



**PLANNING BOARD MEETING
PACKAGE**

February 07, 2022 (Tuesday), 4:30pm

Videoconference (Webex)

Live Streaming: www.charlottetown.ca/video

Date prepared: February 07, 2022

Prepared by: efc/v.02

PLANNING BOARD MEETING

SUMMARY OF CONTENTS

Planning Board Agenda (February 07, 2022)	(p.3)
Minutes of Previous Planning Board Meeting (January 04, 2022)	(p.5)
Minutes of Public Meeting (February 01, 2022)	(p.15)

Reports:

a) Variances:

- 1) 231 Richmond Street (PID# 340703) *Emily* (p.20)
- 2) 351 North River Road (PID #'s 1014224 and 373415) *Laurel* (p.41)
- 3) 184 Great George Street (PID# 346312) *Robert* (p.63)

b) Rezonings:

- 4) 3 First Street (PID #276501) *Emily* (p.76)
- 5) 85 Malpeque Road (PID #388181) *Robert* (p. 86)

c) Others:

- 6) Short-Term Rental (STR) Strategies Moving Forward *Alex* (p.93)



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

Monday, February 07, 2022 at 4:30 p.m.
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, February 07, 2022
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Tuesday, January 04, 2022
5. **Business arising from Minutes**
6. **Reports:**
 - a) **Variations:**
 1. **231 Richmond Street (PID# 340703)** *Emily*
Request for the following Major Variations to permit a new three (3) storey apartment building containing three (3) dwelling units:
 - Reduce the required lot frontage for a 3-unit apartment building from 34.8ft to approximately 27ft.
 - Reduce the required side yard setback from 2.25ft (side yard setback of existing building on the abutting property) to approximately 1.75ft.
 2. **351 North River Road (PID #'s 1014224 and 373415)** *Laurel*
Major Variance request to reduce the lot frontage from 59.1 ft. to 25 ft. to create a flag lot under Section 46.12.3 of the Zoning and Development Bylaw.
 3. **184 Great George Street (PID# 346312)** *Robert*
Request for a Major Variance to permit a non-conforming use of a Building or Lot which has been discontinued for a period of six (6) months or more to be re-established the previous non-conforming use (i.e., fuel station and service shop). The owner intends to renovate the existing fuel station/service shop and replace the existing canopy and structure.
 - b) **Rezoning:**
 4. **3 First Street (PID #276501)** *Emily*
This is a request to Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from the Low Density Residential (R-2) Zone to the Narrow Single Detached Residential (R-1N) Zone. The purpose of the rezoning request is to permit the subdivision of the subject property into two (2) separate lots, with one (1) lot occupied by the existing single-detached dwelling and one (1) lot occupied by a new single-detached dwelling.
 5. **85 Malpeque Road (PID #388181)** *Robert*
This is a request to:
 - Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Institutional; and
 - Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single Detached Residential (R1-L) Zone to the Institutional (I) Zone.This request is to allow for an expansion to the existing nursing home located at 73 Malpeque Road. There is an existing lot consolidation application to consolidate the subject property (i.e. 85 Malpeque Road) with 73 Malpeque Road.



c) **Others:**

6. **Short-Term Rental (STR) Strategies Moving Forward** Alex

Updates on other STR Bylaws (Summary Conviction Bylaw and Registration Bylaw)

7. **Introduction of New Business**

8. **Adjournment of Public Session**

With the evolving Covid-19 health situation, the City of Charlottetown continues to adjust their operations and practices in the wake of the constantly changing COVID-19 environment. During this time, all committee meetings, meetings of Council, etc. are to be held remotely.

PLANNING AND HERITAGE BOARD MINUTES
TUESDAY, JANUARY 4, 2022, 4:30 P.M.
VIDEOCONFERENCE (WebEx)
Live streaming at www.charlottetown.ca/video

Present: Councillor Terry MacLeod, Chair
(via Webex) Councillor Julie McCabe, Vice-Chair
Mayor Philip Brown
Councillor Alanna Jankov

Bobby Kenny, RM
Basil Hambly, RM
Kris Fournier, RM
Rosemary Herbert, RM
Shallyn Murray, RM

Also: Alex Forbes, PHM
(via Webex) Robert Zilke, PII
Emily Trainor, PI
Ellen Faye Catane, IO/AA

Tina Lococo, DCAO
Wayne Long, EDO

Regrets:

Absent: Councillor Mitchell Tweel

As the City continues to take further steps to help reduce the spread of COVID-19 and mitigate impacts on municipal services and the health and safety of residents, the meeting was held via videoconference (WebEx).

1. Call to Order

Councillor MacLeod called the meeting to order at 4:35 p.m.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Bobby Kenny, RM, and seconded by Councillor Julie McCabe, that the agenda for Tuesday, January 04, 2022, be approved.

CARRIED

4. Adoption of Minutes

Moved by Mayor Philip Brown and seconded by Councillor Julie McCabe, that the minutes of the meeting held on Monday, December 6, 2021, be approved.

CARRIED

5. Business arising from Minutes

Mayor Brown requested that a Planning Board or a Planning & Heritage Committee meeting be scheduled, and suggested that Aaron Stavert, architect for Open Practice, be at the meeting to share ideas about development of undersized lots and signages in the 500 Lot Area. Mayor Brown also requested a discussion on secondary suites. Alex Forbes responded that he would work with Councillor MacLeod for a date to schedule.

6. 1 Weymouth Street (PID #s 335430, 825950, 841528)

This is a major variance request submitted by the 2023 Canada Games Host Society and the Charlottetown Harbour Authority to temporarily permit a Cultural Hub at 1 Weymouth Street (PID#s 335430, 825950, 841528) for a period of 14 days from February 18, 2023, to March 5, 2023. The Cultural Hub would include entertainment, active recreation, eating and drinking establishment orientated uses which are currently prohibited under the Port Zoning (PZ) that applies to these properties. Emily Trainor, Planner I, presented the application. See attached report for details of the application. Kate Gracey-Stewart and Kyle Dudley, representative of 2023 Canada Games Host Society, were at the meeting to provide additional information or answer questions.

Section 3.9.1 of the Zoning and Development Bylaw says that the Major Variance process can be applied to building and development permit applications that involve a temporary use and, in a manner, otherwise prohibited by this bylaw for a period of no longer than one (1) year.

Ms. Trainor provided details on the zoning and existing uses contained on the subject property and immediately surrounding properties.

As required by the Zoning & Development Bylaw, letters were sent to property owners within 100 meters of the subject property boundary. No comments were received through the notification process, but staff received a letter of support from PEI Mi'kmaq Holdings Inc., owner of the Epekwitk Assembly of Councils property at 8 Stan MacPherson Way. This letter was submitted together with variance request from the Charlottetown Harbour Authority and the 2023 Canada Games Host Society.

Ms. Trainor indicated that peak activity on the property in typical pre-covid times occurs between May and October, when there's usually a higher frequency of cruise ships and commercial marine vessels arriving to the port, and when tourism is typically in full operation. This information was confirmed by the Charlottetown Harbour Authority. It was noted that there's is minimal activity at the Port between November and April. Therefore, it is staff's understanding that the temporary cultural hub event will not conflict with any existing uses on the subject property in the proposed February – March period.

From a zoning perspective, properties to the west of the Port Zone are zoned Waterfront which permits entertainment, eating and drinking establishment uses are permitted.

The 2023 Canada Games Host Society is proposing to extend the proposed cultural hub from the Port Zone into the adjacent Waterfront Zone to the west. A preliminary concept plan is attached to the report. It is staff's opinion that the proposed cultural hub, including entertainment, active recreation, eating and drinking establishment orientated uses, is compatible with existing uses on Waterfront zoned properties to the west and therefore, is appropriate on a temporary basis. However, given that there are residential dwellings in close proximity, particularly to the north and northwest and west of the subject property, staff recommended that that this event strictly comply with Municipal and Provincial Regulatory requirements such as the Nuisance Bylaw, Liquor Licensing Bylaw, etc., to reduce negative impacts on those adjacent residential properties.

Ms. Trainor also added that the request was circulated to different City departments for comments, including Economic Development, Tourism and Events. Wayne Long, Economic Development Officer, was also at the meeting to provide additional information on the project. The City is the major funding partner for the 2023 Canada Games with a \$1.8 Million investment planned for it. The City is also expecting to receive infrastructure upgrades as host of the event, specifically to the Bell Alliant Center and Eastlink Centre. The Economic Development, Tourism and Events Department recommends that the event organizers work directly with their Department to ensure compliance with the City's event guideline requirements. The Fire Department also recommended that any proposed Cultural Hub plans be circulated not just to Fire, but to other city departments including, Public Works, Parks & Recreation, etc. for review and comment prior to implementation. Once the Cultural Hub plans are more solidified, staff can review and double check that it meets all City's requirements. The Parks & Recreations Department also reviewed the application and had no concerns with the preliminary plans.

In light of this, the Planning & Heritage Department is recommending that the request be approved, subject to the conditions outlined in the report.

Wayne Long, EDO, shared that the Economic Development, Tourism and Events Department has been working with Canada Games for well over a year now on this application and confirmed that they have a good handle on the proposed cultural hub venue. The 2023 Canada Games will be a huge event to the Capitol City not only from

economic and tourism perspective, but as well as lasting legacies and impacts on residents. This particular request has been to the Economic Development, Tourism and Event Committee, and was recommended to come forward to this Board. Mr. Long noted that planning staff has been phenomenal to work with on this file. Mr. Long also shared that special variances for events have been historically permitted such as the East Coast Music Awards and the Jack Frost Winterfest. He also added that he chairs the City's internal logistic committee will serve as the conduit for this event to be communicated with other Departments. This is a highly valuable event and a huge win for the municipality. Councillor MacLeod shared that it is comforting to know how involved Mr. Long is in this project and that he is working to ensure that all other departments are on the same page.

Mayor Brown shared that the adjacent sites have evolved over the years as a cultural hub and reminded the organizers to be mindful of the residential neighbourhood located near the proposed venue. Councillor MacLeod agreed to have all bylaws and regulations in place for such events. Mr. Long shared that the Nuisance Bylaw would cover the curfews with respect to the hours of operation. The Liquors Act will cover any beverage service. It is important to note that any of the louder activities such as concerts would be held indoor at the Seaport Event Center.

Councillor Jankov asked if letters were sent to adjacent residential property owners. Ms. Trainor confirmed that letters were sent to property owners within 100 meters of the subject property as required by the Zoning & Development By-law. Councillor MacLeod commented that the property owners beyond the 100-m buffer would not have been notified. Councillor Jankov and Mayor Brown felt that this is a big event and the City may consider sending out information to City residents as the event date gets closer.

Kate Gracey-Stewart thanked the City and the board for accommodating this request. Ms. Stewart reiterated that they are aware of the City's Bylaws and they will be working closely with the City to ensure that they meet or exceed all the requirements and goals of the City.

Councillor MacLeod asked for any further comments or questions; there being none, the following resolutions were put forward:

Moved by Councillor Julie McCabe and seconded by Councillor Alanna Jankov, that the request for a Major Variance to temporarily permit a Canada Games Cultural Hub, including entertainment, active recreation, eating and drinking establishment uses at 1 Weymouth Street (PID #s 335430, 825950 and 841528) from February 18, 2023, to March 5th, 2023, be recommended to Council for approval, subject to the following conditions:

- 1. As per Zoning and Development Bylaw, permit approval for any associated temporary structures (e.g.: tents) and signage;**
- 2. Coordination with the City's Department of Economic Development, Tourism and Event to ensure compliance with all other applicable provincial and municipal regulatory requirements (e.g.: City of Charlottetown Nuisance/ Noise By-law, Fire/ Emergency Service Safety Plans, Provincial Liquor Control Commission licensing and permit requirements, Provincial *Public Health Act* orders), as well as City of Charlottetown Event Guidelines; and**
- 3. Circulation of proposed Cultural Hub plans to City of Charlottetown Departments, including Economic Development, Tourism & Events, Planning & Heritage, Fire, Police Services, Public Works, Parks & Recreation, Communications, Water & Sewer Utility and Sustainability for review and comment prior to implementation.**

**CARRIED
(8-0)**

7. 85 Malpeque Road (PID #388181)

This is a request to amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Institutional and Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single Detached Residential (R1-L) Zone to the Institutional (I) Zone for 85 Malpeque Road (PID #388181).

This request is to allow for an expansion to the existing nursing home located at 73 Malpeque Road. There is an existing lot consolidation application to consolidate these two (2) properties. Robert Zilke, Planner II, presented the application. See attached report.

The subject property is vacant and currently used as an overflow parking lot for the adjacent care home at 73 Malpeque Road. The intent is to consolidate the subject property with 73 Malpeque Road in order to allow for the addition of the existing care home. To the north of the subject property are the cottages, to the south would be the existing care home and low-density residential dwellings to the west along Trainor Street. Mr. Zilke presented the site plan showing the expansion of the existing care facility onto the subject property and the expansion of the existing parking lot to accommodate the required additional parking spaces.

The application was forwarded to Public Works and Police Department for comments. Public Works Department required that the existing access on the subject property be removed. Once the lot is consolidated with the existing care home facility at 73 Malpeque Road, access would be obtained off the existing access on that property. The existing access at 85 Malpeque Road would be closed and restored at the owner's expense. Staff did not receive comments from Police Department at this time. Staff recommends that this application proceed to public consultation. Greg MacDougall, applicant, was at the meeting to provide additional information or answer questions.

Councillor McCabe clarified that the proposed development will not have access to Trainor Street. Mr. Zilke confirmed and explained that the access would be from the existing care home facility. Councillor MacLeod believed that Public Works Department works closely with Police Department and felt that they may not see an issue as well. Mr. Zilke explained that Public Works indicated that they have no concerns as long as the existing approach on the subject property is closed and restored, and that the existing access off 73 Malpeque Road be used as its main access. Police Department has not commented on the proposed approach or access. But given that the proposal would be closing an existing approach or access off of a main collector or arterial highway, Mr. Zilke felt that it would actually be beneficial and it would actually improve the traffic situation along that area.

Mayor Brown asked if the size of existing driveway will be increased. Mr. Zilke explained that the proposed site plan does not indicate any driveway expansion. Greg MacDougall, applicant, explained that existing facility is nearing its capacity and the future plan is for an expansion. There is no definite timeline to the project, but the immediate need is to be able to rezone the property to allow for the future expansion. Mr. MacDougall added that the existing access would be sufficient as general access to the property. There is a second service access to the left of the property. He also indicated that he is open to a driveway expansion if it is necessary in the future. Mayor Brown asked what the size of the expansion would be and what the setback would be on Trainor Street abutting the residential dwellings. Mr. MacDougall responded that the expansion is approximately 50,000 sq. ft. and would at least be 25 ft from the property line. Mayor Brown then asked what the height of the building would be. Mr. MacDougall responded that the back of the existing facility is one (1) storey and the proposed building would be two (2) storeys.

Rosemary Herbert, RM, asked if residents along Trainor Street would be notified of the public meeting. Mr. Zilke responded that properties within 100-meters of the subject property would be notified, and the public meeting notice would be advertised in the newspaper.

Councillor MacLeod asked for any further comments or questions; there being none, the following resolutions were put forward:

Moved by Mayor Philip Brown and seconded by Basil Hambly, RM, that the request to:

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

• **Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Single Detached Residential (R1-L) Zone to the Institutional (I) Zone, for the property located at Lot at 85 Malpeque Road (PID #388181), be recommended to Council to proceed to public consultation.**

**CARRIED
(8-0)**

8. Short-term Rental Regulatory Framework

Before Mr. Zilke presented the proposed regulations, Councillor MacLeod reminded the Board that in order for these proposed amendments move forward to Council, the Board should provide a recommendation to Council in one way or the other. Mayor Brown asked what the timeline of the STR regulatory framework looks like. Councillor MacLeod indicated that staff is looking at a two (2) month timeline.

These are proposed amendments related to Short-term Rental Regulatory Framework for both Zoning & Development Bylaw and the Official Plan. Robert Zilke, Planner II, presented the application. See attached report for details.

Mr. Zilke provided a detailed summary of the how an individual can operate a short-term rental with the City of Charlottetown. A separate bylaw will be required for licensing or registration requirements, and these will be presented at a later date. The recommendation is to adopt Scenario 1 for the proposed regulatory framework that consists of the following Official Plan and Zoning & Development Bylaw amendments:

Official Plan amendments pertaining to:

- Section 3.2 Sustaining Charlottetown’s Neighbourhoods: Requiring that an STR is operated out of the host’s principal residence and compatible with the neighbourhood; and
- Section 4.5 Supporting Home Occupations: Licensing requirements for STR’s.

and the Zoning & Development By-law amendments pertaining to:

- Section 5.6 Secondary Suites: To permit for an STR if host is present during stay;
- Section 5.7 Garden Suites: To permit for an STR if host is present during stay;
- Section 5.11 Tourist Accommodations on Residential Properties: An STR on a residential property will be defined as a Tourist Home; Defined as a Tourist Accommodation under the Home Occupation regulations.
- Section 44.1 Parking Space Standards: Two (2) parking spaces required; and
- Appendix A. Definitions: To include the following definitions: Booking, Principal Residence, Short-term Rental, Tourist Accommodation, and Tourist Home.

After presenting the proposed regulations, Mr. Zilke also explained that there has been some confusion regarding the existing provincial licensing process and the municipal approval requirements. The province has been issuing licenses to some of these operators without getting confirmation that the municipality has issued a permit to operate or not. Since that time, staff has been in conversation with the Tourism Department and has since held off issuance of new licenses without first obtaining confirmation approval from the Planning & Heritage Department.

Mr. Zilke also presented a summary of all the public feedback that was collected throughout the public consultation process. The summary showed that many residents are in favour of staff’s recommendation with approximately 57% of public feedback expressing support. 23% of public feedback expressed support for alternative regulations/scenarios that ranged from including apartments (scenario 2) to allowing commercial STR’s in commercial zones (scenario 5). Finally, approximately 20% of the feedback received by staff expressed opposition to the proposed regulatory framework. For more information regarding the public feedback collected

throughout the process, refer to Attachment H. Two (2) petition letters were received and was forwarded to the Mayor & Council. There were 50 signatures from STR Operators who were opposed to the proposed regulations. The other petition was from the Fight for Affordable Housing which supported either scenario 1 or 2. There was over 920 signatures in this petition, 620 of those were Charlottetown residents. Staff also received external organization feedback from Renting PEI Legal Information for Tenants who supported the proposed STR Regulations and the Hotel Association of Canada who supported principal residence requirements.

The Affordable Housing Advisory Committee passed a motion on October 19, 2021, indicating their full support to Council's adoption of a Short-Term Rental Bylaw based on the McGill study's Option One (principal residence only, no apartments). The committee based that recommendation on the low vacancy rate and lack of long-term housing rental options.

In summary, staff is recommending moving forward with the proposed amendments. Additional bylaws on licensing/registration and enforcement will follow in the coming months.

Councillor McCabe shared that, *"It is a fairly heavy topic and the zoom (Webex) meeting for me is challenging enough without trying to talk about such a big thing. I have about four (4) quick points and questions. One thing, we talked about the difference between the provincial and the municipality trying to come together. And I still think that there's some work to be done there before we start moving ahead as a municipality. Myself, I believe, we talked about perhaps trying to form some sort of a working group or something to bring that a little bit closer. I feel like we're moving ahead here, but there's a lot of missing pieces that are going to cause us issues in the end if we don't nip some of it in the bud. My clarification point when we talk about tourist homes, some of these houses that we know are owned by people who have operated it as short-term rentals. Are they going to be able to turn any of those properties into tourist homes so that they are still able to use those as rental properties or whatever they deem? Or are they allowed to own multiple tourist homes? And do you have to be owner-occupied in the tourist home?"* Mr. Zilke responded that, *"The definition of a tourist home as I stated would be what we would consider the rental of our private dwelling unit. And it would have to be your principal residence. To answer your question, every resident can only rent out one (1) tourist home. You can't have multiple tourist homes because you can't have multiple primary residences, right? Essentially, it would be stick to one only."*

Councillor McCabe then commented that there will be issues with property owners with multiple properties where they can't have multiple properties. Councillor McCabe also asked why staff used 2006 as a reference year in the report and said, *"Why 2006? For me, it is unfortunate, but these people got ahead of us, and they put lots of money into these properties and stuff. And I think that for me, I'm not comfortable moving forward with anything until we've had a chance to get a little bit more opportunity for some discussion. I guess we're just trying to get this to Council, and I know Council has to ask more. It's a lot of information right now for me."* Mr. Zilke responded, *"2006 is basically the last copy of the bylaw that actually permitted and have these specific rules. Since 2006, any operator/host, if they wanted to get approval from our office, this is the only way they would have been able to do it. They would have to satisfy those requirements. One, they would have to live in the dwelling unit that they're going to operate as an STR, that's a primary residence, and it was only permitted in a single-detached dwelling. So there was not a situation where either you could rent out a duplex or an apartment. It is very clear since at least 2006 that you could only rent out a single-detached dwelling as an STR. So, for all those operators that have apartment units and they're renting it as STRs, that would not have conformed with the regulations of the day. And the reason I throw the 2006 up is because I want to show the Board and Council the City has on one form or another, have regulated short term rentals. The only reason that short term rental seems to be treated as new is just by the fact that Airbnb, Vrbo and a lot of these sharing platforms have made it very convenient and easy for people to rent out their private dwelling. With proliferation of these of these platforms, these websites, has created almost, it seems like people see this as a new phenomenon, but it's always been there. It's like Auto Trader, right? There's always been car dealerships. But then Auto Trader came in and they created a giant website, and they pulled all these aggregate information of all these dealer listings for anyone to go through and shop. It's same thing that Airbnb and Vrbo did. I'm just trying to show that for at least over 15 years, the City of Charlottetown has had regulations for someone who wants to rent out a*

private dwelling unit. And if you decide not to rent out your private dwelling unit and you decided to do like a bed and breakfast, such as a heritage inn, you could do that. But then, you would still have to get approval through our office for a change of use via the home occupation application, as well as building code upgrades, right? Because there's code upgrades that come along with that too. This has always been the case. This never really changed. Since 1998, we've had 54 tourist accommodation applications for these types of uses and we have approved some and rejected some of them. I've gone into the files, and they've been rejected because they didn't meet the principal dwelling requirements, since they weren't living there full time. This was just a secondary income property. Or they wanted to rent something else other than a single-detached dwelling such as an apartment.” Councillor McCabe said, “That's great. That clarified. It was a lot of information coming so we kind of had a law, but nobody's really enforced to follow it. This is basically what it sounds like.”

