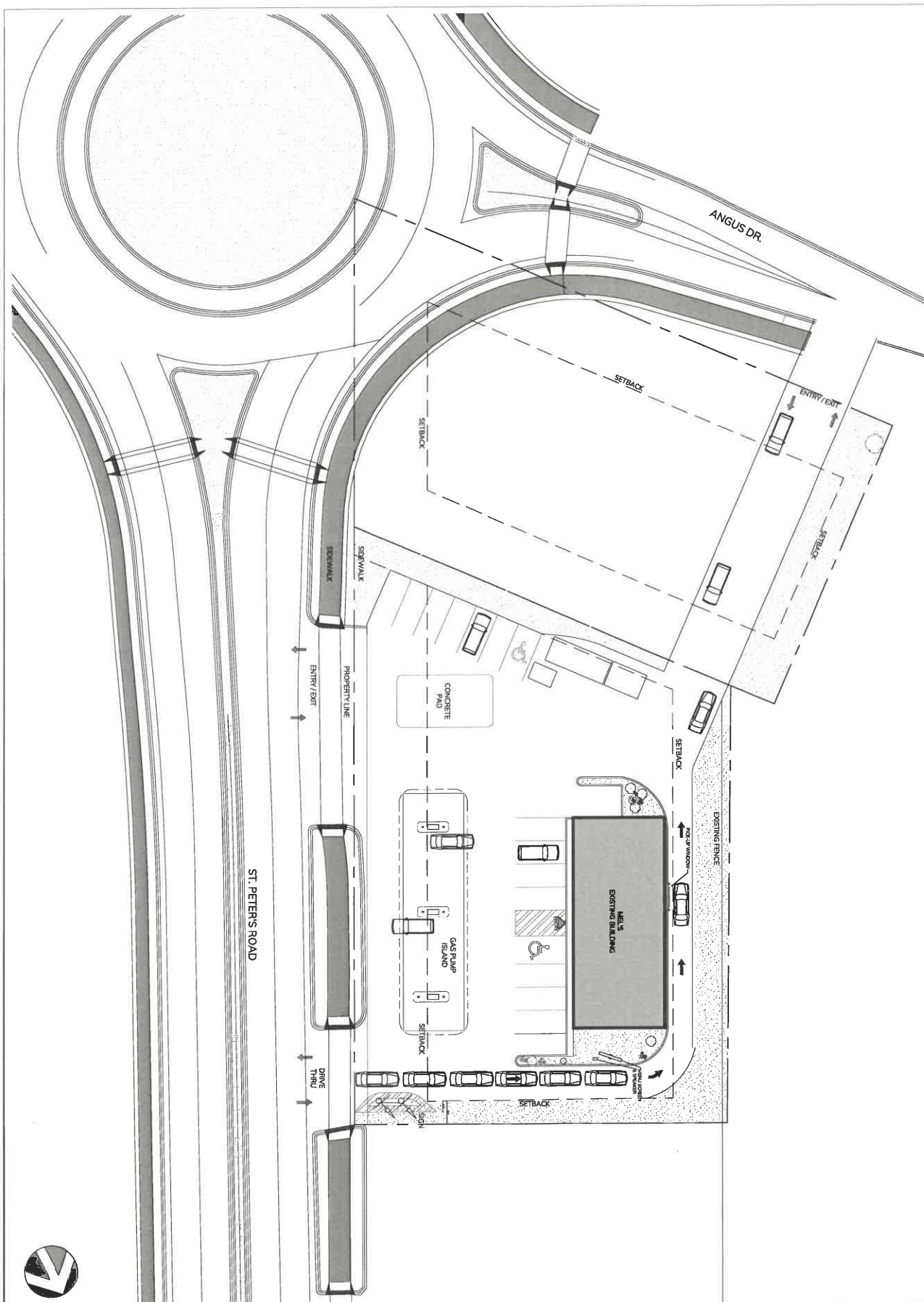
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GIS Map:



TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT– Lot 40 Angus Drive and 413 St. Peters Road. Lot Consolidation of PID # 419143 Lot 40 Angus Drive, PID # 419135, 413 St. Peters Road and PID # 192187, 417 St. Peters Road	Page8 of 8
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Site plan showing location of rear access driveway and roundabout:



A100

Sheet Title:
**Site plan With
Existing Drive
Thru**

Client: J&B
Scale: 1/16" = 1'-0"
Drawn By: DH
Project No: 20055

Mel's East Royalty

Charlottetown
Prince Edward Island


Sable/ARC
sustainable architecture + design

40 Water Street, Charlottetown PE C1A 1A1 - 1.866.818.0218
info@sablearc.com | www.sablearc.com

Consulting Engineer:

This drawing was prepared and signed by the architect and engineer in accordance with the Professional Act and the regulations made thereunder. It is the responsibility of the architect and engineer to ensure that the drawing is in accordance with the Professional Act and the regulations made thereunder. It is the responsibility of the architect and engineer to ensure that the drawing is in accordance with the Professional Act and the regulations made thereunder.

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TITLE: SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2021-1-MARCH- GA-2 7-9 POWNAL STREET (PID #1105451) OWNER: 102296 PEI INC.		
MEETING DATE: March 1, 2021		Page 1 of 14
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. GIS Map B. Schedule "B2" Official Plan C. Proposed Appendix "C" Official Plan D. Applicant submission outlining their rational for requesting a site specific exemption. E. Location of space subject to Walkable Street Provision F. Façade of Building along Walkable Street. 	
SITE INFORMATION: Context: 500 Lot Area, Walkable Ward No: 1 – Queens Square Existing Land Use: Mixed Use building Official Plan: Waterfront Zoning: Waterfront Zone (WF)		
PREVIOUS APPLICATIONS: See Property History		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to proceed to public consultation for the request to Amend "Appendix C – Approved Site Specific Exemptions" as per Section 3.11 Site-Specific Exemptions of the Zoning and Development Bylaw to exempt 7-9 Pownal Street (PID #1105451) from Section 34.2 of the Zoning and Development Bylaw from the required Permitted Uses at Grade on Walkable Streets;

and amend the Official Plan by creating a new table "Appendix B – Approved Site Specific Exemptions" to amend Section 4.2.3(2) of the Official Plan to exempt 7-9 Pownal Street (PID #1105451) from the designated permitted uses on a Walkable Street, in order to allow a ground

floor commercial space to be used for office or residential space subject to amending the existing Development Agreement.

BACKGROUND:

Request

The property owners, 102296 PEI Inc. have made an application for a Site Specific Exemption from the requirement under Section 34.2, Permitted Uses at Grade on Walkable Streets of the Zoning and Development Bylaw. This application also will require an amendment to the Official Plan to exempt PID # 1105451, 7-9 Pownal Street from Section 4.2.3(2) of the Official Plan. Moreover, a new Appendix to the Official Plan needs to be created to recognize those properties that have been granted site specific exemptions. Staff are recommending that a new table "Appendix "B" Approved Site Specific Exemptions" form part of the Official Plan.

If approved, this site specific exemption would allow the multi-use building on PID # 1105451 to incorporate residential and office use on the ground floor and be exempted from the requirement to provide tourism related services, retail uses or a cultural establishment on the ground floor of the building abutting Pownal Street which is deemed a Walkable Street under the Official Plan and Zoning Bylaw.

Development Context

The location of the building in question is on the corner of Water and Pownal Street and the portion of the building that the applicant has requested be exempt from this provision of the Bylaw and Official Plan is immediately adjacent to Pownal Street which is deemed a Walkable Street under Section 34.2.3 of the Zoning and Development Bylaw. The unit was initially intended to house commercial or tourism uses that animate the street.

Property History

- Design Review approval was originally granted on March 1, 2018 with revisions to said approval being approved on October 10, 2019.
- June 12, 2018: Development Agreement signed as per the plans approved by the Design Review Board.

