PLANNING BOARD MEETING

PACKAGE

July 04, 2022 (Monday) 4:30pm

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

Live Streaming: www.charlottetown.ca/video

Date prepared: June 30, 2022

Prepared by: efc/v.01

PLANNING BOARD MEETING

SUMMARY OF CONTENTS

Planning Board Agenda (July 04, 2022) …… *(p.3)*

Minutes of Previous Meetings:

- Planning Board (June 06, 2022) …… *(p.5)*
- Public Meeting (June 28, 2022) …… *(p.13)*

Reports:

a) Variances:

1) 8 Brows Lane (PID #425876) *Emily* …… *(p.20)*
2) Major Variance Request for three (3) properties outlined below: *Emily* …… *(p.33)*
   64 King Street (PID #335620)
   151 Great George Street (PID #342402)
   89 Kent Street Street (PID #343558)

b) Rezonings:

3) 15 Saint Dunstan Street (PID #1075993) *Robert*…… *(p.79)*
4) 93 & 95 Belvedere Ave (PID's #373092 and #373100) *Robert*…… *(p.90)*
5) Sandlewood Subdivision, extension of Mutch Crescent (PID #773051) *Laurel* …… *(p.95)*
6) 50 Cumberland St. (PID #679381) *Laurel* …… *(p.124)*
7) 257 Mount Edward Rd. (PID #390674), 261 Mount Edward Rd. (PID #390682),
   265 Mount Edward Rd. (PID #390708), 269 Mount Edward Rd. (PID #390757)
   and PID #390690 *Laurel* …… *(p.141)*

c) Others:

8) Zoning & Development Bylaw (PH-ZD.2) Amendments on pool covers *Alex* …… *(p.154)*

d) Reconsideration:

9) Reconsideration request for Hidden Valley Subdivision *Alex* …… *(p.177)*

CHARLOTTETOWN

PLANNING BOARD AGENDA
NOTICE OF MEETING

Monday, July 04, 2022 at 4:30 pm
Council Chambers, 2nd Floor, City Hall, 199 Queen Street
Live streaming: www.charlottetown.ca/video

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda –** Approval of Agenda for Monday, July 04, 2022
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, June 06, 2022
5. **Business arising from Minutes**
6. **Reports:**

a) Variances:

1. **8 Brows Lane (PID #425876)** *Emily*
   Request for a Major Variance to permit an appointment-based personal service shop (hair and aesthetic studio) home occupation use to operate within a portion of the existing single-detached dwelling.

2. **64 King Street (PID #335620)*** *Emily*
   151 Great George Street (PID #342402)* *Emily*
   89 Kent Street Street (PID #343558)*Emily*
   *Request for a Major Variance to permit mural artwork to cover portion of the existing building in the 500 Lot Area.

b) Rezoning/Site Specific Exemptions:

3. **15 Saint Dunstan Street (PID #1075993)** *Robert*
   Request to amend an existing CDA development agreement to to permit a 5,000 sq.ft. building expansion to increase the retail sales area. The current approved development concept plan allows for one (1) main building (i.e. retail sales) with a minimum of seventy (70) surface parking spaces and three (3) barrier free spaces.

4. **93 & 95 Belvedere Ave (PID's #373092 and #373100)** *Robert*
   Request to proceed to Public Meeting to change the Official Plan designation and Zoning of the subject property to the Institutional (I) Designation and Zone. The intention is to consolidate both properties with the UPEI campus property located at 560 University Ave.

5. **Sandlewood Subdivision, extension of Mutch Crescent (PID #773051)** *Laurel*
   Request to rezone the remaining land in the subdivision from Single-Detached Residential, Small (R-1S) to Single-Detached Residential, Narrow (R-1N) to permit the subdivision of 46 lots for single-detached dwellings.

6. **50 Cumberland St. (PID #679381)** *Laurel*
   Request to proceed to a public meeting to amend a development concept plan in the Comprehensive Development Area (CDA) Zone to construct a new industrial equipment building on lands owned by Maritime Electric.

7. **257 Mount Edward Rd. (PID #390674), 261 Mount Edward Rd. (PID #390682), 265 Mount Edward Rd. (PID #390708), 269 Mount Edward Rd. (PID #390757) and PID #390690** *Laurel*
   Request to proceed to a public meeting to present a development concept plan in the Comprehensive Development Area (CDA) Zone for a mixed-use residential development consisting of apartment buildings and townhouses.

c) Others:

8. **Zoning & Development Bylaw (PH-ZD.2) Proposed Amendments** *Alex*
   Proposed amendment to the Zoning & Development Bylaw in relation to permitting pool covers to replace fence requirements.

d) Reconsideration:

9. **Malpeque Road (PID #1047562) (Hidden Valley Subdivision)** *Alex*
   Request to reconsider the approval of a Preliminary Plan of Subdivison for a ninety (90) lot subdivision of semi-detached dwellings.

7. Introduction of New Business

8. Adjournment of Public Session

PEI is currently in Step 3 of Transition Plan to Living with COVID-19. The City of Charlottetown continues to adjust their operations and practices in the wake of the constantly changing COVID-19 environment. The maximum seating for the public will be limited within the 2nd Floor foyer. Upon arrival, individuals will be required to provide information for contact tracing purposes.

PLANNING AND HERITAGE BOARD MINUTES
MONDAY, JUNE 06, 2022, 4:30 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL, 199 QUEEN STREET
Live streaming at www.charlottetown.ca/video

Present:	**Councillor Terry MacLeod, Chair**	**Basil Hambly, RM**
	Councillor Alanna Jankov*	**Bobby Kenny, RM**
	Councillor Julie McCabe, Vice-Chair	**Kris Fournier, RM**
	Mayor Philip Brown	**Paul Connolly, RM**
		Rosemary Herbert, RM
		Shallyn Murray, RM
Also:	**Alex Forbes, PHM**	**Emily Trainor, PI**
	Ellen Faye Catane, IO/AA**	**Robert Zilke, PII**
	***minute taker*	
Also in attendance: *(applicant)*	**Chris Linzel-Waddell**	
Regrets:	**Laurel Palmer Thompson**	
Absent:	**Councillor Mitchell Tweel**	

*Note: *participated via teleconference*

PEI is currently in Step 3 of Transition Plan to Living with COVID-19. The City of Charlottetown continues to adjust their operations and practices in the wake of the constantly changing COVID-19 environment. The maximum seating for the public will be limited within the 2nd Floor foyer.

1. Call to Order
Councillor MacLeod called the meeting to order at 4:30 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
Councillor MacLeod reminded the Board and members of the public that the application for 46-48 Victoria Street has been removed from the agenda.

Mayor Brown also requested for the application dealing with the proposed Zoning & Development Bylaw be discussed before the rezoning applications.

Moved by Councillor McCabe and seconded by Kris Fournier, that the revised agenda for Monday, June 06, 2022, be approved.

CARRIED

4. Adoption of Minutes
Moved by Shallyn Murray and seconded by Paul Connolly, that the minutes of the meetings held on Monday, June 06, 2022, as circulated, be approved.

CARRIED

5. Business arising from Minutes
There was no business that arose from the minutes.

6. 85 Maple Hills Ave (PID #134114)

Request: Major Variance to reduce the flankage yard setback from 7.5 m (24.6 ft) to 6.2 m (20.5ft) in order to construct a 6,500 sq. ft. addition to the commercial building for storage.

Property Information: Airport (A) Zone
Presenter: Robert Zilke
Applicant: Chris Linzel-Waddell (Kreative Acres Corp)
Reference: Planning Board Package

Summary:

- The subject property is part of the subdivision of lands in the Airport Zone with PID #134114 which is owned by the Government of Canada.
- The airport land is subdivided into smaller parcels to indicate boundaries of leased properties.
- The proposed additional storage space will be used for the 2023 Canada Games event occurring in Charlottetown.
- Materials for the proposed addition will be similar to existing buildings within the surrounding area.
- Staff is recommending approval of the proposed variance.

Discussions:

- None.

Motion:

Moved by Councillor McCabe and seconded by Rosemary Herbert, that the Major Variance request to reduce the required flankage yard setback from 7.5 m (24.6 ft) to 6.2 m (20.5 ft) in order to construct an addition onto the existing warehouse on the property identified as 85 Maple Hills Ave (PID #134114) in the Airport (A) Zone, be recommended to Council for approval.

MOTION CARRIED
(9-0)

7. Temporary Structure (Outdoor Patio) Variance Requests for the following properties:
131 Sydney Street (PID# 339077)
330 University Avenue (PID# 359687)
70 Grafton Street (PID# 340273)
101 Longworth Avenue (PID# 363671)

Request: Major Variance to permit a temporary structure (outdoor patio) to occupy required on-site parking for the 2022 summer season (ending October 31, 2022) in order to serve Eating & Drinking Establishment patrons while maintaining processes that promote social distancing and limit crowding in response to COVID-19.

Property Information/Applicant(s):

- 131 Sydney Street – Downtown Main Street (DMS): Old Dublin Pub/Claddagh Oyster House
- 330 University Avenue – Mixed- Use Corridor (MUC): Seoul Food
- 70 Grafton Street – Downtown Mixed-Use Neighbourhood (DMUN): The Pilot House
- 101 Longworth Avenue – Mixed- Use Corridor (MUC): Red Island Cider

Presenter: Emily Trainor
Reference: Planning Board Package

Summary:

- On February 24, 2022, Planning & Heritage Committee accepted staff's recommendation to continue to allow outdoor patios on private parking spaces for the 2022 Summer season in response to covid-19 measures subject to Major Variance approval.
- Same process was applied in 2020 and 2021. Fees will continue to be waived for 2022 Summer Season.
- Received four (4) applications for the 2022 summer season - all received approval for temporary patios in 2020 and 2021. The current applications are summarized below:
    - 131 Sydney Street: outdoor patio occupying three (3) parking spaces subject to conditions outlined in the report.
        - Received one (1) letter of support
    - 330 University Avenue: outdoor patio occupying three (3) parking spaces subject to conditions outlined in the report.
        - Received one (1) letter of support and one (1) letter regarding concern deemed to be unrelated to the application.
    - 70 Grafton Street: outdoor patio occupying two (2) parking spaces subject to conditions outlined in the report.
        - Received one (1) letter of support with comment that there should continue to be no loud music on the patio late in the evening.
    - 101 Longworth Avenue: outdoor patio occupying one (1) parking space and one (1) loading space subject to conditions outlined in the report.
        - This request includes a 170 sq. ft. expansion to the previous years' applications.
        - Received one (1) letter of support, one (1) objection, and one (1) letter from Maritime Electric addressing their easement over 101 Longworth Avenue providing right-of-way access to their landlocked property.

Discussions:

- Although covid-19 restrictions have eased, allowing businesses to continue with outdoor patio operations could continue moving forward.
- Is there a possibility of having these temporary outdoor patios get permanent approval? These temporary outdoor patios are intended for short-term operations only. If there is an interest from business owners to make this more permanent, Planning & Heritage staff can look into the request and requirements in the Bylaw.
- Would the proposed expansion on 101 Longworth Avenue be too large and encroach into the Maritime Electric easement on the property? According to Maritime Electric, if the applicant builds as per dimensions shown in the submitted plan, there should be no encroachment into Maritime Electric's easement. The dimension requirement would be included as part of the Development Permit conditions of approval.

Motions:

Moved by Councillor McCabe and seconded by Basil Hambly, that the following four (4) requests be recommended to Council for approval:

(1) Temporary structure variance for an outdoor patio to occupy three (3) required parking spaces at 131 Sydney Street (PID #339077) until October 31, 2022, subject to:

1. **The applicant receiving an associated Building & Development Permit from the Planning and Heritage Department; and**
2. **The Planning and Heritage Department receiving a letter of authorization from the property owner.**

(2) Temporary structure variance for an outdoor patio to occupy three (3) required parking spaces at 330 University Avenue (PID #359687) until October 31, 2022, subject to:

1. **The applicant receiving an associated Building & Development Permit from the Planning and Heritage Department.**

(3) Temporary structure variance for an outdoor patio to occupy two (2) required parking spaces at 70 Grafton Street (PID #340273) until October 31, 2022, subject to:

1. **The applicant receiving an associated Building & Development Permit from the Planning and Heritage Department; and**
2. **The Planning and Heritage Department receiving a letter of authorization from the property owner.**

(4) Temporary structure variance for an outdoor patio to occupy one (1) required parking space and one (1) required loading space at 101 Longworth Ave (PID #363671) until October 31, 2022, subject to:

1. **The applicant receiving an associated Building & Development Permit from the Planning and Heritage Department; and**
2. **The property owner and applicant providing the Planning and Heritage Department with written acknowledgement of Maritime Electric's letter dated June 02, 2022, and written acceptance of any safety risks associated with the proposed proximity of the Red Island Cider outdoor patio/patrons/staff to the Maritime Electric easement described in said letter.**

MOTIONS CARRIED
(9-0)

8. <u>Zoning & Development Bylaw Housekeeping Amendments (PH-ZD.2)</u>

Requests: Amendments to the following sections of the Zoning & Development Bylaw:

- Section 35: Water Lot amendments
- Section 3.3: Development and Building Permits
- Section 3.15: Reconsideration process
- Section 5.9: Home Occupations
- Section 8.1: Zones Table
- Section 47.2: Election Signs
- Section 48.3: Subdivision requirements
- Appendix A: Definition of Terms
- Appendix F: Fee Schedule

Presenter: Alex Forbes
Reference: Planning Board Package

Summary:

- At the public meeting, five (5) members of the public spoke against the repeal of Section 3.15 Reconsideration Process. Two (2) of these speakers submitted a written comment after the public meeting. Copies of the comments are included in the planning board report.
- In response to the concerns raised by the public, the concern with the reconsideration process is not about applications not being reconsidered but more about how applications are being reconsidered.
- Island Regulatory and Appeals Commission (IRAC) has introduced a new process called "Mediation" where two (2) parties could meet to resolve outstanding issues or develop a mutual agreement to resolve an issue before going through a full-blown IRAC appeal.
- At the public meeting, the following questions were asked together with staff's responses:

  - How many reconsideration requests were received by the department? 19 reconsideration requests were found by staff. There could be more records from earlier years.
  - Out of the requests, how many were considered as valid reconsiderations? Four (4) out of 19 were recommended by staff to be reconsidered. Eight (8) were recommended by Council to be reconsidered to move to the second stage. 11 were denied by Council.
  - Out of the total reconsiderations, how many were filed at IRAC? Eight (8) applications were appealed at IRAC, three (3) applications did not have any IRAC records on file.
- One of the concerns raised at the public meeting was the requirement to hire a lawyer when submitting an appeal with IRAC. IRAC does not require appellants to have a lawyer. IRAC weights all the evidence presented during an appeal process and bases its decision on all the various sources of information provided.
- The only other change to the proposed bylaws is the addition of definition to when election signs can be erected for Municipal elections.
- Staff is recommending for the approval of these proposed bylaw amendments.

Discussions:

- Mayor Brown shared that he was initially hesitant to bring forward the repeal of the reconsideration process to a public meeting. However, there were good inputs received from residents regarding the reconsideration process.
- Although IRAC doesn't require a lawyer, it is always good to have one especially during the cross-examination process.
- The reconsideration request numbers were not very high. This process could be considered as citizen's rights. It is the duty of the appellant to ensure that there is sufficient evidence to meet the reconsideration criteria.
- Staff cautioned the Board that when Council overturns an original decision, the other party could then file an appeal with IRAC. IRAC would then review all the steps leading to the final decision of Council including the reconsideration process.
- During a reconsideration process, the City also has the ability to seek legal advice before a decision is made.
- It is also important to look at how members of the public are informed of any larger developments in the City. It was recommended that a public meeting maybe helpful for larger developments.
- Councillor McCabe recalled that in their term, there has been two (2) reconsideration requests, one (1) of which was granted and the other denied. Regardless of the decision, the application was still forwarded to IRAC.
- Although the reconsideration process is considered time consuming and costs money to the City, members of the board felt that it would be good to keep the reconsideration process in the Bylaw.
- Members of the board also felt that there are barriers of going to IRAC, and a trip to IRAC is overwhelming for a regular citizen.
- Members of the board agreed to support staff's recommendation to amend the bylaw with the exception of Section 3.15.

Motion:

Moved by Councillor McCabe and seconded by Basil Hambly, that the proposed Zoning & Development Bylaw (PH-ZD.2), pertaining to the following sections:

- **Section 3.3: Development and Building Permits**
- **Section 5.9: Home Occupations**
- **Section 8.1: Zones Table**
- **Section 35: Water Lot amendments**
- **Section 47.2: Election Signs**
- **Section 48.3: Subdivision requirements**

- **Appendix A: Definition of Terms**
- **Appendix F: Fee Schedule**

With the exception of Section 3.15: Reconsideration process, be recommended to Council to for approval:

MOTION CARRIED
(9-0)

9. <u>15 Saint Dunstan Street (PID #1075993)</u>

Request: Public Meeting to amend an existing CDA development agreement to permit a 5,000 sq.ft. expansion of the existing retail sales area (Princess Auto building). The current approved development concept plan allows for one (1) main building (i.e., retail sales) with a minimum of seventy (70) surface parking spaces and three (3) barrier free spaces.

Property Information: Comprehensive Development Area (CDA)
Presenter: Robert Zilke
Applicant: Tim Bourque
Reference: Planning Board Package

Summary:

- In 2015, a retail store was approved to be constructed on this subject property subject to a Development Agreement. Any addition or changes to this signed development agreement would require going through the rezoning process.
- Because Ellen's Creek is a protected area and is located directly north of the subject property, should the CDA be approved, there will be special provisions included in the development agreement to ensure that there will be minimal impact to Ellen's creek as a result of the construction.
- The applicant has provided a site plan showing the proposed expansion.
- Conceptual drawings were not available at the time of the planning board meeting. However, the proposed expansion would be in line with the existing façade of the building and will use similar materials of the existing structure.
- Staff is recommending that the proposed expansion proceed to public consultation.

Discussions:

- Councillor Jankov noted that it is a great proposal but was not comfortable recommending proceeding to public consultation until a plan is provided. She doesn't want to be in the same situation in the past where the actual plans are different from what was presented at the public meeting. Staff has presented plans and aerial photos which is deemed sufficient information to proceed to public consultation. Robert Zilke also added that the proposed expansion will use the same material as the existing façade.
- Will a design review be required for this proposal? We got in trouble in the past because of the design review. No, design review is not required. The issue in the past was that the design was not built as per the plans outlined in the Development Agreement.
- Will the plans be presented at the public meeting? Conceptual plans and renderings will be requested to be presented at the public meeting. If there are concerns with the proposed design, or if the design is required to mimic the existing structure, it could be included as part of the Development Agreement if desired.
- Can you elaborate on the environmental controls that will be put in place? How often would professional engineers monitor and ensure that controls are in place? What processes are in place and how soon would they be able to act if these control measures are not met? Does it include any requirement to prevent water runoff, or could we include requirement to ensure that water runoff is not going to be an issue? In 2015, there was a requirement for sedimentation barriers be put in place to ensure that work is contained within the site. There are regulations in the Act that would require developers to adhere to

these requirements throughout the construction period. These requirements will be included as part of the permit approval process to ensure these are met prior construction begins. Additional requirements may also be added as part of the Development Agreement.

- There is a huge impact of water runoff in the city. This should not be taken lightly.
- Would the inspection and follow up be a provincial requirement? The Province has jurisdiction over the protected area. The City follows the regulations in the Environmental Protection Act and will be part of the Development Agreement. The onus would be on the applicant to provide the necessary reports to meet these environmental controls. If the Board feels that a regular update from the developers be provided, staff can incorporate that in the development agreement or during the part of review process prior a permit being issued.
- Members of the board agreed to get a regular update on the development.

Motion:

Moved by Bobby Kenny and seconded by Paul Connolly, that the request for a Site Specific Exemption in the Comprehensive Development Area (CDA) Zone as it pertains to 15 Saint Dunstan Street (PID #1075993), in order to construct a 5,000 sq. ft. addition for the expansion of the existing retail area, be recommended to Council to proceed to public consultation.

MOTION CARRIED
(9-0)

10. <u>Sandlewood Subdivision, extension of Mutch Crescent (PID #773051)</u>
Request: Public meeting to amend Appendix G – Zoning Map of the Zoning & Development Bylaw from Single-Detached Residential, Small (R-1S) to Single-Detached Residential, Narrow (R-1N) to permit the subdivision of 46 narrow lots for single-detached dwellings.

Property Information: R-1S
Presenter: Alex Forbes
Applicant: Morris Geomatics and Engineering
Reference: Planning Board Package

Summary:

- The proposal is to rezone the remaining vacant parcel of land (approximately 7 acres) along Mutch Crescent. This is the final phase of development in that existing subdivision
- Without rezoning from R-1S to R-1N, 29 lots are permitted. Rezoning to R-1N would allow an addition of 17 lots for a total of 46 residential lots.
- The subdivision was originally approved in 2004. At that time, larger single detached dwellings were in demand. Over the past three (3) years, there has been more demand for smaller lots for younger families and residents looking to downsize.
- The property in question is a popular location and is close to amenities. It would also support the need for housing. The vacancy rate in the report is at 0.3% and was corrected by staff at the meeting to indicate that the vacancy rate is 1.5%. The vacancy rate of the City is still very low.
- The proposed rezoning does support sections of the Official Plan and meets the requirements of the Zoning & Development Bylaw. Staff is recommending that it proceed to public consultation.

Discussions:

- Are the developers selling the lots, or are they looking to build on the lots and then sell? Staff will look into this.
- A comment was made to also look into infrastructure upgrades, active transportation, sidewalks. Another suggestion was also made to consider any form of active transportation as part of the parkland requirement of the City. Staff commented that infrastructure would be handled by Public Works and the

parkland would be through Parks and Recreations Department. Planning & Heritage Department would look into the requirements of the Zoning & Development Bylaw, and that streets are built to City Standards.

- It would be nice to get all these factors considered when developing subdivisions or large developments in the City.
- Councillor MacLeod shared that he is a member of PEI FCM and one of the items being considered is looking into more infrastructures/sidewalks in the island.
- There is an ongoing review of the City's Official Plan and hopefully, this would address concerns on new developments in the City.
- Would the Development Agreement of this subdivision include specific styles of homes that could be built in this subdivision? Staff would only look at the subdivision requirements but not specific to the style or design of the homes. However, this question could be asked at the public meeting.

Motion:

Moved by Councillor McCabe and seconded by Kris Fournier, that the request to amend Appendix G – Zoning Map of the Zoning & Development Bylaw from Single-Detached Residential, Small (R-1S) to Single-Detached Residential, Narrow (R-1N) to permit the subdivision of 46 narrow lots for single-detached dwellings on the remaining portion of land in Sandlewood subdivision, an extension of Mutch Crescent (PID #773051), be recommended to Council to proceed to public consultation.

MOTION CARRIED
(9-0)

11. Introduction of New Business

Mayor Brown requested to include rooming homes as a discussion in the next planning board meeting. Alex Forbes explained that this is a fairly complicated topic to review and there are a lot of components and issues that need to be considered.

12. Adjournment of Public Session

Moved by Councillor McCabe and seconded by Basil Hambly, that the meeting be adjourned. The meeting was adjourned at 5:35 p.m.

CARRIED

_____
Councillor Terry MacLeod, Chair

Public Meeting of Council
Tuesday, June 28, 2022, 7:00 PM
Georgian Ballroom, Rodd Charlottetown Hotel, 75 Kent Street
Also available via videoconference (Webex); and
Live streaming at www.charlottetown.ca/video

PEI is currently in Step 3 of Transition Plan to Living with COVID-19. Public Health Guidance indicates that the province is moving from population health measures and restrictions to a situation where individuals will assess their own risk based on a number of factors, including their own health and vaccine status and that of others and the type of activity or event they are attending. In person meetings are permitted. Videoconference and livestreaming options were still made available.

Mayor Philip Brown presiding

Council members present:	Deputy Mayor Jason Coady Councillor Alanna Jankov Councillor Julie McCabe Councillor Kevin Ramsay	Councillor Mike Duffy Councillor Mitchell Tweel Councillor Robert Doiron** Councillor Terry Bernard Councillor Terry MacLeod
Staff:	Alex Forbes, PHM Ellen Faye Catane, PH IO/AA* **minute taker*	Laurel Palmer Thompson, PII Robert Zilke, PII**
Resident members:	Basil Hambly, RM Bobby Kenny, RM	Rosemary Herbert, RM Shallyn Murray, RM**
Applicants:	Tim Burque**	Warren Doiron
Regrets:		
Absent:	Councillor Greg Rivard	

** - participated via Webex

Meeting reminders and Covid-19 measures were explained before calling the meeting to order. Mayor Brown also acknowledged that the meeting was taking place on the traditional and unceded territory of the Mi'kmaq people.

The deadline for submission of written comments is 12nn on Wednesday, June 29, 2022.

1. Call to Order
Mayor Brown called the meeting to order at 7:02 p.m.

2. Declarations of Conflict of Interest
Councillor Doiron declared conflict for item 2 in the agenda (Extension of Mutch Crescent).

3. Approval of Agenda

Moved by Deputy Mayor Coady and seconded by Councillor Ramsay that the agenda be approved.
CARRIED

4. 15 Saint Dunstan Street (PID #1075993)

Request: Amend the existing Development Agreement in the Comprehensive Development Area (CDA) Zone, to permit a 5,000 sq. ft. building expansion to increase the retail sales area for Princess Auto.

Property Information: Comprehensive Development Area (CDA) Zone
Presenter: Robert Zilke
Applicant/Developer: Tim Burque
Reference: Public Meeting Package

Summary:

- The proposed addition will mostly be retail space and the addition will align with the existing building.
- The loading bay will still be maintained on the existing side of the building. Parking spaces will be shifted to the east, as per the existing development agreement requirements sufficient onsite parking will be provided.
- An aerial photo showing the existing building and the proposed floor plans and elevations were presented at the meeting.

Comments:

- None.

Councillor Doiron declared conflict with the next application and left the meeting.
Robert Zilke and Tim Burque left the meeting during the discussion of the next item in the agenda.

5. Extension of Mutch Crescent (PID #773051)

Request: Rezone the remaining portion of land in Sandlewood Subdivision, an extension of Mutch Crescent (PID # 773051), by amending Appendix G – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential Small (R-1S) Zone to Single-Detached Residential Narrow (R-1N) Zone in order to subdivide the property into forty-six (46) R-1N lots to construct single-detached dwellings.

Property Information: Single-Detached Residential Small (R-1S) Zone
Presenter: Laurel Palmer Thompson
Applicant/Developer: Warren Doiron
Reference: Public Meeting Package

Summary:

- The subdivision started in the early 2000 and is currently in its final phase of development.
- The subject property is approximately 7.02 acres in total.
- Under the current R-1S zoning, twenty-nine (29) lots could be constructed for single-detached dwellings. Seventeen (17) additional lots could be subdivided if the property were to be rezoned to R-1N.
- A portion of the property is also being allocated as parkland.
- Warren Doiron shared that when he started Sandalwood subdivision 20 years ago, he started with small, single-family homes that were intended to be affordable for young families.

- With the current issues on rents and high market prices for homes, the intent is to build more single-family homes and less expensive. The proposed homes would be half to three quarters of the existing homes in Sandalwood subdivision, or about 1200 to 1400 square feet. It will be two (2) storeys on slab. The proposed price range is between $400,000 to $450,000.
- The goal is to provide smaller, but more affordable houses.

Comments:

- Hayley Myers:
  - Raised concerns on traffic and safety of children on the street.
  - The existing subdivision does not have any sidewalks. The plan shows a proposed sidewalk on one side of the road. Will there be sidewalks on the other side of the road, too? Warren Doiron responded that the streets would be built to City specifications. Mayor Brown added that Councillors of the area would submit their improvement proposals and are reviewed. It goes through a review process, and if approved, will be part of the City's Capital Budget projects.
  - Does the community have any say, or can residents provide comments or concerns regarding the proposals? Mayor Brown responded that she could contact her Ward Councillor or the Manager of Public Works. She did not have any luck reaching out to Public Works to raise her concerns about the existing streets.
  - Warren Doiron also explained that there will be extra space on the side of the road to allow for pedestrian traffic.

- Helen Flynn:
  - Disappointed that her Ward Councillor was not at the meeting.
  - No questions for Warren Doiron and is happy living in the subdivision.
  - Only concern was with more development in the area, the increase in traffic has made the area unsafe. Drivers are no respectful of speed limits in residential areas.
  - There are a lot of young families and elderly people walking the streets on a regular basis.
  - Hopes that the proposal guarantees that the traffic situation would be addressed.

- Amber Nicholson:
  - Hummingbird Street is the only throughway to the proposed development.
  - Concerned with the potential increase in the number of vehicles on that street.
  - With 17 more lots, the number of vehicles passing through Hummingbird Street would be more than double the number of vehicles today.
  - Parents drop their kids to the daycare in the area there are no sidewalks on the street. There is concern on safety of kids on the street. Warren Doiron mentioned that with the cooperation of the property owners, he is willing to build and pay for the sidewalks.

- Josh Silver:
  - Disappointed that his Ward Councillor was not at the meeting.
  - The neighbourhood that he invested in was for R-1S homes and not R-1N homes.
  - Reducing the sizes of the homes would reduce the value of their properties.
  - The proposed change in the subdivision is going to drastically increase number of cars along Hummingbird Street and will be a safety concern for children and pets.
  - Another concern is the location of the proposed greenspace located adjacent to the highway. He suggested if the greenspace could be located somewhere in the middle of the proposed subdivision.

- Mayor Brown:
  - Under the current zoning, would 29 units be permitted? Yes.

- The proposed rezoning is to allow for 17 more units? Yes. Warren Doiron added that the proposed homes will be similar in size with the existing homes on Hummingbird Street. However, it will just be narrower. It would be conducive to smaller families and seniors.
- Apologized to residents for Councillor Rivard's absence.

- Rob Reddin:
  - Hoped that the Ward Councillor was present.
  - Raised concerns on increase in traffic and safety. The area on Mutch Crescent seems to be "traffic-locked" with only one access to Upton Road.
  - Sidewalk on one side is not a solution to address safety issues.
  - The location of the proposed greenspace is not ideal. He suggested that the green space should be accessible by children and families.
  - Although the proposed homes are said to be affordable, $450,000 may not be affordable for most. People who can afford to purchase a home may end up renting them. There is no question if properties could be bought and rented. There is question whether they could be afforded by young families or people looking to convert to home ownership instead of rental.

- Richard Ryan:
  - Disappointed in the decision that this request just possibly could go ahead. There are promises of these being affordable. $400,000 to $450,000 is not affordable. Argued against it being an affordable housing. "*I see this as just a blatant grab at money. That is, trying to increase the density to get more profit out of it.*"
  - Sees that these properties will be rented.
  - A 1200 square feet home on slab at $450,000 is going to set the benchmark for homes, which will just increase the value of houses. It will not help anybody except put money in someone's pocket.
  - Warred Doiron shared that he has sold a 1500 square foot house with finished basement for about $731,000. The proposed homes are going to be around $400,000. He initiated this request and if it doesn't work, he'll stop and see what else could be done. He could start to build 29 lots as of right without the rezoning.

- Fatbardh Maliqi:
  - The proposed lots will not be the same size as the existing lots. The proposed lots are going to be smaller.
  - Adding 17 more lots to the subdivision would increase the developer's profit by $7 million dollars.
  - The increase in traffic is a concern, roughly 9,000 trips (per year) travelling through the subdivision just for the 17 additional lots (assuming 1 vehicle per lot).
  - None of the streets have sidewalks. That is a potential for disaster.

- Laurel Palmer Thompson clarified the calculation of the number of vehicles. Fatbardh Maliqi confirmed it is per year. The manager of Public Works would not require a traffic study in this case because it is a residential street connecting to another residential street, low density development.

- Hayley Myers:
  - At the time she bought her property, she was told that 29 lots would be built on the remaining parcel of land.
  - No issues with having 29 lots on the remaining land.

- Josh Silver:
  - Could you please educate us on what are the next steps to this process? After tonight's public meeting, Planning Board will meet on Monday, July 4, 2022 at 4:30pm to make a recommendation to Council. It is an open meeting and residents could watch the meeting via livestream. Council Chamber has limited space but residents can watch the meeting via livestream at the second floor foyer of City Hall.
  - At the planning board meeting, would residents be allowed to speak? Residents could only observe. The public meeting is the opportunity for residents to provide their comments. Residents may also email their comments to planning@charlottetown.ca before noon on June 29, 2022.

- Helen Flynn:
  - Requested that a traffic study be completed regardless of whether it is required or not.
  - Requested that measures be taken to control the traffic situation in the area.

- Angela Barenthein:
  - Aware of the future development for 29 lots at the time they bought their property and they didn't have concerns with it.
  - If they had known that a rezoning would take place, they would have not bought a property in the area.
  - There are safety concerns, traffic and near miss issues in the area.
  - When is rezoning going to stop?

- Eva Barenthein & (resident):
  - Children in the area loves playing basketball and will be very crowded. We have really young children in our street and if they're playing out and they're not careful, there could be potential accidents.

- Bonnie Hodder:
  - There has been a rezoning couple years ago for multi-family units. Why is there another request for a rezoning? If somebody wishes to buy a plot of land and develop that, great, but to change it at 75% developed is not acceptable. It is unfair for the neighbourhood.
  - Mayor Brown explained that the application before Planning Board and Council in June 2022 was a request for this application to proceed to public consultation.

- Terry-Lynn Reynolds:
  - Biggest concern is the potential traffic that the proposed development could cause. Speeding is a big issue in the area.
  - She bought the land along with the house, and were given the option to decide their house size and design based on mortgage, etc.
  - The currently approved 29 lots should remain as 29 lots. Buyers can decide on the size of their house and what they can afford. It should not change the neighbourhood as much compared to if an additional 17 lots will be added to the 29.
  - Residents have requested for speed bumps put on their streets.
  - Raised concerns regarding safety of kids on the streets.

- Jodi Murphy:
  - Looking forward to seeing the subdivision completed. However, an additional of 17 houses would be additional construction in the area.
  - Traffic and safety of kids are a concern.
  - 17 additional homes would result to 17 more rental homes

- Daniel Cousins:
  - What is the cost between 29 homes (R-1S) and 17 additional homes (46 R-1N lots)? A single-family home (R-1S) at around 1500 square feet just sold at around $750,000. The same home on an R-1N lot could range between $400,000 to $450,000.

- Sean Meyers:
  - Does not agree with the $300,000 difference between a single-family home (on an R-1S lot) and a single-family home on a narrow lot.
  - The proposed lots are smaller and would only allow for smaller homes.
  - It is not considered low density. The area will have a higher density with more homes crammed in a small area.

- Warren Doiron explained that the cost difference would depend on the type of home that buyers would want. $7 million profit is also not all profit for builders. Builders spend a lot of money to build roads, infrastructure and the home itself.

- Councillor Tweel:
  - Whys is a traffic study not being required? What does it take to require a traffic study to be completed in order to determine the impact or effect of new development in the area?
  - There is inefficiency in the overall process. We always hear about traffic being an issue every time there is a proposed multi-unit development. We should have a proactive approach to address these concerns.
  - Police cannot be watching traffic violators all the time.

- Mayor Brown:
  - Is there a section in the Bylaw that talks about the traffic study requirements? Alex Forbes explained that traffic is an issue everywhere and not just with new developments. The Manager of Public Works review these new developments and indicated that there is no issue with traffic. These local streets are capable of handling the additional density in the area. There are mechanisms in place to determine when a traffic study is warranted or not.
  - The traffic study/traffic issue in general could be considered during the review of the Official Plan.

- Councillor McCabe:
  - The traffic study reviews the ability of roadways to be able to sustain additional density.
  - We need to also consider human behavior, and if people will continue to be safe in their community with the added traffic density.

- Councillor Jankov:
  - Understands the frustration of residents buying properties in a subdivision, knowing what the end result was, only to find out that it will be changed 75% into the development.
  - Is this something that could be addressed in the Official Plan to ensure that when residents buy into a subdivision, they know exactly what they're getting without changing towards the end of the development?

6. Introduction of New Business

There was no new business introduced.

7. Adjournment of Public Session

Moved by Councillor Duffy and seconded by Councillor Ramsay that the meeting be adjourned. Meeting adjourned at 8:05 p.m.

TITLE: MAJOR VARIANCE: HOME OCCUPATION **FILE:** PLAN-2022-04-JULY-6A-1 **8 BROWS LANE (PID# 425876)** **OWNER & APPLICANT:** Mahak Sharma	CHARLOTTETOWN
MEETING DATE: July 04, 2022	**Page 1 of 6**

DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. Aerial View B. Site Plan Submitted by Applicant C. Zoning & Development By-law Section 5.9 (Home Occupations) D. Letter of Support

SITE INFORMATION:

Context: low-density mature residential neighbourhood, west of Kensington Road

Ward No: 2 (Belvedere)

Existing Land Use: single-detached dwelling

Official Plan: Low Density Residential

Zoning: Single Detached Residential (R-1L)

RECOMMENDATION:

The Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the Major Variance request to permit an appointment based personal service shop (hair and aesthetics) as a Home Occupation within a portion of the existing single-detached dwelling located at 8 Brows Lane (PID# 425876) subject to the following conditions:

1. Hours of operations: Wednesday - Sunday from 11:00am to 6:00pm
2. Maximum number of clients permitted any one time: two (2)
3. Maximum number of client appointments permitted per day: six (6)
4. Employees permitted: one (1) full-time employee, the owner/resident of existing main dwelling
5. Maximum permitted size of shop: 218 sqft or 18% of the gross floor area of existing main dwelling
6. Parking requirement: three (3) on-site tandem parking spaces, at least 8.5ft x 18ft in size, to serve home occupation and main dwelling. On-street parking is prohibited.

BACKGROUND:

Request

The property owner/ applicant (Mahak Sharma) is requesting a Major Variance to operate an appointment based personal service shop (hair and aesthetics) as a Home Occupation use within a portion of the existing single-detached dwelling located at 8 Brows Lane (PID# 425876).

Pursuant to Section 5.9 (Home Occupations) of the Zoning and Development By-law, a personal service shop (hair and aesthetics) is not a permitted Home Occupation use. Notwithstanding, Regulation 5.9.3 (Home Occupations) states that:

> *Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Major Variance.*

The applicant is proposing to operate the personal service shop (hair and aesthetics) as follows:

- Hours: Wednesday - Sunday from 11:00 am to 6:00 pm
- Up to two (2) clients on the subject property at any one time
- Up to six (6) client appointments per day
- One employee (owner and resident of existing main dwelling)
- To occupy approximately 218 sqft or 18% of existing dwelling (approximately 1,200 sqft in size)
- Served by driveway approximately 3m wide and 18m long (based on Planning staff estimate using QGIS measurement tool) which can accommodate three (3) tandem parking spaces in accordance with Zoning & Development By-law parking space standards

Given the appointment-based nature of the proposed personal service shop, it meets Regulation 5.9.3 (Major Variances) criteria for consideration via the Major Variance review process. Pursuant to Section 3.9 (Major Variances) of the Zoning and Development By-law, Planning Board must therefore consider the request and make a recommendation to Council. Council may approve or reject the variance request.

In accordance with Regulation 5.9.1 (Home Occupations) and Regulation 44.1.7 (Minimum Required Parking Spaces: Home Occupation) of the Zoning and Development By-law, should Council approve the variance request, Council must determine:

- The maximum permitted number of clients permitted on the premise of appointment-based home occupations at any one time.
- The associated parking requirement.