Alex Forbes also added, *“The issue is that, for years, the Province has been giving their licensing and we've been telling the Province, you need to check with the Municipality before you issue a license. A few years back, at least 3 or 4 years back, we at least got them to write on the application, you need municipal approval in tandem with the approval we're granting. But nobody came to us because, either they knew that there may be an issue with that or they just thought, well, we got the provincial approval, we're moving on. We got left in a position where people were ignoring us. But what Robert is alluding to, that doesn't preclude the fact that we've always had rules and there are those that are saying, well, we didn't have any rules, we need to be grandfathered. We did have rules and we have been telegraphing this issue for quite some time that, they need to get approval from us. Hopefully, with your direction to Council, we can clarify these things and clearly work with the Province because the Province is now taking the position that they're not issuing any new licenses unless they have written confirmation from the City that everything's aligned with our Zoning Bylaw.*

Mayor Brown said, *“Alex, that's happening because the opposition in the legislative assembly pushed a bill to force the Province to get municipalities to sign up. That didn't happen because of pressure amongst the provincial government officials. It was an act or an amendment that was passed in the legislative assembly. And it took 2 years to get royal ascent. I know what Councillor McCabe was saying because I've heard this also that, if we've had these regulations since 2006 or 1998, why weren't we enforcing them? That was because of the BnBs, bed and breakfast homes. And I was on Council at that time and there was a lot of discussion and a lot of the recommendations that we're looking at, came from the Chair of Planning at the time, Kim Devine. Alex Forbes responded that it is a complicated issue and it was not until 2019 or 2020 when staff had the tools and resources to determine where those operations were located. Mr. Forbes, then said, “Until we got the enforcement tool, which is called Granicus (formerly Host Compliance), the Province didn't even know where these were. We are getting caught up with this issue as Robert allude to, everything just went online. Everybody was doing things online. They weren't getting the proper approvals and what we're trying to do this evening is just clarify with you folks, how do you want to regulate it? And then when we get that direction, we'll come back to you with the date and the timeframe when you want to bring it into effect. We do think, some kind of a grace period is going to be helpful. I mean, we are moving quickly into the new 2022 season for these STR operators, and we think, it is important to work to bring some clarity to this issue soon. But if you folks want to indicate what the rules are going to be for 2022, we can work with the Province to sign off on what the new rules will be, but give the operators some time, this grace period, it could come in early in 2023 in regard to when they're going to be effectively registered, licensed, etc. We want a mechanism in place for 2022 to say yes, you either comply with our new regulation, or you don't comply. And that's the piece of the regulations we are dealing with tonight, the zoning rules.”*

Rosemary Herbert, RM, asked how many STR properties in the City that are not complying with the regulations or guidelines since 2006. Mr. Forbes responded that Mr. Zilke can provide the numbers and stated, *“The problem was, we were out in front of the Province because we had the tool to find out where they were. All that Province knew was who walked in the door and asked for a license. They didn't know who was operating an STR in the City that didn't ask for a license. And there was a lot more people operating without a provincial license or a municipal license. But we were able to determine, once we got the host compliance scrapping tool how to find where these STR operations were located, we were the ones that indicated to the Province that they had a lot of*

noncompliance as well. Planning staff pointed out to the Province that they were relying on people who are volunteering to get a permit from them, but there were a lot of operators that didn't. They now have purchased the same tool that we've purchased to find out where STR operators are located. And then, in order to enforce any bylaw, you have to enforce the bylaw consistently. You have to know where these properties are so you can effectively enforce it." Mr. Zilke added, "If we look at the numbers today according to our software that we have, we have a little over 200 STRs are non-compliant with the regulations. That has, decreased substantially because we're one of the lowest points of the year in terms of STR activity. As I've spoke to the Board and Council in the past, our peak times is between May and October. Alex is correct in that, there was at least over 638 types of listings at one time. And again, I think it was around, 80% of the operators were noncompliant. It should be noted These listings, the numbers change, it could be on a daily basis. We get weekly updates. Essentially, most of the listings and the highest concentration of noncompliant STRs was occurring, of course in the 500 Lot area and they still are. And that is mostly to do with the dwelling unit types. And that's because apartment units are being rented out and used for short term rentals rather than single-detached dwellings. Those numbers fluctuate. But as of today, I'm looking at the screen, we have approximately a little over 200 that are noncompliant right now, and that basically makes up about 87% of the total listings that are active right now in the city.

Ms. Herbert also shared that one of the key messages that she heard from the public meeting was that the public was holding the City accountable to bring controls to the overall STR industry. The number of noncompliant STRs is very high and does need immediate attention. Ms. Herbert also commended staff for the research done and for bringing forward these amendments.

Mayor Brown asked Mr. Zilke why there were no references to the scheduled public meeting held in June 2019 and the Planning Board in March 2020 where staff recommended Scenario 3 and Council voted on Scenario 4 to proceed to public meeting. Mayor Brown felt that these past events are important part of the regulatory framework's history and thus needs to be documented and added that, *"There are parts of this history that I think have to be document so that anyone that reads it now or into the future will realize that there was a lot of time and effort that went into it."* Mayor Brown also thanked Mr. Zilke and Planning & Development staff for working on moving this forward. Mayor Brown requested that the public record reflect the June 2019 public meeting and March 2020 Planning Board and Council meetings where the five (5) scenarios were presented.

Mayor Brown mentioned the Affordable Housing Incentive Program that was adopted by the City in 2018 where one of the recommendations stated, *"In an effort to recognize that property owners are converting residential housing stock and dwelling units into short term rentals (i.e. Airbnb) at an increasing rate, and therefore eliminating housing stock and/or rental options, the City of Charlottetown can collaborate with the assessment division at the Province of Prince Edward Island to establish the commercial assessment value. So, we have a recommendation in our Affordable Housing Tax Incentive that promotes short term rentals. I brought this to Robert's attention. I know Robert will follow up on it, that we have to amend that recommendation in our policy because, are we agreeing with it or are we going to change it to reflect what we want to go forward with in 2022 and thereafter. That's just a couple of points I wanted to make because public record is very important at any legislative level, whether it's municipal, provincial or federal. And I just want to make sure the record reflects changes that we have to make in our Affordable Housing Tax Incentive, the public meetings. And I also want to say that there's a lot of information and if I look at the numbers that Robert provided here under Legislative requirements, and this is the preamble, not to support any grandfather. Is that by 2021, there were 10 home occupation applications and the department approved 6 of these applications as per the Zoning & Development Bylaw. Correct me if I'm wrong, Mr. Chair. I thought the STR operations stated that 65 of their properties were registered? I'd like to find out if that was the case. And there was another point that Robert made, the hotel-motel association. I was told they were supporting STR operators, but this says it supports scenario 1. We must have a letter to state that we had that in place. Is TIA PEI (Tourism Industry Association of PEI) supporting Scenario 1 or just supporting an open concept? Where do Discover Charlottetown stand"*

Councillor MacLeod said, *“The trouble Council is going to have with this is that Council is going to have to wear a bunch of hats when we talk about this from an economic perspective. This kind of hurts the city to some degree but at the same time, we have an affordable housing crisis, so it's a very delicate topic. Rosemary hit it on it. Julie has said something on it. This is this is a decision that isn't going to be done here this evening. I think it's, there's an awful lot more work that has to be done. I do like Julie's idea of the government working group. The mayor, you stated that as well. I think we need to really sit down with them and move forward with that because you're heartstrings do pull a little bit for these folks that have been out and have bought some of these units and converted them. And even the thought of going back, they put so much money into them. They would never become affordable. So, there's that aspect of it as well. And that's what Council's job will be, is to take all those other factors. Staff has done a wonderful job. At the end of the day, there is multiple factors that all have to come together to get staff the next step to go forward with implementation.”*

Mr. Zilke explained that the June 2019 public meeting was not included in the report because during that time, the five (5) scenarios didn't exist. The public meeting only provided an overview of existing regulations and other statistical data such as population growth numbers, building permit activity and an overview of responses from the public survey. The scenarios were then presented by David Wachsmuth in February 2020 which was then presented to Planning Board and Council in March 2020. Council voted for Scenario 4 to proceed to public consultation. However, Covid-19 hit the world and these proposals were put on hold. For the Affordable Housing Incentive Program, Planning & Heritage Department does not deal with taxation rates. This program is managed by the CAO.

Mayor Brown and Councillor Jankov felt that the information from 2019 and 2020 are necessary and critical that it be included in the package. They felt that the information will be helpful for everyone to understand the amount of time and effort that staff has put into this proposal to be able to move ahead with these proposed regulations. Mr. Forbes explained that staff can include these documents to the package. However, the reason why this information was not included because the process was restarted in 2021 and staff is trying to narrow the discussion to focus on the most relevant information and avoid confusion with the public. But if the Board feels that the information is necessary, staff can include it as part of the package for Council.

Councillor McCabe understood that the recommendation needs to move forward to Council, but she was not sure whether she is ready to accept staff's recommendation at this time. Councillor McCabe does not have any issues though if the recommendation was to discuss staff's recommendation rather than accept staff's recommendation at this point. She felt that there are a few items that need to be ironed out. Councillor MacLeod explained that Council was pushing staff to provide a recommendation for the STR regulatory framework and staff is now ready with their proposed amendments. It is the Board's responsibility to either accept or reject staff's recommendation.

There were additional discussions about the status of the Summary Offense Ticketing (SOT) or the Summary Conviction Bylaw whether Planning Act has to be amended in order to be able to implement a conviction bylaw or can the municipality move ahead with creating a bylaw for the municipality to enforce. Mr. Forbes explained that the Summary Conviction Bylaw is being reviewed by the City's solicitor in order to provide clarity on how this bylaw can be developed to regulate all our by-laws.

Mayor Brown clarified if a duplex can be used as a secondary suite or STR. Mr. Zilke explained that a secondary suite only applies to single family dwellings. These secondary suites can be used as STRs if the principle resident is the owner and resides on the main dwelling. For a duplex, the second unit could be used as an STR if the units are owned by the same owner and resides in one of the units. If the duplex is owned by different owners, both units can be used as an STR unit.

Councillor MacLeod asked how a secondary suite can be used as an STR unit if it has a kitchen. Mr Zilke explained that secondary suites can be used as an STR. Councillor MacLeod also asked if the secondary suite

requires a separate driveway. Mr. Zilke explained that the property can share a single driveway but will require one (1) additional parking space for the secondary suite or STR rental unit.

Ms. Herbert requested that staff's report be amended to provide a high-level overview of the proposed regulations, context, the issues on unregulated STRs, and how the proposed regulatory framework will be good for most residents of Charlottetown. Mr. Zilke agreed to amend the report to Council. Councillor MacLeod asked for any further comments or questions; there being none, the following resolutions were put forward:

Moved by Councillor Julie McCabe and seconded by Bobby Kenny, RM, the request to amend the:

Official Plan pertaining to:

- **Section 3.2 Sustaining Charlottetown's Neighbourhoods; and**
- **Section 4.5 Supporting Home Occupations.**

and the Zoning & Development Bylaw pertaining to:

- **Section 5.6 Secondary Suites;**
- **Section 5.7 Garden Suites;**
- **Section 5.11 Tourist Accommodations on Residential Properties;**
- **Section 44.1 Parking Space Standards;**
- **Appendix A. Definitions.**

Be recommended to Council for Approval.

**CARRIED
(8-0)**

9. Introduction of New Business

There was no new business that arose.

10. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Kris Fournier, RM, that the meeting be adjourned. The meeting was adjourned at 6:18 p.m.

CARRIED

Councillor Terry MacLeod, Chair



**Public Meeting of Council
 Tuesday, February 01, 2022, 7:00 PM
 Via videoconference (Webex); and
 Live streaming at www.charlottetown.ca/video**

With the evolving Covid-19 health situation, the City of Charlottetown continued to adjust their operations and practices in the wake of the constantly changing COVID-19 environment. During this time, all committee meetings, meetings of Council, etc. were to be held remotely. The public meeting was held via Webex.

Mayor Philip Brown presiding

Present <i>(via Webex):</i>	Deputy Mayor Jason Coady Councillor Terry MacLeod Councillor Julie McCabe Councillor Alanna Jankov	Councillor Terry Bernard Councillor Mitchell Tweel Councillor Kevin Ramsay Councillor Robert Doiron
Also <i>(via Webex):</i>	Alex Forbes, PHM Robert Zilke, PII Emily Trainor, PI Ellen Faye Catane, PH IO/AA	Bobby Kenny, RM Basil Hambly, RM Rosemary Herbert, RM Shallyn Murray, RM
Regrets:	Councillor Greg Rivard	Councillor Mike Duffy

Before calling the meeting to order, Mayor Brown introduced members of Council, planning board and residents present (virtually) at the meeting. He then provided meeting reminders and Covid-19 measures.

Councillor MacLeod provided an overview of the meeting procedure and order of events. He also reminded the public that the deadline for submission of written comments is Wednesday, February 2, 2022 at noon.

1. Call to Order

Mayor Brown called the meeting to order at 7:00 p.m.

2. Declarations of Conflict of Interest

There were no declarations of conflict for Council.

3. Approval of Agenda

The agenda of the meeting was approved.

Mayor Brown called Emily Trainor, Planner I, for the first presentation.

4. 3 First Street (PID #276501)

This is a request to Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Low Density Residential (R-2) Zone to the Narrow Single Detached Residential (R-1N) Zone. The purpose of the rezoning request is to permit the subdivision of the subject property into two (2) separate parcels, with one (1) lot occupied by the existing single-detached dwelling and one (1) lot occupied by a new single-detached dwelling.

The property is located just north of the dead-end terminus of First Street and northeast of Mount Edward Road, Belmont Street, St. Peters Road and Longworth Avenue intersection. It is located within 300 metres of the 500 Lot Area boundary. The subject property and properties to the north, east and south are zoned Low Density Residential (R-2). Properties to the west fronting St. Peters Road are zoned Business Office Commercial (C-1). According to Provincial Tax Assessment records, immediately adjacent properties contain a mix of single-detached and two (2) unit dwellings.

The property is currently occupied by a two (2) storey, single-detached dwelling with a detached garage, shed and landscaping. The property is approximately 0.35 acre in size with a frontage of approximately 88.1 feet along First Street and a depth of approximately 170 feet.

Ms. Trainor presented the preliminary survey showing the proposed lot subdivision (Lot 21-1 and Lot 21-2) and the proposed footprint of the future single-detached dwelling on Lot 21-1. The R-2 zone permits a wider range of low density dwelling types such as duplex dwellings, semi-detached dwellings, single detached dwellings and modular homes. The proposed subdivision of the property for a proposed single detached dwelling and an existing single-detached dwelling would not meet the frontage requirements of 59.1 ft for single-detached dwellings in the R-2 zone. Although only single-detached and modular dwellings would be permitted in the proposed R-1N Zone, if the applicant were to subdivide this parcel into two (2) lots as they are proposing, they would be able to meet the lot frontage requirement (34.8 ft) for single-detached dwellings on both lots as shown in the preliminary survey plan. The owners of the property, Shelly Cole and Alan Aitken, were at the meeting to provide additional details for the application.

Mr. Aitken explained that they are looking to rezone their existing property to allow them to create a second lot for the construction of a new home. One (1) lot would be occupied by the existing single-detached dwelling and the other lot would be occupied by a proposed new single-detached dwelling in the future. Mr. Aitken presented a survey plan showing the boundaries of the proposed lot subdivision and footprint of the proposed dwelling. Mr. Aitken explained that all the setback requirements on both lots would be met.

Yvonne Morrison, resident, wished the applicants well with their proposal and noted her concerns on snow removal, parking, property values, removal of existing trees, and additional traffic on a dead-end street.

In response to Ms. Morrison's concerns, Mr. Aitken indicated that two (2) to three (3) trees would have to be removed in order to construct the new single-detached dwelling. For snow removal, Mr. Aitken explained it is unfortunate they live on the side of the street where snow accumulates a lot during the winter season. He added that he hires a professional for snow clearing on his property. For parking, Mr. Aitken will ensure that the proposed development will meet the City's parking requirements. He may also consider constructing a single-car garage as part of the future dwelling. Mr. Aitken mentioned that he may not be the right person to speak about property values although he was aware that all property values on PEI have increased over the past couple of years. Mr. Aitken added that the proposed dwelling will be a 1.5 storey dwelling and will fit well with the neighbourhood.

And finally, to address the concern on traffic, Mr. Aitken agreed that there will be additional traffic on the street but would not be very significant.

Angie MacArthur, resident, participated at the meeting to gather additional information about the proposal. She did not have any questions or concerns and was in support of the application.

Councillor Ramsay asked how the proposed dwelling would be orientated. Mr. Aitken explained that the proposed dwelling would be facing the street and will be in-line with the existing single-detached dwelling.

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

5. 85 Malpeque Road (PID #388181)

This is a request to:

- Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Institutional; and
- Amend Appendix "G" – Zoning Map of the Zoning & Development By-law from the Single Detached Residential (R1-L) Zone to the Institutional (I) Zone.

This request is to allow for an expansion to the existing nursing home located at 73 Malpeque Road. There is an existing lot consolidation application to consolidate the subject property (i.e. 85 Malpeque Road) with 73 Malpeque Road.

Located to the north of the subject property are the Royalty Maple Motel & cottages and the existing care home to the south in which that lot will be consolidated in order to allow for the expansion of the existing senior care home facility.

Staff received responses regarding the application from residents behind the subject property along Katie Drive and Trainor Street. There were concerns in regard to the minimum distance that the addition would maintain from the rear of the residential lots on Trainor Street. According to the Zoning & Development Bylaw, if the subject property were to be successfully rezoned to an institutional zone, a four (4) meter or 13 ft land use buffer requirement would apply to minimize any impact from the proposed use. That can either be a fence, hedge, trees or a combination thereof in order to minimize and screen the proposed addition on the subject property.

Mr. Zilke presented the proposed site plan. Once the lot is consolidated, it would act as an addition for the existing senior care home and overflow parking. As per Public Works requirements, the existing access of the subject lot off of Malpeque Road will be closed. The primary access would be coming from the adjacent lot. The applicants, Greg MacDougall and Jeff Murphy, were at the meeting to provide additional details and answer questions.

Greg MacDougall, applicant, explained that they are looking to rezone the subject property to Institutional zone to allow them to expand the existing home and offer continued healthcare services to the community. Mr. MacDougall explained that they are a licensed community care facility that caters to level one (1) to three (3). Nursing care is level four (4) and five (5) and it is their intention to apply for nursing care license in the future when the opportunity arises. This will allow their current residents to stay in their location and not be relocated after they go beyond level three (3) care. He felt that it is the best to ensure the resident stays within the facilities, to staff the residents that they're familiar with as well. It would take some strain off healthcare by having this addition. Mr. MacDougall

explained that the expansion has not been finalized yet, but they are looking at a potential addition of 50 to 70 new healthcare beds.

Mr. MacDougall explained the preliminary site plan showing the proposed expansion of the building. The existing access point of the subject property will be eliminated, and all traffic will flow in through the main parking lot and entrance. There is a section of the existing facility that would be renovated as part of the expansion.

Mr. MacDougall added that he had an opportunity to speak to some of their neighbours to address their concerns. There was a concern about greenery or fencing. He spoke with the ownership group and they are onboard about erecting a fence or planting a hedge to address the concerns to ensure a -positive relationship with neighbours. The minimum setback of the proposed addition would be at least 25 feet to the nearest residential dwelling on Trainor Street. Depending on the economics of the number of beds at the time of the expansion, the setback could be adjusted even further.

Shawn MacGillivray, resident, mentioned that he was able to speak with Mr. MacDougall to ask some questions about the proposed rezoning. He indicated that his main concern was the safety of residents, not only of Andrews Lodge but of the residents of the subdivision. He suggested that points of entry to the subject property be limited by adding greenery or fencing. Mr. MacGillivray shared that there was a history of area break-ins last summer and limiting the points of entry may help eliminate this risk. Mr. MacGillivray also asked if the proposed addition will be consistent with the existing structure in terms of sight lines or height. Mr. MacDougall explained that the proposed addition will be a two-storey building which will be similar to the front of the current care home facility.

Councillor MacLeod asked how far would the proposed addition be from the closest residential property on Trainor Street. Mr. MacDougall explained that the minimum setback requirement is 13 ft. The proposal is to have at least 25 ft. Depending on the economics, the setback may change. Mr. MacDougall assured members of Council that the setback will not be less than 25 ft. Mr. Murphy also added that they recognize that the residents of the subdivision enjoy their properties and considers themselves as part of the community as well. Mr. Murphy ensured that they would do whatever they can to make the expansion more appealing in terms of landscaping and fencing; and be able to add value to the community. He is also open to suggestions from residents.

Councillor Bernard asked how many rooms the proposed expansion would provide. Mr. Murphy explained that depending on the projection and demand at the time of construction, the number of rooms/beds may range from 50 to 70.

Mayor Brown asked what the total footprint of the addition would be. Mr. MacDougall responded that the first floor will be approximately 20,000 sq ft. The proposed additional will be a mix of single and two (2) storeys so the total footprint will be less than 40,000 sq ft.

Councillor Julie McCabe commented that this is a project that the city can benefit from, and she is happy that the applicants are working with the community to make the area better. Mayor Brown suggested to keep as many trees on the property or plant as many trees where possible.


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

6. Introduction of New Business

There was no new business introduced.

7. Adjournment of Public Session

Moved by Councillor Julie McCabe and seconded by Councillor Kevin Ramsay that the meeting be adjourned.
Meeting adjourned at 7:44 p.m.

<p>TITLE: FRONTAGE & SETBACK VARIANCE FILE: PLAN-2022-07-FEBRUARY-6A-1 231 Richmond Street (PID #340703) OWNER: PEI Housing Corporation APPLICANT: Nine Yards Studio</p>		
<p>MEETING DATE: February 07, 2022</p>		<p>Page 1 of 9</p>
<p>DEPARTMENT: Planning & Heritage</p>	<p>ATTACHMENTS:</p> <ul style="list-style-type: none"> A. Zoning Map B. Aerial View C. Survey Plan D. Site Plan Drawing E. Floor Plan Drawings F. Letters from the Public (3) 	
<p>SITE INFORMATION:</p> <p>Ward No: 1 – Queens Square</p> <p>Existing Land Use: Single-detached dwelling</p> <p>Official Plan: Downtown Neighbourhood</p> <p>Zoning: Downtown Neighbourhood (DN)</p>		

RECOMMENDATION:

The Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the request for the following two (2) major variances:

- Reduce the required lot frontage for a 3-unit apartment dwelling from 34.8ft to approximately 27ft
- Reduce the required side yard setback from 2.25ft (side yard setback of existing building on the abutting property) to approximately 1.75ft

to permit a new three (3) storey apartment building (approximately 36ft in height and 3,450 sqft in size) containing three (3) dwelling units at ~~203 Fitzroy Street (PID# 346486)~~ **231 Richmond Street (PID #340703)** subject to the following conditions:

1. The Design Review Board reviews and supports the proposed exterior building design.
2. Prior to demolishing the existing dwelling, the owner shall:
 - (a) Obtain a Demolition Permit; and
 - (b) Submit a Fire Safety Plan for review and acceptance by the City’s Fire Department.