- April 23, 2020 the Design Review Board approved revised plans resulting in further changes to the building design.
- Revised Development Agreement signed on May 5, 2020.
- A building permit was issued on August 5, 2020 to construct the multi-unit building.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed site specific exemption 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.

ANALYSIS:

As per Section 3.11.1.a. of the Zoning & Development By-law, Council may approve a site specific exemption to the permitted uses and regulations in any Zone, where ... the proposed Site Specific Exemption is not contrary to the *Official Plan*. If an application is contrary to the Official Plan, an application to amend the Official Plan must be filed in conjunction with the application. This application is contrary to Section 4.2.3(2) of the Official Plan which states,

“Walkable Streets – the portions of streets perpendicular and south of Water Street as shown on Schedule “B2”. Such streets prolongate to the waterfront and are intended to be vibrant interactive public spaces. Ground level uses along these streets are meant to animate the street and contribute to the pedestrian experience while creating a strong and distinct sense of place. Permitted uses should be commercial/retail, cultural and tourism service oriented in nature.”

If this application is approved to release the property owner from the requirements for a walkable street then the Official Plan will have to be amended by creating a new table “Appendix B” which will form a list of this and any future Site Specific Exemptions that may be approved to the Official Plan.

In December of 2012 a new Waterfront Master Plan was developed for the waterfront. The plan’s intent was to guide new development on the waterfront by ensuring a high standard of infill development, preserving and enhancing open space on the waterfront, providing

continuous public access and increasing destination potential by creating activity and vibrancy. All of these factors would contribute in the long term toward creating a strong sense of place to be enjoyed by both residents and visitors alike.

The Plan designated portions of streets that ran perpendicular and south of Water Street as “Walkable Streets” These streets are depicted on Schedule “B-2” of the Official Plan and in Section 34.2.3 Map C, Walkable Streets of the Zoning and Development Bylaw. Generally speaking the Waterfront Master Plan identified the waterfront as, *“A place a place for active ground floor uses which will activate the waterfront and create a must see/experience destination. Single purpose private uses should always be discouraged on the ground floor if they don’t encourage public activity (e.g. residential uses , offices, general industrial uses, parking garages, etc.). The ground floors should always be reserved for commercial uses like retail, restaurants, pubs, visitor centres, galleries, etc. These uses should be encouraged to have an active address on the waterfront.”*

Section 3.5 of the Official Plan **Waterfront Development,**

Defining Our Direction

Our goal is to make the waterfront more accessible to the public, to facilitate development of strategically situated waterfront properties for a wide variety of uses, and to protect important views to and from Charlottetown Harbour.

1. *Our objective is to make the waterfront more accessible to the public.*

Along with their application for a site specific exemption the applicants have submitted a document outlining their rational for requesting the site specific exemption. The applicant’s submission is attached to this report. The applicants contend within their submission that the uses they propose are more appropriate for waterfront development and have listed within their submission various sections within the Official Plan which they interpret as supporting their application. In general, they contend that converting the ground floor space within their building to residential or office space is consistent with good planning principles, is in line with the policies and objectives of the Official Plan and is in the interest of the public. Although staff does not agree with various points included in their rational staff does not feel that the use they propose for this space undermines the overall integrity of the Waterfront Zone.