Property History

As per Attachment 'A' to this report, the subject property is located on the north side of Brows Lane, between Kensington Road and St. Peters Road. It is zoned Single Detached Residential Zone (R-1L) by the City of Charlottetown Zoning and Development By-law and designated Low Density Residential by the Charlottetown Official Plan. It is currently occupied by a 1-storey, single-detached dwelling.

Neighbourhood Context

Like the subject property, abutting properties to the north, west and south are zoned R-1L. Abutting properties the east and northeast are zoned Low Density Residential (R-2). Based on provincial tax assessment data, immediately adjacent lots are occupied by residential uses with a low to medium density character, specifically:

- 7 Francis Lane (to the north): single-detached dwelling

- 10 Brows Lane (to the west): single-detached dwelling
- 5 – 7 Brows Lane (to the south): 4-unit apartment dwelling
- 6 Brows Lane (to the east): duplex dwelling

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 (Major Variances) of the Zoning and Development By-law, on May 31st, 2022, notice of the Planning Board's consideration of this variance request was circulated by mail to owners of properties located within 100 metres (328.1 ft) of the subject property. The notice solicited written comments in support or in opposition of the proposed variance. The deadline to submit written comments on the variance request was Wednesday, June 15, 2022.

Public Feedback

At the time of the writing of this report, the Planning and Heritage Department received one (1) letter of support through the public notification process (see Attachment 'D').

ANALYSIS:

Official Plan

Th Official Plan sets out a vision for future land use, growth, and development in the City of Charlottetown. Section 4.5 (Supporting Home Occupations) of the Official Plan provides that:

- *Our **goal** is to encourage home occupations as a platform for new economic growth and community development.*
- *Our **objective** is to support the creation and operation of home occupations in all residential zones on the condition that they are clearly secondary to the residential use of a property and do not create land-use conflicts.*
- *Our **policy** shall be to set out in the Zoning By-law the terms and conditions on which allow* unobtrusive home occupations *within the City of Charlottetown.*

It is the opinion of the Planning and Heritage Department that in accordance with Section 4.5 (Home Occupations) of the Official Plan, the proposed personal service shop (hair and aesthetics) will be secondary to the residential use of the subject property (occupying approximately 18% of the main dwelling) and as further detailed in the section below, the proposal should not result in land-use conflicts.

Zoning & Development By-law

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

A Home Occupation is a permitted accessory or secondary use on the subject property in accordance with Section 9.3 (R-1L Zone: Accessory and Secondary Uses) of the Zoning and Development By-law.

Section 5.9 (Home Occupations) of the Zoning and Development By-law sets out general requirements for Home Occupation uses. The following table summarizes the proposal's conformance with these requirements.

	Section 5.9 Home Occupation Regulations	Proposed
Permitted Building Type	Single-detached dwelling	Single-detached dwelling
Maximum Size	25% of Gross Floor Area of Dwelling or up to 500 sqft within the Dwelling	Approximately 18% of dwelling or 218 sqft within dwelling
Proprietor	Shall live in the Dwelling in which the Home Occupation is located	Proprietor resides in dwelling in which the Home Occupation is located (confirmed by City's Finance Dept)
Maximum # of Employees	1 full-time employee or 2 part-time employees, other than the proprietor, working inside or outside of Dwelling.	1 full-time employee (proprietor) working inside dwelling
External Storage	No external storage of materials which would indicate that dwelling or lot is used for any purpose other than a residential use.	No external storage of materials proposed.
Other Home Occupation Uses	No other Home Occupations on the property or in the Dwelling.	No other Home Occupations on the property or in the dwelling proposed.
Minimum Parking	1 space for main dwelling 1 space for full-time employees and for appointment-based home occupations, the required parking will be left to Council's discretion May be provided in tandem with parking for the main residence.	3 tandem parking spaces, including: - 1 space for main dwelling - 2 spaces for home occupation **To be considered/approved by City Council*
Maximum number of clients permitted	On the premise of appointment-based home occupations at any one time will be determined by Council.	Up to two (2) clients on premise at any one time and up to six (6) appointments per day **To be considered/approved by City Council*

As previously noted, pursuant to Regulation 5.9.1 (Home Occupations) and Regulation 44.1.7 (Minimum Required Parking Spaces: Home Occupation) of the Zoning and Development By-law, City Council must determine if the appointment-based home occupation is acceptable, specifically the proposed parking (3 tandem spaces) and number of clients on premise at any one time (up to two clients at any one time, six appointments per day, Wednesday – Sunday from 11:00 am to 6:00 pm).

It is the opinion of the Planning & Heritage Department that the proposed number and timing of appointments represents a low intensity use of the property that will generate limited traffic impact on Brows Lane. Based on Planning staff estimates using QGIS measurement tool, three (3) tandem parking spaces can be accommodated within the existing driveway in accordance with Zoning & Development By-law parking space standards which is sufficient to serve the proposed personal service shop (hair and aesthetics) and main dwelling.

Further, the proposal meets all other applicable Home Occupation regulation requirements set out in Section 5.9 (Home Occupations) of the Zoning & Development By-law. Accordingly, the proposed Home Occupation should not significantly detract from or conflict with the low-density residential character of the surrounding neighbourhood.

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

Positives	Neutral	Shortcomings
• One (1) Letter of Support received through public notification process. • Conforms with Official Plan objective to support Home Occupations in residential zones. • Home Occupation permitted secondary use on property under R-1L zoning. • Proposed number and timing of appointments represents a low intensity use of property that will generate limited traffic impact on Brows Lane. • Sufficient parking proposed on-site (3 tandem spaces) to serve Home Occupation and main dwelling. • Apart from parking requirement and number of clients permitted at any one time, proposal meets all other requirements in Section 5.9 (Home Occupations) of Zoning By-law.	• For appointment-based Home Occupations, Zoning By-law requires City Council to determine parking requirement and number of clients permitted at any one time.	

CONCLUSION:

In light of the foregoing, the Planning and Heritage Department encourages Planning Board to recommend that Council *approve* the Major Variance request to permit an appointment based personal service shop (hair and aesthetics) as a Home Occupation within a portion of the existing single-detached dwelling located at 8 Brows Lane (PID# 425876) subject to the following conditions:

1. Hours of operations: Wednesday - Sunday from 11:00am to 6:00pm
2. Maximum number of clients permitted any one time: two (2)
3. Maximum number of client appointments permitted per day: six (6)

4. Employees permitted: one (1) full-time employee, the owner/resident of existing main dwelling
5. Maximum permitted size of shop: 218 sqft or 18% of the gross floor area of existing main dwelling
6. Parking requirement: three (3) on-site tandem parking spaces, at least 8.5ft x 18ft in size, to serve home occupation and main dwelling. On-street parking is prohibited.

PRESENTER:

Emily Trainor, MScPl
Planner I

MANAGER:

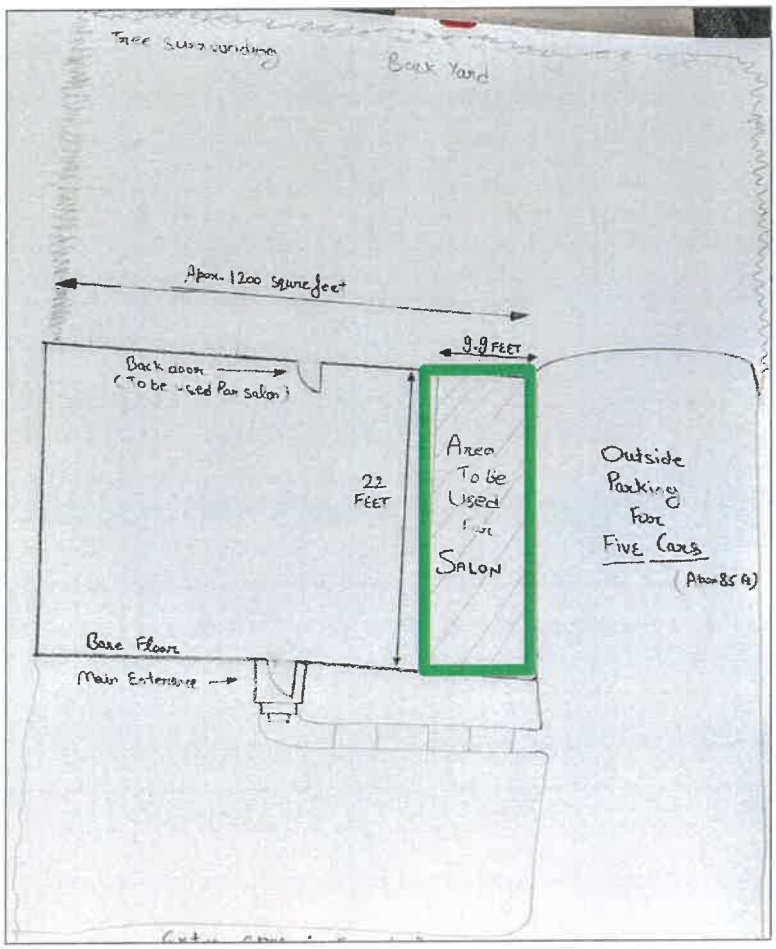
Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment 'A' Aerial View **FILE:** PLAN-2022-04-JULY-6A-1 **8 Brows Lane (PID# 425876)**	CHARLOTTETOWN **Planning & Heritage Department**

Attachment B



Attachment 'B' Site Plan Submitted by Applicant
FILE: PLAN-2022-04-JULY-6A-1
8 Brows Lane (PID# 425876)

CHARLOTTETOWN
Planning & Heritage Department

Attachment C

Zoning & Development By-law
Section 5.9 (Home Occupations)

Attachment 'C': Zoning By-law Regulations **FILE:** PLAN-2022-04-JULY-6A-1 **8 Brows Lane (PID# 425876)**	CHARLOTTETOWN **Planning & Heritage Department**

5.9 HOME OCCUPATIONS

5.9.1 Home Occupations may be permitted provided that:

a. The Home Occupation is located within an accessory building, single-detached dwelling, modular dwelling, semi-detached dwelling, or duplex dwelling.

b. The total Floor Area used for the Home Occupation shall not exceed 25% of the Gross Floor Area of the Dwelling or up to 46.5 sq m (500 sq ft) within the Dwelling; or, when the Home Occupation operates from an Accessory Building, the Accessory Building shall meet the regulations for maximum Gross Floor Area permitted on the property.

c. The proprietor(s) of the Home Occupation shall live in the Dwelling in which the Home Occupation is located.

d. There shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the proprietor, working inside or outside of the Dwelling. The proprietor(s) shall not exceed these requirements by contracting work out to other persons (employees) not located in the Dwelling.

e. There shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the Dwelling or Lot is being used for any purpose other than a residential use.

f. There are no other Home Occupations on the property or in the Dwelling.

g. No more than one (1) commercial vehicle shall be parked or stored on the Lot, but notwithstanding the foregoing, other vehicles may be parked or stored on the Lot in a wholly enclosed Building.

h. Parking shall be subject to the parking regulations of this by-law.

i. Signage shall be subject to the signage regulations of this by-law.

j. Required parking for home occupations may be provided in tandem with parking for the main residence.

k. The maximum number of clients permitted on the premise of appointment-based home occupations at any one time will be determined by Council.

5.9.2 If Alterations or Renovations are required for the operation of the Home Occupation the proprietor shall obtain a Building Permit before commencing operation of the Home Occupation.

5.9.3 The following uses are permitted as Home Occupations:

a. Home Daycare, subject to the by-law provisions for Home Daycares

b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations

c. Home Office, clerical, computer and/or telephone-based services

d. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)

e. Multi-Level Marketing Retail Sales

f. Catering, for off-premise delivery of products

g. Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Major Variance.

5.9.4 The following uses are prohibited as Home Occupations:

a. Medical, Health and Dental Office;

b. Automobile Body Shop;

c. Eating and Drinking Establishment;

d. Retail Store;

e. Welding and Metal Fabrication

5.10 HOME DAYCARE

5.10.1 A Home Daycare is a permitted Home Occupation, subject to the following requirements:

a. It shall be located on a local Street where on-Street Parking is permitted;

b. It shall comply with all provincial requirements of the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.

5.10.2 The maximum Gross Floor Area for a Home Occupation does not apply for a Home Daycare.

5.10.3 Daycare services classified as a Commercial Daycare Centre must be licensed under the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5.

5.11 TOURIST ACCOMMODATIONS ON RESIDENTIAL PROPERTIES

5.11.1 Tourist Accommodations, such as a bed and breakfast or tourist home, are a permitted Home Occupation, subject to the following requirements:

a. The Dwelling type in which the Tourist Accommodation is provided is a Single-detached Dwelling;

b. It is licensed under the *Tourism Industry Act;*

c. No kitchen and/or cooking appliances are permitted in a guest room;

d. No meals other than breakfast are provided to guests;

e. Parking shall be subject to the parking regulations of this by-law; and

f. Signage shall be subject to the signage regulations of this by-law.

5.11.2 The maximum Gross Floor Area for a Home Occupation does not apply for a Tourist Accommodation.

Attachment D

Letter of Support
Received through Public Notification Process

Attachment 'D': Letter of Support **FILE:** PLAN-2022-04-JULY-6A-1 **8 Brows Lane (PID# 425876)**	CHARLOTTETOWN **Planning & Heritage Department**

Trainor, Emily

From: Planning Department
Sent: June 10, 2022 7:28 PM
To: Bonnie May; Planning Department; Trainor, Emily; Zilke, Robert; Thompson, Laurel
Subject: RE: Proposed Home Occupation at 8 Brow's Lane (PID #425876)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Bonny and Roger,
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

CHARLOTTETOWN
Great things happen here.

From: Bonnie May <mrsbooks@hotmail.com>
Sent: June 10, 2022 3:40 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Proposed Home Occupation at 8 Brow's Lane (PID #425876)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are long time residents at 1 Brow's Lane (38 years). We have met the residents at 8 Brow's Lane. They have proven to be very polite and considerate. They are ambitious and caring young people. We have no objection to their proposal to run a beauty parlor business from their home. In fact it seems like a very good idea and very workable.

Thank you,

TITLE: MURAL VARIANCE - THREE (3) SEPARATE PROPERTIES **64 King Street (PID# 335620)** **151 Great George Street (PID# 342402)** **89 Kent Street (PID# 343558)** **FILE:** PLAN-2022-04-JULY-6A-2 **APPLICANT:** City of Charlottetown Economic Development, Tourism & Events Dept.	CHARLOTTETOWN
MEETING DATE: July 04, 2022	**Page 1 of 7**

DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** **A. 64 King Street (PID# 335620)** i. GIS MAP and Aerial View ii. Mural Description and Concept submitted by applicant iii. Arts Advisory Board feedback iv. Recommendation report to Heritage Board v. One (1) Letter received through public notification. **B. 151 Great George Street (PID# 342402)** i. GIS MAP and Aerial View ii. Mural Description and Concept submitted by applicant iii. Arts Advisory Board feedback **C. 89 Kent Street (PID# 343558)** i. GIS MAP and Aerial View ii. Mural Description and Concept submitted by applicant iii. Arts Advisory Board feedback

REQUEST:

On August 9, 2021, City Council approved a series of house-keeping amendments to the City of Charlottetown Zoning and Development By-law. These amendments were approved on October 6, 2021. Among the approved amendments was the addition of the following subsection 3.9.1(j) (Major Variances):

> *"The need for consideration of a Major Variance is supported by a recommendation from the Arts Advisory Board and the proposed mural or Sign painted on a Building or Structure in the 500 Lot Area is deemed aesthetically appropriate in nature, location, size and scale for enhancing or supporting the art and cultural needs of the community as a whole."*

Further, the following Regulation 45.3.1(p) (Prohibited Signs) was added:

> *"Murals or any Sign painted upon a Building or Structure in the 500 Lot Area, unless it has been reviewed by the Arts Advisory Board and approved by Council through the Major Variance process."*

On June 13, 2022, the Planning & Heritage Department received three (3) Major Variance applications from the City of Charlottetown Economic Development, Tourism & Events Department ("EDTE") to permit mural artwork to cover a portion of an existing building on three (3) separate properties in the 500 Lot Area. The intent is for each mural to form part of Festival Inspire ("Festival"), a non-profit travelling festival whose mandate is to bring art to public spaces in towns and cities across Atlantic Canada

As outlined in Attachments A(ii), B(ii) and C(ii) to this report, EDTE staff have been working in partnership with Festival representatives to host the Festival in Charlottetown from July 18, 2022 – July 23, 2022, with the intent of highlighting the City as a unique tourism and cultural destination, while implementing targets set out in the City's Public Art Plan. Festival programming will include mural painting, a disco bike ride, costume making workshop, industry mixer, outdoor film screening, live musical performances, Big Circus Saturday, and interviews on the Inspire podcast.

All three (3) murals are proposed to be painted during the Festival by professional mural artists. With respect to the permanency of proposed murals following the conclusion of the Festival, EDTE staff have indicated that:

> *The intent is that the murals would be "permanent" as long as they are adding value to the City's public art collection, i.e., as long as they are in good shape. Festival Inspire uses industry standard Montana 94 | Montana Black paint for its murals with the aim of having the murals last as long as possible. The walls are well prepped and primed in advance, with the goal of a 9-year lifespan with minimal fading. The condition of the walls surface and exposure to elements will dictate longevity past this point.*
>
> *Contracts between the Festival and building owners state that the festival commits to moderate maintenance for a period of 3 years, i.e., repainting lines if a 3rd party tags the artwork, etc. Contracts also allow for the murals to be painted over entirely at the discretion of the building owner and the City* [EDTE] *has asked these building owners to consult with the City prior to this taking place in the future.*

EDTE staff have also indicated that artist signatures will be applied to finalized mural art in recognition of their work. EDTE is also contemplating the placement of QR codes beside mural artwork that may allow residents and visitors to connect to a City webpage containing information regarding the mural and artist. Further, EDTE may have budget allowances in the next fiscal year for placards to be placed beside artwork, providing the public with information regarding the mural and artist. The Planning & Heritage Department strongly encourages EDTE to make these tools and resources available to the public in conjunction with proposed murals.

LEGISLATIVE REQUIREMENTS:

Notification

Pursuant to Section 3.9.3 (Major Variances) of the Zoning and Development By-law, on June 15, 2022, notice of the Major Variance requests and associated Planning Board meeting was sent to owners of properties located within 100 metres (328.1 ft) of each of the three (3) proposed murals, requesting their written comments for or against. The deadline to submit written comments regarding each proposed mural was end of business day, Wednesday, June 29, 2022.

Public Feedback

At the time of the writing of this report, the Planning and Heritage Department received one (1) letter through the public notification process regarding the proposed mural at 64 King Street [see Attachment A(v) to this report]. The letter expresses concern with the upkeep, maintenance, restoration and longevity of the proposed mural.

No other written comments were received through the public notification process regarding the three (3) proposed murals.

ANALYSIS

Official Plan

The Official Plan sets out a vision for future land use, growth, and development in the City of Charlottetown. As previously noted, the three (3) murals are proposed by the City's Economic Development, Tourism & Events Department in partnership with Festival Inspire, a non-profit travelling festival whose mandate is to bring art to public spaces in towns and cities across Atlantic Canada. Further, the three (3) murals are proposed within locations visible from adjacent public sidewalk(s). Accordingly, the proposed murals will support the following Official Plan policies:

> *Section 5.3.1 (Supporting Arts & Culture) – Our **policy** shall be to work with public and private sector partners to encourage and support art and cultural exhibitions, expositions, festivals, and celebrations.*
>
> *Section 5.3.1 (Supporting Arts & Culture) – Our **policy** shall be to encourage the installation of art in public places and those private places which are used by the public.*

64 KING STREET (PID# 335620)

Site Information

Context: South side of King Street, west of Queen Street in 500 Lot Area [see Attachment A(i) to this report]
Ward No: 1 – Queen Square
Existing Land Use: Entertainment Establishment (City Cinema) and Office uses
Official Plan Designation: Downtown Main Street
Zoning: Downtown Main Street (DMS)
Heritage Recognition: City of Charlottetown designated Heritage Resource

Request

As outlined in Attachment A(ii) to this report, the proposed mural would cover a portion of the north façade of the existing building at 64 King Street (PID# 335620). Based on Planning & Heritage Department estimates using CONNECTExplorer Eagleview software's measuring tool, the proposed mural would be approximately 490 square feet in size.

The Arts Advisory Board is the City's designate regarding matters such as, aesthetic appropriateness and the art and cultural needs of the community. In accordance with Regulation 3.9.1(j) (Major Variances) of the Zoning & Development By-law, on June 13, 2022, the City of Charlottetown Arts Advisory Board considered and accepted the proposed mural and recommended that it proceed through the Major Variance review process [see Attachment A(iii) to this report].

Jieun June Kim designed the proposed mural. If approved, Ms. Kim will paint the mural on the building as well. As per the submitted mural description contained in Attachment A(ii) to this report:

> *Jieun June Kim's painting practice is founded on her love of the natural and urban environments around her and the folk art of Korea; the homeland where she was born and raised. Her paintings are imbued with the symbolic forms and language of Korean cultural heritage, reimagined in response to the contemporary context of her lived experience using colourful patterns and dynamic natural forms. Jieun is a frequent solo and group exhibitor in galleries across Canada and Korea and has been commissioned to paint murals for Dundas West BIA in Toronto and as part of the Bell Box Mural Project on multiple occasions.*
>
> *The attached work has received the approval of [...] the building owner, 100451 PEI Inc. represented by Steve Dunne.*

Given the subject property's heritage designation, the City's Heritage Board considered and accepted the proposed mural artwork at its meeting on June 27, 2022. The Planning & Heritage Department recommendation report to Heritage Board is contained in Attachment A(iv) to this report.

Recommendation

The Planning & Heritage Department encourages Planning Board to recommend that Council *approve* the request for a mural to be painted on a portion of the existing building located at 64 King Street (PID# 335620) subject to:

1. The mural painting conforming with the description and concept submitted to the Planning & Heritage Department by the applicant on June 13, 2022.
2. The applicant receiving an associated Sign Permit from the Planning & Heritage Department.
3. The property owner working in partnership with Festival Inspire and the City's Economic Development, Tourism & Events Department to ensure that the mural does not become unsightly due to paint fading, chipping, tagging, etc.

151 GREAT GEORGE STREET (PID# 342402)

Site Information

Context: Southwest corner of the Great George Street and Kent Street intersection in 500 Lot Area [see attachment B(i) to this report]
Ward No: 1 – Queen Square
Existing Land Use: Commercial and Office Uses
Official Plan Designation: Downtown Core
Zoning: Downtown Core (DC)
Heritage Recognition: Not applicable

Request

As outlined in Attachment B(ii) to this report, the proposed mural would cover a portion of the west façade of the existing (commercial and office) building at 151 Great George Street (PID# 342402). Based on Planning & Heritage Department estimates using CONNECTExplorer Eagleview software's measuring tool, the proposed mural would be approximately 450 square feet in size.

In accordance with Regulation 3.9.1(j) (Major Variances) of the Zoning & Development By-law, on June 6, 2022, the City of Charlottetown Arts Advisory Board considered and accepted the proposed mural and recommended that it proceed through the Major Variance review process [see Attachment B(iii) to this report].

Misterpiro designed the proposed mural. If approved, Misterpiro will paint the proposed mural as well. As per the submitted mural description contained in Attachment B(ii) to this report:

> *Misterpiro is a visual/urban artist presently living in Madrid, although his work often takes him out of the country. A graduate of the design program at University Complutense de Madrid, he started in the streets with graffiti, and later in his studio with watercolours, acrylic, and water-based techniques. His unique style is a successful marriage of these two very contrary techniques, full of life and colour, taking the delicate style of watercolour to the street and surfaces that have little to do with the paper upon which he creates his most delicate works.*
>
> *The attached work has received the approval of [...] the building owner, Dyne Holdings represented by John Cudmore.*

Recommendation

The Planning & Heritage Department encourages Planning Board to recommend that Council *approve* the request for a mural to be painted on a portion of the existing building located at 151 Great George Street (PID# 342402) subject to:

1. The proposed mural painting conforming with the description and concept submitted to the Planning & Heritage Department by the applicant on June 13, 2022.
2. The applicant receiving an associated Sign Permit from the Planning & Heritage Department.

3. The property owner working in partnership with Festival Inspire and the City's Economic Development, Tourism & Events Department to ensure that the mural does not become unsightly due to paint fading, chipping, tagging, etc.

89 KENT STREET (PID# 343558)

Site Information

Context: North side of Kent Street just west of Queen Street in 500 Lot Area [see attachment C(i) to this report]
Ward No: 1 – Queen Square
Existing Land Use: Institutional Use (City of Charlottetown Fire Department – Fire Station #1)
Official Plan Designation: Downtown Mixed-Use Neighbourhood
Zoning: Downtown Mixed-Use Neighbourhood (DMUN)
Heritage Recognition: Not applicable

Request

As shown in Attachment C(ii) to this report, the proposed mural would cover the full extent of the west façade of the existing (Fire Station #1) building at 89 Kent Street (PID# 343558). Based on Planning & Heritage Department estimates using CONNECTExplorer Eagleview software's measuring tool, the proposed mural would be approximately 3,360 sqft in size.

In accordance with Regulation 3.9.1(j) (Major Variances) of the Zoning & Development By-law, on June 13, 2022, the City of Charlottetown Arts Advisory Board considered and accepted the proposed mural and recommended that it proceed through the Major Variance review process subject to the mural colour palette being updated to incorporate fire engine red colour [see Attachment C(iii) to this report].

Eelco 'Virus' Van den Berg designed the proposed mural. If approved, Eelco 'Virus' Van den Berg would paint the proposed mural as well. As per the submitted mural description contained in Attachment C(ii) to this report:

> *Eelco 'Virus' Van den Berg is a multi-disciplinary street artist hailing from The Netherlands. One of the top 10 street artists in the world according to the Brooklyn Arts Collective, he has been enlisted to portray his beautiful art in Brooklyn and around the world, time and time again. His distinctive style draws inspiration from the 'hip hop virus' as he calls it, which refers primarily to the emergence of graffiti, and evokes the folkloric, the graffuturist, and 3D modelling all in one*
>
> *The attached work has received the approval of [...] the building owner, City of Charlottetown, represented by Donna Waddell and Tim Mayme.*

Recommendation

The Planning & Heritage Department encourages Planning Board to recommend that Council *approve* the request for a mural to be painted on the west façade of the existing (Fire Station #1) building located at 89 Kent Street (PID# 343558) subject to:

1. The proposed mural painting conforming with the description and concept submitted to the Planning & Heritage Department by the applicant on June 13, 2022, with the mural colour palette updated to incorporate fire engine red colour in accordance with Arts Advisory Board's recommendation.
2. The applicant receiving an associated Sign Permit from the Planning & Heritage Department.
3. The property owner working in partnership with Festival Inspire and the City's Economic Development, Tourism & Events Department to ensure that the mural does not become unsightly due to paint fading, chipping, tagging, etc.

PRESENTER:

Emily Trainor, MScPl
Planner I

MANAGER:

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

Attachment A(i)





Attachment A(i): GIS Map & Aerial View
FILE: PLAN-2022-04-JULY-6A-2
64 King Street (PID# 335620

CHARLOTTETOWN
Planning & Heritage Department

Attachment A(ii)

Mural Description & Concept Submitted by Applicant

FILE: PLAN-2022-04-JULY-6A-2
64 King Street (PID# 335620

CHARLOTTETOWN
Planning & Heritage Department

Project Description

Festival Inspire was founded in 2014 to activate imagination in the celebration of all things art in Atlantic Canada.

Now an international travelling, non-profit street arts festival with its hometown in Moncton, NB, Inspire transforms cityscapes and towns by putting multi-disciplinary arts programming in public spaces against the backdrop of large-scale mural creation. Programming can include live art, interactive installations, projection mapping, street performance, circus, music, etc. The murals remain after the festival has come to a close, helping to build a legacy of character, culture, and beauty for the communities that house them, as well as creating invaluable assets for future user-generated content in destination marketing.

The City of Charlottetown's Tourism & Events team has been working with leadership at Inspire to attract the festival to Charlottetown during its 2022 tour season, given it is a proven event with a mission to highlight our city as a unique tourism and culture destination that can also help us strategically achieve product development targets in both our Festivals & Events Approach to Growth and the Charlottetown Public Art Plan. The Charlottetown leg of the event will take place from July 18-23 and will feature a program designed to cater specifically to the Island's unique identity including mural painting, a disco bike ride, costume making workshop, industry mixer, outdoor film screening, live musical performances, Big Circus Saturday, and interviews on the Inspire podcast.

It is proposed that three large-scale, professional murals be created in Charlottetown during Inspire. The attached mural has been designed by muralist, Jieun Kim (9,700+ followers on Instagram).

Jieun June Kim's painting practice is founded on her love of the natural and urban environments around her and the folk art of Korea; the homeland where she was born and raised. Her paintings are imbued with the symbolic forms and language of Korean cultural heritage, reimagined in response to the contemporary context of her lived experience using colourful patterns and dynamic natural forms. Jieun is a frequent solo and group exhibitor in galleries across Canada and Korea and has been commissioned to paint murals for the Dundas West BIA in Toronto and as part of the Bell Box Mural Project on multiple occasions.

The attached work has received the approval of both the Charlottetown Arts Advisory Board and also the building owner, 100451 PEI Inc. represented by Steve Dunne.


nema

Attachment A(iii)

Arts Advisory Board Feedback

FILE: PLAN-2022-04-JULY-6A-2
64 King Street (PID# 335620

CHARLOTTETOWN
Planning & Heritage Department

Stavert, Robert

From: Lea, Laurel
Sent: June 13, 2022 11:29 AM
To: Mark Sandiford; Cheryl Wagner
Cc: Barb Macleod; Nadine Haddad; Carol Horne; Stephen MacInnis; Brandon Hood; Dumais, Doug
Subject: RE: Inspire Festival - Proposed Mural - City Cinema - Input Required ASAP

Thanks, All. Carol and Stephen also weighed in separately in favour – likely just an issue of timing that emails were sent.

Laurel

From: Mark Sandiford <mark@creativepei.ca>
Sent: June 13, 2022 11:22 AM
To: Cheryl Wagner <wagnerella@gmail.com>
Cc: Lea, Laurel <llea@charlottetown.ca>; Barb Macleod <barbmacleod@eastlink.ca>; Nadine Haddad <nadinehaddad327@gmail.com>; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Brandon Hood <brandonhood15@gmail.com>; Dumais, Doug <ddumais@charlottetown.ca>
Subject: Re: Inspire Festival - Proposed Mural - City Cinema - Input Required ASAP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I approve.

I hope this is the right thread.

Mark

On Mon, Jun 13, 2022 at 11:06 AM Cheryl Wagner <wagnerella@gmail.com> wrote:

> approve
>
> On Mon, Jun 13, 2022 at 11:03 AM Lea, Laurel <llea@charlottetown.ca> wrote:
>
> > Thank-you, Barb and Nadine. If everyone else could please weigh in with their vote for/again in this thread it would be most appreciated.
> >
> > L.
> >
> > **From:** Barb Macleod <barbmacleod@eastlink.ca>
> > **Sent:** June 13, 2022 11:00 AM

To: Nadine Haddad <nadinehaddad327@gmail.com>
Cc: Lea, Laurel <llea@charlottetown.ca>; Mark Sandiford <mark@creativepei.ca>; Cheryl Wagner <wagnerella@gmail.com>; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Brandon Hood <brandonhood15@gmail.com>; Dumais, Doug <ddumais@charlottetown.ca>
Subject: Re: Inspire Festival - Proposed Mural - City Cinema - Input Required ASAP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I approve the motion

Barb

Barb Macleod

PEI Artist

902 940-5553

Sent from my iphone

> On Jun 13, 2022, at 10:23 AM, Nadine Haddad <nadinehaddad327@gmail.com> wrote:
>
> Yes, I approve this motion- the tall grass behind the heron is great!
>
> Nadine
>
> On Mon, Jun 13, 2022 at 10:16 AM Lea, Laurel <llea@charlottetown.ca> wrote:
>
> > Hello Everyone,
> >
> > Thank-you for your input over the weekend. Please find attached a draft 2 which takes into account many of our concerns.
> >
> > I would ask that after reviewing (assuming that all is in order) that someone move and second the below motion:

That the Arts Advisory Board approves the attached mural maquette as provided by artist Jieun Kim for painting on the façade of the King Street entrance to 49-57 Water Street and that this project be advanced to the City of Charlottetown's Heritage and Planning Boards for further consideration.

We have been granted an extension until Noon today for Planning Permit submission. Once the motion has been moved and seconded, please reply all with your vote (in a single thread) prior to 11:00AM today, if possible.

Thanks so much,

Laurel

From: Lea, Laurel
Sent: June 11, 2022 3:02 PM
To: Barb Macleod <barbmacleod@eastlink.ca>; Mark Sandiford <mark@creativepei.ca>; Cheryl Wagner <wagnerella@gmail.com>; nadinehaddad327@gmail.com; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Brandon Hood <brandonhood15@gmail.com>
Cc: Dumais, Doug <ddumais@charlottetown.ca>
Subject: Inspire Festival - Proposed Mural - City Cinema - Input Required ASAP
Importance: High

Hello Arts Advisory Board,

Our Inspire muralists are fast and furiously revising artwork for their new locations. The attached is first draft from Jieun for the City Cinema façade.

Notes to consider prior to weighing in:

- the building owner suggested a coastal/sunset colour palette but specifically requested no orange (so blues, greens, pinks, purples, etc.)
- we recommended the colours be more muted rather than neon as this particular artwork will also require Heritage Board signoff because it is technically the rear entrance to a Heritage asset.
- the building owner requested an animal indigenous to PEI rather than Korea – we suggested great blue heron, piping plover, and/or blue jay
- the building owner suggested bubbles as a tie-back to the buildings history as the site of Seaman's Beverages

Doug and I have both discussed the artwork and are in agreement that the landscape is not in line with PEI or a blue heron habitat. We are recommending the "mountain" shapes be swapped for marshy grass structures. Given the timeframe, the building owner is reviewing in tandem... I will endeavour to share any additional comments as quickly as I can should they arise.

As it appears edits will likely be required, please weigh in by 9PM today if at all possible.

Thanks to you all!
Laurel

Laurel Lea

Tourism Officer

City of Charlottetown

PO Box 98, 199 Queen Street

Charlottetown, Prince Edward Island

Canada, C1A 7K2

Office: 902-629-4117

Fax: 902-566-4701

llea@charlottetown.ca

www.charlottetown.ca

CHARLOTTETOWN
Great things happen here.

Attachment A(iv)

Planning & Heritage Dept.
Recommendation Report to Heritage Board

FILE: PLAN-2022-04-JULY-6A-2
64 King Street (PID# 335620

CHARLOTTETOWN
Planning & Heritage Department

TITLE: **ALTERATION TO A DESIGNATED HERITAGE RESOURCE** **FILE: HERT-2022-27 JUNE – 6(A)** **64 KING STREET (49-57 WATER STREET) PID#335620**	CHARLOTTETOWN
MEETING DATE: June 27, 2022	**Page 1 of 10**
DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. Location Map B. View of King Street side of Property C. Proposal D. 45-57 Water Street Photos

SITE INFORMATION:

64 King Street (49-57 Water Street), PID#335620

Ward No: 1 – Queens Square

Property Use: Office/Entertainment

Heritage Recognition: This is a municipally designated Heritage Resource and is located in the Downtown Main Street (DMS) zone of the 500 Lot Area.

Adjacent Heritage Properties: There are eleven properties adjacent to or nearby the development site which are found on the list of Designated Heritage Resources;

- 45 Queen Street
- 61-63 King Street
- 57-59 King Street
- 57 Queen Street
- 50 Water Street
- 23-25 Queen Street
- 40 Queen Street
- 52 Queen Street
- 28-30 Pownal Street
- 32 Pownal Street
- 38-44 Pownal Street

RECOMMENDATION:

The Planning & Heritage Department encourages Heritage Board to support the application to install a mural on the entry canopy of the north facade.

BACKGROUND:

Application includes:

- Located on the north side of the building over the King Street entry.
- To be painted directly on the vertically oriented metal cladding of the canopy over the main rear entry.
- The mural has been reviewed and supported by the Arts Advisory Board and forms part of Festival Inspire.

The applicant has provided a project description:

Project Description:
Festival Inspire was founded in 2014 to activate imagination in the celebration of all things art in Atlantic Canada.

Now an international travelling, non-profit street arts festival with its hometown in Moncton, NB, Inspire transforms cityscapes and towns by putting multi-disciplinary arts programming in public spaces against the backdrop of large-scale mural creation. Programming can include live art, interactive installations, projection mapping, street performance, circus, music, etc. The murals remain after the festival has come to a close, helping to build a legacy of character, culture, and beauty for the communities that house them, as well as creating invaluable assets for future user-generated content in destination marketing.

The City of Charlottetown's Tourism & Events team has been working with leadership at Inspire to attract the festival to Charlottetown during its 2022 tour season, given it is a proven event with a mission to highlight our city as a unique tourism and culture destination that can also help us strategically achieve product development targets in both our Festivals & Events Approach to Growth and the Charlottetown Public Art Plan. The Charlottetown leg of the event will take place from July 18-23 and will feature a program designed to cater specifically to the Island's unique identity including mural painting, a disco bike ride, costume making workshop, industry mixer, outdoor film screening, live musical performances, Big Circus Saturday, and interviews on the Inspire podcast.

It is proposed that three large-scale, professional murals be created in Charlottetown during Inspire. The attached mural has been designed by muralist, Jieun Kim (9,700+ followers on Instagram).

Jieun June Kim's painting practice is founded on her love of the natural and urban environments around her and the folk art of Korea; the homeland where she was born and raised. Her paintings are imbued with the symbolic forms and language of Korean cultural heritage, reimagined in response to the contemporary context of her lived experience using colourful patterns and dynamic natural forms. Jieun

is a frequent solo and group exhibitor in galleries across Canada and Korea and has been commissioned to paint murals for the Dundas West BIA in Toronto and as part of the Bell Box Mural Project on multiple occasions.

The attached work has received the approval of both the Charlottetown Arts Advisory Board and also the building owner, 100451 PEI Inc. represented by Steve Dunne.

PROPERTY HISTORY

49-57 Water Street is a brick, Early Commercial warehouse with a twentieth century addition on its western side. The original building has been expanded a number of times and renovated inside and out in the twentieth century. The Estate of successful businessman and politician, James Ellis Peake (1797-1860) built the warehouse and throughout its history, a number of merchants have called the building home. The building now houses offices.

The heritage value of 49-57 Water Street lies in its Early Commercial architectural style, its association with the Peake Family, its association with various Charlottetown businesses, and its importance to the Water Street streetscapes.

The Early Commercial style dates from before the 1860s. It was often characterized by a groundfloor reserved for storefronts, double hung windows in the upper levels, simple mouldings, and a balanced facade of either shingles, clapboards, or brick. This property is an excellent example of this style in the City.

In 1861, Daniel Hodgson, a trustee of the late James Ellis Peake's estate advertised for tenders on a large brick building that would be built on the site of the former Victoria Hotel, which had burnt down. The land belonged to James Ellis Peake, a very successful shipbuilder/owner, merchant and banker whose homes and wharves were located nearby. The new warehouse was to be used by various Charlottetown merchants including, J.C. Hall, Daniel Davies, B. W. Higgs, C. Benoit and later, James Peake's sons' business, Peake Bros.

Seaman's Beverages, which was established in 1939, owned the building in the twentieth century and operated a bottling plant from the site. The building was expanded a great deal under their ownership. Seaman's eventually moved out of the building and in 1988, it was renovated to provide retail, warehouse and office space. It currently houses offices and a local cinema.

