

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

RECEIVED

FEB 03 2020

The Island Regulatory
and Appeals Commission

NOTE:

Appeal process is a public process.

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the 13th day of January, 2020, wherein the Minister/Community Council made a decision to reject the rezoning application for Hill-Bay Holdings Inc. to rezone 68 Brackley Point Road from R1 to R3, in order to construct two (2) townhouse dwellings containing a total of 14 Townhouse style units. (See Attached.) (attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)
Please See Grounds For Appeal Attached, schedule A.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)
Please see Relief, attached Schedule B.

Name(s) of Appellant(s): Hill-Bay Holdings Inc.
Please Print

Signature(s) of Appellant(s): 

Mailing Address: 15 Church Street

City/Town: Souris

Province: PE

Postal Code: C0A 2B0

Email Address: smidjackson@gmail.com

Telephone: 902.969.8135

Dated this 31st day of January, 2020
day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

January 14, 2020

David Jackson & Veronica Laidlaw
Hill-Bay Holdings Inc.
PO Box 520
Souris, PE
C0A 2B0

Dear Mr. Jackson & Ms. Laidlaw:

Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Monday, January 14, 2020:

"That the request to:

- a) Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and*
- b) Amend Appendix "G" – Zoning Map of the Zoning and Development Bylaw from the Single-Detached Residential (R0-1L) Zone to the Medium Density Residential (R-3) Zone;*

for the property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be rejected.

Council in their decision making noted concerns relating to additional traffic & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood.

In accordance with Section 3.15 of the City of Charlottetown Zoning & Development Bylaw you may, within 21 days from Council's decision, request a reconsideration of Council's decision or appeal the decision to the Island Regulatory and Appeals Commission. The process for which is attached for your reference. You may not apply for similar variances for one (1) year unless Council is of the opinion that there is valid new information or a change in conditions.

Yours truly,



Greg Morrison, MCIP
Planner II



AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)

1. The Traffic Review Study, attached which was completed on December 23rd/24th, 2019 and furthermore proves the facts that no safety issues or concerns or traffic issues are a factor, as per the professional engineering opinion of Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. (See Traffic Review Study Attached.) **As stated in his professional opinion “The traffic flow generated by the proposed development is not significant and will not negatively impact traffic flow on Brackley Point Road or the Level of Service of this Roadway. In addition, the engineering review concurred with the recommendations of the Charlottetown Police and Public Works Department to locate the driveway at the far north end of the property.”**
2. City Councillor Robert Doiron, acted with bias and in bad faith; being in direct conflict of interest and encouraged residents, City Council and Planning Board members to reject the application and Mr. Doiron himself who was in conflict continued to vote against the application while sitting on the Planning Board and City Council. Mr. Doiron should have excused himself prior to the Public Meeting back on October 29th, 2019.
3. Many of the Sherwood Residents who sent in letters of opposition to this particular Hill-Bay Holdings Inc. rezoning application seemed somewhat confused on which property was being rezoned and for what purpose, as they were not presented with the facts that this is a townhouse development of single family homes ‘For Sale’ located at 68 Brackley Point Road and not the development proposed by another developer who got the Sherwood Residents in an uproar, as he previously proposed to build an 30+ unit apartment building located on Ron Woods land off Brackley Point Road and Pope Road near Stone Park Junior High School, which is completely on the opposite end of Brackley Point Road.
4. Sherwood Residents were not accurately informed, prior to submitting their letters of opposition regarding safety and traffic as the Traffic Review Study was not presented to them at the Public Meeting held on Tuesday October 29th, 2019. These same few Sherwood residents were encouraged by Councillor Bob Doiron on October 29th, 2019 to attend the upcoming planning board and City Council meetings to oppose the application, the facts in this regard are being presented to IRAC in this appeal.
5. Other than a few letters of opposition from Sherwood Residents, who were not fully informed prior to submitting their letters of opposition. The rezoning application meets all acceptable guidelines in regards to safety, traffic, etc. and the decision to reject should be overturned by IRAC.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)

1. That the rezoning application of 68 Brackley Point Road from R1 to R3 be approved based on a 'Site Specific Development Agreement', between Hill-Bay Holdings Inc. and the City of Charlottetown.
2. IRAC to assist in preparing and drafting if applicable a 'Site Specific Development Agreement' between the City of Charlottetown and Hill-Bay Holdings Inc. in regards to the 'Site Specific Rezoning' of 68 Brackley Point Road, which in IRAC's opinion based on the facts presented meets required guidelines.

December 24, 2019

Via Email: smidjackson@gmail.com

Attention: Mr. David Jackson

....
...
...

Dear Mr. Jackson:

Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses

Introduction

Coles Associates Ltd. was retained by Mr. David Jackson to provide services to carry out an independent Traffic Review and to offer an opinion on the effects of traffic generated by the proposed development on Brackley Point Road.

It is our understanding that the proposed development will consist of 14 single residential townhouses with a mix of 2 and 3 bedrooms. The proposed development will be constructed on a property located on Parcel # 396713 located along the east side at Civic Address 68 Brackley Point Road in Charlottetown.

This letter report presents a brief analysis undertaken in support of this development and to address specific traffic concerns raised by others.

Further to this request, a site visit to the property and adjacent roads was carried out on Thursday, 19 December 2019 to have a better understanding of this site, physical attributes, and traffic conditions on Brackley Point Road near the proposed development.

Figure 1 below is a preliminary plan, drawing no 18239-3, dated October 31, 2019, was prepared by ISE Land Surveying & Engineering. This plan shows the legal boundaries of the property as well as the layout of the proposed townhouses, parking and driveway.

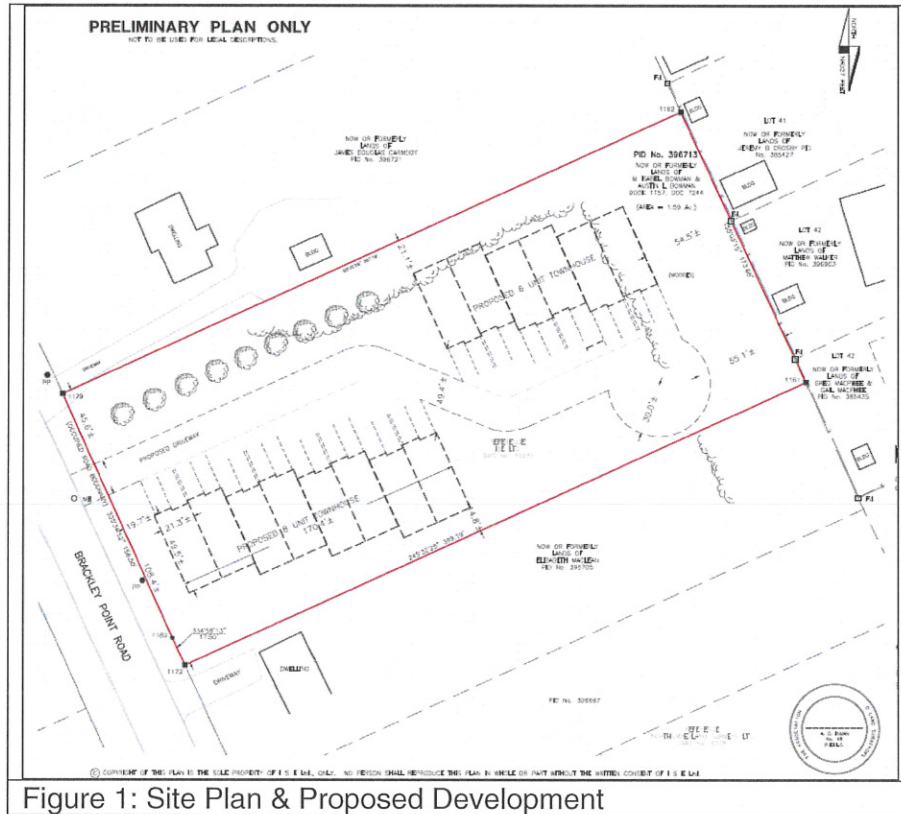


Figure 1: Site Plan & Proposed Development

Existing Traffic Volume

As a part of this review, we carried out a traffic count on Brackley Point Road adjacent to the subject property. The traffic data collection was conducted to provide the basis for the traffic analysis.

Traffic counts were conducted on Monday, December 23, 2019 for the AM peak period (7:00 AM – 9:00 AM) and Noon peak period (12:30 PM – 1:30 PM) by our staff. The breakdown of the traffic counts are summarized in below table:

Location	Direction	Morning Peak	Noon Peak
68 Brackley Point Rd	Northbound	400	350
68 Brackley Point Rd	Southbound	230	360
Total		630	710

It should be noted that there are variation patterns of the traffic volume on the road in question including seasonal variations, weekday variations and the hourly variations. The traffic count carried on 23 December will result in higher count because of the increased traffic during the

holidays. However, because of the timing and scope of this review, the collected data will be used even though it is higher than regular traffic volume on a typical weekday.

Based on the higher traffic count recorded during the count, peak hour traffic volume was applied to obtain the average daily traffic (ADT) which was estimated to be in the order of 4,800. Brackley Point Road is designated by the City as Collector Road with a maximum speed near the subjected property posted at 50 KPH.

Traffic Generated by Proposed Development

As mentioned above, the proposed Development consists of 14 residential townhouses.

This traffic impact review will follow the latest revision of the Institute of Transportation Engineer's Manual and other applicable Standards. The methodology will comprise of assessing existing conditions, quantifying traffic generated by the proposed development, and analyzing impact of post-development on traffic conditions.

The ITE Manual designates an average trip generation rate for a townhouse of 0.53 trips/unit during the morning peak hour and 0.64 trips/unit during the evening peak hour. However, these average rates are based on observations from larger townhouse developments (average size > 100 units). A review of the empirical data plots contained in the manual suggests that trip generation rates may be slightly higher for smaller townhouses development similar to those planned for the proposed development. Consequently, trip generation rates of 0.6 trips/unit and 0.7 trips/units were conservatively assumed for the morning and evening peak hours, respectively. The following table shows the expected split of traffic entering and leaving the development during these peak periods based on the above rates.

Time Period	Total Trips	Entering	Leaving
Morning Peak Hour	10	1.5	8.5
Evening Peak Hour	13	9.8	3.1

Impact on Adjacent Road Network

Based on our examination of recent traffic flows recorded Brackley Point Road, the breakdown of all generated trips by the proposed development are expected to be broken down between the development and points north and south based on the current average flow percentages of 55% Northbound and 45% Southbound.

The following table shows how the new trips are expected to be distributed between the various destinations (note that numbers have been rounded off).

	Direction	Morning Peak	Evening Peak
Northbound Brackley Point Road	Entering	1	5
	Leaving	4	2
Southbound Brackley Point Road	Entering	1	4
	Leaving	4	2
Total		10	13

The Institute of Transportation Engineers (ITE) Recommended Practice for Traffic Impact Studies for Site Development suggests that a traffic impact assessment be undertaken for any development expected to generate more than 100 additional trips during the peak hour. This is considered to be the threshold beyond which the level of service of an existing road may be impacted. Since the proposed development is only expected to generate up to 13 new trips during the evening peak hour, the resulting impact on existing delay and Level of Service is very low and will not be significant.

In general, truck traffic was found to be very low in both directions on Brackley Point Road and was recorded to be on average in the order of 1% of the total traffic volume.

There was no pedestrian traffic during the traffic count.

Current Operations

Level of Service (LOS) is a qualitative measure of how a traffic facility is operating and based on the calculated average vehicle delay in seconds per vehicle. LOS A to LOS F are considered with LOS A representing a delay of less than 10.0 seconds per vehicle and LOS F representing a delay of greater than 50.0 seconds per vehicle. Brackley Point Road appears to be operating near the top LOS with no significant delays observed.

Vehicles entering and exiting existing driveways and future development may experience a short delay during traffic peak hours. This is more to left turning movement and to a lesser extent right turning movement from driveways. However, it should be noted that the delays caused by the left turning movements are not significant (< 16 sec) and it is less than average for a collector road similar to Brackley Point Road.

At this point in time, the additional traffic generated by the development will have no impact on Level of Service on Brackley Point Road.

Driveways

There are currently a total of 21 existing driveways between Duncan Heights and Cedar Avenue. They are all residential driveways with 10 along the east side and 11 along the west side.

The safety impacts of driveways on urban roadways are of interest to public safety. Different driveway types perform differently. The effects of driveways have been investigated by many past

studies and the results showed that commercial driveway has a largest impact on the roadway safety and residential driveway has the lowest safety impacts.

It is our understanding that the Charlottetown Police and Public Works Department have reviewed earlier submissions of the subject development and it was recommended to move the driveway further north to improve sight distances. The latest site plan submission (Figure 1) by the developer incorporated this change and the driveway is currently located as far north as the site conditions allow without impacting the existing trees along the north property line. Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway will be adequate for this proposed development.



Figure 2: Aerial view showing subject property and existing residential driveways

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24 December 2019

Via Email: smidjackson@gmail.com

Attention: Mr. David Jackson

Re: Traffic Review - 68 Brackley Point Rod

Summary

In summary, our review concludes that the additional traffic expected to be generated by the proposed development will not have a noticeable impact on traffic operations on Brackley Point Road.

We hope that this report provides you with all the required information which was requested.

Should you have any questions or require further explanation regarding the attached report, please do not hesitate to call the undersigned at your convenience.

Yours very truly,

Coles Associates Ltd.

Per: Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE
/nl

Cc: Mr. Greg Morrison, City of Charlottetown (Via Email: gmorrison@charlottetown.ca)
Mr. Brad MacPherson, (Via Email: brad.macpherson@premieremortgage.ca)

68 Brackley Point Road, Charlottetown, PEI

BACKGROUND

The property owners, David Jackson & Veronica Laidlaw (Hill-Bay Holdings Inc.), applied for their vacant property, located at 68 Brackley Point Road (PID #396713), to be re-zoned from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3). The purpose of the rezoning would be to allow for the construction of 2, single storey townhouses consisting of 6 units and 8 units for a total of 14 units on the large, vacant property. This is a revised plan from one previously put forward.

This plan is responding to Charlottetown's unprecedented growth, changing demographics, increased demand for housing, growth and improvement of its transit system and support for the pedestrian and the bicycle within the neighbourhood, lessening the dependence on individual private vehicles. These are the goals of any forward-thinking modern development. All of this supports the case for a sensitive development with a reasonable increase in density, like the subject proposed development in a very low-density neighbourhood found in this area of Brackley Point Road. Changes to zoning are the first step in responding to these pressures in urban planning to meet changing demographics and markets. Change can make people nervous and rather than put neighbours on the defensive, we believe we can improve this community and make necessary changes to zoning without harming a blade of grass on a single lawn. It is mixed building type neighbourhoods that are the most vibrant and interesting. They support improved transit systems and encourage pedestrian and bicycle use to access the relatively close neighbourhood centre, churches and schools.

On Monday, January 14, 2020 Charlottetown City Council voted to reject the above request from David Jackson and Veronica Laidlaw, citing concerns relating to additional traffic, & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood. Letters from the public most primarily cited concerns of traffic and pedestrian safety, noise pollution and increased traffic volumes.

APPEAL

In accordance with Section 3.15 of the City of Charlottetown Zoning & Development Bylaw, property Owners, David Jackson and Veronica Laidlaw request a reconsideration of Council's decision and appeal the decision to the Island Regulatory and Appeals Commission. The rationale for this appeal is that we have clear doubt as to the correctness of the decision in the first place and there are new material facts that were not available at the time of Council's decision to reject the Owner's application.

1. In accordance with the provisions of Section 28.(5) of the **Planning Act**, the additional grounds for this appeal are as follows:
 2. The Traffic Review Study, attached which was completed on December 24th, 2019 and furthermore proves the facts that no safety issues or concerns or traffic issues are a factor, as per the professional engineering opinion of Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. (See Traffic Review Study Attached.)
 3. City Councillor Robert Doiron, acted with bias and in bad faith; being in direct conflict of interest and encouraged residents, City Council and Planning Board members to reject the application and Mr. Doiron himself who was in conflict continued to vote against the application while sitting on the Planning Board and City Council. Mr. Doiron should have excused himself prior to the Public Meeting back on October 29th, 2019.
 4. Many of the Sherwood Residents who sent in letters of opposition to this particular Hill-Bay Holdings Inc. rezoning application were confused on which property was being rezoned and for what purpose, as they were not presented with the facts that this is a townhouse development of single family homes 'For Sale' located at 68 Brackley Point Road and not the development proposed by another developer who got the Sherwood Residents in an uproar, as he previously proposed to build an 30+ unit apartment building located on his land off Brackley Point Road and Pope Road near Stone Park Junior High School, which is completely on the opposite end of Brackley Point Road.
 5. Sherwood Residents were not accurately informed, prior to submitting their letters of opposition regarding safety and traffic as the Traffic Review Study was not presented to them at the Public Meeting held on Tuesday October 29th, 2019. These same few Sherwood residents were encouraged by Councillor Bob Doiron on October 29th, 2019 to attend the upcoming planning board and City Council meetings to oppose the application, proving Mr. Doiron was more concerned with election votes, than he was about proven facts.
 6. Other than a few letters of opposition from Sherwood Residents, who were not fully informed prior to submitting their letters of opposition. The rezoning application meets all acceptable guidelines in regards to safety, traffic, etc. and the decision to reject should be overturned by IRAC.
-

RESPONDING TO OBJECTIONS - ALLIVIATING CONCERNS

In a letter from City Planner, Greg Morrison, to the Owners, January 14, 2020 he states, *"Council in their decision making noted concerns relating to additional traffic & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood."*

As well, letters from the public most often cited concerns of vehicle traffic and pedestrian safety, noise pollution and increased traffic volumes.

The information contained in the report, **"Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses"** December 24th, 2020: Coles Associates Ltd. Per: Nazmi

Lawen, FEC, M.A.Sc., P.Eng., PE, indicates that all concerns about traffic volume, safety considerations, speed limits, sight lines, etc., are not a concern in this development. This study provides empirical data and analysis which concludes that sight lines, vehicle/pedestrian traffic and speed limit were satisfactory and well within acceptable guidelines, according to professional engineer, Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. of Coles and Associates who provided this independent traffic study and assessment. These data and conclusions were also agreed to by Charlottetown Police Department and Charlottetown Public Works, as reported by Greg Morrison. Mr. Lawen also made comment at the January 6th, 2020 Planning Board meeting, *"That even if you doubled the traffic on Brackley Point Road, it would still be within guidelines."* In the opinion of Nazmi Lawen, Professional Engineer the 14 unit townhouse development would not impact traffic or safety on Brackley Point Road. Mr. Lawen is very much satisfied based on his review and study that the application for re-zoning 68 Brackley Point Road from R1 to a 'Site Specific' R3 Townhouse style development should be approved. If requested by IRAC, Mr. Lawen will testify to this fact. So, safety concerns have been thoroughly addressed and dismissed and cannot be cited as reasonable objections to the proposed development.

Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses

"Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway will be adequate for this proposed development."



“Summary

In summary, our review concludes that the additional traffic expected to be generated by the proposed development will not have a noticeable impact on traffic operations on Brackley Point Road.” Coles Associates Ltd. Per: Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE

In accordance with the Charlottetown Police and Public Works Department recommendations, *“to move the driveway further north to improve sight distances. The latest site plan submission (Figure 1) by the developer incorporated this change and the driveway is currently located as far north as the site conditions allow without impacting the existing trees along the north property line. Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway*

will be adequate for this proposed development.” Coles Associates Ltd. Per:
Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE

PROPOSED DEVELOPMENT With respect to concerns about project scale, density and overall compatibility with the existing neighbourhood, the following project description will show that these concerns and the conclusions of City Council are also not well-founded with respect to this proposed development and that the Owners have made changes to the plans that address these concerns as well.

REVISED PLAN The site plan shown below is a revised proposal by the Owners indicating two, single storey buildings consisting of 6 and 8 residential units. The previous submission was revised in

- a) scale (from 3 stories to 2 storey),
- b) number of units (from 48, 2 bedroom apartments to 14, 2 bedroom townhouses),
- c) massing (from a building with relatively large massing to two buildings with massing that matches the neighbourhood's existing building types),
- d) improved sight lines (relocated driveway to the north end of the property)

LOT DESCRIPTION 68 Brackley Point Road is a plot of land in Charlottetown measuring approximately 174 feet in road frontage by 399.45 feet deep. This equals approximately 69,504 square feet in area. It is located in the Single-Detached Residential – Large Zone (R-1 L).



The following are statements from the City Planner, Greg Morrison, regarding positive attributes of the previous development proposal are all still applicable. The revised proposal is further improved with respect to these criteria.

The new design proposal meets all the City's policies and objectives for assessing suitability and compliance for any development. Furthermore, we will show the massing of the project relative to the streetscape as an indication that it is in harmony and in keeping with the Siting, Building Typologies, Scale, Setbacks, Landscaping and Parking Arrangements of this area and does not negatively impact on the physical, visual, infrastructure, safety or patterns of the existing neighbourhood.

Below is a quick summary of the subject application's positive attributes which fit the City's requirements for this moderately higher density development.

- *"Compact urban form and infill development.*
- *More efficient use of existing underground services than a single-detached dwelling.*
- *Moderately higher density in an existing neighbourhood.*
- *Higher density should be located along arterial roads.*
- *Two Schools are located within 300 metres.*
- *A commercial shopping centre and bus stop is located within 500 metres.*
- *The proposed development appears to be able to meet the requirements of the By-law."*

And regarding the Site (from previous submission) –

"Centre which is approximately 500m from the subject property. The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial road.

All of the properties along Brackley Point Road between Duncan Heights and Coles Drive are located in the Single-Detached Residential (R-1L) Zone. All of these properties either contain a one-unit or two-unit dwelling."