Notwithstanding, the Waterfront Plan when developed was intended to have a timeline of 30 years to full buildout. This area of the waterfront was identified within the master plan as the Charlottetown Yacht Club area. The master plan showed a significant improvement of the yacht club property which would include a new breakwater, births, a beach and new clubhouse with mixed use development (ground floor commercial and residential on the upper floors). Currently this area houses the courthouse, the existing yacht club and the portion of Water Street that this property flanks on is mainly occupied with residential uses. Commercial development has not yet intensified in this area of the waterfront. Staff would also note that when the Waterfront Plan was developed it was prior to COVID. Over the past year society has experienced unprecedented times during the pandemic. Downtowns across the country have faced many challenges. With many people moving to online shopping, and employers requiring their employees to work from home retailers, services and office buildings have struggled to stay open and many have been forced to close. Unfortunately, merchants in Charlottetown's downtown have not been exempt from this. Therefore, staff recognizes that within the current economic climate it is difficult for landlords to rent retail space. Staff would also note that this building was designed to have architectural features such as high ceilings, large storefront windows and entrance doors facing the street to support commercial uses. Although, at the current time it may be challenging to rent this space for retail, tourism or service uses as times change economics will more than likely dictate the uses for this space.

Staff would also note that plans are not meant to be static documents but on the contrary are meant to be flexible to accommodate changing times.

Due to the fact that a development agreement exists for this property if Council were to approve this site specific exemption then an amendment to the existing development agreement would be required. In addition, the applicant has requested that an existing storage building on site that was intended to house garbage receptacles be removed as the applicant has indicated that facilities to house the garbage receptacles can be accommodated in the basement of the building as opposed to outside. Staff views this as a positive change. The applicant has also acquired additional land at the rear of the property from the Charlottetown Area Development Corporation. The applicant wishes to create a driveway across the rear yard to access the rear yard of their adjacent building. The revised Development Agreement would reflect the driveway crossing the rear yard of the subject 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"> ▪ The space would be occupied and not vacant until the economy changes to support retail use in this area. ▪ The applicant is proposing to relocate storage for garbage receptacles into the basement of the building. ▪ Allowing the unit to be used for residential would provide another housing option to meet a demographic need in the downtown. 	<ul style="list-style-type: none"> ▪ The existing Development Agreement would have to be amended. 	<ul style="list-style-type: none"> ▪ The application is contrary to the Official Plan and therefore requires the Official Plan to be amended. ▪ If approved other property owners may request exemptions to the walkable street provision resulting in less activity in this area of the waterfront.

CONCLUSION:

Given the current economic climate which has been brought on by the pandemic staff feel that this proposal has merit and are not averse to recommending for this application to proceed to public consultation. Therefore, staff feel that it is reasonable to gauge the public's opinion on the proposal to allow a site specific exemption to also allow residential and office use along a designated Walkable Street at 7-9 Pownal Street.

PRESENTER:



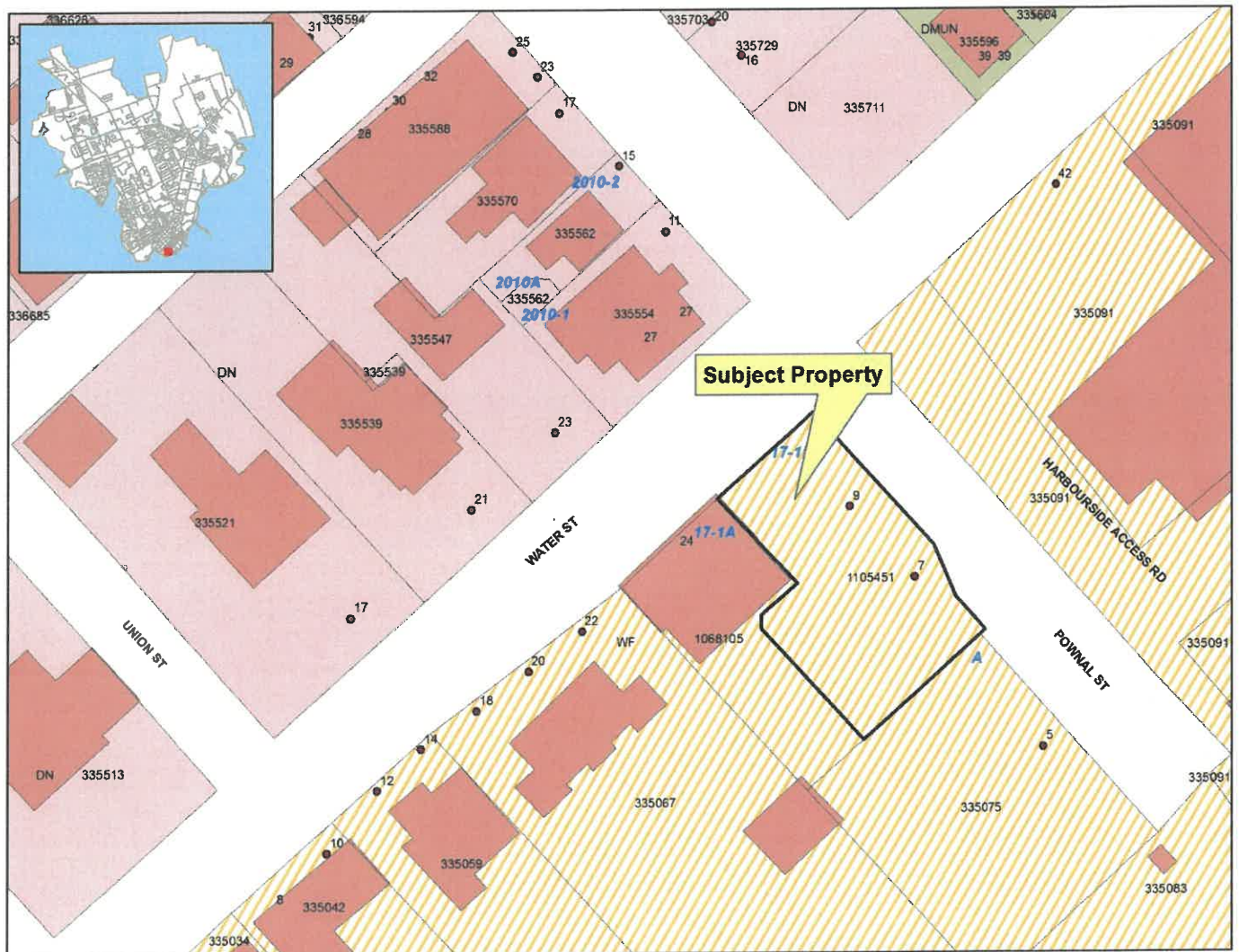
Laurel Palmer Thompson, RPP
MCIP Planner II

MANAGER:

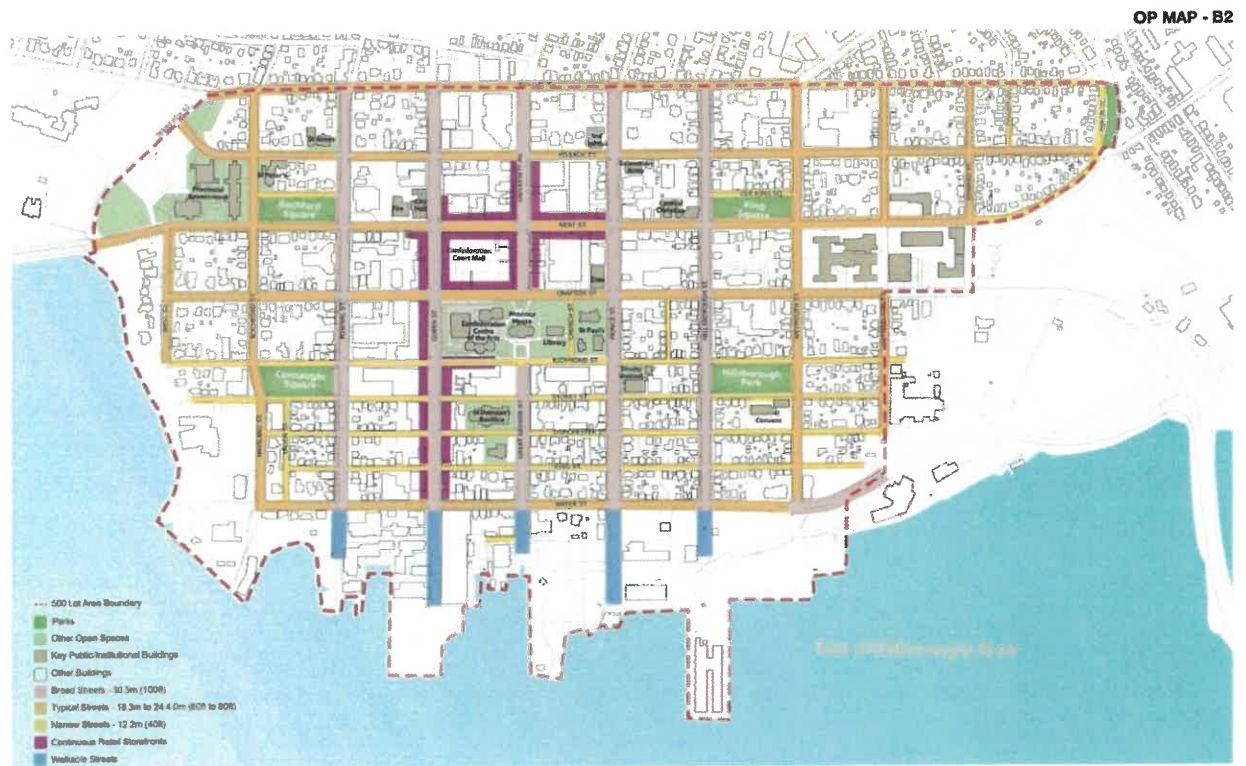


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment "A" - GIS Map:



Attachment "B": Schedule B2 Official Plan:



Schedule "B2" Streetscapes Plan for the 500 Lot Area

Attachment “C” Proposed Appendix For the Official Plan:

APPENDIX “B” APPROVED SITE SPECIFIC EXEMPTIONS Official Plan

The following properties have been subject to a site or area specific exemption to the permitted land use or regulations by way of an amendment for a particular property or properties:

Future Land Use Designation	PID	Civic Address	Use	Exemption
Waterfront	1105451	7-9 Pownal	Mixed use Residential Building	Notwithstanding the provisions of Section 4.2.3(2), the following additional uses are permitted on property identified as (PID# 1105451) residential and office use on the ground floor along a designated Walkable Street.

Attachment “D” Applicant Submission:

Mr. Forbes:

Please consider this to be an application on behalf of 102296 PEI Inc. (“the Owner”) pursuant to section 3.11 of the Zoning and Development Bylaw (“the Bylaw”). Specifically, the request is that our mixed-use property (“the Property”) currently under development at the corner of Water and Pownal Streets (PID 1105451) be relieved from the “walkable street” provisions contained in section 34.2.1 of the Bylaw.

As you know, Water and Pownal Streets are designated as “walkable streets” under the Bylaw. As a result of this designation, a portion of the ground floor (see attached first floor plan with “the Space” outlined in red) of the Property is limited to certain uses. Section 34.2.1 states:

34.2.1 Only those uses listed below shall be permitted on the ground floor of a Building in the WF Zone immediately abutting a designated Walkable Street (Map C):

- a. Eating and Drinking Establishments;*
- b. Tourism related services including but not limited to, information services, touring services, or personal equipment rentals;*
- c. Retail Store; and*
- d. Cultural Establishment*

We understand and appreciate the objectives involved in the designation of walkable streets but suggest that other uses would be more appropriate for the Space and more viable for the Owners.

With respect to other uses, the Property, as you know, is located directly adjacent to the Law Courts and so the Space would be very suitable as office space for lawyers or others involved in the operation of the Courts. It would also be suitable for a variety of other commercial uses or for a residential use given that every other building on Water Street west of Pownal is occupied as residential accommodation.