49-57 Water Street has been home to a number of prominent Charlottetown businesses and reflects Charlottetown's commercial heritage. Located in a historic area with a number of heritage buildings, 49-57 Water Street plays a major role in supporting the historic Water Street streetscape.

The following Richardsonian Romanesque influenced character-defining elements contribute to the heritage value of 241 Prince Street:

- The overall massing of the building
- The asymmetrical façade
- The gable roofs with snub gable dormers
- The heavy brick construction, particularly the intricately patterned brickwork between each storey and on the chimney
- The stone trim, including the foundation, the gable apex, the window surrounds, the stringcourses, the various stone carvings, as well as the arch above the door and the arch above the window of the north side, both supported by a short pier
- The style and placement of the windows, particularly the window in the chimney, the arched window of the north side, the rounded bay windows with iron cresting atop and the grouped windows of the second and third floor
- The size and off centre placement of the door with a fanlight and sidelights within an arched opening.
- The imposing chimney of the facade with rows of protruding brickwork, a row of columns, stone quoins, a window, a date stone inscribed "1887" and twin flues that extend up on either side of the decorative chimney window and join at the top

The following character-defining elements illustrate the heritage value of 49-57 Water Street:

- The overall massing of the original building, as well as the additions on the western side
- The size and shape of the brick construction, as well as the stone lintels and sills
- The symmetrical placement and style of the windows, including the ground floor storefront plate glass windows with transom lights, the second floor nine over nine windows, the third floor six over six dormer windows, as well as the more modern, large rectangular windows of the most recent western addition
- The style and placement of the paneled doors with their transom lights above, as well as the arched opening of the most recent western addition, with the sign above the door that reads "Seaman's Bldg - 49 Water Street"
- The gabled roof, with its square dormers, as well as the flat roof of the western addition with its brick cornice
- The placement of the chimneys

POLICY FRAMEWORK:

Zoning and Development Bylaw Requirements

In accordance with Section 44.3.1 of the Zoning and Development Bylaw, the following signs are strictly prohibited (p) Murals or any sign painted upon a building or structure in the 500 Lot Area, unless it has been reviewed by the Arts Advisory Board and approved by Council.

In this case the Arts Advisory Board has reviewed the proposal and is recommending council approve it.

Heritage Preservation Bylaw Requirements

In accordance with Section 4.2.3 of the Heritage Preservation By-law, a heritage permit is required where a change in material or design is proposed and may be referred to the Heritage Board. The compatibility of the proposed development is evaluated in relation to the criteria listed in Section 5.1.1 and provisions listed in Section 6.

City of Charlottetown Official Plan

Section 4.2 A Vibrant Downtown – The 500 Lot Area

1. Our **objective** is to protect, restore, respect and leverage all Heritage Resources.

- Our **policy** shall be to recognize that the 500 Lot Area is comprised of an extraordinary concentration of significant heritage buildings, landmarks and streetscapes. These resources play a prominent role in defining its distinct 'sense of place' and should be recognized as the life-blood of the area's civic, cultural and economic well-being and as such need to be protected and restored.

- Our **policy** shall be to recognize each Urban Character Area or neighbourhood, including important streets and streetscapes, civic and cultural elements, heritage resources, squares and parks, public/institutional buildings, gateways and view planes and terminiate within the 500 Lot Area, and to establish a new and more detailed Zoning By-Law regime to protect and enhance these resources accordingly.

The Standards and Guidelines for the Conservation of Historic Places in Canada

https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf

The relevant standards include:

- Conserve heritage value by adopting an approach calling for minimal intervention.

Minimal intervention in the context of heritage conservation means doing enough, but only enough to meet realistic objectives while protecting heritage values. Minimal intervention has different meanings for Preservation, Rehabilitation and Restoration. In the context of Preservation, it means undertaking sufficient maintenance or repairs to ensure the longevity of the place while protecting heritage value. In the context of Rehabilitation, it might mean limiting the proposed new use, addition or changes. In a Restoration, minimal intervention is a delicate balance between removals and recreations to represent the historic place's condition at a specific time in its history.

ANALYSIS:

The mural has been supported by the Charlottetown Arts Advisory Board – deeming it to be appropriate public art for the City of Charlottetown. The statement of significance for this designated property references the original Water Street section of the building only and does not make any mention of the much later and contemporary addition fronting on King Street. The mural is to cover vertically oriented exterior cladding which is not an historic material. Although murals have not typically been encouraged on designated heritage buildings, the location of the proposed mural has no impact on the original structure on Water Street The heritage character defining elements of the property are not affected.

CONCLUSION:

The Planning & Heritage Department recommends approval of the location for a mural at 64 King Street (PID#335620).

PRESENTER:

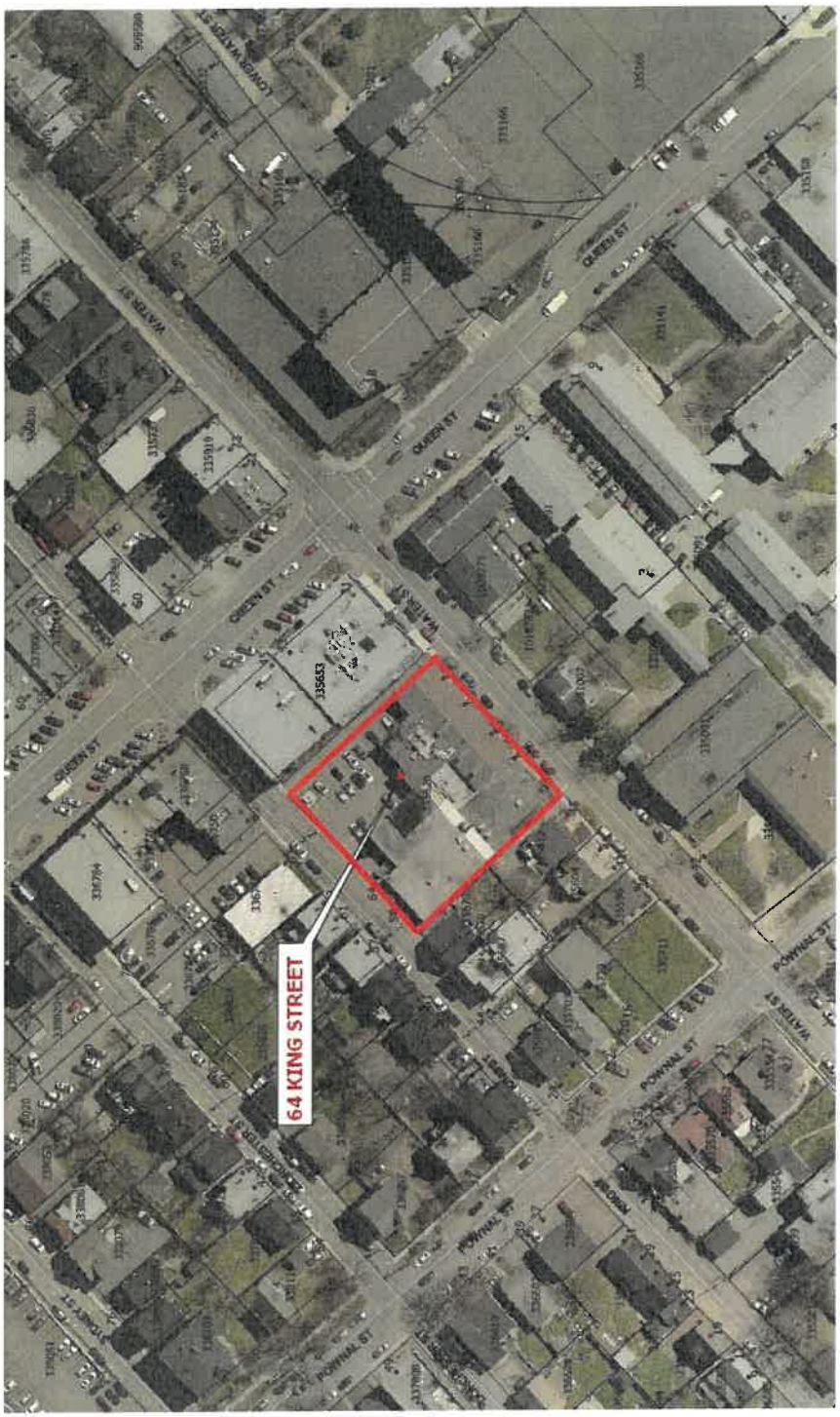
Todd Saunders

Todd Saunders, M.Arch
Heritage Officer

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

ATTACHMENT A



LOCATION MAP

ATTACHMENT B



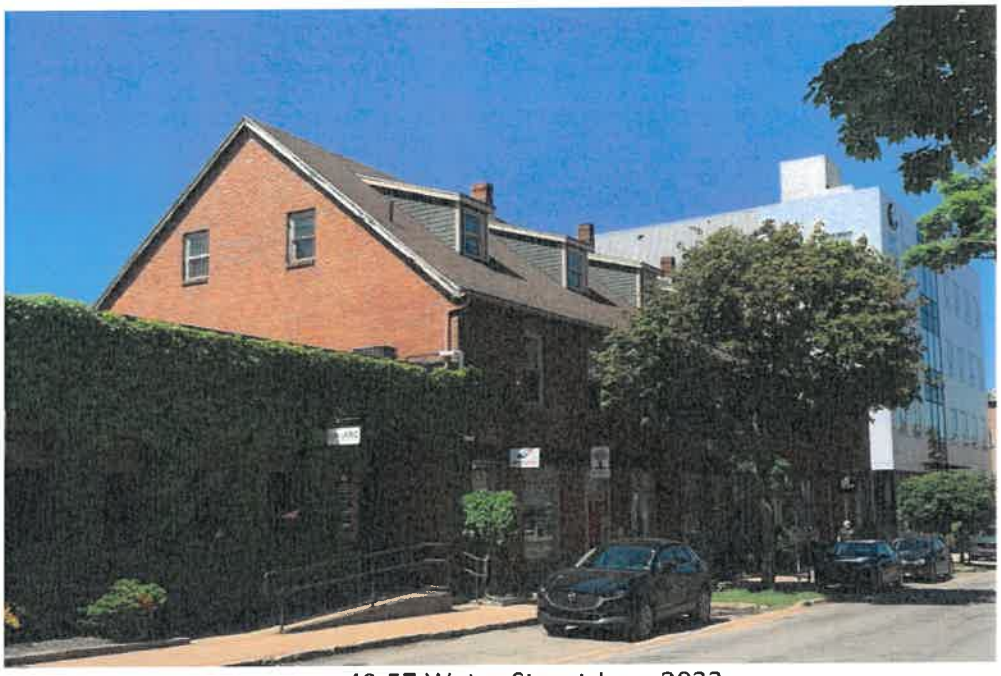
64 KING STREET (REAR OF 49-57 WATER STREET)

ATTACHMENT C



PROPOSED MURAL LOCATION

ATTACHMENT D



49-57 Water Street June 2022



49-57 Water Street circa 1974

Attachment A(iv)

One (1) Letter received through public notification

FILE: PLAN-2022-04-JULY-6A-2
64 King Street (PID# 335620

CHARLOTTETOWN
Planning & Heritage Department

Trainor, Emily

From: Planning Department
Sent: June 28, 2022 3:24 PM
To: Trainor, Emily
Subject: FW: 64 King Street (PID#335620)

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jacqueline Sorensen <sorensenjacqueline7@gmail.com>
Sent: June 28, 2022 2:57 PM
To: Planning Department <planning@charlottetown.ca>
Subject: 64 King Street (PID#335620)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Emily,
Thank you for the letter we received in the mail regarding the Major Variance request related to 64 King Street (PID#335620). While our property is on Pownal Street where, we do appreciate the opportunity to be kept abreast of plans in this historic area, and specifically its impact on the integrity and heritage value of 500 Lot Area. I respect that it is very difficult to make decisions on what is best for this area based on the opinions of many individuals. Our only concern is that of upkeep and longevity. While it might seem like a pleasant idea to have a painted mural on the facade of a building, we wonder what the long-term plan would be for on-going maintenance and restoration. For example, if one were to stop by the former Seatreat Restaurant at Euston Street and University Avenue, you can find an example of a mural that does not reflect aesthetic merit today.
We thank you for the opportunity to express our thoughts on this matter and trust that the decision makers in charge of this will diligently consider the pros and cons for a well-informed choice.
Sincerely,
Rick and Jacqueline Sorensen Young
32 Pownal Street, Charlottetown, PEI C1A 3V9

Attachment B(i)





Attachment B(i): GIS Map & Aerial View
FILE: PLAN-2022-04-JULY-6A-2
151 Great George Street (PID# 342402)

CHARLOTTETOWN
Planning & Heritage Department

Attachment B(ii)

Mural Description & Concept Submitted by Applicant

FILE: PLAN-2022-04-JULY-6A-2
151 Great George Street (PID# 342402)

CHARLOTTETOWN
Planning & Heritage Department

Project Description

Festival Inspire was founded in 2014 to activate imagination in the celebration of all things art in Atlantic Canada.

Now an international travelling, non-profit street arts festival with its hometown in Moncton, NB, Inspire transforms cityscapes and towns by putting multi-disciplinary arts programming in public spaces against the backdrop of large-scale mural creation. Programming can include live art, interactive installations, projection mapping, street performance, circus, music, etc. The murals remain after the festival has come to a close, helping to build a legacy of character, culture, and beauty for the communities that house them, as well as creating invaluable assets for future user-generated content in destination marketing.

The City of Charlottetown's Tourism & Events team has been working with leadership at Inspire to attract the festival to Charlottetown during its 2022 tour season, given it is a proven event with a mission to highlight our city as a unique tourism and culture destination that can also help us strategically achieve product development targets in both our Festivals & Events Approach to Growth and the Charlottetown Public Art Plan. The Charlottetown leg of the event will take place from July 18-23 and will feature a program designed to cater specifically to the Island's unique identity including mural painting, a disco bike ride, costume making workshop, industry mixer, outdoor film screening, live musical performances, Big Circus Saturday, and interviews on the Inspire podcast.

It is proposed that three large-scale, professional murals be created in Charlottetown during Inspire. The attached mural has been designed by muralist, Misterpiro (38,000+ followers on Instagram).

Misterpiro is a visual/urban artist presently living in Madrid, although his work often takes him out of the country. A graduate of the design program at University Complutense de Madrid, he started in the streets with graffiti, and later in his studio with watercolours, acrylic and water-based techniques. His unique style is a successful marriage of these two very contrary techniques, full of life and colour, taking the delicate style of watercolour to the street and surfaces that have little to do with the paper upon which he creates his most delicate works.

The attached work has received the approval of both the Charlottetown Arts Advisory Board and also the building owner, Dyne Holdings represented by John Cudmore.

Attachment B(iii)

Arts Advisory Board Feedback

FILE: PLAN-2022-04-JULY-6A-2
151 Great George Street (PID# 342402)

CHARLOTTETOWN
Planning & Heritage Department

Stavert, Robert

From: Carol Horne <carolh3@gmail.com>
Sent: June 6, 2022 1:50 PM
To: Barb Macleod
Cc: Cheryl Wagner; Brandon Hood; Lea, Laurel; Nadine Haddad; Mark Sandiford; Stephen MacInnis; Dumais, Doug
Subject: Re: Inspire Festival: Proposed Mural for 151 Great George Street - Response Required by EOD June 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I vote in favour

Sent from my iPhone

> On Jun 6, 2022, at 1:13 PM, Barb Macleod <barbmacleod@eastlink.ca> wrote:
>
> I vote in favour of the motion.
> Barb
>
> Barb Macleod
> **PEI Artist**
> 902 940-5553
> Sent from my iphone
>
> > On Jun 6, 2022, at 12:29 PM, Cheryl Wagner <wagnerella@gmail.com> wrote:
> >
> > I vote yes.
> >
> > On Mon, Jun 6, 2022 at 12:28 PM Brandon Hood <brandonhood15@gmail.com> wrote:
> > Hey Laurel,
> >
> > I vote in favour of the motion!
> >
> > Brandon
> >
> > On Mon, Jun 6, 2022 at 12:10 PM Lea, Laurel <llea@charlottetown.ca> wrote:
> >
> > Thank-you, Mark and Nadine.

Barb, Cheryl, Brandon, Carol, and Stephen – can each of you please reply all on this thread (ensuring that when you reply, you are replying to the most recent email in the thread) with your official vote on the below motion. If we do not hear from you by the end of the day today, we will assume that you are voting in favour of the motion.

L.

From: Nadine Haddad <nadinehaddad327@gmail.com>
Sent: June 3, 2022 6:33 AM
To: Mark Sandiford <mark@creativepei.ca>; Lea, Laurel <llea@charlottetown.ca>
Cc: Barb Macleod <barbmacleod@eastlink.ca>; Cheryl Wagner <wagnerella@gmail.com>; Brandon Hood <brandonhood15@gmail.com>; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Dumais, Doug <ddumais@charlottetown.ca>
Subject: Re: Inspire Festival: Proposed Mural for 151 Great George Street - Response Required by EOD June 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I can second

Get Outlook for iOS

From: Mark Sandiford <mark@creativepei.ca>
Sent: Friday, June 3, 2022 5:26:47 PM
To: Lea, Laurel <llea@charlottetown.ca>
Cc: Barb Macleod <barbmacleod@eastlink.ca>; Cheryl Wagner <wagnerella@gmail.com>; Nadine Haddad <nadinehaddad327@gmail.com>; Brandon Hood <brandonhood15@gmail.com>; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Dumais, Doug <ddumais@charlottetown.ca>
Subject: Re: Inspire Festival: Proposed Mural for 151 Great George Street - Response Required by EOD June 2

Hi all,

In response to Laurel's email, I move:

That the Arts Advisory Board approves the mural maquette entitled 'Sketch 2' (attached) as provided by artist Mister Piro for painting at 151 Great George Street and that this project be advanced to the City of Charlottetown's Planning Board for further consideration.

Mark

On Fri., Jun. 3, 2022, 1:25 a.m. Lea, Laurel, <llea@charlottetown.ca> wrote:

Hello Again Arts Advisory Board,

Thank-you so much for all of your great input to date on the below.

We have now heard from almost everyone with respect to comments on the two mural sketches and there seems to be a preference for sketch 2 amongst the majority. As a result of this (and to ensure we have a record of an official vote), I would ask for a mover and seconder on the below motion:

That the Arts Advisory Board approves the mural maquette entitled 'Sketch 2' (attached) as provided by artist Mister Piro for painting at 151 Great George Street and that this project be advanced to the City of Charlottetown's Planning Board for further consideration.

In order to ensure a clean trail of the vote, please ensure that you are replying to the most recent response and that you reply-all on your response (either in the affirmative or negative) once a mover and seconder have identified themselves. Please submit your official vote prior to end of day tomorrow (Friday, June 3) if possible.

Thanks to you all,

Laurel

From: Lea, Laurel
Sent: June 1, 2022 5:34 AM
To: Barb Macleod <barbmacleod@eastlink.ca>; Mark Sandiford <mark@creativepei.ca>; Cheryl Wagner <wagnerella@gmail.com>; nadinehaddad327@gmail.com; Brandon Hood <brandonhood15@gmail.com>; Carol Horne <carolh3@gmail.com>; Stephen MacInnis <stphnbmacinnis@gmail.com>
Cc: Dumais, Doug <ddumais@charlottetown.ca>
Subject: Inspire Festival: Proposed Mural for 151 Great George Street - Response Required by EOD June 2
Importance: High

Hello Arts Advisory Board,

We have received our first mock-ups for the Inspire Festival!

Please find attached the proposed mural from Mister Piro for 151 Great George Street (note there are two options). Please offer comments, specifying which mural draft you are referencing (1 or 2), by no later than end of day tomorrow, Thursday, June 2. Please also include whether you are voting in favour of proceeding with 1 or both mural drafts (with or without edits).

Should you have any questions, please do not hesitate to let us know.

Thanks so much!

Laurel

Laurel Lea

Tourism Officer

City of Charlottetown

PO Box 98, 199 Queen Street

Charlottetown, Prince Edward Island

Canada, C1A 7K2

Office: 902-629-4117

Attachment C(i)





Attachment C(i): GIS Map & Aerial View
FILE: PLAN-2022-04-JULY-6A-2
89 Kent Street Street (PID# 343558)

CHARLOTTETOWN
Planning & Heritage Department

Attachment C(ii)

Mural Description & Concept Submitted by Applicant

FILE: PLAN-2022-04-JULY-6A-2
89 Kent Street Street (PID# 343558)

CHARLOTTETOWN
Planning & Heritage Department

Project Description

Festival Inspire was founded in 2014 to activate imagination in the celebration of all things art in Atlantic Canada.

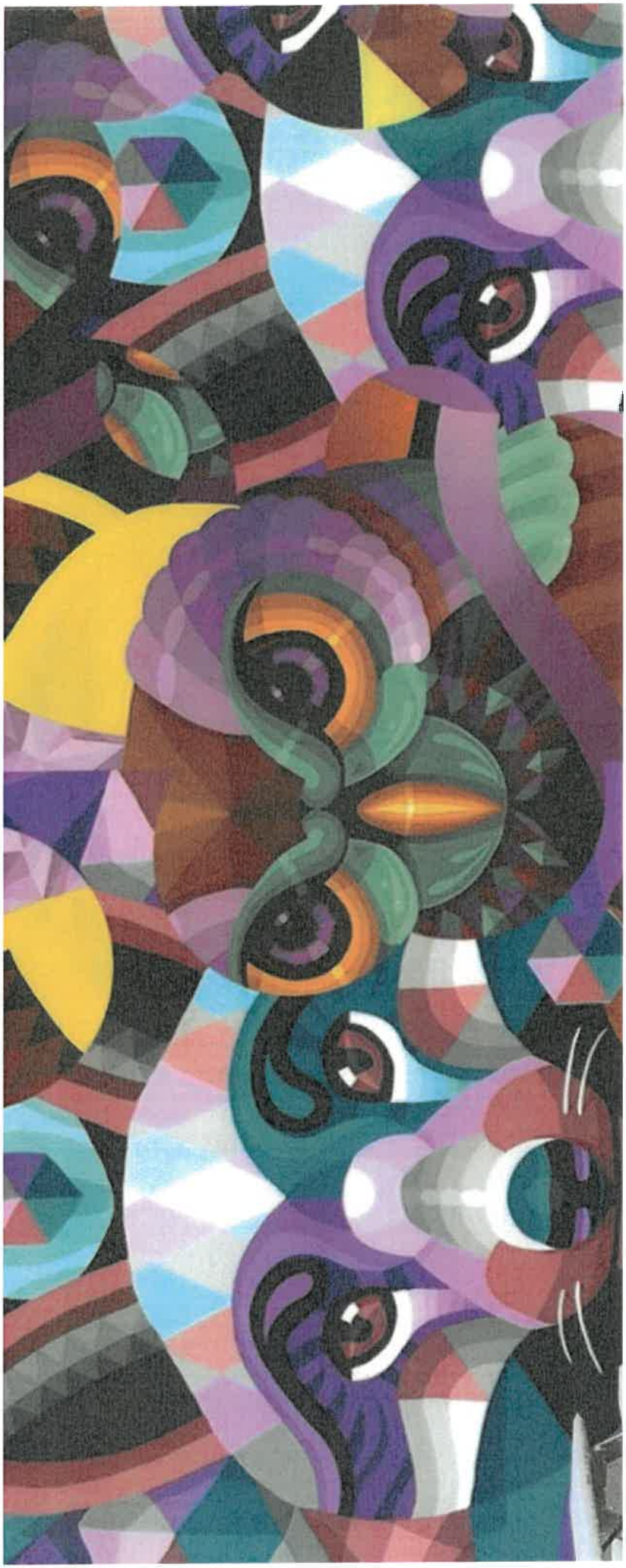
Now an international travelling, non-profit street arts festival with its hometown in Moncton, NB, Inspire transforms cityscapes and towns by putting multi-disciplinary arts programming in public spaces against the backdrop of large-scale mural creation. Programming can include live art, interactive installations, projection mapping, street performance, circus, music, etc. The murals remain after the festival has come to a close, helping to build a legacy of character, culture, and beauty for the communities that house them, as well as creating invaluable assets for future user-generated content in destination marketing.

The City of Charlottetown's Tourism & Events team has been working with leadership at Inspire to attract the festival to Charlottetown during its 2022 tour season, given it is a proven event with a mission to highlight our city as a unique tourism and culture destination that can also help us strategically achieve product development targets in both our Festivals & Events Approach to Growth and the Charlottetown Public Art Plan. The Charlottetown leg of the event will take place from July 18-23 and will feature a program designed to cater specifically to the Island's unique identity including mural painting, a disco bike ride, costume making workshop, industry mixer, outdoor film screening, live musical performances, Big Circus Saturday, and interviews on the Inspire podcast.

It is proposed that three large-scale, professional murals be created in Charlottetown during Inspire. The attached mural has been designed by muralist, Eelco (27,000+ followers on Instagram).

Eelco 'Virus' Van den Berg is a multi-disciplinary street artist hailing from The Netherlands. One of the top 10 street artists in the world according to the Brooklyn Arts Collective, he has been enlisted to portray his beautiful art in Brooklyn and around the world, time and time again. His distinctive style draws inspiration from the 'hip hop virus' as he calls it, which refers primarily to the emergence of graffiti, and evokes the folkloric, the graffuturist, and 3D modelling all in one

The attached work has received the approval of both the Charlottetown Arts Advisory Board and also the building owner, City of Charlottetown, represented by Donna Waddell and Tim Mayme.



Attachment C(iii)

Arts Advisory Board Feedback

FILE: PLAN-2022-04-JULY-6A-2
89 Kent Street Street (PID# 343558)

CHARLOTTETOWN
Planning & Heritage Department

Stavert, Robert

From: Lea, Laurel
Sent: June 13, 2022 1:14 PM
To: Barb Macleod; Mark Sandiford
Cc: Nadine Haddad; Carol Horne; Stephen MacInnis; Cheryl Wagner; Brandon Hood; Dumais, Doug
Subject: RE: Inspire Festival - 89 Kent Street - INPUT REQUIRED

Thanks, Barb. Stephen replied in favour at the same time so his response is not reflected, but I believe we are good to go.

L.

From: Barb Macleod <barbmacleod@eastlink.ca>
Sent: June 13, 2022 1:05 PM
To: Mark Sandiford <mark@creativepei.ca>
Cc: Nadine Haddad <nadinehaddad327@gmail.com>; Carol Horne <carolh3@gmail.com>; Lea, Laurel <llea@charlottetown.ca>; Stephen MacInnis <stphnbmacinnis@gmail.com>; Cheryl Wagner <wagnerella@gmail.com>; Brandon Hood <brandonhood15@gmail.com>; Dumais, Doug <ddumais@charlottetown.ca>
Subject: Re: Inspire Festival - 89 Kent Street - INPUT REQUIRED

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ok wow! Love this. I vote in favor.

Barb Macleod
PEI Artist
902 940-5553
Sent from my iphone

> On Jun 13, 2022, at 12:45 PM, Mark Sandiford <mark@creativepei.ca> wrote:
>
> I vote yes.
>
> Mark
>
> On Mon, Jun 13, 2022 at 12:43 PM Nadine Haddad <nadinehaddad327@gmail.com> wrote:
>
> > I second.
> >
> > Nadine
> >
> > On Mon, Jun 13, 2022 at 12:34 PM Carol Horne <carolh3@gmail.com> wrote:

I so move, thanks Laurel (*That the Arts Advisory Board approves the attached mural maquette as provided by artist Eelco for painting at 89 Kent Street pending the submission of a revised colour scheme to include the requested fire engine red and that this project be advanced to the City of Charlottetown's Planning Board for further consideration.*

On Mon, 13 Jun 2022 at 12:30, Lea, Laurel <llea@charlottetown.ca> wrote:

Hi All,

I've just spoken with the festival who in turn has spoken with the artist, Eelco, and it is their intention to simply resize the originally designed and AAB approved mural from 207 Queen Street for painting at 89 Kent Street.

While the content will not change, the colour scheme may as the Fire Department has made a request that Fire Engine red be used as an accent colour to tie back to their engines. The artist has agreed to this change but his schedule does not allow for a revised maquette in advance of today's Planning deadline.

While we will see a revised maquette in the near future, I am asking that for the purpose of the permit for a mover and seconder for the following motion:

That the Arts Advisory Board approves the attached mural maquette as provided by artist Eelco for painting at 89 Kent Street pending the submission of a revised colour scheme to include the requested fire engine red and that this project be advanced to the City of Charlottetown's Planning Board for further consideration.

As was the case previously, once a mover and seconder have identified themselves, please respond with your vote in a single thread.

Thanks to you all for your input on all of these artworks,

L.

Laurel Lea

Tourism Officer

City of Charlottetown

PO Box 98, 199 Queen Street

Charlottetown, Prince Edward Island

Canada, C1A 7K2

Office: 902-629-4117

Fax: 902-566-4701

llea@charlottetown.ca

www.charlottetown.ca

CHARLOTTETOWN
Great things happen here.

Please consider the environment before printing this e-mail!

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any views or opinions presented are solely those of the author and do not necessarily represent those of the City of Charlottetown. If you are not the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

--

Carol Horne
Wordscape Communications
Chorne@wordscapecommunications.com
902-394-6886 (mobile)
7A Greenfield Ave
Charlottetown, PEI C1A 3M8

TITLE:	Rezoning CDA Amendment 15 Saint Dunstan St (1075993) FILE: 22-356 APPLICANT: Tim Bourque OWNER: Plazacorp Property Holdings Inc	CHARLOTTETOWN
MEETING DATE: July 4, 2022		Page 1 of 6

DEPARTMENT:	ATTACHMENTS:
Planning & Heritage	A. GIS Map B. Zoning Map C. Survey Plan D. Floor Plan E. Elevations

SITE INFORMATION:

Context: Developed site with a retail store

Ward No: 8

Existing Land Use: Retail

Official Plan: Comprehensive Planning Area

Zoning: Comprehensive Development Zone (CDA)

PREVIOUS APPLICATIONS:

July 2015: A retail store was approved subject to a Development Agreement, dated June 29, 2015, that outlined the scope of operations and requirements by City Council.

RECOMMENDATION:

Planning Staff recommend the request to amend the Comprehensive Development Area (CDA) Zone, as it pertains to the property located at 15 Saint Dunstan (PID #1075993), be *approved* subject to the amendment to the existing Development Concept Plan and Development Agreement, to construct a 5,000 sq.ft. addition with revised terms and conditions for the expansion of the existing retail area.

This amendment would include an update to Appendix B. Comprehensive Development Area (CDA) Parcels and Permitted Uses, as follows:

STREET	PID NUMBER	EXISTING USE	LOT AREA
Malpeque Road – East Side South of Bypass			
15 Saint Dunstan Street	1075993	Retail Store. Amend an existing development concept plan and development agreement to allow for a 5,000 sq.ft expansion to increase the retail area.	3.76

BACKGROUND:

Request

The applicant, Tim Bourque, has applied for a CDA amendment on the subject property to construct a 5000 sq ft addition to the existing Princess Auto Building, increasing the retail sales floor area for the property located at 15 Saint Dunstan Street (PID #388215).

Property History

The site was initially developed by way of a comprehensive Development Concept Plan that established specific standards for site and building design. A retail store (i.e., Princess Auto) was approved for this location by way of a zoning amendment on July 2nd, 2015, with a development agreement dated June 29th, 2015, that outlines the scope and requirements set forth by City Council. The Planning & Heritage department released a building permit on July 6th, 2015, with an occupancy permit issued in May 2016.

Development Context

Development within a Comprehensive Development Area is subject to the approval by Council of a Development Concept Plan and the applicable Development Agreement. The applicant is applying to amend the development agreement to expand the retail sales area of the existing building. The development agreement required as per the original proposal in 2015 that seventy (70) parking spaces and three (3) barrier free spaces be provided. The applicant provided a site plan and confirmed that there are 126 parking spaces onsite, and the proposed addition would decrease onsite parking by one (1) space. The applicant proposes that with the addition the site would still maintain 125 parking spaces, excess of the minimum parking required.

Neighbourhood Context

The proposed addition does not have any design features on the rear and side elevations; however, the overall design is sympathetic to adjacent building forms, both in scale and architectural features. The photos below illustrate some building forms in the immediate area.





LEGISLATIVE REQUIREMENTS:

Planning Board

The application was originally presented to Planning Board on June 6th, 2022 and Council on June 13th, 2022 at which time it was approved to proceed to the public consultation phase.

Notification

In accordance with Section 3.10.4.c of the Zoning & Development By-law, a letter was also sent out to the property owners located within 100 meters of the subject property advising them of the Public Meeting and requesting written comments. To date the department has not received any public feedback in relation to the application.

Public Feedback

The public consultation was held June 29th, 2022 in the Georgian Ballroom, Rodd Charlottetown Hotel. The applicant was present online to answer any questions pertaining to the requested amendment to the Comprehensive Development Area. Following the staff's presentation, the public and Council were invited to ask questions regarding the proposed amendments. No members from either council or the public asked questions or required further clarification.

ANALYSIS:

The surrounding area consists of multiple zones with a variety of different land uses. The subject property is zoned Comprehensive Development Area (CDA). To the south resides Highway Commercial (C-2) Zoned properties that consists of several large retail stores (i.e., Sobeys and Canadian Tire), to the north there is an Open Space (OS) Zone that contains an integral creek to the Ellen's Creek Watershed, to the west there is a municipal water pumping station, and to the east resides additional CDA zoned land. The proposed addition would be contained on the existing site, with consistent form and massing as the existing building and adjacent commercial development. The addition would require approximately nineteen (19) additional parking spaces to the seventy (70) required, since the overall site would maintain 124 parking spaces there would be no parking issues. The proposed addition would be aligned with the existing building and therefore not present issues regarding the setback, height requirements. Staff will note that due to the proximity of Ellen's Creek it will be subject to the 15-meter watershed protection buffer as required by environmental protection regulations. There will also be the necessary environmental controls that shall be in place prior and during development activities as outlined in section 2.4 of the existing development agreement as stated below:

2.4.1 A general contractor for construction shall be retained who will be wholly responsible for the installation, monitoring and maintenance of environmental controls for the duration of the construction project and until disturbed surfaces have been re-established;

2.4.2 A professional engineering firm, in this case CBCL Limited, shall be retained to monitor the site on a regular basis to observe that the construction contractor responsible is carrying out the work in an environmentally responsible manner and in accordance with specific measures listed and report apparent deficiencies;

2.4.3 Installation of environmental controls shall be the first step in the construction sequence, and their design, installation and maintenance shall be as per PEI Department of Transportation, Infrastructure and Energy's Environmental Protection Plan and as indicated on the approved drawings;

2.4.4 All necessary environmental controls shall be in place prior to, during and after project activities to avoid offsite siltation and siltation towards the watercourse/wetland;

2.4.5 If environmental control structures are to remain in place they shall be rehabilitated as required and regular inspections shall be conducted to determine if maintenance is required;

2.4.6 Work shall not have a long term impact on runoff to the watercourse/wetland; and

2.4.7 Do not disturb existing trees or vegetation any more than absolutely necessary.

The applicant will be required to adhere to the conditions outlined in the existing Development Agreement referenced above. The Development Agreement outlines the site requirements as per Section 31 and Section 4.60 (Site Development Principles) of the Zoning and Development Bylaw. Environmental considerations in relation to protection of the watershed that are stipulated in the Development Agreement will require compliance during construction activity.

Official Plan

There are various policies in the Official Plan that support compatible and form fitting commercial developments.

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

4.3.1 Our **objective** is to support the measured mixed-use growth of the major commercial suburban centre and the establishment of the suburban neighbourhood centre as shown on the Future Land-Use Map, without diminishing the key commercial and institutional role played by the downtown and without unduly taxing the abilities of municipal infrastructure or impeding the existing transportation network.

- Our **policy** shall be to allow incremental mixed-use development of the major commercial suburban centres which includes commercial uses, small scale office or administrative uses, institutional and recreational uses, and residential development, and to support the continuing growth of the Charlottetown Mall and Wal-Mart areas and without adversely affecting existing low density residential areas.

The proposed addition onto the existing commercial building is in the major commercial suburban centre and can be considered an intensification of an existing commercial lot, thereby adhering to the policies in the Official Plan.

Zoning and Development By-law

Since the subject property is zoned Comprehensive Development Area (CDA), it is subject to an amendment to the overall Development Concept Plan and any schedule attached thereto. The proposed 5,000 sq.ft addition will be an extension of the existing building and maintain the same façade. The existing development agreement requires a minimum of seventy (70) parking spaces and the expansion would require an additional nineteen (19) spaces, however the revised site plan indicates that a total of 124 parking spaces will be provided therefore satisfying any parking requirements. The addition will not result in a reduction to the existing minimum setbacks of the building.

CONCLUSION:

Planning Staff recommend the request to amend the Comprehensive Development Area (CDA) Zone, as it pertains to the property located at 15 Saint Dunstan (PID #1075993), be *approved* subject to the amendment to the existing Development Concept Plan and Development Agreement, to construct a 5,000 sq.ft. addition with revised terms and conditions for the expansion of the existing retail area.