BACKGROUND:

Request

On behalf of PEI Housing Corporation (the property owner), Nine Yards Studio (the applicant) is requesting the following Major Variances to permit the construction of a new three (3) storey building (approximately 36ft in height and 3,450 sqft in size) containing three (3) permanent, independent apartment dwelling units owned and operated by PEI Housing Corporation at 231 Richmond Street (PID #340703):

1. Reduce the required lot frontage for a 3-unit apartment dwelling from 34.8ft to approximately 27ft
2. Reduce the required side yard setback from 2.25ft (side yard setback of existing building on the abutting property) to approximately 1.75ft

Pursuant to Section 3.9 (Major Variances) of the Zoning and Development By-law, these variances are categorized as major in nature, therefore the Planning Board must consider the request and make a recommendation to Council. Council may approve or reject the requested variances.

Subject Property History

The subject property is located at the northeast corner of the Hensley Street and Richmond Street intersection (see Attachment 'B' to this report). It has a total area of approximately 2,300sqft, a frontage of approximately 27ft along Richmond Street and a depth of approximately 85ft.

The subject property is designated *Downtown Neighbourhood* by the City of Charlottetown Official Plan. As per Attachment 'A', it is zoned Downtown Neighbourhood (DN) by the City of Charlottetown Zoning and Development By-law. It is also located within the City of Charlottetown 500 Lot Area boundary; however, it is not a heritage designated property.

The subject property is currently occupied by a 2-storey dwelling, small shed, landscaped green space and one (1) surface parking space. A fence lines portions of the side, flankage and rear property limits. Further, a survey plan of the existing property shows an easement in favour of PEI Housing Corporation over the east portion of 233 Richmond Street, the adjacent property to the east (see Attachment 'C' to this report).

The Planning and Heritage Department has no Building Permit records pertaining to the subject property. Provincial tax assessment data indicates that one (1) unit exists in the dwelling. PEI Housing Corporation has confirmed that the existing dwelling has been vacant since 2017 and that it is currently uninhabitable. Accordingly, should Council approve the requested Major Variances, PEI Housing Corporation intends to demolish the existing dwelling to accommodate the proposed new development.

Surrounding Neighbourhood Context

Based on a recent site visit and provincial tax assessment data, lots immediately adjacent to the subject property contain residential uses with a low to medium density character (except PID#339465), specifically:

- **233 Richmond Street** (to the east): 2.5-storey building, 3 dwelling units
- **234 Richmond Street** (to the southeast): 2.5-storey building, 2 dwelling units
- **230 Richmond Street** (to the south): 2-storey building, 8 dwelling units
- **PID#339465** (to the southwest): Trinity United Church surface parking lot
- **1 Hensley Street** (to the west): 2-storey building, 2 dwelling units
- **7 – 9 Hensley Street** (to the west): 2-storey building, 2 dwelling units
- **13 – 15 Hensley Street** (to the northwest): 2-storey building, 2 dwelling units
- **22 Hensley Street** (to the north): 2-storey building, 2 dwelling units

LEGISLATIVE REQUIREMENTS:

Notification

Pursuant to Section 3.9.3 (Major Variances) of the Zoning and Development By-law, notice of the Planning Board meeting regarding the requested variances was sent to owners of properties located within 100 metres (328.1 ft) of the subject property, soliciting their written comments for or against. The deadline to submit written comments was 4:30pm, Friday February 4th, 2022.

Public Feedback

At the time of the writing of this report, the Planning and Heritage Department received two (2) letters of support and one (1) letter of objection through the public notification process (see Attachment 'F' to this report).

Among the two letters of support, one letter indicated that given the view from their property (82 Hillsborough Street) into the rear yard of the subject property, it is their hope that any proposed exterior fire escape staircase will be designed to be aesthetically pleasing with high-quality material.

The letter of objection expressed concern with shadow impacts of the proposed new 3-storey apartment dwelling on their dwelling and garden located 237 Richmond Street.

ANALYSIS:

Official Plan

Approved by the Province of Prince Edward Island, the Official Plan sets out a vision for future land use, growth, and development in the City of Charlottetown.

The proposed new three (3) storey apartment building containing three (3) dwelling units represents compact urban form and infill development that maximizes the use of existing underground services. It will also introduce three (3) new units within the 500 Lot Area, a centre of employment, in proximity to public transportation routes,

as well as community services and facilities. As such, it will satisfy the following Official Plan policies and objectives:

*Section 3.1.2 (Guiding Development) – Our **objective** is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities; and*

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

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

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

*Section 3.3.1 (Housing Needs and Variety) - Our **policy** shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.*

The footprint and setbacks of the proposed new dwelling are generally consistent with existing low to medium density residential dwellings in the surrounding neighbourhood. The applicant has also confirmed that the new dwelling will meet the DN Zone height requirement. As such, there should be limited adverse built form impacts on adjacent properties in accordance with the following Official Plan policies:

*Section 3.1.2 (Guiding Development) – Our **policy** shall be to... make provision for multiple-family dwellings in the downtown core... provided it is development at a density that will not adversely affect existing low-density housing.*

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

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

PEI Housing Corporation has confirmed that the proposed new building will be owned and operated by the PEI Housing Corporation and rents will be geared to tenants' income. As such, the proposal will support the following Official Plan policies:

*Section 3.3.1 (Housing Needs and Variety) - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

*Section 3.3.2 (Housing Needs and Variety) - Our **objective** is to enhance the range of housing available to residents who have special social, economic, or physical needs.*

*Section 3.3.2 (Housing Needs and Variety) - Our **policy** shall be to work with our partners to address social housing needs, and to encourage its equitable distribution throughout the City.*

In light of the foregoing, it is the opinion of Planning and Heritage Department that the proposed new three (3) storey apartment building containing three (3) dwelling units appropriately conforms with the policies and objectives of the City of Charlottetown Official Plan.

Zoning & Development By-law

The Zoning and Development By-law implements the policies and objectives of the Official Plan through regulations that control matters such as: how land shall be used, where buildings and structures shall be located, lot sizes, parking, building heights, subdivision standards etc.

The proposed 3-storey, 3-unit apartment dwelling conforms with the uses permitted in the DN Zone pursuant to Regulation 29.1.1 (DN Zone – Permitted Uses) and step-down Regulation 16.1.3 (R-3 Zone Permitted Uses) of the Zoning and Development By-law. The following table summarizes compliance of the proposed building with Section 29.2 (DN Zone – Regulations for Permitted Uses).

	DN Zone Regulations for Permitted Uses	Proposed
Lot Frontage (3 units or less)	34.8ft	Approx. 27ft
Front Yard Setback	2.4m (7.9ft) OR Within the min and max range of existing buildings on the block	Approx. 3ft *Greater than approx. 2.9ft front yard setback on abutting lot (233 Richmond Street)
Flankage Yard Setback	2.4m (7.9ft) OR Within the min and max range of existing buildings on the block	Approx. 1.83ft *Greater than flankage yard setback at 243 Richmond Street
Rear Yard	19.7ft (minimum)	Approx. 32.25ft

Side Yard	6ft (minimum) OR Equal to setback of existing building on abutting lot, whichever is less	Approx. 1.75ft *Less than approx. 2.25ft side yard setback of existing building on abutting lot (233 Richmond Street)
Height	24.6ft (minimum) 39.4ft (maximum)	Approx. 36ft

Side Yard Setback

With respect to the proposed 1.7ft (east) side yard setback, Nine Yards Inc. has indicated that zero (east) side yard setback is currently provided by the existing dwelling. This is reflected in the survey of the existing property (see Attachment ‘C’ to this report). Accordingly, the proposed (east) side yard setback represents an improvement relative to the existing condition.

The property most impacted by the proposed reduction in the (east) side yard setback is 233 Richmond Street. Nine Yards Inc. has confirmed that no window openings are proposed along the east building elevation facing 233 Richmond Street, resulting in limited privacy impacts on this property. It is noted that no comments were received from the owner of 233 Richmond Street at the time of the writing of this report.

The City’s Chief Building Official has reviewed the proposal. Building Official staff may apply restrictions (e.g.: limited number of unprotected openings and non-combustible cladding) on the east elevation to mitigate risk to the adjacent dwelling (233 Richmond Street). However, detailed requirements would be determined by Building Official staff during the Building and Development Permit review process. Further, Nine Yards Inc. has confirmed that the east elevation will be constructed with non-combustible material and as previously noted, no window openings are proposed.

Further, the applicant has confirmed that the easement in favour of PEI Housing Corporation will be maintained along the east portion of 233 Richmond Street, abutting the proposed 1.7ft side yard setback.

Lot Frontage

The lot frontage definition contained in Appendix ‘A’ of the Zoning and Development By-law states that in the case of corner lots, the lot frontage is the shorter of the two street frontages. As such, the 27ft portion of the subject property abutting Richmond Street is considered the lot frontage. In the DN Zone, lot frontage generally dictates the permitted number of units on the property. The Planning and Heritage Department acknowledges that the proposed reduction in the lot frontage requirement will allow for the introduction of three (3) new affordable, permanent dwelling units on the subject property. Accordingly, it will add much needed affordable housing stock to the 500 Lot Area and implement the policies and objectives of Section 3.3 (Housing Needs and Variety) of the Official Plan.

Design Review

Any Building and Development Permit application involving affordable housing and/or new multi-residential building construction in the 500 Lot Area is subject to the Design Review process in accordance with Regulation 3.14 (Design Review) of the Zoning and Development By-law. Given the subject property's location in the 500 Lot Area, the regulations contained within Section 7 (Design Standards for the 500 Lot Area) of the Zoning and Development By-law also apply to the exterior of the proposed new building.

Subject to Council's approval of the requested Major Variances, the exterior design of the proposed new building will be considered by Design Review Board, along with comments from an external appointed member of the City of Charlottetown Design Review roster regarding conformity with the City's Design Standards for the 500 Lot Area. It is noted that matters such as the design and materiality of the exterior fire escape and shadow impacts on adjacent properties may also be reviewed by the Design Review Board.

The timing of Design Review Board's consideration of the proposal will be determined once the proposed exterior design details are finalized and submitted to the Planning and Heritage Department.

Parking and Access

In recognition of on-site parking limitations in the 500 Lot Area, Regulation 44.2.2 (Parking in the 500 Lot Area – Requirements and Cash-In-Lieu) states that:

“Cash-in-lieu of Parking Spaces may be accepted for new Development... in the 500 Lot Area in any situation where: (a) Adequate parking cannot be provided or is unfeasible... (c) All funds obtained through the Cash-in-lieu provisions shall be used exclusively for the provision of additional Parking Spaces or facilities in the downtown area.”

The Planning and Heritage Department Fee By-law (adopted June 10, 2019) applies a rate of \$6,000 per required parking space for Cash-in-lieu Parking.

As a result of the subject property's limited size and proximity to the Hensley Street and Richmond Street intersection, on-site parking and driveway access is restricted. As such, PEI Housing Corporation has confirmed that it is their intent to provide cash-in-lieu of parking.

As per Regulation 44.17 (Parking Space Standards), a reduced parking rate (0.75 space per unit) applies to affordable housing units located within 500 metres of a public transit stop. The subject property is located less than 500 metres from a public transit stop (Grafton Street), therefore the reduced parking rate will apply.

Demolition of Existing Dwelling

As per Regulation 3.5 (Demolition Permits) of the Zoning By-law, the existing dwelling cannot be demolished without the property owner first obtaining a Demolition Permit. The City’s Fire Department has reviewed the proposal and indicated that a Fire Safety Plan must be submitted in support of the Demolition Permit application for review and acceptance by the Fire Department.

The following table summarizes the positive attributes, neutral attributes, and shortcomings of the requested variances.

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Compact urban form and infill development project that maximizes use of existing underground services. • Introduces three (3) units in centre of employment (500 Lot Area) in proximity to transit and community services/facilities. • Proposed footprint and setbacks generally consistent with existing low to medium density dwellings in surrounding area and height will meet DN Zone requirement, therefore limited built form impact on adjacent properties. • Rent geared to income units implement policies and objectives of Section 3.3 (Housing Needs and Variety) of the Official Plan • Apartment dwelling conforms with permitted uses in the DN Zone • Proposed side yard setback represents improvement relative to existing side yard setback. • East façade where reduced side yard setback is proposed will have no window openings and will be constructed with non-combustible material. 	<ul style="list-style-type: none"> • Easement in favour of PEI Housing Corporation along portion of adjacent lot abutting proposed 1.7ft side yard setback. • Design Review process will apply. 	<ul style="list-style-type: none"> • DN Zone side yard setback requirement is not met. • Undersized lot with deficient lot frontage for 3-unit apartment dwelling. • One letter of objection regarding shadow impact.

CONCLUSION:

In light of the foregoing, the Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the request for the following two (2) major variances:

- Reduce the required lot frontage for a 3-unit apartment dwelling from 34.8ft to approximately 27ft
- Reduce the required side yard setback from 2.25ft (side yard setback of existing building on the abutting property) to approximately 1.75ft

to permit a new three (3) storey apartment building (approximately 36ft in height and 3,450 sqft in size) containing three (3) dwelling units at ~~203 Fitzroy Street (PID# 346486)~~ **231 Richmond Street (PID #340703)** subject to the following conditions:

1. The Design Review Board reviews and supports the proposed exterior building design.
2. Prior to demolishing the existing dwelling, the owner shall:
 - (a) Obtain a Demolition Permit; and
 - (b) Submit a Fire Safety Plan for review and acceptance by the City's Fire Department.

PRESENTER:



Emily Trainor, MScPI
Planner I

MANAGER:



Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

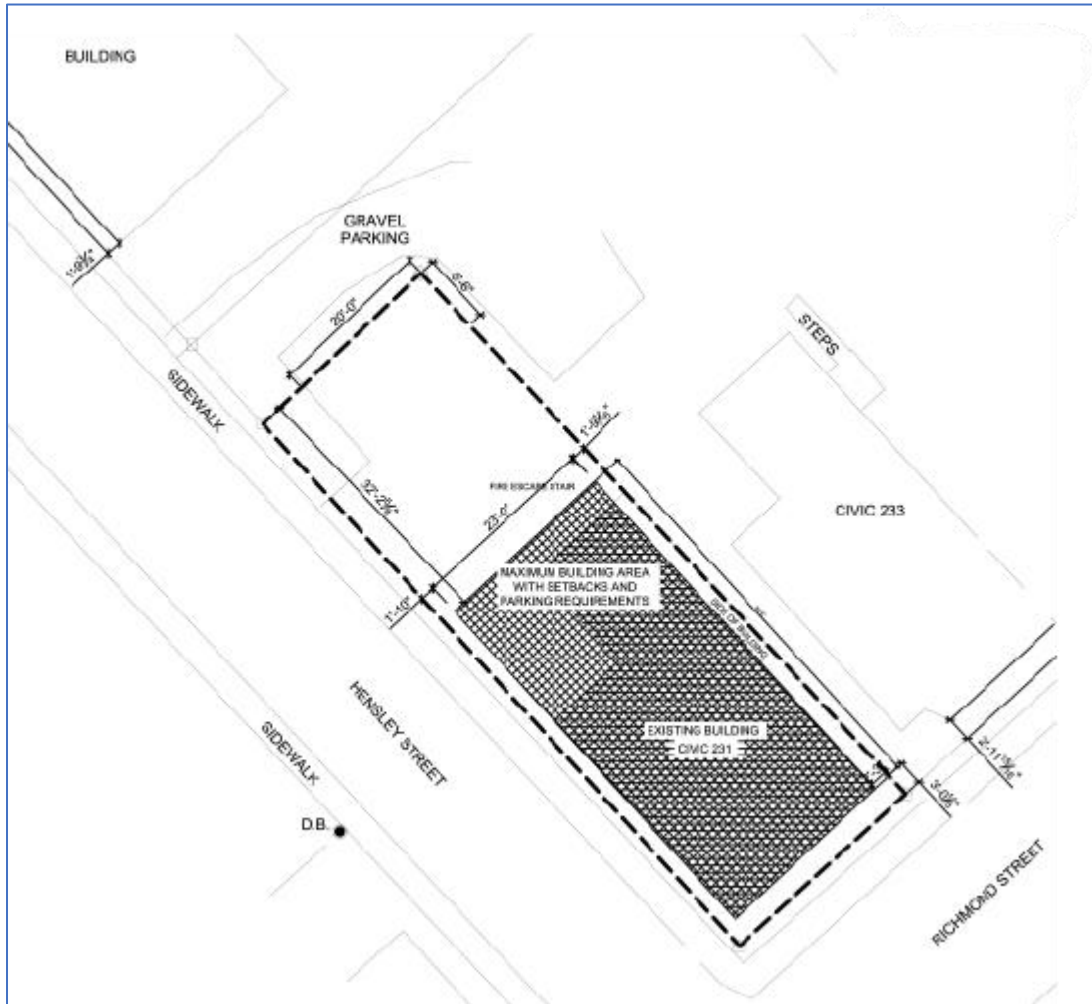
Attachment B: Aerial View



TITLE: FRONTAGE & SETBACK VARIANCES
FILE: PLAN-2022-07-FEBRUARY-6A-1
231 Richmond Street (PID #340703)



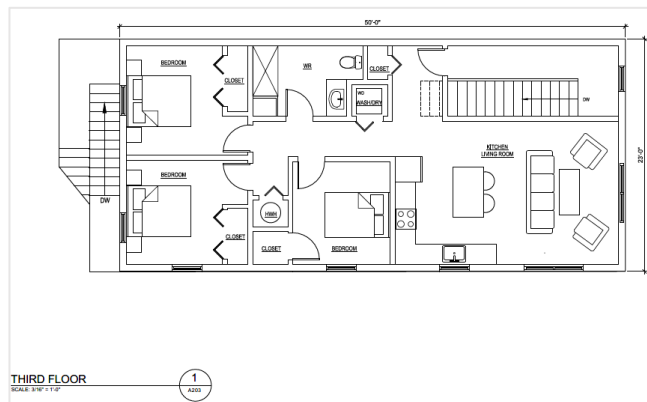
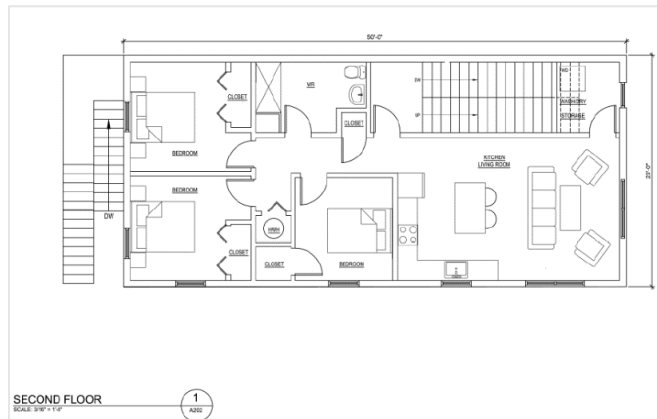
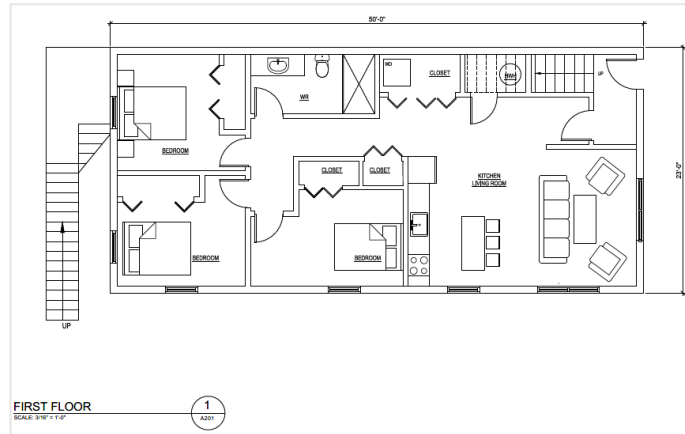
Attachment D: Site Plan Drawing



TITLE: FRONTAGE & SETBACK VARIANCES
FILE: PLAN-2022-07-FEBRUARY-6A-1
231 Richmond Street (PID #340703)



Attachment E: Floor Plan Drawings



TITLE: FRONTAGE & SETBACK VARIANCES
FILE: PLAN-2022-07-FEBRUARY-6A-1
231 Richmond Street (PID #340703)



Attachment F:

Letters from the Public (3)

TITLE: FRONTAGE & SETBACK VARIANCES
FILE: PLAN-2022-07-FEBRUARY-6A-1
231 Richmond Street (PID #340703)



Trainor, Emily

From: Planning Department
Sent: January 31, 2022 10:44 AM
To: Stephanie Smith; Planning Department; Stephanie Smith
Cc: Trainor, Emily
Subject: RE: 231 Richmond St

Follow Up Flag: Follow up
Flag Status: Flagged

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

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer / Administrative Assistant

City of Charlottetown – Planning & Heritage Department

70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca



From: Stephanie Smith <stephanie.smith1775@gmail.com>
Sent: January 29, 2022 7:36 AM
To: Planning Department <planning@charlottetown.ca>; Stephanie Smith <wapner23@gmail.com>
Subject: 231 Richmond St

My name is Stephanie Smith. I am a property owner within 100 meters from a proposed permit site requesting a variance. I have no objections to the requested variants. Thank you for the opportunity to provide input.

Regards,
Stephanie Smith
902 393 3984
84 Hillsborough Street

Trainor, Emily

From: Planning Department
Sent: February 1, 2022 8:31 AM
To: Keith Lawlor; Planning Department; Trainor, Emily
Subject: RE: Comments - 231 Richmond Street

Follow Up Flag: Follow up
Flag Status: Flagged

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

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer/Administrative Assistant

City of Charlottetown – Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca



From: Keith Lawlor <keithlawlor@hotmail.com>
Sent: January 31, 2022 8:25 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Comments - 231 Richmond Street

Hello Planning Team,

Thank you for your work with the city's zoning regulations.

My partner and I live (and own) at 85 Hillsborough Street (PID 340745). As a close neighbour, and with an open view to property in question, we appreciate having been notified of the variance request.