Greg Morrison, City Planner

"ANALYSIS:

Arterial roads by nature are generally categorized as high capacity urban roads. Their primary function would be to deliver traffic from collector roads to the by-pass or highways at the highest level of service possible. Arterial roads typically contain higher densities than collector or local streets but generally have less access points for residential development. Brackley Point Road and Mount Edward Road generally contain low density residential dwellings. Other arterial roads in the City of Charlottetown containing medium density residential dwellings, commercial uses, or industrial uses include Euston Street (between Weymouth Street and University Avenue), North River Road (between Beach Grove Road and Gates Drive), Sherwood Road, Belvedere

Avenue (between North River Road and University Avenue) and St. Peter's Road (between Brackley Point Road and Mount Edward Road).

In addition, higher densities should be located along bus routes. Due to the current low density nature of Brackley Point Road, the T3 Transit does not run along Brackley Point Road but it does stop at the Sherwood Business Centre which is approximately 500m away at the intersection of Belvedere Avenue, Brackley Point Road and St. Peter's Road.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

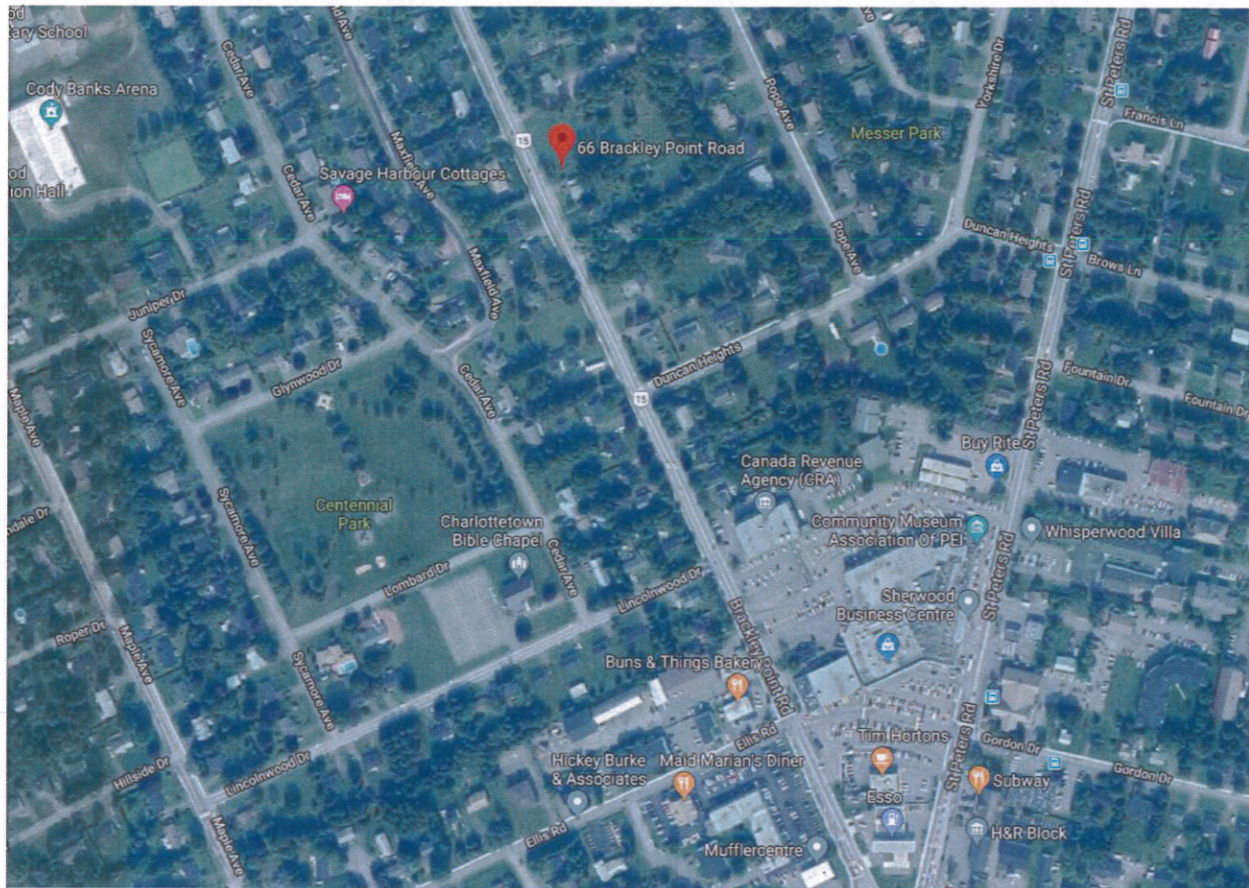
*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not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

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

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

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

Greg Morrison, Greg Morrison, MCIP Planner II



Aerial view of the site and its proximity to the centre of the community including parks, arena, schools, churches, shopping and services.

THE NEIGHBOURHOOD STREETSCAPE

Siting, Building Typologies, Scale, Setbacks, Landscaping and Parking Arrangements



View of site from Brackley Point Road looking North - showing sight lines in excess of 200m (50 km/h speed zone)



View of site from Brackley Point



View of neighbouring property adjacent to the site (south side)



View of neighbouring property adjacent to the site (north side)



Neighbouring property across the road to the northwest of site



Neighbouring property across the road to the northwest of site



View looking west across Brackley Point Road from site boundary



View of site from Brackley Point Road looking South - showing sight lines in excess of 100m (50 km/h speed zone)



**Public Meeting of Council
Tuesday, October 29, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent Street**

Mayor Philip Brown Presiding

Present:

**Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe**

**Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Mitchell Tweel
Councillor Robert Doiron**

Also:

**Alex Forbes, PHM
Greg Morrison, PII
Robert Zilke, PII**

**Ellen Faye Ganga, PH IO/AA
Robert Stavert, TA**

Regrets:

**Councillor Mike Duffy
Councillor Terry Bernard**

Laurel Palmer Thompson, PII

1. Call to Order

Mayor Philip Brown called the meeting to order at 7:00 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting and turned the meeting over to Councillor Rivard, Chair of Planning Board, who explained the Public Meeting process and then proceeded to introduce the first application.

4. 68 Brackley Point Road (PID #396713)

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would

contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units. Greg Morrison, Planner II, added more details about the application and stated that the applicant is also present to answer any questions or comments.

The subject property is currently vacant and the applicants are proposing to build two townhouse dwellings for a total of 14 units. Eight units will be at the front of the property and the other six units will be towards the back of the property. The elevations and floor plans were presented and it was explained that each unit are all identical with a garage at the front and three bedrooms on the second floor.

Susan Dillon, resident, commented that over the past years, there has been interest in this property and the rumour around Sherwood was that the property did not have access to Brackley Point Road. Ms. Dillon then asked where the access for the townhouse would be. Mr. Morrison responded that the access would be along the southern part of the property along Brackley Point Road and there would be a turning point at the rear of the property. Ms. Dillon also asked if there was a study in terms of safety of vehicles coming out of Brackley Point Road. Mr. Morrison mentioned that the site plan was sent to the Police, Fire and Public Works Department for review and comments. Staff received comments from Police and Public Works today. The Police Department have indicated that they were satisfied with the proposed site plan. The Public Works Department has issues particularly with the sight line to the south and have indicated that the proposed location would not be acceptable but access to the north of the property could be acceptable. Should Council look to approve this rezoning, these comments would have to be incorporated in redesigning the property. Ms. Dillon asked if staff have driven to the property and looked both ways. Mr. Morrison confirmed that he did and also added that he is not a traffic expert and must defer the review to corresponding departments. Ms. Dillon added that you cannot see cars approaching the top of the hill. For many years, it has been rezoned as a single family and has not been sold because there was no access to Brackley Point Road and was wondering how 14 townhouses can be developed there and have access off Brackley Point Road.

Note (1); the development site plan has been since revised (copy attached) to provide access on the Northsides of the property as requested by Public Works, as noted by Mr. Morrison to be satisfactory to Public Works. A Traffic Review Study has also been completed providing facts that safety i.e. 'line of sight' is no longer an issue with the access point being at the Northsides of the property and that the Police Department, Fire department and Public Works have deemed the site to be satisfactory with access to the Northside of the property, as revised and proposed.

Ms. Dillon also asked the Mayor if there is any other ward that is as busy as Ward 9 with rezoning. Mayor Brown responded that for any rezoning, traffic study is being considered and looking at Brackley Point Road, it is a connector to the arterial highway and then branches off to neighbourhoods. Mayor Brown also asked Mr. Forbes if there is any

background or facts to add on to Ms. Dillon's inquiry. Mr. Forbes responded that Ward 9 is as busy as any other ward. Rezoning applications are not concentrated in a specific ward or the other. Ms. Dillon commented that she asked this question because this is the third public meeting she attended to since March 2019 and that she never attended any meetings in the past. She felt that there is always another piece of land being rezoned in her neighbourhood. Ms. Dillon also asked if the City has any strategic plan for the City to look at the overall map and see where development or rezoning could happen or it is based on a property being purchased and requested to be rezoned. Mr. Rivard responded the City has a Zoning Map and an Official Plan in place that shows where density should go in the City. The neighbourhood is predominantly R1 zoning but looking at that specific parcel of land and the reason why residents are back here for the third time for another public meeting. **With the current housing crisis, developers are taking the opportunity to develop properties to meet the housing needs.** Mr. Rivard noted that it may be right or wrong and he just pointed out the reason why a public meeting is scheduled every month. Public meetings can happen for any ward as well. Mr. Rivard also shared that there have been other properties that went through public meeting in the past for a rezoning as well such as the West Royalty area. Ms. Dillon asked if this went to public consultation and if Council got the same push back with the properties along Sherwood. Mr. Rivard confirmed that any rezoning application requires a public meeting and also confirmed that on some applications, **Council got the same push back from residents. Mr. Brown also read portions of the policy in the Official plan (refer to report) and the Official Plan allows for some latitude for changes to the Bylaw.** Anytime there is a change to the Bylaw, it requires public meeting. Ms. Dillon asked then if 14 townhouses surrounded by single family dwellings make sense. Ms. Dillon also commented that when residents voted Councillors in the City, residents hoped that they could come up with a strategic plan that doesn't just last for today or a few years but for 50 years down the road. Ms. Dillon also stressed that residents put Council in place to entrust that Council is making positive, informed and factual decisions on whether a property is to be rezoned or not. Ms. Dillon pointed out that she cannot understand how 14 townhouse units can be put on top of Brackley Point Road. It is busy as it is. She was in a few months ago requesting that the parcel further down Brackley Point Road by Stone Park not be rezoned to R-3 and now residents are back here for 14 townhouses on a small parcel of land that most people wanted to put a single family dwelling on but couldn't do it because the sight lines were not appropriate or was not safe. Mayor Brown clarified that the purpose of the public consultation is to get feedback from residents where development can happen or look at broader scopes or plans for the City of the City of Charlottetown.

Ms. Dillon stated that Council voted on this application and agreed to proceed to public consultation and staff just got the information from Police and Public Works on the same day of the public meeting. If no one showed up tonight to speak about the application, this was going through because Council already voted for it without all the necessary information. Mayor Brown clarified that Council did not vote in favour of the rezoning but voted that this application proceed to public consultation to get feedback. People may interpret it as a vote for the rezoning but this is only a vote to bring it to public

consultation. Ms. Dillon reemphasized her earlier statement about Council making the right decision and that every time residents attend a public meeting, they felt like that are fighting for Council to make the right decision for the residents. Mr. Rivard mentioned that residents should not assume that Council would automatically approve an application when residents do not speak or show up at a public meeting. Council looks at the whole process and public meeting is one piece of the whole process. Staff prepares a report and makes a recommendation to the Board. Board makes a recommendation to Council and Council makes an ultimate decision based on all the information provided. Mr. Brown also added that members of the Planning Board are at the meeting tonight listening to inputs of the residents and they would provide their inputs at the Planning Board meeting as well.

Councillor Tweel responded to a question asked earlier whether any other ward is as busy, he mentioned that his ward has been busy dealing with Planning issues and it has been nothing but a "horror show".

Andrew MacLean, resident, noted that the diagram showing the size of the lot is incorrect because his mom's property adjacent to the property in question is 0.75 acre while the rest are 1.5 acres. The far side of the road has a grass area about 10 feet wide and then narrows as it reaches the top of the hill. The top of the hill along Brackley Point Road is very narrow. It was noted that traffic studies were provided by Police and Public Works but the top of the hill was intended to be narrower so that you are not able to park on the side of the road and that it can be a safe spot as possible. During the winter time, there would be about six to seven feet of snow for six months in year. There used to be a sidewalk on the east side of the road but was moved to the other side of the street. There is also a fire hydrant close to that location. Living adjacent to the property in question, Mr. MacLean noted that they do not back out of their driveway in 35-40 years. They drive on to the front lawn and drive out straight ahead. When there is snow, they would have to drive out north because traffic drives out 50-60km/hr and there is poor visibility. Mr. MacLean then asked what would happen if there is snow about 50 feet to the north and 25-30 cars trying to pass traffic to work. Mr. MacLean doesn't think that they are going to drive north and through that roundabout. Mr. MacLean felt that it is a dangerous spot.

Doug Carmoby, resident, recommended that a roundabout be built near Vogue Optical to get rid of some of the traffic, **let Woods develop his property and build a road where the house is built down off Duncan Heights.** There was supposed to be a road there out by Stonepark and residents can use the land that is there. Most properties are at least an acre land, residents pay taxes on it but cannot use the land.

Note (2): Many residents along with Mr. Carmody seem confused with a application that was submitted last year by Ron Woods to build a 30+ unit apartment building off Pope Road and Brackley Point Road by Stone Park Junior High School and Tiny Tots Day Care.

Hill-Bay Holdings Inc. application is for 68 Brackley Point Road which is on the opposite end of Brackley Point Road.

Andrew Cotton, resident indicated that the lot has been vacant for years because it cannot have access off Brackley Point Road from that lot and asked about the property where the water tower used to be. Mr. Cotton asked why this property needed to have access off Maxfield instead of Brackley Point Road. A resident commented that it was because of the line of sight. Mr. Cotton then commented that it was not safe enough for that side of the road but would be safe for 14 cars on the other side of the road.

Note (3): The Traffic Review Study of the Professional Engineer at Coles and Associates, along with the opinion of the Charlottetown Police Department and Charlottetown Public Works state the facts; that the proposed 'Site Specific' development of 68 Brackley Point Road to accommodate 14 Townhouse Style Homes, does meet their satisfactory requirements, well within the guidelines.

Jeremy Crosby, resident, mentioned that he will be submitting a letter to Council tonight. Mr. Crosby indicated that he is not against redevelopment of the property but rezoning from single family to R-3 is too high density for the property. Mr. Crosby quoted items in the report saying that this rezoning may change the long term direction of the neighbourhood and may lead to additional rezoning requests within the neighbourhood, secondary plan may be put in place and would need to consult the public on this, the scale of the townhouse units may adversely affect the existing low density dwellings, the section of Brackley Point Road is an established single-detached dwellings, the access on to Brackley Point Road may not have sufficient sight lines. Mr. Crosby noted that proposal for 14 townhouse units may be considered at some point but felt that the change from an R-1L to R-3 is too high of a density and that there are no guarantees that the applicant would come back and plan to build an apartment instead. He also added that the bylaw be reviewed to amend the permitted uses for an R-2 to allow townhouse units but not other types of developments that are included in the R-3 Zone. Mr. Crosby also mentioned that the residents are tired of the constant attempts to rezone the area around their neighbourhood to higher density. The last attempts to rezone properties earlier this year were both denied. Mr. Crosby requested to consider how these rezoning applications affect residents each time they have to go through the process. Mr. Crosby also requested that should a development take place on the property, the treed area/buffer zone be kept in place to benefit the residents and current owners.

Note (4): Hill-Bay Holdings Inc. has agreed to enter into a very 'Site Specific' Development agreement with the City of Charlottetown, to ensure the specific development of the 14 proposed single family homes in a townhouse style design will be the only thing build as per a 'site specific' development agreement with the City. A very 'site specific' development agreement for 68 Brackley Point Road will also eliminate the Planning Boards concerns that some other developer can use this as precedent to get their rezoning application approved. A 'Site Specific' Development Agreement between Hill-Bay

Holdings Inc. and the City of Charlottetown, will also appease many of the residents of Sherwood.

Mayor Brown commented that a development agreement may be put in place when amendments are approved. Mr. Forbes explained that when there is an application to rezone a property, Council has the ability to restrict developers to what is being proposed and permitted on the property and that would be through a development agreement. If developers want to change the plan, they would have to undergo the same process again. Mr. Crosby asked if that would apply even if the property was sold to a new developer and Mr. Forbes confirmed. When developers apply with a plan, the proposal is what would be reviewed and potentially approved. If developers come back and change their plans, Staff will forward it to Council for approval if there is a significant change to the original plans submitted. Mr. Crosby asked if there were situations in the past where these development agreements are challenged and Mr. Forbes noted that most rezonings come with a development agreement and it is a standard tool and would be difficult to get around a development agreement. Mr. Crosby also commended staff for doing a great job preparing the report. Mr. Rivard also added that staff cannot stop or prevent land owners or developers from applying to develop or rezone their property. If the application is turned down and there are no significant changes to the proposed development, they would have to wait for another year to make another application. Mr. Crosby commented that the attempt to develop or rezone the property has been going on for many years now and would recommend that future development here would be something that is more agreeable than trying to rezone to an R-3. Mr. Rivard also asked Mr. Morrison what an R-2 permits and Mr. Morrison responded that it would allow for one and two unit dwellings. R-3 would allow townhouse and apartment units based on lot area. Mr. Crosby also added that there are other uses beyond that for R-3 and Mr. Morrison confirmed. While it says Medium Density, Mr. Crosby felt that it is perceived as high density for most residents living in an R-1 zone. Mr. Crosby also commended the developer and felt that it is a decent proposal but the R-3 zone is what unnerves residents. Councillor Tweel commented that that an R-3 zone opens doors for apartment complexes and when a zoning has been changed, Mr. Tweel asked why it have to come back to the public consultation process again. Mr. Morrison responded that should Council approve the rezoning, it would be done subject to a Development Agreement. The Development Agreement would indicate what can only be built on the property with the proposed site plan and elevations. Should these drawing change, the developers would have to go back through the same process. Technically, the R-3 Zoning for the property would only allow them to build 14 townhouse dwelling units as per proposed. Mayor Brown also mentioned that the request to look at the R-2 zoning to allow for townhouse dwelling may be looked at or considered at some point.

Note (5): A very 'Site Specific' Development Agreement between Hill-Bay Holdings Inc. and the City of Charlottetown can be put in place for 68 Brackley Point Road. Therefor, the application to re-zone should be approved by IRAC, with a 'Site Specific' Development Agreement to be strictly adhered to by Hill-Bay Holdings Inc.

One resident asked about the setback requirements for an R-1 zone allowing a development 15 feet from property line. Mr. Morrison responded that for a single detached dwelling in an R-1 zone, the minimum setback would be 19.7 feet from the front line, 24.6 feet from the rear and 6 feet from the side yard. Mr. Morrison clarified that the plan shows 14.8 and not 4.8 feet on the side.

Note (6): All set backs in the site plan are satisfactory.

Ian Handrahan, resident, asked what the speed limit is along Brackley Point Road and Councillor Doiron responded that it is 50 km/hr. Mr. Handrahan asked if the line of sight test was done (3ft cone, 150m back and still visible) and Mr. Morrison responded that he is not a traffic engineer but was sent to Public Works & Police Department who reviewed and provided their inputs on the proposed development.

Joan Ivany, resident, asked if the application would have to start over if driveway was moved to the other side. Mr. Morrison indicated that the developers would have to change their plans and would be reviewed by staff and the other departments but would not have to go back for another public meeting. Should the access be moved, the developers would have to amend their plans and include them in the development agreement. Ms. Ivany commented that the townhouses behind Charlottetown Mall do not look like the initial plans that they have proposed. Mr. Rivard responded that the developers went back to Council for approval when the plans were changed.

Note (7): Access to the property, the site plan has been revised at the request of Public Works and has been deemed to be satisfactory to Charlottetown Public Works and the Charlottetown Police Department.

Mark Grimmett, resident, commented that car traffic was discussed but not pedestrian traffic that would potentially be associated with the development. Mr. Grimmett asked how pedestrians would access the sidewalk on the other side of the street and Mr. Morrison commented that it would be more of a Council question if they have the appetite to construct a sidewalk on the side of the street or a crosswalk. Mr. Grimmett also asked how this development is adjacent to commercial areas as how other R-3 developments are. He also echoed comments from other residents that the R-3 zone set people off and cause concerns to residents in the neighbourhood regardless if there is a development agreement or not. As a property owner along that property, he is not in favour of the proposal of one of the resident to add another road access through the property along Duncan Heights.

Wendy MacDonald, resident, commented that their property was turned down in the past because of sight line issues even for a single family dwelling. Ms. MacDonald questioned how 14 new residents with potentially 28 cars coming out of the top of the hill. She mentioned that she has been rear-ended and side swiped several times trying to pull out of her driveway with signal lights and at clear daylight. With snow, it is even more difficult.

And when you try to put a driveway immediately across the property with the increased number of vehicles coming out, Ms. MacDonald and her husband are completely opposed to the development. Ms. MacDonald also guaranteed that vehicles do not drive 50-60km/hr up that hill. Vehicles drive up to 80 km/hr and ambulances also drive that route into town and felt that the proposed access is completely not safe.

Note (8): The Traffic Review Study facts state, safety, traffic and line of sight are satisfactory, as agreed to by Public Works and the Police Department.

Doreen Connolly, resident, commented that with the townhouses being three bedrooms, there would be numerous families that would live there with children. Kids will be walking to school across Brackley Point Road and felt that it will not be very safe and I am against this proposal.

Jeremy Ivany, resident, mentioned that he has attended about seven public meetings for the area since moving to Pope Ave and had called it a parachute rezoning. Mr. Ivany noted that the issues would always be developers purchasing single family homes and he expects Council to work with residents to allow the neighbourhood to remain the same. Mr. Ivany acknowledged that there would always be changes in houses or residences but the concerns for this property would be 1) traffic safety where vehicles don't follow the 50km/hr speed limit and 2) when the Belvedere Ave/St. Peters Road roundabout will be constructed, vehicles trying to get to town will most likely drive through Duncan Heights. Mr. Ivany plead that Council not approve this rezoning. In the original plan, there was a proposed road that would run from north to south and would come out of Heather Ave but over the years, plans were changed, the City was amalgamated and the long term plan was ignored. Mr. Ivany commented that he does not have a lot of faith with the City and would like to see someone start thinking about residents.