This amendment would include an update to Appendix B. Comprehensive Development Area (CDA) Parcels and Permitted Uses, as follows:

STREET	PID NUMBER	EXISTING USE	LOT AREA
Malpeque Road – East Side South of Bypass			
15 Saint Dunstan Street	1075993	Retail Store. Amend an existing development concept plan and development agreement to allow for a 5,000 sq.ft expansion to increase the retail area.	3.76

PRESENTER:

Robert Zilke, MPlan, RPP
Planner II

MANAGER:

Alex Forbes, MBA, RPP
Manager of Planning & Heritage

Attachment A



Address: 15 Saint Dunstan Street
Ward #: 9
Zone: Comprehensive Development Area (CDA) Zone

0	12.5	25	50 Meters
0	40	80	160 Feet

LEGEND

Affected Lot

City of Charlottetown
Planning & Heritage Department

Attachment B



Address: 15 Saint Dunstan Street
Ward #: 9
Zone: Comprehensive Development Area (CDA) Zone

0 12.5 25 50 Meters

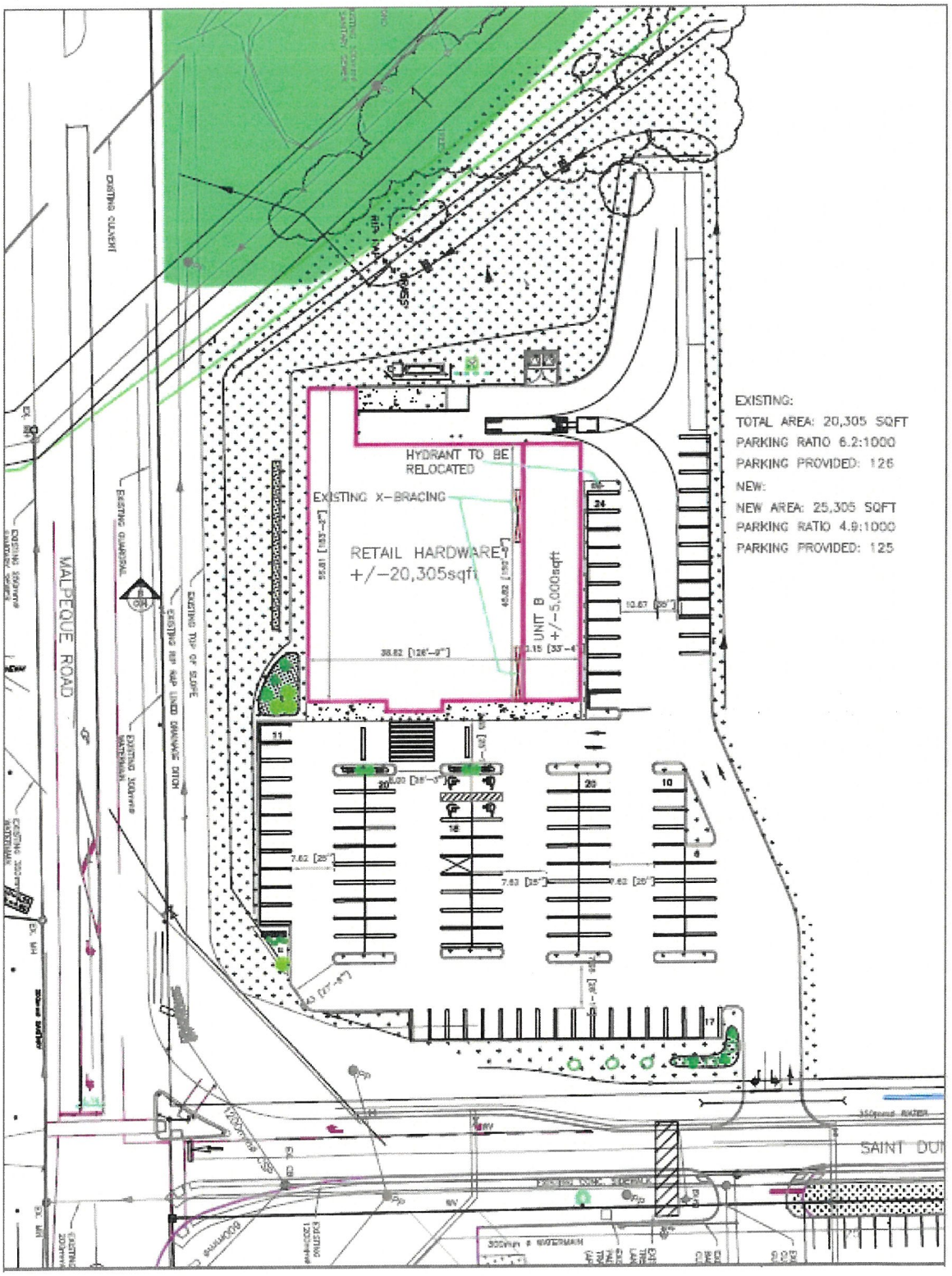
0 40 80 160 Feet

LEGEND

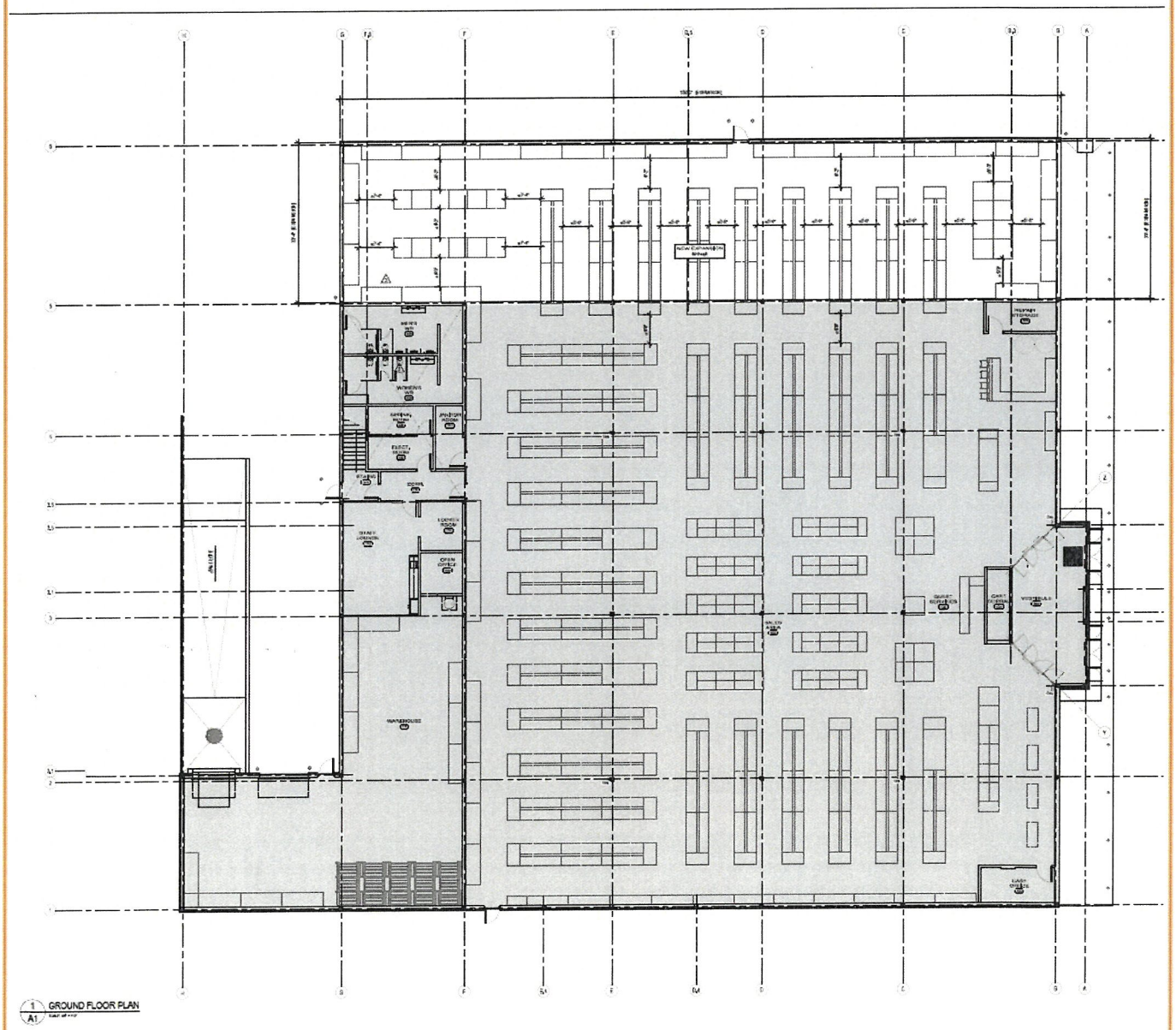
Affected Lot

City of Charlottetown
Planning & Heritage Department

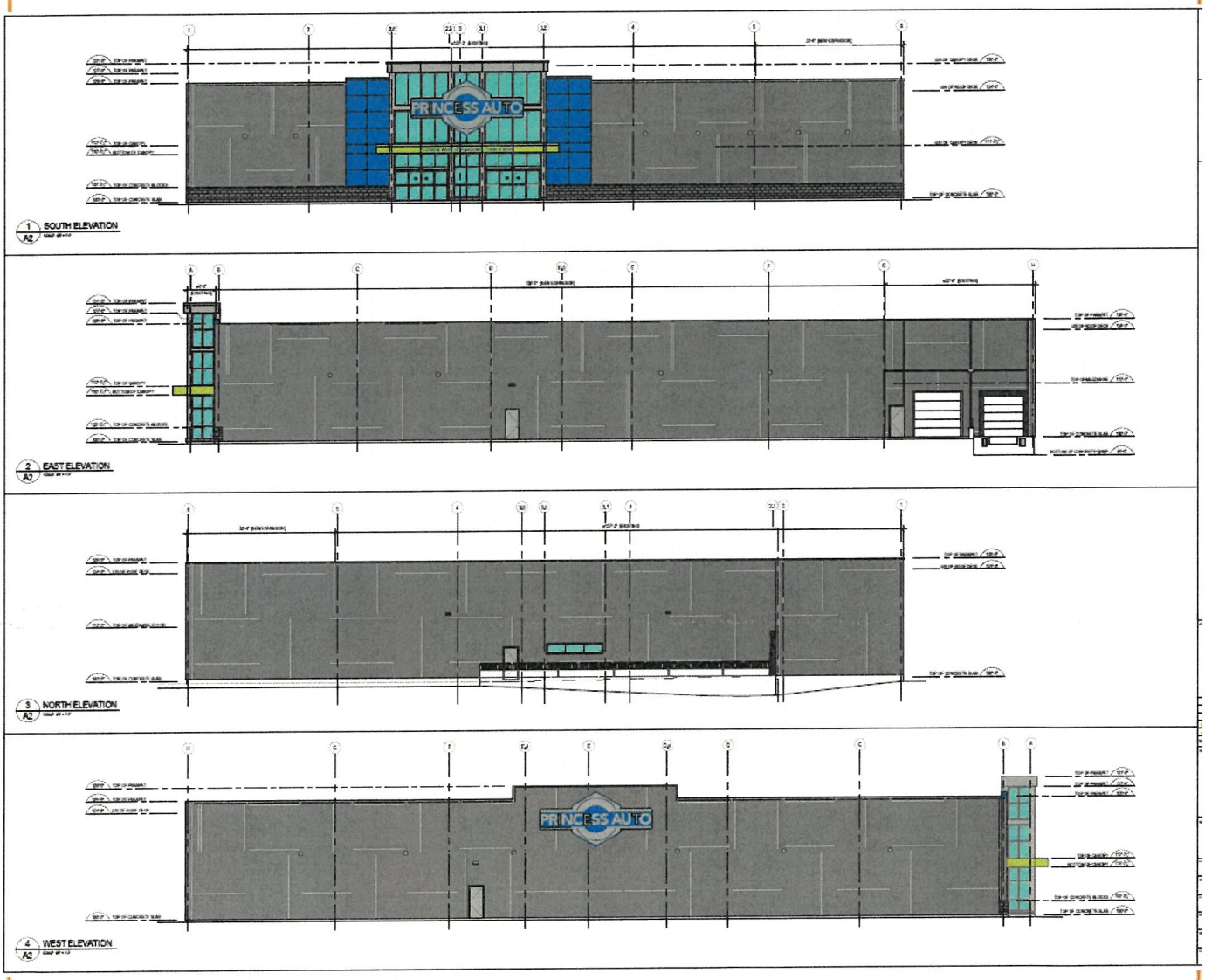
Attachment C



Attachment D



Attachment E



TITLE: **OFFICIAL PLAN & ZONING AMENDMENTS** **FILE:** PLAN-2022-4-JULY- **93 BELVEDERE AVE (PID #373092) &** **95 BELVEDERE AVE (PID #373100)** **OWNERS:** UNIVERSITY OF PRINCE EDWARD ISLAND	CHARLOTTETOWN
MEETING DATE: July 4, 2022	**Page 1 of 3**
DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. GIS Map B. Site Plan
SITE INFORMATION: **Context:** Two (2) Vacant Properties in Charlottetown **Ward No:** 4 – St. Avards **Existing Land Use:** Vacant **Official Plan:** Low Density Residential **Zoning:** Low Density Residential (R-2) Zone	
PREVIOUS APPLICATIONS: Demolition Permit issued on September 2, 2016 for 93 Belvedere Avenue (PID #373092). Moving Permit issued on September 16, 2005 for 95 Belvedere Avenue (PID #373100). Temporary structure variances for construction camps for a period of one (1) year on November 10, 2020 for both 93 Belvedere Avenue (PID #373092) and 95 Belvedere Avenue (PID #373100).	

RECOMMENDATION:

The Planning & Heritage Department encourages the Planning Board to recommend to Council to approve the request to *proceed* to public consultation to change the Official Plan designation and the zoning on two (2) separate vacant properties - 93 Belvedere Avenue (PID #373092) & 95 Belvedere Avenue (PID #373100).

BACKGROUND:

Request

The request is to change both the designation and the zone from Low Density Residential to Institutional and then consolidate the subject properties with 560 University Avenue (PID #373126).

Development Context

The subject properties, 93 Belvedere Avenue (PID #373092) & 95 Belvedere Avenue (PID #373100), are vacant properties located in the Low Density Residential (R-2) Zone. The two (2) properties are owned by the University of Prince Edward Island. They are adjacent to a single-detached dwelling to the East and an eating & drinking establishment to the west.

Property History

A Demolition Permit was issued on September 2, 2016 for the demolition of a single-detached dwelling at 93 Belvedere Avenue (PID #373092). A Moving Permit was issued on September 16, 2005 to move the single-detached dwelling at 95 Belvedere Avenue (PID #373100) outside of the City. Both properties remained vacant and were purchased by the University of Prince Edward Island. A temporary structure variance was approved by council on November 9, 2020 to allow for a construction camp that facilitated the construction of the new UPEI residence at 560 University Avenue (PID #373126) in which the construction camp is accessory.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3.b. of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variances. The deadline to submit written comments on the application is Friday, October 30, 2020.

Public Feedback

At the time of writing this report, the Planning & Heritage Department has not received any written comments. Should written comments be received prior to the deadline, they will be circulated prior to the Planning Board meeting.

ANALYSIS:

The subject properties are designated Low Density Residential and located in the Low Density Residential (R-2) Zone. Both properties are owned by the University of Prince Edward Island. The applicant has indicated that rezoning the properties to the Institutional (I) Zone and consolidating it with 560 University Avenue (PID #373126) would provide the university with additional space for future operations.

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

Positives	Neutral	Shortcomings
• Official Plan promotes working with UPEI to address their needs. • The lots will be formally consolidated with the UPEI campus ensuring that ownership and use is consistent. • Provides additional land for possible future expansion and use of the university.	• Existing residential lot with a dwelling located at 99 Belvedere Ave. Only residential lot that is isolated along the street.	

CONCLUSION:

The Planning & Heritage Department encourages the Planning Board to recommend to Council to approve the request to *proceed* to public consultation to change the Official Plan designation and the zoning on two (2) separate vacant properties - 93 Belvedere Avenue (PID #373092) & 95 Belvedere Avenue (PID #373100).

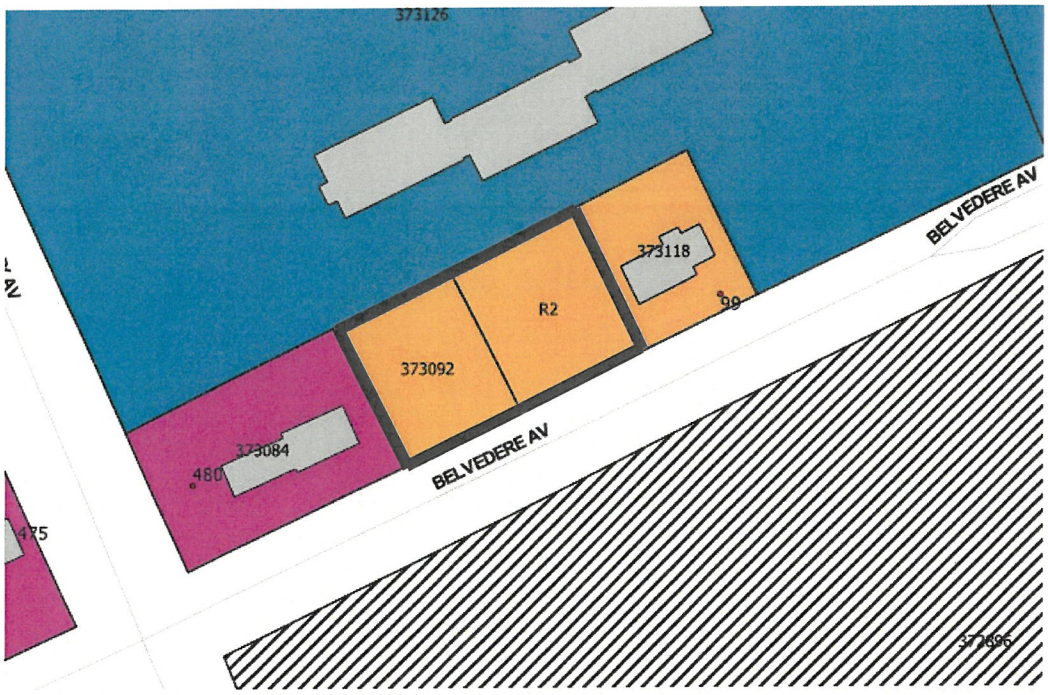
PRESENTER:

Robert Zilke, MPlan, RPP
Planner II

MANAGER:

Alex Forbes, MBA, RPP
Manager of Planning & Heritage

Attachment A



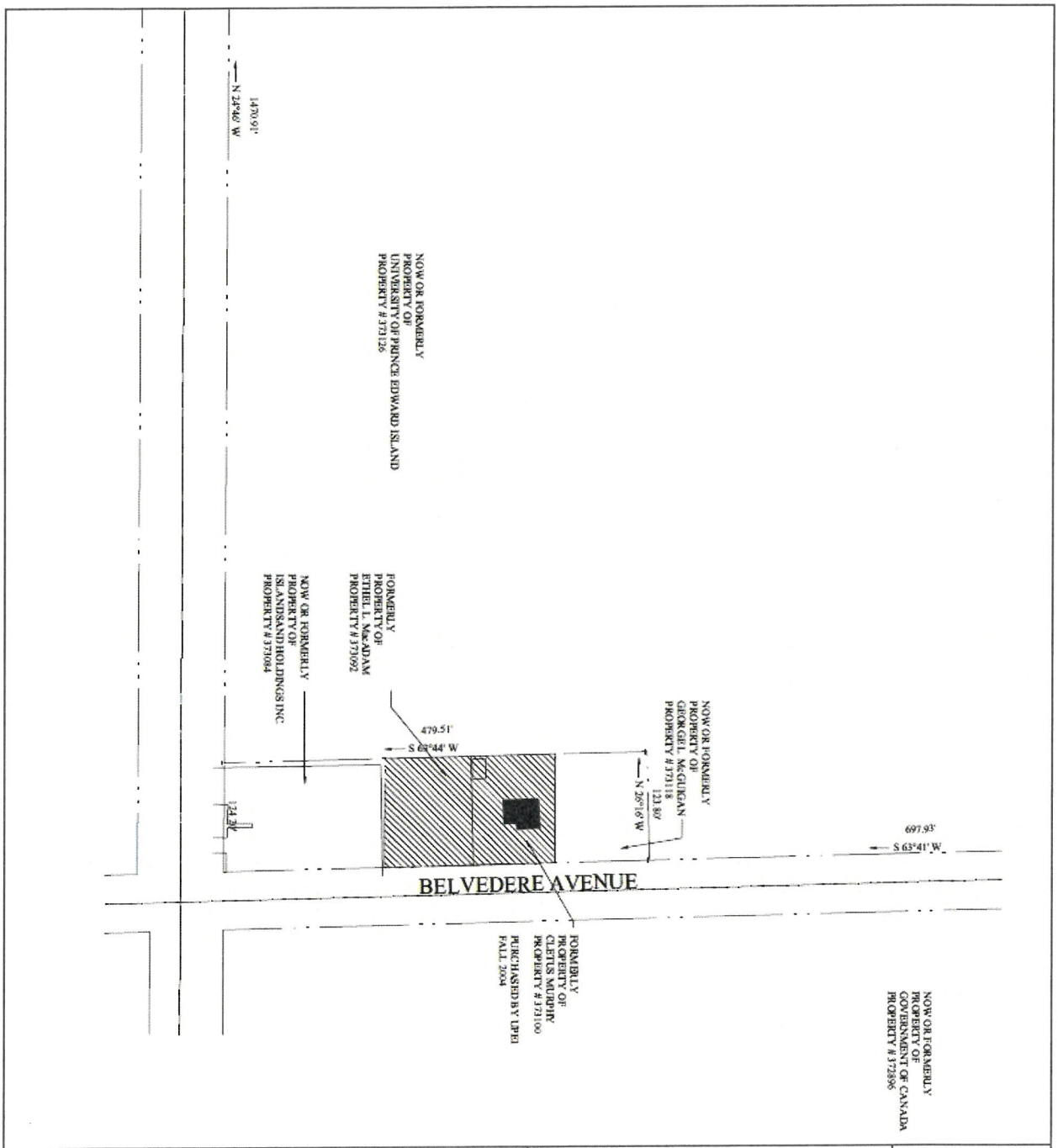


Attachment A: GIS Map
File: PLAN-2022-4-JULY-
93 Belvedere Ave (PID #373092) &
95 Belvedere Ave (PID #373100)
Owner: University of PEI

CHARLOTTETOWN
Planning & Heritage
Department

N

Attachment B



Attachment B: Site Plan
File: PLAN-2022-4-JULY-
93 Belvedere Ave (PID #373092) &
95 Belvedere Ave (PID #373100)
Owner: University of PEI

CHARLOTTETOWN
Planning & Heritage
Department

N

TITLE: **ZONING AMENDMENT (PID# 773051) Extension of Mutch Crescent** **FILE: PLAN-2022-06-July-6B5** **OWNERS: New Homes Plus Inc.** **APPLICANT: Morris Geomatics and Engineering**	CHARLOTTETOWN
MEETING DATE: July 4, 2022	**Page 1 of 9**
DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. GIS Map B. Site Plan with Building Concepts C. Responses From Residents
SITE INFORMATION: **Context:** Vacant land final phase in subdivision of low density neighbourhood. **Ward No:** 7 – Beach Grove **Existing Land Use:** vacant **Official Plan:** Low Density Residential **Zoning:** Low Density Residential (R-1S) Zone	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend approval for the request to amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-1S (Single Detached Residential Small) Zone to R-1N (Narrow Single Detached Residential) Zone for the property located at Mutch Crescent, PID # 773051.

BACKGROUND:

Request

An application has been received to rezone the remaining portion of land in Sandlewood Subdivision an extension of Mutch Crescent PID # 773051 from (R-1S) Low Density Residential (small) to (R-1N) Narrow Single Detached Residential Zone.

Development Context

This property is bounded to the north by R-1S zoned land in Sandlewood Subdivision, to the east by additional R-1S zoned land and West Royalty School, to the south by the Bypass Highway and West Royalty Industrial Park and to the west by CDA zoned land containing a grouped dwelling project with 10 semi-detached dwellings.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Sections 3.10.4, of the Zoning & Development By-law on June 14, 2022 notice was sent to 62 (sixty two) property owners located within 100 meters of the subject property advising them of the request for a rezoning. The letter advised them of the date, time, and location of the public meeting and solicited their comments, both verbal and written on the rezoning request. The letter also stated the deadline to submit written comments on the application.

Public Feedback

In response to the City's notification letter there were 13 (thirteen) letters received. All were in opposition to the proposed rezoning request (see attached letters).

The Public meeting was held on June 28, 2022 at the Rodd Charlottetown Hotel (75 Kent Street). Warren Doiron, developer spoke about the proposed development and gave details of the site, landscaping and building design. See minutes from the public meeting.

When Mr. Doiron finished his presentation residents were invited to ask questions and make comments. Several residents spoke about the proposed rezoning application. Overall, the comments from residents were not in support of the application (see minutes from the public meeting for detailed comments).

Comments from letters and public meeting consisted of:

- Concerns about traffic and how many people speed thru Sandlewood Subdivision.
- Concerns that the additional single detached dwelling lots would increase traffic considerably in the subdivision.
- Concerns that children play on the street and walk to the elementary school and park. The additional cars generated from the development would cause a hazard.
- Did not agree with the location of the park.

ANALYSIS:

This is an application to rezone approximately 7.02 acres of land that will extend Mutch Crescent in Sandlewood Subdivision. The property is located off the Bypass Highway. The land is currently zoned R1-S (Single Detached Residential "small lot") and is currently vacant. This will be the final phase of development in the subdivision which construction began in the early 2000's. The proposal is to subdivide the property into forty-six (46) R-1N narrow frontage lots to construct

single detached dwellings. Under the current R-1S Zoning twenty-nine (29) lots could be constructed for single detached dwellings. Therefore, an additional 17 lots could be subdivided if the property were to be rezoned (see attached concept drawings and survey plan).

The balance of the subdivision is single detached R-1S zoning. With the exception in 2015 a portion of land adjacent to this parcel in the subdivision was rezoned from R-1S (Single Detached Residential Zone) to CDA (Comprehensive Development Area Zone) to allow a grouped dwelling project consisting of 10 semi-detached dwellings. This portion of the development as well as the current proposal backs onto the Bypass Highway.

This subdivision was commenced in 2004. At that time there was a strong demand for larger lot single detached dwellings. In the past 3 years since the beginning of the pandemic the population demographics have changed considerably in the city with immigration and migration of people from other parts of the country to Prince Edward Island. This has resulted in a demand for various housing types as well as smaller lots to accommodate smaller single detached dwellings. Seniors, young professionals and families are now seeking alternate forms of housing. Housing that is affordable and requires less upkeep is in demand.

Over the past 20 years Sandlewood Subdivision has developed into a mature neighbourhood. It has been popular with young families due to its proximity to West Royalty Elementary School. The subdivision is also located on a bus route. The greater neighbourhood of West Royalty is comprised predominately of larger lot single detached residential housing. Given the current economic climate and the demand for housing, more affordable lot sizes would be beneficial for the area. It is important for a neighbourhood to have housing options that provide more choice. With the current cost of housing, it is difficult for young families and first time home buyers to be able to afford the standard single detached dwelling lot. Narrower lots sizes allow for additional density which allows for more affordable housing products. In addition, this form of dwelling is also attractive to people who are looking to downsize from larger single detached dwellings but still want to live in a single detached dwelling. This would provide an option with less maintenance. As people age they often are looking for housing options that require less maintenance and allow them to downsize from larger homes. If housing options are not available within their neighbourhood oftentimes people are forced to leave their neighbourhoods to seek appropriate housing. The Official Plan states, *"If Charlottetown is going to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City."*

Staff has examined various sections of the Official Plan that supports this housing proposal (see below).

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

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

Infill development within established low density residential neighbourhoods is supported within the policies of the Official Plan. However, the Official Plan clearly states that it has to be development that will not adversely impact existing low density residential neighbourhoods.

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.*

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

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.*

It should be considered that the City is currently experiencing a housing crisis. The vacancy rate within the City is at an all-time low (1.5%). Many residents are being forced to leave the City because of the lack of housing options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices where rents and housing costs can be kept at affordable levels. The addition of 17 new narrow frontage lots would provide additional housing within this neighbourhood.

At the public meeting residents voiced a great deal of opposition regarding the rezoning application and the creation of an additional 17 single detached dwelling lots. They perceive the additional lots as creating a significant traffic concern within the subdivision. The City engineer is of the opinion that 17 additional single detached dwellings are not sufficient enough to

compromise the design and traffic volumes on a local street. Another concern raised by residents was the location of the proposed parkland. Staff would note that this proposal was sent to the Parks and Recreation Department for review and the Parks and Recreation Department requested parkland in this location. The proposed parkland parcel is adjacent to a land parcel that is owned by the City of Charlottetown and land owned by the school district. Parks and Recreation requested this land so that a connector could be made at this end of the subdivision to the school lands.

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

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

Positives	Neutral	Shortcomings
▪ There City is experiencing a demand for housing and this proposal would provide an additional 17 lots for the housing market.	An additional 17 single detached dwellings will create a minimal increase in traffic.	▪ The proposal is located adjacent to the Bypass Highway therefore noise from traffic may be an issue for some residents. ▪ Residents have concerns regarding the Increase to the amount of dwellings already contemplated for this portion of the subdivision. ▪ When residents purchased homes the additional lots were not contemplated in the subdivision plan for their neighbourhood.
▪ The proposal is close to a school, parkland and public transit. ▪ Access to the site is off a local street where it is safe to access. ▪ The proposal makes more efficient use of underground services. ▪ The proposal is compatible with existing single detached dwellings.		

CONCLUSION:.

Given the current demand for housing and the low vacancy rate it is staff's opinion that allowing this portion of land to be rezoned to R1-N to allow narrow frontage lots makes more efficient use of the land. An additional 17 homes would provide housing for 17 new families within the neighbourhood. Staff views rezoning this portion of this property to R-1N (Narrow Single Detached Residential Zone) to accommodate 17 single detached dwellings as compatible zoning with the existing R-1S Zone.

Therefore, the Planning & Heritage Department encourages Planning Board to recommend for approval of the application to rezone a portion of PID #773051 from R-1S (Single Detached Residential small) to R-1N (Narrow Single Detached Residential Zone).

PRESENTER:

Laurel Palmer Thompson, RPP, MCIP
Planner II

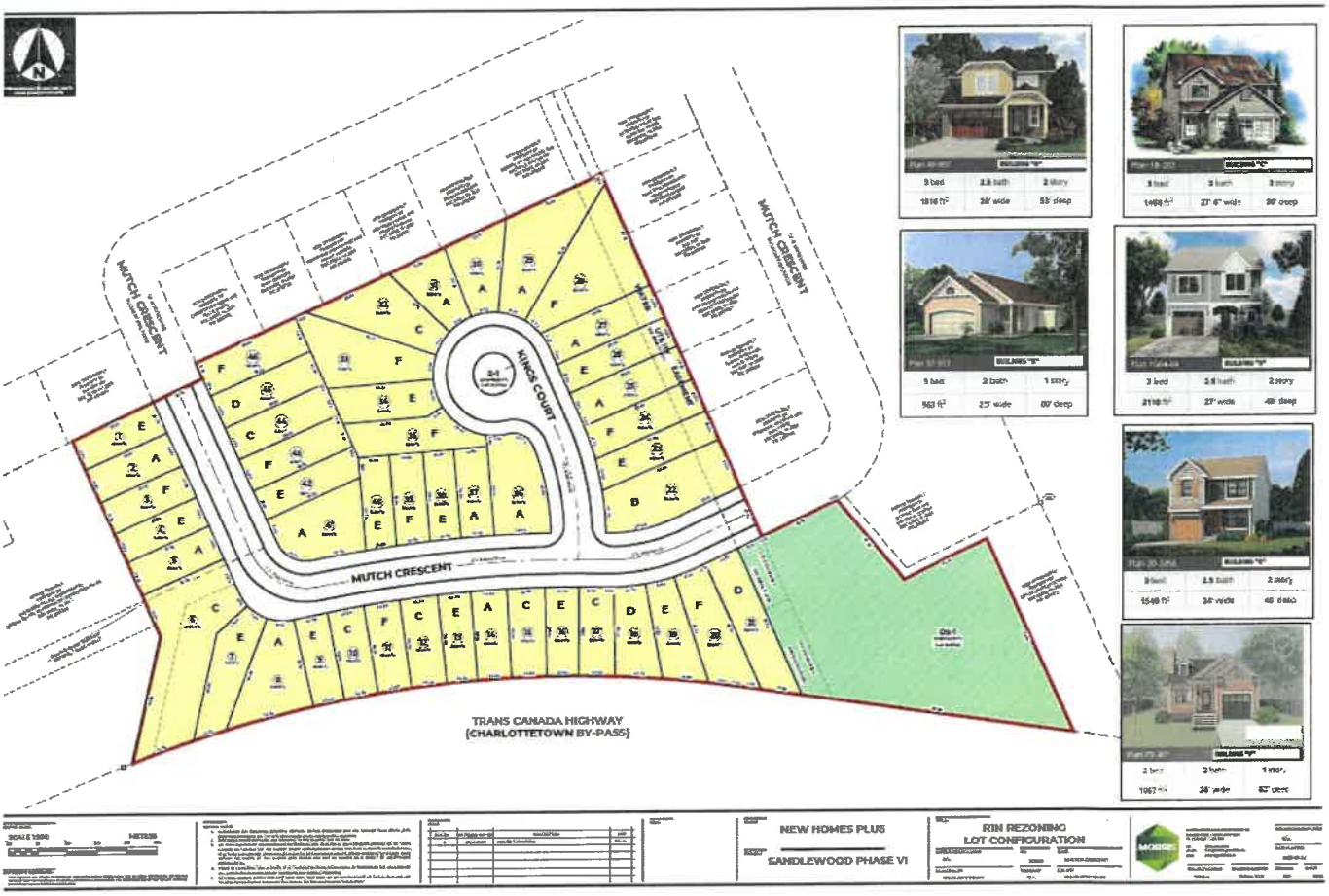
MANAGER:

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

ATTACHMENT A: GIS MAP



ATTACHMENT B: Subdivision Plan with Concept Elevations of Dwellings.



Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 11:38 AM
To: Thompson, Laurel
Subject: FW: Expansion proposal of Mutch Crescent

From: Fatbardh Maliqi <maliqib@hotmail.com>
Sent: June 29, 2022 9:44 AM
To: Planning Department <planning@charlottetown.ca>; Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>; MacLeod, Terry <tmacleod@charlottetown.ca>; Duffy, Mike <mduffy@charlottetown.ca>; Tweel, Mitchell <mtweel@charlottetown.ca>; Ramsay, Kevin <kramsay@charlottetown.ca>; Doiron, Bob <rdoiron@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>; Coady, Jason <jecoady@charlottetown.ca>; McCabe,Julie L. <jlmccabe@charlottetown.ca>; Bernard, Terry <tbernard@charlottetown.ca>
Subject: Expansion proposal of Mutch Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning community and elected officials,

I am writing this email in disagreement with the expansion proposal of Mutch Crescent.

Initially, when I purchased my property, the plan was for an additional 29 new homes. The proposed rezoning of 17 new homes will put a hefty toll on the community.

1) The subdivision does not have sidewalks. Many of the residents are families with small children and elderly couples.

2) 17 additional homes will increase the traffic flow significantly in the neighborhood. If each home has a minimum of 2 vehicles, there will be 68 additional drives added per day just for the work commute. This does not include drives to different sporting events, shopping, etc. In 5 working days, this will increase to 340 additional drives in the subdivision.

3) There are 3 school bus stops on the route where these vehicles will be driving. The Children are from Kindergarten to Highschool. At the intersection of Westeria Avenue and Hummingbird Street is the park where many small children play. Furthermore, this location is a drop-off location for many parents for the elementary school that is located behind the park. Adding these 17 new homes will make this neighborhood congested and hectic each day for the residents that live there.

4) The developer has a subjective view of affordable homes. However, he plans on selling these homes from $400,000.00 to $450,000.00. It is evident to me that these are not affordable homes it is a way for him to make more money on the available land.

5) The developer claims that the lots are the same size. However, it is impossible to add 17 additional lots on the same area of land without making the lots smaller.

6) Who will be responsible for maintaining the streets as the heavy traffic flow will severely deteriorate the streets.

7) When the City planners approved the build on this land they did so with a vision for this community. This community is well built and the vision for this community was for 29 additional homes. Why would the city planning change the vision for this community at this late stage of the development to add 17 homes and decrease the lot sizes for the sake of the developers' gains?

As elected officials, you have to put the interests of the public ahead of the greed of one man. Several concerns were raised from infostructure maintenance and prevention to the safety of the public.

Sincerely,

Fatbardh Maliqi

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 11:45 AM
To: Thompson, Laurel
Subject: FW: Re-Zoning of Mutch Crescent Development

From: Peter Barenthein <pbworldtour@yahoo.com>
Sent: June 29, 2022 10:39 AM
To: Planning Department <planning@charlottetown.ca>
Subject: Re-Zoning of Mutch Crescent Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning decision makers,

I am writing to express my strong objection to the proposed planning. This subdivision of all potential lots is done purely for personal profit, and for not benefit whatsoever to the community. It is shocking and highly circumspect that it is even being considered.

The Development of 29 properties was always the plan. All residents understood and accepted that. Now in a highly inflated real estate market the developer proposing a re-zoning to subdivide each of these lots into far smaller lots than the rest of the community is done purely for profit.

- Consistency - It is not in keeping with the character of the existing community.
- Traffic - It will increase traffic in our section past the curve at 59 Mutch Crescent from 11 households to at least 34 households - the traffic will change from a few cars slowing down to get their drive way versus dozens racing to get around the corner to get to the Crescent.
- Safety - The children of the neighborhood spend hours on this particular section of the street every day. This will massively increase the risk of a pedestrian accident in the neighborhood. That is totally unacceptable.
- Home values - It will drop all of our house values immediately as the neighborhood will be less desirable due to traffic and a convoluted mix of residences and yard sizes.
- Water access - this development has been delayed for years due to access to water right for 29 homes. How could it possibly be cleared to nearly double that. Our water pressure is low enough as it is!
- Greed - the developer knows he can make 50% more if the housing is high density. None of us signed up to live in a high density neighborhood.

I am frankly shocked this made past anyone in planning. There is no lack of available land in Charlottetown so any politically laden arguments for affordable housing are complete and utter nonsense.

I know I speak for everyone in the community when I say this is our first series of objections, and we will continue to object as many times and in as many forms, forums and elections as we can.

Regards,
Peter Barenthein
59 Mutch Crescent

Charlottetown, PE C1E 3G3

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 12:06 PM
To: Thompson, Laurel
Subject: FW: Expressing Concern against addition of 17 New Homes on Mutch Crescent.

From: J G <gidwanijitendra@gmail.com>
Sent: June 29, 2022 12:03 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Expressing Concern against addition of 17 New Homes on Mutch Crescent.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning community,

I am reaching out to you expressing my concern and disagreement with the expansion project that has been proposed for Mutch Crescent.

Although there are umpteen reasons as to why the addition of 17 new homes should not be approved, but to keep this short here are few main ones.

- We bought our property in this subdivision/neighbourhood because of the fact that there was no freeflow traffic despite the fact that there are absolutely no sidewalks for pedestrians.

- Most of the families have elderly going for a morning or evening walks, people walking their pets, kids playing on the street, now with addition of 17 new homes to originally proposed 29, this will increase the traffic flow significantly and hence create a safety concern. 46 new homes in. the neighbourhood with 2 cars each family, is 92 more vehicles passing by our streets. From the looks of it our neighbourhood barely has any space for 29 new homes so not sure how the builder is going to even build 46 homes instead of 29.

Last but not the least it will significantly affect the value of existing properties in the neighbourhood. I hope you would take the right decision and not let one man's greed win over the interest of public and let him create this mess that he has planned.

Many thanks,
Jitendra Gidwani

Sent via Superhuman

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 11:47 AM
To: Thompson, Laurel
Subject: FW: Proposed Rezoning Of Mutch Cres'

From: Glendon Arsenault <garsenault@biovectra.com>
Sent: June 29, 2022 10:59 AM
To: Planning Department <planning@charlottetown.ca>
Cc: 'gga@eastlink.ca' <gga@eastlink.ca>
Subject: Proposed Rezoning Of Mutch Cres'

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning

After Watching the proposal last evening for the above. These are some points that I would like to be added.

My total displeasure With Mr. Rivard for not representing the area that he was elected to do so with no excuse.

Mr Warren Doirons ,In my opinion " Poor Corporate citizen attitude", I have lived on Mutch for ~ 8 years..He still has dilapidated Construction Equipment that has been on site for up to 8 years On both ends of Mutch. With the amount of children that have moved into the area (Climbing all over the above Equipment)...It is a dynamic area with new families moving in ,,which I immensely enjoy.But the thought of children being injured scares me

With Mr. Doirons record of building 4- 5 home a year, I could foresee the new 45-46 home rezoning taking 8- 10 years...An excessive amount of time It would be a constant construction zone.

Some of the rental properties on Mutch have up to 5 cars per house now which is causing grief to winter snow removal personnel, Can **on** street parking be discontinued during winter months

We all realized that this was R1S when we build and knew of possibility of 29 lots, But I don't think any of us anticipated this rezoning to 45 /46.

The area with the duplexes although upkept well was originally R1S but changed to allow for this kind of development that Mr Doiron wanted

Thank you for Council for showing up and listening .....Except For Mr.
Rivard

Glendon Arsenault
15 Mutch Cres
Chtown PEI
C1E 3GE
902/394/2664

Ps,, Could not attend last nights meeting due to C19 isolation and I was too Late to to sign in to Webex

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 11:43 AM
To: Thompson, Laurel
Subject: FW: Mutch Crescent expansion

From: Tara Costain <tlcostain@gmail.com>
Sent: June 29, 2022 10:36 AM
To: Planning Department <planning@charlottetown.ca>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the planning committee,

My name is Tara Costain and I live at 75 Mutch Crescent. I am opposed to the increase from 29 to 46 houses regarding the Mutch Crescent expansion. The reasons for my opposition are as follows:

1. We purchased our lot and home with the expectation that the remainder of the neighbourhood would be completed in the same style. Subdividing a portion of the lots, cramming in as many houses as possible, will change the esthetic of the entire neighbourhood and lower the value of the properties my neighbours and I have invested in. The developer knows he could not sell a house for $900,000 in our neighbourhood, but he can subdivide and sell two for $450,000 each, maximizing his profit, while our community loses. The argument that they are affordable housing is nonsense as the average family could not afford the $450,000 minimum price he plans to attach.
2. Traffic. Traffic is already a large problem on the streets leading into the new area (Appletree, part of Raspberry, Hummingbird, Wisteria, and Mutch.) One might argue it's a problem in all subdivisions. My response to that is I don't believe that every neighbourhood has the number of children ours has due to the proximity or the school. It is a major reason many families purchase in Sandalwood. And not only are there a lot of children, they're outdoor loving children. On any given day there could be 10-15 kids just on my small section of the street riding their bikes, scooters, playing basketball. The increase from 29 to 46 houses puts potentially 50 plus more cars driving by multiple times of day, not to mention deliveries etc. The additional construction traffic for 17 more homes will also make the area more dangerous for the large amount of children who live in the area.

Thank you for giving us a chance to voice our concerns. In conclusion, I hope you find that the rezoning holds no value to the community as a whole, and only benefits one person, the developer.

Sincerely,
Tara Costain

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:36 AM
To: Thompson, Laurel
Subject: FW: Rezoning of Mutch Crescent

-----Original Message-----
From: Angie barentheim <angiemacc@hotmail.com>
Sent: June 29, 2022 8:36 AM
To: Planning Department <planning@charlottetown.ca>
Subject: Rezoning of Mutch Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my strong opposition to the proposed re-zoning of Mutch Crescent. My husband and I purchased our house in 2020 with the understanding that 29 homes would be built on the remaining portion of the land in Sandalwood subdivision. Which we felt comfortable with. With this knowledge we believed Mutch Crescent would be a safe, comfortable subdivision to raise our two young children. However, we are shocked and appalled to discover that the remaining land is now being considered to be sub divided into 46 lots! My family is completely opposed to the addition of the extra 17 homes which will cause traffic and safety problems, create even more problems with the west Royalty elementary school which is already overcapacity and potentially lower The property values of the existing community.

Traffic and safety of children and the elderly are a major Area of concern. Increased traffic due to having only one point of entry/exit from Wisteria Avenue will surge. As there are no sidewalks/speed bumps or crossings on any of the streets leading to Mutch Crescent and within Mutch Crescent there will surely be an unfortunate incident. The morning and afternoon traffic of Mutch Crescent is already an issue as many parents now use Mutch Crescent as a drop off point for their children who attend West Royalty elementary. West Royalty elementary has recently lost a huge proportion of their school parking lot due to the expansion and Mutch Crescent is now the alternative solution for many families to drop their children off.

I urge you to disapprove the proposed rezoning and from discussions with my neighbours I know my opinions are shared by many who have not managed to attend the meeting or write emails.

Our city must be held accountable to all residents and not simply approve the rezoning to 'tick the box' of affordable housing developments without any regard for the existing community.

Thank you for your support of our community. Best
Angela Barenthein.

Sent from my iPhone

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:35 AM
To: Thompson, Laurel
Subject: FW: Extension of Mutch Crescent (PID #773051)

From: Stephen MacSwain <sdmacswain@edu.pe.ca>
Sent: June 29, 2022 8:35 AM
To: Planning Department <planning@charlottetown.ca>
Subject: Extension of Mutch Crescent (PID #773051)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Stephen MacSwain here; resident at 80 Mutch Crescent. I am writing in objection to the extension of Mutch Crescent (PID #773051) that was discussed at a public meeting at the Rodd Charlottetown Hotel on Tuesday, June 28. I am against this consideration of rezoning for the following reasons:

- When I relocated my family to this neighborhood three years ago, I invested in a neighborhood close to an elementary school with young families like mine, in similar style dwellings. The new proposed 46 R-1N lots do not even come close in size to the 29 R-1S lots that were shown as part of our decision to move to the area. The size of the dwellings in the proposed plan are in some cases a third of the size of some of the existing homes on Mutch.

- Mutch Crescent is a already a busy street, with many children enjoying each other's company outdoors daily. I feel that with an additional 17 homes on top of the 29 that are zoned, will have a dramatic negative effect on traffic on our street.

Thank you,

Stephen MacSwain

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:34 AM
To: Thompson, Laurel
Subject: FW: Extension of Mutch Crescent

From: Jinty Twin productions <gmdoiron123@gmail.com>
Sent: June 28, 2022 11:16 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Extension of Mutch Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Unable to attend the public meeting, I am a homeowner that lives close to the proposed changes to zoning.

All for development and afforable housing and such, but having lived thru construction for years in the past and the traffic, noise and dirt that comes with progress, I have one concern.

My small street sees lots of traffic as it stands. Inquiring if our street, Appletree lane, would be used as a main access (off Upton rd) to the building site? Or is there a temp road in the process?

If our road is the only means of proposed access (under assumption writing this)
I am requesting that the other entry road off Upton rd ..Sandalwood drive share in the traffic ...meaning if these are the only access streets to 46 (instead of 29 approved) new developments that certain days/weeks certain streets be used to cut down on dump trucks construction deliveries etc. and noise to not just one access point (Apple Tree Lane). Better still, if a temp access rd is possible to the building site.

This physically may maybe not an option. Therefore, my concern is that the smallest street in the subdivision could be busier and or the busiest. It very well maybe already.

As I say, I could not attend the meeting, so these questions may have been addressed. I would like a copy of the meeting notes please if available and possible. If not, this is a request I would like the city/developer to addresse re: road use during construction.

Thank you for your time. Will look forward to a response.

Michelle Corrigan-Doiron
& Greg Doiron

10 APPLETREE LANE
C1E 0H6

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:30 AM
To: Thompson, Laurel
Subject: FW: Mutch Crescent Extension

From: Hayley Myers <hayley.myers.2015@gmail.com>
Sent: June 28, 2022 10:35 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Mutch Crescent Extension

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

Re: Extension of Mutch Crescent (PID #773051)

As a homeowner whose land backs onto the land affected by this proposal, I'm asking that you consider the perspective of someone who would be impacted every day by the decision you make.

1. When all the property owners on the street began working with Warren to build our houses, he had a plan for that extension and sold us a vision of the subdivision along with our homes. We made our decision to build there based on that vision and what his plans would mean for the future value of our homes. Never did he say that he might increase the number of houses being built by 37%. Had we known that, there's a good chance we wouldn't have built there.

2. On our end of the street, from the mailboxes to the end of Mutch on the side closest to West Royalty Elementary, there are 29 kids that I know of (and possibly more). Even now, with the street being a dead end, there is a constant flow of delivery vans, food deliveries, visitors, and random lookey-loos who drive far too fast. That's not including the residents, who add to the traffic but at least know to slow down because of all the kids & pets. Adding to this concern is the fact that there are NO sidewalks anywhere in the subdivision. You can't say you're promoting healthy living and then take away a family's right to safely take a walk on their own street.

3. We already know from past experience that the construction workers building the houses go flying down the street in dump trucks, no matter how many times we've gone out & spoken to them, begging them to slow down. I know of at least one neighbor who's called the police because of it.

4. I'm not sure why Warren kept stressing that the parcels of land in the extension are the same size as the rest of the houses but that is 100% not true. You can see on the map that when you don't factor in the 10ft easement between our land and the plots behind us, there are two full parcels behind our property (which was sold as a single plot). People on Hummingbird have also confirmed that their land is larger than those plots in the extension. Warren also said the houses are close together in the existing subdivision but that's not the case either. There is no way it would be comparable.

5. We've already had our fair share of crime in this neighborhood, including cars, houses & sheds being broken into and property stolen. It stands to reason that adding more people to the area will increase crime - adding 37% more homes

will only increase crime by that much more...especially if they're 'affordable' housing. We know that there is already a shortage of police...patrolling & enforcement isn't going to increase if this is approved.

6. We built our house as an investment in our future, taking Warren's plans into account when we made that decision. If Warren's proposal was accepted, it would guarantee that the future resale value of our home would be lower, taking money out of our pockets and those of every homeowner in the area.

I implore you to consider the effects that granting Warren's request would have on so many families and homeowners, both in terms of safety on a daily basis and in terms of the financial ramifications.

Sincerely,
Hayley Myers
76 Mutch Crescent

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:26 AM
To: Thompson, Laurel
Subject: FW: Proposed re-zoning of the Mutch Crescent extension to R1-N from it's Current R1-S.

From: Richard Ryan <richardryanpei@gmail.com>
Sent: June 28, 2022 10:23 PM
To: Planning Department <planning@charlottetown.ca>
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>; MacLeod, Terry <tmacleod@charlottetown.ca>; Duffy, Mike <mduffy@charlottetown.ca>; Tweel, Mitchell <mtweel@charlottetown.ca>; Ramsay, Kevin <kramsay@charlottetown.ca>; Doiron, Bob <rdoiron@charlottetown.ca>; Coady, Jason <jecoady@charlottetown.ca>; McCabe,Julie L. <jlmccabe@charlottetown.ca>; Bernard, Terry <tbernard@charlottetown.ca>
Subject: Proposed re-zoning of the Mutch Crescent extension to R1-N from it's Current R1-S.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I Would like to send the following thoughts about the proposed re-zoning of the Mutch Crescent from R1-S to R1-N. I attended the public Meeting on June 24 and would like to offer further Concerns about this proposed zoning change and my complete Objection to it. I live on Mutch Crescent and this will directly affect me and my family.

The increase from 29 lots to 46 seemed to be minimized at the meeting, but this could be and would be is a drastic change for our neighborhood that would increase traffic intensity beyond a safe point. Already we see so many cars driving though our neighbourhood that do not live there, they are just "gawking" as we call it. As mentioned at the meeting all the residents have witnessed close call already with the number of kids the play on our streets. Our neighbourhood is the kind where the kids play outside all the time and is the kind of place that I would want to grow up in. But with this proposed change would destroy this, our quiet streets would have contact traffic and the kids no longer run around and play freely, street hockey and basketball days would become dangerous.

Also the proposed re-zoning and increase in lots and homes would completely change the look and feel of our neighbourhood and will not fit at all with the homes that currently occupy this area. The builder is basically attempting to shoehorn a "trailer park" into an established neighbourhood in the guise of adding affordable homes. This will only increase property values as buyers with deep pockets will overbid to 500,000, or 600,00 or more for these "homes" to ultimately rent and very high rates. Once these home show as sold for these high sums housing prices will be worse that before. The builder is just ringing there hands and can't wait to cash in.

The current proposed plan for the 29 homes was shown to buyers as we purchased homes in the area and we all were ok with the current plan, I now know many of my neighbours that are worried what this means for the price of their asset and for some could mean their value will decrease below what they paid this may cause many to sell and leave at a loss, and I have head many say they will do just that as it's not the money that keeps them here, it's that a quiet and wonderful place to raise a family. Having 40 rental properties next to us will ruin this neighbourhood, and I also know many that will go out of their way to make potential buyers of these properties know this would not be a good property to buy.

I would like all councilors to consider taking the neibhbourhoods they live in and doing this there, how would you all feel? If a developer wants to build a Tiny home development then do that in a new area not a 75% complete neighbourhood, where all residents know what the neighbourhood will be and look like and know that, not dumped on them 6 - 10 years later.

I am also angry and disappointed that Greg Rivard who came to my door looking for my vote but didn't even bother to show up to the meeting. I would like answers as to why he was not in attendance as he should have been to answer to the public in his ward that will be directly affected. Not acceptable.

I hope city will choose to take the concerns of the residents who live in this great city over profit interests of a private company.

Thank you,

Richard Ryan
91 Mutch Crescent.

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 9:22 AM
To: Thompson, Laurel
Subject: FW: Extension of Mutch Crescent(PID#773051)

From: zhang yun <zhangyunapple@hotmail.com>
Sent: June 28, 2022 10:00 PM
To: Planning Department <planning@charlottetown.ca>
Subject: Extension of Mutch Crescent(PID#773051)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Yun Zhang, from Mutch Crescent, Charlottetown. First, I will apologise because I applied to participate the public meeting online, but I went to it in person. Second, I want to show my objection for the "Extension of Mutch Crescent(PID#773051)". Our neighourhood is beside the West Royalty Elementary school. There are lot of kids in many ages along with young families. The kids play in the street especially in summer time, on the streets, running, biking and playing basketball. Our street already recieves many cars, trucks and other vehicles that drive by, we can not imagine what it would be like if there were more cars. The traffic that the added houses bring will be a risk to all the children playing outside. I believe that the traffic will not only be an inconveniece but will be a danger for all the young children that play outside. I am very dissapointed with the proposal to rezone the remaining land in the Sandlewood Subdivision. When I bought our house about seven years ago, we agreed to the 29 houses not 46. Thanks.

Best Regards,

Yun Zhang and her family.

Thompson, Laurel

From: Planning Department
Sent: June 29, 2022 12:04 PM
To: Thompson, Laurel
Subject: FW: Proposed Mutch Crescent Rezoning

From: Shawn Myers <myerss@opentext.com>
Sent: June 29, 2022 11:52 AM
To: Planning Department <planning@charlottetown.ca>
Subject: Proposed Mutch Crescent Rezoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councillors,

I'd like to add my voice to those in opposition to the proposed zoning change for Mutch crescent in the Sandlewood subdivision in Charlottetown.

Many of our neighbours stood in front of council and explained their fears about the extra traffic that would accompany an increase in homes built per the re-zoning. We were told no traffic study was conducted, nor would it be conducted because there was no requirement to do so. That was hardly a comforting explanation.

The plan will add traffic that will endanger our kids, our pets, and our community as a whole. You've heard the arguments and I won't belabour the point, but I'd like to share an illustration that shows how poorly planned this really is.

The traffic from Mutch crescent collects to one point on Wisteria Ave. This is already a bottleneck for traffic (See #1 on the image below). Unfortunately, it is also the location of our community mailboxes ***and*** a drop off point that parents from outside the community use when bringing their kids to school in the morning and picking them up in the evening. (See #2 on the image below). Adding 47 new homes with 2 cars per home will very obviously add to the congestion and thus increase risk. Surely, that would have warranted a traffic study.

Another concern was that we, on Mutch Crescent, were sold our home over that past 5/6 years with the PROMISE that the final phase of the subdivision would include only 28 homes on large well serviced lots. The developer is now simply changing his mind and the motivation is obvious. Squeezing the additional homes into an area ALREADY ZONED, is simply a cash grab.

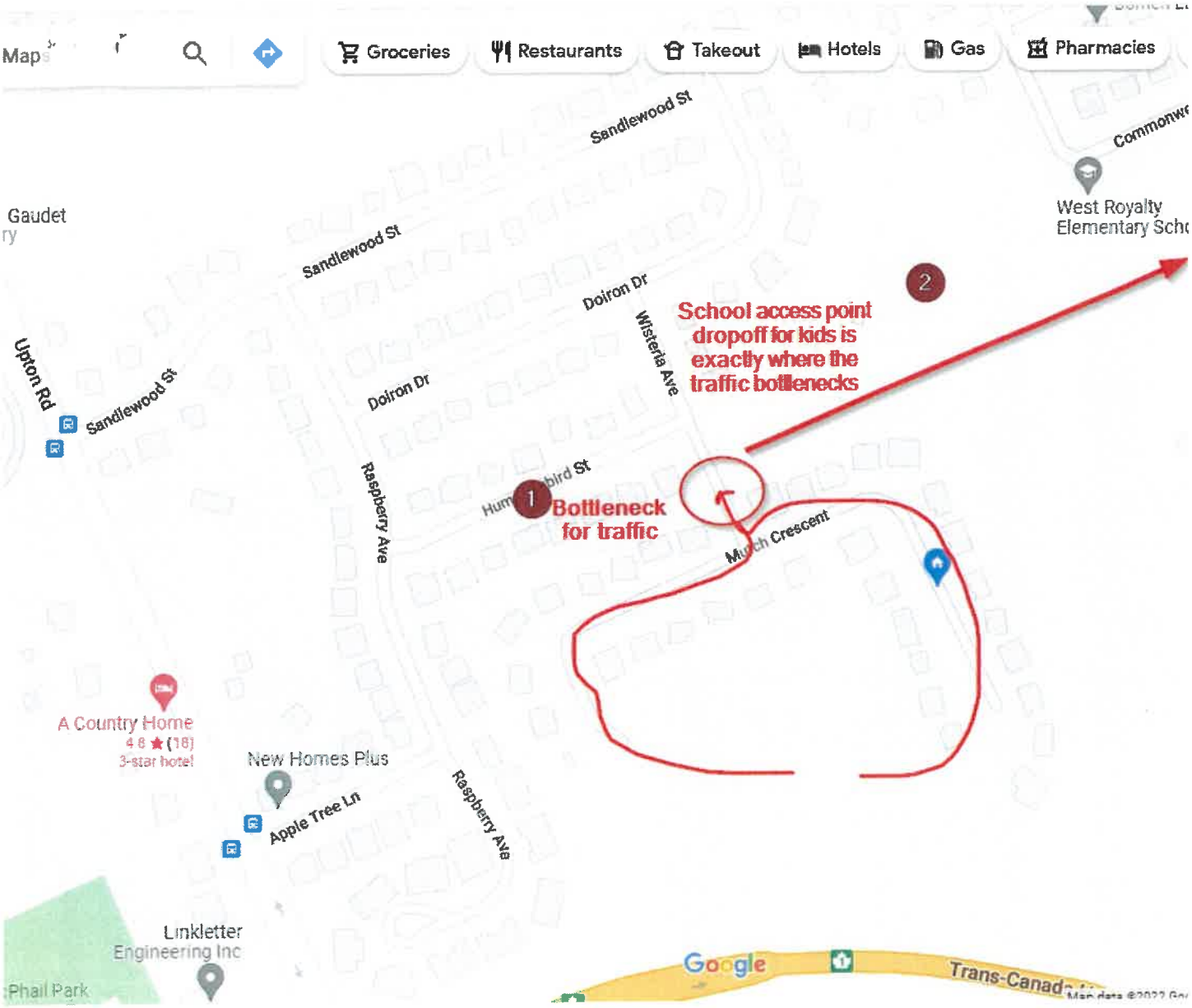
Those in attendance at the meeting June 28 would have seen Mr. Doiron struggle to answer just how he plans to sell a $750,000 home for $450,000. His answer to this question was that he can't change the price of a cost of 2x4 (lumber), but he can reduce the price of his lots. When asked how he can reduce the cost of the lot by $300,000, he was notably silent.

Mr. Doirion intentionally provided a diagram of his proposal that obscured the lot sizes and he said numerous times that he was keeping lot sizes that same size but making them longer. Even council can acknowledge this was disingenuous and you can see it on the plan. The lots will mostly be half the size of those in existence.

If, as Mr. Doiron says, he is attempting to rezone primarily to provide "affordable housing" options, then there is no reason why can he not simply build the same size "affordable" homes (from his rezoning plan) on the existing lots. He already explained in front of council that he was willing to reduce the cost of the lots, but why does that need to include reducing them to half the size? Naturally, there is only one answer, and that is to maximize profit. There is no altruism here on the part of Mr. Doiron.

Our neighbourhood would welcome these affordable housing options on the existing lot sizes.

Like my neighbours, I am also supremely disappointed that our councillor, Mr. Rivard chose not to attend after indicating that he would represent us at the meeting.



Thank you for your time.

Shawn Myers
76 Mutch crescent

Shawn Myers
Principal Technical Support Specialist | Global Customer Support
OpenText - Canada
Office / Mobile +1 902.629.5892
Email:myerss@opentext.com
Website: www.opentext.com



This email message is confidential, may be privileged, and is intended for the exclusive use of the addressee. Any other person is strictly prohibited from disclosing or reproducing it. If the addressee cannot be reached or is unknown to you, please inform the sender by return email and delete this email message and all copies immediately.

TITLE: CDA AMENDMENT FILE: PLAN-2022-04-JULY-6B-6 50 CUMBERLAND ST. OWNER: MARITIME ELECTRIC COMPANY LTD.	CHARLOTTETOWN
MEETING DATE: JULY,4 2022	**Page 1 of 10**

DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. GIS Map B. Site Map C. Conceptual Drawing D. Project Description

SITE INFORMATION:

Context: Comprehensive Development Area Zoned Land

Ward No: 1 – Queens Square

Existing Land Use: Industrial power generation plant

Official Plan: Comprehensive Planning Area

Zoning: (CDA) Comprehensive Development Area

RECOMMENDATION:

Staff recommends for Planning Board to recommend to Council to approve the request to proceed to public consultation for the request to amend the Development Concept Plan and amend Appendix "B" *Comprehensive Development Area (CDA) Parcels and Permitted Uses,* pertaining to 50 Cumberland PID# 679381 for the construction of a new industrial equipment building and the demolition of the existing steam plant.

BACKGROUND:

Request

This is an application to amend an existing development concept plan and amend Appendix "B" (Comprehensive Development Area Parcels and Permitted Uses) of the Zoning and Development Bylaw to include PID# 679381 with listed use as (industrial equipment building, utility power plant) under Section 44, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw. The request is to allow the construction of a new industrial equipment building. The application also involves the demolition of the existing steam plant and the steam stacks.

Section 44.2.5 of the Zoning and Development Bylaw requires that amendments to a Development Concept Plan be approved by Council. The amendment/approval process must be treated as if it were an amendment to the Zoning and Development Bylaw and therefore requires notification of property owners within 100 meters of the subject property, posting of the proposed bylaw amendment and a public meeting. The Bylaw also requires that the working site plan and buildings also be approved on the recommendation of Planning Board. The developer is submitting a site plan, and architectural drawings for the requested building for review and approval at this time.

Development Context

The property in question is located at 50 Cumberland St. However, access to the site is at the base of Richmond Street. The total acreage for the Maritime Electric site is approximately 28.8 acers consisting of 14 land parcels and 4 water lots. The proposed building will be located on PID # 679381 which is 2.41 acres. It is bound to the north by Grafton St, to the east by land zoned CDA, to the south by CDA zoned lands and Water Street and to the west by R-3 (Medium Density Residential), I (Institutional) zoned lands and Cumberland Street.

This application also involves the demolition of the existing steam plant and stacks from the site. The steam building currently houses equipment for Maritime Electric's 50 megawatt combustion turbine generator. This equipment will be moved to the new building and once relocated the steam plant will be demolished.

The proposed building is two storeys (25.5 feet high) and is 55 feet wide X 65 feet long. Maritime Electric has indicated that construction of the equipment building is proposed in two phases. The first phase which is slated to begin in the fall of this year and the second phase which is scheduled to proceed in December of 2022 to November of 2023.

A stormwater control plan was developed by CBCL for this project and since 2019 Maritime Electric has planted over 100 new trees to create a landscape buffer around their property.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.10 of the Zoning & Development By-law, notice is required to be sent to property owners located within 100 meters of the subject property advising them of the

proposed amendment to the comprehensive development plan. A public meeting is also required to be held to present the proposed amendments to the public.

44.2.7 Before Council approves or amends a Development Concept Plan in a CDA Zone, a public meeting shall be called in the same manner, mutatis mutandis, as if an amendment to this by-law were being considered.

ANALYSIS:

Maritime Electric has occupied this site for nearly 100 years. When established the plant was originally known as the Charlottetown Gas Light Company. The existing steam plant building is situated along Cumberland Street. The building has a significant industrial presence along the street scape. The west side of Cumberland Street is zoned Downtown Neighbourhood. Properties along this portion of the street consist of single detached, semi detached and converted dwellings. The area on this side of the street for the most part is a low density neighbourhood. Demolition of the steam plant will open up this area of Cumberland Street and will provide more buffering between this industrial use and the low density neighbourhood by moving the building housing the generating equipment farther back on the Maritime Electric property.

The Official Plan states,

3.5 (a) Eastern Gateway Waterfront

Starting Point

"Maritime Electric, located generally east of Cumberland Street, north of Water Street and south of Grafton Street is an electric power generating station that includes a 24-hour energy control center, transmission and distribution lines, and an electrical substation. As of 2018, Maritime Electric has applied to the Island Regulatory and Appeals Commission to decommission the station. While important energy generating uses are still expected to remain on the site in some way, their relationship to the growing city around them will be monitored and directed through policies set out in this section."

2. Our objective is to support public and private redevelopment opportunities for a wide variety of uses.

vi. Our policy in the Eastern Gateway Comprehensive Planning Area 4 will be to:

i. Support existing long term industrial uses on these lands.

The Maritime Electric property was identified in the Eastern Gateway Plan as a "long term industrial land use". It was recognized in the Official Plan and Eastern Gateway Plan that this land use would continue in this area. It was also recognized in the Official Plan that the steam plant building would be decommissioned. Therefore, this proposal is in line with the policies and objectives of the Official Plan and the Eastern Gateway Plan.

Positives	***Neutral***	***Shortcomings***
▪ *The demolition of the steam plant is in line with the objectives of the Official Plan.* ▪ *Demolition of the steam plant will open up open up lands located along Cumberland St.* ▪ *Construction of the new equipment building will move the power generating turbine further back on the Maritime Electric site away from the low density housing.*	*The site will continue as industrial in this area of the City.*	▪

CONCLUSION:

It is staff's opinion that removal of the existing steam plant will contribute to improving the aesthetics of the area identified as the Eastern Gateway. The new modern equipment building will be moved farther back on the Maritime site and is only two stories in height. Therefore, this industrial use will not dominate the skyline or streetscape as it currently does. The proposal to remove the existing steam plant was proposed in the Eastern Gateway Plan and is in line with the objectives of the Official Plan. If removed staff would recommend that additional landscaping and buffering be initiated along Cumberland Street to provide a landscape buffer between the low-density residential uses along Cumberland Street and the Maritime Electric site.

Therefore, staff encourages the Board to recommend that the application proceed to public consultation to amend the Development Concept Plan pertaining to 50 Cumberland Street PID# 679381.

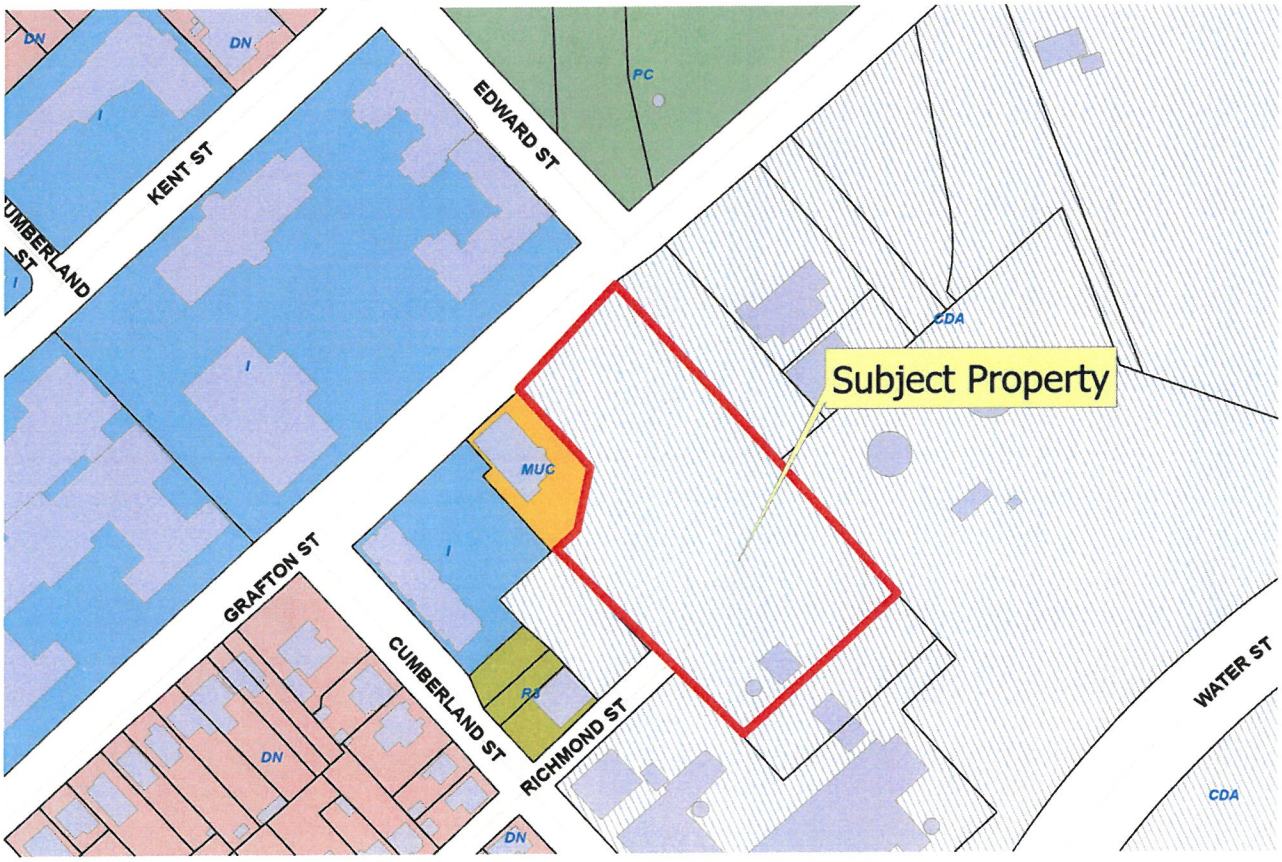
PRESENTER:

Laurel Palmer Thompson, RPP, MCIP
Planner II

MANAGER:

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

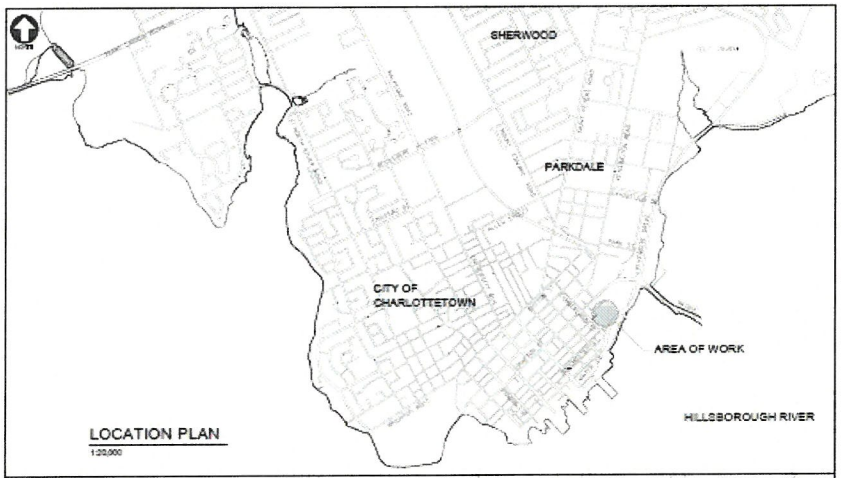
Attachment A - GIS Map:

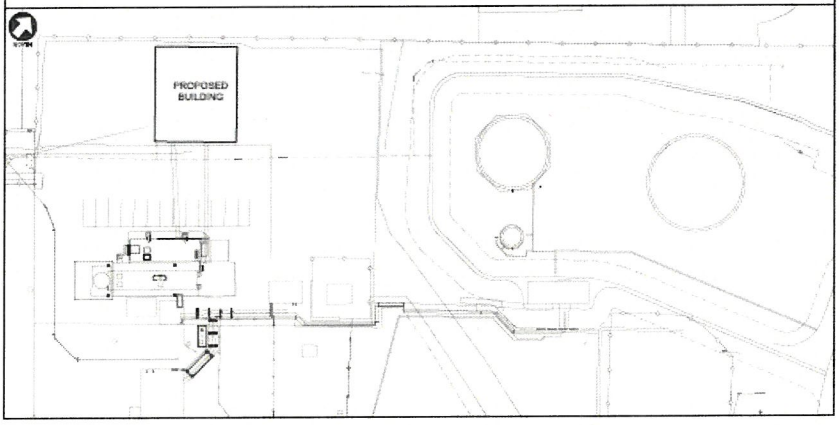


Attachment B: Site map:

MARITIME ELECTRIC

CT3 EQUIPMENT BUILDING



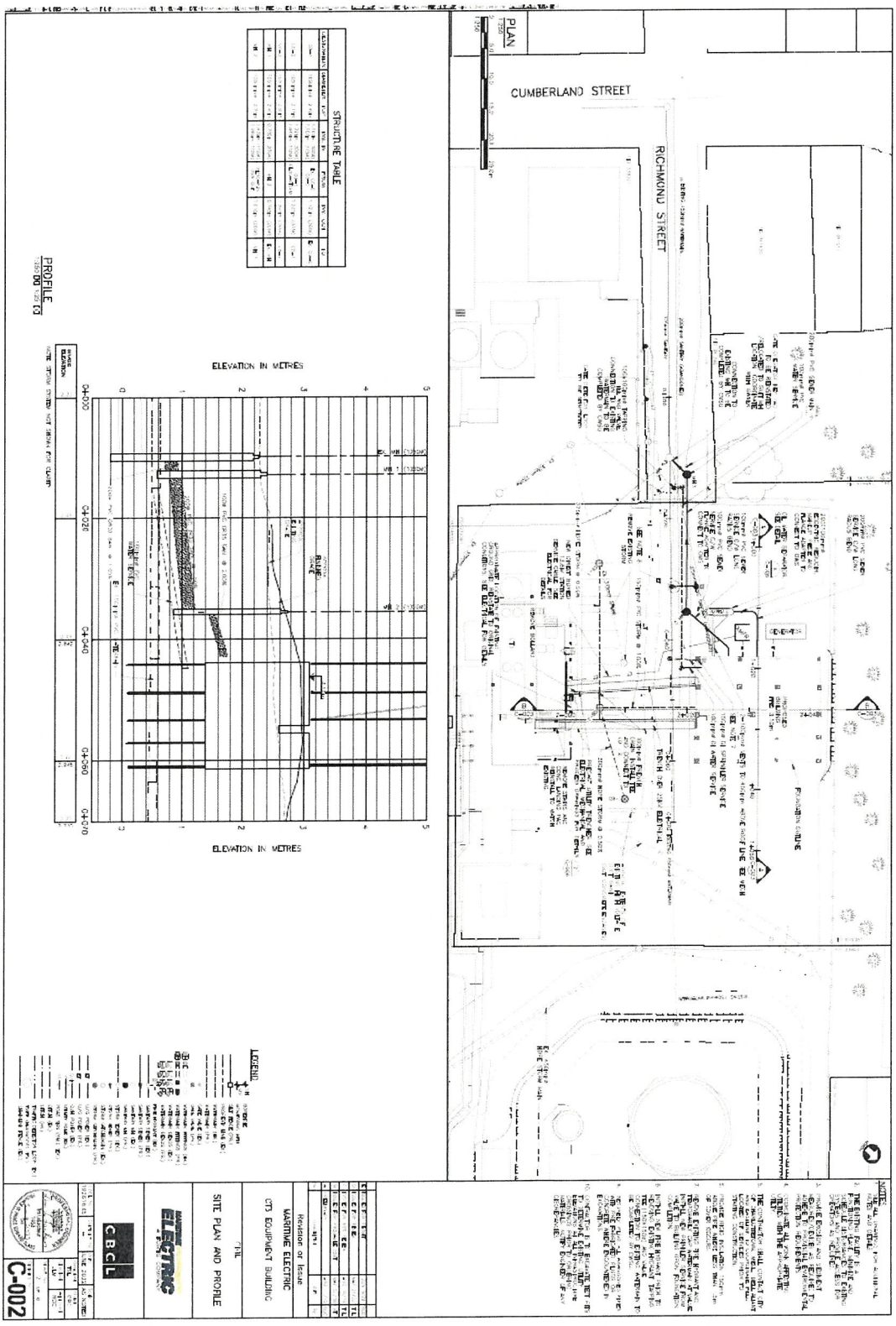


CBCL

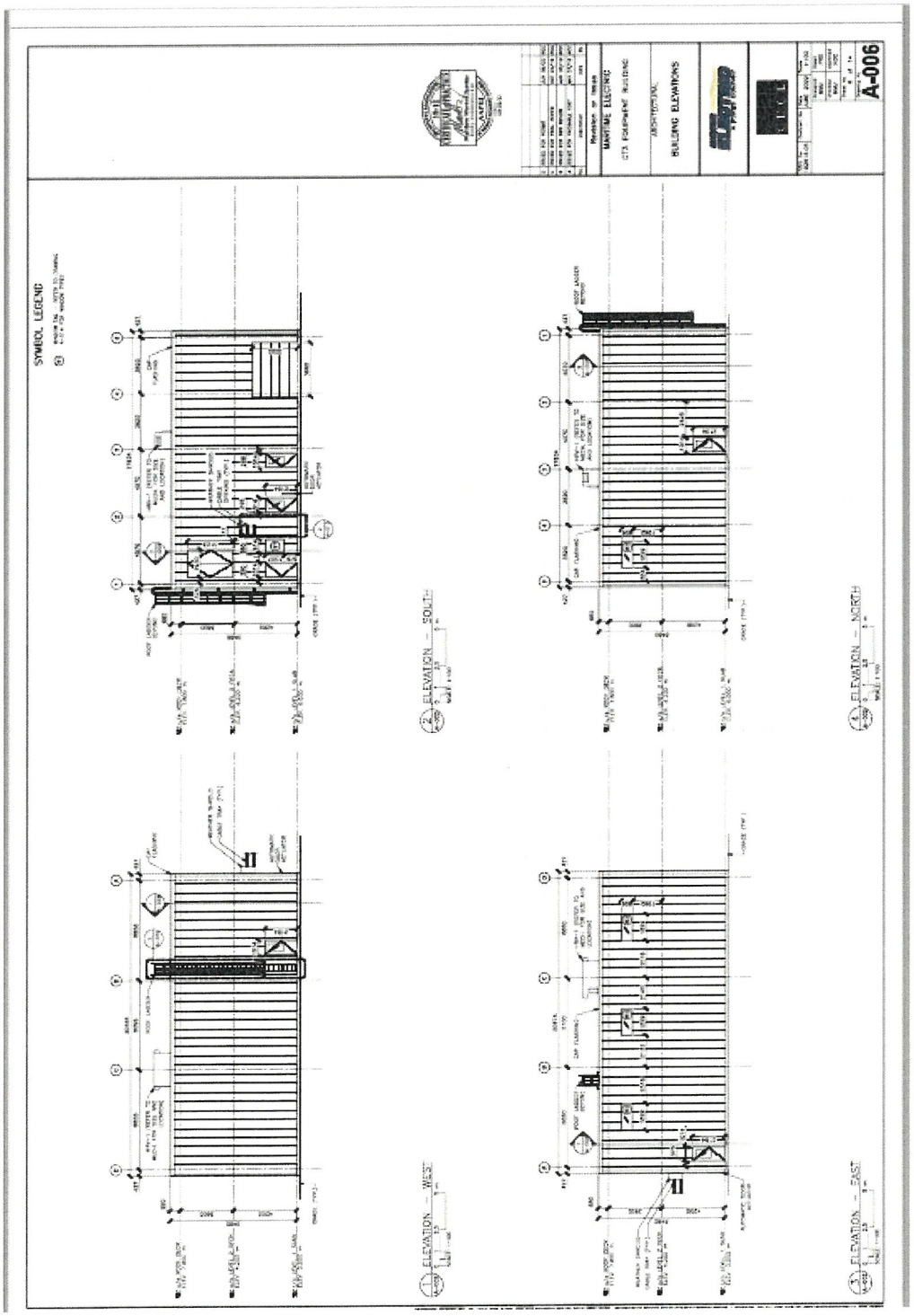
Project No 192516 05

MARITIME ELECTRIC
A FORTIS COMPANY

ISSUED FOR PERMIT
JUN 09, 2022
NOT FOR


PLAN
CUMBERLAND STREET
RICHMOND STREET
PROFILE
ELEVATION IN METRES
ELEVATION IN METRES
STRUCTURE TABLE
LEGEND
MARITIME ELECTRIC
CTS EQUIPMENT BUILDING
SITE PLAN AND PROFILE
C-002

Attachment C: Elevation Drawings:



Attachment D: Project Description

FILE: PLAN-2022-04-JULY-6B-6 50 CUMBERLAND ST.	CHARLOTTETOWN Planning & Heritage Department

MARITIME ELECTRIC
A FORTIS COMPANY

Project Description for the Construction of a New CT3 Equipment Building

Charlottetown Generating Station

50 Cumberland Street, Charlottetown

1.0 INTRODUCTION

Maritime Electric Company, Limited ("Maritime Electric") is seeking a building permit from the City of Charlottetown for the construction of a new equipment building at the Charlottetown Generating Station ("CGS") located at 50 Cumberland Street, Charlottetown, PE, C1A 5B9.

1.1 BACKGROUND INFORMATION

Maritime Electric's CGS is a fossil fuel fired generating station which is equipped with a 50 Megawatt ("MW") Combustion Turbine Generator ("CT3") and a retired Thermal Generating Station ("Steam Plant"). CT3 consists of a light-oil fired General Electric gas turbine with a Meiden Generator. CT3 was constructed and commissioned in 2005. Critical ancillary equipment that is required for operation of CT3 is housed inside the existing Steam Plant Building. The Steam Plant is owned by Maritime Electric and was originally commissioned nearly 100 years ago by the Charlottetown Gas Light Company. The Steam Plant consists of four heavy fuel-fired ("Bunker C") thermal generation units as well as one light oil-fired gas turbine. The Steam Plant thermal generation equipment has reached the end of its useful life. Therefore, Maritime Electric has retired and is decommissioning the thermal generating units at the Steam Plant.

On September 19, 2019 the Island Regulatory and Appeals Commission ("IRAC") issued Order 19-08, in which IRAC approved the CTGS Decommissioning Plan. Retirement of the Steam Plant occurred, as planned, on January 1, 2022.

On May 13, 2022 IRAC issued Order UE22-03, in which IRAC approved the demolition of the Steam Plant Building and construction of a new CT3 Equipment Building. All equipment required for the operation of CT3 will be relocated from the Steam Plant Building to the new CT3 Equipment Building.

1.2 DESCRIPTION OF THE SITE

The CGS property on Cumberland Street consists of 14 land parcels and 4 waterlot parcels with a total area of approximately 11.65 hectares (28.8 acres). The Site is identified by the Province of PEI's Department of Provincial Treasury-Geomatics Information Centre as provincial property identification numbers ("PID"s) #338921, 679381, 341396, 341503, 341511 and 341529. There are nine land parcels associated with PID #338921. Maritime Electric has a 999 year lease agreement with The Cumberland Trust for four property parcels located within PID #338921, which began in 1853 with the Charlottetown Gas Light Company. Maritime Electric also has a lease agreement with the Charlottetown Harbour Authority Inc. ("CHAI") for the 6.45 hectare water lot property (PID #671628; includes four property parcels), which began in 1990 and expires in 2040. The water lot is located southeast of the Steam Plant on the Hillsborough River and includes the River Pumphouse and Cooling Water infrastructure as well as a rock groyne (breakwater) which is approximately 370 meters long.

The CGS is located within the southeastern limits of the City of Charlottetown in a mixed usage area zoned as Comprehensive Development Area (CDA). The main access route to the Site is via Cumberland Street and Richmond Street, which are asphalt paved roads maintained by the City of Charlottetown. A second entrance to the Site is located off of Water Street Parkway and an exit from the Site connects to Grafton Street.

A Site plan of the development is detailed in the Issued for Permit drawings titled "CT3 Equipment Building", prepared by CBCL.

1.3 PURPOSE/ RATIONALE/ NEED FOR THE PROJECT

In June 2018, a decommissioning study was completed by GHD Engineering of Fredericton, New Brunswick, to review the demolition of the existing Steam Plant Building. GHD Engineering indicated that the full demolition of the Steam Plant Building would be cheaper than retaining and upgrading a portion of the Steam Plant Building to continue to house CT3 equipment.

In April 2020, Fitzgerald and Snow Ltd. of Summerside, PEI completed a constructability review which determined that retaining the Steam Plant Building was cost prohibitive. The review determined that expensive structural work would be required to retain the Steam Plant Building including (i) replacing unreinforced masonry, speed tiles and brick walls; (ii) installing additional steel piles; (iii) replacing the roof; and (iv) raising the elevation of the ground floor of the building to meet flood elevation requirements.

The new CT3 Equipment Building will enable decommissioning and demolition of the 95 meter (310 feet) x 70 meter (230 feet) Steam Plant Building that currently occupies a large piece of the Cumberland Street Site. CT3 equipment installed within the Steam Plant Building currently occupies approximately 30% of the building.

CT3 equipment housed within the Steam Plant Building is needed for the remaining useful life of the combustion turbine, projected at another 35 to 45 years. CT3 equipment will be relocated from the Steam Plant to the new CT3 Equipment Building prior to the start of demolition of the Steam Plant Building. The construction schedule provides a less complex, safer, lower risk and more cost effective demolition project for the Steam Plant Building.

2.0 PROJECT DETAILS

The Project consists of the construction of a two storey building 16.78 meters wide (55 feet), 19.82 meters long (65 feet) and 7.8 meters high (25.5 feet). Maritime Electric proposes that the building be constructed on a portion of PID # 679381, south of the parking lot that is currently being leased to Holland College by Maritime Electric. The building will be situated off the Richmond St roadway at an elevation of 3.10 meters above mean sea level ("AMSL"). The development is further detailed in the Issued for Permit drawings titled "CT3 Equipment Building", prepared by CBCL.

Construction of the CT3 Equipment Building is proposed in two phases. The first phase, Phase 1, which is proposed to occur in the Fall of 2022, includes the driving of piles and construction of pile caps.

The second phase of the Project, Phase 2, which is proposed to occur from December 2022, to November 2023, includes the construction of the remainder of the building structure and the relocation of all CT3 equipment that is currently housed within the Steam Plant Building to the new building.

2.1 PHYSICAL FEATURES

The main physical features of the Project are:

- A two storey building approximately 16.78 meters wide, 19.82 meters long and 7.8 meters high;
- A pad mounted 750 kVA backup generator for the new building services and for CT3;
- An oil-water separator;
- A pad mounted transformer for the new building services and for CT3;
- Buried cable and mechanical service trenches connecting the new building to CT3;
- Storm water control features (e.g. french drain, catch basins and storm sewer pipe);
- Asphalt apron in front of the new building.

Details of the building and all other physical features associated with the development are shown in the Issued for Permit drawings titled "CT3 Equipment Building", prepared by CBCL.

2.2 SCHEDULE

The main milestones for the project schedule are as follows:

- June 2022 - Submit documentation for construction permit/approval
- By September 15, 2022 – Receipt of construction permits
- October 2022 – Begin construction of Phase 1
- December 2022 – Begin construction of Phase 2
- November 2023 – Phase 2 construction complete

2.3 PROPERTY ACCESS

Property access will continue from existing access points on Cumberland Street, Richmond Street, Grafton Street and the Water Street Parkway.

2.4 LANDSCAPING

CBCL Engineering has developed a storm water control plan for the construction area on the Site. Ernie Morello, a local Landscape Architect, developed a tree planting plan for Maritime Electric in early 2019 and, as a result, over 100 new trees and shrubs were planted around the perimeter of the Cumberland Street site in June, 2019.

2.5 CONSULATATION WITH STAKEHOLDERS

Maritime Electric has held informal information sessions with representatives of the PEI Department of Environment, Water and Climate Change and they have indicated that an Environmental Impact Assessment will not be required for the construction of the CT3 Equipment Building.

Maritime Electric has also held discussions with the City of Charlottetown's Water & Sewer Department (and the PEI Department of Environment, Water and Climate Change) to discuss sanitary and waste water treatment design parameters associated with the Project.

Maritime Electric has also held discussions with the City of Charlottetown's Heritage Officer with respect to any heritage or historical designations that apply to the Steam Plant Building.

3.0 CONSTRUCTION ACTIVITES AND MITIGATING MEASURES

Site investigation work including geotechnical studies and preliminary Engineering for the Project have been completed. The sub-soil geotechnical investigation was completed in March 2019 with excavations for Phase 1 to begin in October 2022. The start date for the Phase 2 of the project is dependent on construction of Phase 1 being complete and the completion of detailed engineering. All construction is dependent on approval to proceed from the City of Charlottetown and issuance of all required permits. All construction is dependent on the availability of Contractors and their proposals being financially acceptable.

In 1999, Maritime Electric implemented an Environmental Management System patterned after the ISO14001 Standard. This system provides checks and balances to ensure that the impacts on the environment of all activities at Maritime Electric are minimized and mitigated. This Project will be subject to the Company's Environmental Management System.

Maritime Electric has identified potential sources of pollution for the construction project. The potential sources of pollution and mitigation measures identified are as follows:

Stripping, Grading and Excavation

Stripping, grading and excavation is required for the placement of the building foundations and some embedded infrastructure such as steel piles, electrical conduits and mechanical site services. Excavated material will be reused at the

site and will be supplemented where required with material trucked in from an off-Site borrow pit.

Environmental impacts during stripping, grading and excavation activities will be mitigated by minimizing the areas to be cleared, minimizing the duration of exposure and controlling the slopes of exposed areas in areas where run-off is a risk. Silt fences will be used to control run-off as necessary. These activities will also aid in the reduction of dust associated with construction activities.

Waste Water
The planned construction activities are such that only small amounts of waste water will be generated. Existing sanitary sewer facilities on Site will be used throughout the construction of the new building. Any hazardous waste water from equipment cleaning that cannot be treated on-site will be treated off-site at a licensed treatment facility.

Spill Control Planning and Procedures
The Charlottetown Thermal Generating Station has a spill control plan and procedures in place that will be followed by construction contractors. Orientation and training sessions will be conducted to ensure contractors are familiar with the procedures.

Oil, Fuel and Chemical Storage
Oil, fuel and chemicals required for the construction phases will be stored indoors where practical and located so that spills will be contained. Refueling of construction equipment will be conducted away from drainage basins and ditches, in order to minimize the risk of contaminants entering the Hillsborough River.

Solid Waste Management
Solid waste from construction will be stored in metal dumpsters and disposed of following Provincial regulations. Source sorting will be implemented to enable the capture of recyclable and compostable materials. The use of dumpsters will also minimize the risk of seepage from waste materials. Cabling, piping and other materials installed currently in the Steam Plant will be re-used and relocated to the maximum possible to reduce the amount of solid waste.

Air Pollution Control
Air pollution during construction, including dust from construction vehicle movement, odours from domestic garbage and emissions from vehicles may be produced. Impacts from these sources are not expected to be significant due to the scale of the project; however, the impacts can be controlled by the implementation of dust control measures such as spraying travelways with water, timely disposal of wastes and ensuring vehicles are turned off when not in use.

Noise and Vibration Control
During the construction phases, pile driving equipment, motorized equipment, pneumatic and impact equipment, and vehicle traffic will produce noise. Noise and vibration from construction may affect residents near the site. Construction activities will be scheduled so that noisy activities normally occur between 7:00

a.m. and 7:00 p.m. (or at other time periods approved by the City of Charlottetown) and will be avoided at night or on Sundays. Any exceptionally noisy activities such as pile driving will be scheduled so that information can be communicated to local residents prior to the start of the activity.

Terrestrial and Aquatic Life

Construction activities will have limited or no impact on terrestrial and aquatic life due to the site's location in downtown Charlottetown and the distance from the Hillsborough River.

Archeological and Historical Resources

The Charlottetown Thermal Generating Station was built on land recovered from the Hillsborough River. The site has been industrial in nature and occupied by power generation facilities since the beginning of the last century. MECL has previously confirmed with Todd Saunders (Heritage Officer for the City of Charlottetown) that the Steam Plant Building has no heritage or historical designations.

4.0 APPROVALS

Maritime Electric Company, Limited ("Maritime Electric") is seeking a building permit from the City of Charlottetown for the construction of a new equipment building at the Charlottetown Generating Station ("CGS") located at 50 Cumberland Street, Charlottetown, PE, C1A 5B9.

TITLE: **CDA CONCEPT PLAN APPROVAL, OFFICIAL PLAN AMENDMENT, REZONING & LOT CONSOLIDATON** **FILE: PLAN-2022-04-JULY-6B-7** **257 to 269 Mount Edward Road** **OWNER: RYCH Investments Inc.**	CHARLOTTETOWN
MEETING DATE: July 4, 2022	**Page 1 of 13**
DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** A. GIS Map B. Site Maps C. Planning Rational
SITE INFORMATION: **Context:** Comprehensive Development Area and R-2S Zoned Land **Ward No:** 8 – Highfield **Existing Land Use:** vacant land and low-density development **Official Plan:** Concept Plan Area and Low Density Residential **Zoning:** (CDA) Comprehensive Development Area and (R-2S) Low Density Residential Single Zone	

RECOMMENDATION:

Staff recommends for Planning Board to recommend to Council to approve the request to proceed to public consultation for approval of a Development Concept Plan pertaining to PID#'s 390757, 390708, 390690, 390682, and 390674.

And Appendix "B" Comprehensive Development Area (CDA) Parcels and Permitted Uses,

And to amend Appendix "A" the Future Land Use Map of the City of Charlottetown from Low Density Residential to Comprehensive Planning Area and a request to amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2S (Low Density Residential Single) Zone to CDA (Comprehensive Development Area) Zone for a portion of (PID #'s 390757, 390708, 390690, 390682, and 390674). The properties located at 257 – 269 Mount Edward Road.

And to consolidate (PID #'s 390757, 390708, 390690, 390682, and 390674)

BACKGROUND:

Request

This is an application to proceed to the public consultation phase for approval of a Development Concept Plan, a rezoning, Official Plan amendment and approval of a lot consolidation. The request is to develop land for a multi-unit residential development under Section 44, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw.

The applicant has applied to rezone a portion of PID#'s 390757 (269 Mount Edward Road), 390708 (265 Mount Edward Road), 390682 (261 Mount Edward Road), 390674 (257 Mount Edward Road) and 390690 from R2-S (Low Density Residential Single to CDA (Comprehensive Development Area). An Official Plan amendment will also be required to change the land designation on these parcels from Low Density to Comprehensive Planning Area. In tandem with the rezoning application the applicant has also requested approval of a Development Concept Plan.

Section 44 of the Zoning and Development Bylaw requires that amendments to a Development Concept Plan be approved by Council. The amendment/approval process must be treated as if it were an amendment to the Zoning and Development Bylaw and therefore requires notification of property owners within 100 meters of the subject property, posting of the proposed bylaw amendment and a public meeting. The Bylaw also requires that the working site plan and buildings also be approved on the recommendation of Planning Board. The developer is submitting a site plan. Building elevations have not been submitted at this time.

Development Context

The property in question is approximately a 10.97 acre site. It is bound to the north by CDA zoned land owned by the Board of Governors of St. Dunstan's, to the east by Mount Edward Road, to the south by additional CDA zoned land and to the west by the Confederation trail.

ANALYSIS:

The proposal is for 5 multi-unit apartment buildings with underground parking. The apartment buildings are proposed to range in height from 4 storeys to 6 storeys. Topography on the site is higher at Mount Edward Road. According to the design brief provided by the applicant's consultant there is a 12m grade change from the lowest portion on the west side of the site to

the highest portion on the east side near Mount Edward Road. Therefore, the 6 storey buildings are shown to be located at the back of the site and the 4 storey buildings are located closer to Mount Edward Road. The total proposed unit count for the apartment buildings is 344 units.
As follows:
Building A – 90 Units
Building B – 28 Units
Building C – 28 Units
Building D – 114 Units
Building E – 84 Units
Staff would note that there is no density requirement for the CDA Zone. However, if staff were to apply a calculation for density in the R-4 Apartment Residential Zone 385 apartment units would be permitted on site.

The concept plan also proposes 4 stacked town houses with a total unit count of 26 units along Mount Edward Road. Parking for the town houses is at the rear of the buildings. Individual driveways are not proposed for these buildings on Mount Edward Road. Instead one central access from Mount Edward Road is proposed to serve the townhouses with parking at the rear of he buildings. This central access will also serve the apartment buildings. However, access to the apartment dwellings will be temporary from Mount Edward Road. A new public road will be constructed to allow for adequate frontage of the apartment buildings. Driveways will be constructed off the proposed public road to access these buildings. The applicant has provided a location within the concept plan for a north/south connector to adjacent CDA lands. As identified in the "Master Traffic Plan" for this area, this road will connect to Towers Road and run north to the St. Dunstan's land. As per the Master Traffic Plan Spencer Drive will also be extended to connect to this north/south access road. Once this road is constructed access to the apartment buildings will be terminated from Mount Edward Road and it is proposed that only the town houses will continue to use the Mount Edward Road access.

The applicant is proposing to subdivide the land into 4 large lots for the apartment buildings. Subdivision is permitted once the new public road is constructed. The 5th lot for the town houses will have public road frontage on Mount Edward Road. Given the site is proposed to be subdivided parkland dedication is required. A parkland parcel has been proposed adjacent to the Confederation Trail. There is a storm water management pond shown on this property. There is also a central park space shown as a central corridor between the apartment buildings. The Zoning and Development Bylaw requires 10% parkland or 10% value cash-in-lieu for land

subdivided. Parks and Recreation will have to assess the proposed parkland and give a recommendation prior to the concept plan being finalized. The proposal has been sent to Parks and Recreation for review.

The proposal is located within walking distance to bus routes, the Confederation Trail, shopping and amenities. 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, park land and schools within walkable neighbourhoods. This area of Mount Edward Road is in close proximity to all of these uses. It was proposed within the "Planning Rational" submitted with the application that a percentage of the ground floor within the proposed apartment buildings be allocated for commercial uses to serve the residents of this development. Staff concurs with this assessment as it contributes to the walkability of the neighbourhood.

Charlottetown is currently experiencing a housing crisis. The vacancy rate within the City is at an all-time low (1.5%). Many residents are being forced to leave the City because of the lack of housing options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices where rents and housing costs can be kept at affordable levels. This area of Charlottetown (Sherwood) is an older established neighbourhood and is a very walkable neighbourhood that contains shopping, cinemas, restaurants, transit and a university. Therefore, this area is appealing to retirees who are looking to downsize as well as young professionals.

The Official Plan also supports mixed forms of housing within existing neighbourhoods to allow for housing choices. Housing choices within neighbourhoods are important as they provide housing variety for people at various stages of their lives. Below are excerpts from the Official Plan to consider.

The Official Plan States, *"If Charlottetown is going to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City."*

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

- apply the policies of new housing within the fully serviced areas of the City and within neighbourhoods;

- encourage the provision of adequate housing for those residents with special needs; and

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

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

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

Housing Needs and Variety

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

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

Defining Our Direction

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

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

• Our policy shall be to ensure that all new multiple dwelling unit buildings are serviced by water and wastewater systems which have the capacity to accept the development proposed.

• Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.

Positives	*Neutral*	*Shortcomings*
▪ *The City is experiencing a demand in housing for all segments of society.* ▪ *The proposal is close to amenities such as shopping, parkland and public transit.* ▪ *The property is in an area that is fully serviced with municipal services.* ▪ *The proposal is located within a walkable neighbourhood.*		▪ *Proposed parkland shows a storm water management pond. This may not meet Parks and Recreation's requirement for 10% parkland dedication.* ▪ *Area residents may raise concerns over the proposed density.*

CONCLUSION:

Staff From a planning perspective a variety of housing choices is important to be located within a neighbourhood. Charlottetown's low vacancy rate has presented challenges for people trying to access housing within the City in fully serviced, desirable neighbourhoods where they are able to access various amenities. In addition, density and housing variety is sustainable, as it allows for better use of services that are already available (see Section 3.10 of the Official Plan); it decreases urban sprawl which is an outcome of approval of single family subdivisions. In terms of land use, this area of the City was identified as an area for higher density.

Staff is therefore recommending that the application to proceed to public consultation for the proposed Development Concept Plan, rezoning and Future Land Use Map amendment be approved.

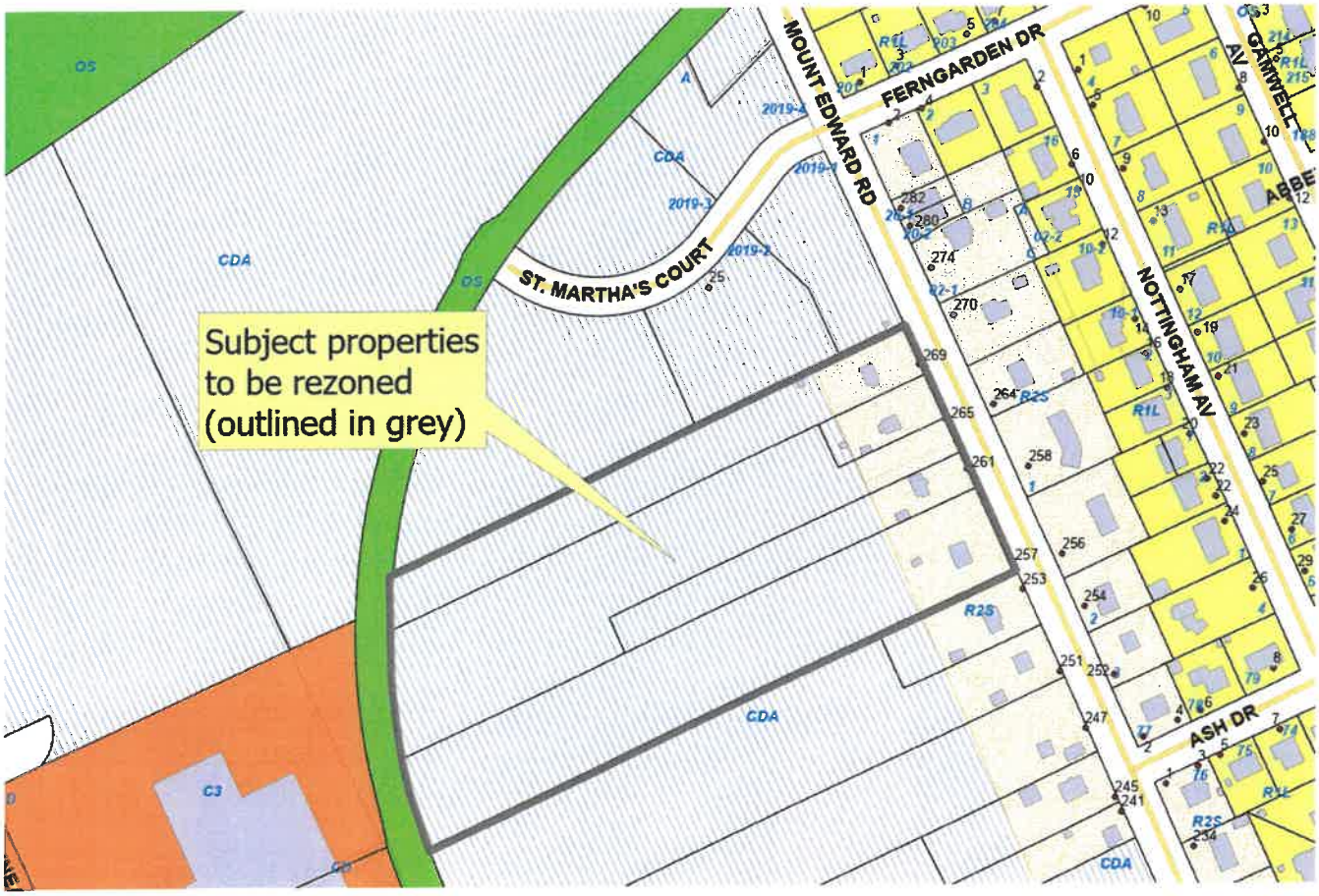
PRESENTER:

Laurel Palmer Thompson, RPP, MCIP
Planner II

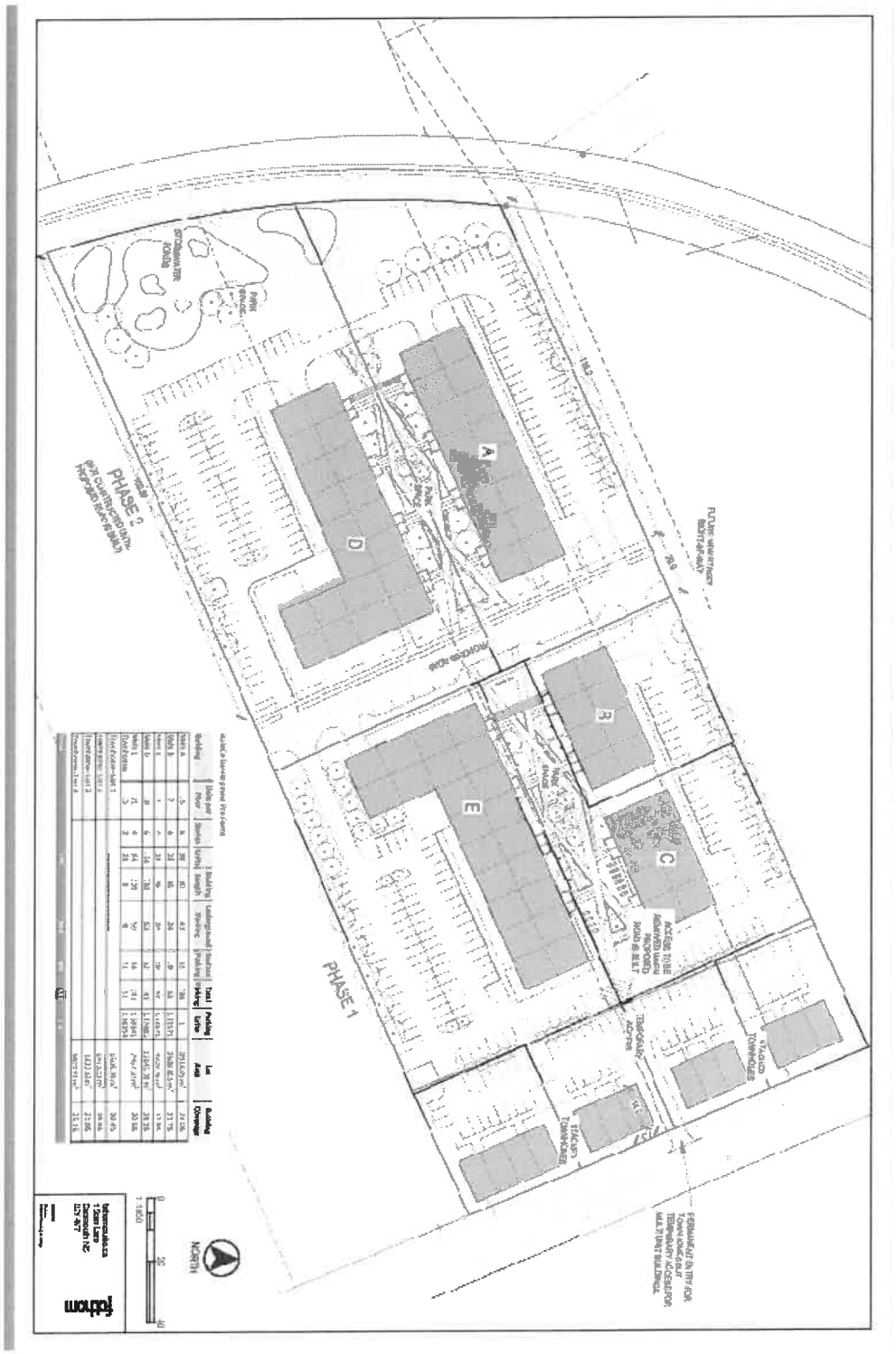
MANAGER:

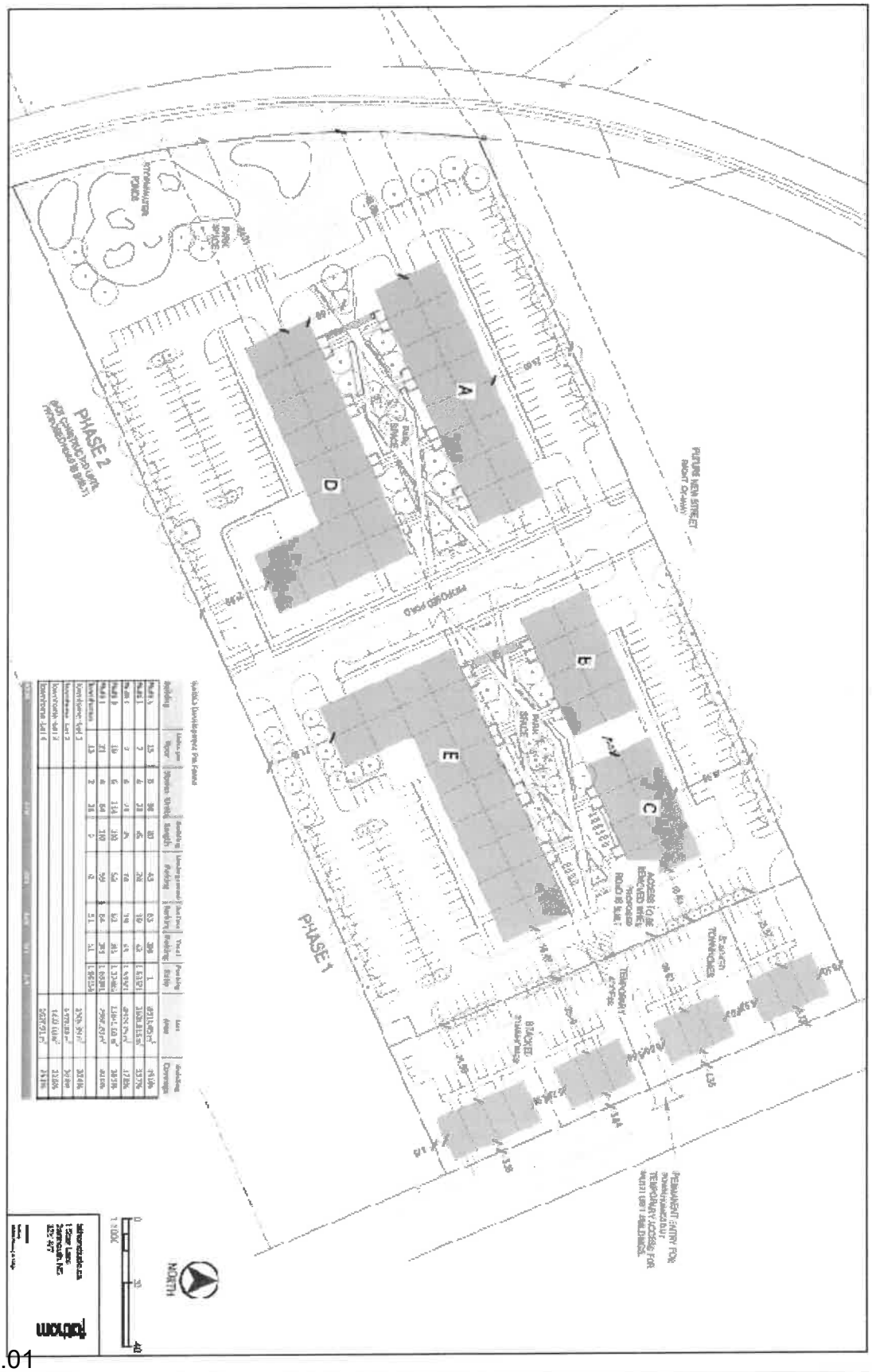
Alex Forbes, FCIP, MBA
Manager of Planning & Heritage

Attachment A: GIS Map:



Attachment B: Site maps:




PHASE 2
PHASE 1
A
B
C
D
E
NORTH
0
20
40
1:1000

Attachment C: Planning Rational:

fathomstudio.ca
1 Starr Lane
Dartmouth, NS
B2Y 4V7

Issued
June 27, 2022

Laurel Palmer Thompson, Planner II
City of Charlottetown – Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9

fathom

ARCHITECTURE LANDSCAPE ARCHITECTURE PLANNING INTERPRETIVE WAYFINDING BRANDED ENVIRONMENTS

Planning Rationale for CDA and R2S Development

Dear Laurel,

Thanks for chatting with me over the last few weeks about this development application for PIDS 390757, 390708, 390690, 390682, and 390674. These parcels constitute a land assembly of some older homes that front along Mount Edward Road and many of these lots extend back to the old rail line (Confederation Trail). It appears that the first 60m of frontage along Mount Edward is zoned as R2 with the remainder zoned as CDA. The CDA zone allows for innovative developments through a development agreement process. We understand from our conversations with the City and the developers that a north-south connector road is planned bisecting the properties to create urban scale blocks on this and adjoining parcels. We have worked to identify the most suitable location for this new collector road but we understand it may move east or west slightly to better align for neighbouring parcels. The developers understand and are amenable to slight changes in the road alignment. We have allowed for a 20m right-of-way in the location shown on the accompanying site plan. Though it is our understanding that the City would like this rad built sooner than later, we have developed the master plan to allow for temporary access off of Mt Edward Road until such time as this new road is commissioned.

Rezoning and Plan Amendment

The developers would like to develop the entirety of the parcels as a comprehensive CDA development. To this end, we are proposing low density uses along Mount Edward Road in the form of 4 clusters of stacked townhomes. This should maintain the low density character of houses along Mount Edward Road. It is our understanding that townhomes are not permitted uses in the R2S zone (only duplex or semis), so we would need to go through a plan amendment to amend the Future Land Use Map to allow for these uses, then we would need to rezone the R2S zones to CDA in the land use bylaw. While laying out these townhomes we have reduced the number of driveways on Mt Edward Road by consolidating all parking in the rear of the townhomes and limiting access to one controlled access point to provide greater safety. These townhomes will not have any driveways backing onto Mt Edward. At the same time, this single controlled access point will allow for the temporary access to several of the multi-unit development pads to the east of the proposed future north-south access road. Once the new road is built, the temporary access will be removed to limit short cutting through the development to Mt Edward Road.

The Development Pro Forma

The master plan shows a cluster of stacked townhomes along Mt Edward and 5 multi-unit buildings fronting onto the future road. The pro Forma for this development is

shown in the accompanying table:

BuildCo Development Pro Forma

Building	Units per Floor	Stories	Units	Building Length	Underground Parking	Surface Parking	Total Parking	Parking Ratio
Multi A	15	6	90	80	43	76	119	1.3
Multi B	7	4	28	45	24	28	52	1.9
Multi C	7	4	28	45	24	46	70	2.5
Multi D	19	6	114	100	53	104	157	1.4
Multi E	21	4	84	110	59	108	167	2.0
Townhomes	13	2	26	0	0	60	60	2.3
Total			370		203	422	625	1.7

The overall unit count is about 370 assuming an average unit size of about 1,200 sf per unit. The multi-unit buildings will all have underground parking and combined with the surface parking there is a minimum parking ratio of 1.3 and an average parking ratio of 1.7 for the entire development. We have assumed the tallest buildings sit at the lowest portion of the site (Multi-A and D) and these buildings are planned to be 6 storeys in height. As the grade steps up towards Mt Edward Road, the multi-unit buildings will get reduced to 4-storeys in height. There is a 12m grade change from the lowest portion of the site on the west side, to the highest portion of the site on the east side near Mt Edward Road. The lowest side of the building will include parking garage entries as shown on th site plan.

Stacked Townhomes

The plan shows a 4-building cluster of stacked townhomes with a total unit count of 26 units. Since there are no driveways planned along Mt Edward Road, the front yard setback is proposed as 4.75m minimum. The middle units have a frontage of 7.3m and the end units have a frontage of 12.6m. These dimensions provide a separation of about 10m between buildings. The site plan shows 48 parking spots or a parking ratio of 1.8. There are generous planting islands proposed in the rear parking lot. All of these parking spaces are accessed by one single exit/entry to Mt Edward. Each unit is anticipated to have a minimum floor area of 1,200 sf allowing for 2-bedroom units. The connection to the multi-unit lots will be severed once the new north-south road is built to prevent shortcutting.

Multi-Unit Buildings (A-E)

The site plan shows 5 multi-unit buildings ranging in height from 6-storeys on the low portion of the site to 4-storeys on the higher land to the east. The building capacity ranges from two small 28 unit buildings up to a 114 unit building. This range of building size allows for various financing options for the different phases of th project. All of the groundfloor units will have at-grade access and a garden plaza. Depending on the eventual nature of the connector road, it may be prudent to plan for some groundfloor commercial uses for the units fronting on the new street. The developer has no immediate intention fr developing commercial uses but allowing for up to 2,000 sf of groundfloor commercial in the larger buildings may be beneficial to the eventual walkability of this neighbourhood. We welcome the City's perspective on this request. All multi-unit buildings are planning for at least one level of underground parking in combination with some surface parking. The undeground parking will reduce the amount of site surface area consumed by parking allowing for a large central park space.

Central Linear Park and Stormwater Wetlands

A central linear park is planned through the development providing a trail connection between the sidewalk on Mt Edward Road and the Confederation Trail to the west. The potential uses along this linear corridor will include walking trails, community gardens, outdoor exercise equipment, rest areas, playground spaces, commemorative spaces, water features and other active and passive park uses.

The corridor is at least 20m wide (the width of a road easement) allowing for a wide range of uses

Down in the lower portion of the site, stormwater runoff will be managed through a series of un-fenced natural wetlands designed to retain water and treat it with stormwater plants over at least a 48 hour period. These wetlands will also attenuate the 5-100 year hydro-graph reducing downstream impacts and ensuring the pre and post development hydrographs remain the same. The wetlands will also be useful as snow storage areas in the winter.

The Development Agreement

It is our understanding that developments in the CDA zone will have to go through a DA process similar to the one we recently went through for the Hillsborough Hospital site. If there is any additional work needed in support of the DA (traffic study, architectural elevations, stormwater plan, servicing plans), please let us know at your earliest convenience so we can prepare anything you need for the package.

Please forward any questions or comments to my attention and we will deal with a response promptly.

Sincerely,

Rob LeBlanc, Sr. Planner, LPPANS, API, FCSLA
902 461 2626 x102 direct, 902 483-2424 mobile
rob.leblanc@fathomstudio.ca

TITLE: AMENDMENT TO THE ZONING AND DEVELOPMENT BYLAW: Pool Covers and fencing requirements FILE: PLAN-2022-4-JULY -6C-8	CHARLOTTETOWN
MEETING DATE: July 4th, 2022	**Page 1 of 9**
DEPARTMENT: Planning & Heritage	**ATTACHMENTS:** **Appendix A:** City of Chilliwack By-law N0. 3811 **Appendix B:** Restrictive Covenants

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to proceed to public consultation to consider amending section 4.3 of the Zoning and Development Bylaw by allowing property owners who provide a certified pool cover the ability to waive the fencing requirement if they are willing to enter into a binding legal agreement with the city.

BACKGROUND:

Staff would note that this issue has been around since 2020 when a request was made from a property owner to change Section 4.3 of the Zoning and Development By-law to waive the fence requirement for swimming pools in favour of a certified pool cover. Certified pool covers are a new technology designed to hold the weight of a person or persons standing on the cover and are designed to prevent people from drowning in a swimming pool when closed. The cover typically has a motorized mechanism to open and close the pool cover on demand and can be locked. Since the initial request to change the Zoning By-law in 2020 a new property owner has requested that this issue be reviewed, and a decision provided on whether the municipality is prepared to amend the Zoning By-law to accept this new form of technology in favour of the existing required fence provision. Please note that the proposed bylaw change as referenced above will be referred to throughout this report as the proposed by-law change.

A certified pool cover appeals to some property owners who prefer to invest in this type of safety and security of their family members instead of providing the required fencing around swimming pool as defined in the Zoning & Development Bylaw. There are a number of reasons why some residents prefer to have this option available to them. Primarily, the cost of a certified pool cover is approximately the same as the cost to erect a fence around a swimming pool. Other residents favour this approach because they feel that a fence can block their view of the ocean or view plane from their swimming pool. Moreover, other jurisdictions have amended their provincial safety

codes and municipal bylaws to provide property owners the option to provide the pool cover instead of the required fencing around a swimming pool.

Planning and Heritage staff have undertaken considerable research on this topic since 2020 and have determined that it is difficult for staff to offer an informed opinion on this issue because of the number of peripheral issues beyond the expertise of land use planners and building inspectors. In particular, in order to provide an informed opinion on this topic staff would ideally undertake an extensive review of other municipal jurisdictions across the country as well as seek input from the Red Cross, the City insurance provider, and the city's legal team before providing an opinion.

Staff were able to determine that Alberta changed their provincial regulations to accept certified pool covers instead of a fence through an extensive review and code analysis that was implemented through their Provincial Safety Code Act. The removal of the fence requirement in favour of a pool cover moves this issue from a simple fence requirement for staff to review in the Zoning & Development Bylaw to the municipality formally adopting a new industry standard code requirement for swimming pool covers. As a result of staff's research, it was determined that there may be liability issues that the municipality should consider when making these types of amendments at the local level. If covers are permitted, staff needs to determine who would be qualified to sign off and confirm that the pool covers meet a specific safety code standard. Building inspectors don't deal with pool covers since it is not covered under the National Building Code and would be reluctant to sign off on a code requirement outside of their building expertise. Issues such as enforcement will invariably come up in the event that a property owner chooses not to close the pool cover when they are away or during the day.

Alberta is the province who have led the way on this issue by amending their provincial Safety Code by establishing regulations pertaining to swimming pool and hot tub covers. The Alberta Safety Code (provincial government legislation) enables municipalities to establish zoning by-law regulations that accept a certified pool cover as the required safety standard instead of a required fence. Staff have found isolated examples of municipalities across the country who have adopted municipal by-laws amendments to waive the fence requirement if certified pool covers are in place. Staff cannot confirm how many municipalities across the country have adopted this type of change to accept pool cover instead of fences, but it appears that the clear majority of Canadian municipalities still require a fence around a swimming pool.

The ideal entity to review this issue is the provincial government who have a Provincial Building Code Act and oversee Occupational Health and Safety requirements and standards. When this issue was brought up initially, staff advised the first proponent of the proposed by-law change to go to the province and ask them to amend provincial legislation. In this instance, if the Province adopted standards for swimming pool covers, the municipality could defer to the provincial legislation and standards and implement the proposed change at the local level. The response provided back from the Province government to the initial proponent of the bylaw change was that municipalities were responsible for fence requirements. Staff do not disagree with the provincial assessment that fences are a municipal responsibility, however, the issue was sent to the province because the request is to adopt standardized code requirements related to swimming pool covers. Municipalities do not typically adopt their own code standards beyond what is provincially or federally required. The fence requirement is a secondary issue that property owners are asking to have waived if their pool meets some level of government safety standard and requirements for a pool cover. This is what occurred in Alberta where the province took the lead and adopted pool cover standards in their Provincial Safety Code and eventually their Provincial Building Code Act.

The other Province where municipalities have adopted changes to their by-laws to accommodate the proposed change is British Columbia. Staff are not aware of the provincial enabling legislation in British Columbia to allow municipalities to make this type of change in their Zoning Bylaw and whether the same provisions exist here in Prince Edward Island. Our legal advisers indicate that there is the required enabling legislation here on PEI for municipalities to make the proposed bylaw change.

Staff approached the local Red Cross over the years on their position on the proposed by-law change on different occasions and were told they would review it and follow up with City staff. Unfortunately, no one from the Red Cross did follow up. Typically, the Red Cross references that pool owners should have a fence around their property.

SAFETY ISSUES TO BE CONSIDERED ON THE PROPOSED BYLAW CHANGE

Fence Versus a Certified Pool Cover

The primary issue with the proposed Zoning & Development Bylaw change is whether there is reasonable evidence to support the argument that waiving the fencing requirements around a swimming pool is as safe as the existing fencing requirement. It is this critical information that is central to the proposed Zoning & Development Bylaw change that staff would prefer to obtain

prior to making a recommendation on whether the proposed zoning by-law change has merit. This information may exist, and staff just need to be aware of where to find it before a recommendation is provided. The applicant provided a power point presentation from a proponent of this type of by-law change and the information provided is not overly consistent on the issue of eliminating fences around pools.

Staff have reviewed a wide range of material on this topic, and it appears that the best approach for swimming pool safety is to have a three sided fence with the home being the fourth side that allows direct access from the home to the swimming pool. Drowning data supports the fact that the majority of swimming pool deaths occur from children within the home accessing an unsupervised open pool. The certified pool cover provides another level of protection to the children within the home which significantly can reduce the amount of child deaths from drowning. It is more ambiguous in the literature as to whether removing the fence requirement is as safe as having a three-sided fence to keep neighbourhood children safe. The debate then becomes if the pool cover is employed it should be as safe as a fence where the gate may be left open. It is this aspect of the argument where planning staff feel that these recommendations are beyond our area of expertise and would be better directed to qualified individuals with knowledge on this topic. What is considered a person's due diligence and the municipalities' due diligence are beyond our expertise and move into the legal realm.

Staff would note that there are examples of municipalities who have established the framework to permit the proposed bylaw change in British Columbia which could be used a reference for the City to follow. Prior to making the Zoning & Development Bylaw change, the first thing that must be determined is what should the required performance and specification standard for safety covers and labelling be required to ensure a standard is being satisfied. Again, planning and building staff are not qualified to make this determination because of our training. Notwithstanding, the industry standard appears to be ASTM F1346-91 which is the standard applied by the Province of Alberta in their safety codes.

SAFETY STANDARD: ASTM F1346 – 91(2018)

ASTM International is a globally recognized leader in the development and delivery of international voluntary consensus standards. For over a century, ASTM has provided a global forum for the development and publication of voluntary consensus standards for materials, products, systems, and services that are accepted and used around the world. Today, more than 12,300 ASTM

standards are used to improve product quality, enhance safety, facilitate market access and trade, and build consumer confidence.

The following is taken from Safety Standard: ASTM F1346 - 91(2018) Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs / **https://www.astm.org/Standards/F1346.htm**

Staff have reviewed this standard and would draw attention to Section 1.4.

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: ***This standard does not purport to address all of the safety concerns, if any, associated with its use***. *It is the responsibility of the user of this standard to establish appropriate safety, health, and environmental practices and determine the applicability of regulatory limitations prior to use.*

1.5 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

Staff suggests that if this amendment is to be supported, that the ASTM F1346 – 91 standards for pool covers be adopted. Staff cannot confirm how many pool cover manufacturers are producing

covers to this specific standard or whether there are many other industry standards that manufacturers of pool covers use. Staff would also note that Section 1.4 of the ASTM standard basically indicates that it does not really deal with the issue of whether this type of manufactured pool cover is as safe as a fence. Staff would also note that while reviewing the material on pool covers it many instances the photographs also show the required fence being provided. This goes back to the comments earlier in the report that these covers add an additional layer of protection to the homeowner, but it is unclear how removing the fence requirement deals with safety for neighbouring property owners.

LEGAL IMPLICATIONS

Staff would note that there are possible legal risks to consider. For example, does the City have qualified people with the appropriate training to make determination on the safety implications of pool covers. Regardless, if special training/certification is required, the City would need to determine what staff person(s) need to be assigned to administer, enforce and inspect swimming pools to ensure that residents are adhering to the Pool Standards. The next issue is whether a property owner is willing to indemnify the City for all claims for damages in the event that a problem occurs because the fencing requirement was removed. Please see section 5.3 of the Chilliwack BC by-law as an example of the expectation of a property owner who wishes to seek this option.

Section 5(3) of the Chilliwack Bylaw provides as follows:

> Where a fence is not provided in accordance with Section 4, the owner of the property owner must enter into a covenant with the City to indemnify the City against all claims and demands, actions, suits or other proceedings against all loss and costs, which may be caused by or arise out of, or in any ways be attributable or incidental to the owner's non-compliance with Section 4.

Staff need to clarify that if an indemnity clause is used, it may bind the existing owner t the agreement but may not transfer to subsequent owners. Our legal advisors will need to outline how these concerns can be addressed.

Staff typically undertake a detailed jurisdiction scan of various municipalities to determine how they are handling similar issues and concerns. Staff have reviewed swimming pool related bylaws from other municipalities including Halifax, Fredericton, Moncton, Toronto, Muskoka, Calgary,

Vancouver, Victoria and Langford. All of these municipalities require a fence to enclose a swimming pool and do not provide for the alternative of a safety pool cover.

Planning staff suggest that further information should be sought from the City's Insurer whether there are any exclusion clauses to the City's coverage as it relates to swimming pool safety regulation and alternatives to pool enclosures. Ideally, an expert in the pool safety standards field would be ideal to have provide an opinion to the City on the safety risks of allowing a pool cover as an alternative to a fence or enclosure. This could indicate the risk assessment implications of the proposed by-law change. Other issues such as how much staff time is required to implement this provision if it becomes popular for homeowners. For example, what resources will be required by way of human and financial resources to safely administer, enforce, and inspect the Pool Standards. This would include, but is not limited to, whether special training is required, what department and personnel (new or existing) are appropriate for this job and what, if any, changes to the permit process would be necessary. If this is required, these resources should be in place before the Bylaw amendment is brought into force or before any pool covers are approved.

Staff will have to work with our legal advisors on how to craft requirements regarding a property owners' commitment to indemnify the municipality after a property is sold. It should be noted that this process will result in at least a $600.00 fee to prepare and register the agreement on title. The municipality may wish to assess how much additional staff time is allocated to preparing and inspecting these type of pool requests and determining a separate fee to assist in some form of cost recovery.

PLANNING ANALYSIS:

Staff would note that there are still a lot of unknow factors to be researched before a definitive recommendation can be provided on the proposed Zoning & Development Bylaw amendments regarding swimming pools. Staff are comfortable moving forward to public consultation to receive feedback from residents as to the issues and concerns that they may bring forward before a formal recommendation is provided. Council has a number of options that they may wish to consider after the public meeting. Staff have highlighted the various options that may be forwarded to Council after the public meeting to bring this issue to a final conclusion.

Appendix A outlines how this issue was dealt with in Chilliwack, British Columbia. Staff would note that this bylaw seems to be the template outlining howe the proposed changes can be implemented effectively. Staff would also note that in the Chilliwack example, the pool regulations

were established in a separate bylaw and not contained within the Zoning Bylaw. Further discussion with our solicitors may determine that this approach is more effective than retaining the regulations in the Zoning & Development Bylaw. This consideration is contemplated in Option 1 and may form the basis of a recommendation to Council after the public hearing.

Appendix B has also been added as an example of the legal documents that property owners are required to sign in Chilliwack to absolve the municipality from any liability that may occur form approving a pool without a fence. Our legal advises intend to prepare something similar that will apply to property owners in Charlottetown if the proposed zoning bylaw amendment is approved.

OPTIONS FOR CONSIDERATION AFTER THE PUBLIC METING

Option 1: Direct staff to work with our legal advisors to prepare the proposed amendments to the Zoning and Development Bylaw (and accompanying separate Indemnity Agreement that must be signed by the property owner) as it pertains amending Section 4.3 dealing with swimming pools to permit property owners who install a certified pool cover the option to waive the requirement to erect a fence around the pool. Or direct staff to work with our legal advisors to prepare a separate swimming pool by-law to permit property owners who wish to install a certified pool cover the option to waive the requirement to erect a fence around the pool.

Option 2: That the amendment to replace required fencing for swimming pools in those instances where a certified pool cover is provided be reviewed by a third-party expert who could advise the City on the safety implications of removing the fence requirement and provide the industry standard as to how the proposed amendment could be drafted. This expert report would also recommend the safety standard code that should be applied to the pool cover to ensure that the appropriate standard is referenced and adhered too.

Option 3: That the proposed amendments to the Zoning and Development Bylaw as it pertains Section 4.3 dealing with swimming pools to permit property owners who install a certified pool cover the option to waive the requirement to erect a fence around the pool be approved.

Option 4: That the proposed amendments to the Zoning and Development Bylaw as it pertains Section 4.3 dealing with swimming pools to permit property owners who install a certified pool cover the option to waive the requirement to erect a fence around the pool be denied.

In closing, staff are comfortable proceeding to the public consultation phase of the proposed bylaw change to seek input from the public before a formal recommendation is provided.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to proceed to public consultation to consider amending section 4.3 of the Zoning and Development By-law by allowing property owners who provide a certified pool cover the ability to waive the fencing requirement if they are willing to enter into a binding legal agreement with the city.

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Appendix A:

City of Chilliwack

(Bylaw to require the enclosure of private swimming pools)

City of Chilliwack

Bylaw No. 3811

A bylaw to require the enclosure of private swimming pools

WHEREAS Sections 8(3)(g) and 63(d) of the *Community Charter*, S.B.C. 2003 c. 26 provide that Council may, by bylaw, exercise its authority over protection of persons and property to regulate, prohibit and impose requirements in relation to the enclosure of swimming pools and other pools;

NOW THEREFORE the Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as **"Swimming Pool Enclosure Bylaw 2011, No. 3811"**.

2. "Swimming Pool Fence Bylaw 1996, No. 2312" and amendments thereto are hereby repealed.

INTERPRETATION

3. In this Bylaw:

"Building Inspector" means a person assigned by Council to administer and enforce the building code and related municipal bylaws;

"safety cover" means a barrier for swimming pools, which inhibits access to the contained body of water and which is intended to be completely removed before entry of persons into the water;

"Safety Cover Performance Specification" means the specification created by ASTM International under the fixed designation F1346 ("Safety Covers And Labeling Requirements for All Covers For Swimming Pools, Spas And Hot Tubs");

"swimming pool" means a pool or other structure designed and constructed for swimming, bathing, wading or diving having a surface area greater than $9m^2$ and a depth at any point of more than 45cm, which is not open to use by the public, including, without limitation, in-ground pools, above-ground pools, wading pools, hot tubs and spas.

SAFETY REQUIREMENTS

4. (1) Every owner of a swimming pool shall ensure that the swimming pool is completely enclosed with a fence which shall:

(a) have a minimum height of 1.2m;
(b) have no openings greater than 10cm; and
(c) be maintained in good repair so as to restrict the entry of persons and animals.

(2) Any gate in a fence constructed under subsection (1) shall:

(a) have a minimum height of 1.2m;
(b) have a self-closing and locking latch; and
(c) have no openings in it, or between it and the fence, greater than 10cm when closed.

5. (1) Despite Section 4, where a fence is not installed to enclose a swimming pool, a safety cover certified to meet the requirements of the Safety Cover Performance Specification must be installed and maintained on the swimming pool in accordance with that specification.

(2) Where a fence is not provided in accordance with Section 4 and a safety cover is installed in accordance with Subsection 5(1), it is the responsibility of the occupier of the property to have the safety cover properly secured to prevent access to the pool when the pool is not in use and not under the direct supervision of a competent person.

(3) Where a fence is not provided in accordance with Section 4, the owner of the property must enter into a covenant with the City to indemnify the City against all claims and demands, actions, suits or other proceedings against all loss and costs, which may be caused by or arise out of, or in any way be attributable or incidental to the owner's non-compliance with Section 4.

AUTHORITY TO INSPECT

6. The Building Inspector may at all reasonable hours enter any property to determine if the property or any fence or swimming pool on the property complies with the provisions and requirements of this Bylaw.

7. No person shall obstruct, refuse or neglect to admit to any property regulated under this Bylaw, the Building Inspector or other municipal officer or employee in the execution of his duties or for any purpose relating to this Bylaw.

EXEMPTIONS

8. Where a swimming pool is situated on a property which is entirely fenced, and the fence complies with Section 4, the swimming pool itself need not be fenced.

9. Swimming pools constructed completely above ground, and where the method of construction prohibits direct access into the swimming pool, are exempt from this Bylaw provided that any decks, ladders and stairs to the swimming pool are removed or rendered inaccessible when not in use.

10. Swimming pools entirely contained within a building or structure that can be locked to prevent unauthorized access are exempt from this Bylaw provided that the building or structure remains locked when the pool is not in use.

OFFENCE AND PENALTY

11. Every person who violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.

12. Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, R.S.B.C. 1996, c. 338, as amended.

SEVERABILITY

13. If any section, subsection, clause or phrase of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection, clause or phrase.

Received first reading on the 1st day of November, 2011.
Received second reading on the 1st day of November, 2011.
Received third reading on the 1st day of November, 2011.
Reconsidered, finally passed and adopted on the 15th day of November, 2011.

"Sharon Gaetz"
Mayor

"Karla D. Graham"
Clerk

Appendix B:

Restrictive Covenants

PLEASE READ CAREFULLY

The Restrictive Covenant procedure is as follows:

Please find attached a draft copy of a Form C application for a Restrictive Covenant with respect to an above-ground swimming pool.

The application must be prepared in triplicate with three original signatures on 8 1/2" x 11" paper, with an attached "Form C" and returned to the Municipal Development Department at your earliest convenience.

The application form may be taken to a notary or solicitor of your choice.

The documents must be approved by the Mayor and Corporate Officer. Once the Restrictive Covenant has been signed and sealed by the City of Chilliwack the documents are to be picked up and registered at the Land Registry Office in New Westminster.

If you have further questions please feel free to contact the Building Department at 604-793-2905.

Thank you for your co-operation.

INSTRUCTIONS FOR EXCECUTION OF A DOCUMENT TO BE REGISTERED IN THE LAND TITLE OFFICE

1. All parties must sign, in **black ink**, before an officer.

2. Full names of parties to be typed or printed below their signatures.

3. Full name of Officer, Business Address and occupation to be typed/printed/stamped below signature.

   Power of Attorney signature to include the Land Title Office Document File No. in addition to above information.

   "Officer" means a person before whom an affidavit may be

   taken under Section 42(3) of the Land Title Act, but does not include a registrar.

4. Execution date to be Y / M / D, written in columns provided.

5. Stamp pads, if used, to be **black ink**.

6. The affixation of a corporate seal is no longer required.

LAND TITLE ACT
FORM C (Section 219.81)
Province of British Columbia
GENERAL INSTRUMENT - PART 1 (This area for Land title Office Use)

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
(PID) (LEGAL DESCRIPTION)

3. NATURE OF INTEREST:* Description | DOCUMENT REFERENCE (page and paragraph) | PERSON ENTITLED TO INTEREST

Entire Instrument
Page

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms _____ D.F. No.
(b) Express Charge Terms X Annexed as Part 2
(c) Release _____ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):

6. TRANSFEREE(S) (including occupation(s), postal address(es) and postal code(s)*
CITY OF CHILLIWACK, a Municipal Corporation, having its offices at
8550 Young Road, Chilliwack, B.C. V2P 8A4

7. ADDITIONAL OR MODIFIED TERMS: N/A

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Transferor(s) Signature(s)

(**as to all signatures)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

8. EXECUTIONS (continued)

Officer Signature(s)	Execution Date			Transferor(s) Signature(s)
	Y	M	D	

(**as to all signatures)
OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

LAND TITLE ACT
FORM D (continued)

Execution Date

Y	M	D

Officer Signature(s)

_____

Transferee Signature(s)
CITY OF CHILLIWCK
by its authorized signatories:

_____
MAYOR

_____
CORPORATE OFFICER

(**as to all signatures)
OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT - Part 2

CONSENT AND PRIORITY AGREEMENT

(Liens, Charges and Encumbrances)

In consideration of the sum of One Dollar ($1.00) of lawful money of Canada, the receipt of which is hereby acknowledged, I, (We),_____ being the holder of the following charge, HEREBY CONSENT to the granting of the within Restrictive Covenant and agree that the same shall be binding upon and take priority over its interest in or charge upon the land more particularly known and described as:

CITY OF CHILLIWACK
Parcel Identifier:
Lot
District Lot
Group
New Westminster District
Plan

Type of Charge: _____

Registered Number of Charge: _____

Officer Signature

_____

Execution Date

Y	M	D

(enter holder of charge here)
by its authorized signatories:

_____

_____

(**as to all signatures)

TERMS OF INSTRUMENT – PART 2

THIS AGREEMENT made this ____ day of _____, 2018

BETWEEN:

(the "Grantor")
OF THE FIRST PART

AND:

CITY OF CHILLIWACK, 8550 Young Road
Chilliwack, BC V2P 8A4

(the "City")
OF THE SECOND PART

A. WHEREAS The Grantor is the registered owner of those lands and premises in the City of Chilliwack, in the Province of British Columbia, more particularly known and described as:

Parcel Identifier:

(hereinafter referred to as the "Lands")

B. By provisions of Section 219 of the *Land Title Act,* R.S.B.C. 1996, c. 250 and amendments thereto (the "Land Title Act") a covenant, whether of a negative or positive nature in respect of the use of land, or, that land is or is not to be built on, in favour of the City, may be registered as a charge against the title to that land and is enforceable against the Grantor and their successor in title, even if the covenant is not annexed to land owned by the City.

C. It is the intention of the parties to register in favour of the City, a covenant exercising its authority over protection of persons and property to regulate, prohibit and impose restrictions in relation to the enclosure of swimming pools and other pools located on the Lands as set out in the "Swimming Pool Enclosure Bylaw 2011 No. 3811" (the "Bylaw").

D. NOW THEREFORE THIS AGREEMENT WITNESSETH, that pursuant to Section 219 of the Land Title Act and in consideration of the sum of One ($1.00) Dollar paid to the Grantor by the City (the receipt and sufficiency whereof is hereby acknowledged) the Grantor covenants and agrees with the City as follows:

1. In this Agreement:

   "safety cover" means the definition as set out in the Bylaw or as amended from time to time, namely, a barrier for swimming pools, which inhibits access to the contained body of water and which is intended to be completely removed before entry of persons into the water;

   "swimming pool" means the definition as set out in the Bylaw or as amended from time to time namely, a pool or other structure designed and constructed for swimming, bathing, wading or diving having a surface area greater than $9m^2$ and a depth of any point of more than 45 cm, which is not open to use by the public, including, without limitation, in-ground pools, above-ground pools, wading pools, hot tubs and spas.

2. The Grantor covenants and agrees to either construct or cause to be constructed, a fence on the Lands to ensure that any swimming pool(s) are completely enclosed or install a safety cover on any swimming pool(s).

3. If a fence is constructed around any swimming pool(s), the Grantor will ensure that fence and any gate(s) in the fence meets the requirements as set out in the Bylaw.

4. If no fence is constructed around any swimming pool(s), and a safety cover is installed on any swimming pool(s), the Grantor covenants and agrees that:

   a. The safety cover shall meet the requirements as set out in the Bylaw;

   b. The safety cover shall be properly secured to prevent access to the swimming pool when the pool is not in use and not under the direct supervision of a competent person; and

   c. The Grantor shall hereby release, indemnify and save harmless the City, it's elected and appointed officials, employees and agents from and against any and all liability, demands, actions, causes of actions, claims damages, expenses, costs, debts, demands or losses suffered or incurred by the City arising from being attributed or incidental to the Grantor not constructing a fence around the swimming pool(s) as specified under the Bylaw.

5. The Grantor hereby covenants and agrees with the City that the City is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.

6. It is mutually understood and agreed by and between the parties hereto that nothing herein contained shall be interpreted so as to restrict or prevent the Grantor from using the Lands in any manner.

7. It is mutually understood and agreed by and between the parties hereto that this Agreement and the covenants herein contained shall be construed as running with the Lands.

8. This Agreement shall be binding upon and enure to the benefit of the respective parties hereto, their heirs, successors, executors, administrators and assigns.

9. The parties hereto covenant and agree that they will do and executed such further acts and deeds and give such further assurances as may be reasonably necessary to implement the true meaning of this Agreement.

10. The parties agree that this Agreement may only be modified or discharged with the consent of the City pursuant to the provisions of the Land Title Act.

11. The Grantor will do or cause to be done at their expense all acts reasonably necessary for the City to gain priority for this Agreement over all liens, charges and encumbrances which are or may be registered against the Lands save and except those in faovur of the City and those specifically approved in writing by the City.

12. Whenever the singular or masculine or neuter is used herein, the same shall be constructed as including the plural, feminine, body corporate or politic unless the context required otherwise.

13. Where there is a reference to an enactment of the City or the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia or the City of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

END OF DOCUMENT

TITLE:	
RECONSIDERATION REQUEST **FILE: PLAN-2022-4-July -6D-9** **Hidden Valley Subdivision PID #1047562** **229 Malpeque Road** **Phase 1A and 1B** **OWNER: New Age Investments Inc.**	CHARLOTTETOWN
MEETING DATE: July 4, 2022	**Page 1 of 8**

DEPARTMENT:	**ATTACHMENTS:**
Planning & Heritage	**Appendix A:** Subject Property **Appendix B:** Approved Subdivision Plan Phase 1A and Phase IB **Appendix C:** Reconsideration Request Letter **Appendix D:** Independent Traffic Study

SITE INFORMATION:

Context:

Ward No: 8 – Highfield

Existing Land Use: Vacant land

Official Plan: Commercial

Zoning: (R-2S)

PREVIOUS APPLICATIONS:

NA

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to *deny the request to reconsider* the Development Officers approval pertaining to a preliminary plan of subdivision for the Hidden Valley Subdivision Phase 1A and 1B (#1047562) because it did not meet the threshold test.

BACKGROUND:

Request

This application involves a preliminary plan of subdivision approved on April 26th, 2022 for 90 building lots located at 339 Malpeque Road. The total acreage for Phase I and II of this subdivision is 41 acres. See attached Appendix B showing approved 90 lot subdivision plan approved in two phases.

*//<UNDEFINED>/valley

Development Context

Hidden Valley Subdivision is located between Malpeque Road and the Lower Malpeque Road south of Melody Lane, near the existing Highfield Heights subdivision (see attached Map). The land is presently vacant and zoned R-2S in the Zoning and Development By-law.

Property History

On April 26th, 2022 the proposed subdivision plan was granted preliminary approval by the Development Officer and on May 16th, 2022 staff received a request from Janet Roach to have this decision reconsidered by Council. Staff were subsequently advised that a separate appeal had also been filed by Katherine Morris to the Island Regulatory and Appeal Commission (IRAC). Even though there are separate parties involved in the Council reconsideration process and the IRAC process, both parties have agreed to hold the IRAC appeal in abeyance until the reconsideration request has been reviewed by Council and a decision rendered.

Please see the attached letter (Appendix C) from Ms. Roach outlining her concerns in relation to the preliminary approval of this subdivision. The primary concern of Ms. Roach relates to the traffic impact of the proposed 90 lot subdivision in relation to the adjacent developed residential subdivisions in the area. In particular, she states that there should have been an independent traffic study prepared to review the various impacts on the expected volume of traffic on local streets, the various access points to existing residential subdivisions, including the ability to provide a connection to Malpeque Road. The appellant based their appeal on Section 3.15. 3(C) of the Zoning By-law which alludes to the fact that: " there is clear doubt as to the correctness of the order in the first instance."

LEGISLATIVE REQUIREMENTS:

There are two stages to a reconsideration request:

1. The application for reconsideration is required to pass a threshold test. To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained in Section 3.15.3 of the Zoning & Development By-law which states that:

Council may review, rescind, change or vary any order or decision made by the Development Officer or by Council provided that:

(a) New material facts or evidence not available at the time of the initial order or decision have come to light;

(b) A material change of circumstances has occurred since the initial order or decision; or

(c) There is a clear doubt as to the correctness of the order or decision in the first instance.

2. If, after receiving a recommendation from the Planning Board, Council determines that the request passes the threshold test, Council will have to decide how they wish to proceed on this type of reconsideration request. Typically, if a request for reconsideration moves to the second stage of the process, section 3.15 of the Zoning By-law prescribes that people within 100 metres of the subject property are notified and shall give all interested persons an opportunity to be heard and make a determination on the request for reconsideration. Alternately, if Council decides the threshold test is not satisfied under section 3.15.3, then the appeal to IRAC may proceed.

This application is currently at the "Threshold Test" stage.

Reconsideration

The appellant has requested the reconsideration pursuant to Section 3.15.3(C) of the Zoning & Development By-law as in their opinion:

1) There was new material facts/evidence not available at the time of the decision.

There is no evidence offered by the Applicant to suggest that there were new material facts/evidence not available at the time of the decision on April 26th,2022. However, the developer voluntarily commissioned a Traffic Study which is relevant to this reconsideration request.

2) *A material change of circumstances has occurred since the initial order or decision.*
There is no evidence to suggest that any material change in circumstances has occurred since the initial decision made on April 26th,2022.

3) *There is a clear doubt as to the correctness of the order or decision in the first instance.*
It should be noted at the outset that the above noted grounds prescribed by section 3.15.3 of the Bylaw for obtaining reconsideration under section 3.15.5 of the Bylaw, are intentionally narrow. It is not the intent that a citizen who is dissatisfied by a decision of the Development Officer or Council under the Bylaw can reasonably expect that any particular impugned decision will satisfy the threshold test and warrant a full-fledged reconsideration under section 3.15.5. Given the normal constraints of time, planning staff and Council availability to re-hear applications and coupled with the large volume of decisions being made almost every day, the bar for satisfying the prescribed threshold test under section 3.15.3 is set fairly high. This high bar was prescribed in the Bylaw knowing that a dissatisfied citizen also has an *as of right* appeal to IRAC available under section 28.1 of the Planning Act.

In the submission for reconsideration the following list of arguments were made by the appellant.

- A traffic study should have been required before the preliminary subdivision approval was provided.
- A traffic study should have taken into consideration the impact on adjacent subdivisions in the neighbourhood.
- Reference to section 3.3.9 (C) wherein "An application for a development shall be rejected if there is not a safe and efficient access to the Public Street.
- Reference to section 3.3.9 (E) wherein "The proposed Development would be detrimental to the convenience, health or safety of the residents in the vicinity or the general public".
- Reference was made to the fact that Route 2 access should have been considered as a requirement of the proposed subdivision.

Staff have reviewed the letter of concerns received from the appellant and offer the following. As mentioned earlier in this report the reconsideration process is not a process designed to overturn decisions of Council or the Development Officer unless there are issues raised that indicate that

there was an inherent deficiency in the approval process that should have been available or known prior to an approval being granted.

In this case, the owner of the property commissioned his own traffic study which was prepared by Michael MacDonald from Harbourside Transportation Consultants located in Dartmouth Nova Scotia. Mr. MacDonald is known to the City Planning Department as a Senior Transportation Engineer with experience in civil/ transportation engineering and transportation planning. He is experienced in geometric design, particularly of roadway corridors, traffic signals, and roundabouts. Mr. MacDonald possesses multi-discipline expertise in a broad range of fields, including geometric design and transportation planning, traffic engineering, active transportation, municipal engineering, road design, and stakeholder consultation. Please see attached traffic report (Appendix D) from Mr. MacDonald for the Hidden Valley Subdivision. Mr. MacDonald report responds to all of the traffic concerns expressed by Ms. Roach in her request for reconsideration letter.

Independent Traffic Engineer's Assessment of this Subdivision

Based on the investigations carried out, it is concluded that:

- The existing subdivision, Highfield Heights, is zoned Single Detached Residential Zone (R-1S), in which the permitted uses include a single-detached dwelling and modular dwelling.
- There are approximately 100 single-family detached units in the existing subdivision. Theoretically, this subdivision generates approximately 70 vehicle trips during the AM peak hour (18 trips entering and 52 trips exiting) and approximately 94 vehicle trips during the PM peak hour (59 trips entering and 35 trips exiting).
- The existing subdivision has two access points: Lower Malpeque Road & Highfield Avenue and Melody Lane & Athol Drive. Field investigations of existing intersection operations at these intersections indicate that there are no existing operational issues at the subdivision access points. Vehicles entering and exiting Highfield Heights experience minimal delay and queues during both the AM and PM peak hours.
- The proposed Hidden Valley subdivision will be an extension of the existing subdivision and include roadway connections to four of the subdivision's internal roadways: Longview Drive, Judy Avenue, Robert Avenue and Lyne Avenue. ***Staff note that when the existing subdivisions in the area were approved in the late 1980's and early 1990's, the Highfield Heights S/D contemplated these since approved interconnections.***

- The proposed Hidden Valley subdivision is zoned Low Density Residential Single Zone (R-2S), in which the permitted uses include semi-detached dwelling and duplex dwelling in addition to the uses permitted in R-1 (single-detached dwelling and modular dwelling).
- The subdivision will include a total of 140 lots and could be built out to include a minimum of 140 single-family detached units up to a maximum of 280 single-family attached units (duplexes and townhouses). With 140 single-family detached units, the subdivision is forecast to generate approximately 98 vehicle trips during the AM peak hour (25 trips entering and 73 trips exiting) and approximately 132 vehicle trips during the PM peak hour (83 trips entering and 49 trips exiting).
- With 280 single-family attached units, the subdivision is forecast to generate approximately 134 vehicle trips during the AM peak hour (42 trips entering and 92 trips exiting) and approximately 160 vehicle trips during the PM peak hour (91 trips entering and 69 trips exiting).
- Any combination of single-family detached units and single-family attached units is forecast to generate less trips than 280 single-family attached units.
- Single-family detached units generate more trips than single-family attached units, therefore the R-2 zoning allowing up to double the number of units when compared to the R-1 zoning does not translate into a proportional increase in the number of trips generated by the subdivision.
- In terms of traffic generation, the difference between 140 single-family detached units and 280 single-family attached units is only 36 vehicles trips in the AM peak hour and 28 vehicle trips during the PM peak hour.
- The proposed subdivision will be accessed through the Highfield Heights subdivision's two existing access points. No new access points are proposed.
- The internal roadways are expected to have sufficient capacity to accommodate additional traffic generated by the proposed development as the daily volumes along these roadways is expected to be at the lower threshold of volumes along a local roadway.
- Traffic on these roadways will converge onto Highfield Avenue and Athol Drive, it is estimated that the daily traffic volumes along these local roadways is expected to be closer to the threshold of volumes along a local roadway. However, based on existing operations, the increased traffic volumes are not expected to be sufficient that motorists will notice any major deterioration in level of service.
- The expected future traffic is not expected to create a traffic safety problem.

- Safety concerns have been expressed in particular for Highfield Avenue due to the presence of Highfield Park and a community mailbox. A number of strategies that could be considered to identify and mitigate potential safety issues have been identified:
- Monitor vehicle speeds and implement traffic calming measures if speeding problems materialize;
- Review the need for a playground zone or area for Highfield Park; and
- There are clear sightlines at the community mailbox allowing vehicles to determine if it is safe to by-pass a vehicle stopped at the mailbox, safety problems are not expected.
- Provide a layby area at the community mailbox allowing sufficient space for a vehicle to move off the roadway if friction arises with the increase in traffic volumes.

Staff would also point out that the traffic engineers report (Section 6) also responded to the concern raised by the appellant as to why the developer was not required to provide a separate access from the proposed subdivision to Malpeque Road. The traffic engineer points out that there is not sufficient traffic to warrant this type of direct access to Malpeque Road and connections from local streets to minor arterials should not be provided unless the traffic numbers specifically require it.

Analysis

Staff would suggest that the traffic report validates what was generally known about the traffic impacts from the proposed subdivision at the time this subdivision was under review. The City Engineer had been in discussions with the Planning Department to review all of the required street access connections and to determine whether the proposed road geometry was acceptable to meet the Transportation Association of Canada guidelines. In general, the report validates that local streets designed for low density residential subdivisions typically do not generate sufficient traffic volumes that exceed what a local street is designed to accommodate on a daily basis. Staff would note that there maybe a future connection from these interconnected subdivisions south of Malpeque Road at such time that the traffic numbers warrant that it is required as well as to resolve traffic issues from subdivisions and development funnelling out on the opposite side of Malpeque Road to the north.

In closing, staff suggest that the traffic review proved by Mr. MacDonald answers the questions posed by the appellant and explains why staff accepted the preliminary plan of subdivision. The subdivision approval process in Charlottetown lays out the requirements of developers to meet all

of the established criteria outlined in the Official Plan and Zoning By-law. In this case, staff believe the developer submitted a subdivision application that satisfied all of the technical requirements in our by-laws and as such this reconsideration request should not proceed to the next stage of review. If Council agrees with the staff review of the reconsideration process and does not wish to proceed to the next stage, this does not preclude the appellant from continuing on with their appeal (and if all parties desire mediation) at the Island Regulatory and Appeal Commission

This report and recommendation have been reviewed and approved by the City's solicitor.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to *deny the request to reconsider* the Development Officers approval pertaining to a preliminary plan of subdivision for the Hidden Valley Subdivision Phase 1A and 1B (#1047562) because it did not meet the threshold test

MANAGER:

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage



Attachment A:
Subject Property
File: PLAN-2022-04-JULY-6D-9

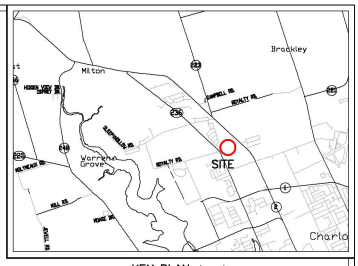
CHARLOTTETOWN
Planning & Heritage Department

Appendix B.
Approved Site Plans

Appendix B (Phase 1A)

COORDINATE LIST
EXPRESSED IN (NAD83) METRIC
P.E.I. DOUBLE STEREOGRAPHIC PROJECTION

Point	Northing	Easting	Point	Northing	Easting	Point	Northing	Easting	Point	Northing	Easting
100	693048.539	386855.958	140	693040.130	386961.262	172	692959.782	386884.125	205	692823.638	387015.977
105	693114.247	386865.051	141	693037.056	386964.917	173	692983.025	386876.749	206	692848.195	387008.124
106	693124.570	386887.617	142	693022.606	386980.519	174	693006.267	386869.374	207	692894.807	387047.543
107	693138.609	386918.310	143	693006.964	386997.408	176	692847.511	386918.792	208	692864.565	387057.263
108	693143.777	386929.607	144	692991.076	387014.564	177	692857.483	386950.780	209	692874.216	387088.976
109	693115.011	386956.390	145	692975.723	387031.141	178	692862.924	386968.243	210	692894.172	387082.903
110	693085.855	386988.020	146	692959.157	387049.029	179	692872.895	387000.225	213	692906.568	387105.812
111	693069.318	387005.961	147	692942.590	387066.916	180	692878.329	387020.870	370	693140.424	386926.649
112	693052.781	387023.902	148	692926.530	387045.585	181	692886.783	387049.572	371	692970.095	387113.607
113	693036.244	387041.843	149	692910.877	387037.689	182	692911.969	387063.567	5163	693102.287	386838.905
114	693019.707	387059.784	150	692900.859	387024.941	183	692930.163	387080.335	9828	692788.533	386937.500
115	693003.170	387077.725	151	692896.791	387015.427	184	692943.610	387092.729	9829	692817.541	386928.143
116	692986.632	387095.666	152	692890.762	386996.087	185	692937.127	387028.726	9830	692846.640	386919.072
120	692972.301	387115.641	153	692880.346	386962.672	186	692953.575	387010.730	9831	692865.815	386912.985
121	692945.374	387090.824	154	692903.473	386955.276	187	692943.095	387000.799	9832	692899.364	386902.815
123	692981.954	387072.922	155	692925.380	386948.271	188	692935.994	386981.665	9833	692934.363	386892.191
124	692978.533	387055.020	156	692947.287	386941.265	189	692914.075	386988.632			
125	692995.113	387037.119	157	692969.194	386934.260	190	693025.077	386942.686			
126	693011.693	387019.217	158	692991.101	386927.254	191	693001.318	386959.399			
127	693028.273	387001.315	159	693015.866	386919.335	192	692981.934	386974.540			
128	693044.852	386983.413	160	693015.850	386900.138	193	692962.096	386987.855			
129	693050.475	386977.345	161	692992.624	386907.565	195	692822.911	386926.469			
130	693060.014	386964.204	162	692969.398	386914.992	196	692798.368	386934.328			
131	693067.075	386945.579	163	692946.172	386922.419	197	692773.820	386942.170			
132	693068.033	386921.695	164	692922.945	386929.847	198	692783.844	386974.329			
134	693062.136	386899.601	165	692899.719	386937.274	199	692808.390	386966.479			
135	693055.335	386877.769	166	692874.902	386945.210	200	692832.937	386958.630			
136	693031.109	386861.491	167	692854.943	386913.262	201	692830.376	386976.092			
137	693040.873	386892.199	168	692865.815	386912.985	202	692813.822	386983.945			
138	693048.113	386919.662	169	692886.881	386905.690	203	692789.265	386991.798			
139	693048.109	386916.072	170	692913.215	386898.611	204	692799.081	387023.830			



KEY PLAN (N.T.S.)

LEGEND

LANDS DEALT WITH BY THIS PLAN	
FOUND SURVEY MARKER	Fd.
PLACED SURVEY MARKER	
CALCULATED POINT	
TREE\HEDGE LINE	
FENCE LINE	
MANHOLE	MH
CATCH BASIN	CB
UTILITY POLE	UP
LIGHT	
SIGN	

NOTES

1. THE FIELD WORK FOR THIS SURVEY WAS EXECUTED DURING THE PERIOD OF DECEMBER 2021.
2. AZIMUTHS ARE GRID DERIVED.
3. ALL DIMENSIONS ARE GIVEN IN METRIC, UNLESS NOTED.
4. MUTUAL BOUNDARY LINES OF LOTS IN HIDDEN VALLEY HAVE A 3.05m DRAINAGE EASEMENTS. THE DRAINAGE EASEMENT IS 6m AT THE REAR OF LOTS THAT ARE AGAINST PROPERTY NOT OF HIDDEN VALLEY AS OUTLINED IN THE RESTRICTIVE COVENANTS OF HIDDEN VALLEY.
5. EXISTING SEWER & STORM SEWER LINES WILL BE RELOCATED WHERE REQUIRED.
6. PARCEL A TO BE RESERVED FOR POSSIBLE ROAD EXPANSION.



© COPYRIGHT OF THIS PLAN IS THE SOLE PROPERTY OF I. S. E. Ltd., ONLY. NO PERSON SHALL REPRODUCE THIS PLAN IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF I. S. E. Ltd.

Island Surveying & Engineering
134 LONGWORTH AVENUE
CHARLOTTETOWN, PEI
C1A 5B3
PHONE 902-394-3349
FAX 902-569-3348
www.isesurveys.ca

PLAN OF SURVEY SHOWING
PHASE 1A BEING
LOTS 1–10, 71–73,
117–143, R–1 & R–2
BEING A SUBDIVISION OF LANDS OF
HIDDEN VALLEY
SCALE 1 : 750 Metric

CHARLOTTETOWN
QUEENS COUNTY
P.E.I.

DRAWN BY: AMD
DRAWING No. 21403–1

P.I.D. No. 1047562
669330

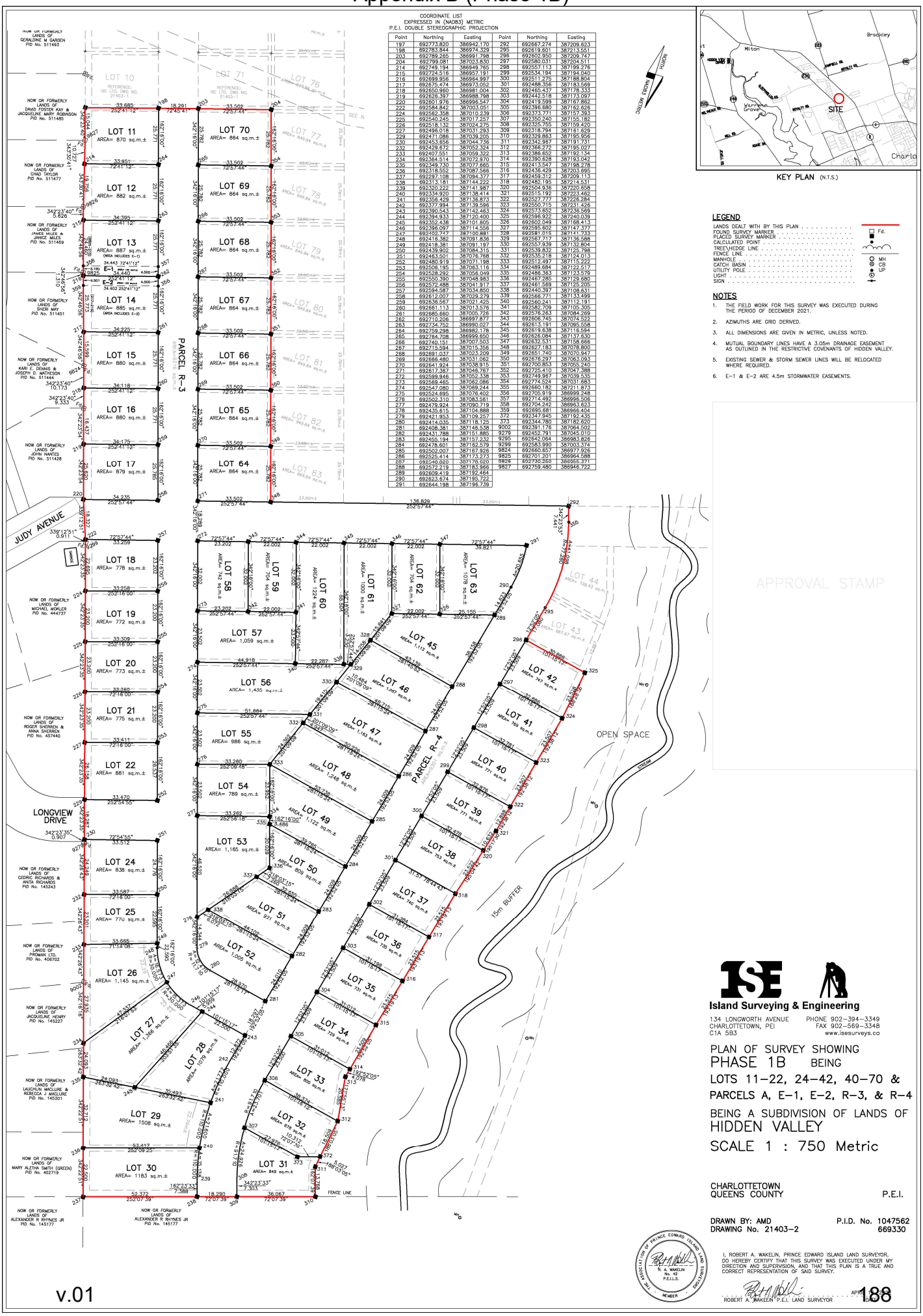
I, ROBERT A. WAKELIN, PRINCE EDWARD ISLAND LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

ROBERT A. WAKELIN P.E.I. LAND SURVEYOR — APRIL 19, 2022 DATE

THE ASSOCIATION OF PRINCE EDWARD ISLAND LAND SURVEYORS
R. A. WAKELIN
No. 42
P.E.I.L.S.
MEMBER

v.01

Appendix B (Phase 1B)



Point	Northing	Easting	Point	Northing	Easting
197	692773.820	386942.170	292	692687.274	387209.523
198	692783.844	386974.329	295	692619.601	387213.551
203	692789.265	386991.798	296	692602.950	387209.747
204	692799.081	387023.830	297	692580.031	387204.511
214	692749.194	386949.765	298	692557.113	387199.276
215	692774.516	386957.191	299	692534.194	387194.040
216	692699.956	386964.997	300	692511.275	387188.804
217	692675.474	386973.052	301	692488.356	387183.569
218	692650.960	386981.004	302	692465.437	387178.333
219	692628.397	386988.798	303	692442.518	387173.097
220	692601.976	386996.547	304	692419.599	387167.862
222	692584.842	387003.051	305	692396.680	387162.626
224	692562.358	387010.239	306	692373.771	387157.393
225	692540.245	387017.257	307	692350.240	387155.182
226	692518.132	387024.275	308	692325.755	387158.420
227	692496.018	387031.293	309	692318.794	387161.629
229	692471.086	387039.205	310	692309.863	387190.956
230	692453.656	387044.736	311	692342.967	387191.731
232	692429.672	387052.324	312	692366.272	387195.027
233	692407.551	387059.322	313	692386.652	387192.134
234	692364.514	387072.970	314	692390.628	387193.042
235	692349.730	387077.665	315	692413.547	387198.278
236	692318.552	387087.566	316	692436.429	387203.695
237	692297.108	387094.377	317	692458.312	387209.113
238	692313.181	387144.222	318	692482.195	387214.531
239	692320.222	387141.987	320	692504.936	387220.658
240	692334.920	387138.414	321	692515.192	387223.462
241	692356.429	387136.873	322	692527.777	387226.784
242	692377.994	387139.596	323	692550.715	387231.426
243	692390.543	387142.463	324	692573.652	387236.569
244	692394.933	387120.400	325	692596.922	387240.039
245	692352.438	387101.605	326	692602.049	387168.413
246	692398.097	387114.556	327	692595.602	387147.377
247	692402.747	387100.881	328	692581.515	387141.733
248	692416.382	387091.836	329	692567.717	387136.588
249	692418.381	387091.197	330	692557.919	387132.804
250	692439.902	387084.315	331	692539.832	387125.798
251	692463.501	387076.768	332	692535.218	387124.013
252	692480.919	387071.198	333	692512.497	387115.222
253	692506.195	387063.116	334	692489.684	387122.517
254	692528.292	387056.049	335	692486.563	387123.579
255	692550.390	387048.983	336	692467.285	387129.680
256	692572.488	387041.917	337	692461.569	387125.205
257	692594.587	387034.850	338	692440.391	387118.431
258	692612.007	387029.279	339	692566.771	387133.499
259	692638.567	387021.425	340	692560.241	387112.191
260	692661.113	387013.576	341	692582.709	387105.305
261	692685.660	387005.726	342	692576.263	387084.269
262	692710.206	386997.877	343	692606.745	387074.522
263	692734.752	386990.027	344	692613.191	387095.558
264	692759.298	386982.178	345	692619.638	387116.594
265	692764.708	386999.650	346	692626.084	387137.630
266	692740.151	387007.503	347	692632.531	387158.666
267	692715.594	387015.356	348	692627.183	387078.800
268	692691.037	387023.209	349	692651.740	387070.947
269	692666.480	387031.062	350	692676.297	387063.093
270	692641.924	387038.915	351	692700.853	387055.240
271	692617.367	387046.767	352	692725.410	387047.388
272	692599.946	387052.338	353	692749.967	387039.535
273	692569.465	387062.086	354	692774.524	387031.683
274	692547.080	387069.244	355	692660.182	387211.873
275	692524.695	387076.402	356	692705.919	386999.248
276	692502.310	387083.561	357	692714.492	386998.506
277	692479.924	387090.719	358	692704.242	386963.623
278	692435.615	387104.888	359	692595.681	386966.404
279	692421.953	387109.257	372	692347.945	387192.435
280	692414.035	387118.125	373	692344.780	387182.620
281	692408.381	387146.538	9002	692391.176	387064.502
282	692431.788	387151.885	9279	692452.791	387045.010
283	692455.194	387157.232	9295	692642.064	386983.826
284	692478.601	387162.579	9299	692583.990	387003.374
285	692502.007	387167.926	9824	692660.657	386977.926
286	692525.414	387173.273	9825	692701.201	386964.588
287	692540.820	387179.620	9826	692730.260	386955.371
288	692572.219	387183.966	9827	692759.480	386946.722
289	692609.419	387192.464			
290	692623.674	387195.722			
291	692644.198	387196.739			

Island Surveying & Engineering
134 LONGWORTH AVENUE
CHARLOTTETOWN, PEI
C1A 5B3
PHONE 902-394-3349
FAX 902-569-3348
www.isesurveys.ca

PLAN OF SURVEY SHOWING
PHASE 1B BEING
LOTS 11–22, 24–42, 40–70 &
PARCELS A, E-1, E-2, R-3, & R-4
BEING A SUBDIVISION OF LANDS OF
HIDDEN VALLEY
SCALE 1 : 750 Metric

CHARLOTTETOWN
QUEENS COUNTY
P.E.I.

DRAWN BY: AMD
DRAWING No. 21403-2
P.I.D. No. 1047562
669330

ASSOCIATION OF PRINCE EDWARD ISLAND LAND SURVEYORS
R. A. WAKELIN
No. 42
P.E.I.L.S.
MEMBER

I, ROBERT A. WAKELIN, PRINCE EDWARD ISLAND LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

ROBERT A. WAKELIN P.E.I. LAND SURVEYOR — APRIL 2022

v.01

Appendix C.
Reconsideration Request Letter

May 15, 2022

PLANNING
Rec'd MAY 16, 2022 Int RS

To:
Charlottetown Mayor Brown and City Council
Alex Forbes, Planning Board

Re: Reconsideration of Hidden Valley Subdivision File #2021-057

By way of this letter and attached petition, We, the Residents of Highfield Heights subdivision and area are filing an official reconsideration of the above noted subdivision via Bylaw 3.15.3(c) – there is a clear doubt as to the correctness of the order or decision in the first instance.

The attached petition has been signed by the Residents of Highfield Heights and surrounding area. This petition represents 92% of our Residents agreeing that a Reconsideration is warranted. Another 2 % agreed as well but are in covid isolation so signatures could not be obtained. We were unable to reach 5% of homes due to varying schedules, and 1% did not sign due to a conflict of interest. As you can see this document and letter represents the vast majority of Highfield Heights.

We are seeking reconsideration for the decision by the Planning Board that a Traffic Study is not necessary. The Residents deem it absolutely necessary to reconsider the decision for a traffic study to be completed. We (Residents of Highfield Heights from here forward) have not been provided any information as to how the decision was reviewed by the Manager of Public Works. What City requirements were met? What are the City's service standards? What parameters were used to come to this conclusion. Does the City of Charlottetown have a traffic modeling expert on staff? I would assume that a traffic expert would take into consideration not only our subdivision and the new Hidden Valley subdivision but those streets and intersections that connect to ensure proper traffic flow. Our situation in Winsloe/West Royalty would be different than a traffic study for Pownal Street in downtown Charlottetown, as an example. There is no comparison. Pownal street has both residential and commercial properties with a wider road, on street parking and sidewalks on both sides. We have made many phone calls and emails to Mayor Brown, Deputy Mayor/Councillor Jason Coady, Alex Forbes, Terry MacLeod, and Julie McCabe to inquire as to how this decision was made and have yet to receive any plausible explanations.

Bylaw 3.3.9(c) states "An application for a development shall be rejected if there is not a safe and efficient access to the Public Street." Also 3.3.9(e) states "The proposed Development would be detrimental to the convenience, health or safety of the residents in the vicinity or the general public." With Highfield Heights being an older subdivision, we do not have sidewalks for the safety of the kids/residents to walk to the park, people to walk their dogs and get exercise or kids to ride their bikes, skateboards, or scooters.

. . . /2

There is absolutely no way the streets of Highfield Heights will be safe with the number of cars driving thru to access either Lower Malpeque Road or Malpeque Road/Route 2. We have confidence a traffic study would prove this. Highfield Heights has 95 homes within the subdivision. The Hidden Valley subdivision has plans for 137 duplex lots (as per their flyer) which amounts to 274 homes. A conservative estimate of 1.5 cars per house would funnel 411 vehicles or at 2 cars per household could potentially be upwards of 548 vehicles. Add in the 95 existing homes in Highfield Heights with an estimated 190 vehicles and you have more than 738 vehicles accessing these 2 already busy intersections daily. This does not include traffic from Courier vehicles, oil trucks, those visiting the 2 subdivisions as well as the many trucks for the development of Hidden Valley. Bylaw 6.3.13 states "Where a Development proposal has the potential to generate substantial increased traffic flow, the Development Officer may require the applicant to obtain an independent traffic analysis and may negotiate an agreement with the applicant for an equitable cost sharing of necessary Street improvements arising from the analysis." How do you quantify "substantial increased traffic flow"? Again, in Section 46.3.10 it states (non verbatim) an Applicant shall be required to pay the cost of preparing a traffic study, the Applicant shall be required to pay all or any part of the cost of upgrading any existing Street which does not meet City service standards and forms part of the proposed subdivision of which provides Street access and egress to the Subdivision. It also states (again non verbatim) access or upgrading the existing Street network in the vicinity of the proposed subdivision including traffic signals and access turning lanes. The email reply from Alex Forbes to Janet Roach, dated April 26th, 2022, states no access to Route 2 **unless** a signalized intersection is provided to the Province's satisfaction.

In Charlottetown's Official Plan one of the objectives is to continuously monitor the City's transportation network to identify problems and to devise ways and means of enhancing it. Another notes "Our policy shall be to adjust traffic control devices periodically to meet current traffic demands." It also notes in the "Proposed Action" plan to "Ensure that adequate infrastructure and servicing are in place prior to, or concurrently with, new development." This is stated as a City Responsibility with the timeframe showing as "on-going."

The Residents of Highfield Heights are asking the Mayor and City Council for Reconsideration due to the lack of a traffic study, failure to follow the Bylaws and the Official Plan and failure to follow sound planning principles.

The City of Charlottetown is growing. The Community of Winsloe/West Royalty is growing which means the tax base is growing. Roads need to be changed or upgraded (as in East Royalty) to meet the growing demands and assist with the substantial increased traffic flow.

We, the Residents of Highfield Heights and area await your reply.

Thank you.

JandRoach@gmail.com
On behalf Heighfield Heights Residents

Appendix D.
Independent Traffic Study

219 Waverley Rd, Suite 200
Dartmouth, NS, Canada B2X 2C3
Tel: 902-405-4696
Fax: 902-405-4693
www.harboursidetransportation.com

June 14, 2022

Project No. 222060

Will Zafiris
Email: willzafiris@gmail.com
Tel: 902-394-2216

Re: Hidden Valley Subdivision Traffic Impact Statement

Mr. Zafiris,

Harbourside has been retained to complete a high-level review of the traffic impacts of the proposed Hidden Valley subdivision located in Charlottetown, Prince Edward Island.

1 Site Context

The Hidden Valley subdivision is located between Malpeque Road and Lower Malpeque Road south of Melody Lane, near the existing Highfield Heights subdivision. Figure 1 illustrates the site location.

1.1 Existing Roadway Network

Key roadways in the study area include:

- **Malpeque Road**: A provincial two-lane roadway that runs north-south in the study connecting areas to the northeast of the study area to Route 1 and Capital Drive, south of Capital Drive Malpeque Road becomes University Avenue which continues to the downtown core. Malpeque Road has a speed limit of 50 km/h north of Melody Lane and 70 km/h south of Melody Lane. Sidewalks are provided on the east side of the roadway north of Melody Lane.
- **Melody Lane:** A two-lane roadway that runs east-west between Malpeque Road and Lower Malpeque Road. Melody Lane has a speed limit of 50 km/h. Sidewalks are provided on the north side of the roadway.
- **Lower Malpeque Road:** A two-lane roadway that runs north-south from Malpeque Road to Capital Drive, south of Capital Drive Lower Malpeque Road becomes North River Road which continues to the downtown core. Lower Malpeque Road has a speed limit of 60 km/h north of Melody Lane and 50 km/h south of Melody Lane. Sidewalks are provided on one side of the roadway along the majority of the corridor, with a short segment with sidewalk on both sides of the roadway between Westway Drive and Highfield Avenue.



Figure 1: Site Context

1.2 Highfield Heights Subdivision

The existing subdivision, Highfield Heights, is zoned Single Detached Residential Zone (R-1S)[1], in which the permitted uses include a single-detached dwelling and modular dwelling[2]. There are 97 existing single-family detached units with access to the subdivision's internal roadways and three remaining lots on Keaton Drive, for a total of approximately 100 units in the subdivision.

The subdivision's road network consists of two-lane local roadways with rural cross sections. Roadways have a posted speed limit of 40 km/h with no walking or bicycling facilities. The subdivision has two access points: Athol Drive and Highfield Avenue.

Athol Drive is a local roadway that connects to Melody Lane. The intersection of Athol Drive and Melody Lane is a three-leg unsignalized intersection with stop-control on the Athol Drive approach (Figure 2). The Athol Drive approach has a throat length of approximately 75 metres to the adjacent intersection with Keaton Drive/Windymere Drive.



Figure 2: Athol Drive

[1] Zoning Map, City of Charlottetown, January 2021.

[2] Zoning and Development Bylaw (PH-ZD.2), City of Charlottetown, April 2022.

Highfield Avenue is a local roadway that connects to Lower Malpeque Road. The intersection of Highfield Avenue and Lower Malpeque Road is a three-leg unsignalized intersection with stop-control on the Highfield Avenue approach (Figure 3). There is a pedestrian crosswalk across Lower Malpeque Road on the north leg of the intersection (Figure 4).

The Highfield Avenue approach has a throat length of approximately 40 metres to the adjacent intersection with Longview Drive. There is a park, Highfield Park, and community mailboxes located on Highfield Avenue between Longview Drive and Windymere Drive.



Figure 3: Highfield Avenue



Figure 4: Crosswalk at Highfield Avenue

2 Proposed Hidden Valley Subdivision

The proposed Hidden Valley subdivision is located between the existing Highfield Heights subdivision and Malpeque Road. The subdivision will be an extension of the existing subdivision and include roadway connections to the existing subdivision at Longview Drive, Judy Avenue, Robert Avenue and Lyne Avenue. The subdivision will be accessed through the Highfield Heights subdivision's two existing access points: Athol Drive and Highfield Avenue. No new access points are proposed.

The proposed Hidden Valley subdivision is zoned Low Density Residential Single Zone (R-2S), in which the permitted uses include semi-detached dwelling and duplex dwelling in addition to the uses permitted in R-1 (single-detached dwelling and modular dwelling).

The subdivision will include a total of 140 lots. With the R-2 zoning, the subdivision could be built out to include a minimum of 140 single-family detached units up to a maximum of 280 single-family attached units (duplexes and townhouses).



Figure 5: Site Plan

3 Existing Intersection Operations

The operations at the two access points to the subdivision were observed between 7:30 and 8:30 AM and 4:30 and 5:30 PM on Wednesday, June 8, 2022. Queues and delays for vehicles exiting and entering the subdivision were observed at five minutes intervals.

3.1 AM Period

Traffic operations at each intersection during the one-hour AM period of observation are summarized as follows:

Lower Malpeque Road & Highfield Avenue

- the maximum queue observed on the Highfield Avenue approach was two vehicles;
- the majority of vehicles turned left onto Lower Malpeque Road; and
- it took approximately 15 seconds or less for vehicles to complete a left turn maneuver.

Melody Lane & Athol Drive

- the maximum queue observed on the Athol Drive approach was one vehicle;
- the majority of vehicles turned right onto Melody Lane; and
- it took approximately 5 seconds or less for vehicles to complete a right turn maneuver.

The field investigations indicate that there are no existing operational issues at the subdivision access points during the AM period.

3.2 PM Period

Traffic operations at each intersection during the one-hour PM period of observation are summarized as follows:

Lower Malpeque Road & Highfield Avenue

- the maximum queue observed on Lower Malpeque Road entering Highfield Avenue was two vehicles;
- the majority of vehicles turned right onto Highfield Avenue and did not encounter any delays;
- the maximum queue observed on the Highfield Avenue approach was one vehicle;
- the majority of vehicles turned left onto Lower Malpeque Road; and
- it took approximately 15 seconds or less for vehicles to complete a left turn maneuver.

Melody Lane & Athol Drive

- the maximum queue observed on Melody Lane entering Athol Drive was two vehicles;
- the majority of vehicles turned left onto Athol Drive;
- the maximum queue observed on the Athol Drive approach was one vehicle; and
- the majority of vehicles turned right onto Melody Lane and did not encounter any delays.

The field investigations indicate that there are no existing operational issues at the subdivision access points during the PM period.

3.3 Level of Service

Level of service at an intersection is defined in the of control delay. Control delay quantifies the increase in travel time that a vehicle experiences due to the traffic control as well as provides a surrogate measure for driver discomfort and fuel consumption. Level of service is reported on a scale of A to F, with level of service E and F indicating congested conditions and intolerable delays for drivers. A level of service of D or better is considered acceptable levels of operations. Table 1 summarizes the level of service criteria for unsignalized intersections.

Table 1: Level of Service Criteria for Unsignalized Intersections

Level of Service	Average Control Delay (sec/veh)
A	0 – 10
B	> 10 – 15
C	> 15 – 25
D	> 25 -35
E	> 35 -50
F	> 50

The maximum delay observed at the intersection of Lower Malpeque Road & Highfield Avenue was approximately 15 seconds, indicating the intersection likely operates at a level of service of A or B during peak hours.

The maximum delay observed at the intersection of Melody Lane & Athol Drive was approximately 5 seconds, indicating the intersection likely operates at a level of service of A during peak hours.

4 Road Classifications

Roadway classifications are generally determined in accordance with Transportation Association of Canada (TAC) Geometric Design Guidelines for Canadian Roadways (GDGCR)[3]. A municipal road network typically has a road hierarchy that consists of local, collector, and arterial roadways.

The main function of a local roadway is to provide direct access to properties, traffic movement is a secondary consideration. Local roadways are normally connected to other local roadways and collector roadways. The typical daily traffic volume on a local residential roadway is less than 1,000 vehicles per day.

On a collector roadway, both the functions of traffic movement and property access are of equal importance. Collector roadways are normally connected to local roadways, collector roadways and arterial roadways. The typical daily traffic volume on a residential collector roadway is less than 8,000 vehicles per day.

The main function of an arterial roadway is to move traffic, property access is a secondary consideration. Arterial roadways are normally connected to collector roadways and other arterial roadways. The typical daily traffic volume on a minor arterial roadway is less than 20,000 vehicles per day.

The Department of Transportation and Infrastructure collects average annual daily traffic (AADT) volume data on highways and secondary routes. Recent data available for Malpeque Road and Lower Malpeque Road are summarized in Table 2[4].

Based on recent AADT data, Malpeque Road functions as an arterial roadway and Lower Malpeque Road functions as a collector roadway. All existing and proposed roadways within the subdivision are expected to function as local roadways. While no data is available for Melody Lane, it is expected that Melody Lane functions as a minor collector roadway.

Table 2: AADT Data

Roadway	2018	2019	2020
Malpeque Road	12,702 vpd	12,702 vpd	12,702 vpd
Lower Malpeque Road	3,822 vpd	3,789 vph	3,234 vpd

[3] Geometric Design Guidelines for Canadian Roadways – Chapter 2 Design Controls, Classification and Consistency, Transportation Association of Canada, June 2017.

[4] PEI Traffic Volumes online application: https://peigov.maps.arcgis.com/apps/webappviewer/index.html?id=a0d9286ab4b246b7a6bdb4a86a184125

5 Theoretical Peak Hour Traffic Volumes

The Institute of Transportation Engineers (ITE) Trip Generation Manual[5] was used to estimate the existing and proposed subdivision's vehicle trip generation during the AM and PM peak hours. The following land use codes were used:

- 210 Single-Family Detached Housing, General Urban/Suburban; and
- 215 Single-Family Attached Housing, General Urban/Suburban.

Table 3 summarizes the trip generation rates for each land use code.

Table 3: Trip Generation Rates

Land Use Code	AM Peak Hour			PM Peak Hour		
	Avg. Rate (veh/unit)	Distribution		Avg. Rate (veh/unit)	Distribution	
		Entering	Exiting		Entering	Exiting
210 Single-Family Detached Housing	0.70	26%	74%	0.94	63%	37%
215 Single-Family Attached Housing	0.48	31%	69%	0.57	57%	43%

5.1 Existing Highfield Heights Subdivision

Table 4 summarizes the estimated trip generation for the existing Highfield Heights subdivision. The subdivision generates approximately 70 vehicle trips during the AM peak hour (18 trips entering and 52 trips exiting) and approximately 94 vehicle trips during the PM peak hour (59 trips entering and 35 trips exiting). These trips are split between the two access points at Highfield Avenue and Athol Drive.

Table 4: Highfield Heights Subdivision Trip Generation

Land Use Code	Units	AM Peak Hour			PM Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting
210 Single-Family Detached Housing	100	70	18	52	94	59	35

5.2 Proposed Hidden Valley Subdivision

Table 5 summarizes the estimated trip generation for the proposed Hidden Valley subdivision under two scenarios:

[5] Trip Generation Manual, 11th edition, Institute of Transportation Engineers, September 2021.

- Scenario A: All lots are built out to include single-family detached homes, this represent the lowest density scenario with 140 units and is equivalent to the subdivision having an R-1 zoning. Under Scenario A, the subdivision is forecast to generate approximately 98 vehicle trips during the AM peak hour (25 trips entering and 73 trips exiting) and approximately 132 vehicle trips during the PM peak hour (83 trips entering and 49 trips exiting).
- Scenario B: All lots are built out to include single-family attached homes, this represents the highest density scenario with 280 units. Under Scenario B, the subdivision is forecast to generate approximately 134 vehicle trips during the AM peak hour (42 trips entering and 92 trips exiting) and approximately 160 vehicle trips during the PM peak hour (91 trips entering and 69 trips exiting).

While the total number of units in the subdivision could be up to double the number of units than would be permitted with an R1 zoning, since single-family detached units generate more trips than single-family attached units this does not translate to double the number of trips generated by the subdivision.

In terms of traffic generation, the difference between 140 single-family detached units and 280 single-family attached units is only 36 vehicles trips in the AM peak hour and 28 vehicle trips during the PM peak hour. Any combination of single-family detached units and single-family attached units is forecast to generate less trips than Scenario B.

Table 5: Hidden Valley Subdivision Trip Generation

Land Use Code	Units	AM Peak Hour			PM Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting
Scenario A							
210 Single-Family Detached Housing	140	98	25	73	132	83	49
Scenario B							
211 Single-Family Attached Housing	280	134	42	92	160	91	69
Difference		**36**	**17**	**19**	**28**	**8**	**20**

5.3 Future Total Trips

The Highfield Heights and Hidden Valley subdivision will result in a total combined traffic volume of approximately 204 vehicles per hour during the AM peak hour and approximately 254 vehicles per hour during the PM peak hour as the worse case scenario (Scenario B). The traffic volumes will be split between the two access points at Highfield Avenue and Athol Drive. Table 6 summarizes the combined future trips.

Table 6: Combined Future Trip Generation

Land Use Code	Units	AM Peak Hour			PM Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting
Highfield Heights							
210 Single-Family Detached Housing	100	70	18	52	94	59	35
Hidden Valley (Scenario B)							
211 Single-Family Attached Housing	280	134	42	92	160	91	69
Future Total		**204**	**60**	**144**	**254**	**150**	**104**

6 Direct Access to Malpeque Road

A direct access to Malpeque Road from the proposed Hidden Valley subdivision has been suggested as an alternative to providing access through the existing Highfield Heights subdivision. While a direct access would minimize impacts to the existing subdivision, the following should be taken into consideration when considering a direct access to Malpeque Road:

- The Department of Transportation and Infrastructure has indicated that any new access on Malpeque Road would require traffic control signals. The traffic volumes generated by the proposed Hidden Valley subdivision are not expected to warrant traffic control signals at a direct access to Malpeque Road. Traffic control signals should not be installed in locations where they are not warranted in accordance to the Transportation Association of Canada (TAC) Traffic Signal and Pedestrian Head Warrant Handbook[6].
- The traffic volume on Malpeque Road indicates that it functions as a minor arterial roadway. Connections to arterial roadways should not include local roadways such as a direct access to the subdivision. The proposed connections through existing local roads (Highfield Drive and Athol Drive) to collector roadways follows TAC guidelines for the proper relationship between road classifications.
- With a connection between the two subdivisions, the signalized access to Malpeque Road could encourage traffic currently using the unsignalized access at Melody Lane to shortcut through the neighbourhood if delays experienced by vehicles are shorter at the signalized access or perceived as safer.

7 Neighbourhood Impacts

There are several possible areas of concern related to traffic; specifically, the roadway capacity, safety and the potential nuisance for adjacent residents.

[6] TAC Traffic Signal and Pedestrian Head Warrant Handbook, June 2014.

The proposed Hidden Valley subdivision includes roadway connections to the existing subdivision at Longview Drive, Judy Avenue, Robert Avenue and Lyne Avenue. Based on future total traffic forecast and the number of roadway connections to the existing subdivision's road network, it is estimated that the daily traffic volume along these local roadways will be less than 500 vehicles per day. These roadways are forecast to operate well below the daily capacity for a local roadway (1,000 vehicles per day) and are not expected to experience any operational issues.

Traffic on these roadways will converge onto Highfield Avenue and Athol Drive, it is estimated that the daily traffic volumes along these local roadways is expected to be closer to the threshold of volumes along a local roadway. Based on existing operations, the increased traffic volumes are not expected to be sufficient that motorists will notice any major deterioration in level of service.

The existing neighbourhood street are built to proper design standards. The streets have reasonable sight distances for safe operations and proper traffic control at intersections. The residential lots adjacent to the streets all have direct driveway connections to these streets that are well located to avoid locations with poor visibility. Recognizing these conditions, the expected future traffic is not expected to create a traffic safety problem.

Safety concerns have been expressed in particular for Highfield Avenue due to the presence of Highfield Park and a community mailbox. There are number of strategies that could be considered to identify and mitigate potential safety issues:

- Monitoring of vehicle speeds to ensure adherence to the roadway speed limit of 40 km/h. If speeding issues arise, traffic calming measures should be considered.
- Review the need for a playground zone or area in accordance with the TAC School and Playground Areas and Zones[7].
- There are clear sightlines at the community mailbox allowing vehicles to determine if it is safe to by-pass a vehicle stopped at the mailbox, safety problems are not expected. If friction arises at the community mailbox with the increase in traffic volumes consideration should be given to providing a layby area at the mailbox allowing sufficient space for a vehicle to move off the roadway.

It is recognized that the proposed development will increase traffic on the study area roadways and this traffic may be noticed by at least some of the adjacent residents who will perceive it to be a nuisance, however the increased traffic volumes are not expected to be sufficient that motorists will notice any major deterioration in level of service.

[7] School and Playground Areas and Zones: Guidelines for Application and Implementation, Transportation Association of Canada, October 2006.

8 Conclusions and Recommendations

Based on the investigations carried out, it is concluded that:

- The existing subdivision, Highfield Heights, is zoned Single Detached Residential Zone (R-1S), in which the permitted uses include a single-detached dwelling and modular dwelling.
- There are approximately 100 single-family detached units in the existing subdivision. Theoretically subdivision generates approximately 70 vehicle trips during the AM peak hour (18 trips entering and 52 trips exiting) and approximately 94 vehicle trips during the PM peak hour (59 trips entering and 35 trips exiting).
- The existing subdivision has two access points: Lower Malpeque Road & Highfield Avenue and Melody Lane & Athol Drive. Field investigations of existing intersection operations at these intersections indicate that there are no existing operational issues at the subdivision access points. Vehicles entering and exiting Highfield Heights experience minimal delay and queues during both the AM and PM peak hours.
- The proposed Hidden Valley subdivision will be an extension of the existing subdivision and include roadway connections to four of the subdivision's internal roadways: Longview Drive, Judy Avenue, Robert Avenue and Lyne Avenue.
- The proposed Hidden Valley subdivision is zoned Low Density Residential Single Zone (R-2S), in which the permitted uses include semi-detached dwelling and duplex dwelling in addition to the uses permitted in R-1 (single-detached dwelling and modular dwelling).
- The subdivision will include a total of 140 lots and could be built out to include a minimum of 140 single-family detached units up to a maximum of 280 single-family attached units (duplexes and townhouses).
    - With 140 single-family detached units, the subdivision is forecast to generate approximately 98 vehicle trips during the AM peak hour (25 trips entering and 73 trips exiting) and approximately 132 vehicle trips during the PM peak hour (83 trips entering and 49 trips exiting).
    - With 280 single-family attached units, the subdivision is forecast to generate approximately 134 vehicle trips during the AM peak hour (42 trips entering and 92 trips exiting) and approximately 160 vehicle trips during the PM peak hour (91 trips entering and 69 trips exiting).
    - Any combination of single-family detached units and single-family attached units is forecast to generate less trips than 280 single-family attached units.
- Single-family detached units generate more trips than single-family attached units, therefore the R-2 zoning allowing up to double the number of units when compared to the R-1 zoning does not translate into a proportional increase in the number of trips generated by the subdivision.

- In terms of traffic generation, the difference between 140 single-family detached units and 280 single-family attached units is only 36 vehicles trips in the AM peak hour and 28 vehicle trips during the PM peak hour.
- The proposed subdivision will be accessed through the Highfield Heights subdivision's two existing access points. No new access points are proposed.
- The internal roadways are expected to have sufficient capacity to accommodate additional traffic generated by the proposed development as the daily volumes along these roadways is expected to be at the lower threshold of volumes along a local roadway.
- Traffic on these roadways will converge onto Highfield Avenue and Athol Drive, it is estimated that the daily traffic volumes along these local roadways is expected to be closer to the threshold of volumes along a local roadway. However, based on existing operations, the increased traffic volumes are not expected to be sufficient that motorists will notice any major deterioration in level of service.
- The expected future traffic is not expected to create a traffic safety problem.
- Safety concerns have been expressed in particular for Highfield Avenue due to the presence of Highfield Park and a community mailbox. A number of strategies that could be considered to identify and mitigate potential safety issues have been identified:
    - Monitor vehicle speeds and the implement traffic calming measures if speeding problems materialize;
    - Review the need for a playground zone or area for Highfield Park; and
    - There are clear sightlines at the community mailbox allowing vehicles to determine if it is safe to by-pass a vehicle stopped at the mailbox, safety problems are not expected. Provide a layby area at the community mailbox allowing sufficient space for a vehicle to move off the roadway if friction arises with the increase in traffic volumes.

If you have any questions or additional discussion, please feel free to contact the undersigned.

Regards,



Michael MacDonald, P. Eng.
Senior Transportation Engineer, Principal
Tel: 902-405-4655
Email: mmacdonald@harboursideengineering.ca