We do not see the Space appropriate for tourism related services. It is off the “beaten path” of Queen Street and has limited parking. Similarly, we do not see the Space as being suitable for a cultural or a retail use. Again, such uses would be at odds with other area uses. A retail use, in particular, would be difficult given the location, the lack of parking and, more generally, the retail challenges being faced as a result of the pandemic.

With respect to an eating and drinking establishment, we would see this as a negative for the tenants who will reside in this building in terms of noise, smell and traffic. We are also of the view that residents who live on Water Street west of Pownal would be opposed to this type of use.

Section 3.11 of the Bylaw permits site-specific exemptions from the Bylaw under certain circumstances. Most relevant are that: (1) the proposed exemption not be contrary to the Official Plan; (2) the proposal does not undermine the overall integrity of any given zone; (3) the proposal is in the public interest; and (4) is consistent overall with good planning principles.

We are of the view that our application meets these criteria.

First, the proposed exemption is not contrary to the Official Plan. A review of Charlottetown's Official Plan makes clear that the waterfront is seen as a location suitable for various land uses:

*Both the Boylan Commission and the Stevenson-Kellogg Report pointed out that the waterfront is a key ingredient in the healthy development of the City. Its historical legacy, view plane characteristics, and diverse elements are central to Charlottetown's image and identity. **The area now supports a variety of residential, commercial, industrial, and recreational activities...**which collectively contribute to festivity and animation along the waterfront during warm weather months. **Indeed, these mixed-use elements represent the kind of future growth and development which best suits that part of the waterfront which extends from the Hillsborough River Bridge to Haviland Street. However, more attention should be paid to encouraging new residential and commercial development in this area, as well as year-round usage of the waterfront's facilities.** (page 24, emphasis added)*

And at page 25:

Our policy shall ensure that only the highest quality mixed use development is reserved for the waterfront. (emphasis added)

In our respectful submission, the Property is exactly the type of high quality mixed-use development that is endorsed by the Official Plan. The Official Plan makes clear that "... more attention should be paid to encouraging new residential and commercial development in this area." Exempting the Property from the walkable street provisions of the Bylaw in order to permit a commercial or residential use for the Space would therefore not be contrary to the Official Plan.

Second, the proposal does not undermine the overall integrity of any given zone. In this case the subject property is located within the Waterfront Zone (WF). The Bylaw permits a variety of uses in the Waterfront Zone (see Section 34.1). The types of uses most appropriate for the Space, commercial and residential, are uses permitted in the Waterfront Zone. As a result, permitting these uses would not undermine the overall integrity of the Zone.

Third the proposed exemption is in the public interest. The public most directly impacted by the Space are the future residential tenants of the Property and the Property's immediate neighbors.

As indicated *infra*, all other properties located on Water Street west of Pownal have a residential use. More generally, the Official Plan recognizes that a variety of uses in the Waterfront Zone contributes to the overall public good:

*“... the downtown waterfront area includes a vibrant mix of residential, commercial, industrial, and recreational activities. With appropriate comprehensive planning, this part of the waterfront can become a major catalyst that attracts more complementary **year-round residential and economic activity**, and will thus contribute to the expansion of general development within the downtown area.”* (page 26, emphasis added)

In sum on this point, a strong year-round commercial or residential tenant in a new, high-quality waterfront building is in the interest of other tenants, neighbors and the public generally.

Finally, the proposed exemption is consistent overall with good planning principles. We have been in communication with Mr. Rob LeBlanc of Fathom Studio who was intimately involved in the preparation of the City’s Comprehensive Waterfront Master Plan and is supportive of our request.