We have just one comment/wish, pertaining to the **rear fire escape stairwell**. As our property has a clear sightline west to Hensley Street and the rear of the new development (along with our neighbours at 89 Hillsborough, 237 Richmond, 233 Richmond, and a number of homes on Hensley), our hope is that the fire escape is beautifully designed with a high-quality material (ex. stainless metal, black). We've seen wooden fire

escapes on other downtown properties which age and become an eyesore, unsafe, and even a space that some residents have used to leave garbage or recycling throughout the year. My hope is that good design will help avoid this from happening here. I hate for this to risk sounding too particular, but I know that a fire escape and the back of the building is often not a focus in new construction design, yet it is something so many neighbours will see clearly every day, impacting the enjoyability of each property's outdoor space.

With that said, we happily support the request for the zoning variances, and are happy to see increased density in the 500 Lot area. We look forward to welcoming the new residents to the neighbourhood when the project is complete.

Thanks again for the work you do for our city. Please do not hesitate to connect with us again, if we can be of any help.

Keith Lawlor & Bobby McSweeney
902-314-8070

From: Valerie & Chris Phillips 367-2101
237 Richmond St.

Zoning Map

Please give our comments serious consideration



 DN Zone

Regarding the rezoning of property at 231 Richmond Street:-

The erection of a 3 storey Apartment Building will almost completely shade our property at 237 Richmond Street.

As our home - dated 1840- and beautiful garden will be ~~shaded~~ ^{overshaded} & shaded this is a concern to us.

February 3, 2022

Planning and Heritage Department
City of Charlottetown, PEI

Regarding: 231 Richmond Street (PID# 340703)

To the Members of the planning and Heritage Department:

As the owner of 243 Richmond Street I object to the proposed demolition of the existing century old building at 231 Richmond and the construction of a new building in our heritage neighbourhood.

I have made the effort to maintain my century old building a few doors down from 231 Richmond Street as have my neighbours with their properties on Richmond and Hensley Streets. I am not sure of the exact year my building was built but it is in the 1880 atlas. It would appear that the building at 231 Richmond Street is also in the 1880 atlas. I had thought that the purpose of the zoning by-laws in the 500 block area was to maintain our century old homes and streetscapes as part to the charm of Charlottetown and not to demolish them.

A cursory look at the application for a major variance to demolish 231 Richmond Street and build a 3 storey apartment building would appear to disregard the purpose for having bylaws at all. Most of the buildings in our area are 1 ½ or 2 ½ storey homes with steep roofs and gables and dormers and all of the buildings on the north side of the street in this block are century homes. Note that 231 Richmond and my building in the foreground are important ‘bookends’ to the block between Hensley Green and Richmond Street. It is unlikely this proposed three story apartment building can achieve a satisfactory presence and meet our by-law requirements as well.



.../2

I ask the planning and heritage Board to take a walk down the 200 block of Richmond Street. The beauty and rhythm of the century old homes of which 231 Richmond contributes is evident in the pictures attached. Work in this area to save the original Hickey Nicholson Tobacco Factory now part of Hensley Green Cooperative and multiple houses on both Richmond and Hensley Street was started in the 1990s and this effort needs to be maintained. Heritage by-laws are to protect streetscapes as well as individual houses!


I am not sure what is acceptable in raising a century home and ruining the streetscape to accommodate three cramped 3 bedroom units. What possibly justifies reducing the required street frontage by 30% and the side yard setbacks on both side of the building by 22% to accommodate spatially challenged 3 bedroom units which are inappropriate for the site. Is this major variance even legal by code?

When the new bylaws were adopted we had all hoped that this sort of over-development and lack of concern for the fabric of our neighbourhoods would be frowned upon and stopped. Let's do the right thing and turn this application down.

Respectfully yours,

J A Nicholson
Anne Nicholson



TITLE: MAJOR VARIANCE FOR FRONTAGE TO CREATE A FLAG LOT (PID# 1014224 & 373415) 351 North River Road FILE: PLAN-2022-07-FEBRUARY-6A2 OWNERS: Andrew and Susan Ayre APPLICANT: JP Robinson, Century 21		
MEETING DATE: February 7, 2022		Page 1 of 11
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Preliminary Site Plan C. Response Letters from Neighbourhood	
SITE INFORMATION: Context: Mature mixed density neighbourhood adjacent to a low density subdivision and vacant CDA land. Ward No: 5 – Ellen’s Creek Existing Land Use: existing single detached dwelling and vacant land. Official Plan: Low Density Residential Zoning: Low Density Residential Single (R-2S) Zone		

RECOMMENDATION FOLLOWING PUBLIC CONSULTATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council for the application for a frontage variance of 25 ft. to create a flag lot for the property located at 351 North River Road (PID #'s 1014224 & 373415) subject to a site plan delineating the wetland and a final pinned survey plan being provided.

REQUEST

This is an application for a frontage variance to create a flag lot at the property located at 351 North River Road (PID #1014224 and 373415). The property in question is located in the Low Density Residential Single Zone (R-2S) Zone.

The purpose of the variance request is to subdivide a portion of PID #1014224 to create 25 ft. of road frontage along North River Road extending along the south property boundary of PID #1014224 which will provide frontage and access to PID #375415. Currently, PID #375415 is a landlocked parcel, and acquiring 25 ft of road frontage along North River Road will bring the property into conformance with the frontage requirements outlined in the Zoning and Development Bylaw. The applicant has requested the frontage variance to enable them to construct a single-detached dwelling on PID #373415.

Development Context

The property is bounded to the north by vacant land zoned Comprehensive Development Area (CDA) and a lot containing a single detached dwelling zoned Low Density Residential Single (R-2S), to the east, by North River Road, to the south by R-1S zoned land on Madison Avenue and R-2 zoned land along North River Road and to the west by Ellen’s Creek.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with Section 3.9 Major Variances of the Zoning & Development By-law, on January 14, 2022 notice was sent to forty (40) residents located within 100 meters of the subject property advising them of the request for a major variance to obtain frontage to create a flag lot. The letter solicited their written comments for or against the proposed major variance request and the deadline to submit written comments on the application.

Public Feedback

In response to the City’s notification letter three (3) letters were received. Two (2) letters were in support and one (1) letter signed by 6 residents on Madison Ave. stated concerns but did not indicate it was in opposition. The letter stated various concerns and requests such as:

- Objections to people walking through the park land path to Madison Avenue. The letter stated that people were illegally walking through the property to Madison Avenue.
- The driveway to the property should be on the opposite side of 351 North River Road so not to disturb people on Madison Avenue.
- A 10 ft. fence must be placed along the property boundary of this property and Madison Avenue.

PROPERTY HISTORY:

In 2019 there was a request to rezone the property located at 351 North River Road PID #'s 1014224 & 373415 from R-2S Low Density Residential Single to R-3 Medium Density Residential. The proposal was to demolish or move the single detached dwelling, consolidate the two lots and construct a group of stacked townhouses and one semi-detached dwelling on the property. The proposal met with some opposition from residents on Madison Avenue. There were concerns raised about a wetland that was located on the property. Following the public meeting Planning

Board deferred a decision on the application until the applicant had the Province perform a wetland delineation on the property to determine if the wet area was indeed a wetland and if so to delineate the non-developable area on the property. The previous applicant did not come back to the Planning Board with the wetland delineation.

ANALYSIS:

The subject lot is approximately 1.62 acres. It originally was part of 351 North River Road currently PID # (1014224). In 2007 a subdivision was approved to sever the back portion of the property currently PID # (373415) off the parent parcel. The subdivision was approved without having the required road frontage and thus was approved as a landlocked parcel. At the time the property and the adjacent property to the north (365 North River Road) was owned by business partners and there was a plan to develop both parcels for higher density development. The properties were not consolidated, and neither properties have been developed to date. Over the years there have been various proposals to develop the property with access from 365 North River Road. The last proposal to develop the property was in 2019 when there was a proposal to demolish the existing dwelling at 351 North River Road and rezone both properties to R-3 to allow for a townhouse development.

This property sits between property that is zoned Comprehensive Development Area, and a single detached residential subdivision on Madison Avenue. The CDA zoned land is currently vacant; however, a comprehensive development proposal was approved in the early 2000's for multi-unit dwellings. Madison Avenue subdivision was also developed in the early 2000's. At that time the current R-2S Zoning on the subject property allowed for single detached dwellings with 25% semi-detached or duplex dwellings. In the fall of 2018, a new Zoning and Development Bylaw was adopted, and the R-2S Zone was changed to allow 100% of the lots in a subdivision to be developed as semi-detached or duplex dwellings. Therefore, the allowable density for this property has doubled with the adoption of the new Bylaw.

This property is located within a mature mixed density residential neighbourhood. There is R-3 development to the north on Waterview Heights and assisted living and community care facilities on North River Road. The subject parcel lies between a property which is slated for high density development and a low density subdivision. The current R-2S zoning which allows for semi-detached or duplex dwellings as the maximum allowable density provides a buffer between the proposed high density development to the north and the low density residential subdivision to the south (Madison Ave).

There are institutional zoned properties consisting of an elementary school and a high school within a 15-minute walk to this property. North River Road is located along a public transit route which would be beneficial for residents if the subject property were subdivided as semi-detached lots.

Potentially the property with its current R-2S zoning could accommodate semi-detached dwellings. However, for semi-detached dwelling lots to be developed an access road, built to public standards would have to be constructed from 365 North River Road (property to the north). For this to happen, 365 North River Road would have to be developed first or both properties would have to be developed concurrently. Presently, both properties are in separate ownership. It is also questionable with the current cost of construction if the acreage would yield enough density in R-2S semi-detached dwelling lots to warrant the cost of road construction.

The current proposal is to construct a single detached dwelling on the property with access from North River Road along the south property boundary of 351 North River Road. To enable this a 25 ft. strip of land would be subdivided off 351 North River Road and consolidated with PID # 373415. This would result in a flag shaped property. Section 46.12.3 of the Zoning and Development Bylaw states,

46.12.3 Consideration will be given to permitting a Flag lot through a frontage variance application in those circumstances where an existing legal lot was created with less than 25 ft of Frontage or in circumstances where a parcel is landlocked and there will never be the ability for the extension of a future street road network to provide the required street frontage from the rear of the property. In the case of a landlocked parcel, Council may approve, by recommendation of the Planning Board a flag lot provided:

- a) The flag lot has 25 ft of Frontage on a public street;*
- b) The main body of the lot (flag portion) meets the lot area and frontage requirements of the zone;*
- c) Only one flag lot will be permitted per parent parcel; and*
- d) No portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion.*

The Bylaw states that a flag lot can be permitted if the “*parcel is landlocked and there will never be the ability for the extension of a future street road network to provide the required street*

frontage from the rear of the property.” In this instance when 365 North River Road (vacant land to the north) is developed there is potential to gain street access to this property. Currently the Bylaw does not allow private roads. Therefore, when 365 North River Road is developed a public road would be required with a connector to the subject property if the property were still vacant land. With the current development pressure and need for housing in the City these two parcels are one of the last vacant areas with acreage in this portion of the City that has the potential to support development. From a Planning perspective a single detached dwelling is not the highest and best use of the subject property if it is economically feasible to develop a subdivision.

Although there is the potential to gain road access from 365 North River Road to the subject property, it is questionable if this would be viable from an economic standpoint. The subject property is located along a watercourse and provincial regulations require a non-developable buffer zone. At the public meeting in 2019 many residents voiced concerns about a wetland that is located along the south boundary of the property. In 2019 Planning Board deferred the rezoning application until the wetland was delineated to determine where the exact boundary of the wetland exists. This would allow them to determine the developable area of the property. Ideally the wetland should be delineated by the Department of Environment to determine its location and where the buffer exists. Depending on the location of the wetland it may reveal that the property is not conducive to being subdivided for residential lots.

The current proposal is to locate a single detached dwelling on the property. In terms of density for a parcel of this size it is not the highest and best use of the property. However, staff would note that a single detached dwelling is a compatible use with the adjoining dwellings on Madison Avenue and North River Road. Although the Bylaw permits semi-detached dwellings on this property a single detached dwelling may raise less concerns from adjoining residents given that the R-2S Zone only supported single detached dwellings with 25% semi-detached dwellings prior to 2018 when the Bylaw was amended.

In addition, staff would like to clarify some of the requests received in response to the variance notification letter. The response received from residents on Madison Avenue requesting a 10 ft. fence to be constructed between the subject property and Madison Avenue cannot be required under the Bylaw if a single detached dwelling is built. A fence is only required between low density and medium density development. In addition, the Official Plan supports connectivity within neighbourhoods. It is not good planning to require segregation within neighbourhoods. Staff would also note that a 10 ft. parkland connector abuts the subject property and the properties on Madison Avenue. This connector was deeded to the City when Madison Avenue

Subdivision was constructed as part of the parkland dedication. This was provided for residents in the neighbourhood to access the shore. In addition, should subdivision occur on the subject property and 365 North River Road, parkland will be required in the form of a connector trail to the City's park path and the Routes For Nature and Health Trails to the north as per the City's recreation plan.

There are many policies within the Official Plan that supports Infill development.

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

Section 3.2 of the Official Plan further states,

3.2 *Sustaining Charlottetown's Neighbourhoods*

Defining Our Direction

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

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

Section 3.2 under the heading of *Environment for Change* further states,

The Environment for Change

Preserving the distinctive character and identity of Charlottetown's neighbourhoods requires strategies that promote internal stability as well as a sense of community identity. The CHARLOTTETOWN PLAN incorporates policies which will help preserve the harmony and integrity of each existing neighbourhood within the City.

3.3 *Housing Needs and Variety*

If Charlottetown is to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City. Moreover, the housing requirements of those with special needs (e.g., disabled, homeless, people in transition) also have

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

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

Defining Our Direction

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

- 1. Our objective is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*
- Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.*

The Official Plan supports infill development and housing choices within mature neighbourhoods. This is a sizable property and there is potential for this property to support additional density. It should be considered that the City is currently experiencing an increased demand for housing of all types and price ranges. The vacancy rate within the City is very low. Many residents are being forced to leave the City because of the lack of housing options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices were rents and building lots can be kept at affordable levels. The Official Plan has various policies which support the efficient use of services and making neighbourhoods stable and sustainable by supporting more infill development.

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

It is staff’s opinion that the subject property has the potential to support additional density which would provide housing options in the neighbourhood. However, without knowing the actual developable area outside of the wetland on the site it is difficult for staff to recommend the most appropriate use. Conversely, if the variance were approved to allow the flag lot and construct a single detached dwelling the property would be brought into conformance with the frontage requirements in the Zoning and Development Bylaw. In addition, the single detached dwelling use would be more in line with the uses that were approved for the property prior to 2018 when the Bylaw was amended.

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"> ▪ Approving the variance will bring the property into conformance with the frontage requirements in the Bylaw. ▪ A single detached dwelling will be compatible with adjoining single detached dwellings on Madison Avenue. ▪ A single detached dwelling would be more in line with the uses that were approved prior to the 2018 Bylaw amendment when the Madison Avenue Subdivision was developed. 	<ul style="list-style-type: none"> - The property is located along a watercourse and an environmental buffer must be reserved. - The proposal is close to schools, parkland and public transit. - The property is in an area that has municipal services. - The City is experiencing a demand for housing. Additional density on the property would provide options for housing within a mature neighbourhood. 	<ul style="list-style-type: none"> ▪ The wetland boundary has not been delineated and therefore it is unknown what the developable area is on the site. ▪ The lot is sizable and has the potential to support additional housing. A single detached dwelling may not be the highest and best use for the property given the acreage. ▪ The Bylaw states that approval of a flag lot can be granted if there will never be the potential for future street access to the back of the property. There is potential to gain future street access when 365 North River Road is developed.

CONCLUSION:

Given the current zoning allows for the property to be developed with semi-detached dwellings which could potentially allow for approximately 8-9 units (4 building lots) depending on the area occupied by the wetland. It is debatable if it would be economically viable for the property to be developed for a semi-detached subdivision. Staff also feel that the wetland and the buffer area must be delineated before a final decision can be made on the placement of a structure on the site as the wetland location may significantly alter the site design.

RECOMMENDATION:

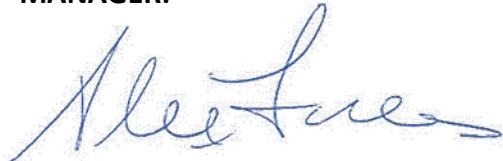
Given that the current parcel is land locked allowing the variance will bring the property into conformance with the Bylaw. Staff are therefore recommending the application be approved subject to the wetland being properly delineated and the site designed in accordance with the wetland buffer subject to a pinned final survey plan.

PRESENTER:



Laurel Palmer Thompson, MCIP
Planner II

MANAGER:

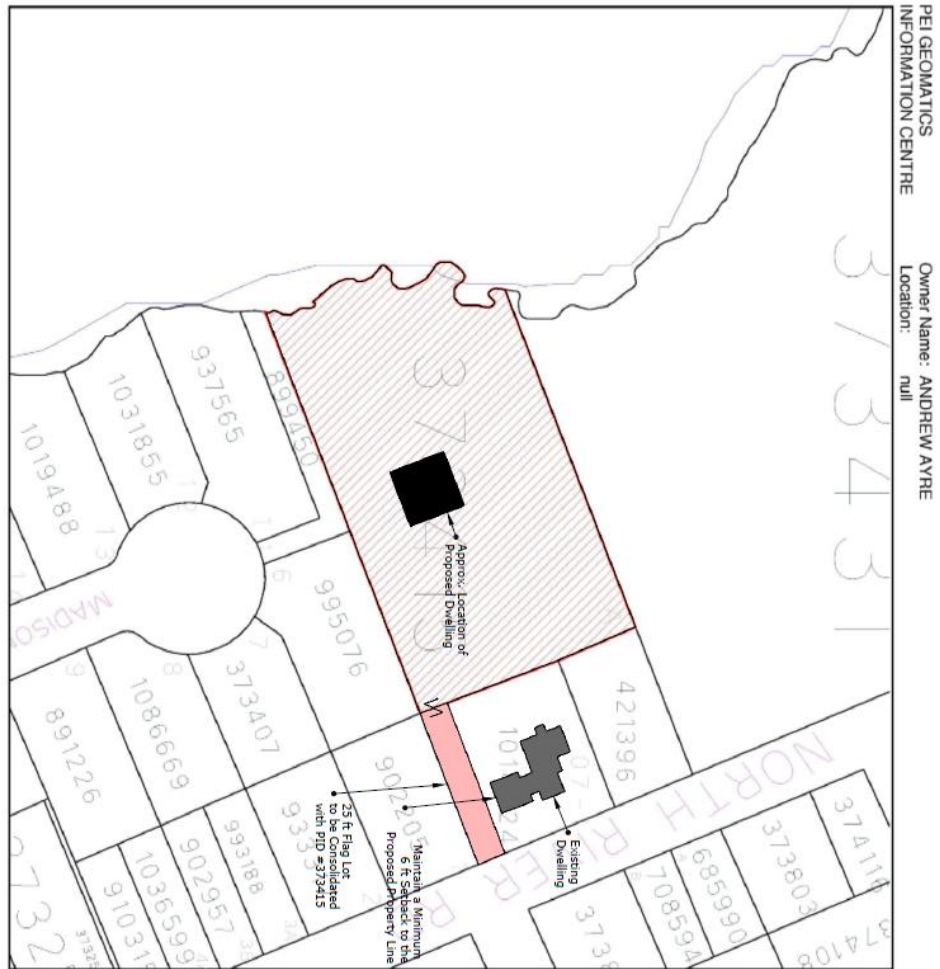


Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

Attachment A - GIS Map:



Attachment B – Preliminary Site Map:



Attachment C

Responses From Residents to Notification Letter

**MAJOR VARINACE FOR FRONTAGE TO CREATE A
FLAG LOT (PID#'s 1014224 & 373415)**

351 North River Road

FILE: PLAN-2022-07-February-6A2

OWNERS: Andrew and Susan Ayre

APPLICANT: JP Robinson, Century 21



Catane, Ellen

From: Planning Department
Sent: January 24, 2022 10:01 AM
To: awakelin; Planning Department; Thompson, Laurel
Subject: RE: I am sharing 'Document (20)' with you - 351 North River Road
Attachments: Document (20).docx

Hello Alfie,

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

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer/Administrative Assistant

City of Charlottetown – Planning & Heritage Department

70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca



From: awakelin awakelin@bellaliant.net
Sent: January 21, 2022 11:55 AM
To: Planning Department planning@charlottetown.ca
Subject: I am sharing 'Document (20)' with you

Please find attached my comments on 351 North River Road.

Sent from my Galaxy Tab A

January 21,2022

Alfie Wakelin

342 North River Road

Re: Variance request 351 North River Road

In response to your letter, dated January 14, 2022 regarding a frontage variance request, please be advised that I have no objections to approve the variance to rectify the mistake made by the City when it approved the severance of the house resulting in the remainder of the property being landlocked. The City was very fortunate that they were not sued.

Nevertheless, I would like to make the following recommendations and I have a question:

- 1) I would recommend that where you have large tracks of land for future development that you develop a master plan showing future road patterns; and
- 2) To speed up the process for small development projects , I would recommend that you add a notwithstanding clause in your development bylaw: where in the opinion of the development officer there will be no impact on adjacent properties from runoff from the project, the development officer MAY waiver the requirements for a drainage plan.
- 3) Do you have to maintain the same front yard setbacks, as adjacent lots?

My basis for the above :

Wouldn't it have been so much better to have Madison Ave. access the adjacent vacant land for future development and traffic flow; and

From a personal view, I applied for a permit for an addition to my half duplex for a garage. It took over a month to get a permit, as I required a drainage plan. The lay of the land was such that any runoff from my project was not going to impact on the adjacent property owner. This cost me \$500 for a drainage plan and a delay of over a month when getting a builder is so difficult

I noticed that a residence on Queen Elizabeth Drive is adding an addition to the front of house, does your bylaw allow for changing front yard setbacks?

I worked with the province and various municipalities, as a development officer, I would have looked at my project for a garage and determined that there was no impacts from water runoff and issued the permit within a week. However, this would require a change in your bylaw for small projects to waiver a drainage plan where in the opinion of the development officer there would be no impacts from runoff.

Hope, I have been of some help.

Alfie Wakelin

Catane, Ellen

From: Planning Department
Sent: January 28, 2022 8:06 AM
To: Alan E. MacPhee; Planning Department; Thompson, Laurel
Subject: RE: 351 North River Road

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

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer/Administrative Assistant

City of Charlottetown – Planning & Heritage Department

70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca



From: Alan E. MacPhee <ae@mepei.ca>
Sent: January 27, 2022 9:14 PM
To: Planning Department <planning@charlottetown.ca>
Subject: 351 North River Road

Dear Ms Palmer Thompson,

I have received the letter January 14, 2022 regarding a variance request for PID 1014224 to create a 25 ft road frontage along North River Road.

I have no objection to this application and offer support for it as it would be a nice addition to the neighborhood.

Thank You

Alan E. MacPhee
Ellen Inc.
PID 373431

Catane, Ellen

From: Planning Department
Sent: January 31, 2022 8:15 AM
To: Planning Department; Thompson, Laurel
Subject: FW: Madison ave area and lot#373415 (351 North River Road)
Attachments: Madison file p1.pdf; Madison file p2.pdf; Madison file 3.png

Hi Tuan Nguyen,

Good day! This is to acknowledge receipt of your email. I do see that you have copied Laurel Thompson in your original email. She is the planner for this application and will review your submitted comments .

Best Regards,
Ellen

Ellen Faye Catane
Intake Officer/Administrative Assistant

City of Charlottetown – Planning & Heritage Department

70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4112
Fax: 902-629-4156

ecatane@charlottetown.ca
www.charlottetown.ca



From: Tuan Nguyen <daysconvenience@gmail.com>
Sent: January 30, 2022 7:37 PM
To: Planning Department <planning@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>; Thompson, Laurel <lthompson@charlottetown.ca>; MacLaren, Jennifer <jmaclaren@charlottetown.ca>; Brown, Evan <ebrown@charlottetown.ca>; Zilke, Robert <rzilke@charlottetown.ca>
Subject: Madison ave area and lot#373415

Dear Charlottetown Planning Officer .

On behalf of the Madison neighbourhood area to send all comments included on files attached below .

Have a great weekend .

Best regards
Tuan Nguyen

January 28 , 2022

Re: Our concerns of the proposed variance and on-going development at lot # #373415

Dear Charlottetown Planning Officer,

Thank you for your notification regarding the proposed variance of PID #1014224 and #373415.

We hereby express our concerns about the proposed variance and its potential uncomfortability to the inhabitants of Madison neighborhood area.

Over last years, we have witnessed that:

- Many strange people walked through from Madison neighborhood area to lot #1014224 and #373415 on our grass field without any notification, causing us inconvenience and unsafe. The phenomenon has dramatically increased since the development and renovation of the existing house on lot #1014224 started a few months ago.
- The development and renovation of the houses on PID #1014224 and #373415 have seriously caused noise disturbance and dust to the inhabitants of the Madison neighbourhood area. In addition to unknown people passing through the boundary between lot #1014224 and Madison neighbourhood area, many workers including surveyors and builders illegally used the passageway while the existing driveway on lot#373415 to lot #1014224 is available (see the red path on the attached site plan).

We believe that additional disturbance and unconformability to the inhabitants of Madison neighborhood area will be exponentially increased if the proposed variance request of 25ft driveway would be approved. We foresee that noise disturbance and security issues will be our critical concerns, especially for the homes at 18 Madison, 17 Madison , 21 Madison , and xxx North River Road when an additional home is built on the R2S lot. Therefore, we request that:

- The proposed driveway should be developed on the right-hand side of lot #373415, where a driveway exists (see the red path in the attached site plan). This driveway will bring more privacy for the existing and new homes on lot #1014224 and cause less unpredictable disturbance to the people of Madison neighborhood area.
- More importantly, the owner/developer of lot #373415 must build 10ft high fence along the boundary of #1014224 and Madison neighbourhood area (please see the green dash line in the attached site plan). This fence will help to increase security and privacy for both the inhabitants of houses on #1014224 and Madison neighbourhood area.

Thank you for your conservations and we are looking forward to your feedback.

Sincerely,


Signature of Madison neighbours

W. Lys (21)

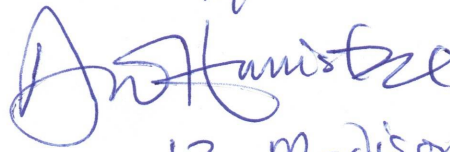
Strongly support idea of a fence to stop unauthorised access from Madison. Fence on other side of trees from Madison.

17 Madison ave
Ali-reza Assadi

strongly support the idea

 JAN 28 2022

We strongly support putting the driveway on the right side of lot #373416. If not possible, we are in support of building a 10ft fence and avoid unknown individuals using access to Madison Avenue.


 Dr. & Mrs. Harris
13 Madison Avenue


Strongly support in the two request.

Stephan Cassidy & Mary-Kate Pond
10 Madison Ave

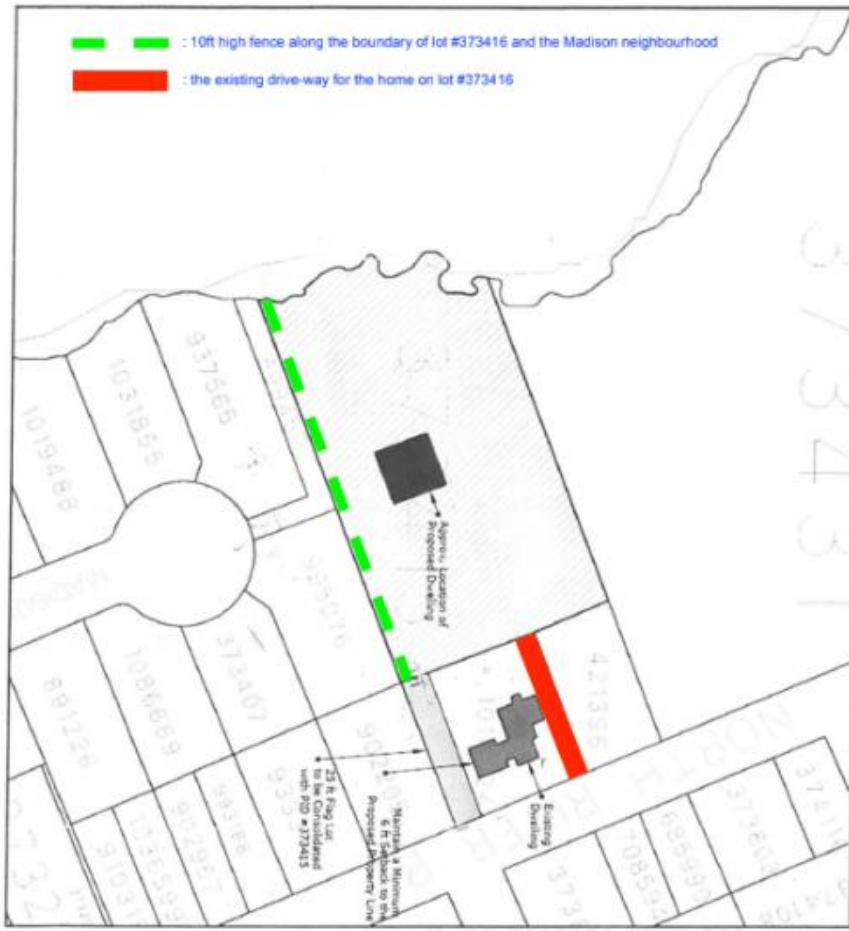
We strongly support the ideas to prevent and stop unknown peoples access from Madison area and built the 10' fence.

Very strongly support to idea of ^{10'} fence to prevent strangle people passing by

 18 Madison Ave


14 Madison Ave

Site Plan:



PEI GEOMATICS
INFORMATION CENTRE
Owner Name: ANDREW AYRE
Location: null



PROVINCE OF PEI DEPARTMENT OF
PROVINCE OF PEI
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N6
PHONE: 902-366-5178
FAX: 902-366-4399
WHILE THIS MAP MAY NOT BE FREE
FROM ERROR OR OMISSION, CARE HAS
BEEN TAKEN TO ENSURE THE BEST
POSSIBLE QUALITY. THIS MAP IS A
GRAPHICAL REPRESENTATION. IT IS NOT
INTENDED TO BE USED TO CALCULATE
EXACT DIMENSIONS OR AREAS.
SCALE: 1:1250
DATE: Sep 15, 2021
TIME: 02:57:25 PM
ACREAGE: 1.52
WORK UNIT: 2700

Catane, Ellen

From: Thompson, Laurel
Sent: February 7, 2022 1:08 PM
To: Catane, Ellen
Subject: Fwd: Planning and Development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ellen:

JP Robison sent me this letter on Friday it's from
The applicants of NRR. He wants to know if we can forward it to the Board members.

Thanks,

Laurel

Laurel Palmer Thompson
Planner II

City of Charlottetown
[233 Queen Street](#)
[Charlottetown, Prince Edward Island](#)
[Canada, C1A 4B9](#)
Office: [902-629-4106](#)
Fax: [902-629-4156](#)

lthompson@charlottetown.ca
www.charlottetown.ca



Begin forwarded message:

From: J P Robison <jp.robison@century21.ca>
Date: February 4, 2022 at 2:21:13 PM AST
To: "Thompson, Laurel" <lthompson@charlottetown.ca>
Subject: Planning and Development

Laurel, please see below.

If you could read/hand out the letter from the Ayres and the quick facts at the bottom for references if they come up.

Thank you, JP

Did any other letters come in?

Statement of Intent (PID 373415)

In 2020, Andrew and I returned to the East Coast to be close to family and to provide a safer and more peaceful life for our teenage daughter. We both have deep roots in the Atlantic region - Andrew is a Newfoundlander and I was born in Nova Scotia. Growing up I spent weekends and holidays on PEI where my father's family has been for generations and Andrew and I have done the same with our kids, bringing them all the way from California. Additionally, Andrew has maintained a business here in Charlottetown for the past fifteen years or so. Being back in Eastern Canada is wonderful and building our own house on the water here on PEI is literally a dream come true.

We plan to build one single family home - our "forever" home - on the riverfront property, in contrast to a number of other proposed development

schemes. The house is being designed with a nod to traditional maritime style and materials by local firm SableArc with special consideration to sustainability and preserving the integrity of the setting - the wetland in particular. Landscaping will retain wooded areas and use native plants and local materials wherever possible. Additional trees will be planted to reinforce existing treelines to provide greater privacy to our neighbors and ourselves. We are committed to making the best possible use of this very special property with the thoughtful construction of one single family home. Thank you for the opportunity to explain our plans.

SUSAN AYRE

2 Malahu Drive
Charlottetown PE
Canada C1A 8A5

If these questions or concerns come up from council, please see below.


-Subject property PID 373415 and PID 1014224 (351 North River Road) are both owned by the Ayres

-The variance application makes reference to the Flag lot approval on the South side of PID 1014224; this is the preferred access for PID 373415.

If limited, the Ayres are open to discussing either the South or North side of PID 1014224 for access to PID 373415

- A site analysis was prepared by Island Surveying & Engineering (ISE) that shows the wetland setback established by the DOE. The Ayres are aware of the limitations and setbacks for PID 373415.

Thank you

TITLE: MAJOR VARIANCE: NON-CONFORMING USE FILE: PLAN-2022-07-FEBRUARY-6A-3 184 GREAT GEORGE STREET – PID# 346312 APPLICANT: PEDRAM VARJAVAND		
MEETING DATE: February 7, 2022		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. Site Image B. Land Use Map C. Site Plan D. Building Plans (i.e., floor and elevation plans) E. Letter of Intent F. Public Feedback 	
SITE INFORMATION: Context: Fuel Station in the 500 Lot Area Ward No: 1 - Queen Street Official Plan: Downtown Neighbourhood Zoning: Downtown Neighbourhood (DMS)		
PREVIOUS APPLICATIONS: 20-465 (Building permit for renovations)		

RECOMMENDATION:

The Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the major variance request to reestablish the non-conforming use (i.e., automobile service station) on the subject property identified as 184 Great George Street (PID# 346312).

BACKGROUND:

Request

The applicant, Pedram Varjavand is requesting a Major Variance to allow for the reestablishment of a non-conforming use (automobile service station) on the existing property located at 184 Great George Street, which will consist of renovations to the existing building and the replacement of the existing gas bar canopy. The applicant is proposing to reestablish the existing retail store (convenience store), which is a permitted use under the existing zoning.

Neighbourhood Context

As per Attachment ‘A’ the subject property is located on the north-east corner of Fitzroy Street and Great George Street. It is zoned Downtown Main Street (DMS) pursuant to the City of Charlottetown Zoning and Development By-law and is part of the 500 Lot Area. Immediately

adjacent properties are zoned DMS and to the immediate east a Downtown Mixed Use Neighbourhood (DMUN) Zone property that contains the Holland Grove house, a designated heritage inn. Directly across Fitzroy Street is a DMS zoned property in which the Atlantic Technology Centre is located.

Property History

Our records indicate the site has been utilized as a fuel bar for decades. Records from the Dept. Environment, Energy and Climate Action has records of an underground 4500 L steel fuel oil tank that was installed in 1962 was removed in 1990, and an underground 2270 L steel used oil tank that was installed in 1962 was removed in 1990. There were registered underground petroleum storage tanks on the property including three (3) underground 22700 L fiberglass gas tanks that were installed in 1980, and an underground 2295 L fiberglass used oil tank that was installed in 1990. When the fuel storage tanks were removed, they were classified as “non-leakers”, thereby the Department had no reason to believe that they contributed to any possible contamination on the property.

The last application made on the subject property was in 2020, File 20-465, which was a building permit application to convert the existing service garage into a convenience store and construct an addition. The permit was issued on November 13, 2020, but according to the applicant due to the COVID pandemic the renovations were placed on hold. Since a fuel bar is not a permitted use in the DMS Zone and ceased to operate for greater then six (6) months a major variance is required to reestablish a legal non-conforming use.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning and Development By-law, notice of the Planning Board’s consideration of this variance request was sent to owners of properties located within 100 metres (328 ft) of the subject property by mail. The notice solicited written comments in support or opposition of the proposed variance. The deadline to submit written comments on the variance request is Friday, February 04, 2022.

Public Feedback

At the time of the writing of this report, the Planning and Heritage Department has received two (2) letters of support from public circulation notice. The one letter from an adjacent property owner raised concerns regarding snow removal on the subject property that has caused drainage issues during the spring melt. Refer to the letters contained in Attachment F for more information.

ANALYSIS:

Zoning & Development By-law

As per section 5.5 of the Zoning & Development Bylaw, a non-conforming use that has been discontinued for a period of six (6) consecutive months shall not thereafter be used except in conformity with the Downtown Main Street (DMS) Zone.

As per Section 3.9.1. Major Variances, the applicant may apply for a Major Variance if the proposed building or development complies with the general intent and purpose of the Charlottetown Official Plan and:

d. A non-conforming use of a Building or Lot which has been discontinued for a period of six (6) months or more to be reestablished the previous non-conforming use provided it has not been discontinued for more than two (2) years

As this property previously contained a non-conforming commercial use with office space, staff feel the that the continuation of this legal non-conforming use at this location would result in minimal impact on adjacent properties. The site has been operating as a fuel bar with existing underground fuel storage tanks, the redevelopment of former fuel station sites is often difficult given the potential contamination concerns and associated remediation costs. Given that the site is not listed on the Provincial Contaminated Sites Registry, this would be less of a concern. The retail store component would serve several residential and commercial properties, and the reestablishment of the only gas bar in the 500 Lot Area.

Furthermore, responses that were received in response to the notification letter sent to adjacent property owners, suggests that neighbours are tolerant of the existing gas bar and retail store on this property. One adjacent property owner raised concerns about snow storage on the subject property being placed up against their lot and during the spring resulting in drainage impacts.

The following table summarizes the shortcomings, positive and neutral attributes associated with this Major Variance request.

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Legal non-conforming uses have occupied the site for decades • Minimal impacts on the community 	<ul style="list-style-type: none"> • Zoning By-law allows for consideration of extension of non-conforming uses. 	<ul style="list-style-type: none"> • Does not meet the intent of the DMS Zone in terms of permitted uses. • Given the small size of the site there are limited options for snow removal and there

- | | | |
|---|---|---|
| <ul style="list-style-type: none">• Sufficient parking proposed on-site to serve both the gas bar and retail store.• The site is not registered on the Provincial Contaminated Sites Registry. | <ul style="list-style-type: none">• Given the nature of a fuel bar, it would be difficult to redevelop the site into another use. | <p>have been drainage issues with an adjacent property.</p> |
|---|---|---|

CONCLUSION:

In consideration of the foregoing, the Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the major variance request to reestablish the non-conforming use (i.e., automobile service station) on the subject property identified as 184 Great George Street (PID# 346312).

PRESENTER:



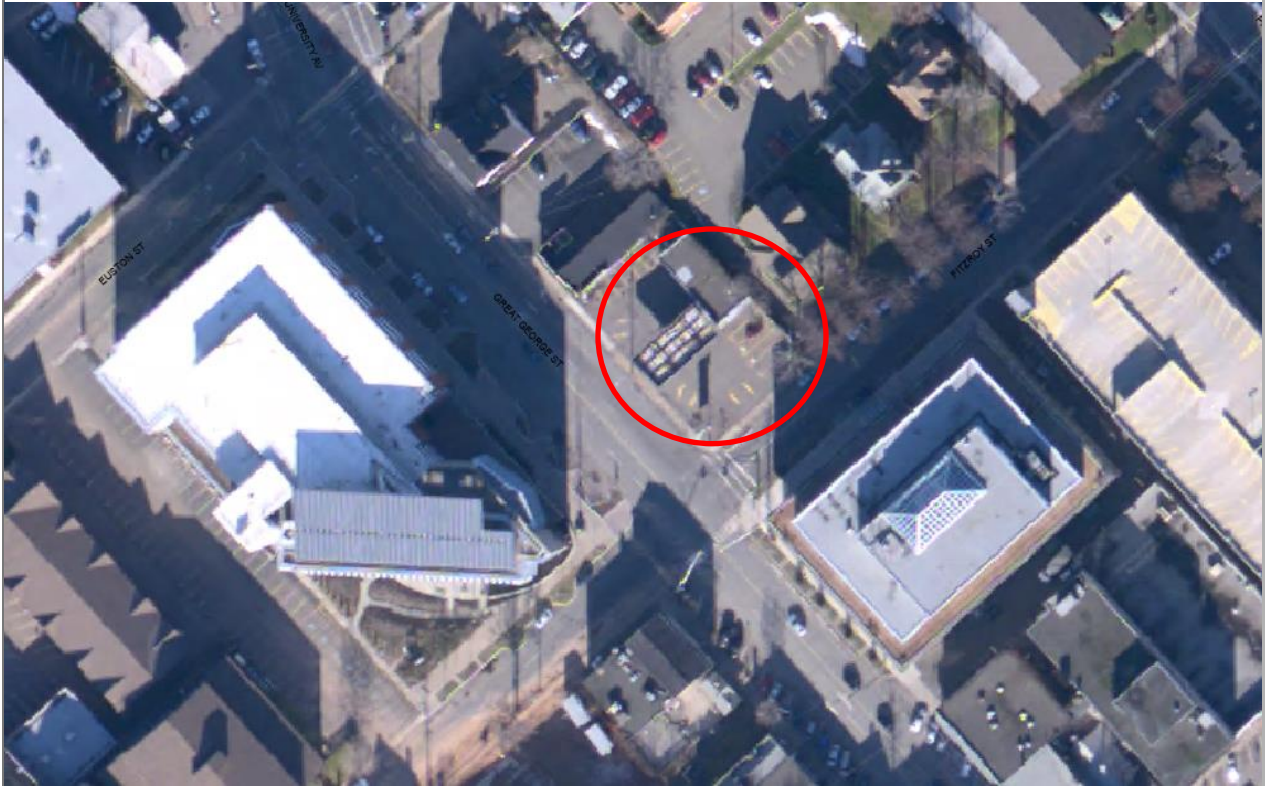
Robert Zilke, MPlan, RPP, MCIP
Planner II


MANAGER:



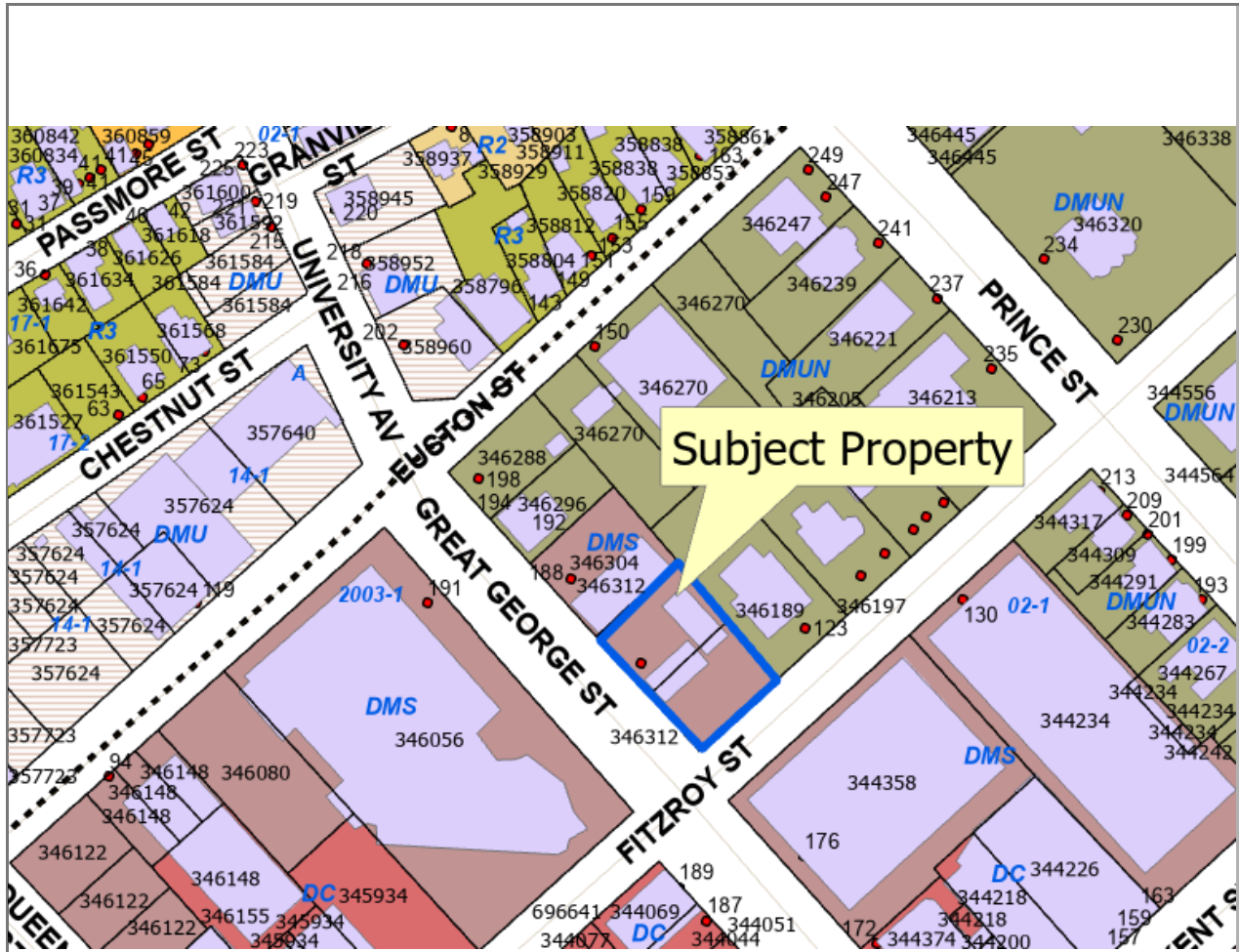
Alex Forbes, FCIP, MBA
Manager of Planning & Heritage


Attachment A

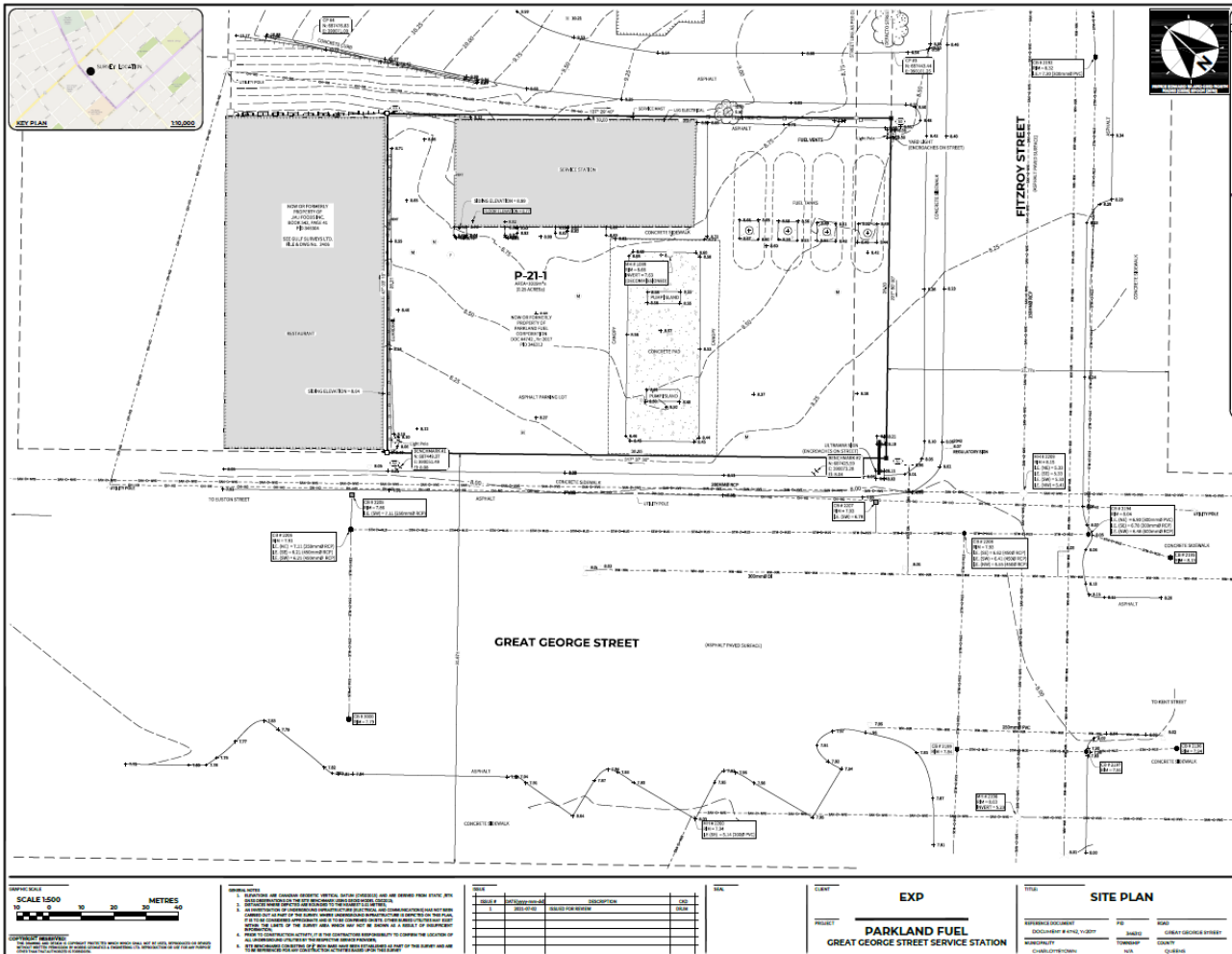


<p>Location Map</p> <p>Address: 184 Great George Street Ward #: 1 Zone: Downtown Main Street</p>	<p>0 12.5 25 50 Meters</p> <hr/> <p>0 40 80 160 Feet</p>
	<p>Map Created: 02-03-2022</p>

Attachment B



<p>Zoning Map</p> <p>Address: 184 Great George Street</p> <p>Ward #:1</p> <p>Zone: Downtown Main Street</p>	<p>0 12.5 25 50 Meters</p> <hr/> <p>0 40 80 160 Feet</p>
	<p>Map Created: 02-03-2022</p>



CONVEYANCE
 SCALE 1:500
 METRES
 0 10 20 30 40

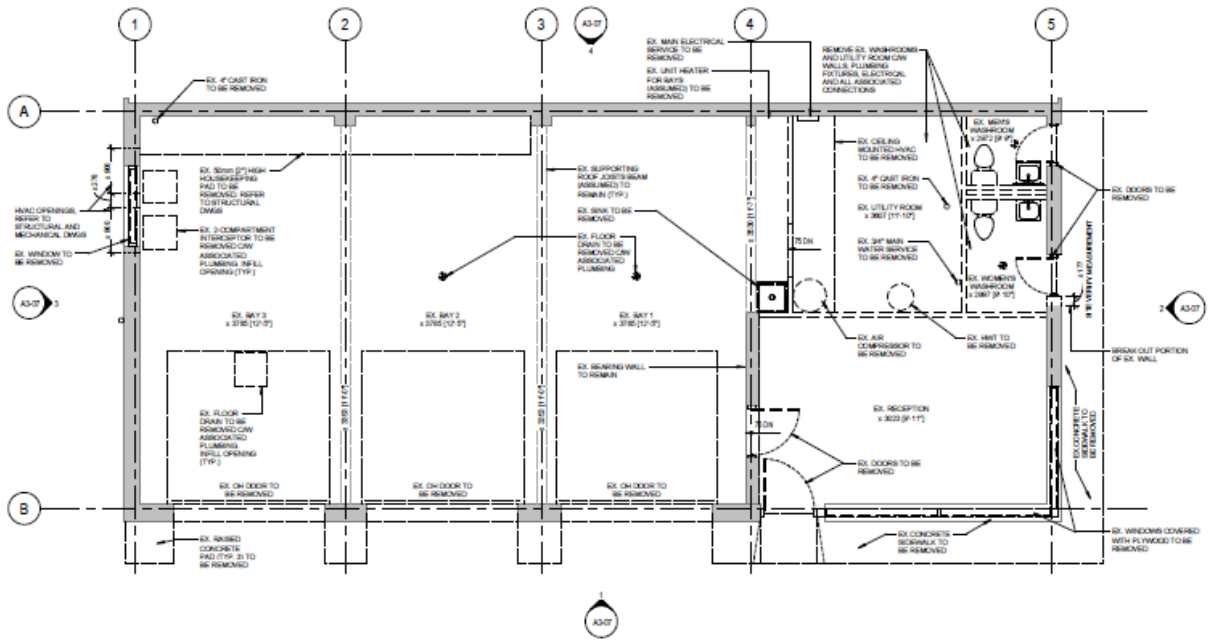
- NOTES:**
1. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.
 4. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.
 5. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2018

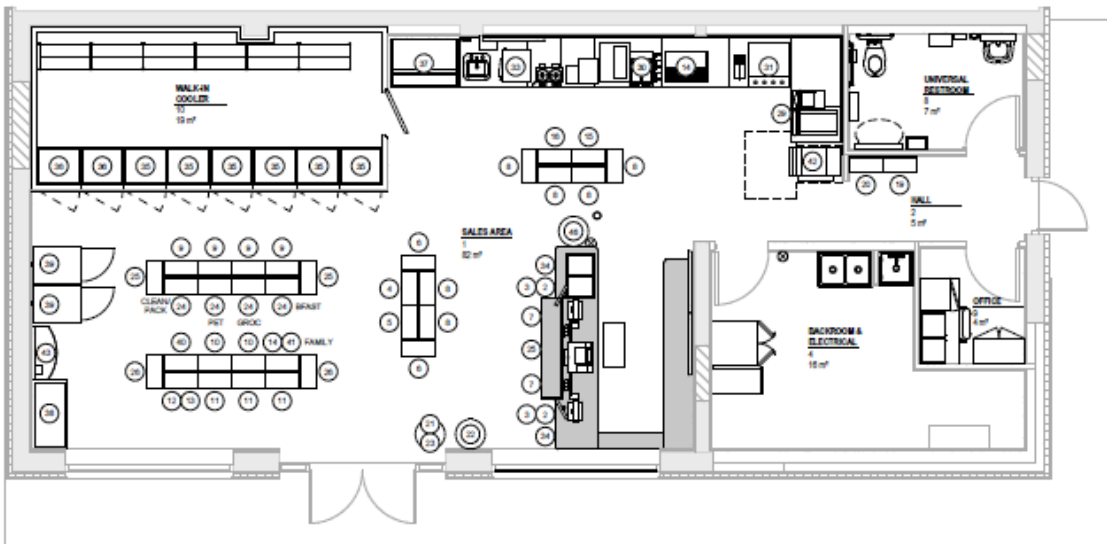
EXP
PARKLAND FUEL
GREAT GEORGE STREET SERVICE STATION

SITE PLAN
 DRAWN BY: M. H. V. 007
 CHECKED BY: M. H. V. 007
 DATE: 2018-08-01
 PROJECT: GREAT GEORGE STREET
 CLIENT: PARKLAND FUEL

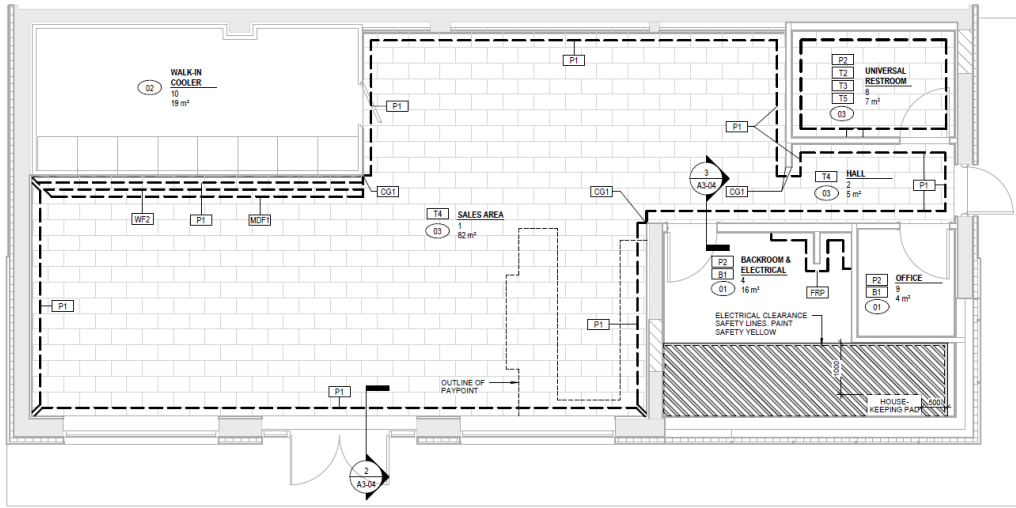
Attachment D



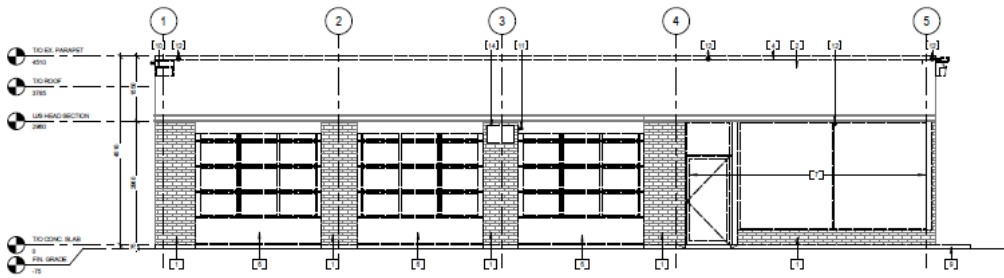
1 DEMOLITION FLOOR PLAN
1:30



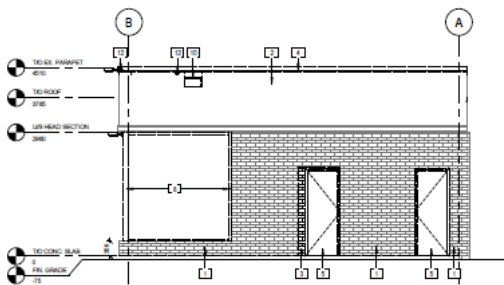
1 MERCHANDISING PLAN
1:30



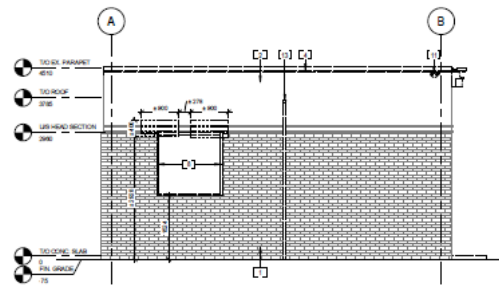
1 FINISH FLOOR PLAN
1:50



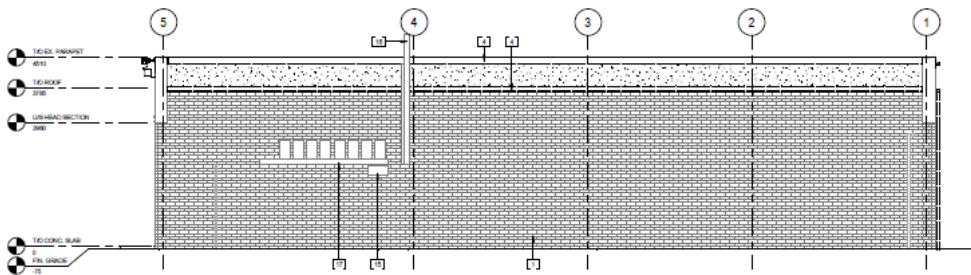
1 EXISTING SOUTHWEST ELEVATION
1:50



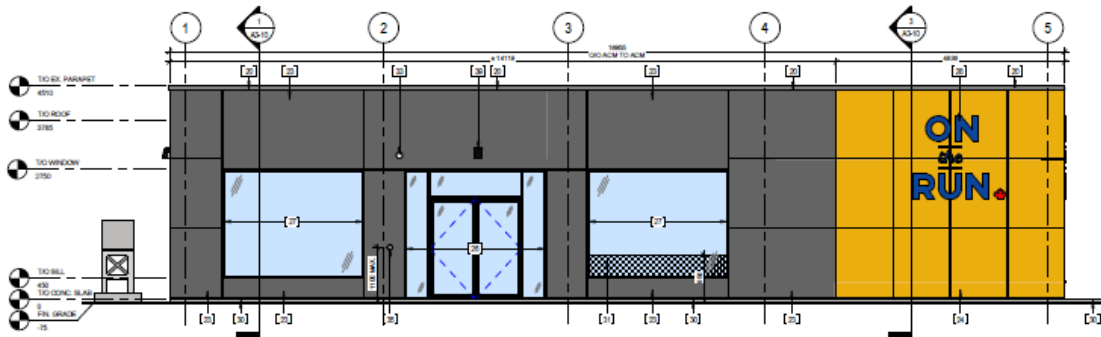
1 EXISTING SOUTHEAST ELEVATION
1:50



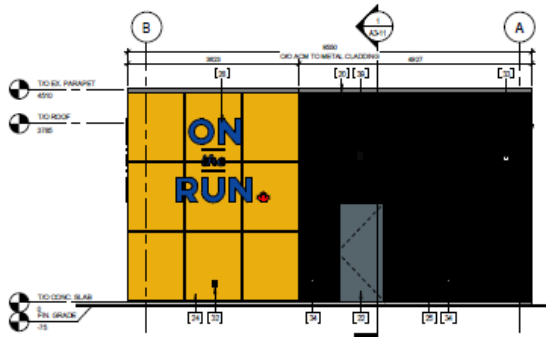
1 EXISTING NORTHWEST ELEVATION
1:50



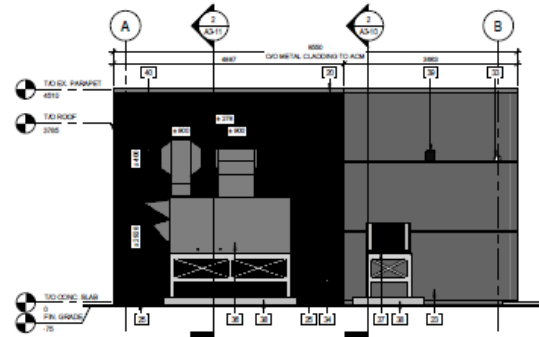
1 EXISTING NORTHEAST ELEVATION
1:50



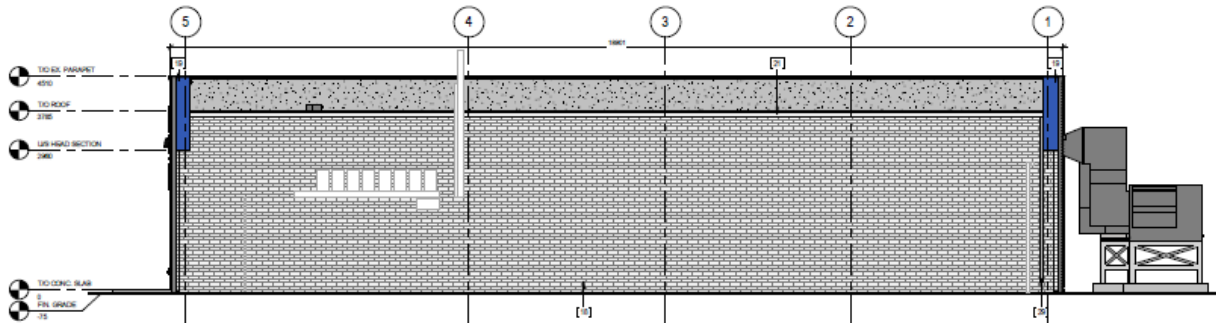
1. SOUTHWEST ELEVATION
AS SH
1:50



2. SOUTHEAST ELEVATION
AS SH
1:50



3. NORTHWEST ELEVATION
AS SH
1:50



4. NORTHEAST ELEVATION
AS SH
1:50

Proposed Elevation Design

Attachment E



January 18th, 2022

Mr. Robert Zilke
City of Charlottetown,
70 Kent Street
Charlottetown, PEI C1A 1M9

Re: BRM00605666-G2 Parkland Charlottetown, 184 Great George St

Dear Mr. Zilke:

As requested, please accept this as a letter of intent for the major variance application for mentioned project. As per your email from December 9th, 2021, you advised that we need to apply for major variance a fuel station is not permitted in the Downtown Main Street (DMS) Zone and since this use has not been operating for greater than six months, major variance approval is required from City council.

Since the pause in the operation of the subject property was not intentional and due to COVID-19 pandemic and renovation purposes, we tried to explain this via few email correspondences. We have confirmed and provided the document that the business license for the gas bar and retail store has been maintained and is still valid. All the municipal services are still running, and all the utilities have been issued and paid. The site was never converted to any other usage other than gas bar and service/retail shop.

After a conversation with the Building Department Manager, Alex Forbes, it was suggested to still go through major variance approval process and seek for the approval from the City council.

Should you require any additional information or clarification, please reach out to me.

Sincerely,

Pedram Varjavand, B.Arch.
Project Manager

EXP Services Inc

Attachment F

Letter 1

We would like to share our support for 184 Great George St.(PID #346312) proposed plan. It would be wonderful to have that corner refreshed with a new service station and convenience store. This would be a wonderful asset to the block beside our Hotel and a convenient amenity for our guests. We wholeheartedly support this project.

Tanya

--

Tanya L. Bevan
General Manager

Quality Inn & Suites Downtown Charlottetown
[150 Euston St](#) [Charlottetown PE](#) [C1A 1W5](#)
W: 902.894.8572 C:902.629.4756

Quality Inn & Suites Downtown

Letter 2

Planning dept

I am the owner of 188 great George st under the company name of JMJ Foods Inc !

I am in favour of the variance for 184 great George st but have a huge issue with Snow removal every year on our shared property line .

They have the lot fenced of now and if you drive by there is snow 5 ft up our building because we can't access it .

Further more when the last tenant occupied the gas station they pushed there snow from there lot against our building which caused issues every spring with water !


On many occasions I tried to deal with the issue but to no avail .

So if possible I want it dealt with during the variance process to make sure all the snow is removed from the north area of there lot not pushed unto my building.

I would like assurances it will be dealt with.

Thank you in advance

Terry Mckenna

TITLE: REZONING APPLICATION FILE: PLAN-2022-01-FEBRUARY-6B-4 3 FIRST STREET (PID# 276501) OWNER & APPLICANT: Alan Aitken and Shelley Cole		
MEETING DATE: February 7, 2022		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Zoning Map B. Aerial View C. Preliminary Survey Plan	
SITE INFORMATION: Context: One (1) property located in a low-density residential neighbourhood, northeast of the St. Peters Road, Mount Edward Road and Belmont Street intersection Ward No: 2 (Belvedere) Existing Land Use: Single-detached dwelling Official Plan: Low Density Residential Zoning: Low Density Residential (R-2) Zone		
PREVIOUS APPLICATIONS: 95-05 (Interior renovations to existing single-detached dwelling)		

RECOMMENDATION:

The Planning and Heritage Department encourages Planning Board to recommend that City Council *approve* the following rezoning request:

Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from Low Density Residential (R-2) Zone to Narrow Single Detached Residential (R-1N) Zone for the property located at 3 First Street (PID #276501)

to permit the subdivision of the property into two (2) separate lots, with proposed Lot 21-2 occupied by the existing single-detached dwelling and proposed Lot 21-1 occupied by a proposed new single-detached dwelling.

BACKGROUND:

Request

The property owner has submitted a request to rezone the subject property from the Low Density Residential (R-2) Zone to Narrow Single Detached Residential (R-1N) Zone. The purpose of the rezoning request is to permit the subdivision of the subject property into two (2) separate lots, with proposed Lot 21-2 occupied by the existing single-detached dwelling and proposed Lot 21-1 occupied by a proposed new single-detached dwelling as shown in Attachment “C” to this report.