Mayor Brown mentioned that all the information gathered tonight will be taken to the Planning Board which is scheduled on Monday, November 4, 2019 at 4:30pm at Council Chambers, 2nd Floor, City Hall. Mayor Brown also added that it will be an open meeting and the residents are welcome to attend the meeting.

Councillor Doiron thanked the residents for attending the meeting and encouraged everyone who are opposed to this development to come out on November 12, 2019 at the Council Meeting. Mr. Doiron commented that there have been rezoning applications in the past where the public came out in full force who expressed their opposition but when Council voted for the application, Council went with the housing crisis and approved the applications. Mr. Doiron added that he is aware that there are a lot of opposition to this application and that Council listened to all the comments of the residents saying they don't want it but when it comes to a vote, Council votes for it anyway. Mr. Doiron also noted that it is great that residents are here tonight but because it happened a couple of times in the past, **he encouraged residents who are opposed to this rezoning to attend the Council meeting in November.**

Note (8): Councillor Robert (Bob) Doiron has admitted at the January 13th, 2020 City Council meeting that has been in 'direct conflict of interest' during Hill-Bay Holdings Inc. re-zoning application, due Councillor Doiron owning a 2-Unit Duplex Rental property located at 63 A and 63 B Brackley Point Road, across the street from Hill-Bay Holdings Inc.'s property located at 68 Brackley Point Road, however Mr. Doiron did not excuse himself at the Planning Board meeting where he voted to reject the application and again at the City Council meetings he voted against the application, until evidence was brought before him that he was in direct conflict at the very last Council meeting vote on January 13th, 2020, where it was suggested by the City Solicitor that he excuse himself from the vote on January 13th, 2020. As noted above, right from the very beginning Councillor Bob Doiron has been lobbying and encouraging residents of Sherwood to oppose the application to Planning and Council, all the time being in direct conflict of interest. Mr. Doiron furthermore at the Planning Board meeting vote on January 6th, 2020; Councillor Bob Doiron seconded the motion on the floor to reject the application. Bob Doiron has been in direct conflict of interest from the time the application to re-zone was filed by Hill-Bay Holdings Inc. and to date, continues to operate a 2-Unit Rental Property located at 63A and 63 B Brackley Point Road in an R1 Zone, possibly illegally without having made an application himself to re-zone from R1 to R2.

As you know, it is every Council member's obligation to openly declare the member's interest before Council, to remove themselves from the meeting, to not vote on the matter, and to not attempt to influence the decision. Council members who fail any of these obligations are disqualified from further service on the Municipal Council. IRAC should take a hard look into the actions of Mr. Doiron.

Mayor Brown reiterated that there is a Planning Board Meeting on November 4 at 4:30pm where a recommendation will be made by the Board to Council and the Council Meeting is scheduled on Tuesday, November 12 at 5:00pm.

Susan Dillon, resident, reiterated her earlier comments saying that "we interest the Councillors of the City to make sound, informed decisions based on facts to lead the City in a direction that shows positive growth for many years to come." Ms. Dillon expressed that she doesn't want to be in a public meeting but wanted Council to look at the zoning, the sidewalks, sight lines, etc. and ask if it matches what the community needs. She also mentioned that the reason why she voted her Councillor, why residents voted their Councillors in, is not for residents to be at public meetings but for Councillors to look at the issues, be the voice of the residents and make sound decisions based on what is best for the community. **Mr. Doiron agreed with Ms. Dillon's comments and mentioned that he is listening to the crowd but when Council votes, things changed, people tend to forget the people at the public meeting.** Mr. Doiron cited the previous rezoning along Upper Prince and Palmers Lane where, residents attended the

public meeting and spoke in opposition, but Council voted to go ahead with it. Mr. Doiron understands that residents entrust their Councillors to do what residents think is right and what he believed is right but he mentioned that he is not going to sit and thank residents for all the concerns raised and vote for what the residents want, while everyone else would indicate that the City is in a housing crisis and would go that way. **Mr. Doiron added that he does not want to give residents false hopes and so encourages people to come out and attend the Council meeting while council vote.** Mr. Doiron felt there has to be a balance in terms when it comes to housing crisis and every Councillor wanted to do the right thing and mentioned that Councillors are stuck to what the right thing is.

Note (9): For some apparent reason, Mr. Doiron is very biased to the application for rezoning of 68 Brackley Point Road, admitting to his conflict of interest while at the same time voting against the application of Hill-Bay Holdings Inc. is a violation of his duties as Councillor with the City. Mr. Doiron may be acting contrary to 107 (2) (d) of the Municipal Government Act., by not disclosing his direct conflict of interest to this application prior to voting as an Planning Board Committee member and a City of Charlottetown Councillor and; to furthermore continue to encourage Sherwood Residents who are in opposition to push toward and attend meetings to have the application rejected. IRAC should look to overturn all Planning Board and Council decisions to date to reject the application, due to the hardships that Hill-Bay Holdings Inc. have been put through by Mr. Doiron.

Mayor Brown mentioned that he understands the trust that Ms. Dillon is giving her Councillor and Council, and to add on to Mr. Doiron's comments, City Hall is open and there is a Planning Board Meeting on November 4th at 4:30pm where this issue will be voted on and then voted by Council on November 12th at 5:00pm at the regular meeting of council. Mayor Brown also added that he has good faith in all the Councillors that represent the wards of the City.

Councillor McCabe clarified if this application can be shut down at the Planning Board and does not necessarily go to Council. Mr. Rivard responded that a recommendation will be made by Staff to the Planning Board, Planning Board then makes a recommendation to Council and then Council makes final decision. Mr. Rivard added that the Planning Board may recommend that the application not move forward and Council would have the ultimate vote.

A resident commented that the Planning Board Meeting scheduled at 4:30pm is not an appropriate time for most residents, especially for those who are working. Mayor Brown understands that the time may not be appropriate for everybody but the Planning Board meetings are always scheduled at 4:30pm and Council Meeting has been moved to 5:00pm and the City tried to accommodate most of the schedules of members. While a video recording is not available for Planning Board, there will be a live stream for Council

meeting. The resident informed Council that since most would be working, many people won't be able to make it at the meeting.

Councillor Tweel thanked residents for attending the public meeting and reiterated Mr. Doiron's comment where people attended the public meetings and spoke in opposition to the development (mentioned the previous applications in his ward), staff recommended for or against the application, Planning Board recommended for approval or rejection and finally to Council for a vote. Mr. Tweel mentioned that some Councillors are listening and some, because of housing or other situations, and when letters were sent, the letters would only talk about the rezoning or variance requirements. Mr. Tweel added that some do take it to heart and listen directly to what the constituents are saying.

Mayor Brown reminded the residents of the schedules for Planning Board Meeting and Council Meeting and Mr. Rivard and Ms. McCabe reminded the residents that the deadline for submission of any written comments or concerns is 12:00pm, October 30, 2019.

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Robert Zilke went through the specific amendments as detailed in the report.

Joan Cumming, resident, thanked Robert for explaining the amendments in detail and mentioned that she called City Hall about four times to talk to someone to gather more information about the proposed amendments but staff wasn't able to provide the information and had indicated that she had difficulty trying to look for the information in the website. Ms. Cumming noted that she would have wanted to study the information ahead of time. Mayor Brown asked Mr. Zilke if this was part of the information in the website and Mr. Zilke confirmed. Ms. Cumming added that since she could not find the information on the website and should these amendments move forward, it would have been a concern for her not being able to access the information or made comments to it. Ms. Cumming was more particular about the signage and a little confused with the subdivision of lots. Ms. Cumming requested to have a better job in terms of keeping residents informed and asked if these amendments were thought of a little or long time ago or just today. Mr. Zilke responded that he is willing to talk to Ms. Cumming after the

meeting to set a time to discuss the amendments in detail. Mayor Brown clarified that this is a public consultation and the Planning Board meeting is scheduled on November 4th and would be another avenue for Ms. Cumming to make her comments. Ms. Cumming added though that she doesn't have a copy of the report. Mr. Rivard responded that the reports are in the website with the information and will be reviewed again at the next Planning Board meeting. Councillor Jankov also asked where the package is saved since she is not aware where to find it. Ellen Catane explained that all reports are part of the Planning Board package, which also becomes part of the Council package and a Public meeting package is also sent to Council before the Public meeting. Mayor Brown added that Mr. Zilke will work on a time to meet with Ms. Cumming. Ms. Cumming commented that that would help her but asked how the information would get to the other residents. Mayor Brown noted that staff did their best to provide the information for residents and tried to make it as user friendly as possible and apologized if she had difficulty accessing the site and will check to see how the website can be improved further for the public to have better access.

Councillor Tweel thanked Mr. Zilke for the presentation and requested to elaborate on the difference of the current Design Review procedure and the proposed amendment of what constitutes a significant alteration. Mr. Zilke responded that a design review is required for any development within the 500 Lot Area. Council approved the 500 Lot Area years ago in order to maintain the character on the design of the buildings in that location. The existing regulation pertains to any new construction, multi-unit residential or increase in building footprint, etc. The proposed amendment is when any building in the 500 Lot Area goes through a significant alteration especially to the exterior of the existing property, it would require to undergo the design review process. Councillor Tweel quoted the statement, "This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future", and mentioned that he has discussed this with Council over the last number of months with regards to the architectural character of the new buildings being built in the downtown area especially when it comes to brick materials. Mr. Tweel indicated that on the fourth and fifth floor, there is the introduction of steel siding that is a significant material change to the design of the building. Mr. Tweel mentioned that he is not an architect but felt that there is inconsistency and wondered why those are allowed to happen. Mayor Brown responded that those items will be dealt with by the Design Review Committee.

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

6. Adjournment of Public Session

Moved by Councillor Mike Duffy and seconded by Councillor Greg Rivard, that the meeting be adjourned. Meeting adjourned at 7:48 p.m.

Stavert, Robert

From: Tracey Andrew <tracey.andrew@hotmail.com>
Sent: October 16, 2019 8:26 PM
To: Planning Department
Cc: McCabe, Julie L.
Subject: Rezone request for 68 Brackley Point Road

I am writing with my concern about the request to rezone 68 Brackley Point Road to R3. I am totally against it. We have way too much traffic by that daycare/ school now, more traffic in that area is an accident waiting to happen. Brackley point road is busy and to think of that many more cars turning onto Brackley point right there is a scary thought, the school cross walk area is a risk your life crossing area now..... As well Mornings and after school time is impossible on Pope Drive. I walk my dogs everyday down that hill and across that crosswalk on Brackley point , and everyday I see a near miss with cars and buses turning and stopping, kids jumping out of the way alot of times!!! Cars are lined on both sides of the road at 3pm by Stonepark school making only one lane of traffic which goes half way up pope drive. I hope that more people will speak up. I unfortunately can't make the meeting so I wanted to voice my disapproval of the rezoning request. I hope the city will reconsider rezoning to R3.

Thank you

Tracey Andrew

(Arcona Drive Resident)

Sent from Tracey's iPhone

Get [Outlook for iOS](#)

NOTE: This letter speaks directly to safety and traffic concerns, which according to the professional opinion of the engineering firm is not factual, no traffic or safety issues have been identified in the Traffic Review Study. 68 Brackley Point Road property is no where near Stone Park School on Pope Road, as this letter of opposition suggests.

Stavert, Robert

From: Jerry Ivany <jaipag@eastlink.ca>
Sent: October 28, 2019 7:26 PM
To: Planning Department
Cc: McCabe, Julie L.
Subject: Zone chance application for Lot 68 Brackley Pt Rd.,
Attachments: Lot 68 Brackley Point Rd Rezoning Oct 28, 2019.docx

Planning Board;

Please see attached letter against this application.

Jerry Ivany
17 Pope Ave

To: Charlottetown City Council and Planning Board:

Date: October 28, 2019.

From: Jerry A. Ivany,

17 Pope Ave

RE: Application for Rezoning Lot 68 Brackley Point Rd from R-1L to R3

Zoning request should not be approved because:

- I purchased my property in an R-1 zone with the understanding that it would not be changed and I believe I should be able to expect the City of Charlottetown to hold to that agreement. The area contains well maintained properties and residents know their neighbours for streets around, take pride in our neighbourhood and keep them updated. We have had to fight at least 6 applications to downgrade the zoning, we have worked together to defeat these, pointing out why such changes would not be beneficial to the city, our neighbourhood, and families. There is no desire for rezoning in the neighbourhood.
- Owners of single family homes who have paid our taxes for many years are being ignored in the City of Charlottetown. The frenzy to parachute apartment buildings and other structures that are not appropriate has to stop. We want single family houses built on normal size lots not dense concentrations of row houses and apartment buildings.
- Brackley Pt Rd will become much more dangerous as visibility southward is restricted. Brackley Pt Rd is a busy feeder street to and from the city, and the addition of 14 +++ vehicles entering the street will result in a significantly greater risk for traffic accidents.
- Rezoning adds nothing appropriate to the neighbourhood. Single family houses in the \$250,000 to \$300,000 are most wanted by buyers (Guardian March 22, 2019), and adding single family houses would be attractive. A concentration of row houses is not.
- This neighbourhood is a very desirable location for single family homes and property values can be expected to decline if rezoning is approve.
- An increased density of this sort in this area was recently noted in the Official Plan of the city as not suitable for this neighbourhood.

Notes:

Item 1. The purchase of a home in an zone/ward, does not guarantee that the City will not undertake future development and/or rezoning in that zone.

Item 2. 68 Brackley Point Road development is proposed to have 14 single family homes in a Townhouse style.

Item 3. and 4. These quality built single family style homes will be for sale for under \$299,000.

Item 5. Charlottetown needs to embrace change due to a current housing crisis, for affordable homes

Stavert, Robert

From: Shelley Morrison <mailforshelley@hotmail.com>
Sent: October 29, 2019 10:04 AM
To: Mayor of Charlottetown (Philip Brown); McCabe, Julie L.; Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; Bernard, Terry; Planning Department
Subject: 68 Brackley Pt Rd

October 29, 2019

RE: 68 Brackley Pt. Road Potential Rezoning

Attention Mayor, City Councilors, City Planning:

We, the property owners of 80 Brackley Pt. Road are against the rezoning of 68 Brackley Pt. Road from existing R1 to an R3 zone. Following are a few of the reasons why we are opposed to an R3 rezoning at this location:

1. Property at 68 Brackley Pt. Road **does not meet required site lines for driveway access**. The single residential home built directly across the street from this property (in recent years) was not granted driveway access to Brackley Pt. Road. Their driveway enters upon Maxfield. The city will appear to be "bending the rules" for developers when an R1 homeowner would not be granted access onto Brackley Pt. Road - yet the city will consider allowing multiple units to do so (for a developer).
2. **Traffic study has not been conducted**. **SAFETY** should be primary concern when developing properties! It is alarming that a potential development would even be considered when it does not meet the standard safety measurement guidelines set forth by the city and should not have advanced to public consultation without meeting this primary concern. We have noted in recent rezoning development the city appears to break the rules for developers but when it comes to safety this is alarming.
3. This **R1** property is located in an **"R1 single residential existing established neighborhood"** surrounded by single residential homes. Dropping an R3 development in the middle of such a neighborhood goes against the city of Charlottetown's "Future Land Use" map, **"City of Charlottetown Official Plan"** and does not "fit" into the established neighborhood. Even though reduced in size from original it is still considered too high of a density for the area.
4. It is not **"harmonious"** with the mature well established existing neighborhood.
5. **Spot zoning/domino affect**. Even though we did not receive a letter from the city regarding this rezoning, we live a mere 4 properties away (and 2 properties away from 88 Brackley Pt. Road, the other recent rezoning request). We would be swallowed up by R3 development. The city is making a decision that will affect the future of our home. In recent rezoning requests it was stated that planning department "may need to visit future planning for this area as these properties have large backyards". Not only did we not receive notification of this rezoning request but the future development of OUR backyard is being discussed and determined by these rezoning requests! This potential rezoning will affect the **"Streetscape"**, safety, surrounding property values and sets a precedent for the rezoning of these "larger" properties - one of which we built our home 15 years ago in an established R1 neighborhood. It will also set a precedent for future developers who purchase property at a lesser R1 value to just rezone to pad pockets.
6. We are concerned that even with "development agreements" plans can change. The Mayor stated (at public meeting regarding 88 Brackley Pt Road) that changes can occur even with agreements as he

referred to the development behind the mall as the "chameleon".

In summary, we are concerned that City Council and City Planning would consider going against the "City of Charlottetown Official Plan" to once again disrupt the community, cause anguish among majority of the surrounding area affected and not follow policies set forth in their own city plan. One of the policies set forth in the "City of Charlottetown Official Plan of Strategic Directions for Charlottetown in the 21st Century and Beyond " states: "Preserve existing residential *low density neighborhoods*". The "City of Charlottetown Official Plan" has also identified future land use for development, policies to "encourage diversified development in NEW subdivisions" **AND for mature existing neighborhoods to remain as they exist.** So why are we as residents of an R1 low density established existing neighborhood continuously having to "fight for our rights" as R1 property owners by continuously revisiting the same rezoning requests?

Sincerely,
Shelley and David Morrison
80 Brackley Point Road

NOTES:

1. *Refer to Traffic Review Study completed on December 23rd, 2019 along with Greg Morrisons confirmation that Public Works and the Charlottetown Police Department state the development is satisfactory in regards to any Traffic and Safety issues.*
2. *Brackley Point Road has a number of newly constructed duplexes and homes, which have not proposed an issue whatsoever.*
3. *68 Brackley Point Road is to be a 'Site Specific Development' of 14 single family homes designed in a townhouse style, which will sell for between \$250,000 to \$299,000 per single family townhouse. The site specific development agreement can ensure residents that this is not a rental unit property, these will be affordable homes for sale to young and old alike.*

PLANNING

Recd Oct 29, 2019 Int. gm
AT PUBLIC MEETING

October 29, 2019

City of Charlottetown
Planning and Heritage Department
233 Queen Street
Charlottetown, PE
C1A 4B9

Re: Proposed Re-zoning (PID # 396713) 68 Brackley Point Road

Mayor, Council and Planning and Heritage Staff,

I have been a resident of 13 Pope Avenue since September of 2009. I chose this property to raise my family because of the quiet residential area, affordability of the home, well-kept homes/condition of the neighbourhood, proximity to schools, and sporting facilities all within walking distance for my children to attend. I also choose this area based on the current zoning and the zoning of the surrounding area (R-1L Single Detached Residential Zone) for the safety and security of the neighbourhood.

On October 16, 2019, I was notified that an application was submitted to re-zone the property located at 68 Brackley Point Road, Charlottetown (PID 396713) from Single Detached Residential R1L to Medium Density Residential R3 to construct two (2) townhouse dwellings with a total of 14 residential units on the vacant property.

Although I don't disagree with the redevelopment of this property, I feel that moving from Single Detached Residential R1L to Medium Density Residential R3 is too large a step for the area and will completely change the built form and density of the neighborhood. I have also reviewed the report that was prepared for the October 7, 2019 Planning and Heritage Board Meeting. Within that report the following items/concerns were identified:

- *The rezoning has the potential to change the long-term direction of this neighbourhood and may lead to additional rezoning request for the rest of the properties. Ideally the planning process should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area;*
- *The scale of the townhouse dwellings may adversely affect existing low-density dwellings;*
- *This section of Brackley Point Road is established as single-detached dwellings;*
- *The access from this property onto Brackley Point Road may not have sufficient sight lines;*

- *It is difficult to evaluate a spot rezoning of this one property; and*
- *Adjacent properties may seek similar re-zonings in the future if this is approved which would change the character of the neighbourhood.*

In addition to the above, the official plan clearly states that development in the area will not adversely impact the existing low-density residential neighbourhood, and higher density development was not contemplated in the area for the long-term planning of this neighbourhood. Within the official plan land use map, it clearly shows that this area is to remain Low-Density Residential (R1L).

The proposal for two townhouses with a total of 14 units may be something that could be considered, however the rezoning of the property to R3 allows for too much uncertainty as to what could potentially be developed on the property. If the rezoning is approved, it has the potential to have up to 55 units developed on the property as well as a variety of other potential uses that does not fit in with the current neighborhood.

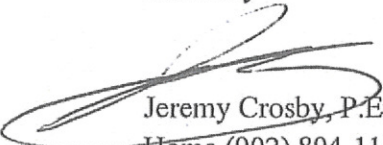
One consideration that might help to allow for some increased density in the area without drastically changing the existing character and long term direction of the neighbourhood would be to amend the R2 zone in the City's Zoning and development Bylaw to allow for Townhouse units without including the higher density of apartment units.

I have had many conversations with new and long-term residents of the area, and we are all tired of the constant attempts to rezone the areas around our homes to higher density. The last attempts where in March and February of this year of which both were denied. Please consider how this affects people each time we must go through this process.

As I have indicated earlier in this letter I am not opposed to appropriate development in the area but R3 is out of scale and completely changes the character of the neighbourhood.

Thank you for consideration on this matter. If you have any questions, please don't hesitate to contact me.

Sincerely



Jeremy Crosby, P.Eng.
Home (902) 894-1154
Cell (902) 626-5443

NOTE:

- 1. The Traffic Review Study removes the doubt in regard to Safety and Traffic concerns.***
- 2. 68 Brackley Point Road under a 'Site Specific Development Agreement' will remove any potential for the developer to see this become a rental property as opposed to his intentions to Sell affordable townhouse style single-family homes for under \$299,000.***

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

RECEIVED

FEB 03 2020

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

The Island Regulatory
and Appeals Commission

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the 13th day of January, 2020, wherein the Minister/Community Council made a decision to reject the rezoning application for Hill-Bay Holdings Inc. to rezone 68 Brackley Point Road from R1 to R3, in order to construct two (2) townhouse dwellings containing a total of 14 Townhouse style units. (See Attached.) (attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)
Please See Grounds For Appeal Attached, schedule A.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)
Please see Relief, attached Schedule B.

Name(s) of Appellant(s): Hill-Bay Holdings Inc.
Please Print

Signature(s) of Appellant(s): 

Mailing Address: 15 Church Street

City/Town: Souris

Province: PE

Postal Code: C0A 2B0

Email Address: smidjackson@gmail.com

Telephone: 902.969.8135

Dated this 31st day of January, 2020
day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

January 14, 2020

David Jackson & Veronica Laidlaw
Hill-Bay Holdings Inc.
PO Box 520
Souris, PE
C0A 2B0

Dear Mr. Jackson & Ms. Laidlaw:

Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Monday, January 14, 2020:

"That the request to:

- a) Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and*
- b) Amend Appendix "G" – Zoning Map of the Zoning and Development Bylaw from the Single-Detached Residential (R0-1L) Zone to the Medium Density Residential (R-3) Zone;*

for the property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be rejected.

Council in their decision making noted concerns relating to additional traffic & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood.

In accordance with Section 3.15 of the City of Charlottetown Zoning & Development Bylaw you may, within 21 days from Council's decision, request a reconsideration of Council's decision or appeal the decision to the Island Regulatory and Appeals Commission. The process for which is attached for your reference. You may not apply for similar variances for one (1) year unless Council is of the opinion that there is valid new information or a change in conditions.

Yours truly,



Greg Morrison, MCIP
Planner II



AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)

1. The Traffic Review Study, attached which was completed on December 23rd/24th, 2019 and furthermore proves the facts that no safety issues or concerns or traffic issues are a factor, as per the professional engineering opinion of Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. (See Traffic Review Study Attached.) **As stated in his professional opinion "The traffic flow generated by the proposed development is not significant and will not negatively impact traffic flow on Brackley Point Road or the Level of Service of this Roadway. In addition, the engineering review concurred with the recommendations of the Charlottetown Police and Public Works Department to locate the driveway at the far north end of the property."**
2. City Councillor Robert Doiron, acted with bias and in bad faith; being in direct conflict of interest and encouraged residents, City Council and Planning Board members to reject the application and Mr. Doiron himself who was in conflict continued to vote against the application while sitting on the Planning Board and City Council. Mr. Doiron should have excused himself prior to the Public Meeting back on October 29th, 2019.
3. Many of the Sherwood Residents who sent in letters of opposition to this particular Hill-Bay Holdings Inc. rezoning application seemed somewhat confused on which property was being rezoned and for what purpose, as they were not presented with the facts that this is a townhouse development of single family homes 'For Sale' located at 68 Brackley Point Road and not the development proposed by another developer who got the Sherwood Residents in an uproar, as he previously proposed to build an 30+ unit apartment building located on Ron Woods land off Brackley Point Road and Pope Road near Stone Park Junior High School, which is completely on the opposite end of Brackley Point Road.
4. Sherwood Residents were not accurately informed, prior to submitting their letters of opposition regarding safety and traffic as the Traffic Review Study was not presented to them at the Public Meeting held on Tuesday October 29th, 2019. These same few Sherwood residents were encouraged by Councillor Bob Doiron on October 29th, 2019 to attend the upcoming planning board and City Council meetings to oppose the application, the facts in this regard are being presented to IRAC in this appeal.
5. Other than a few letters of opposition from Sherwood Residents, who were not fully informed prior to submitting their letters of opposition. The rezoning application meets all acceptable guidelines in regards to safety, traffic, etc. and the decision to reject should be overturned by IRAC.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)

1. That the rezoning application of 68 Brackley Point Road from R1 to R3 be approved based on a 'Site Specific Development Agreement', between Hill-Bay Holdings Inc. and the City of Charlottetown.
2. IRAC to assist in preparing and drafting if applicable a 'Site Specific Development Agreement' between the City of Charlottetown and Hill-Bay Holdings Inc. in regards to the 'Site Specific Rezoning' of 68 Brackley Point Road, which in IRAC's opinion based on the facts presented meets required guidelines.

December 24, 2019

Via Email: smidjackson@gmail.com

Attention: Mr. David Jackson

....
...
...

Dear Mr. Jackson:

Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses

Introduction

Coles Associates Ltd. was retained by Mr. David Jackson to provide services to carry out an independent Traffic Review and to offer an opinion on the effects of traffic generated by the proposed development on Brackley Point Road.

It is our understanding that the proposed development will consist of 14 single residential townhouses with a mix of 2 and 3 bedrooms. The proposed development will be constructed on a property located on Parcel # 396713 located along the east side at Civic Address 68 Brackley Point Road in Charlottetown.

This letter report presents a brief analysis undertaken in support of this development and to address specific traffic concerns raised by others.

Further to this request, a site visit to the property and adjacent roads was carried out on Thursday, 19 December 2019 to have a better understanding of this site, physical attributes, and traffic conditions on Brackley Point Road near the proposed development.

Figure 1 below is a preliminary plan, drawing no 18239-3, dated October 31, 2019, was prepared by ISE Land Surveying & Engineering. This plan shows the legal boundaries of the property as well as the layout of the proposed townhouses, parking and driveway.

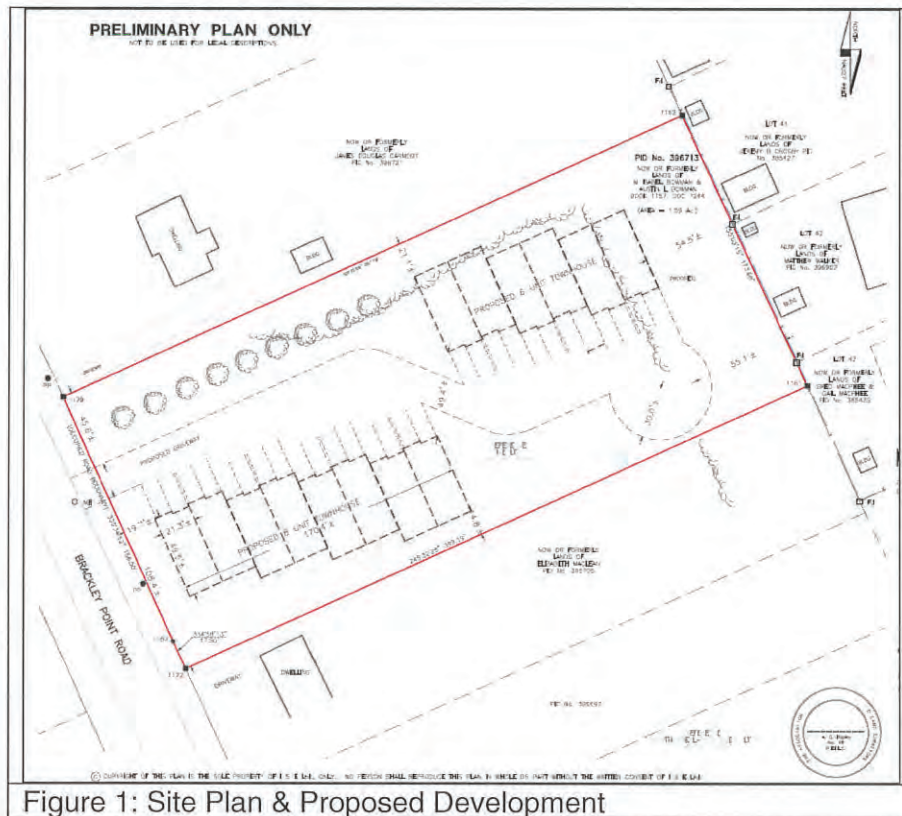


Figure 1: Site Plan & Proposed Development

Existing Traffic Volume

As a part of this review, we carried out a traffic count on Brackley Point Road adjacent to the subject property. The traffic data collection was conducted to provide the basis for the traffic analysis.

Traffic counts were conducted on Monday, December 23, 2019 for the AM peak period (7:00 AM – 9:00 AM) and Noon peak period (12:30 PM – 1:30 PM) by our staff. The breakdown of the traffic counts are summarized in below table:

Location	Direction	Morning Peak	Noon Peak
68 Brackley Point Rd	Northbound	400	350
68 Brackley Point Rd	Southbound	230	360
Total		630	710

It should be noted that there are variation patterns of the traffic volume on the road in question including seasonal variations, weekday variations and the hourly variations. The traffic count carried on 23 December will result in higher count because of the increased traffic during the

holidays. However, because of the timing and scope of this review, the collected data will be used even though it is higher than regular traffic volume on a typical weekday.

Based on the higher traffic count recorded during the count, peak hour traffic volume was applied to obtain the average daily traffic (ADT) which was estimated to be in the order of 4,800. Brackley Point Road is designated by the City as Collector Road with a maximum speed near the subjected property posted at 50 KPH.

Traffic Generated by Proposed Development

As mentioned above, the proposed Development consists of 14 residential townhouses.

This traffic impact review will follow the latest revision of the Institute of Transportation Engineer's Manual and other applicable Standards. The methodology will comprise of assessing existing conditions, quantifying traffic generated by the proposed development, and analyzing impact of post-development on traffic conditions.

The ITE Manual designates an average trip generation rate for a townhouse of 0.53 trips/unit during the morning peak hour and 0.64 trips/unit during the evening peak hour. However, these average rates are based on observations from larger townhouse developments (average size > 100 units). A review of the empirical data plots contained in the manual suggests that trip generation rates may be slightly higher for smaller townhouses development similar to those planned for the proposed development. Consequently, trip generation rates of 0.6 trips/unit and 0.7 trips/units were conservatively assumed for the morning and evening peak hours, respectively. The following table shows the expected split of traffic entering and leaving the development during these peak periods based on the above rates.

Time Period	Total Trips	Entering	Leaving
Morning Peak Hour	10	1.5	8.5
Evening Peak Hour	13	9.8	3.1

Impact on Adjacent Road Network

Based on our examination of recent traffic flows recorded Brackley Point Road, the breakdown of all generated trips by the proposed development are expected to be broken down between the development and points north and south based on the current average flow percentages of 55% Northbound and 45% Southbound.

The following table shows how the new trips are expected to be distributed between the various destinations (note that numbers have been rounded off).

	Direction	Morning Peak	Evening Peak
Northbound Brackley Point Road	Entering	1	5
	Leaving	4	2
Southbound Brackley Point Road	Entering	1	4
	Leaving	4	2
Total		10	13

The Institute of Transportation Engineers (ITE) Recommended Practice for Traffic Impact Studies for Site Development suggests that a traffic impact assessment be undertaken for any development expected to generate more than 100 additional trips during the peak hour. This is considered to be the threshold beyond which the level of service of an existing road may be impacted. Since the proposed development is only expected to generate up to 13 new trips during the evening peak hour, the resulting impact on existing delay and Level of Service is very low and will not be significant.

In general, truck traffic was found to be very low in both directions on Brackley Point Road and was recorded to be on average in the order of 1% of the total traffic volume.

There was no pedestrian traffic during the traffic count.

Current Operations

Level of Service (LOS) is a qualitative measure of how a traffic facility is operating and based on the calculated average vehicle delay in seconds per vehicle. LOS A to LOS F are considered with LOS A representing a delay of less than 10.0 seconds per vehicle and LOS F representing a delay of greater than 50.0 seconds per vehicle. Brackley Point Road appears to be operating near the top LOS with no significant delays observed.

Vehicles entering and exiting existing driveways and future development may experience a short delay during traffic peak hours. This is more to left turning movement and to a lesser extent right turning movement from driveways. However, it should be noted that the delays caused by the left turning movements are not significant (< 16 sec) and it is less than average for a collector road similar to Brackley Point Road.

At this point in time, the additional traffic generated by the development will have no impact on Level of Service on Brackley Point Road.

Driveways

There are currently a total of 21 existing driveways between Duncan Heights and Cedar Avenue. They are all residential driveways with 10 along the east side and 11 along the west side.

The safety impacts of driveways on urban roadways are of interest to public safety. Different driveway types perform differently. The effects of driveways have been investigated by many past

studies and the results showed that commercial driveway has a largest impact on the roadway safety and residential driveway has the lowest safety impacts.

It is our understanding that the Charlottetown Police and Public Works Department have reviewed earlier submissions of the subject development and it was recommended to move the driveway further north to improve sight distances. The latest site plan submission (Figure 1) by the developer incorporated this change and the driveway is currently located as far north as the site conditions allow without impacting the existing trees along the north property line. Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway will be adequate for this proposed development.



Figure 2: Aerial view showing subject property and existing residential driveways

Page 6 of 6
24 December 2019
Via Email: smidjackson@gmail.com
Attention: Mr. David Jackson
Re: Traffic Review - 68 Brackley Point Rod

Summary

In summary, our review concludes that the additional traffic expected to be generated by the proposed development will not have a noticeable impact on traffic operations on Brackley Point Road.

We hope that this report provides you with all the required information which was requested.

Should you have any questions or require further explanation regarding the attached report, please do not hesitate to call the undersigned at your convenience.

Yours very truly,

Coles Associates Ltd.

Per: Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE
/nl

Cc: Mr. Greg Morrison, City of Charlottetown (Via Email: gmorrison@charlottetown.ca)
Mr. Brad MacPherson, (Via Email: brad.macpherson@premieremortgage.ca)

68 Brackley Point Road, Charlottetown, PEI

BACKGROUND

The property owners, David Jackson & Veronica Laidlaw (Hill-Bay Holdings Inc.), applied for their vacant property, located at 68 Brackley Point Road (PID #396713), to be re-zoned from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3). The purpose of the rezoning would be to allow for the construction of 2, single storey townhouses consisting of 6 units and 8 units for a total of 14 units on the large, vacant property. This is a revised plan from one previously put forward.

This plan is responding to Charlottetown's unprecedented growth, changing demographics, increased demand for housing, growth and improvement of its transit system and support for the pedestrian and the bicycle within the neighbourhood, lessening the dependence on individual private vehicles. These are the goals of any forward-thinking modern development. All of this supports the case for a sensitive development with a reasonable increase in density, like the subject proposed development in a very low-density neighbourhood found in this area of Brackley Point Road. Changes to zoning are the first step in responding to these pressures in urban planning to meet changing demographics and markets. Change can make people nervous and rather than put neighbours on the defensive, we believe we can improve this community and make necessary changes to zoning without harming a blade of grass on a single lawn. It is mixed building type neighbourhoods that are the most vibrant and interesting. They support improved transit systems and encourage pedestrian and bicycle use to access the relatively close neighbourhood centre, churches and schools.

On Monday, January 14, 2020 Charlottetown City Council voted to reject the above request from David Jackson and Veronica Laidlaw, citing concerns relating to additional traffic, & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood. Letters from the public most primarily cited concerns of traffic and pedestrian safety, noise pollution and increased traffic volumes.

APPEAL

In accordance with Section 3.15 of the City of Charlottetown Zoning & Development Bylaw, property Owners, David Jackson and Veronica Laidlaw request a reconsideration of Council's decision and appeal the decision to the Island Regulatory and Appeals Commission. The rationale for this appeal is that we have clear doubt as to the correctness of the decision in the first place and there are new material facts that were not available at the time of Council's decision to reject the Owner's application.

1. In accordance with the provisions of Section 28.(5) of the **Planning Act**, the additional grounds for this appeal are as follows:
 2. The Traffic Review Study, attached which was completed on December 24th, 2019 and furthermore proves the facts that no safety issues or concerns or traffic issues are a factor, as per the professional engineering opinion of Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. (See Traffic Review Study Attached.)
 3. City Councillor Robert Doiron, acted with bias and in bad faith; being in direct conflict of interest and encouraged residents, City Council and Planning Board members to reject the application and Mr. Doiron himself who was in conflict continued to vote against the application while sitting on the Planning Board and City Council. Mr. Doiron should have excused himself prior to the Public Meeting back on October 29th, 2019.
 4. Many of the Sherwood Residents who sent in letters of opposition to this particular Hill-Bay Holdings Inc. rezoning application were confused on which property was being rezoned and for what purpose, as they were not presented with the facts that this is a townhouse development of single family homes 'For Sale' located at 68 Brackley Point Road and not the development proposed by another developer who got the Sherwood Residents in an uproar, as he previously proposed to build an 30+ unit apartment building located on his land off Brackley Point Road and Pope Road near Stone Park Junior High School, which is completely on the opposite end of Brackley Point Road.
 5. Sherwood Residents were not accurately informed, prior to submitting their letters of opposition regarding safety and traffic as the Traffic Review Study was not presented to them at the Public Meeting held on Tuesday October 29th, 2019. These same few Sherwood residents were encouraged by Councillor Bob Doiron on October 29th, 2019 to attend the upcoming planning board and City Council meetings to oppose the application, proving Mr. Doiron was more concerned with election votes, than he was about proven facts.
 6. Other than a few letters of opposition from Sherwood Residents, who were not fully informed prior to submitting their letters of opposition. The rezoning application meets all acceptable guidelines in regards to safety, traffic, etc. and the decision to reject should be overturned by IRAC.
-

RESPONDING TO OBJECTIONS - ALLIVIATING CONCERNS

In a letter from City Planner, Greg Morrison, to the Owners, January 14, 2020 he states, *"Council in their decision making noted concerns relating to additional traffic & the proposed access as well as the overall compatibility of the development with the surrounding neighbourhood."*

As well, letters from the public most often cited concerns of vehicle traffic and pedestrian safety, noise pollution and increased traffic volumes.

The information contained in the report, **"Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses December 24th, 2020: Coles Associates Ltd. Per: Nazmi**

Lawen, FEC, M.A.Sc., P.Eng., PE, indicates that all concerns about traffic volume, safety considerations, speed limits, sight lines, etc., are not a concern in this development. This study provides empirical data and analysis which concludes that sight lines, vehicle/pedestrian traffic and speed limit were satisfactory and well within acceptable guidelines, according to professional engineer, Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. of Coles and Associates who provided this independent traffic study and assessment. These data and conclusions were also agreed to by Charlottetown Police Department and Charlottetown Public Works, as reported by Greg Morrison. Mr. Lawen also made comment at the January 6th, 2020 Planning Board meeting, *"That even if you doubled the traffic on Brackley Point Road, it would still be within guidelines."* In the opinion of Nazmi Lawen, Professional Engineer the 14 unit townhouse development would not impact traffic or safety on Brackley Point Road. Mr. Lawen is very much satisfied based on his review and study that the application for re-zoning 68 Brackley Point Road from R1 to a 'Site Specific' R3 Townhouse style development should be approved. If requested by IRAC, Mr. Lawen will testify to this fact. So, safety concerns have been thoroughly addressed and dismissed and cannot be cited as reasonable objections to the proposed development.

Re: Traffic Review - 68 Brackley Point Road - Proposed 14 Unit Townhouses

"Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway will be adequate for this proposed development."



“Summary

In summary, our review concludes that the additional traffic expected to be generated by the proposed development will not have a noticeable impact on traffic operations on Brackley Point Road.” Coles Associates Ltd. Per: Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE

In accordance with the Charlottetown Police and Public Works Department recommendations, *“to move the driveway further north to improve sight distances. The latest site plan submission (Figure 1) by the developer incorporated this change and the driveway is currently located as far north as the site conditions allow without impacting the existing trees along the north property line. Based on this recommendation, the present traffic volume on Brackley Point Road, future traffic generated by the development and other factors, it is our professional opinion that the proposed location of the driveway*

will be adequate for this proposed development.” Coles Associates Ltd. Per:
Nazmi Lawen, FEC, M.A.Sc., P.Eng., PE

PROPOSED DEVELOPMENT With respect to concerns about project scale, density and overall compatibility with the existing neighbourhood, the following project description will show that these concerns and the conclusions of City Council are also not well-founded with respect to this proposed development and that the Owners have made changes to the plans that address these concerns as well.

REVISED PLAN The site plan shown below is a revised proposal by the Owners indicating two, single storey buildings consisting of 6 and 8 residential units. The previous submission was revised in

- a) scale (from 3 stories to 2 storey),
- b) number of units (from 48, 2 bedroom apartments to 14, 2 bedroom townhouses),
- c) massing (from a building with relatively large massing to two buildings with massing that matches the neighbourhood's existing building types),
- d) improved sight lines (relocated driveway to the north end of the property)

LOT DESCRIPTION 68 Brackley Point Road is a plot of land in Charlottetown measuring approximately 174 feet in road frontage by 399.45 feet deep. This equals approximately 69,504 square feet in area. It is located in the Single-Detached Residential – Large Zone (R-1 L).



The following are statements from the City Planner, Greg Morrison, regarding positive attributes of the previous development proposal are all still applicable. The revised proposal is further improved with respect to these criteria.

The new design proposal meets all the City's policies and objectives for assessing suitability and compliance for any development. Furthermore, we will show the massing of the project relative to the streetscape as an indication that it is in harmony and in keeping with the Siting, Building Typologies, Scale, Setbacks, Landscaping and Parking Arrangements of this area and does not negatively impact on the physical, visual, infrastructure, safety or patterns of the existing neighbourhood.

Below is a quick summary of the subject application's positive attributes which fit the City's requirements for this moderately higher density development.

- *"Compact urban form and infill development.*
- *More efficient use of existing underground services than a single-detached dwelling.*
- *Moderately higher density in an existing neighbourhood.*
- *Higher density should be located along arterial roads.*
- *Two Schools are located within 300 metres.*
- *A commercial shopping centre and bus stop is located within 500 metres.*
- *The proposed development appears to be able to meet the requirements of the By-law."*

And regarding the Site (from previous submission) –

"Centre which is approximately 500m from the subject property. The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial road.

All of the properties along Brackley Point Road between Duncan Heights and Coles Drive are located in the Single-Detached Residential (R-1L) Zone. All of these properties either contain a one-unit or two-unit dwelling."

Greg Morrison, City Planner

"ANALYSIS:

Arterial roads by nature are generally categorized as high capacity urban roads. Their primary function would be to deliver traffic from collector roads to the by-pass or highways at the highest level of service possible. Arterial roads typically contain higher densities than collector or local streets but generally have less access points for residential development. Brackley Point Road and Mount Edward Road generally contain low density residential dwellings. Other arterial roads in the City of Charlottetown containing medium density residential dwellings, commercial uses, or industrial uses include Euston Street (between Weymouth Street and University Avenue), North River Road (between Beach Grove Road and Gates Drive), Sherwood Road, Belvedere

Avenue (between North River Road and University Avenue) and St. Peter's Road (between Brackley Point Road and Mount Edward Road).

In addition, higher densities should be located along bus routes. Due to the current low density nature of Brackley Point Road, the T3 Transit does not run along Brackley Point Road but it does stop at the Sherwood Business Centre which is approximately 500m away at the intersection of Belvedere Avenue, Brackley Point Road and St. Peter's Road.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

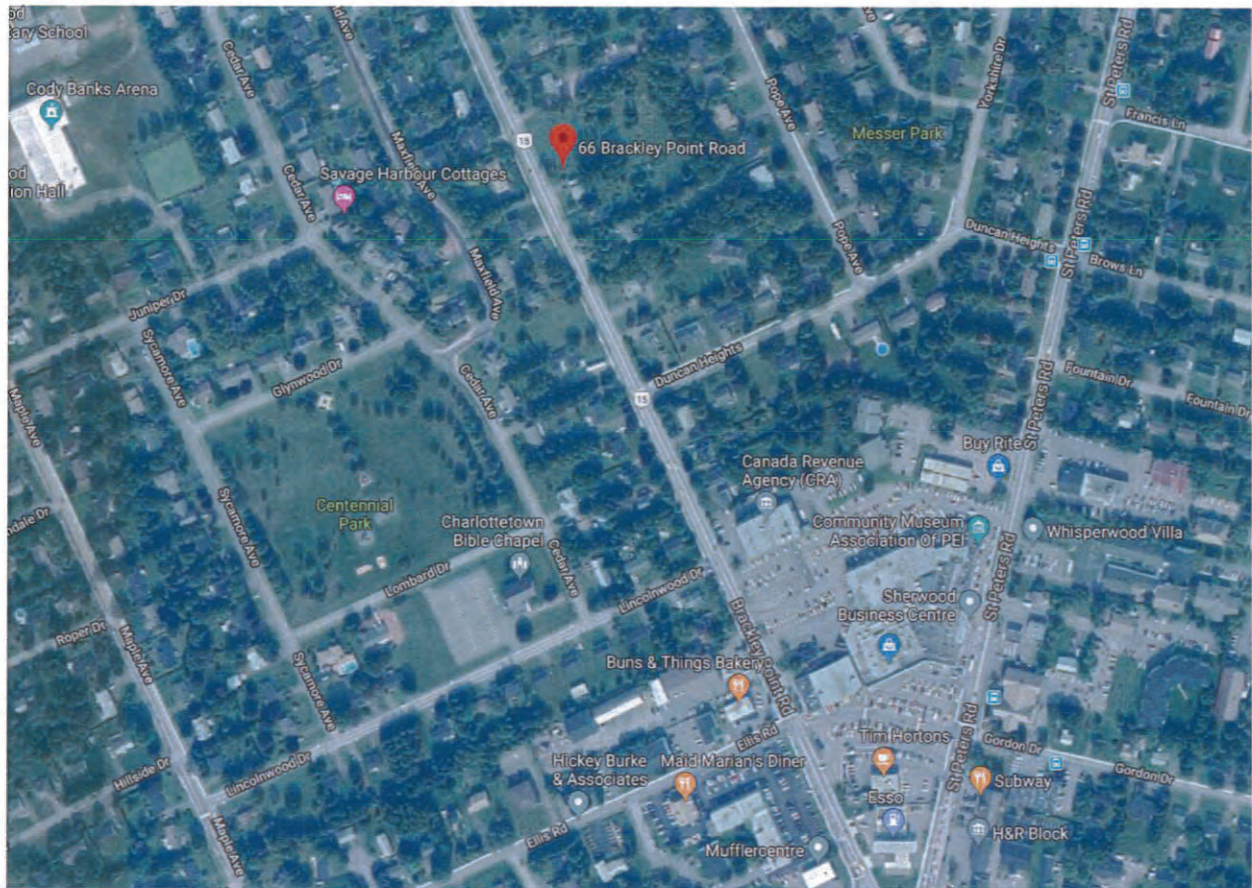
*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not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

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

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

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

Greg Morrison, Greg Morrison, MCIP Planner II



Aerial view of the site and its proximity to the centre of the community including parks, arena, schools, churches, shopping and services.

THE NEIGHBOURHOOD STREETSCAPE

Siting, Building Typologies, Scale, Setbacks, Landscaping and Parking Arrangements



View of site from Brackley Point Road looking North - showing sight lines in excess of 200m (50 km/h speed zone)



View of site from Brackley Point



View of neighbouring property adjacent to the site (south side)



View of neighbouring property adjacent to the site (north side)



Neighbouring property across the road to the northwest of site



Neighbouring property across the road to the northwest of site



View looking west across Brackley Point Road from site boundary



View of site from Brackley Point Road looking South - showing sight lines in excess of 100m (50 km/h speed zone)



**Public Meeting of Council
Tuesday, October 29, 2019, 7:00 PM
Provinces Room, Rodd Charlottetown Hotel
75 Kent Street**

Mayor Philip Brown Presiding

Present:

**Deputy Mayor Jason Coady
Councillor Alanna Jankov
Councillor Greg Rivard
Councillor Julie McCabe**

**Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Mitchell Tweel
Councillor Robert Doiron**

Also:

**Alex Forbes, PHM
Greg Morrison, PII
Robert Zilke, PII**

**Ellen Faye Ganga, PH IO/AA
Robert Stavert, TA**

Regrets:

**Councillor Mike Duffy
Councillor Terry Bernard**

Laurel Palmer Thompson, PII

1. Call to Order

Mayor Philip Brown called the meeting to order at 7:00 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Philip Brown opened the meeting, introduced the members of the Council and the purpose of the meeting and turned the meeting over to Councillor Rivard, Chair of Planning Board, who explained the Public Meeting process and then proceeded to introduce the first application.

4. 68 Brackley Point Road (PID #396713)

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would

contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units. Greg Morrison, Planner II, added more details about the application and stated that the applicant is also present to answer any questions or comments.

The subject property is currently vacant and the applicants are proposing to build two townhouse dwellings for a total of 14 units. Eight units will be at the front of the property and the other six units will be towards the back of the property. The elevations and floor plans were presented and it was explained that each unit are all identical with a garage at the front and three bedrooms on the second floor.

Susan Dillon, resident, commented that over the past years, there has been interest in this property and the rumour around Sherwood was that the property did not have access to Brackley Point Road. Ms. Dillon then asked where the access for the townhouse would be. Mr. Morrison responded that the access would be along the southern part of the property along Brackley Point Road and there would be a turning point at the rear of the property. Ms. Dillon also asked if there was a study in terms of safety of vehicles coming out of Brackley Point Road. Mr. Morrison mentioned that the site plan was sent to the Police, Fire and Public Works Department for review and comments. Staff received comments from Police and Public Works today. The Police Department have indicated that they were satisfied with the proposed site plan. The Public Works Department has issues particularly with the sight line to the south and have indicated that the proposed location would not be acceptable but access to the north of the property could be acceptable. Should Council look to approve this rezoning, these comments would have to be incorporated in redesigning the property. Ms. Dillon asked if staff have driven to the property and looked both ways. Mr. Morrison confirmed that he did and also added that he is not a traffic expert and must defer the review to corresponding departments. Ms. Dillon added that you cannot see cars approaching the top of the hill. For many years, it has been rezoned as a single family and has not been sold because there was no access to Brackley Point Road and was wondering how 14 townhouses can be developed there and have access off Brackley Point Road.

Note (1); the development site plan has been since revised (copy attached) to provide access on the Northsides of the property as requested by Public Works, as noted by Mr. Morrison to be satisfactory to Public Works. A Traffic Review Study has also been completed providing facts that safety i.e. 'line of sight' is no longer an issue with the access point being at the Northsides of the property and that the Police Department, Fire department and Public Works have deemed the site to be satisfactory with access to the Northside of the property, as revised and proposed.

Ms. Dillon also asked the Mayor if there is any other ward that is as busy as Ward 9 with rezoning. Mayor Brown responded that for any rezoning, traffic study is being considered and looking at Brackley Point Road, it is a connector to the arterial highway and then branches off to neighbourhoods. Mayor Brown also asked Mr. Forbes if there is any

background or facts to add on to Ms. Dillon's inquiry. Mr. Forbes responded that Ward 9 is as busy as any other ward. Rezoning applications are not concentrated in a specific ward or the other. Ms. Dillon commented that she asked this question because this is the third public meeting she attended to since March 2019 and that she never attended any meetings in the past. She felt that there is always another piece of land being rezoned in her neighbourhood. Ms. Dillon also asked if the City has any strategic plan for the City to look at the overall map and see where development or rezoning could happen or it is based on a property being purchased and requested to be rezoned. Mr. Rivard responded the City has a Zoning Map and an Official Plan in place that shows where density should go in the City. The neighbourhood is predominantly R1 zoning but looking at that specific parcel of land and the reason why residents are back here for the third time for another public meeting. **With the current housing crisis, developers are taking the opportunity to develop properties to meet the housing needs.** Mr. Rivard noted that it may be right or wrong and he just pointed out the reason why a public meeting is scheduled every month. Public meetings can happen for any ward as well. Mr. Rivard also shared that there have been other properties that went through public meeting in the past for a rezoning as well such as the West Royalty area. Ms. Dillon asked if this went to public consultation and if Council got the same push back with the properties along Sherwood. Mr. Rivard confirmed that any rezoning application requires a public meeting and also confirmed that on some applications, **Council got the same push back from residents. Mr. Brown also read portions of the policy in the Official plan (refer to report) and the Official Plan allows for some latitude for changes to the Bylaw.** Anytime there is a change to the Bylaw, it requires public meeting. Ms. Dillon asked then if 14 townhouses surrounded by single family dwellings make sense. Ms. Dillon also commented that when residents voted Councillors in the City, residents hoped that they could come up with a strategic plan that doesn't just last for today or a few years but for 50 years down the road. Ms. Dillon also stressed that residents put Council in place to entrust that Council is making positive, informed and factual decisions on whether a property is to be rezoned or not. Ms. Dillon pointed out that she cannot understand how 14 townhouse units can be put on top of Brackley Point Road. It is busy as it is. She was in a few months ago requesting that the parcel further down Brackley Point Road by Stone Park not be rezoned to R-3 and now residents are back here for 14 townhouses on a small parcel of land that most people wanted to put a single family dwelling on but couldn't do it because the sight lines were not appropriate or was not safe. Mayor Brown clarified that the purpose of the public consultation is to get feedback from residents where development can happen or look at broader scopes or plans for the City of the City of Charlottetown.

Ms. Dillon stated that Council voted on this application and agreed to proceed to public consultation and staff just got the information from Police and Public Works on the same day of the public meeting. If no one showed up tonight to speak about the application, this was going through because Council already voted for it without all the necessary information. Mayor Brown clarified that Council did not vote in favour of the rezoning but voted that this application proceed to public consultation to get feedback. People may interpret it as a vote for the rezoning but this is only a vote to bring it to public

consultation. Ms. Dillon reemphasized her earlier statement about Council making the right decision and that every time residents attend a public meeting, they felt like that are fighting for Council to make the right decision for the residents. Mr. Rivard mentioned that residents should not assume that Council would automatically approve an application when residents do not speak or show up at a public meeting. Council looks at the whole process and public meeting is one piece of the whole process. Staff prepares a report and makes a recommendation to the Board. Board makes a recommendation to Council and Council makes an ultimate decision based on all the information provided. Mr. Brown also added that members of the Planning Board are at the meeting tonight listening to inputs of the residents and they would provide their inputs at the Planning Board meeting as well.

Councillor Tweel responded to a question asked earlier whether any other ward is as busy, he mentioned that his ward has been busy dealing with Planning issues and it has been nothing but a "horror show".

Andrew MacLean, resident, noted that the diagram showing the size of the lot is incorrect because his mom's property adjacent to the property in question is 0.75 acre while the rest are 1.5 acres. The far side of the road has a grass area about 10 feet wide and then narrows as it reaches the top of the hill. The top of the hill along Brackley Point Road is very narrow. It was noted that traffic studies were provided by Police and Public Works but the top of the hill was intended to be narrower so that you are not able to park on the side of the road and that it can be a safe spot as possible. During the winter time, there would be about six to seven feet of snow for six months in year. There used to be a sidewalk on the east side of the road but was moved to the other side of the street. There is also a fire hydrant close to that location. Living adjacent to the property in question, Mr. MacLean noted that they do not back out of their driveway in 35-40 years. They drive on to the front lawn and drive out straight ahead. When there is snow, they would have to drive out north because traffic drives out 50-60km/hr and there is poor visibility. Mr. MacLean then asked what would happen if there is snow about 50 feet to the north and 25-30 cars trying to pass traffic to work. Mr. MacLean doesn't think that they are going to drive north and through that roundabout. Mr. MacLean felt that it is a dangerous spot.

Doug Carmoby, resident, recommended that a roundabout be built near Vogue Optical to get rid of some of the traffic, let Woods develop his property and build a road where the house is built down off Duncan Heights. There was supposed to be a road there out by Stonepark and residents can use the land that is there. Most properties are at least an acre land, residents pay taxes on it but cannot use the land.

Note (2): Many residents along with Mr. Carmody seem confused with a application that was submitted last year by Ron Woods to build a 30+ unit apartment building off Pope Road and Brackley Point Road by Stone Park Junior High School and Tiny Tots Day Care.

Hill-Bay Holdings Inc. application is for 68 Brackley Point Road which is on the opposite end of Brackley Point Road.

Andrew Cotton, resident indicated that the lot has been vacant for years because it cannot have access off Brackley Point Road from that lot and asked about the property where the water tower used to be. Mr. Cotton asked why this property needed to have access off Maxfield instead of Brackley Point Road. A resident commented that it was because of the line of sight. Mr. Cotton then commented that it was not safe enough for that side of the road but would be safe for 14 cars on the other side of the road.

Note (3): The Traffic Review Study of the Professional Engineer at Coles and Associates, along with the opinion of the Charlottetown Police Department and Charlottetown Public Works state the facts; that the proposed 'Site Specific' development of 68 Brackley Point Road to accommodate 14 Townhouse Style Homes, does meet their satisfactory requirements, well within the guidelines.

Jeremy Crosby, resident, mentioned that he will be submitting a letter to Council tonight. Mr. Crosby indicated that he is not against redevelopment of the property but rezoning from single family to R-3 is too high density for the property. Mr. Crosby quoted items in the report saying that this rezoning may change the long term direction of the neighbourhood and may lead to additional rezoning requests within the neighbourhood, secondary plan may be put in place and would need to consult the public on this, the scale of the townhouse units may adversely affect the existing low density dwellings, the section of Brackley Point Road is an established single-detached dwellings, the access on to Brackley Point Road may not have sufficient sight lines. Mr. Crosby noted that proposal for 14 townhouse units may be considered at some point but felt that the change from an R-1L to R-3 is too high of a density and that there are no guarantees that the applicant would come back and plan to build an apartment instead. He also added that the bylaw be reviewed to amend the permitted uses for an R-2 to allow townhouse units but not other types of developments that are included in the R-3 Zone. Mr. Crosby also mentioned that the residents are tired of the constant attempts to rezone the area around their neighbourhood to higher density. The last attempts to rezone properties earlier this year were both denied. Mr. Crosby requested to consider how these rezoning applications affect residents each time they have to go through the process. Mr. Crosby also requested that should a development take place on the property, the treed area/buffer zone be kept in place to benefit the residents and current owners.

Note (4): Hill-Bay Holdings Inc. has agreed to enter into a very 'Site Specific' Development agreement with the City of Charlottetown, to ensure the specific development of the 14 proposed single family homes in a townhouse style design will be the only thing build as per a 'site specific' development agreement with the City. A very 'site specific' development agreement for 68 Brackley Point Road will also eliminate the Planning Boards concerns that some other developer can use this as precedent to get their rezoning application approved. A 'Site Specific' Development Agreement between Hill-Bay

Holdings Inc. and the City of Charlottetown, will also appease many of the residents of Sherwood.

Mayor Brown commented that a development agreement may be put in place when amendments are approved. Mr. Forbes explained that when there is an application to rezone a property, Council has the ability to restrict developers to what is being proposed and permitted on the property and that would be through a development agreement. If developers want to change the plan, they would have to undergo the same process again. Mr. Crosby asked if that would apply even if the property was sold to a new developer and Mr. Forbes confirmed. When developers apply with a plan, the proposal is what would be reviewed and potentially approved. If developers come back and change their plans, Staff will forward it to Council for approval if there is a significant change to the original plans submitted. Mr. Crosby asked if there were situations in the past where these development agreements are challenged and Mr. Forbes noted that most rezonings come with a development agreement and it is a standard tool and would be difficult to get around a development agreement. Mr. Crosby also commended staff for doing a great job preparing the report. Mr. Rivard also added that staff cannot stop or prevent land owners or developers from applying to develop or rezone their property. If the application is turned down and there are no significant changes to the proposed development, they would have to wait for another year to make another application. Mr. Crosby commented that the attempt to develop or rezone the property has been going on for many years now and would recommend that future development here would be something that is more agreeable than trying to rezone to an R-3. Mr. Rivard also asked Mr. Morrison what an R-2 permits and Mr. Morrison responded that it would allow for one and two unit dwellings. R-3 would allow townhouse and apartment units based on lot area. Mr. Crosby also added that there are other uses beyond that for R-3 and Mr. Morrison confirmed. While it says Medium Density, Mr. Crosby felt that it is perceived as high density for most residents living in an R-1 zone. Mr. Crosby also commended the developer and felt that it is a decent proposal but the R-3 zone is what unnerves residents. Councillor Tweel commented that that an R-3 zone opens doors for apartment complexes and when a zoning has been changed, Mr. Tweel asked why it have to come back to the public consultation process again. Mr. Morrison responded that should Council approve the rezoning, it would be done subject to a Development Agreement. The Development Agreement would indicate what can only be built on the property with the proposed site plan and elevations. Should these drawing change, the developers would have to go back through the same process. Technically, the R-3 Zoning for the property would only allow them to build 14 townhouse dwelling units as per proposed. Mayor Brown also mentioned that the request to look at the R-2 zoning to allow for townhouse dwelling may be looked at or considered at some point.

Note (5): A very 'Site Specific' Development Agreement between Hill-Bay Holdings Inc. and the City of Charlottetown can be put in place for 68 Brackley Point Road. Therefor, the application to re-zone should be approved by IRAC, with a 'Site Specific' Development Agreement to be strictly adhered to by Hill-Bay Holdings Inc.

One resident asked about the setback requirements for an R-1 zone allowing a development 15 feet from property line. Mr. Morrison responded that for a single detached dwelling in an R-1 zone, the minimum setback would be 19.7 feet from the front line, 24.6 feet from the rear and 6 feet from the side yard. Mr. Morrison clarified that the plan shows 14.8 and not 4.8 feet on the side.

Note (6): All set backs in the site plan are satisfactory.

Ian Handrahan, resident, asked what the speed limit is along Brackley Point Road and Councillor Doiron responded that it is 50 km/hr. Mr. Handrahan asked if the line of sight test was done (3ft cone, 150m back and still visible) and Mr. Morrison responded that he is not a traffic engineer but was sent to Public Works & Police Department who reviewed and provided their inputs on the proposed development.

Joan Ivany, resident, asked if the application would have to start over if driveway was moved to the other side. Mr. Morrison indicated that the developers would have to change their plans and would be reviewed by staff and the other departments but would not have to go back for another public meeting. Should the access be moved, the developers would have to amend their plans and include them in the development agreement. Ms. Ivany commented that the townhouses behind Charlottetown Mall do not look like the initial plans that they have proposed. Mr. Rivard responded that the developers went back to Council for approval when the plans were changed.

Note (7): Access to the property, the site plan has been revised at the request of Public Works and has been deemed to be satisfactory to Charlottetown Public Works and the Charlottetown Police Department.

Mark Grimmett, resident, commented that car traffic was discussed but not pedestrian traffic that would potentially be associated with the development. Mr. Grimmett asked how pedestrians would access the sidewalk on the other side of the street and Mr. Morrison commented that it would be more of a Council question if they have the appetite to construct a sidewalk on the side of the street or a crosswalk. Mr. Grimmett also asked how this development is adjacent to commercial areas as how other R-3 developments are. He also echoed comments from other residents that the R-3 zone set people off and cause concerns to residents in the neighbourhood regardless if there is a development agreement or not. As a property owner along that property, he is not in favour of the proposal of one of the resident to add another road access through the property along Duncan Heights.

Wendy MacDonald, resident, commented that their property was turned down in the past because of sight line issues even for a single family dwelling. Ms. MacDonald questioned how 14 new residents with potentially 28 cars coming out of the top of the hill. She mentioned that she has been rear-ended and side swiped several times trying to pull out of her driveway with signal lights and at clear daylight. With snow, it is even more difficult.

And when you try to put a driveway immediately across the property with the increased number of vehicles coming out, Ms. MacDonald and her husband are completely opposed to the development. Ms. MacDonald also guaranteed that vehicles do not drive 50-60km/hr up that hill. Vehicles drive up to 80 km/hr and ambulances also drive that route into town and felt that the proposed access is completely not safe.

Note (8): The Traffic Review Study facts state, safety, traffic and line of sight are satisfactory, as agreed to by Public Works and the Police Department.

Doreen Connolly, resident, commented that with the townhouses being three bedrooms, there would be numerous families that would live there with children. Kids will be walking to school across Brackley Point Road and felt that it will not be very safe and I am against this proposal.

Jeremy Ivany, resident, mentioned that he has attended about seven public meetings for the area since moving to Pope Ave and had called it a parachute rezoning. Mr. Ivany noted that the issues would always be developers purchasing single family homes and he expects Council to work with residents to allow the neighbourhood to remain the same. Mr. Ivany acknowledged that there would always be changes in houses or residences but the concerns for this property would be 1) traffic safety where vehicles don't follow the 50km/hr speed limit and 2) when the Belvedere Ave/St. Peters Road roundabout will be constructed, vehicles trying to get to town will most likely drive through Duncan Heights. Mr. Ivany plead that Council not approve this rezoning. In the original plan, there was a proposed road that would run from north to south and would come out of Heather Ave but over the years, plans were changed, the City was amalgamated and the long term plan was ignored. Mr. Ivany commented that he does not have a lot of faith with the City and would like to see someone start thinking about residents.

Mayor Brown mentioned that all the information gathered tonight will be taken to the Planning Board which is scheduled on Monday, November 4, 2019 at 4:30pm at Council Chambers, 2nd Floor, City Hall. Mayor Brown also added that it will be an open meeting and the residents are welcome to attend the meeting.

Councillor Doiron thanked the residents for attending the meeting and encouraged everyone who are opposed to this development to come out on November 12, 2019 at the Council Meeting. Mr. Doiron commented that there have been rezoning applications in the past where the public came out in full force who expressed their opposition but when Council voted for the application, Council went with the housing crisis and approved the applications. Mr. Doiron added that he is aware that there are a lot of opposition to this application and that Council listened to all the comments of the residents saying they don't want it but when it comes to a vote, Council votes for it anyway. Mr. Doiron also noted that it is great that residents are here tonight but because it happened a couple of times in the past, **he encouraged residents who are opposed to this rezoning to attend the Council meeting in November.**

Note (8): Councillor Robert (Bob) Doiron has admitted at the January 13th, 2020 City Council meeting that has been in 'direct conflict of interest' during Hill-Bay Holdings Inc. re-zoning application, due Councillor Doiron owning a 2-Unit Duplex Rental property located at 63 A and 63 B Brackley Point Road, across the street from Hill-Bay Holdings Inc.'s property located at 68 Brackley Point Road, however Mr. Doiron did not excuse himself at the Planning Board meeting where he voted to reject the application and again at the City Council meetings he voted against the application, until evidence was brought before him that he was in direct conflict at the very last Council meeting vote on January 13th, 2020, where it was suggested by the City Solicitor that he excuse himself from the vote on January 13th, 2020. As noted above, right from the very beginning Councillor Bob Doiron has been lobbying and encouraging residents of Sherwood to oppose the application to Planning and Council, all the time being in direct conflict of interest. Mr. Doiron furthermore at the Planning Board meeting vote on January 6th, 2020; Councillor Bob Doiron seconded the motion on the floor to reject the application. Bob Doiron has been in direct conflict of interest from the time the application to re-zone was filed by Hill-Bay Holdings Inc. and to date, continues to operate a 2-Unit Rental Property located at 63A and 63 B Brackley Point Road in an R1 Zone, possibly illegally without having made an application himself to re-zone from R1 to R2.

As you know, it is every Council member's obligation to openly declare the member's interest before Council, to remove themselves from the meeting, to not vote on the matter, and to not attempt to influence the decision. Council members who fail any of these obligations are disqualified from further service on the Municipal Council. IRAC should take a hard look into the actions of Mr. Doiron.

Mayor Brown reiterated that there is a Planning Board Meeting on November 4 at 4:30pm where a recommendation will be made by the Board to Council and the Council Meeting is scheduled on Tuesday, November 12 at 5:00pm.

Susan Dillon, resident, reiterated her earlier comments saying that "we interest the Councillors of the City to make sound, informed decisions based on facts to lead the City in a direction that shows positive growth for many years to come." Ms. Dillon expressed that she doesn't want to be in a public meeting but wanted Council to look at the zoning, the sidewalks, sight lines, etc. and ask if it matches what the community needs. She also mentioned that the reason why she voted her Councillor, why residents voted their Councillors in, is not for residents to be at public meetings but for Councillors to look at the issues, be the voice of the residents and make sound decisions based on what is best for the community. **Mr. Doiron agreed with Ms. Dillon's comments and mentioned that he is listening to the crowd but when Council votes, things changed, people tend to forget the people at the public meeting.** Mr. Doiron cited the previous rezoning along Upper Prince and Palmers Lane where, residents attended the

public meeting and spoke in opposition, but Council voted to go ahead with it. Mr. Doiron understands that residents entrust their Councillors to do what residents think is right and what he believed is right but he mentioned that he is not going to sit and thank residents for all the concerns raised and vote for what the residents want, while everyone else would indicate that the City is in a housing crisis and would go that way. **Mr. Doiron added that he does not want to give residents false hopes and so encourages people to come out and attend the Council meeting while council vote.** Mr. Doiron felt there has to be a balance in terms when it comes to housing crisis and every Councillor wanted to do the right thing and mentioned that Councillors are stuck to what the right thing is.

Note (9): For some apparent reason, Mr. Doiron is very biased to the application for rezoning of 68 Brackley Point Road, admitting to his conflict of interest while at the same time voting against the application of Hill-Bay Holdings Inc. is a violation of his duties as Councillor with the City. Mr. Doiron may be acting contrary to 107 (2) (d) of the Municipal Government Act., by not disclosing his direct conflict of interest to this application prior to voting as an Planning Board Committee member and a City of Charlottetown Councillor and; to furthermore continue to encourage Sherwood Residents who are in opposition to push toward and attend meetings to have the application rejected. IRAC should look to overturn all Planning Board and Council decisions to date to reject the application, due to the hardships that Hill-Bay Holdings Inc. have been put through by Mr. Doiron.

Mayor Brown mentioned that he understands the trust that Ms. Dillon is giving her Councillor and Council, and to add on to Mr. Doiron's comments, City Hall is open and there is a Planning Board Meeting on November 4th at 4:30pm where this issue will be voted on and then voted by Council on November 12th at 5:00pm at the regular meeting of council. Mayor Brown also added that he has good faith in all the Councillors that represent the wards of the City.

Councillor McCabe clarified if this application can be shut down at the Planning Board and does not necessarily go to Council. Mr. Rivard responded that a recommendation will be made by Staff to the Planning Board, Planning Board then makes a recommendation to Council and then Council makes final decision. Mr. Rivard added that the Planning Board may recommend that the application not move forward and Council would have the ultimate vote.

A resident commented that the Planning Board Meeting scheduled at 4:30pm is not an appropriate time for most residents, especially for those who are working. Mayor Brown understands that the time may not be appropriate for everybody but the Planning Board meetings are always scheduled at 4:30pm and Council Meeting has been moved to 5:00pm and the City tried to accommodate most of the schedules of members. While a video recording is not available for Planning Board, there will be a live stream for Council

meeting. The resident informed Council that since most would be working, many people won't be able to make it at the meeting.

Councillor Tweel thanked residents for attending the public meeting and reiterated Mr. Doiron's comment where people attended the public meetings and spoke in opposition to the development (mentioned the previous applications in his ward), staff recommended for or against the application, Planning Board recommended for approval or rejection and finally to Council for a vote. Mr. Tweel mentioned that some Councillors are listening and some, because of housing or other situations, and when letters were sent, the letters would only talk about the rezoning or variance requirements. Mr. Tweel added that some do take it to heart and listen directly to what the constituents are saying.

Mayor Brown reminded the residents of the schedules for Planning Board Meeting and Council Meeting and Mr. Rivard and Ms. McCabe reminded the residents that the deadline for submission of any written comments or concerns is 12:00pm, October 30, 2019.

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Robert Zilke went through the specific amendments as detailed in the report.

Joan Cumming, resident, thanked Robert for explaining the amendments in detail and mentioned that she called City Hall about four times to talk to someone to gather more information about the proposed amendments but staff wasn't able to provide the information and had indicated that she had difficulty trying to look for the information in the website. Ms. Cumming noted that she would have wanted to study the information ahead of time. Mayor Brown asked Mr. Zilke if this was part of the information in the website and Mr. Zilke confirmed. Ms. Cumming added that since she could not find the information on the website and should these amendments move forward, it would have been a concern for her not being able to access the information or made comments to it. Ms. Cumming was more particular about the signage and a little confused with the subdivision of lots. Ms. Cumming requested to have a better job in terms of keeping residents informed and asked if these amendments were thought of a little or long time ago or just today. Mr. Zilke responded that he is willing to talk to Ms. Cumming after the

meeting to set a time to discuss the amendments in detail. Mayor Brown clarified that this is a public consultation and the Planning Board meeting is scheduled on November 4th and would be another avenue for Ms. Cumming to make her comments. Ms. Cumming added though that she doesn't have a copy of the report. Mr. Rivard responded that the reports are in the website with the information and will be reviewed again at the next Planning Board meeting. Councillor Jankov also asked where the package is saved since she is not aware where to find it. Ellen Catane explained that all reports are part of the Planning Board package, which also becomes part of the Council package and a Public meeting package is also sent to Council before the Public meeting. Mayor Brown added that Mr. Zilke will work on a time to meet with Ms. Cumming. Ms. Cumming commented that that would help her but asked how the information would get to the other residents. Mayor Brown noted that staff did their best to provide the information for residents and tried to make it as user friendly as possible and apologized if she had difficulty accessing the site and will check to see how the website can be improved further for the public to have better access.

Councillor Tweel thanked Mr. Zilke for the presentation and requested to elaborate on the difference of the current Design Review procedure and the proposed amendment of what constitutes a significant alteration. Mr. Zilke responded that a design review is required for any development within the 500 Lot Area. Council approved the 500 Lot Area years ago in order to maintain the character on the design of the buildings in that location. The existing regulation pertains to any new construction, multi-unit residential or increase in building footprint, etc. The proposed amendment is when any building in the 500 Lot Area goes through a significant alteration especially to the exterior of the existing property, it would require to undergo the design review process. Councillor Tweel quoted the statement, "This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future", and mentioned that he has discussed this with Council over the last number of months with regards to the architectural character of the new buildings being built in the downtown area especially when it comes to brick materials. Mr. Tweel indicated that on the fourth and fifth floor, there is the introduction of steel siding that is a significant material change to the design of the building. Mr. Tweel mentioned that he is not an architect but felt that there is inconsistency and wondered why those are allowed to happen. Mayor Brown responded that those items will be dealt with by the Design Review Committee.

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

6. Adjournment of Public Session

Moved by Councillor Mike Duffy and seconded by Councillor Greg Rivard, that the meeting be adjourned. Meeting adjourned at 7:48 p.m.

Stavert, Robert

From: Tracey Andrew <tracey.andrew@hotmail.com>
Sent: October 16, 2019 8:26 PM
To: Planning Department
Cc: McCabe, Julie L.
Subject: Rezone request for 68 Brackley Point Road

I am writing with my concern about the request to rezone 68 Brackley Point Road to R3. I am totally against it. We have way too much traffic by that daycare/ school now, more traffic in that area is an accident waiting to happen. Brackley point road is busy and to think of that many more cars turning onto Brackley point right there is a scary thought, the school cross walk area is a risk your life crossing area now..... As well Mornings and after school time is impossible on Pope Drive. I walk my dogs everyday down that hill and across that crosswalk on Brackley point , and everyday I see a near miss with cars and buses turning and stopping, kids jumping out of the way alot of times!!! Cars are lined on both sides of the road at 3pm by Stonepark school making only one lane of traffic which goes half way up pope drive. I hope that more people will speak up. I unfortunately can't make the meeting so I wanted to voice my disapproval of the rezoning request. I hope the city will reconsider rezoning to R3.

Thank you

Tracey Andrew

(Arcona Drive Resident)

Sent from Tracey's iPhone

Get [Outlook for iOS](#)

NOTE: This letter speaks directly to safety and traffic concerns, which according to the professional opinion of the engineering firm is not factual, no traffic or safety issues have been identified in the Traffic Review Study. 68 Brackley Point Road property is no where near Stone Park School on Pope Road, as this letter of opposition suggests.

Stavert, Robert

From: Jerry Ivany <jaipag@eastlink.ca>
Sent: October 28, 2019 7:26 PM
To: Planning Department
Cc: McCabe, Julie L.
Subject: Zone change application for Lot 68 Brackley Pt Rd.,
Attachments: Lot 68 Brackley Point Rd Rezoning Oct 28, 2019.docx

Planning Board;

Please see attached letter against this application.

Jerry Ivany
17 Pope Ave

To: Charlottetown City Council and Planning Board:

Date: October 28, 2019.

From: Jerry A. Ivany,

17 Pope Ave

RE: Application for Rezoning Lot 68 Brackley Point Rd from R-1L to R3

Zoning request should not be approved because:

- I purchased my property in an R-1 zone with the understanding that it would not be changed and I believe I should be able to expect the City of Charlottetown to hold to that agreement. The area contains well maintained properties and residents know their neighbours for streets around, take pride in our neighbourhood and keep them updated. We have had to fight at least 6 applications to downgrade the zoning, we have worked together to defeat these, pointing out why such changes would not be beneficial to the city, our neighbourhood, and families. There is no desire for rezoning in the neighbourhood.
- Owners of single family homes who have paid our taxes for many years are being ignored in the City of Charlottetown. The frenzy to parachute apartment buildings and other structures that are not appropriate has to stop. We want single family houses built on normal size lots not dense concentrations of row houses and apartment buildings.
- Brackley Pt Rd will become much more dangerous as visibility southward is restricted. Brackley Pt Rd is a busy feeder street to and from the city, and the addition of 14 +++ vehicles entering the street will result in a significantly greater risk for traffic accidents.
- Rezoning adds nothing appropriate to the neighbourhood. Single family houses in the \$250,000 to \$300,000 are most wanted by buyers (Guardian March 22, 2019), and adding single family houses would be attractive. A concentration of row houses is not.
- This neighbourhood is a very desirable location for single family homes and property values can be expected to decline if rezoning is approve.
- An increased density of this sort in this area was recently noted in the Official Plan of the city as not suitable for this neighbourhood.

Notes:

Item 1. The purchase of a home in an zone/ward, does not guarantee that the City will not undertake future development and/or rezoning in that zone.

Item 2. 68 Brackley Point Road development is proposed to have 14 single family homes in a Townhouse style.

Item 3. and 4. These quality built single family style homes will be for sale for under \$299,000.

Item 5. Charlottetown needs to embrace change due to a current housing crisis, for affordable homes

Stavert, Robert

From: Shelley Morrison <mailforshelley@hotmail.com>
Sent: October 29, 2019 10:04 AM
To: Mayor of Charlottetown (Philip Brown); McCabe, Julie L.; Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; Bernard, Terry; Planning Department
Subject: 68 Brackley Pt Rd

October 29, 2019

RE: 68 Brackley Pt. Road Potential Rezoning

Attention Mayor, City Councilors, City Planning:

We, the property owners of 80 Brackley Pt. Road are against the rezoning of 68 Brackley Pt. Road from existing R1 to an R3 zone. Following are a few of the reasons why we are opposed to an R3 rezoning at this location:

1. Property at 68 Brackley Pt. Road **does not meet required site lines for driveway access**. The single residential home built directly across the street from this property (in recent years) was not granted driveway access to Brackley Pt. Road. Their driveway enters upon Maxfield. The city will appear to be "bending the rules" for developers when an R1 homeowner would not be granted access onto Brackley Pt. Road - yet the city will consider allowing multiple units to do so (for a developer).
2. **Traffic study has not been conducted**. **SAFETY** should be primary concern when developing properties! It is alarming that a potential development would even be considered when it does not meet the standard safety measurement guidelines set forth by the city and should not have advanced to public consultation without meeting this primary concern. We have noted in recent rezoning development the city appears to break the rules for developers but when it comes to safety this is alarming.
3. This **R1** property is located in an "**R1 single residential existing established neighborhood**" surrounded by single residential homes. Dropping an R3 development in the middle of such a neighborhood goes against the city of Charlottetown's "Future Land Use" map, "**City of Charlottetown Official Plan**" and does not "fit" into the established neighborhood. Even though reduced in size from original it is still considered too high of a density for the area.
4. It is not "**harmonious**" with the mature well established existing neighborhood.
5. **Spot zoning/domino affect**. Even though we did not receive a letter from the city regarding this rezoning, we live a mere 4 properties away (and 2 properties away from 88 Brackley Pt. Road, the other recent rezoning request). We would be swallowed up by R3 development. The city is making a decision that will affect the future of our home. In recent rezoning requests it was stated that planning department "may need to visit future planning for this area as these properties have large backyards". Not only did we not receive notification of this rezoning request but the future development of OUR backyard is being discussed and determined by these rezoning requests! This potential rezoning will affect the "**Streetscape**", safety, surrounding property values and sets a precedent for the rezoning of these "larger" properties - one of which we built our home 15 years ago in an established R1 neighborhood. It will also set a precedent for future developers who purchase property at a lesser R1 value to just rezone to pad pockets.
6. We are concerned that even with "development agreements" plans can change. The Mayor stated (at public meeting regarding 88 Brackley Pt Road) that changes can occur even with agreements as he

referred to the development behind the mall as the "chameleon".

In summary, we are concerned that City Council and City Planning would consider going against the "City of Charlottetown Official Plan" to once again disrupt the community, cause anguish among majority of the surrounding area affected and not follow policies set forth in their own city plan. One of the policies set forth in the "City of Charlottetown Official Plan of Strategic Directions for Charlottetown in the 21st Century and Beyond " states: "Preserve existing residential *low density neighborhoods*". The "City of Charlottetown Official Plan" has also identified future land use for development, policies to "encourage diversified development in NEW subdivisions" **AND for mature existing neighborhoods to remain as they exist.** So why are we as residents of an R1 low density established existing neighborhood continuously having to "fight for our rights" as R1 property owners by continuously revisiting the same rezoning requests?

Sincerely,
Shelley and David Morrison
80 Brackley Point Road

NOTES:

1. *Refer to Traffic Review Study completed on December 23rd, 2019 along with Greg Morrisons confirmation that Public Works and the Charlottetown Police Department state the development is satisfactory in regards to any Traffic and Safety issues.*
2. *Brackley Point Road has a number of newly constructed duplexes and homes, which have not proposed an issue whatsoever.*
3. *68 Brackley Point Road is to be a 'Site Specific Development' of 14 single family homes designed in a townhouse style, which will sell for between \$250,000 to \$299,000 per single family townhouse. The site specific development agreement can ensure residents that this is not a rental unit property, these will be affordable homes for sale to young and old alike.*

October 29, 2019

PLANNING
Rec'd Oct 29, 2019 Int. *gm*
AT PUBLIC MEETING

City of Charlottetown
Planning and Heritage Department
233 Queen Street
Charlottetown, PE
C1A 4B9

Re: Proposed Re-zoning (PID # 396713) 68 Brackley Point Road

Mayor, Council and Planning and Heritage Staff,

I have been a resident of 13 Pope Avenue since September of 2009. I chose this property to raise my family because of the quiet residential area, affordability of the home, well-kept homes/condition of the neighbourhood, proximity to schools, and sporting facilities all within walking distance for my children to attend. I also choose this area based on the current zoning and the zoning of the surrounding area (R-1L Single Detached Residential Zone) for the safety and security of the neighbourhood.

On October 16, 2019, I was notified that an application was submitted to re-zone the property located at 68 Brackley Point Road, Charlottetown (PID 396713) from Single Detached Residential R1L to Medium Density Residential R3 to construct two (2) townhouse dwellings with a total of 14 residential units on the vacant property.

Although I don't disagree with the redevelopment of this property, I feel that moving from Single Detached Residential R1L to Medium Density Residential R3 is too large a step for the area and will completely change the built form and density of the neighborhood. I have also reviewed the report that was prepared for the October 7, 2019 Planning and Heritage Board Meeting. Within that report the following items/concerns were identified:

- *The rezoning has the potential to change the long-term direction of this neighbourhood and may lead to additional rezoning request for the rest of the properties. Ideally the planning process should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area;*
- *The scale of the townhouse dwellings may adversely affect existing low-density dwellings;*
- *This section of Brackley Point Road is established as single-detached dwellings;*
- *The access from this property onto Brackley Point Road may not have sufficient sight lines;*

- *It is difficult to evaluate a spot rezoning of this one property; and*
- *Adjacent properties may seek similar re-zonings in the future if this is approved which would change the character of the neighbourhood.*

In addition to the above, the official plan clearly states that development in the area will not adversely impact the existing low-density residential neighbourhood, and higher density development was not contemplated in the area for the long-term planning of this neighbourhood. Within the official plan land use map, it clearly shows that this area is to remain Low-Density Residential (R1L).

The proposal for two townhouses with a total of 14 units may be something that could be considered, however the rezoning of the property to R3 allows for too much uncertainty as to what could potentially be developed on the property. If the rezoning is approved, it has the potential to have up to 55 units developed on the property as well as a variety of other potential uses that does not fit in with the current neighborhood.

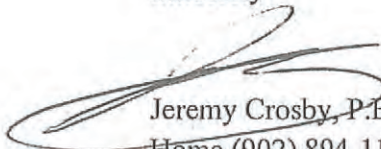
One consideration that might help to allow for some increased density in the area without drastically changing the existing character and long term direction of the neighbourhood would be to amend the R2 zone in the City's Zoning and development Bylaw to allow for Townhouse units without including the higher density of apartment units.

I have had many conversations with new and long-term residents of the area, and we are all tired of the constant attempts to rezone the areas around our homes to higher density. The last attempts where in March and February of this year of which both were denied. Please consider how this affects people each time we must go through this process.

As I have indicated earlier in this letter I am not opposed to appropriate development in the area but R3 is out of scale and completely changes the character of the neighbourhood.

Thank you for consideration on this matter. If you have any questions, please don't hesitate to contact me.

Sincerely



Jeremy Crosby, P.Eng.
Home (902) 894-1154
Cell (902) 626-5443

NOTE:

- 1. The Traffic Review Study removes the doubt in regard to Safety and Traffic concerns.***
- 2. 68 Brackley Point Road under a 'Site Specific Development Agreement' will remove any potential for the developer to see this become a rental property as opposed to his intentions to Sell affordable townhouse style single-family homes for under \$299,000.***

Stavert, Robert

From: Mark Grimmatt <grimmattmark@hotmail.com>
Sent: October 30, 2019 7:05 AM
To: Planning Department; McCabe, Julie L.
Subject: 68 Brackley Point Road (PID#396713)

October 29, 2019

Mark Grimmatt
3 Pope Ave
Charlottetown, PE
C1A 6N4

RE: Rezoning of 68 Brackley Point Road (PID #396713)

Dear City of Charlottetown Planning and Heritage Department,

I am writing in response to a recent letter I received from the Planning and Heritage Department related to the rezoning of the R-1 property located at 68 Brackley Point Road to R-3 and the construction of 14 townhouse units. I do not support this request for rezoning and have the following concerns with this proposal.

Traffic and Pedestrian Safety

The property in question is located at the top of a blind hill on the busy Brackley Point Road. The addition of 14 separate units, most with at least 1 vehicle, will add considerable traffic turning on and off of Brackley Pt. Road. In addition to extra vehicle traffic townhouse pedestrian traffic would be required to cross Brackley Point Road to access the sidewalk on the west side of Brackley Pt. Road in an area with limited sight lines and no crosswalk. I have safety concerns with this additional vehicle and pedestrian traffic.

Zoning not Consistent with Surrounding Area

The proposed request would rezone a property in the middle of a predominately R-1 area to R-3. There are no other R-3 properties in this immediate area. I ask that the planning board and council carefully consider this request as a change to the current zoning would ultimately change the look and feel of the area - a reason than many homeowners have chosen to live in Sherwood.

Furthermore, this rezoning request would set a precedent for the area and potentially open the door for future R-3 requests. The city recently turned down a request to rezone a nearby property at 88 Brackley Point road to R-3 on a much larger area of land. There are a number of large properties adjacent to 68 Brackley Point Road that could be sold over time and result in similar requests to the Planning and Heritage Board.

City Development Plan Needed

As we continue to see development across the city and many rezoning requests, I urge the city to revisit their development plan and create a comprehensive plan that considers: current and future needs of the city as a whole, demographic trends, public transit, water and sewer infrastructure and the impacts of short term rental properties on housing. Such a plan would help guide the Planning and Heritage Board and city council on development and associated rezoning requests.

Thank you for the opportunity to provide feedback on this request.

Sincerely,
Mark Grimmatt

NOTES:

1. *Brackley Point Road was designed to be and is a high traffic collector road into the City of Charlottetown and is currently under utilized, as confirmed in the Traffic Review Study completed.*
2. *A 'Site Specific Development Agreement' will ensure these are single family townhouses, not apartments and/or a rental property.*
3. *Public Works have confirmed, the location at 68 Brackley Point Road of 14 Townhouses, to be satisfactory.*
4. *With the new mini-roundabout on Brackley Point Road traffic has been slowed down, as well as the new highway By-Pass, drivers are now comfortable taking the by-pass into the City as opposed to driving on the collector roads.*

Stavert, Robert

From: McCabe, Julie L.
Sent: October 30, 2019 8:30 AM
To: doreen
Cc: Planning Department
Subject: Re: Rezoning 68 Brackley Pt Road

Absolutely - I have included planning on this response. Thank you for your feedback and it was very nice to see you last night.

Julie

Sent from my iPhone

> On Oct 30, 2019, at 8:28 AM, doreen <doreenconnolly7@gmail.com> wrote:

>

>

> Hi Julie..

>

> Could you'll forward this on to the Planning Board Please. I will not be able to attend the meeting on November 4th.

>

> Re the rezoning of 68 Brackley Pt. RoadI would like you to know that I am against this rezoning. There is far too much traffic on Brackley now without the vehicles from the proposed town houses.

>

> I use the Duncan Heights entrance on to Brackley either walking or in the car daily and it is very hard at times to get across. The traffic is moving way too fast. In the winter the snow banks are too high and not blown back by public works that at times you can not see. This would be the same situation for exit out of the town house area.

>

> The town houses are to be three bedrooms which would be mainly for families with children who would be either going to Stonepark Middle School or Sherwood Elementary Schools. There is no sidewalk on that side of Brackley and I can not see the city putting a sidewalk in for just this proposed development. It would be hazard for pedestrians, bikes and vehicles.

>

> If this rezoning is changed I can see other properties along this stretch of Brackley wanting to get on the band wagon and sell their properties for development.

>

> Hoping you will turn down this proposal.

>

> Doreen Connolly

> Pope Ave

>

> Sent from my iPad

NOTES:

1. *A 'Site Specific development Plan' of townhouses would make it much more difficult for future developers to use this site specific plan in place with 68 Brackley Point Road to get other plans approved for apartment buildings and the like. The 14-Townhouses are not actually an R3 development, they are somewhere between a R2 and a R3 plan, being site specific would appease these issues.*

Stavert, Robert

From: Helena McCarville <helenajm@eastlink.ca>
Sent: October 30, 2019 8:31 AM
To: Planning Department
Subject: 68 Brackley Point Road

Good Morning:

I oppose the re-zoning of the lot at 68 Brackley Point Road. If this proposal gets approved, it won't take long before accidents will be occurring, people getting killed or crippled and then there will be finger pointing at City Hall for the botched up job they did in allowing this development to occur. I heard at the meeting where Transportation doesn't approve. You would think this would be enough to shut down this proposal with there being no sight distance. **Even if you move the driveway further south, then it would be across the street from my driveway. I don't want that. How safe would that be for me and my family.**

I also think it would be an eye sore when looking out my window to see these townhouses in amongst all the single family dwellings. I realize there is a shortage crises for people needing places to live, and yet you are willing to risk the lives of so many people everyday travelling on the Brackley Point Road.

Please make the right decision to protect all Islanders travelling the Brackley Point Road.

Helena J. McCarville
79 Brackley Point Road.

NOTES:

- 1. The revised site plan has the access to 68 Brackley Point Road to the north-side of the property, satisfactory to Public Works and the Police Department along with the Traffic Review Study, confirm that 68 Brackley Point Road is satisfactory for the development of the 14 single family townhouses being proposed under a 'Site Specific' development agreement.*
- 2. The proposed newly constructed townhouses are of high end quality construction, will have beautiful curb appeal and will fit nicely into the community.*
- 3. As attested by Councilor Mike Duffy in the minutes of the City Council meeting on January 13th, 2020; Mr. Duffy compared this to a townhouse development that was approved in the City off what is the busiest road in Charlottetown, North River Road in Brighton. Years ago a development similar to the one proposed by Hill-Bay Holdings Inc. was approved by the City, amongst a lot of opposition. It has proven for many years; to be a fantastic development with not one single incident to date. (See Councilor Duffy's opinions and comments from the City Council meeting dated January 13th, 2020. Mr. Duffy is very much in favour of the 68 Brackley Point Road development and points out some very valid points. Mike Duffy was Chairman of the Planning Board for many years and a highly respected experienced City Counsilour.*

Stavert, Robert

From: andrew maclean <jedwolfie@gmail.com>
Sent: October 30, 2019 9:25 AM
To: Planning Department
Subject: 68 Brackley Pt. Rd. against due to unsafe traffic conditions

I attended the rezoning meeting Oct 29 regarding 68 Brackley Pt. Rd. thinking I would hear about a traffic study regarding the safety of the proposed 14 unit townhouse development. What I heard was a conflicting report from the police dept and public works. The police say the proposed driveway would be safe but public works said it isn't and should be placed further north. A drive way was proposed for a property directly across from the proposal and was deemed unsafe. I would really like to see the written reports on the safety conditions regarding access to Brackley pt rd. On Monday I sat and did a traffic count from 7:50 to 8:50 AM..420 cars went south and 220 went north that is in one hour. At least three times cars stopped who thought I wanted across the street which I didn't. What happens with 14 families children who want to go to Sherwood school during this time is the traffic going to be stopped at the top of the hill. Does everyone who lives there have to run across the road to get to the sidewalk. It is just not a safe place for that large a development.

ANDREW MACLEAN

NOTES:

1. *The Review Traffic Study provides the facts that traffic is not an issue and/or is line of sight access to this site at the north-side of the property.*
2. *Professional Engineer Nazmi Lawen's opinion to the Planning Board on January 6th, 2020 is that "Even if the traffic on Brackley Point Road was doubled, it would fall well within the guidelines."*

Stavert, Robert

From: Wendy MacDonald <wendylmacdonald@hotmail.com>
Sent: October 30, 2019 10:54 AM
To: Planning Department
Cc: Wendy MacDonald
Subject: Request to Rezone PID# 396713 - 68 Brackley Point Road
Attachments: Rezone Request - 68 Brackley Point Road.docx

Good Morning,

In response to your letter dated October 16, 2019, regarding the request to rezone PID # 396713 - 68 Brackley Point Road from Single-Detached Residential (R-1L) Zone to a Medium Density Residential Zone (R-3), please find attached our written comments against this rezoning application.

If you have any questions, please feel free to contact us at 902-626-3116.

Thanks
Wendy & James MacDonald

October 30, 2019

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE
C1A 7K2

Re: Request to Rezone PID #396713 – 68 Brackley Point Road

To the Planning and Development Committee;

Thank you for providing us with the opportunity to comment on the proposed zoning change at 68 Brackley Point Road. Please consider this letter as our official letter of opposition to the proposal to rezone PID # 396713 (68 Brackley Point Road) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3).

This area of Charlottetown consists of primarily single family dwelling, zoned as R1L and should continue to be zoned the same due to the high level of traffic in the area. Allowing an additional 14 residential units at the top of the hill would result in approximately 14 to 28 vehicles accessing Brackley Point at the top of the hill which already has sight and accessibility challenges.

James and I have resided at 77 Brackley Point Road for approximately 20 years and over these years we have experienced numerous near misses and close calls as well as being rear-ended, while stopped with signal lights on, to turn left off Brackley Point into our driveway on bright sunny days when there should not be visibility challenges. Winter months make access to and from Brackley Point even more challenging. Snow banks are frequently quite tall and seldom winged back to allow visibility of on-coming traffic. In recent years we have noticed an increase in ambulances, with lights and sirens on, travelling this route as this is one of the main routes for Island EMS to access emergency situations in Charlottetown.

In 2001, James and I purchased the former Reservoir property, which is located directly across from PID # 396713 (68 Brackley Point Road) from the City of Charlottetown. After a few years of owning the property (approximately 2004), we submitted a proposal to subdivide the lot which included a request for access from the property to Brackley Point Road. This access to Brackley Point Road was denied due to sight distance and as such we had to change the proposal to have access to both lots off Maxfield Avenue. It is very concerning to think that this proposal for a single family dwelling access to Brackley Point Road was denied; however a proposal for 14 residential units accessing the same portion of Brackley Point Road would have proper sight distance and be approved.

Over the years, PID # 396713 has been listed for sale, unsuccessfully, multiple times and we have been told that the difficulty in selling the property was because there was no access to Brackley Point Road due to sight distance. As you are aware, the Hill Bay Holdings Inc. acquired parcel no. 396713 from Austin and Isabel Bowman in 2018 under the current zoning of Single-Detached Residential (R-1L). The purchaser, Hill Bay Holdings Inc. therefore, was fully aware of the current zoning of the property and completed the purchase with no requirement for the property transaction to be subject to any re-zoning approvals. The developer knew exactly what would be allowed to be developed on the land being purchased based on R-1L Zoning.

By denying the request to rezone PID # 396713 (68 Brackley Point Road) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3), it will preserve the distinctive character and identity of the existing neighbourhood and will help preserve the harmony and integrity of this land with existing adjacent neighbourhoods.

In addition to the above, any proposed re-zoning of PID # 396713 to any other than that of an R-1L Zone would have a negative affect on the current and future market values associated with the surrounding single family dwellings.

Sincerely,

Wendy & James MacDonald

77 Brackley Point Road
Charlottetown, PE
C1A 6Y3
(902) 626-3116

NOTES:

1. *In more than 20 years Wendy MacDonald and James MacDonald confirm they have never had an accident on Brackley Point Road.*
2. *A lot has changed on Brackley Point Road since 2004 (15 years ago). The installation of the mini-traffic circle not only has slowed traffic on Brackley point Road, but it also has reduced traffic on Brackley Point Road as well.*
3. *A 'Site Specific development Agreement' between Hill-Bay Holdings Inc. and the City of Charlottetown will ensure residents that an aprtment building will never be built on this property, nor rental units. It will be specific to 14 single family affordable homes selling for under \$299,000 designed in a quality townhouse style, which is well needed in this community and in Charlottetown as a whole. Residents can not find affordable homes under \$299,000 as new quality homes for their family. These 14 homes will be a huge benefit welcomed in the housing market. Sherwood Residents with young families deserve to have affordable homes to purchase and live in as well.*

Stavert, Robert

From: Gary Ellis <gary.ellis@amgclaims.ca>
Sent: October 30, 2019 10:56 AM
To: Planning Department
Cc: Julie McCabe
Subject: 68 Brackley Point Road

This concerns the request to rezone the property at 68 Brackley Point Rd from R1 to R3. I Live at 21 Pope Avenue and was in attendance at the Public Meeting last night. I did not speak as I feel and appreciate the opportunity to provide written comments.

The first and most important issue is safety. Brackley Point Rd. is a major artery in and out of the city. The roundabout at Oak Dr. has been a welcome addition although I wish it was larger. My travels out of my neighborhood require a left turn onto Brackley Point Rd. about 50 % of the time. This is difficult at the best of times. Traffic tends to speed especially when going up the hill on either side of 68 Brackley Point Rd. This uphill speeding seems to be a phenomenon. I find myself doing it. I have viewed the sight lines at 68 Brackley Point Rd. and assume they have been measured and, if approved, meet the requirements. My suspicion is that they just barely meet the requirements and there is no margin for speeding and traffic volume. Now add traffic from 24 new units at the top of the hill, most of which will be turning left, and someone dies. You can't install a roundabout at that location to solve that problem. I trust city council will be appraised of all of the facts behind any approval of site lines. I am also sure the developer is not concerned as he or she will not be living there.

Secondly there is the issue of rezoning from R1 to R3. I know that council deals with this all of the time and may be a little numb to the arguments, both for and against. The reality is, this is a big jump. This is an R1 neighborhood. People purchased and build homes here with that in mind. Arguments about the housing crisis will be made and solutions will have to be decided upon. (This development will not resolve the "housing crisis") When it is resolved, the damage to this neighborhood will still be with us. R3 is an open ended zone. Sure there will be agreements to restrict, but if you are willing to change zoning from R1 to R3, I suspect you are willing to allow alteration to any agreement. The bottom line is, this rezoning request and proposed development is detrimental to our neighborhood. Changes should be for the positive, not the negative.

Thank you

Gary Ellis
21 Pope Ave.
Charlottetown, PE

NOTES:

1. Simply put, Sherwood Residents similar to other PEI residents, need to embrace change. Change is good! Young families starting out and others have the right to be able to purchase homes in Sherwood, especially during this housing crisis where there are little to no affordable homes available under \$299,000. This development has many more people in support than the few who are in opposition, the difference is those in opposition are being the loudest.
2. Fact of the matter is the opinions of Professional Engineers, the Police Chief, the Fire Department and the professionals at Public Works, confirm that 68 Brackley Point Road is a satisfactory location to build 14 affordable homes on a 1.80 parcel of land that has been vacant for many years. The facts state that during this housing crisis in Charlottetown we need to embrace change.

Stavert, Robert

From: Andrew Cotton <andrew_cotton88@hotmail.com>
Sent: October 30, 2019 11:10 AM
To: Planning Department
Cc: Mayor of Charlottetown (Philip Brown); Tweel, Mitchell; Doiron, Bob; McCabe, Julie L.
Subject: Rezoning of 68 Brackley Point Road

To whom it may concern,

I am writing in regards to the proposed re-zoning of 68 Brackley Point Road from (R-1L) Single Detached Residential to (R-3) Medium Density Residential. I was in attendance at the public meeting last night at the Charlottetown Hotel. My wife and I reside at 81 Brackley Point Road and are both opposed to this plan for the following reasons:

Safety- First and foremost is the issue of safety for both the existing residents of the area as well as the residents of the proposed townhouses. These issues were echoed again and again at last night's meeting by residents who live in and know the area well. There are many safety concerns with this property being rezoned to R-3, not just with the plan as it currently presented but with ANY plan for an increased density on that property to medium or higher.

- **Blind Hill (vehicle Traffic)-** The most obvious concern with this lot is its proximity to the top of the hill. This is a very busy road with a speed limit of 50 km/h, to add a potential 28 vehicles coming in and out of a driveway at the top of that hill is surely a recipe for disaster. There is simply not the proper sight lines that would be needed to safely pull in and out of this property. As a resident who lives further down the north side of the hill, I can tell you that I have had more than a few near misses both pulling out of and into my driveway. We heard from one resident last night who has been rear ended 6 times in the past 20 years turning into her driveway at the top of the hill. We heard from another resident who was denied driveway access to Brackley Point Road because of sight line issues, this property is located directly across the road from the lot in question. This property is now accessed from Maxfield Ave. From what I understand from last night's meeting, no studies have been done and no tests have been conducted in regards to the sight line issue by either the developer or the city. To approve any rezoning of this lot without any such testing or research would be irresponsible on the part of council.
- **Pedestrian Traffic-** The location of this lot presents the same safety issues to pedestrians. There is no sidewalk on the proposed side of Brackley Point Road. An additional 14 families residing on this property would surely increase pedestrian traffic, including many young children needing to walk to school either at Sherwood Elementary or Stonepark. These Pedestrians would have to either walk down the hill (with no sidewalk) to one of the crosswalks, OR chance their luck crossing the road at the top of a busy blind hill. In the winter, with snow on that side of the road, the ONLY option would be to cross the road at the top of a busy blind hill WITH icy road conditions. I am not interested in rolling that dice too many times and I hope that the planning committee and city council would not be interested in it either.

I believe the the above issues regarding the safety of residents, present and future, should be reason enough to deny this purposed re-zoning of this property. But in case it is not, please consider the following as well.

This development will, without a doubt, decrease the property value of residents in the area. Increased traffic, increased noise pollution (what is to stop these town houses from being filled with university students and making it the next Browns Court?) , decreased safety as explained above. What will prevent these town houses from becoming short term rentals? I understand that the city has a plan to implement regulations in the spring regarding short term rentals but that is not in place yet and there are always loop holes that can be found and exploited. I would personally be looking out my kitchen window, across the street, into the "back yard" of 8 families. Statistically speaking, 1 of those 8 "back yards" is likely to be a eye sore. There are too many variables for things to go wrong, that city would have little control over and that would adversely affect the property values in the surrounding areas.

I have noticed over the past week, through certain platforms, an attempt to spin this issue and frame this project as one that is being proposed solely for the **benefit** of the people of Sherwood, solely to help the city of Charlottetown with a housing crisis. I do not doubt the that the developer has these intentions in mind and that their intentions are genuine. But at the end of the day, this is a rental income business. It is a project designed and put forth with the **PRIMARY** goal of generating income for the developer. And there is nothing wrong with that, If there were nothing to be gained from developing rental properties then no one would do it and the "housing crisis" would be far worse than it currently is. Where it becomes wrong, is when that **income property** is developed and profits for the developer come at the **cost** of the residents in the area. This cost will be in the form of **decreases property values** and more importantly it will come at the cost of **public safety in the area**. I can only hope that it one day does not come at the cost of a human life in the form of a collision at the top of that hill.

I understand that we are in the midst of a housing crisis, I have many friends, family and co-workers that are affected by low vacancy rates and outlandish rent prices. I am not blind to the issue. I am not here to point fingers as to how this became an issue in the first place. However, the solution is not to put apartment buildings or town houses (with outlandish rent prices) on every vacant piece of land in Charlottetown. This will only serve to replace a short term problem with a whole new set of long term problems. Councilor Tweel put it best last night when he said that council should be voting on this matter for what it is, and that is a **Rezoning issue** not a housing crisis issue.

Thank you for taking the time to hear my concerns and the concerns other residents, I hope that you will take these concerns into serious consideration.

Sincerely,

Andrew Cotton

NOTES:

- 1. The facts of the Traffic Study state safetu is not an issue, Public Works and the Police Department concur.*
- 2. Most of all concerns are in regards to safety, the professional opinions state safety is not an issue. The application to rezone to a site specific development R3 zone, should be approved.*

City of Charlottetown
233 Queen Street
Charlottetown, PEI
C1A 7K2

PLANNING
11:27 AM
Rec'd _____ Int RS
OCT 30, 2019

Wednesday, October 30, 2019

Re: Townhouse development/R1-R3 rezoning, 68 Brackley Point Rd., Charlottetown

From: Marcia Gardiner and Tom Steepe, 7 Pope Avenue, Charlottetown (Sherwood)

Good morning;

My husband and I were in attendance at the meeting last evening, regarding the proposed townhouse development and rezoning of 68 Brackley Point Road. While we, and our neighbours, recognize that this plot of land will eventually be redeveloped, we are NOT in favour of the proposal as it stands.

The proposed 14 units, which, in projected figures, based on three bedroom units, would house 56-65 new residents, would create a huge, sudden population increase in our community, which presents a whole host of problems: Site lines, which, even if relocated to the north side of the lot, will still create a dangerous situation for traffic entering and exiting this new development; if you review your information from last evening, you can refamiliarize yourself with residents personal experiences, that is, that it is already a dangerous, "blind" area, even without the proposed development.

Brackley Point Road is a major route to shopping areas, and already hosts high commuting and ambulance/hospital traffic. An increase in traffic flow does not make sense; are the traffic studies, which have been carried out, been completed by a reputable, unbiased firm? As it is, the speed rate of 50 km/hr. is generally disregarded; in areas where a new, higher density of residents is concentrated, is the speed rate not generally lowered as a very practical safety precaution? Would a new speed rate of 30 km/hr., which is generally the norm, actually be observed? Very likely not.

Traffic entering and exiting the neighbourhood, based on two vehicles per unit, or 28 vehicles, not counting visitors, fuel delivery, construction, etc. will create complicated and unwelcome congestion.

Surely, the new housing will be home to new families, whose school aged-children will attend one of our two local schools; as this is a dangerous area for pedestrians already, think of the very serious implications for children making their way, by foot, to classes each day. Other areas are more in keeping with this type of dense development, areas that adjacent to those currently commercially zoned, which is not the case in the 68 Brackley Pt. Rd. area.

We especially object to the rezoning of the area to an R3 designation, which will open up the adjacent large lots to similar development. In fact, under an R3 designation, there is no guarantee that these lots might not morph into even larger developments, like an apartment building(s) or more extensive townhouse or condominium complexes. According to the official plan, this neighbourhood was established as an R1, or single-family dwelling area. This new scheme does not fall in line with the plan, and does not take into consideration the wishes of the residents, or the character of the neighbourhood.

Developers, by their very nature and definition, are not, in the words of a councillor in attendance, out to "help alleviate the housing shortage." This type of language insults the intelligence of those in attendance; let us recognize the developers for who they are; business people, who wish to develop

City of Charlottetown
233 Queen Street
Charlottetown, PEI
C1A 7K2

their land, as profitably as possible. We, the residents, depend on our elected council representatives to act in our best interests; we rely upon it.

Hopefully, you will take the concerns of the neighbourhood into serious consideration; in conversation with my neighbours after the meeting, we were appalled by Councillor Doiron's general feeling that we were merely complainers, and that our concerns might not be "remembered" by the time this issue came to the vote. Why do we all assemble, time and again, year after year, if not to make our views known, and those views given the serious weight they deserve?

Sincerely,
Marcia Gardiner
Tom Steepe

A handwritten signature in black ink, appearing to be 'Marcia Gardiner', written over a horizontal line.

NOTES:

- 1. Councilor Bob Doiron should be embracing change to help young families and those who can not afford to purchase new homes over \$300,000. Mr. Doiron should be keeping a neutral position throughout this application process and not trying to influence opposition, especially in his position of power and influence. This use of power should greatly concern residents of Charlottetown in general, if they were aware.***

Stavert, Robert

From: Cal Morrison <calmorrison99@live.ca>
Sent: October 30, 2019 11:57 AM
To: Planning Department
Subject: 68 Brackley Point Rd (PID #396713)

Planning Department of Charlottetown,

I would like to express my concern about the proposal on 68 Brackley Point Rd. The location for this project would have a very unsafe connection to Brackley point road due to extremely poor sight lines for the entry and exit way. The other single home driveways in the immediate area have trouble enough, adding 14 units right in the centre of the unsafe area would be a major safety concern and an accident waiting to happen.

Thanks,
Cal Morrison
80 Brackley Point Rd

NOTES:

- 1. According to Greg Morrison at City Planning; Public Works and the Police Department state they are ok with the development of 14 townhouses, they do not pose a safety concern.*
- 2. The Traffic Review Study, concurs with the Police Department and Public Works.*
- 3. These are not 14 rental units, they are 14 Single Family Townhouses for sale under \$299,000. A welcomed addition to the Sherwood community in need of affordable homes.*

Stavert, Robert

From: Peter Poirier <petepei@gmail.com>
Sent: October 30, 2019 1:30 PM
To: Mayor of Charlottetown (Philip Brown); Doiron, Bob; Planning Department; Rivard, Greg
Subject: 68 Brackley Point Road

Hi,

I have been a resident of Sherwood for the last 22 years. Up to this year I have never felt the need to attend a public meeting regarding planning, I have attended 2 so far this year and had plans to attend my third last night. I was unable to attend last night but I would like to voice my opinion.

As a daily user of Brackley Point Rd, I drive by the property in question twice a day, I am not in favor of development of this parcel for anything that what it is zoned for – Single Detached Residential(R-1). This is a residential community of mostly single detached homes (except for the mess on the corner of Tower Rd and Mount Edward).

I won't go on about increased traffic flows, to me this is not the issue. The issue is that it is zoned R-1 for a reason and it needs to stay R-1. Last spring with the public meeting for the other property down the street, we were told that the Police/Public Works stated that a driveway with access to Brackley Point road would never be approved. Yes the word "Never" was used by someone from the city while at the podium. What has changed since then to even bring this up again? I don't think that the traffic flow has gotten lighter or the road has changed.

Just like in real life "No" should mean "No", not "maybe".

Thanks,

Peter Poirier
23 Oak Drive

NOTES:

- 1. A 1.80 parcel of vacant land at 68 Brackley Point Road in the midst of a 'housing crisis' that could easily accomidate 14 quality build homes for under \$299,000 to help 14 families with their needs should take precedent over a few residents who can not find it in themselves to embrace a little change. When you look at it that way, Charlottetown is in need of affordable homes and putting only 1 home on 1,80 acres is a precedent that the City should not be setting. 1.80 acres of land can not be left vacant in a City that needs housing, period.*

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

Present: Councillor Greg Rivard, Chair

Councillor Bob Doiron

Councillor Julie McCabe

Bobby Kenny, RM

Kris Fournier, RM

Basil Hambly, RM

Regrets: Mayor Philip Brown

Deputy Mayor Jason Coady, Vice-Chair

Shallyn Murray, RM

Alex Forbes, PHM

Laurel Palmer Thompson, PII

Greg Morrison, PII

Robert Zilke, PII

Ellen Faye Catane, PH IA/AA

Reg MacInnis, RM

Rosemary Herbert, RM

1. Call to Order

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

2. Declaration of Conflicts

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

3. Approval of Agenda

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

CARRIED

4. Adoption of Minutes

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

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 68 Brackley Point Road (PID #396713)

This is a request to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings containing a total of 14 residential dwelling units. One of the townhouses would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units. Greg Morrison, Planner II, presented the application. See attached report.

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

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

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

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

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

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

Note (1): The Traffic Review Study completed on December 24th, 2020, provided the facts that sight lines, vehicle/pedestrian traffic and speed limit were satisfactory and within guidelines, according to Nazmi Lawen, FEC, M.A.Sc., P.Eng., P.E. of Coles and Associates and these facts were also agreed to by Charlottetown Police Department and Charlottetown Public Works, as reported by Greg Morrison. Mr. Lawen also made comment at the January 6th, 2020 Planning Board meeting, "That even if you doubled the traffic on Brackley Point Road, it would still be within guidelines." In the opinion of Nazmi Lawen, Professional Engineer the 14 unit townhouse development would not impact traffic or safety on Brackley Point Road. Mr. Lawen is very much satisfied based on his review and study that the application for re-zoning 68 Brackley Point Road from R1 to a 'Site Specific' R3 Townhouse style development should be approved. If requested by IRAC, Mr. Lawen will testify to this fact.

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

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

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

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the request to:

- a) Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and**
- b) Amend Appendix "G" – Zoning Map of the Zoning and Development Bylaw from the Single-Detached Residential (R-1L) to Zone to the Medium Density Residential (R-3) Zone;**

for property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be recommended for rejection.

CARRIED

(5-1)

K. Fournier opposed

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

This is a request to amend an existing development concept plan in the CDA Zone from two (2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units for Lot 2014-6 Towers Road (PID # 1076728). Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The property in question is Lot 2014-6 consisting of 94,410 sq. ft. This lot is part of the original 15 acre site. That comprises the approved Development Concept Plan. The original Development Agreement that outlined the terms of conditions of the Development Concept Plan was signed on

August 15, 2013 for Lot 2014-6 consisted of one (1) 48 unit apartment building and one (1) 24 unit apartment building. In May of 2016, the current owner applied for an amendment to the approved development concept plan to increase the density of the 48 unit building to 64 units and Council approved the density increase to a total of 88 units on site. Following approval of the amended development concept plan the applicant began site design and discovered a water line easement was closer to the 24 unit apartment building than what was originally sited on the concept plan.

The current proposed 88 unit building will have surface parking. The applicant is proposing that 28 of the units contained within the building be designated for affordable housing. The parking has changed to surface parking to make the project more economical to be able to offer a portion of the building as affordable housing. The applicant is also requesting to increase the height of the building so he is able to maintain 88 units on site. In order to avoid the waterline easement the building footprint would have to decrease and therefore, the height of the building would have to increase from 50 ft. to 62 ft. Staff recommendation is to approve to proceed to public consultation. The developers, Robert Cheng and Jen Du, were present to answer any possible questions.

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

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

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

- Is the proposed development going higher because of the underground parking and was the underground parking a concern in the original proposed plan? *Originally, about at least 10 years ago when the original plan was approved, the building was 48 units and the height requirements at that time were a lot lower. When it was purchased by the current developer, the development agreement was amended to increase the total density to 88 units. Development in the CDA Zone is based on an agreement or contract with the City therefore there are no specific setback or height requirements. The actual height requirement of the City has also changed since then and the new bylaw allows for higher building heights. But regardless of the change in the height requirement, because there is a change in the current development concept plan, this application*

has to go through the public meeting process. The underground parking does not have anything to do with the height or any other requirements.

- It was his understanding that the City agreed to the development to have the underground parking to have more greenspace. *The allocated greenspace for the site was the parkland that was deeded to the City for the development as required. Underground parking would provide for more green area and less paving on the site but not a parkland/green space requirement. Ms. Thompson also emphasized that the underground parking to provide more green space was not approved or voted on at that time as a trade-off but would only be considered as a bonus to have less asphalt on site. Mr. Forbes also added that you get more density by having underground parking. The applicants now are looking to have surface parking and increasing the height of the building.*

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

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

Moved by Kris Fournier, RM, and seconded by Basil Hambly, RM, that the request to amend an existing development concept plan in the CDA Zone from two (2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units for Lot 2014-6 Towers Road (PID # 1076728), be recommended to Council to proceed to public consultation.

**CARRIED
(6-0)**

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

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

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

Councillor Rivard clarified and remembered that Council approved this application in the last Council in October and Mr. Forbes corrected it to say that it was approved by Council for reconsideration and to allow the applicant to go through the variance application process again.

Councillor MacLeod wanted to speak to this application and that is why Council has approved the reconsideration request. Mr. Forbes added that the application went back to the required process. There was one letter of support and one letter of opposition received. Staff still felt that this type of service cannot be considered as home occupation and the recommendation is still to reject the application. Planning Board may then make a recommendation whether to approve this application, or keep the original decision to reject the proposed home occupation.

The board had discussions around the previous decisions regarding this application and staff indicated that it was initially recommended to Council for rejection and Council accepted staff's recommendation. Councillor McCabe commented that there was more clarity around the service level for medical services versus counselling services. Mr. Forbes added that the Board or Council may or may not change their decision. In the letter of support that was received, it indicated that this type of business required privacy and preferred not to let other clients see each other in a lobby as an example. Councillor Rivard clarified that if this application was submitted to the department today, it would not have to go through Planning Board because it is a prohibited use for home occupation and Mr. Forbes confirmed.

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

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

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

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

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

development agreement. It is either to allow the applicant and set conditions in the development agreement.

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

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

Moved by Councillor Julie McCabe and seconded by Bobby Kenny, RM, that the request to operate a home occupation (i.e. counselling/therapy service) for the property located at 13 Donwood Drive (PID #278531), be recommended to Council for approval.

CARRIED

(5-1)

B. Hambly opposed

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

This is a request to consolidate 10 Harley Street with a portion of 297 Allen Street in order to reconstruct an apartment building that was destroyed by fire with additional density. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

A 28-unit apartment building on the property was destroyed by fire earlier this year and the applicant is reconstructing the building and adding ten (10) additional units for a total of 38 units with underground parking. In addition, the applicant is also requesting to consolidate 10 Harley Street (PID #274365) and a portion of 297 Allen Street (PID #274449). The previous Bylaw allowed a maximum height of 39.4 ft. for buildings in the R-3 Zone. However, in 2018, the Zoning and Development Bylaw was amended to increase the maximum height to 49.2 ft. in the R-3 Zone. This will allow for an additional story to be built. The current lot area is 35,222 sq. ft. which allows for 28 units.

The applicant is proposing to consolidate 4,060 sq. ft. from 297 Allen St. to increase the lot size. This will create a lot that is approximately 39,282 sq. ft. which supports 31.7 units. The applicant is proposing underground parking. The Zoning and Development Bylaw permits a density bonus of 20% when 75% of the parking is located underground. The density bonus will allow a total of 38 units if the lot consolidation is approved. The location of the property is desirable for seniors and an additional ten (10) units would support the demand for additional housing options especially for residents looking to downsize.

Staff sent out 48 letters and received two (2) letters of opposition and one (1) letter of support. Concerns were on snow melting on the vacant lot and lights from cars and the building shining toward the adjacent property. The developer has talked to residents in the area to address those

concerns. Staff recommends approval of the lot consolidation subject to a development agreement or conditions placed on the building permit to address concerns.

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

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

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

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

**CARRIED
(6-0)**

10. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2)

This is an application to make amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation;
- Section 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4: Accessory Structures;
- Section 4.6: Non-conforming buildings;
- Section 5.5: Non-conforming uses;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;
- Section 44.13.3, 44.15.1 and 44.16.1 Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to sign regulations;
- Section 45.13 Lot Size;
- Appendix A. Definitions.

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

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

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

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

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

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

Moved by Shallyn Murray, RM, and seconded by Councillor Bob Doiron, that the amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation;
- Section 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4: Accessory Structures;
- Section 4.6: Non-conforming buildings;
- Section 5.5: Non-conforming uses;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;
- Section 44.13.3, 44.15.1 and 44.16.1 Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to sign regulations;
- Section 45.13 Lot Size;
- Appendix A. Definitions.

be recommended to council for approval;

CARRIED
(6-0)

11. New Business

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

12. Adjournment of Public Session

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

CARRIED

Councillor Greg Rivard, Chair

NOTES:

It has since January 6th, 2020 planning board meeting been confirmed by Public Works, Charlottetown Police Department, Coles and Associates Engineer – Traffic Review Study completed Dec 24th, 2019 and Architect Chris Jette who all concur that Traffic and Safety are not an issue at 68 Brackley Point Road and that the proposed development of 14 townhouses has nice curb appeal and would fit nicely within its surrounding at 68 Brackley Point Road. (Please Traffic Review Study and Development Brief IRAC Appeal opinions attached.)



SCHEDULE 'A'

Councillor Robert Doiron
Ward 6

FORM MGA-MG-2

COUNCIL MEMBER DISCLOSURE STATEMENT

CITY OF CHARLOTTETOWN
COUNCIL MEMBER DISCLOSURE STATEMENT 1

Name of Council Member:

ROBERT DOIRON

Address:

[REDACTED]
CHARLOTTETOWN, PEI

Note: This form must be completed by each council member within 30 days of being elected and filed with the Chief Administrative Officer in accordance with clause 107(2)(d) of the *Municipal Government Act*. If applicable, each Council member shall complete a separate disclosure statement for his/her spouse and certify that the information is accurate and complete.

The Administrator will make amendments to this disclosure in accordance with subsequent declarations filed by the member and will note the date on which this statement is amended.

Member: Disclosure of Source of Income

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of every employer, person, corporation, organization, association, or other body from which I receive remuneration for services performed as an employee, director, manager, operator, contractor, or agent:

Name(s) of Payer	Nature of Relationship
U.P.E.I	EMPLOYER
CITY OF CHARLOTTETOWN	EMPLOYER

Member: Disclosure of Property Holdings

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:

- a) me and/or my spouse; or
- b) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which I am a director or senior officer or in which I or have a controlling interest:

Owner(s)	Municipal Address or Legal Description	Municipality
BOB + LORI DOIRON 18 CEDAR AVE (HOME)	547 RAIDEN AVE 6344B BRACKLEY ST ROAD 20/22 LINCOLNWOOD DRIVE 5544B PINE DRIVE 41/43 PINE DRIVE	CHARLOTTE TOWN

Member: Disclosure of Liabilities to Municipality

Pursuant to clause 107(2)(d) of the Act, I hereby disclose any and all liabilities that are considered to be a debt or debts owing to the municipality:

Debt(s) Owning to the Municipality
N/A


Member: Disclosure of Corporate Interests

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of each corporation in which I have a controlling interest, or of which I am a director or a senior officer:

Name(s) of Corporation	Nature of Interest or Position
N/A	N/A

Member Disclosure of Partnerships

Pursuant to clause 107(2)(d) of the *Act*, I hereby disclose the name of each partnership or firm of which I am a member:

Name(s) of Partnership or Firm(s)


Member Disclosure of Business Arrangements:


Pursuant to clause 107(2)(d) of the *Act*, I hereby disclose the name of any corporation, enterprise, firm, partnership, organization, association, or body that I direct, manage, operate or am otherwise involved in that:

- a) transacts business with the municipality;
- b) the Council considers appropriate or necessary to disclose; or
- c) is required by the *Act*:

Name of Corporation, Enterprise, Firm, Partnership, Organization, Association, or Body
<i>I am a member of COPE-501 at UPEI</i>

Member: Disclosure of Contracts and Agreements:

Pursuant to clause 107(2)(d) of the *Act*, I hereby disclose the general nature and any material details of any contract or agreement involving me that could reasonably be perceived to be affected by a decision, recommendation or action of the Council and to affect my impartiality in the exercise of my office:

General Nature and Any Material Details of Any Contract or Agreement


MGA-MG-1A

CITY OF CHARLOTTETOWN
COUNCIL MEMBER DISCLOSURE STATEMENT FOR SPOUSE (IF APPLICABLE)

Note: If applicable, each Council member must complete this form on behalf of his/her spouse.

Name of Spouse:

LORI

Address:

[REDACTED]

(If different from address noted on Form MGA-MG-1)

Note: If applicable, this form must be completed by each council member within 30 days of being elected and filed with the Chief Administrative Officer in accordance with clause 107(2)(d) of the Municipal Government Act. If applicable, each Council member shall complete this supplementary disclosure statement on behalf of his/her spouse and declare that the information is accurate and complete.

The Administrator will make amendments to this disclosure in accordance with subsequent declarations filed by the member in relation to his or her spouse and will note the date on which this statement is amended.

Spouse: Disclosure of Source of Income

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of every employer, person, corporation, organization, association, or other body from which my spouse receives remuneration for services performed as an employee, director, manager, operator, contractor, or agent:

Name(s) of Payer	Nature of Relationship

LORI operates a hair salon in [REDACTED] and has for the last 30 years.

Spouse: Disclosure of Property Holdings

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:

- a) my spouse and/or me; or
- b) a corporation, incorporated or continued pursuant to *The Business Corporations Act* or the *Canada Corporations Act*, of which my spouse is a director or senior officer or in which my spouse has a controlling interest:

Owner(s)	Municipal Address or Legal Description	Municipality
BOB + LOAN DONOR	SAME AS STATED	CHARLOTTE TOWN

Spouse: Disclosure of Liabilities to Municipality

Pursuant to clause 107(2)(d) of the Act, I hereby disclose any and all liabilities that are considered to be a debt or debts owed by my spouse to the municipality:

Debt(s) Owning to the Municipality
<hr/>

Spouse: Disclosure of Corporate Interests

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of each corporation in which my spouse has a controlling interest, or of which my spouse is a director or a senior officer:

Name(s) of Corporation	Nature of Interest or Position
<hr/>	<hr/>

Spouse: Disclosure of Partnerships

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of each partnership or firm of which my spouse is a member:

Name(s) of Partnership or Firm(s)
<i>Par dressers Associates of P.E.I.</i>

Spouse: Disclosure of Business Arrangements:

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the name of any corporation, enterprise, firm, partnership, organization, association, or body that my spouse directs, manages, operates or is otherwise involved in that:

- (a) transacts business with the municipality;
- (b) the Council considers appropriate or necessary to disclose; or
- (c) is required by the Act:

Name of Corporation, Enterprise, Firm, Partnership, Organization, Association, or Body
<i>_____</i>

Spouse: Disclosure of Contracts and Agreements:

Pursuant to clause 107(2)(d) of the Act, I hereby disclose the general nature and any material details of any contract or agreement involving my spouse that could reasonably be perceived to be affected by a decision, recommendation or action of the Council and to affect my impartiality in the exercise of my office:

General Nature and Any Material Details of Any Contract or Agreement
<i>_____</i>

DECLARATION

I, ROBERT DOIRON, of the City of Charlottetown in the Province of Prince Edward Island, do hereby declare that the information, belief, and statements contained and made in this form are, to the best of my knowledge, true, accurate and complete.

If applicable, I further do hereby declare that the information, belief, and statements contained and made in this form in relation to my spouse are, to the best of my knowledge, true, accurate and complete.

I also do hereby declare that I will comply with all Conflict of Interest and Code of Conduct rules established under the *Municipal Government Act* and by Council, by bylaw.

Dated this 3rd day of December, 2018

Robert Doiron
Signature of Declarant

[Signature]
Chief Administrative Officer

12.5.18
Date Received

City of Charlottetown
199 Queen Street
Charlottetown, PE
C1A 4B7

Attention: Peter Kelly, Chief Administrative Officer

Without Prejudice.
Private and Confidential:

Dear Chief Administrative Officer Kelly:

We believe that Councillor Doiron should excuse himself from the Hill-Bay Holdings Inc. Application vote, which is to be conducted at the City Council meeting on Monday, January 13th, 2020. As you likely know, that vote concerns the approval to re-zone 68 Brackley Point Road Charlottetown, PE from R1 to R3, to accommodate the building of 14-Townhouses on our 1.80 acre parcel.

It is our opinion that Councillor Doiron is in a direct conflict of interest on this vote. That is because Councillor Doiron owns a 2-unit rental property in the R1 Zone located at 63A and 63B Brackley Point Road – just across the street from the proposed development. The proposed development is therefore a competitor of Councillor Doiron's in the rental-housing market. Councillor Doiron's property ownership – and his property's future competition with our development – provides a strong incentive for Councillor Doiron to vote against our rezoning request. Even if Councillor Doiron does not have an actual conflict, there is a strong appearance of bias.

As you know, it is every Council member's obligation to openly declare the member's interest before Council, to remove themselves from the meeting, to not vote on the matter, and to not attempt to influence the decision. Council members who fail any of these obligations are disqualified from further service on the Municipal Council. We raise these obligations not because we intend to pursue a disqualification petition, but simply to highlight the importance of acting impartially.

Kindest Regards,



Veronica Laidlaw

Per: Hill-Bay Holdings Inc.