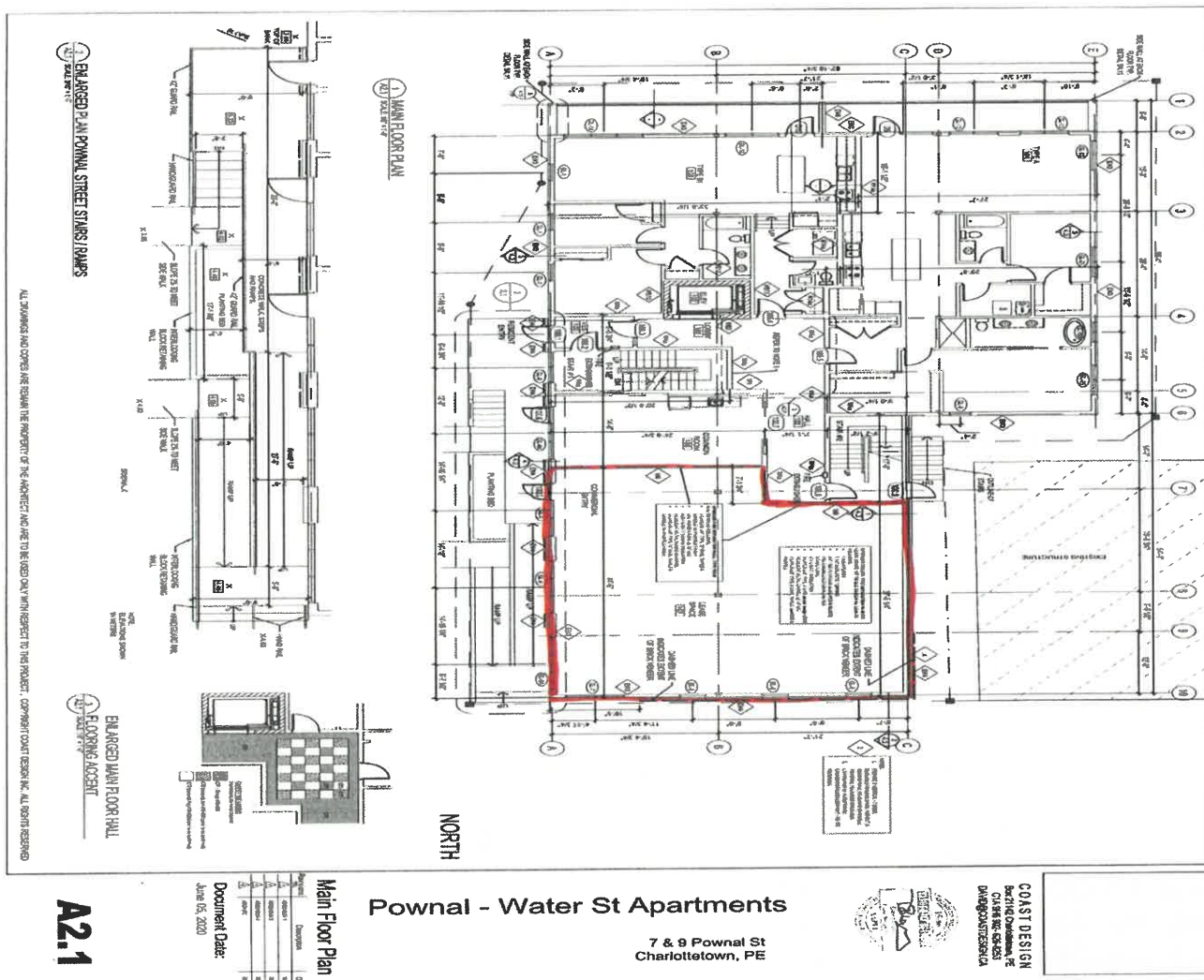
In sum, in our respectful opinion the criteria for a site specific exemption contained in section 3.11 have been met and the Property should be relieved from the walkable street provisions of the Bylaw. The Property is located in the Waterfront Zone and the Owners should be permitted to rent the Space for one of the uses permitted in the Zone.

Please let me know if additional information is required in order to consider our application.

All of which is respectfully submitted.

Spencer Campbell on behalf of 102296 PEI Inc.

Attachment “E”: Location of Space Subject to Walkable Street Provision:



Attachment "F": Façade of Building Along Walkable Street:

