

**Record filed by
The City of Charlottetown
In the matter of
Queens County Condominium No. 40
(aka The Rochford Condominium)
v. City of Charlottetown
(Appeal #LA17012)**

Submitted by David W. Hooley, Q.C.
on behalf of the City of Charlottetown

February 2, 2018

INDEX

***Please note that the Record filed on September 14, 2017, in Appeal #LA17005 is to also form a part of this Record.**

Tab

1. October 10, 2017, 7:22 pm, Email from Tim Banks to Philip Rafuse
2. October 10, 2017, 8:25 pm, email from Philip Rafuse to David Hooley and Tim Banks
3. October 10, 2017, Resolution to proceed to public consultation phase
4. October 12, 2017, Letter from Jesse Morton to Tim Banks, Cain Arsenault and Ian Harper
5. October 19, 2017, Letter of notification of public meeting to be held November 2, 2017 to property owners within 100 meters with attached responses from nearby residents
6. October 20, 2017, 10:43 am, Email from Tim Banks to Jess Morton, Alex Forbes and Greg Rivard
7. October 20, 2017, 11:00 am, Email from Alex Forbes to Tim Banks, Jesse Morton and Greg Rivard
8. October 26, 2017, 9:13 am, Email from Greg Rivard to Alex Forbes
9. October 29, 2017, Letter from James Travers, Q.C. to Jesse Morton
10. October 31, 2017, Email exchange between Daniel Hurnik and Jesse Morton

11. October 31, 2017, Email exchange between Jesse Morton and Greg Rivard
12. October 31, 2017, 3:30 pm, Email from Tim Banks to Jesse Morton and Alex Forbes
13. October 31, 2017, Email exchange between Jesse Morton and Greg Rivard
14. October 31, 2017, 9:20 pm, Email from David Hooley to Tim Banks
15. October 31, 2017, 9:54 pm, email from Tim Banks to Greg Rivard
16. November 1, 2017, 5:35 pm, email from Tim Banks to Jesse Morton

17. November 2, 2017, 2:54 pm, email from Cain Arsenault to Jesse Morton and Alex Forbes
18. November 2, 2017, 3:34 pm, Email from Jesse Morton to Tim Banks and Greg Rivard with attached letters received in opposition of development
19. November 2, 2017, 4:48 pm, Email from Tim Banks to Jesse Morton with attached letter from Marcia Carroll, PEI Council of People with Disabilities
20. November 2, 2017, Verbatim Excerpt of Public Meeting of Council
21. November 3, 2017, Report No. PLAN-Nov-6-2017 #7 of Planning Board
22. November 6, 2017, 9:55 am, Email from Tim Banks to Jesse Morton
23. November 6, 2017, 10:45 am, Email from Tim Banks to Alex Forbes
24. November 14, 2017, Verbatim Excerpt of Minutes of Regular Meeting of Council
25. November 4, 2017, Resolution of Council – Planning #4
26. November 16, 2017, 3:26 pm, email rom Jesse Morton to Alex Forbes re Accepted: Tim Banks
27. November 21, 2017, 2:32 pm, Email from Tim Banks to Peter Kelly, Alex Forbes and Greg Rivard
28. November 21, 2017, 3:10 pm, Email from Jesse Morton to Tim Banks, Peter Kelly, Alex Forbes and Greg Rivard
29. November 21, 2017, 3:18 pm, Email from Tim Banks to Jesse Morton
30. November 21, 2017, 3:28 pm, Email from Peter Kelly to Jesse Morton
31. November 27, 2017, Verbatim Excerpt of Special Meeting of Council
32. December 14, 2017, 4:52, Email from Tim Banks to David Hooley
33. December 15, 2017, Letter from Robert Mitchell to Victoria Evans, Planning and Heritage
34. December 15, 2017, Notice of Appeal to the Island Regulatory and Appeals Commission by Queens County Condominium No. 40 (aka The Rochford Condominium)
35. January 5, 2018, 3:05 pm, email from David Hooley to Tim Banks

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, October 10, 2017 7:22 PM
To: Philip Rafuse
Cc: Hooley, David (Charlottetown); Forbes, Alex; Morton, Jesse; Hogan, Charity (Charlottetown); Ian Harper; Cain Arsenault
Subject: Re: APM Commercial v. City of Charlottetown

City approved resolution so no need for public hearings tomorrow

Thanks
Tim

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Oct 10, 2017, at 3:58 PM, Philip Rafuse <PJRafuse@irac.pe.ca> wrote:

Good afternoon,

I would note that we will be all interested in learning of the City Council's decision this evening. I will keep an eye on my email from home later in the evening in case there are any up-dates in this matter.

Sincerely,

Philip

Philip J. Rafuse, LL.B, NSBS
Appeals Administrator
The Island Regulatory and Appeals Commission
pjrafuse@irac.pe.ca
(902) 892-3501
1-800-501-6268 toll free on PEI
(902) 566-4076 Fax
Website: www.irac.pe.ca

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Walsh-Doucette, Michelle (Charlottetown)

From: Hooley, David (Charlottetown)
Sent: Friday, February 2, 2018 2:28 PM
To: Walsh-Doucette, Michelle (Charlottetown)
Subject: FW: 55 - 59 Richmond

Categories: David's Files

David

David Hooley | Cox & Palmer | Senior Counsel

Direct 902 629-3903 **Fax** 902 566 2639 **Web** coxandpalmeriaw.com
Address Dominion Building 97 Queen Street Suite 600 Charlottetown PEI, C1A 4A9
*Practising as Professional Corporation

"Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent." Former US President Calvin Coolidge

Linked 

From: Philip Rafuse [mailto:PJRafuse@irac.pe.ca]
Sent: October 10, 2017 8:25 PM
To: Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>; Banks Tim <tbanks@apmgroup.com>
Cc: Hogan, Charity (Charlottetown) <chogan@coxandpalmer.com>
Subject: Re: 55 - 59 Richmond

Good news indeed. As I have received word from both the City's solicitor and APM's CEO, there should be no need to appear tomorrow.

Many thanks!

Philip

From: Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>
Sent: Tuesday, October 10, 2017 7:22:37 PM
To: Philip Rafuse; Banks Tim
Cc: Hogan, Charity (Charlottetown)
Subject: 55 - 59 Richmond

Council just approved the resolution rescinding the August 14 Resolution not to proceed to a public meeting and agreed to go forward to a public meeting.

Is there any need to appear tomorrow morning? If so, Charity can attend for the City.

David

Sent from my iPhone

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CITY OF CHARLOTTETOWN

RESOLUTION

Planning #10

MOTION CARRIED C. Leegs

MOTION LOST _____

Date: October 10, 2017

Moved by Councillor [Signature]

Greg Rivard

Seconded by Councillor [Signature]

Terry MacLeod

RESOLVED:

WHEREAS upon consideration of an application respecting 55 Richmond Street (PID #339911) and 59 Richmond Street (PID #339929) for a site specific amendment to the Downtown Neighbourhood (DN) Zone including a minor variance to reduce the minimum frontage from 82 ft to 74.5 ft a major variance to reduce the minimum grade level height from 13 ft to 9.5 ft and together with a request to consolidate 55 Richmond Street (PID #339911) and 59 Richmond Street (PID #339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street) all of which requires Council's approval in order to permit a four story 23-unit apartment building. Council had on or about August 14, 2017 initially rejected the applicant's request to proceed to the public consultation phase on the application;

absent Councillors Rice & Bernard

AND WHEREAS on or about August 31, 2017, the applicant appealed Council's decision to reject the applicant's request to proceed to the public consultation phase to the Island Regulatory and Appeals Commission (the "Commission");

AND WHEREAS the applicant and the City, with the assistance of the Commission, have agreed upon a mutually acceptable resolution of the pending appeal whereby upon approval of this Resolution by Council the August 14, 2017 resolution of Council shall be rescinded and the August 31, 2017 appeal to the Commission shall not proceed;

NOW THEREFORE BE IT RESOLVED:

THAT the August 14, 2017 Resolution of Council not to proceed to the public consultation phase is hereby rescinded and the applicant's request to proceed to the public consultation phase respecting to 55 Richmond Street (PID #339911) and 59 Richmond Street (PID #339929) for a site specific amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 ft to 74.5 ft, a major variance to reduce the minimum grade level height from 13 ft to 9.5 ft) together with a request to consolidate 55 Richmond Street (PID #339911) and 59 Richmond Street (PID #339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street), in order to permit a four story 23-unit apartment building, be now approved.

October 12, 2017

Tim Banks, Cain Arsenault & Ian Harper
16 McCarville Street
Charlottetown, PE C1E 2A6

Hello,

Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Tuesday, October 10, 2017:

"WHEREAS upon consideration of an application respecting 55 Richmond Street (PID 339911) and 59 Richmond Street (PID 339929) for a site specific amendment to the Downtown Neighbourhood (DN) Zone {including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet. a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet and together with a request to consolidate 55 Richmond Street (PID 339911) and 59 Richmond Street (PID 339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street)} all of which requires Council's approval in order to permit a four story 23-unit apartment building, Council had on or about August 14, 2017 initially rejected the applicant's request to proceed to the public consultation phase on the application;

AND WHEREAS on or about August 31, 2017, the applicant appealed Council's decision to reject the applicant's request to proceed to the public consultation phase to the Island Regulatory and Appeals Commission (the "Commission");

AND WHEREAS the applicant and the City, with the assistance of the Commission, have agreed upon a mutually acceptable resolution of the pending appeal whereby upon approval of this Resolution by Council the August 14, 2017 resolution of Council shall be rescinded and the August 31, 2017 appeal to the Commission shall not proceed;

NOW THEREFORE BE IT RESOLVED:

THAT the August 14, 2017 Resolution of Council not to proceed to the public consultation phase is hereby rescinded and the applicant's request to proceed to the public consultation

phase respecting to 55 Richmond Street (PID 339911) and 59 Richmond Street (PID 339929) for a site specific amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) together with a request to consolidate 55 Richmond Street (PID 339911) and 59 Richmond Street (PID 339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street), in order to permit a four story 23-unit apartment building, be now approved."

With the passing of this resolution, your application will now proceed to the public consultation stage. Please be aware that the public meeting has been scheduled for **Thursday, November 2, 2017 at 7:00pm** at the Rodd Charlottetown Hotel (75 Kent Street).

You (or a representative) are required to attend the public meeting in order to present your application and answer questions from Council / the public. If you plan on using a PowerPoint presentation, please contact Victoria Evans in advance at 902.629.4158.

Following the public meeting, your application will be returned to the City's Planning Board and Council for a final review and recommendation / decision. If you have any questions or comments regarding the November 2 public meeting or the approval process, please contact me at any time.

Sincerely,



Jesse Morton, MCIP
Planner II

October 19, 2017

RE: Site Specific Amendment for 55 Richmond Street (PID# 339911) & 59 Richmond Street (PID# 339929)

Dear Property Owner,

In February, you were notified about a site specific amendment application for the properties at **55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929)**. Following the public meeting for said application, Council passed a resolution (July 10, 2017) that allowed the applicant to withdraw the request and submit a revised application.

The Planning & Heritage Department recently received the revised site specific amendment application for the subject properties, which are located in the 500 Lot Area and the Downtown Neighbourhood (DN) Zone.

The permitted building height in the DN Zone is a minimum of two storeys and a maximum of three storeys. The applicant has requested to amend the Downtown Neighbourhood (DN) Zone, as it pertains to the subject properties, to allow the construction of a four storey, 23-unit apartment building (See Attached). Staff note that two variances are included within this site specific amendment request:

- A minor variance to reduce the minimum frontage requirement from 82ft to 74.5ft; and
- A major variance to reduce the minimum grade level height from 13ft to approximately 9.5ft.

This application also involves requests to consolidate the subject properties and obtain approval for 13 off-lot parking spaces (including 1 accessible space), as opposed to on-site parking spaces.

Pursuant to the Zoning & Development Bylaw, and as a property owner within 100 meters of the subject properties, you are being notified of this application. A public meeting for this request will be held on **Thursday, November 2 at 7:00pm at the Rodd Charlottetown Hotel (75 Kent Street)**. All residents are welcome to attend.

Furthermore, staff solicit your written comments for or against this proposed site specific amendment, including said variances, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments must be received before **12:00 Noon on Friday, November 3, 2017**. All responses shall become part of the public record.

If you have any questions or concerns, please contact planning staff at 902.629.4158.

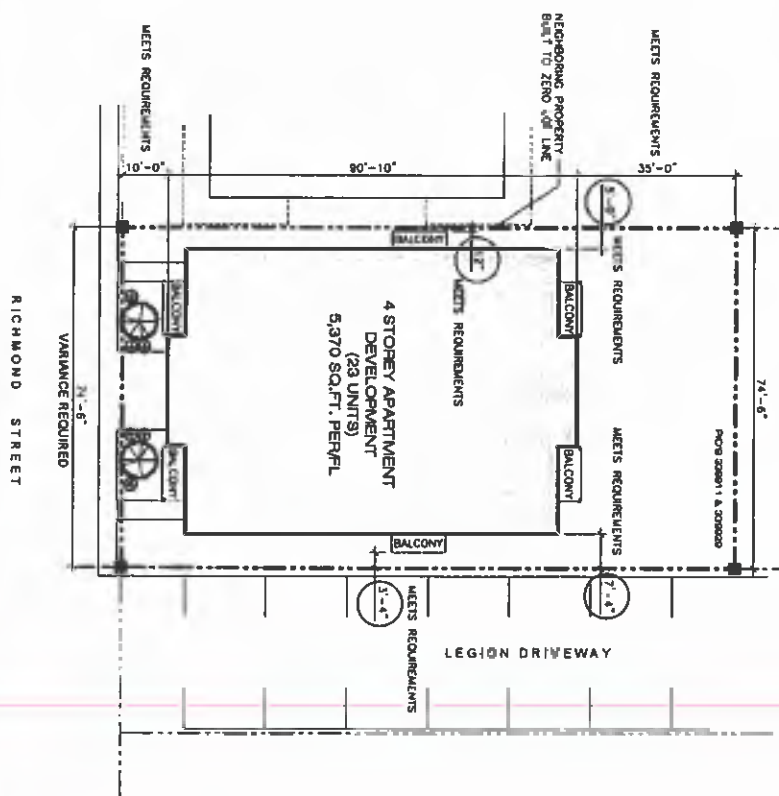
Sincerely,



Jesse Morton, MCIP
Planner II



SITE PLAN 1"=20'-0"



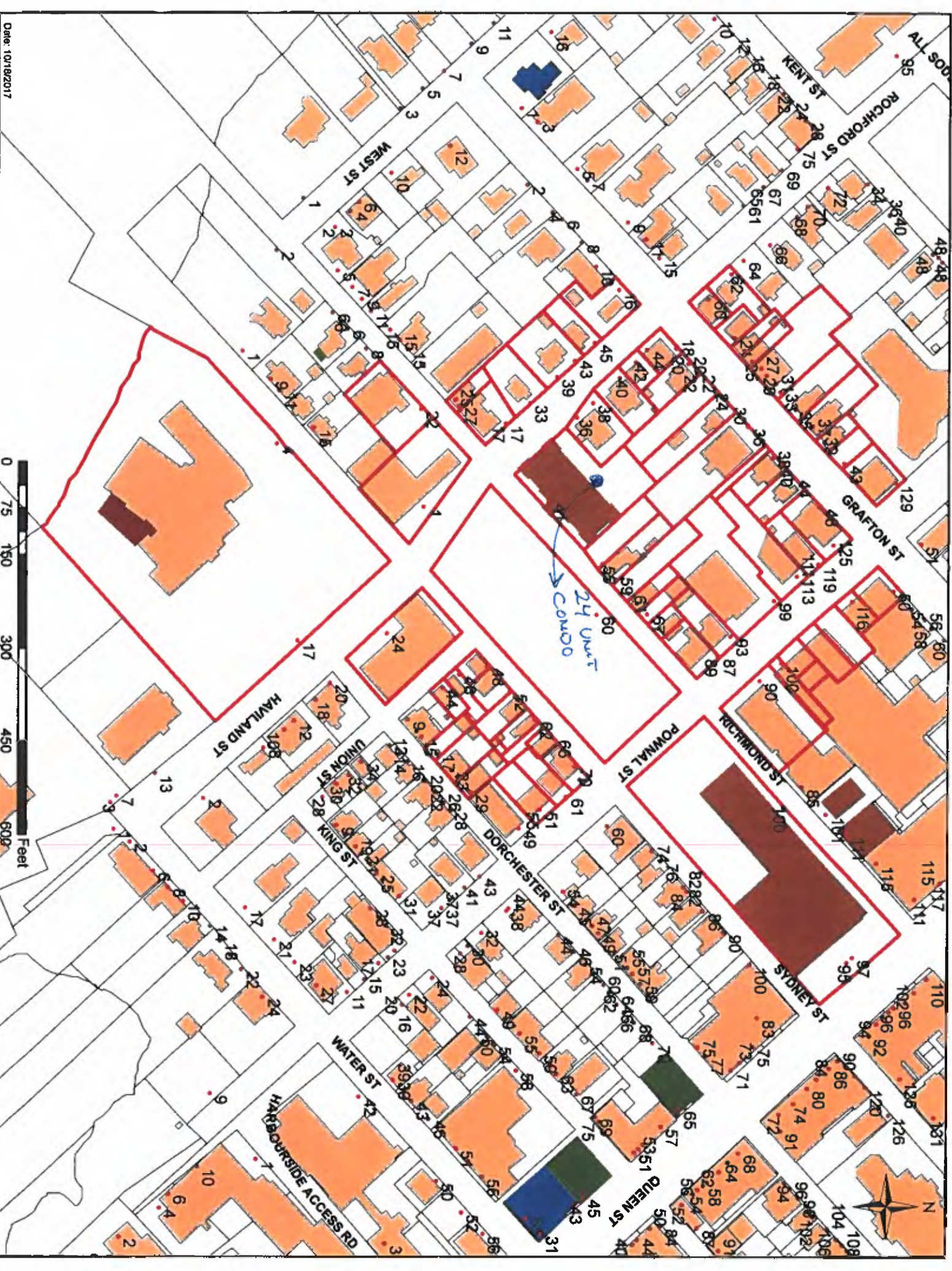
P1415-SP1-02

Planning & Heritage Department
City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2



t 902.629.4158
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e planning@charlottetown.ca
w www.charlottetown.ca





Morton, Jesse

To: Planning Department
Subject: RE: Issues with Site Specific amendment to 55 & 59 Richmond Street Development .

From: Shelly Cooke [<mailto:shelly.cooke@gmail.com>]
Sent: Thursday, November 02, 2017 12:49 PM
To: Planning Department; Shelly Cooke
Subject: Issues with Site Specific amendment to 55 & 59 Richmond Street Development .

Good Morning,

I am writing to express my sincere concerns of the above development being purposed due to several issues :

1) The parking issue, I can not understand a 23 unit apartment building in downtown Charlottetown is allowed to build with no parking spaces included in the structure itself. The en lieu of parking of 13 parking spaces in a Parkade on Pownal Street will not even come close to looking after the needs of parking for this development without alone the visitors parking ! The Pownal Parkade is closed on weekends and is over full in the winter. I have had friend's that live down town and had to sell there cars as no parking available anywhere including the current lot beside our condo which is sold out in the winter of all 16 spaces. If this development was build these 16 vehicle will be displaced as well with no where to park.

2) The building is way to close to our building for fire issues. Where is the fire wall to protect our building in case of fire ? The structure of the new building's balcony's to the side of our building will have a huge lack of privacy and safety for both building also the noise issue would be unreasonable.

There is nothing wrong with a development next door providing it is a reasonable size for the lot and safe for everyone and provides adequate parking for 23 units plus visitors.

Thank you,

Shelly Cooke
Unit 302
41 Richmond Street
Charlottetown, PEI

Evans, Victoria

From: Michael Short <mshort1966@gmail.com>
Sent: Thursday, November 02, 2017 2:54 PM
To: Planning Department
Subject: Proposed development at 55 Richmond street

Dear Sirs,

I would like to bring to your attention my comments regarding the proposed development at 55 Richmond street

1. The building suggested to be developed at 55 Richmond street will be built with very close proximity to the existing building at 41 Richmond street. The plans indicate a proximity measured in inches which create large concerns over privacy, security and the ability to respond to emergencies like fires. Such unreasonably close proximity will result less than ideal living conditions for both the tenants in 41 Richmond street and those at 55 Richmond street. The new building will reduce the reputation of living in downtown Charlottetown.
2. The proposed development has no onsite parking and will contain 23 units. There is inadequate street parking around Connaught square to accommodate the additional residential cars and their visitors. The development plan calls for parking to be made available for 13 cars a block away. This accommodation is not adequate as the proposed building will destroy an existing parking lot and result in net loss in downtown Charlottetown parking availability. The new development will cause parking problems in the downtown core, and will further will reduce the quality of life for everyone in downtown Charlottetown.
3. All of the above problems can be solved if the proposed development is built on a correct size lot. Under Charlottetown bylaws, the proposed lot at 55 Richmond street is too small for the building that's planned and we recommend that a frontage variance not be given, but rather a location be found that has reasonable distances between neighbours and provides adequate parking for its tenants

Best regards,

Michael Short



Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: Objection to proposed building at 55 Richmond St

From: Bruce MacDonald [<mailto:bmacdonald29@cogeco.ca>]
Sent: Thursday, November 02, 2017 7:43 AM
To: Planning Department
Subject: Objection to proposed building at 55 Richmond St
Importance: High

Hello,

I am the owner of a condo at the Rochford Condo's at 41 Richmond and I believe the proposed building for 55 Richmond does not suit the size of lot.

Charlottetown does not have adequate parking now for visitors to 41 Richmond St. How can it make sense to build 23 units next door that has no onsite parking for the residents or their visitors? Why don't they build an appropriate mix of apartments that will allow for a reasonable number of parking? This makes no sense to anyone. How is this fair to other developers that have to allocate appropriate costs and land to suit the planning dept.?

Also, the downtown area of Charlottetown has been rejuvenated so beautifully over the years. I believe the Rochford condo is one of those well thought out new buildings that blends well and was thoughtfully created with the needs of the city in terms of the building being stepped back to address street exposure. This proposal going straight up brings it into too close proximity to neighboring buildings. At a minimum the building foot print should be reduced so it is not so close to adjacent buildings or each additional story should be stepped in.

It's my belief that the design does not suit well in its existing form. I don't mind an apartment building on the lot but my belief is something more like a 12 unit would better suit the lot size and location. Charlottetown isn't Hong Kong when it comes to land scarcity and it isn't the planning departments job to agree to a certain number of units because a developer says it won't make economic sense to build less. If a developer has overpaid for property then that is his responsibility not a local planning department problem.

I would hate to see the city compromise on an inappropriate project for such a lovely area of the city with so much potential. You are making design decisions that have to be appropriate for the next 100 years for all the Charlottetown residents, not a short term, money based decision for one developer.

Kind regards

Bruce MacDonald
41 Richmond Street, Unit #202
Charlottetown, PE
bmacdonald29@cogeco.ca

Morton, Jesse

Subject: FW: Oct 19,2017 Letter referencing Site Specific Amendment for 55/ 59 Richmond St
(PID # 339911 & 339929)

From: Mary MacInnis [<mailto:marymacinnis@hotmail.ca>]

Sent: Monday, October 30, 2017 11:45 PM

To: Mayor of Charlottetown (Clifford Lee); Planning Department

Cc: tmacleod@charlottetown.ca; Duffy, Mike; Ramsay, Kevin; Dolron, Bob; Rivard, Greg; Coady, Jason; Hilton, Melissa; Bernard, Terry; Planning Department; Tweel, Mitchell; Mary MacInnis

Subject: Oct 19,2017 Letter referencing Site Specific Amendment for 55/ 59 Richmond St (PID # 339911 & 339929)

In response to your letter dated Oct 19,2017 referencing site specific Amendments for PID's referenced above , let me start by saying I welcome and support appropriate residential development at 55/59 Richmond St .The proposal included in your letter however has the following concerns:

-My primary concern is limited parking availability in the down town for tenants of the proposed development & their visitors. The development as proposed will not have on –site parking for all units which could result in tenants/visitors of the building needing to find parking in close proximity which is very limited. Also if this development goes ahead as proposed ,the existing 16 parking spaces on PID # 339911 will be eliminated. This parking that is currently available to the public while working down town will no longer be available causing further parking concerns.

- I also have concerns with the close proximity of the proposed building to the existing Rochford condo .Should the project go ahead as proposed the distance between existing buildings and balconies would be very small and could leads to potential security, safety , and privacy concerns . I live in the Rochford condo unit 205 which is on the second floor and adjacent to the proposed development and should the project proceed ,the current environment will be significantly impacted.

- Also concerned about the proposed density of the property and the associated bin requirement for compost,recycled, and waste .There is no indicated area for these bins which would collect in the street on scheduled collection day and have potential for unsightly order issues for neighboring properties.

- Given close proximity to Rochford condos question how easily snow removal and other required maintained safety requirement could be completed.

- I also question if there is any potential structural impact of excavation in close proximity to the Rochford condo .

In closing overall design / density of building does not appear to fit with existing properties including the Rochford condo and I ask that the City not approve the project as presented.

As I stated in my opening comment, I am in favor and support development of an appropriate project of less density and more in keeping with the surrounding properties which would benefit all

Mary MacInnis

Property owner

ROCHFORD Condo #205

41 Richmond St

**City Council Members
Planning and Heritage Members**

I am unable to attend the public meeting at city hall on Nov. 3 regarding the proposal for 55-59 Richmond street. I wish to have this letter read as correspondence at the meeting and copies made available to all council and planning board members.

I am an owner at 41 Richmond Street, and I will reiterate that in no way am I opposed to development at the adjoining property. I fully support affordable housing.

I object to the proposed development for the following reasons :

- 1) The proposed structure does not meet the city by law requirements for this lot. Construction of any building which does not meet minimum standards and built in such close proximity can only be problematic. There is not a shortage of land in Charlottetown, therefore I see no reason to approve a building with balconies in such close proximity that coffee could be passed from one deck to the next. We live in Charlottetown and not Toronto or Vancouver where land may be at a premium.
- 2) Lack of parking : a building with 23 units will require parking on site. The lack of accessible parking will cause congestion in an already congested area. Consideration could be given to underground parking.
- 3) There is also an issue with storage for waste and compost bins, as there does not appear to be any provision on the proposed plan.

In closing, I trust that city hall in consultation with the developer can work together to achieve a suitable development that will satisfy the owners of 41 Richmond st and meet the needs of future residents in this area.

Respectfully Yours
Betty Fraser

105 – 41 Richmond Street,
Charlottetown, PE, C1A 1H6

October 25, 2017

Mayor Clifford J. Lee,
City of Charlottetown

Your Worship:

Re: Development Proposal 55 and 59 Richmond Street

As a neighbourhood resident, I fully support development on the proposed site. This is an excellent 'parkside' location for residential accommodation. The residential structures that are currently on the site appear to suffer from neglect of normal maintenance likely because their owner(s) anticipate selling them to a developer who will demolish them and replace them with a new structure. My residence faces 59/61 Richmond Street which has obvious evidence of a lack of normal maintenance including a low-pitch roof, on what appears to be a one-storey addition to the original structure, that is covered by a plastic membrane held in place with concrete blocks. The area could certainly benefit from some appropriate urban renewal.

While I am in favour of urban renewal on the site, I do not support the development as proposed. The development proposal appears to be an effort to maximize the number of rental units that can be squeezed onto the available land by constructing an apartment building on a lot that does not meet the minimum frontage for apartment buildings, maximizing the building's footprint by eliminating lot-line clearances, and not providing for any on-site parking either in the form of surface or underground parking.

The proposed development will adversely affect the quality of life in the area in a number of ways. The zero lot line clearance will adversely affect the privacy, security, and value of all the units in the Rochford Condominium adjacent to the proposal. While the well-known metaphor about the pot and the kettle readily comes to mind because the Rochford Condominium, in my opinion, has also been constructed with the bottom two storeys too close to the lot line, the Rochford Condominium gets narrower from the third storey and above but the proposed development appears to rise vertically for four storeys a few inches from the lot line. My unit in the Rochford Condominium is on the southeast corner and my deck will be approximately three feet from the west wall of the structure if approved and constructed. We chose this particular unit because it is a 'corner unit' with natural lighting on the east and south sides. Our east wall has six 6' windows which would all be darkened by the proposed structure which significantly diminishes our normal enjoyment of the property and our quality of life. We currently leave our blinds open to allow for natural light but the proposed development, for privacy reasons, would require us to keep the blinds on the east side closed at all times and resort to artificial lighting. A building constructed with reasonable lot line clearance would allow us to maintain our current lifestyle. As a general rule, I would suggest a minimum lot line clearance of the lesser of eight feet or 5% of the frontage.

The total absence of on-site parking ought to be sufficient reason alone to deny approval of the proposal. Despite the statements the developer is reported to have made at a public meeting on February 28, 2017, the fictional demographics that he provided, of young professionals and students who do not own vehicles renting the apartments, is unlikely to exist in the real world. It is much more likely that a majority of the building's tenants will own vehicles. Renting a few parking spaces in a local parkade will not remedy the lack of on-site parking because of the lack of convenience of such an arrangement. Human nature being what it is, residents will choose to park as close to their residence as possible – which means local streets. The proposed development is across from Connaught Square, a well-maintained and reasonably frequented City park, that relies on on-street parking for those who enjoy its amenities who are beyond walking or cycling distance from the park. Currently, Richmond Street has unregulated parking and it appears that people who work nearby park on the north side of the street during normal office hours. That parking is currently available for park users in evenings and on weekends. If the proposed apartment building is constructed without on-site parking, residents of the building will use nearby streets for their parking needs thus depriving the current users of the spaces of a place to park while at work and park users of the parking spaces during visits on evenings and weekends.

In addition to the construction challenges in building a structure so close to the lot lines, including potential compromise of the integrity of the Rochford Condominium while excavating for the footings and foundation of the proposed structure, the lack of lot line clearance makes it difficult to access the east and west sides of the structure for maintenance but, of greater significance, it also likely presents unacceptable challenges with respect to safety and security. I recommend that Council consult with Charlottetown Fire Department to determine if they could efficiently and effectively respond to an emergency in the proposed structure and the adjacent structures. I also recommend that Council have a member of the Charlottetown Police Department with CPTED (Crime Prevention Through Environmental Design) training examine the plans to determine whether or not they incorporate CPTED principles and whether or not the proposed structure presents unnecessary safety or security challenges.

I fully support the replacement of the decaying and unsightly structures on the proposed development site with a suitable residential structure. The development proposal that is currently before Council, for approval of both minor and major variances, is not a suitable use of 55 and 59 Richmond Street. A proposal that is a reasonable size for the available land, which has reasonable lot line clearances, is harmonious with the existing structures in the area, which meets reasonable safety and security standards, and which has adequate parking spaces, would receive my complete support.

Sincerely,

Ernie MacAulay, BBA, MBA, LLB
(902) 892-3610
ernie19@bellaliant.net
cc: Councillors and Planning Department

Morton, Jesse

Subject: FW: Housing Project on Richmond

-----Original Message-----

From: Doreen Pound [mailto:doreenpound@gmail.com]

Sent: Thursday, November 02, 2017 5:26 PM

To: Planning Department

Subject: Housing Project on Richmond

I strongly support this housing project as the need for affordable and accessible housing should be a paramount priority of the City of Charlottetown. Over the years I have heard so many sad stories about less than acceptable housing situations within city limits. These 'slum' apartments are all some people can afford.

I beg that you consider this project carefully and please do what is right. Give the most vulnerable of our city an opportunity to live in a decent accessible and affordable unit. Fronting on a park only makes the whole project more positive.

Thank you

Doreen Pound

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: Parkside 55-59 Richmond St

From: Chris Cudmore [<mailto:chris@cudmoregroup.com>]
Sent: Thursday, November 02, 2017 10:16 AM
To: Planning Department
Subject: Parkside 55-59 Richmond St

To Whom it May Concern,

We write this email in support of the proposed development by APM at 55-59 Richmond St..

Stamper Inc is a commercial property owner in Charlottetown with most of its properties in the downtown. We think residential density in the downtown area is key to a vibrant and viable downtown. We see this development as being a well-designed, quality and affordable residential development that should proceed.

We support the development and it should be approved by the City of Charlottetown.

Chris Cudmore, President

Chris@Cudmoregroup.com

Stamper Inc.
PO Box 281
Charlottetown, PE
C1A 7K6

T: 902-894-3146 x 226
F: 902-892-9760
C: 902-626-1799



PEI Council of People with Disabilities

To Whom It May Concern:

There is a shortage of affordable/accessible housing for people with disabilities on Prince Edward Island and particularly in Charlottetown. In fact the 2009 PEI *Disability Services Review: Final Report*, identified that there is a critical need for housing for people with disabilities. As our population ages, the demand for affordable/accessible housing has grown significantly.

The PEI Council of People with Disabilities currently has a waiting list of over 100 individuals that are living in inappropriate housing due to the lack of inventory and housing options. The crisis has gotten considerably worse as the City of Charlottetown planning department continues to approve projects that replace affordable housing options with condos and student residences'. So you can imagine our amazement as we watch the process unfold around the proposed development by APM on Richmond Street. We think this is a great project that will enhance our downtown, strengthen our community, and help many people who are looking for affordable/accessible living space.

It has been well established in housing studies that the home is one of the fundamental places that gives shape and meaning to peoples' everyday lives. The home ideally should offer a combination of rest, peace, quiet, comfort and health, and be a place for personal expression.

Housing is also fundamental to the economic, social and physical well-being of Island citizens and communities. Housing is more than just shelter; it is also the basic building block of healthy, inclusive, sustainable communities. Community prosperity is improved when all community members have access to affordable, appropriate housing from which they can engage in the local economy.

The PEI Council of People with Disabilities has daily requests in the Charlottetown office from people with disabilities who are looking for a wide range of accessible housing options. Due to the limited inventory available, we have no options when trying to assist these citizens with their housing needs. It is for these reasons that we support the proposed APM housing development on Richmond Street.

If you have any questions or concerns, please contact me directly.

Marla Carroll
Executive Director
PEI Council of People with Disabilities
peicod@peicod.pe.ca
902-892 9149 ext 222

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: Richmond St. Project

From: Neila Roberts [mailto:Neila_Roberts@hotmail.com]
Sent: Wednesday, November 01, 2017 11:35 PM
To: Planning Department
Subject: Richmond St. Project

To whom it may concern,

I have reviewed the drawings for the Richmond St. project and I feel as if it is a unit will be a welcomed addition to the downtown area. I was impressed to see the plan to use green strategies, and energy efficient.

Young professionals working in the downtown are looking for housing close to their workplace. The downtown area also offers access to night life, fantastic restaurant's, theater, and close proximity to the waterfront and walking trails.

"Baby boomers" aging and selling their homes, are requiring apartment housing. Many are on a fixed income and low income housing in the downtown area will give them access to all amenities.

our family is in a situation that my aunt had been living with my grandfather in his home and with his passing a month ago, she is currently looking for affordable housing in the Charlottetown area. In exploring low-cost housing, and after an interview with the province this week for Senior housing, she was informed that there is a 2 year wait list for the provincial program. Ideally she would like to have something in the downtown core, that has an elevator to accommodate mobility issues.

From the drawings it appears that the setback requirements have all been met, and I beleivethat the design compliments the area.

Thank you for your time,

Neila Roberts



DowntownCharlottetownInc.

Public Meeting Submission
City of Charlottetown Planning Department

November 2, 2017

From; Downtown Charlottetown Inc

Re; Development of 55 and 59 Richmond Street for Residential Apartment Units

The Residential Development Committee and the Board of Directors of Downtown Charlottetown Inc. (DCI) would like to voice support for the proposed development of the property located at 55 and 59 Richmond Street, a 23 unit Residential Apartment Building proposed by APM. Part of DCI's 5 year strategic goals is to work towards 1,000 new jobs and 1,000 new residents within the BIA and we see this proposed new development as squarely within these goals.

The project would create new, affordable, residential units within the city core where they are much needed, particularly in light of the current 0.5% residential vacancy rate in Charlottetown. We realize that city council must operate within its guidelines; given the recommendation from City Planning that this project - subject to several conditions - be approved, we hope this professional opinion on the project's merits will allow you to reach the same conclusion regarding project approval.

AMP has a reputation within our community and beyond for building quality products and attractive, practical, additions to communities. We would expect this project would continue with that standard of delivery.

Thank you for receiving this submission.

Presented by;

Dawn Alan, Executive Director

For Board Chair, Brian Howatt
Residential Chair, Trevor MacLeod

Morton, Jesse

To: Planning Department
Subject: RE: Richmond Street Project

-----Original Message-----

From: Mehrnoosh Aghdassi [mailto:noosh@fastmail.com]
Sent: Thursday, November 02, 2017 9:12 AM
To: Planning Department
Subject: Richmond Street Project

Hello
I support this project, as it would certainly add to the downtown. My own experience confirms a real need of projects like this one.
Thanks
Noosh

Mehrnoosh Aghdassi
Island Realty Inc
129 Queen Street
Charlottetown, PE
C1A 4B4
Website islandrealtyinc.ca
Email noosh@irpei.ca
Mobile 902-314-9988

Morton, Jesse

Subject: FW: Richmond Street Project

-----Original Message-----

From: Chris Noye [mailto:chris.noye@live.ca]
Sent: Wednesday, November 01, 2017 8:46 PM
To: Planning Department
Subject: Richmond Street Project

Hello,

I've reviewed the plans for the Richmond Street Project that APM is proposing, and I fail to see how this would be 'unharmonious' to the neighborhood. Please reconsider that comment and have another look at the proposal.

I am also in favour of this project because of the dire need for affordable housing in Charlottetown.

Thanks,
Chris Noye

Sent from Sonim XP7

Morton, Jesse

To: Planning Department
Subject: RE: Richmond Street Affordable Housing

From: Linda Clements [<mailto:lindaclements@rocketmail.com>]
Sent: Wednesday, November 01, 2017 9:11 PM
To: Planning Department
Subject: Richmond Street Affordable Housing

I, Linda Clements, resident of Charlottetown, support this project.

<https://drive.google.com/file/d/0B-8GBkNukrtuelR1U1BDU0pjchM/view>

Sent from Samsung Mobile

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: APM Proposed Development

From: Kim MacKenzie [<mailto:mackenzie@pei.aibn.com>]
Sent: Wednesday, November 01, 2017 4:04 PM
To: Planning Department
Subject: APM Proposed Development

To whom it may concern,

I wanted to voice my support for the proposed micro unit building APM is proposing to build at 55 & 59 Richmond Street.

As a local business owner who has operated in downtown Charlottetown for the past 24 years, I have seen many changes over that period of time. In the last five to ten years I have witnessed a resurgence in the downtown core. A resurgence which has been driven by the foresight and perseverance of developers such as APM.

APM has a proven track record as a quality developer and has undertaken numerous projects in Charlottetown over the past number of years which have not only provided much needed quality and affordable residential units, in addition to retail and office units, but have improved the esthetics of the areas which they have developed both directly and indirectly.

Developments such as the one proposed by APM attracts more residents, patrons and developers to Charlottetown's downtown core and helps to create a vibrant community.

Kim MacKenzie
Owner
kc | clothing
MacKenzie Associates Inc.
kim@kcclimbing.ca
902.566.1881 ph
902.566.1424 fax

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: Richmond Street

From: Jerry LeBlanc [<mailto:jlbflorida@hotmail.com>]
Sent: Wednesday, November 01, 2017 3:20 PM
To: Planning Department
Subject: Richmond Street

Good afternoon,

In reference to the project on Richmond Street I wanted to show my support of this project with this letter. This project is one that is much needed in the downtown core. Many of my friends and family have an interest in moving into the city and want to be close to all the amenities but there is a huge shortfall of places to rent not to mention the affordability. This is an attractive building across from a wonderful green space in the heart of downtown. Not only do we need this particular building, lets hope there will be more to follow to meet the demand.

Also this project will bring investment and economic growth including significant boost to the municipal and provincial tax base

I have reviewed the plans for this project and I urge you to approve this project.

Yours truly,

Jerry LeBlanc



Morton, Jesse

Subject: FW: Richmond street

From: Thane Hansen [<mailto:thane@hansenelectric.ca>]

Sent: Wednesday, November 01, 2017 2:21 PM

To: Planning Department; 'Jerry Leblanc'

Subject: Richmond street

Hi,

I think this should go ahead, it is nice project and people need a choice.

Thanks

Morton, Jesse

Subject: FW: 59 Richmond

From: Rivard, Greg
Sent: Wednesday, November 01, 2017 11:43 AM
To: Morton, Jesse <jmorton@charlottetown.ca>
Subject: Fwd: 59 Richmond

Sent from my iPhone

Begin forwarded message:

From: Jamie Dickie <jdickie@brightonconstruction.ca>
Date: October 11, 2017 at 3:56:47 PM ADT
To: <grivard@charlottetown.ca>
Subject: 59 Richmond

Hi Greg

Noticed in the news that the proposed apartment development on 59 Richmond is back on the agenda. I will have to admit, as an adjacent property Owner (99 Pownal Street), when I received the letter related to this project I didn't voice my opinion as really could see no issue as to why it would not proceed

I fully support this development and believe it will be a welcome addition. In my opinion it is architecturally fitting, will improve the present property and therefore neighboring properties, and provides affordable housing in the downtown core. I see no downside

Although I have not followed the twists and turns related to this story I gather proximity to the Richmond condo is the main concern. Generally are not downtown buildings relatively close. More importantly, I fail to see how variances granted and /or choices made for the adjacent build in relation to the property line should impact this properties development options. That would be a slippery slope for all development going forward.

Thanks
Jamie

Evans, Victoria

From: Sherri Grosvenor <sherri.grosvenor@gmail.com>
Sent: Tuesday, October 31, 2017 4:49 PM
To: Planning Department
Subject: Richmond St.

Good afternoon,

I would like to say I have reviewed the plans for the Richmond Street affordable housing project and think that the city is in need of affordable housing, it look good, its a great idea.

Thank you,

Sherri Grosvenor

Morton, Jesse

Subject: FW: Richmond St. Project

From: Terry Palmer [<mailto:terry1402@gmail.com>]
Sent: Tuesday, October 31, 2017 1:53 PM
To: Planning Department
Cc: Sherrill Palmer
Subject: Richmond St. Project

Dear Sir or Madam,

As a resident of the City of Charlottetown (Ward 5) I want to ensure you know how important affordable housing projects like the one proposed for 55-59 Richmond St. are to our community, providing much needed long term accommodations to the residents and workers that support our local economy and students that attend our local post-secondary educational institutions.

In addition, investment in construction projects such as this provide much needed economic activity and jobs for the businesses located in Charlottetown and on PEI as well as a boost to municipal and provincial property taxes.

I have reviewed the plans for this project and I urge you to approve this project and others like it in our community.

Yours truly,

Terry Palmer
16 Westview Drive
Charlottetown, PEI

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: New apartment on Richmond Street

From: Pam Mullally [<mailto:pam.mullally@gmail.com>]
Sent: Tuesday, October 31, 2017 2:53 PM
To: Planning Department
Subject: New apartment on Richmond Street

Attention Charlottetown Planning Department.

I recently reviewed the proposed plans for a new apartment building on Richmond Street and was pleasantly surprised with how much I liked the size and style of what was being presented. My family recently went through an exhaustive and frustrating search trying to find the right apartment for our Mom who recently needed to move out of her previous home due to health issues as well as the loss of her drivers license. Her wish list was simple, she desperately wanted to remain social as well as independent so being able to walk to amenities in a downtown location was her greatest wish. Trying to keep within her budget and her needs (stairs were not an option) ruled out so many locations. Unfortunately she had to settle on a location outside the downtown area. Maybe if such options like the proposed apartment building for Richmond Street had been available 6 months ago my Mom would be enjoying her retirement the way she had always imagined it to be. Thanks you

--

Pam Mullally

Morton, Jesse

Subject: FW: Parkside 55 &59 Richmond Street

From: Louis-Philippe Beaulieu [mailto:king_loui@live.com]
Sent: Tuesday, October 31, 2017 12:08 PM
To: Planning Department
Subject: Parkside 55 &59 Richmond Street

To whom it may concern

I have looked over the proposal made by APM and Mr Banks for the Parkside Appartment complex . I think it's a great thing ... The new building is very beautiful with a modern flare. I also love the higher efficiencies that newer building like this one will offer. I also believe that tiny living or minimalistic living is a trend that is going bigger and bigger it only makes sense to offer smaller apartments at a much more affordable rate to acomadat these persons.

I strongly support this initiative. I think the city of Charlottetown should allow this project to move forward and encourage many more similar projects to go up.

Best regards
Louis-philippe Beaulieu

Sent from my Bell Samsung device over Canada's largest network.

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: APM Proposed housing unit Richmond street

From: Jason Perrot [<mailto:eastcoastcustompanels@gmail.com>]
Sent: Tuesday, October 31, 2017 10:02 AM
To: Planning Department
Subject: APM Proposed housing unit Richmond street

Good Morning,

I am sending this letter in support of the proposed development by APM at 55 and 59 Richmond Street. I feel this project will be a great addition to Richmond Street and the City as a whole. It will provide energy efficient, modern, clean and affordable living for young professionals. These young professionals will be the driving force to bolster the city's continued growth and success.

I am asking you to support Tim's proposal.

Thank you,

Jason Perrot

Morton, Jesse

To: Planning Department
Subject: RE: Richmond St Affordable Housing Proposal (APM)

From: Jennifer Drake [<mailto:jennidrake@msn.com>]
Sent: Tuesday, October 31, 2017 9:28 AM
To: Planning Department
Subject: Re: Richmond St Affordable Housing Proposal (APM)

Good Morning,

I would like to take a minute to express my thoughts to the Charlottetown Planning Committee. I have reviewed the plans for the structure proposed by Mr. Banks and am highly in support of this initiative! This structure would greatly benefit low income Islanders which is always in high demand across the province. It would also bring great character to the Richmond St. area. I am asking you to please generously consider Tim's proposal!

Thank you,

Ms. Jennifer Drake

Morton, Jesse

Subject: FW: Affordable housing

From: Travis Webster [<mailto:webman200@hotmail.com>]

Sent: Monday, October 30, 2017 11:10 PM

To: Planning Department

Subject: Affordable housing

Get [Outlook for Android](#)

I for the affordable housing projects on Richmond st. It creates jobs and quality homes

Sincerely

Travis Webster

Morton, Jesse

Subject: FW: Richmond Street

From: AMMIE JEFFERY [<mailto:ajeffery999@hotmail.com>]
Sent: Monday, October 30, 2017 11:42 AM
To: Planning Department
Subject: Richmond Street

Good Morning,

I have reviewed the plans for the proposed development of Richmond St, and I believe this is a fantastic project.

Affordable housing in that area is a wonderful concept. After reviewing the plans, I fully agree that these units would be a huge asset to downtown Charlottetown core.

Thank you

A. Jeffery

Legal Management Inc.
P.O. Box 2140
Charlottetown, PE C1A 8B9

October 30, 2017

Jesse Morton, MCIP
Planning & Heritage Department
City of Charlottetown
P.O. Box 98, 233 Queen Street
Charlottetown, PE C1A7K2

30 October 2017 JM

Dear Mr. Morton:

Re: 55 Richmond Street & 59 Richmond Street

Thank you for your letter dated October 19, 2017. As a property owner within 100 metres of the subject development, we do not have any objections.

We support increasing the density of our downtown and increasing the variety of housing options available to all residents of our city. The proposed development is located in an area that is accessible to the Culinary Institute of Canada operated by Holland College. Parking is also accessible by way of the Pownal Parkade operated by the Charlottetown Area Development Corporation. Different housing options in terms of size and cost are also accessible within walking distance, including the recently redeveloped Dominion Building.

We hope these comments are helpful to your planning department.

Sincerely,



President.
Legal Management Inc.

Morton, Jesse

Subject: FW: Richmond Street Affordable Housing Project

From: Kim MacPhail [mailto:kim_macphail2@hotmail.com]

Sent: Saturday, October 28, 2017 10:05 AM

To: Planning Department

Subject: Richmond Street Affordable Housing Project

Good morning,

As a resident of Charlottetown who has been looking for an apartment in the downtown area (that I can afford), I am 100% in support of the project proposed by APM!!!

I am very much looking forward to having an affordable housing option !!

Thanks for your time.

Kim MacPhail

Sent from my Bell Samsung device over Canada's largest network.

Morton, Jesse

Subject: FW: Support

From: Marcianne Gamauf [<mailto:marciannegamauf@gmail.com>]

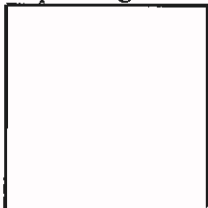
Sent: Friday, October 27, 2017 5:32 PM

To: Planning Department

Subject: Support

Marcianne Gamauf <marciannegamauf@gmail.com>

to planing



Would like to add my voice of support to APM's affordable housing project in downtown Charlottetown.

M Gamauf

Morton, Jesse

Subject: FW: Parkside Project

From: paul daley [<mailto:pkdaley@live.com>]

Sent: Friday, October 27, 2017 4:21 PM

To: Planning Department

Subject: Parkside Project

What a beautiful project, one that not only fits the downtown but will provide seniors like myself who are looking to sell their homes and move into the downtown core an affordable option!

Can't imagine the City will not approve this one!

Paul Daley

Morton, Jesse

Subject: FW: Richmond St Apartments

From: Anne Marie ORourke [<mailto:annemarie.orourke@yahoo.com>]

Sent: Friday, October 27, 2017 10:10 AM

To: Planning Department

Subject: Richmond St Apartments

Good Morning,

I want to give my support to Mr. Banks regarding construction of Richmond St. affordable housing .

As a senior I know there are few options for affordable housing in the City. This building would be a great asset to the city and I hope it is the first of many.

Thank you
Anne Marie O'Rourke

Morton, Jesse

Subject: FW: Richmond St Housing Development Project

From: nick [<mailto:millarnick@hotmail.com>]

Sent: Friday, October 27, 2017 10:14 AM

To: Planning Department

Cc: tbanks@apm.ca

Subject: Richmond St Housing Development Project

Good Day,

I would like to voice my approval in regards to the proposed Richmond St Development project. As an Island resident who has lived in Charlottetown and still in rural Charlottetown truly believe this is a great opportunity to not only attract but to provide people in the community with affordable housing and maintain a quality standard of living. I know there is very few places currently that can provide as such and I fully support this proposal which I would like to really see happen.

Evans, Victoria

From: Kathy O'Keefe <kathy-okeefe@hotmail.com>
Sent: Friday, October 27, 2017 10:07 AM
To: Planning Department
Subject: Richmond St affordable housing project

As a resident of Charlottetown I would like to give my support to Tim Banks and APM for their affordable housing project.

I hope they will be able to proceed as I feel housing of this kind is needed in our community.

Sincerely
Kathy Okeefe

Morton, Jesse

To: Planning Department
Subject: RE: affordable housing

From: Marcie Gaudet [<mailto:merlegg666@gmail.com>]
Sent: Friday, October 27, 2017 9:55 AM
To: Planning Department
Subject: affordable housing

Good Morning,

As a resident of Charlottetown, I support Tim Banks and APM trying to bring affordable housing to Charlottetown. I would like to see his Richmond Street project proceed.

Thank You
Marcie Gaudet
Queen Street, Charlottetown

Morton, Jesse

Subject: FW: Tim Banks's Development on Richmond Street

From: wendy ford-quinn [mailto:wquinn_7@hotmail.com]

Sent: Friday, October 27, 2017 9:37 AM

To: Planning Department

Subject: Tim Banks's Development on Richmond Street

I have been a life long resident of Charlottetown and I would like to let you know I am in support of Tim Banks's development on Richmond Street. We are in need of more affordable housing in the City of Charlottetown.

Yours truly,
Wendy Quinn

Morton, Jesse

Subject: FW: Richmond Street Affordable Housing

From: Laura MacLeod [<mailto:lauramaemacleod@gmail.com>]

Sent: Friday, October 27, 2017 9:49 AM

To: Planning Department

Subject: Richmond Street Affordable Housing

To Whom It May Concern,

Due to the lack of apartments in Charlottetown and the growing demand, I am in support of the Richmond Street Affordable Housing project that APM Construction is presenting to council.

Regards,
Laura MacLeod

Morton, Jesse

To: Planning Department
Subject: RE: Richmond St Project

From: Jenny Ford [mailto:jx_ford@hotmail.com]
Sent: Friday, October 27, 2017 9:49 AM
To: Planning Department
Subject: Richmond St Project

Just wanted to lend my support to Tim Banks and his Richmond Street affordable housing project.

Thanks
Jenny Ford

Morton, Jesse

Subject: FW: Richmond Street affordable housing

From: Chaylon [mailto:nevski@gmail.com]
Sent: Monday, October 23, 2017 9:49 AM
To: Planning Department
Subject: Richmond Street affordable housing

Hello,

I believe the development variance proposal on Richmond Street should be approved. Affordable housing is needed down town, and the building suits the surroundings and looks beautiful. We should be encouraging more development like this and do what it takes to get it done. Thank you.

Chaylon Brewster

85 Fitzroy Street
Suite 301
Charlottetown, PE
C1A 1R6
Telephone: 902-367-3476

Morton, Jesse

Subject: FW: Tim Banks proposed affordable housing project

From: Pam Martin [mailto:pam_martin1@hotmail.com]

Sent: Monday, October 23, 2017 9:15 AM

To: Planning Department

Subject: Tim Banks proposed affordable housing project

As a senior who is way past retirement age but has to continue to work to live, I think that Charlottetown should be supporting this project. It sounds like something that might enable me to retire!

Pam Martin

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Friday, October 20, 2017 10:43 AM
To: Morton, Jesse; Forbes, Alex; Rivard, Greg
Cc: Heather Joudrie; Jerry Leblanc; Ian Harper; Cain Arsenault
Subject: Richmond Street Project

Gentlemen,

Now that we have a public scheduled meeting for our project we would like to know if there are any specific issues that you believe are outstanding with respect to our application? Furthermore can you give us a professional opinion as to whether you believe our project is harmonious to the neighbourhood as there seems to be some questions with respect to this issue? We believe this is a very important issue so we would like an answer well in advance of the meeting so we can address any concerns.

Thanks for your cooperation.

Tim

Tim Banks
CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel 902-569-8400
cel 902-628-7313
fax 902-569-1149
email tbanks@apm.ca
www.APM.ca

Since 1980 **APM** has provided construction and design-build services that include construction management, engineering and general contracting. Our principles of Service, Trust and Value are our foundation for the delivery of every aspect of your new building or renovation project. **APM** operate across Canada with offices in **Charlottetown, Halifax, Toronto** and **Calgary** providing a host of construction services to local, regional and national clients.



since 1980
building ... across CANADA

construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Forbes, Alex
Sent: Friday, October 20, 2017 11:00 AM
To: Tim Banks; Morton, Jesse; Rivard, Greg
Cc: Heather Joudrie; Jerry Leblanc; Ian Harper; Cain Arsenault
Subject: RE: Richmond Street Project

Tim: The planning staff position is reflected in the last planning report submitted to the Planning Board on this property. Please refer to this report to determine our professional planning assessment of this application. Alex

Alex Forbes, MBA, MCIP
Manager of Planning and Heritage
City of Charlottetown
P O Box 98, 233 Queen Street
Charlottetown, PEI
C1A 7K2
(P) 902-629-6108



"Every time history repeats itself – the price goes up"

From: Tim Banks [mailto:tim@apm.ca]
Sent: Friday, October 20, 2017 10:43 AM
To: Morton, Jesse <jmorton@charlottetown.ca>; Forbes, Alex <aforbes@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>
Cc: Heather Joudrie <hjoudrie@apm.ca>; Jerry Leblanc <jleblanc@apm.ca>; Ian Harper <iharper@apm.ca>; Cain Arsenault <carsenault@apm.ca>
Subject: Richmond Street Project

Gentlemen,

Now that we have a public scheduled meeting for our project we would like to know if there are any specific issues that you believe are outstanding with respect to our application? Furthermore can you give us a professional opinion as to whether you believe our project is harmonious to the neighbourhood as there seems to be some questions with respect to this issue? We believe this is a very important issue so we would like an answer well in advance of the meeting so we can address any concerns.

Thanks for your cooperation.

Tim

Tim Banks
CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel **902-569-8400**
cel **902-628-7313**
fax **902-569-1149**
email tbanks@apm.ca
www.APM.ca

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construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Rivard, Greg
Sent: Thursday, October 26, 2017 9:13 AM
To: Morton, Jesse
Cc: Forbes, Alex
Subject: Re: Richmond Street Public Meeting Request

Leave this with me and I will speak to the mayor.

Thanks Jesse
Greg

Sent from my iPhone

On Oct 26, 2017, at 9:02 AM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Good Morning,

Yesterday afternoon Daniel Hurnik from the Board of Directors of Rochford Condominiums stopped into my office to discuss the upcoming public meeting. He requested that he be permitted to present a small PowerPoint presentation (approximately 4-6 slides) following Tim's presentation of the Richmond Street proposal. I cannot remember the precise time length that he suggested, but I believe it was in the 5-10 minute range.

I informed him that all attendees would have the opportunity to speak at the public meeting, following the applicant's presentation, but he requested that they also have a formal venue to speak and provide a PowerPoint that counters some of Tim's images / points.

I'm unsure of the City's policy regarding this type of request, so I told that we would get back to him. Clearly he and any resident is free to speak at the public meeting, but given my experience here, we haven't offered a complainant the same position as the applicant.

I'll leave this item with you two to review and discuss accordingly. If you like, we can meet at a later date.

Sincerely

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

-----Original Message-----

From: daniel hurnik [<mailto:hurnik@me.com>]

Sent: Wednesday, October 25, 2017 5:14 PM

To: Morton, Jesse <jmorton@charlottetown.ca>

Subject:

Good afternoon Jesse,

It was a pleasure meeting you today. The Board of Directors of Rochford Condominiums (41 Richmond st) is wondering if we could be given an opportunity to speak and make a small presentation at next Thurs evening's public meeting regarding the development at 55 Richmond st.

best wishes

Daniel Hurnik



65 Grafton Street, P.O. Box 2140
Charlottetown PE C1A 8B9 Canada tel: 902.892.2485 fax: 902.566.5283
stewartmckelvey.com

File Reference: SM105-89

October 29, 2017

James C. Travers, Q.C.
Direct Dial: 902.629.4504
Direct Fax: 902.566.5283
jtravers@stewartmckelvey.com

HAND DELIVERED

Jesse Morton, MCIP
Planning & Heritage Department
City of Charlottetown
P.O. Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2

Dear Mr. Morton:

Re: Development at 55 & 59 Richmond Street, Charlottetown, PE

I represent the developer, APM Commercial, in its development of 55 & 59 Richmond Street in Charlottetown, Prince Edward Island.

I have reviewed your report to Planning Board dated April 26, 2017 and your recommendation that the development be approved subject to receipt of pinned survey plans, design review approval, and a development agreement. Your report did not find that the proposed development would be unharmonious.

However, since that time, the Mayor Clifford Lee, who is not a professional planner, has raised the spectre of unharmonious development. Specifically, at the council meeting on August 14, 2017, the Mayor interjected and directed discussion to unharmonious development. This was not relevant and not applicable under the terms of the bylaw, but no one corrected the Mayor on this point. Thankfully, IRAC exists and was able to correct the Mayor.

Before the upcoming public meeting on November 2, 2017, it must be made clear that this development is not unharmonious and that the professional planning staff employed by the City again recommend approval subject to receipt of pinned survey plans, design review approval, and a development agreement.

Planning-related decisions must be made in a fair and quasi-judicial manner. There is absolutely no legal or evidentiary basis for the intervention and distraction by the Mayor in this case.

Regards,

STEWART MCKELVEY

James C. Travers, Q.C.

Morton, Jesse

From: daniel hurnik <hurnik@me.com>
Sent: Tuesday, October 31, 2017 11:40 AM
To: Morton, Jesse
Subject: Re:

thanks Jesse, I'll do that

D

> On Oct 30, 2017, at 5:05 PM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

>

> Hello Daniel,

>

> I apologize for the delay in responding. I've learned that your request to submit some PowerPoint slides for the public meeting has been approved. Are you able to submit those to our administration staff by Noon on the day of the public meeting?

>

> Thanks in advance,

>

> Jesse Morton, MCIP

> Planner II

>

> City of Charlottetown

> PO Box 98, 233 Queen Street

> Charlottetown, PE C1A 7K2

> Office: 902-629-4108

> Fax: 902-629-4156

>

> jmorton@charlottetown.ca

> www.charlottetown.ca

>

> -----Original Message-----

> From: daniel hurnik [mailto:hurnik@me.com]

> Sent: Wednesday, October 25, 2017 5:14 PM

> To: Morton, Jesse <jmorton@charlottetown.ca>

> Subject:

>

> Good afternoon Jesse,

>

> It was a pleasure meeting you today. The Board of Directors of Rochford Condominiums (41 Richmond st) is wondering if we could be given an opportunity to speak and make a small presentation at next Thurs evening's public meeting regarding the development at 55 Richmond st.

>

> best wishes

> Daniel Hurnik

Morton, Jesse

From: Morton, Jesse
Sent: Tuesday, October 31, 2017 3:28 PM
To: Rivard, Greg
Cc: Forbes, Alex
Subject: RE: Richmond Opposition Letters

Hi Greg,

Yes, I agree that's not really a feasible deadline. I'll just send him an email stating that we will be in touch before the end of Wednesday.

Also, I just checked with Victoria and Alex is out of the office tomorrow, but I'll be here. I suspect that Alex will provide some direction via email if he is able.

Sincerely,

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Rivard, Greg
Sent: Tuesday, October 31, 2017 3:25 PM
To: Morton, Jesse <jmorton@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: Re: Richmond Opposition Letters

Jesse,

Thanks for the info. I'm not a fan of the gun to the head approach. We will review his request tmr and have an answer for him by end of day tmr, but end of the day today is unrealistic.

I will drop down tmr and meet with you and Alex and discuss. Alex can check with peter and I will check with the mayor.

End of the day though, It is pretty hard for us to release this info before standing committees for even council have a chance to review.

Thanks
Greg

Sent from my iPhone

On Oct 31, 2017, at 3:08 PM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Hello,

Tim Banks just stopped by the office to discuss two matters: the letter that his lawyer sent to us yesterday (See Attached); but primarily, the transfer of opposition letters to him prior to the public meeting.

Tim previously requested that he receive a copy of all opposition letters as they come into our office. Alex and I discussed this; the City's traditional stance on this matter is that these letters aren't released to the applicant until the deadline has closed and the Planning Board has received notice of said letters (i.e., when the planning board package is released).

Tim was just in asking for the opposition letters again. He said something to the effect of "My lawyer told me that you have to give me copies of the opposition letters when they're received, so that I can address them at the public meeting". He also added that "we can talk to IRAC if we don't agree."

I did not give Tim any documents and told him that I would run this request by the necessary channels before proceeding further. Tim indicated that he would like a response by the end of the day.

If either of you have comments on this matter, please let me know. We can also review it with Peter if deemed necessary.

Sincerely,

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

<Richmond St - Jim Travers Letter - October 30.pdf>

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, October 31, 2017 3:30 PM
To: Morton, Jesse; Forbes, Alex
Cc: jim travers jtravers@smss.com; David Hooley; Terry Palmer; Jerry Leblanc; Kelly, Peter; Philip Rafuse; Doiron, Bob; Mayor of Charlottetown (Clifford Lee); Rivard, Greg; Coady, Jason; Ramsay, Kevin; Hilton, Melissa; Duffy, Mike; Tweel, Mitchell; Bernard, Terry; MacLeod, Terry
Subject: Richmond Street

Gentlemen,

I met with Jesse earlier today looking for the following information. He seemed unwilling to provide such as it "wasn't the City's practice" which surprises me as we believe if we were able to address any public concerns it may avoid possible appeals which are costly to all parties.

As discussed with Jesse we are getting ready for our public meeting on Richmond Street and we would like to get copies of all the letters against our project together with their concerns so we can appropriately address them at the public meeting. Could you please forward such to my attention so I can respond to their concerns in front of Council as we would like a record that we tried to address such should this project be appealed to IRAC?

I am very concerned that we are not being afforded an opportunity to address the public's concerns.

Thank you
Tim

Tim Banks
CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel 902-569-8400
cel 902-628-7313
fax 902-569-1149
email tbanks@apm.ca
www.APM.ca

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building ... across CANADA

Morton, Jesse

From: Morton, Jesse
Sent: Tuesday, October 31, 2017 5:09 PM
To: Rivard, Greg
Cc: Forbes, Alex
Subject: RE: Richmond Opposition Letters

Hello,

I just wanted to add, that I was speaking with Pooja (Provincial Planner) on an unrelated topic and ran this by her. Basically, she that if there is no formal written procedural document in place, we should follow the standard practice that we've been using. If we want to deviate from that standard, we should first review it with our lawyer. That essentially aligns with my thought process.

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Morton, Jesse
Sent: Tuesday, October 31, 2017 3:28 PM
To: Rivard, Greg <grivard@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: RE: Richmond Opposition Letters

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Also, I just checked with Victoria and Alex is out of the office tomorrow, but I'll be here. I suspect that Alex will provide some direction via email if he is able.

Sincerely,

**Jesse Morton, MCIP
Planner II**

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Office: 902-629-4108
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jmorton@charlottetown.ca
www.charlottetown.ca

From: Rivard, Greg
Sent: Tuesday, October 31, 2017 3:25 PM
To: Morton, Jesse <jmorton@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: Re: Richmond Opposition Letters

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Thanks
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Sent from my iPhone

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Sincerely,

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jmorton@charlottetown.ca

www.charlottetown.ca

<Richmond St - Jim Travers Letter - October 30.pdf>

Morton, Jesse

From: Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>
Sent: Tuesday, October 31, 2017 9:20 PM
To: Rivard, Greg; Tim Banks
Cc: Morton, Jesse; Forbes, Alex; jim travers jtravers@smss.com; Terry Palmer; Jerry Leblanc; Kelly, Peter; Philip Rafuse; Doiron, Bob; Mayor of Charlottetown (Clifford Lee); Coady, Jason; Ramsay, Kevin; Hilton, Melissa; Duffy, Mike; Tweel, Mitchell; Bernard, Terry; MacLeod, Terry
Subject: RE: Richmond Street

Tim:

Please give us a short time to respond to your concerns. I will discuss this matter with the City tomorrow morning and we will be back to you promptly.

David

David Hooley | Cox & Palmer | Senior Partner

Direct 902 629-3903 **Fax** 902 566 2639 **Web** coxandpalmerlaw.com
Address Dominion Building 97 Queen Street Suite 600 Charlottetown PEI, C1A 4A9
*Practising as Professional Corporation

"Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent." Former US President Calvin Coolidge

Linked 

From: Rivard, Greg [mailto:grivard@charlottetown.ca]
Sent: Tuesday, October 31, 2017 7:40 PM
To: Tim Banks <tim@apm.ca>
Cc: Morton, Jesse <jmorton@charlottetown.ca>; Forbes, Alex <aforbes@charlottetown.ca>; jim travers jtravers@smss.com <jtravers@smss.com>; Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>; Terry Palmer <tpalmer@apm.ca>; Jerry Leblanc <jleblanc@apm.ca>; Kelly, Peter <pkelly@charlottetown.ca>; Philip Rafuse <PJRafuse@irac.pe.ca>; Doiron, Bob <rdoiron@charlottetown.ca>; Mayor of Charlottetown (Clifford Lee) <mayor@charlottetown.ca>; Coady, Jason <jecoady@charlottetown.ca>; Ramsay, Kevin <kramsay@charlottetown.ca>; Hilton, Melissa <mhilton@charlottetown.ca>; Duffy, Mike <mduffy@charlottetown.ca>; Tweel, Mitchell <mtweel@charlottetown.ca>; Bernard, Terry <tbernard@charlottetown.ca>; MacLeod, Terry <tmacleod4@charlottetown.ca>
Subject: Re: Richmond Street

Hi Tim,

Without knowing all the details, allow me to share my thoughts. With regards to the letters of opposition, you are correct, they will be made public. My only concern is the process. Planning board (standing committee) haven't had a chance to review your application in its totality. Once the public consultation phase has concluded, all documents will be provided in a package for the committee and council members to review. To

release this information before hand, I believe would hurt the process and allows for interference. The committee is put in place to review the application and make a unbiased recommendation to council based on the application, staffs recommendations and public input. The public consultation phase is still open and once it is closed and planning board has met, copies of the letters will released. Please keep in mind, the letters are addressed to planning board members and council and i don't think releasing these letters before they have an opportunity to review would be proper process.

With saying that, I will speak with staff tmr and we'll make a determination as to whether to release this info prior to the planning board meeting on the 6th of November.

Sent from my iPhone

On Oct 31, 2017, at 3:30 PM, Tim Banks <tim@apm.ca<<mailto:tim@apm.ca>>> wrote:

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I met with Jesse earlier today looking for the following information. He seemed unwilling to provide such as it "wasn't the City's practice" which surprises me as we believe if we were able to address any public concerns it may avoid possible appeals which are costly to all parties.

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CEO • APM

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<image003.jpg><<http://apm.ca/>>

construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, October 31, 2017 9:54 PM
To: Rivard, Greg
Cc: Morton, Jesse; Forbes, Alex; jim travers jtravers@smss.com; David Hooley; Terry Palmer; Jerry Leblanc; Kelly, Peter; Philip Rafuse; Doiron, Bob; Mayor of Charlottetown (Clifford Lee); Coady, Jason; Ramsay, Kevin; Hilton, Melissa; Duffy, Mike; Tweel, Mitchell; Bernard, Terry; MacLeod, Terry
Subject: RE: Richmond Street

Greg,

Thanks for the email. I am not really sure what it means, but it is clear that you and at least certain members of council do not understand that you are legally obligated to provide me with procedural fairness. So, at a minimum, I am entitled to notice of the concerns raised and entitled to have an opportunity to answer those concerns in full. I am also entitled to these things before any decision is made by planning board.

I am not sure why you place emphasis on the persons to whom the letters are addressed. They are filed in relation to my application. IRAC explained to the City years ago that, when an application is filed, any expectation of privacy in the development ends when the application is filed. It is accessible by any member of the public. I am a member of the public.

Lastly, have you passed along to all members of council the email from Jamie Dickie in support of my development? If not, why not?

As the chair of planning, I also expect that you will explain to everyone that I am actually entitled to develop to a zero lot line (just like the condo), but I have chosen not to do so as a further accommodation. I can obviously change my mind.

I look forward to the letters before the meeting of planning board and my opportunity to address any concerns in full. Also, thank you for answering my questions.

Tim

-----Original Message-----

From: Rivard, Greg [mailto:grivard@charlottetown.ca]
Sent: Tuesday, October 31, 2017 7:40 PM
To: Tim Banks
Cc: Morton, Jesse; Forbes, Alex; jim travers jtravers@smss.com; David Hooley; Terry Palmer; Jerry Leblanc; Kelly, Peter; Philip Rafuse; Doiron, Bob; Mayor of Charlottetown (Clifford Lee); Coady, Jason; Ramsay, Kevin; Hilton, Melissa; Duffy, Mike; Tweel, Mitchell; Bernard, Terry; MacLeod, Terry
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I am very concerned that we are not being afforded an opportunity to address the publics concerns.

Thank you
Tim

Tim Banks
CEO * APM

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<image003.jpg><<http://apm.ca/>>

construction managers * project managers * engineers * general contractors * design builders

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Wednesday, November 01, 2017 5:35 PM
To: Morton, Jesse
Cc: Rivard, Greg; Forbes, Alex
Subject: Re: Richmond Street

Thank you... are all these three letters from neighbours in the condo building

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Nov 1, 2017, at 5:16 PM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Hello Tim,

To date we have received three opposition letters.

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

<Opposition Letters - Nov 1.pdf>

Morton, Jesse

From: Cain Arsenault <carsenault@apm.ca>
Sent: Thursday, November 02, 2017 2:54 PM
To: Morton, Jesse; Forbes, Alex
Cc: Tim Banks
Subject: 55-59 Richmond Street Floorplans
Attachments: Richmond St. (Floor plans 1)-04.pdf; Richmond St. (Floor plans 2)-04.pdf

Hey guys,

We just wanted send along the some refreshed floorplans which we changed today that include 5 added barrier free units and the removal of the balconies on the first and second floor which are most adjacent to the neighboring Condo.

If you have any question please don't hesitate to ask

Regards

Cain

Cain Arsenault
Design Technician • APM

16 McCarville St
Charlottetown, PE, Canada C1E 2A6
tel 902•569•8400
fax 902•569•1149
email carsenault@apm.ca
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Morton, Jesse

From: Morton, Jesse
Sent: Thursday, November 02, 2017 3:34 PM
To: 'Tim Banks'; Rivard, Greg
Cc: Forbes, Alex
Subject: Re: Richmond Street
Attachments: 5th & 6th Opposition Letters - Nov 2.pdf

Two additional letters came in this afternoon.

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Morton, Jesse
Sent: Thursday, November 02, 2017 12:44 PM
To: 'Tim Banks' <tim@apm.ca>; Rivard, Greg <grivard@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: RE: Re: Richmond Street

Hello,

A fourth opposition letter was received this morning.

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Morton, Jesse
Sent: Wednesday, November 01, 2017 5:15 PM
To: 'Tim Banks' <tim@apm.ca>; Rivard, Greg <grivard@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: Re: Richmond Street

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Planner II

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jmorton@charlottetown.ca
www.charlottetown.ca

Morton, Jesse

To: Planning Department; Forbes, Alex
Subject: RE: Objection to proposed building at 55 Richmond St

Hello,

I believe the proposed building for 55 Richmond does not suit the size of lot.

Charlottetown does not have adequate parking now for visitors to 41 Richmond St. How can it make sense to build 23 units next door that has no onsite parking for the residents or their visitors? Why don't they build an appropriate mix of apartments that will allow for a reasonable number of parking? This makes no sense to anyone. How is this fair to other developers that have to allocate appropriate costs and land to suit the planning dept.?

Also, the downtown area of Charlottetown has been rejuvenated so beautifully over the years. I believe the Rochford condo is one of those well thought out new buildings that blends well and was thoughtfully created with the needs of the city in terms of the building being stepped back to address street exposure. This proposal going straight up brings it into too close proximity to neighboring buildings. At a minimum the building foot print should be reduced so it is not so close to adjacent buildings or each additional story should be stepped in.

It's my belief that the design does not suit well in its existing form. I don't mind an apartment building on the lot but my belief is something more like a 12 unit would better suit the lot size and location. Charlottetown isn't Hong Kong when it comes to land scarcity and it isn't the planning departments job to agree to a certain number of units because a developer says it won't make economic sense to build less. If a developer has overpaid for property then that is his responsibility not a local planning department problem.

I would hate to see the city compromise on an inappropriate project for such a lovely area of the city with so much potential. You are making design decisions that have to be appropriate for the next 100 years for all the Charlottetown residents, not a short term, money based decision for one developer.

Kind regards

Morton, Jesse

Subject: FW: Oct 19,2017 Letter referencing Site Specific Amendment for 55/ 59 Richmond St
(PID # 339911 & 339929)

Subject: Oct 19,2017 Letter referencing Site Specific Amendment for 55/ 59 Richmond St (PID # 339911 & 339929)

In response to your letter dated Oct 19,2017 referencing site specific Amendments for PID's referenced above , let me start by saying I welcome and support appropriate residential development at 55/59 Richmond St .The proposal included in your letter however has the following concerns:

-My primary concern is limited parking availability in the down town for tenants of the proposed development & their visitors. The development as proposed will not have on –site parking for all units which could result in tenants/visitors of the building needing to find parking in close proximity which is very limited. Also if this development goes ahead as proposed ,the existing 16 parking spaces on PID # 339911 will be eliminated. This parking that is currently available to the public while working down town will no longer be available causing further parking concerns.

- I also have concerns with the close proximity of the proposed building to the existing Rochford condo .Should the project go ahead as proposed the distance between existing buildings and balconies would be very small and could leads to potential security, safety , and privacy concerns . I live adjacent to the proposed development and should the project proceed ,the current environment will be significantly impacted.

- Also concerned about the proposed density of the property and the associated bin requirement for compost,recycled, and waste .There is no indicated area for these bins which would collect in the street on scheduled collection day and have potential for unsightly order issues for neighboring properties.

- Given close proximity to Rochford condos question how easily snow removal and other required maintained safety requirement could be completed.

- I also question if there is any potential structural impact of excavation in close proximity to the Rochford condo .