Pursuant to Regulation 3.10.3 (Amendments to the By-law and Rezonings) of the Zoning and Development By-law:

“Before amending the regulations of this by-law or rezoning any parcel of land, Council shall conduct a public meeting to receive the views and opinions of the public and the applicant... if an application goes to a public meeting, then Council shall determine the disposition of the application and the applicant may not be allowed to withdraw the application after the public meeting.”

Council conducted a public meeting concerning the rezoning request on Tuesday, February 1st, 2022, to receive the views and opinions of the public and the applicant. Accordingly, Planning Board may consider the request and make a recommendation to Council. Council may approve or reject the rezoning request.

Development Context

The subject property is an interior lot located just north of the dead-end terminus of First Street and northeast of the St. Peters Road, Mount Edward Road and Belmont Street intersection. As shown in Attachment “B” to this report, the subject property is currently occupied by a 2-storey, single-detached dwelling, a detached garage, a shed and passive landscaping. It is approximately 15,265 square feet (0.35 acre) in size with a frontage of approximately 88 feet along First Street and a depth of approximately 170 feet.

As shown in Attachment “A” to this report, the subject property, and properties to the immediate north, east and south are zoned Low Density Residential (R-2). Properties to the immediate west, fronting St. Peters Rd, are zoned Business Office Commercial (C-1).

According to Provincial Tax Assessment records, immediately adjacent properties contain a mix of single-detached and two (2) unit dwellings.

LEGISLATIVE REQUIREMENTS:

Notification

On November 8th, 2021, City Council approved a request to proceed to public consultation regarding the rezoning request. In accordance with the regulation requirements contained in Section 3.10 (Amendments to the By-law and Rezoning) of the Zoning and Development By-law, the following notification requirements were completed by Planning and Heritage Department staff:

- January 11th, 2022 (initial letter) and January 20, 2022 (updated letter): fifty (50) written notification letters were mailed out to owners of properties within 100 m (328.1 ft) of the subject property, including the following information:
 - Boundaries of the subject property
 - Description of the rezoning request
 - Public meeting date
 - Deadline for the submission of written comments.
- January 14th, 2022: notice of initial public meeting was posted on the subject property.
- January 15th, 2022: notice of initial public meeting date was advertised in The Guardian newspaper.

- January 21st, 2022: notice of updated public meeting date was posted on the subject property.
- January 22nd, 2022, and January 29th, 2022: updated public meeting date was advertised in The Guardian newspaper and notice was posted on the City of Charlottetown website.

Public Feedback

The public meeting was held on Tuesday, February 1st, 2022, at 7:00pm virtually via WebEx videoconferencing due to COVID-19 and in-person meeting restrictions. The property owner participated in the public meeting, as well as two (2) owners of properties located within 100 metres of the subject property. One of the resident participants expressed support for the proposal, while the other expressed concerns with: snow removal, parking, property values, removal of existing trees and additional traffic on a dead-end street.

At the time of the writing of this report, the Planning and Heritage Department received no written comments from owners of properties located within 100 metres of the subject property through the public notification process.

ANALYSIS:

Official Plan

Approved by the Province of Prince Edward Island, the City of Charlottetown Official Plan sets out a vision for future land use, growth, and development in Charlottetown. The subject property is designated *Low Density Residential* by the City's Official Plan.

The introduction of a new single-detached dwelling on a currently undeveloped portion of the property (proposed new Lot 21-1) may be categorized as infill development. The subject property is located within approximately 300 metres of the 500 Lot Area; therefore, it would also maximize the use of existing underground services near a centre of employment. Accordingly, the proposal supports the following Official Plan policies and objective:

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

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

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

The proposed new single-detached dwelling on Lot 21-1 represents a low-intensity use that supports the *Low-Density Residential* land use designation that applies to the property. Further, the footprint and front yard setback of the proposed new single-detached dwelling on Lot 21-1 is comparable to the existing dwelling on the subject property (proposed Lot 21-2) and existing dwellings on immediately adjacent properties. As such, the proposal should not adversely affect adjacent properties in accordance with the following Official Plan objective:

Section 3.2.1 – Our objective [...] is to ensure that new development is harmonious with its surroundings.

In light of the foregoing, it is the opinion of Planning and Heritage Department that proposal appropriately conforms with the policies and objectives of the City of Charlottetown Official Plan.

Zoning and Development By-law

The Zoning and Development By-law implements the policies and objectives of the Official Plan through regulations that control such matters as: how land shall be used, where buildings and structures shall be located, lot sizes, parking, building heights, standards for subdivision, etc.

The subject property is currently zoned Low Density Residential (R-2) which allows for a range of low-density dwelling types including, duplex, semi-detached, modular, and single-detached dwellings. However, as summarized in the table below, the proposed new lots (21-1 and 21-2) would not meet the R-2 Zone frontage requirements for a single-detached dwellings on interior lots.

Regulation	R-2 Zone Requirement (Single-detached on Interior Lot)	Proposed	
		Lot 21-1	Lot 21-1
Lot Area	5,812.5 sqft	+/-7,632 sqft	+/-7,632 sqft
Lot Frontage	59.1ft	+/-43.9ft	+/-43.9ft
Front Yard Setback	19.7ft OR aligns with reduced front yard setback on adjoining lots	+/-14.7ft * Aligns with reduced front yard setback on adjoining lots.	+/-14.7ft * Aligns with reduced front yard setback on adjoining lots.
Rear Yard Setback	24.6ft	+/-112ft	+/-112ft
Side Yard Setback	6ft	+/-6ft	+/-6ft

The R-1N Zone permits a limited number of low-density dwelling types, namely: single-detached and modular dwellings. However, as summarized in the table below, the proposed new lots (21-1 and 21-2) meet and exceed the R-1N Zone frontage and area requirements for single-detached dwellings on interior lots. The preliminary survey plan (see Attachment “C”) also shows that the existing dwelling and the proposed new single-detached dwelling footprint on the proposed new lots (21-1 and 21-2) would meet the R-1N Zone setback requirements for single-detached dwellings. Accordingly, the rezoning request is intended to permit the proposed subdivision

of the lot into two (2) separate parcels with each new parcel occupied by one (1) single detached dwelling in accordance with the R-1N zoning requirements as summarized in the table below.

Regulation	R-1N Zone Requirement (Single-detached on Interior Lot)	Proposed	
		Lot 21-1	Lot 21-2
Lot Area	3,498.3 sqft	+/-7,632 sqft	+/-7,633 sqft
Lot Frontage	34.8ft	+/-43.9ft	+/-44.2ft
Front Yard Setback	19.7ft OR equal to abutting lot	+/-14.7ft * Aligns with reduced front yard setback on adjoining lots.	+/-14.7ft * Aligns with reduced front yard setback on adjoining lots.
Rear Yard Setback	19.7ft	+/-112ft	+/-116ft
Side Yard Setback	6ft	+/-6ft	+/-6ft

Lot Frontage and Lot Size

The proposed subdivision will result in two separate lots with narrower frontages (approximately 44ft) and a smaller lot size relative the existing condition. It is the opinion of the Planning and Heritage Department that the rear yard setback (approximately 112 - 116ft) provides a generous landscaped area and amenity space for the proposed new and existing dwelling which appropriately offsets the narrower lot frontage and reduction in lot size. Further, the proposed frontages and sizes of Lot 21-1 and 21-2 are comparable to two immediately adjacent lots, 4 St. Peter’s Road and 6 St. Peter’s Road.

Side Yard Setback

The City’s Chief Building Official has reviewed the proposal and indicated that the proposed 6ft side yard setback may limit the number of unprotected openings (windows and doors) permitted on the north elevation of the proposed new dwelling facing the existing dwelling under the National Building Code. However, detailed requirements would be determined by Building Official staff during the Building and Development Permit review stage for the proposed new dwelling.

Parking

As per Regulation 44.1 (Parking Space Standards) of the Zoning and Development By-law, a minimum of one (1) parking space per dwelling unit is required. The property owner has indicated that the intent is to design the proposed new single-detached dwelling to include an attached garage and to retain parking serving the existing dwelling.

Public Works

The Public Works Department is the City’s administrative authority for matters concerning the public right-of-way, including winter snow removal operations. The Manager of the Public Works Department has reviewed the proposal and expressed no concerns.

Trees

The City’s Forest and Environment Officer is the administrative authority for matters concerning the City of Charlottetown Tree Protection By-law. The Forest and Environment Officer has reviewed the proposal and identified no City of Charlottetown owned trees or heritage designated trees on the subject property. Accordingly, no tree protection restrictions would apply to the proposal.

Water and Sewer Utilities

The Manager of the Water and Sewer Utilities Department has reviewed the proposal and indicated that the following requirements would apply to the proposed new lots:

- Water and Sewer services shall be provided to each new lot.
- Water and sewer service connections to one parcel shall not cross a separate parcel unless there are registered private easements in place.

Fire Access

The City’s Fire Department has reviewed the proposal and identified no concerns with the adjacent stub road terminus of First Street from a fire access perspective given the proximity (approximately 90 metres) to a turnaround facility at the First Street and Hawthorne Avenue intersection.

The following table summarizes the positive and neutral attributes, and shortcomings of the request.

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Infill development within 300 metres of 500 Lot Area that will maximize use of existing underground services near centre of employment. • Proposed new single-detached dwelling is a low-intensity use that supports <i>Low Density Residential</i> land use designation that applies to subject property. • Footprint and front yard setback of proposed new single-detached dwelling is comparable to existing dwelling on subject property. • Rear yard setback provides generous landscaped area and amenity space to existing and proposed new dwelling that offsets narrower lot frontages and reduction in lot size. • Proposed lot frontages/sizes comparable to two immediately adjacent lots. • Parking requirements will be met. • No concerns identified by City’s Public Works Department, Fire Department or Forestry Officer. 	<ul style="list-style-type: none"> • Rezoning permits subdivision into two (2) separate parcels with each new parcel occupied by a single detached dwelling that meets R-1N zoning requirements. • Building Official requirements will apply to proposed new single-detached dwelling. • Water & Sewer Utility Dept. requirements will apply to two new lots. 	<ul style="list-style-type: none"> • Proposed new lots (21-1 and 21-2) do not meet the R-2 Zone frontage requirements for single-detached dwellings on interior lots.

CONCLUSION:

In light of the foregoing, the Planning and Heritage Department encourages Planning Board to recommend that City Council *approve* the following rezoning request:

Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from Low Density Residential (R-2) Zone to Narrow Single Detached Residential (R-1N) Zone for the property located at 3 First Street (PID #276501)

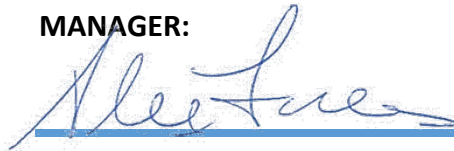
to permit the subdivision of the subject property into two (2) separate lots, with proposed Lot 21-2 occupied by the existing single-detached dwelling and proposed Lot 21-1 occupied by a proposed new single-detached dwelling.

PRESENTER:



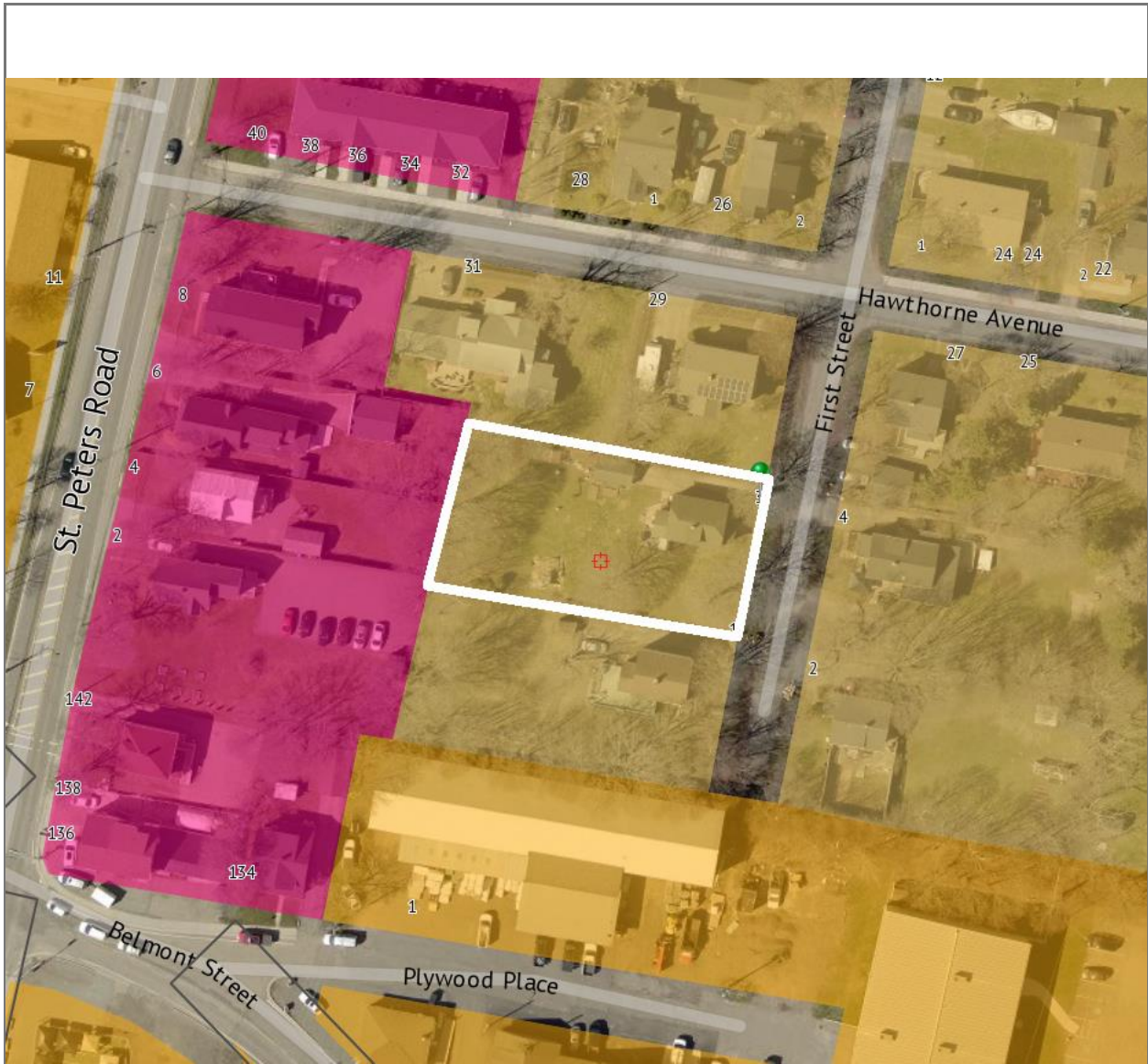
Emily Trainor, MScPI
Planner I

MANAGER:



Alex Forbes, MBA, FCIP
Manager of Planning & Heritage

Attachment A: Zoning Map



REZONING APPLICATION
FILE: PLAN-2022-01-FEBRUARY-6B-4
3 FIRST STREET (PID# 276501)



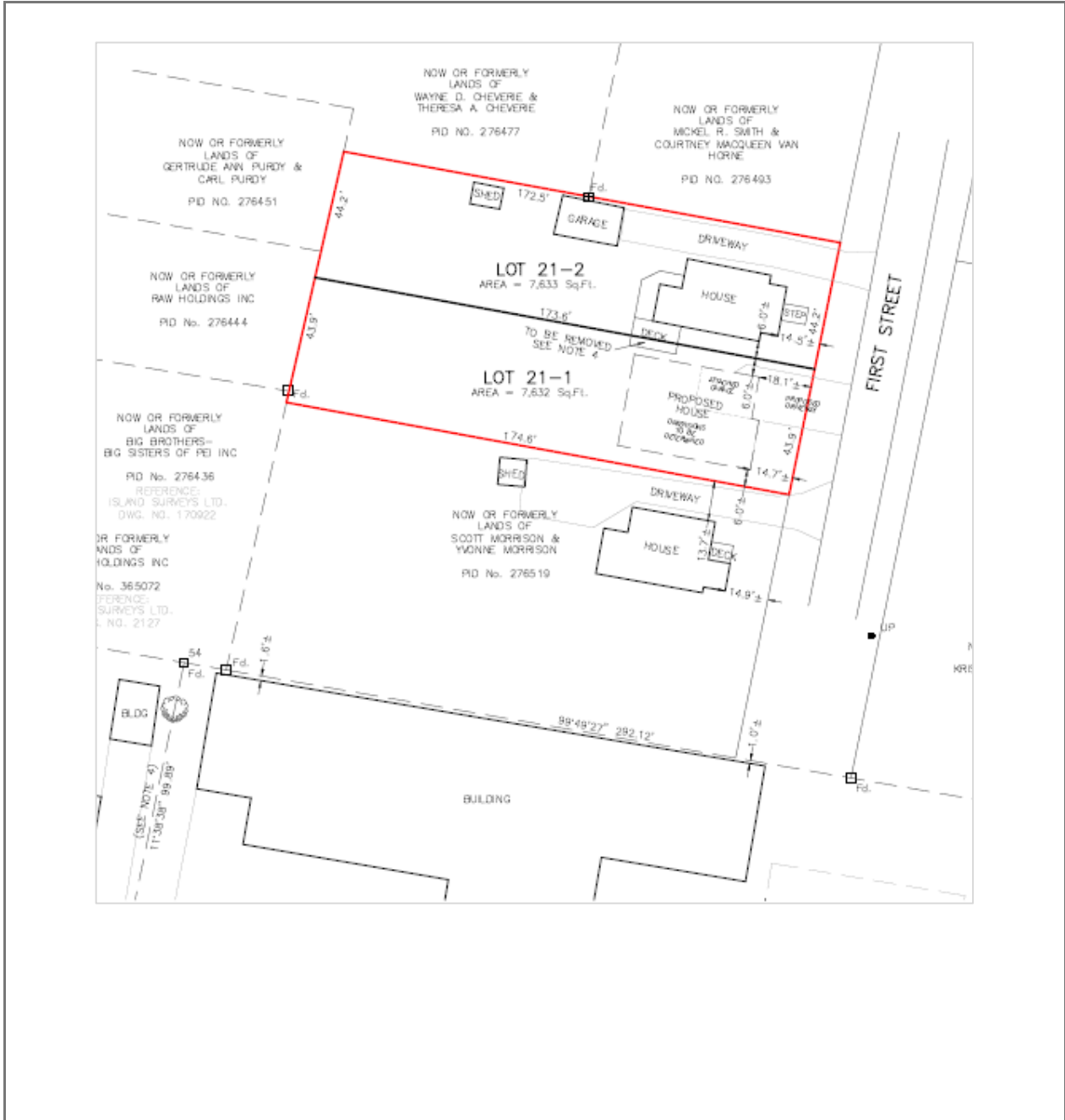
Attachment B: Aerial View



**REZONING APPLICATION
FILE: PLAN-2022-01-FEBRUARY-6B-4
3 FIRST STREET (PID# 276501)**




Attachment C: Preliminary Survey Plan



**REZONING APPLICATION
FILE: PLAN-2022-01-FEBRUARY-6B-4
3 FIRST STREET (PID# 276501)**



OP REDESIGNATION & REZONING APPLICATION FILE: PLAN-2022-7-FEBRUARY-6B-5 85 MALPEQUE ROAD (PID #388181) OWNER: JEFF MURPHY		 CHARLOTTETOWN
MEETING DATE: February 07, 2022		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Proposed Lot Consolidation	
SITE INFORMATION: Context: 1.13 acre undeveloped property with surface parking lot Ward No: 8 – Highfield Existing Land Use: Vacant with existing surface parking lot that serves adjacent property Official Plan: Low Density Residential Zoning: Single Detached Residential (R1-L) Zone		
PREVIOUS APPLICATIONS: 10-206 (withdrawn)		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to *approve* the request to change both the Official Plan designation and zoning as follows:

1. Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Institutional for the property located at 85 Malpeque Road (PID #388181); and
2. Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single Detached Residential (R1-L) Zone to the Institutional (I) Zone for the property located at Lot at 85 Malpeque Road (PID #388181).

Subject to the lot consolidation of 83 Malpeque Road (PID # 388181) and 73 Malpeque Road (PID #388173).

BACKGROUND:

Request

The applicant, Greg MacDougall, is applying to change the Official Plan designation from the Low Density Residential to the Institutional designation and to rezone the property from the Single Detached Residential (R1-L) Zone to the Institutional (I) Zone. The applicant is also requesting a lot consolidation of the existing lot, 85 Malpeque Road (PID #388181) with 73 Malpeque Road (PID #388173) to construct an addition to the existing nursing home (see Attachment C). The subject lot will be required to be consolidated with the adjacent property 73 Malpeque Road (PID #388173) to accommodate the expansion of the existing senior care home.

Development Context

The subject property fronts onto Malpeque Road and is presently vacant with a surface parking lot that serves for overflow parking of the existing nursing home located on the adjacent parcel to the south at 73 Malpeque Road (PID #388173). Directly to the north and adjacent to the subject property resides Royalty Maple Cottages (89 Malpeque Road PID #388199), while to the west resides low density residential developments consisting mainly of single detached dwellings. However, between Capital Dr and the Bypass Highway, the west side of Malpeque Rd is predominantly zoned Institutional, which acts as a buffer from commercial development for the low-density residential neighbourhood accessed through Irwin Drive. Given the existing institutional nature of these land uses and the residential zoning of the surrounding area, the proposed use (i.e. expansion of the nursing home) would be generally compatible in this portion of the City.

Public Works Department: Since the property is adjacent to a collector street and would be consolidated with 73 Malpeque Road the existing access to the street shall be decommissioned and closed to limit the number of accesses to the proposed development. Since a lot consolidation between the two properties is required for the nursing home addition, the primary access for the development shall be restricted to the existing ingress/egress access located on 73 Malpeque Road.

Property History

The subject property went through a rezoning process to amend the zone from R-1L to C-2 in order to expand the existing commercial development (i.e. Royalty Maple Cottages) that resides directly to the north. However, the application was withdrawn. The land has remained vacant and presently contains a surface parking lot for overflow parking for the existing senior care home located on the adjacent property 73 Malpeque Road.

LEGISLATIVE REQUIREMENTS:

Notification

On January 10, 2022, Council passed a resolution to allow the application to proceed to public meeting. As per Section 3.10.4 of the Zoning & Development By-law, written notice was sent to all affected property owners within 100m of the subject property on January 11, 2022. The letter informed them of the rezoning application and the upcoming public meeting. The letter then explained that comments for or against the proposed rezoning must be submitted prior to 12:00

p.m. (noon) on Wednesday, January 26, 2022. In addition, staff published a notice in two issues of The Guardian and posted a copy of the notice on the subject property.

Public Feedback

The Planning & Heritage Department received no letters of support or objection from the public. There was correspondence from an adjacent resident inquiring on the setback from the proposed addition to the property’s rear lot line. Should additional written comments be received prior to the deadline, they will be circulated prior to the Planning Board meeting. A public meeting of Council was also held on February 01, 2022 at 7:00 p.m. via videoconference (i.e., WebEx). There was one (1) resident that sought additional clarification on the application at the public meeting.

The resident indicated that his main concern was the safety of residents, not only of Andrews Lodge but of the residents of the subdivision. He suggested that points of entry to the subject property be limited by adding greenery or fencing. The applicant confirmed that a combination of landscaping and fencing would be used to secure the site. An additional question was asked of the applicant if the proposed addition was of a similar size and scale as the main building, which the applicant confirmed that it would be. For additional details regarding the meeting please refer to the minutes.

ANALYSIS:

This property is located between a commercial property to the North (Royalty Maple Cottages) and an Institutional property to the South (Andrew’s Lodge). The application at hand is for a rezoning of the property from R1L to I – Institutional which would be an extension of the existing institutional zone. Note that between Capital Dr and the Bypass Highway, the west side of Malpeque Rd is predominantly zoned Institutional, which acts as a buffer from commercial development for the low-density residential neighbourhood accessed through Irwin Drive. Also, with the opposite side of Malpeque Rd being zoned CDA – Comprehensive Development Area, this stretch of the “commercial corridor” is well protected from sporadic growth which could otherwise have negative impacts on the neighbourhood. To continue to protect this existing neighbourhood it is important to restrict the type of development that can fill in on the west side Malpeque Rd, between Capital Dr and the Bypass Highway. Since this property and proposed use (i.e. nursing home) would effectively expand on the existing institutional use located at 73 Malpeque Road, this type of development would be one of the few compatible uses that would not compromise the nature of the surrounding residential neighbourhood to the west. Furthermore, as per section 6.6.2 of the Zoning & Development By-law requires a minimum 4 m (13 ft.) landscape buffer requirement

would apply to minimize any impact from the proposed use. That can either be a fence, hedge, trees or a combination thereof in order to minimize and screen the proposed addition on 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"> Additional senior care capacity brought to the City to address a type of housing need Infill and densification along existing city services (water and sewer) Existing approach to be closed and restored 	<ul style="list-style-type: none"> Land use compatibility with existing residential neighbourhood to the west Lot consolidation required 	

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to *approve* the request to change both the Official Plan designation and zoning as follows:

1. Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Institutional for the property located at 85 Malpeque Road (PID #388181); and
2. Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single Detached Residential (R1-L) Zone to the Institutional (I) Zone for the property located at Lot at 85 Malpeque Road (PID #388181).

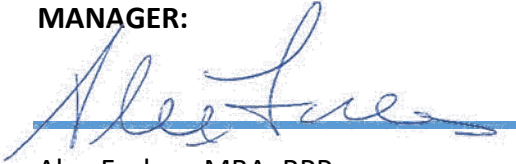
Subject to the lot consolidation of 83 Malpeque Road (PID # 388181) and 73 Malpeque Road (PID #388173).

PRESENTER:



Robert Zilke, MPlan, RPP, MCIP
Planner II

MANAGER:

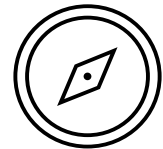


Alex Forbes, MBA, RPP
Manager of Planning & Heritage

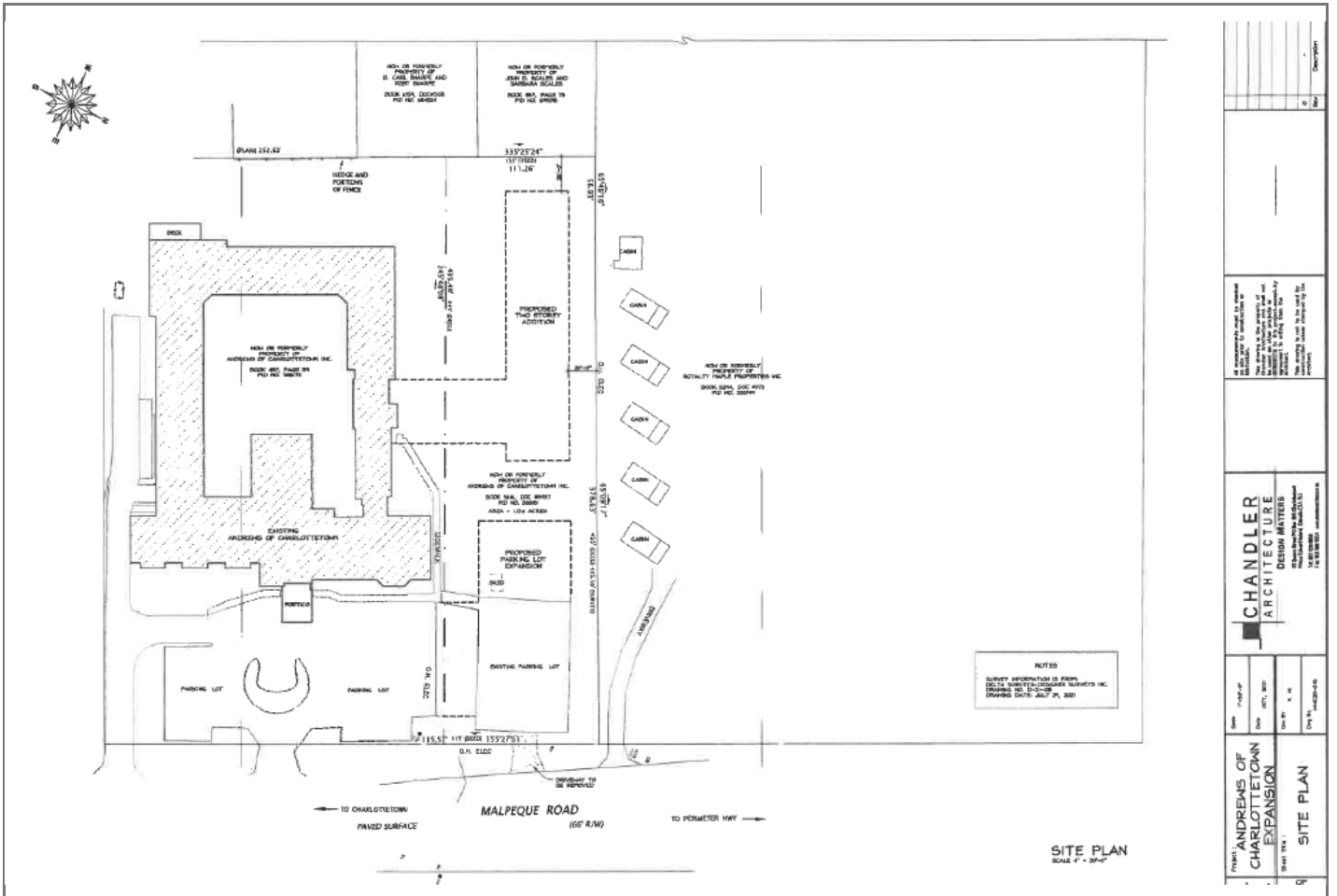
Attachment A



Attachment A: GIS Map
File: PLAN-2022-4-January
85 Malpeque Rd (PID #388181)
Owner: Jeff Murphy



Attachment B

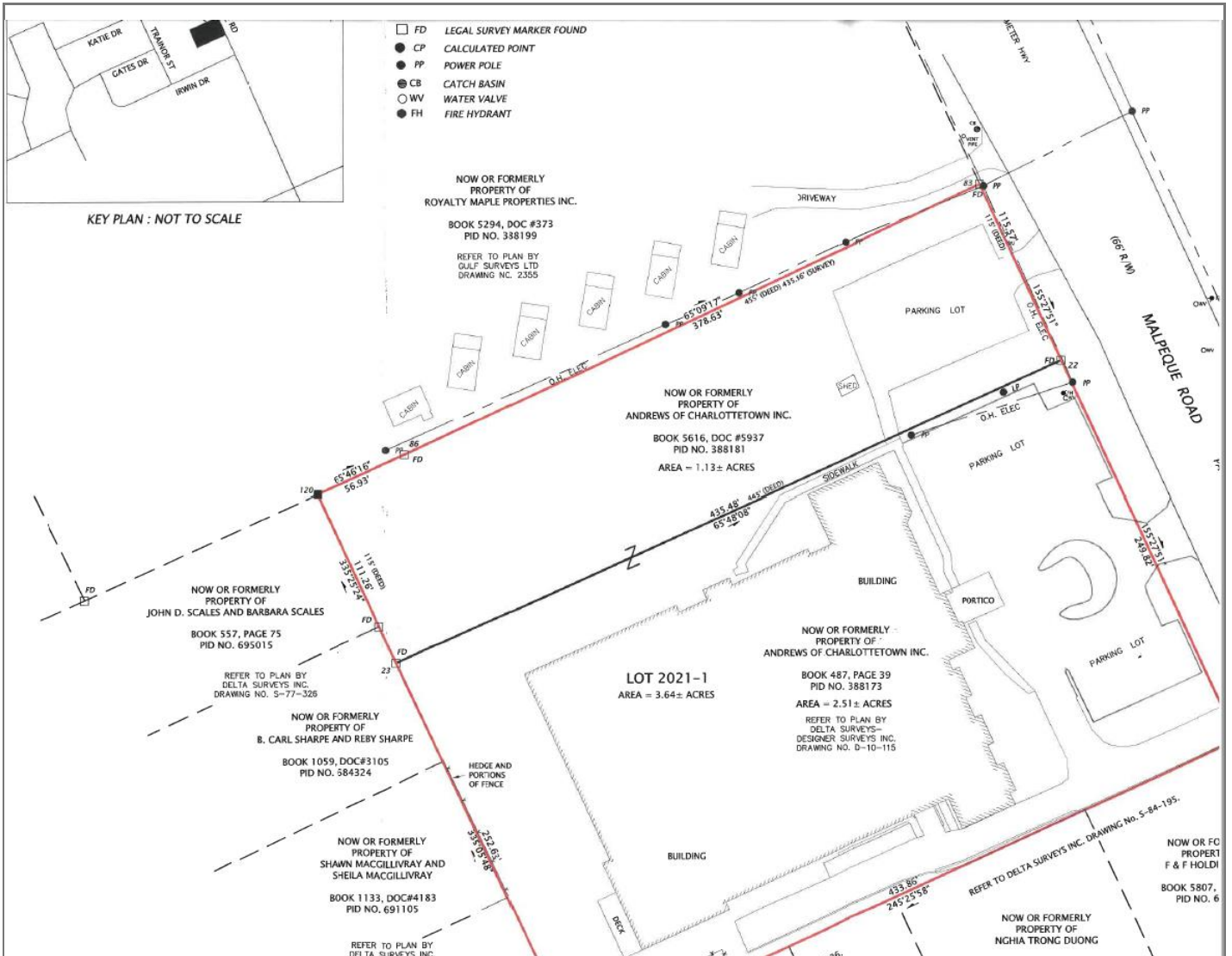


Attachment A: Site Plan
File: PLAN-2022-4-January
85 Malpeque Rd (PID #388181)
Owner: Jeff Murphy




Item	Description
1	EXISTING BUILDING
2	PROPOSED ADDITION
3	EXISTING PARKING LOT
4	PROPOSED PARKING LOT EXPANSION
5	PROPOSED DRIVEWAY
6	PROPOSED DRIVEWAY
7	PROPOSED DRIVEWAY
8	PROPOSED DRIVEWAY
9	PROPOSED DRIVEWAY
10	PROPOSED DRIVEWAY
11	PROPOSED DRIVEWAY
12	PROPOSED DRIVEWAY
13	PROPOSED DRIVEWAY
14	PROPOSED DRIVEWAY
15	PROPOSED DRIVEWAY
16	PROPOSED DRIVEWAY
17	PROPOSED DRIVEWAY
18	PROPOSED DRIVEWAY
19	PROPOSED DRIVEWAY
20	PROPOSED DRIVEWAY
21	PROPOSED DRIVEWAY
22	PROPOSED DRIVEWAY
23	PROPOSED DRIVEWAY
24	PROPOSED DRIVEWAY
25	PROPOSED DRIVEWAY
26	PROPOSED DRIVEWAY
27	PROPOSED DRIVEWAY
28	PROPOSED DRIVEWAY
29	PROPOSED DRIVEWAY
30	PROPOSED DRIVEWAY
31	PROPOSED DRIVEWAY
32	PROPOSED DRIVEWAY
33	PROPOSED DRIVEWAY
34	PROPOSED DRIVEWAY
35	PROPOSED DRIVEWAY
36	PROPOSED DRIVEWAY
37	PROPOSED DRIVEWAY
38	PROPOSED DRIVEWAY
39	PROPOSED DRIVEWAY
40	PROPOSED DRIVEWAY
41	PROPOSED DRIVEWAY
42	PROPOSED DRIVEWAY
43	PROPOSED DRIVEWAY
44	PROPOSED DRIVEWAY
45	PROPOSED DRIVEWAY
46	PROPOSED DRIVEWAY
47	PROPOSED DRIVEWAY
48	PROPOSED DRIVEWAY
49	PROPOSED DRIVEWAY
50	PROPOSED DRIVEWAY
51	PROPOSED DRIVEWAY
52	PROPOSED DRIVEWAY
53	PROPOSED DRIVEWAY
54	PROPOSED DRIVEWAY
55	PROPOSED DRIVEWAY
56	PROPOSED DRIVEWAY
57	PROPOSED DRIVEWAY
58	PROPOSED DRIVEWAY
59	PROPOSED DRIVEWAY
60	PROPOSED DRIVEWAY
61	PROPOSED DRIVEWAY
62	PROPOSED DRIVEWAY
63	PROPOSED DRIVEWAY
64	PROPOSED DRIVEWAY
65	PROPOSED DRIVEWAY
66	PROPOSED DRIVEWAY
67	PROPOSED DRIVEWAY
68	PROPOSED DRIVEWAY
69	PROPOSED DRIVEWAY
70	PROPOSED DRIVEWAY
71	PROPOSED DRIVEWAY
72	PROPOSED DRIVEWAY
73	PROPOSED DRIVEWAY
74	PROPOSED DRIVEWAY
75	PROPOSED DRIVEWAY
76	PROPOSED DRIVEWAY
77	PROPOSED DRIVEWAY
78	PROPOSED DRIVEWAY
79	PROPOSED DRIVEWAY
80	PROPOSED DRIVEWAY
81	PROPOSED DRIVEWAY
82	PROPOSED DRIVEWAY
83	PROPOSED DRIVEWAY
84	PROPOSED DRIVEWAY
85	PROPOSED DRIVEWAY
86	PROPOSED DRIVEWAY
87	PROPOSED DRIVEWAY
88	PROPOSED DRIVEWAY
89	PROPOSED DRIVEWAY
90	PROPOSED DRIVEWAY
91	PROPOSED DRIVEWAY
92	PROPOSED DRIVEWAY
93	PROPOSED DRIVEWAY
94	PROPOSED DRIVEWAY
95	PROPOSED DRIVEWAY
96	PROPOSED DRIVEWAY
97	PROPOSED DRIVEWAY
98	PROPOSED DRIVEWAY
99	PROPOSED DRIVEWAY
100	PROPOSED DRIVEWAY

Attachment C



Attachment A: Proposed Lot Consolidation
File: PLAN-2022-4-January
 85 Malpeque Rd (PID #388181)
Owner: Jeff Murphy



TITLE: CITY OF CHARLOTTETOWN SHORT-TERM RENTAL (STR) IMPLEMENTING STRATEGY FILE: PLAN-2022-07-February-6C-6		
MEETING DATE: February 7th, 2022		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS:	

RECOMMENDATION:

The Planning & Heritage Department recommends that Planning Board and Council direct staff to prepare the following bylaws and supporting documents noted below as the framework to regulate Short Term Rental (STR) accommodations;

1. Enact a Short-term Rental (STR) Licensing Bylaw to govern the activities of short-term rental platforms, agents and hosts, including:
 - a. Registration and Licensing requirements for platforms and STR operators;
 - b. The establishment of a short-term rental license, regulations and fees for STR operators;
2. Allow a grace period for operators to be educated on the proposed regulations and licensing requirements and register their STR. The grace period would cover the period between when the new Official Plan and Zoning & Development Bylaw STR regulations passed by Council are approved by the Minister in March of 2022 and January 10th, 2023 (proposed date of implementation). Staff will work with the City Solicitor to develop a bridging mechanism to recognize those operators who cannot comply with the new municipal regulation in 2022 but had a valid provincial tourist accommodation license in 2021.
3. Establish an enforcement regime (Summary Conviction Bylaw) to enforce the bylaw regulations and licensing requirements.
4. Establish cost recovery regime through a combination of registration/permit fees.
5. Provide specific exemptions from the proposed regulations to allow for a hotel, motel, cottage and bed and breakfast to use the STR marketing platforms.
6. Create a webpage on www.charlottetown.ca to explain the City regulations with respect to STR guests and hosts.

And further that the above-mentioned Bylaws and supporting documents be submitted and approved by Council by January 10th, 2023.

BACKGROUND / ANALYSIS:

At the January 2022 Council meeting, a resolution was adopted to move to first reading of a Bylaw to define how short-term rental (STR) operations would be regulated in the City's Zoning & Development Bylaw moving forward. These amendments focused on where STR's will be located in the City moving forward. Staff would note that this is the first part of a longer-term STR strategy. The short-term rental market in Charlottetown is typically very active between April and October of any given year. If Council gives second reading to the proposed Official Plan and Zoning & Development Bylaw amendments in February, this approval will be sent to the Minister for final approval which should occur in March. The timeline on these amendments will align with addressing how to deal with STR applications for the City and Province in 2022 as the new tourist season begins.

The Official Plan and Zoning & Development Bylaw amendments brought forward in January will provide clarity to STR operators in 2022 regarding the status of their existing operations and whether they will comply with the revised Bylaw regulations. Due to recent provincial amendments to the Tourism Legislation (November 6th, 2021), the Province has agreed to ensure that all applicants for STR provincial licenses obtain confirmation from the local land use authority having jurisdiction (municipalities) before they will issue a provincial license. This is a marked improvement on the previous approval process whereby the province would grant a provincial license that may not conform with a municipal jurisdiction planning requirement. As a result, this left STR operators uncertain as to whether they had received the appropriate approvals to operate their STR within the City.

After the Province amended the Tourism Act last November, the province indicated that they were not going to revoke any of the previously granted STR licenses in 2021 but would seek written confirmation on all new STR applications within municipalities moving forward. It should be noted that the province requires approval for short rentals on an annual basis. Therefore, moving into 2022 all permits reviewed by the Province are intended to comply with municipal regulations before they will issue a Tourist Accommodation license.

Staff would note that there were approximately 185 STR approvals granted by the province last year to operate within the City. Notwithstanding, the majority of provincial applicants for STR licenses did not request or seek any municipal review or approvals from the City even though the Zoning & Development Bylaw recognized this type of land use for a number of years as a Tourist Home operation. Staff would note that regulations related to Tourist Homes have been in existence in the City for a number of years and STR operators who applied to the Province prior to November of 2021 were required to meet the municipal standards that were in place at that time.

Therefore, staff would note that there will be a number of STR operators that will not be able to comply with either the existing Zoning & Development Bylaw regulation presently in place or the proposed new Official Plan and Zoning & Development Bylaw regulations if and when they are adopted by the Minister in March. The January Planning report noted that Council may wish to consider a grace period to STR operators in the City that had a valid provincial license in 2021 but do not comply with the either new STR regulations of the City that will likely come into effect at the end of March 2022. Staff will work with the City Solicitor to develop a bridging mechanism to recognize those operators who cannot comply with the new municipal regulation in 2022 but had a valid provincial license to operate an STR in the City 2021. Staff would note that the grace period contemplated is only for the 2022 season and will not be carried into subsequent years.

The rationale for a grace period relates to the fact that it will take months for staff to prepare the supporting STR License Bylaw and Summary Conviction Bylaw and have it reviewed and approved by Council. It has been suggested that attempting to fully regulate the STR industry in the middle of a tourism season is difficult and disruptive to operators and tourists alike. Staff also needs additional time to develop building inspection protocols for STR's and develop the other supporting implementing tools as noted in the recommendation.

In light of the aforementioned and the fact that the STR rental season begins to wind down in October, it may be prudent for Council to provide a ten-month grace period (January 2023) for those STR operators who had a valid provincial license to operate within the City in 2021. Furthermore, direct staff to bring back to Council in the fall of 2022 the accompanying Bylaws (Registration Bylaw and Summary Conviction Bylaw) and building inspection protocols for STR operators, a proposed annual fee schedule to cover to costs of regulating STR operations, etc. If Council is supportive of the proposed direction, they can direct staff to continue the proceed as outlined below to move toward a fully regulated STR licensing system in the City.

RECOMMENDATIONS FOR A REGULATORY FRAMEWORK

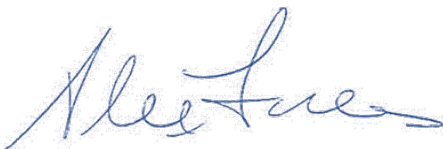
The Planning & Heritage Department recommends that Planning Board and Council direct staff to prepare the following Bylaws and supporting documents noted below as the framework to regulate Short Term Rental accommodations;

1. Enact a Short-term Rental (STR) Licensing Bylaw to govern the activities of short-term rental platforms, agents and hosts, including:
 - a. Registration and Licensing requirements for platforms and STR operators;
 - b. The establishment of a short-term rental (STR) license, regulations and fees for STR operators;

2. Allow a grace period for operators to be educated on the proposed regulations and licensing requirements and register their STR. The grace period would cover the period between when the new Official Plan and Zoning & Development Bylaw STR regulations passed by Council are approved by the Minister in March of 2022 and January 10th, 2023 (proposed date of implementation). Staff will work with the City Solicitor to develop a bridging mechanism to recognize those operators who cannot comply with the new municipal regulation in 2022 but had a valid provincial tourist accommodation license in 2021.
3. Establish an enforcement regime (Summary Conviction Bylaw) to enforce the Bylaw regulations and licensing requirements.
4. Establish cost recovery regime through a combination of registration/permit fees.
5. Provide specific exemptions from the proposed regulations to allow for a hotel, motel, cottage and bed and breakfast to use the STR marketing platforms.
6. Create a webpage on Charlottetown.ca to explain the City regulations with respect to STR guests and hosts.

And further that the above-mentioned Bylaws and supporting documents be submitted and approved by Council by January 10th, 2023.

PRESENTER/MANAGER:



Alex Forbes, FCIP, MBA
Manager of Planning & Heritage