In closing overall design / density of building does not appear to fit with existing properties including the Rochford condo and I ask that the City not approve the project as presented.

As I stated in my opening comment, I am in favor and support development of an appropriate project of less density and more in keeping with the surrounding properties which would benefit all

October 25, 2017

Mayor Clifford J. Lee,
City of Charlottetown

Your Worship:

Re: Development Proposal 55 and 59 Richmond Street

As a neighbourhood resident, I fully support development on the proposed site. This is an excellent 'parkside' location for residential accommodation. The residential structures that are currently on the site appear to suffer from neglect of normal maintenance likely because their owner(s) anticipate selling them to a developer who will demolish them and replace them with a new structure. My residence faces Richmond Street which has obvious evidence of a lack of normal maintenance including a low-pitch roof, on what appears to be a one-storey addition to the original structure, that is covered by a plastic membrane held in place with concrete blocks. The area could certainly benefit from some appropriate urban renewal.

While I am in favour of urban renewal on the site, I do not support the development as proposed. The development proposal appears to be an effort to maximize the number of rental units that can be squeezed onto the available land by constructing an apartment building on a lot that does not meet the minimum frontage for apartment buildings, maximizing the building's footprint by eliminating lot-line clearances, and not providing for any on-site parking either in the form of surface or underground parking.

The proposed development will adversely affect the quality of life in the area in a number of ways. The zero lot line clearance will adversely affect the privacy, security, and value of all the units in the Rochford Condominium adjacent to the proposal. While the well-known metaphor about the pot and the kettle readily comes to mind because the Rochford Condominium, in my opinion, has also been constructed with the bottom two storeys too close to the lot line, the Rochford Condominium gets narrower from the third storey and above but the proposed development appears to rise vertically for four storeys a few inches from the lot line.

Our east wall has six 6' windows which would all be darkened by the proposed structure which significantly diminishes our normal enjoyment of the property and our quality of life. We currently leave our blinds open to allow for natural light but the proposed development, for privacy reasons, would require us to keep the blinds on the east side closed at all times and resort to artificial lighting. A building constructed with reasonable lot line clearance would allow us to maintain our current lifestyle. As a general rule, I would suggest a minimum lot line clearance of the lesser of eight feet or 5% of the frontage.

The total absence of on-site parking ought to be sufficient reason alone to deny approval of the proposal. Despite the statements the developer is reported to have made at a public meeting on February 28, 2017, the fictional demographics that he provided, of young professionals and students who do not own vehicles renting the apartments, is unlikely to exist in the real world. It is much more likely that a majority of the building's tenants will own vehicles. Renting a few parking spaces in a local parkade will not remedy the lack of on-site parking because of the lack of convenience of such an arrangement. Human nature being what it is, residents will choose to park as close to their residence as possible – which means local streets. The proposed development is across from Connaught Square, a well-maintained and reasonably frequented City park, that relies on on-street parking for those who enjoy its amenities who are beyond walking or cycling distance from the park. Currently, Richmond Street has unregulated parking and it appears that people who work nearby park on the north side of the street during normal office hours. That parking is currently available for park users in evenings and on weekends. If the proposed apartment building is constructed without on-site parking, residents of the building will use nearby streets for their parking needs thus depriving the current users of the spaces of a place to park while at work and park users of the parking spaces during visits on evenings and weekends.

In addition to the construction challenges in building a structure so close to the lot lines, including potential compromise of the integrity of the Rochford Condominium while excavating for the footings and foundation of the proposed structure, the lack of lot line clearance makes it difficult to access the east and west sides of the structure for maintenance but, of greater significance, it also likely presents unacceptable challenges with respect to safety and security. I recommend that Council consult with Charlottetown Fire Department to determine if they could efficiently and effectively respond to an emergency in the proposed structure and the adjacent structures. I also recommend that Council have a member of the Charlottetown Police Department with CPTED (Crime Prevention Through Environmental Design) training examine the plans to determine whether or not they incorporate CPTED principles and whether or not the proposed structure presents unnecessary safety or security challenges.

I fully support the replacement of the decaying and unsightly structures on the proposed development site with a suitable residential structure. The development proposal that is currently before Council, for approval of both minor and major variances, is not a suitable use of 55 and 59 Richmond Street. A proposal that is a reasonable size for the available land, which has reasonable lot line clearances, is harmonious with the existing structures in the area, which meets reasonable safety and security standards, and which has adequate parking spaces, would receive my complete support.

Sincerely,

**City Council Members
Planning and Heritage Members**

I am unable to attend the public meeting at city hall on Nov. 3 regarding the proposal for 55-59 Richmond street. I wish to have this letter read as correspondence at the meeting and copies made available to all council and planning board members.

I will reiterate that in no way am I opposed to development at the adjoining property. I fully support affordable housing.

I object to the proposed development for the following reasons :

- 1) The proposed structure does not meet the city by law requirements for this lot. Construction of any building which does not meet minimum standards and built in such close proximity can only be problematic. There is not a shortage of land in Charlottetown, therefore I see no reason to approve a building with balconies in such close proximity that coffee could be passed from one deck to the next. We live in Charlottetown and not Toronto or Vancouver where land may be at a premium.
- 2) Lack of parking : a building with 23 units will require parking on site. The lack of accessible parking will cause congestion in an already congested area. Consideration could be given to underground parking.
- 3) There is also an issue with storage for waste and compost bins, as there does not appear to be any provision on the proposed plan.

In closing, I trust that city hall in consultation with the developer can work together to achieve a suitable development that will satisfy the owners of 41 Richmond st and meet the needs of future residents in this area.

Evans, Victoria

From:
Sent: Thursday, November 02, 2017 2:54 PM
To: Planning Department
Subject: Proposed development at 55 Richmond street

Dear Sirs,

I would like to bring to your attention my comments regarding the proposed development at 55 Richmond street

1. The building suggested to be developed at 55 Richmond street will be built with very close proximity to the existing building at 41 Richmond street. The plans indicate a proximity measured in inches which create large concerns over privacy, security and the ability to respond to emergencies like fires. Such unreasonably close proximity will result less than ideal living conditions for both the tenants in 41 Richmond street and those at 55 Richmond street. The new building will reduce the reputation of living in downtown Charlottetown.
2. The proposed development has no onsite parking and will contain 23 units. There is inadequate street parking around Connaught square to accommodate the additional residential cars and their visitors. The development plan calls for parking to be made available for 13 cars a block away. This accommodation is not adequate as the proposed building will destroy an existing parking lot and result in net loss in downtown Charlottetown parking availability. The new development will cause parking problems in the downtown core, and will further will reduce the quality of life for everyone in downtown Charlottetown.
3. All of the above problems can be solved if the proposed development is built on a correct size lot. Under Charlottetown bylaws, the proposed lot at 55 Richmond street is too small for the building that's planned and we recommend that a frontage variance not be given, but rather a location be found that has reasonable distances between neighbours and provides adequate parking for its tenants

Best regards,



Virus-free. www.avast.com

Morton, Jesse

To: Planning Department
Subject: RE: Issues with Site Specific amendment to 55 & 59 Richmond Street Development .

Good Morning,

I am writing to express my sincere concerns of the above development being purposed due to several issues :

1) The parking issue, I can not understand a 23 unit apartment building in downtown Charlottetown is allowed to build with no parking spaces included in the structure itself. The en lieu of parking of 13 parking spaces in a Parkade on Pownal Street will not even come close to looking after the needs of parking for this development without alone the visitors parking ! The Pownal Parkade is closed on weekends and is over full in the winter. I have had friend's that live down town and had to sell there cars as no parking available anywhere including the current lot beside our condo which is sold out in the winter of all 16 spaces. If this development was build these 16 vehicle will be displaced as well with no where to park.

2) The building is way to close to our building for fire issues. Where is the fire wall to protect our building in case of fire ? The structure of the new building's balcony's to the side of our building will have a huge lack of privacy and safety for both building also the noise issue would be unreasonable.

There is nothing wrong with a development next door providing it is a reasonable size for the lot and safe for everyone and provides adequate parking for 23 units plus visitors.

Thank you,

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Thursday, November 02, 2017 4:48 PM
To: Forbes, Alex
Cc: Morton, Jesse
Subject: Re: Letters

Great... how many letters of support please

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Nov 2, 2017, at 4:29 PM, Forbes, Alex <aforbes@charlottetown.ca> wrote:

Tim: 5 of the 6 opposition letters came from the Condo development next door. Alex

Alex Forbes, MBA, MCIP
Manager of Planning and Heritage
City of Charlottetown
P O Box 98, 233 Queen Street
Charlottetown, PEI
C1A 7K2
(P) 902-629-6108

<image001.jpg>

"Every time history repeats itself – the price goes up"

Please consider the environment before printing this e-mail!

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PEI Council of People with Disabilities

To Whom It May Concern:

There is a shortage of affordable/accessible housing for people with disabilities on Prince Edward Island and particularly in Charlottetown. In fact the 2009 PEI *Disability Services Review: Final Report*, identified that there is a critical need for housing for people with disabilities. As our population ages, the demand for affordable/accessible housing has grown significantly.

The PEI Council of People with Disabilities currently has a waiting list of over 100 individuals that are living in inappropriate housing due to the lack of inventory and housing options. The crisis has gotten considerably worse as the City of Charlottetown planning department continues to approve projects that replace affordable housing options with condos and student residences'. So you can imagine our amazement as we watch the process unfold around the proposed development by APM on Richmond Street. We think this is a great project that will enhance our downtown, strengthen our community, and help many people who are looking for affordable/accessible living space.

It has been well established in housing studies that the home is one of the fundamental places that gives shape and meaning to peoples' everyday lives. The home ideally should offer a combination of rest, peace, quiet, comfort and health, and be a place for personal expression.

Housing is also fundamental to the economic, social and physical well-being of Island citizens and communities. Housing is more than just shelter; it is also the basic building block of healthy, inclusive, sustainable communities. Community prosperity is improved when all community members have access to affordable, appropriate housing from which they can engage in the local economy.

The PEI Council of People with Disabilities has daily requests in the Charlottetown office from people with disabilities who are looking for a wide range of accessible housing options. Due to the limited inventory available, we have no options when trying to assist these citizens with their housing needs. It is for these reasons that we support the proposed APM housing development on Richmond Street.

If you have any questions or concerns, please contact me directly.

Marcia Carroll
Executive Director
PEI Council of People with Disabilities
peicod@peicod.pe.ca
902-892 9149 ext 222



**Verbatim Excerpt re:
55&59 Richmond Street**

**Public Meeting of Council
Thursday, November 2, 2017 at 7 PM
Rodd Charlottetown Hotel, 75 Kent Street**

Mayor Lee Presiding

Present:

**Deputy Mayor Mike Duffy
Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Mitchell Tweel**

**Councillor Greg Rivard
Councillor Jason Coady
Councillor Terry Bernard**

Also:

**Jesse Morton, PII
Victoria Evans, PHAA**

**Alex Forbes, PHM
Greg Morrison, PI**

Regrets:

Peter Kelly, CAO

1. 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929)

Mayor Lee: Councillor Rivard can you introduce us to the next application.

Councillor Rivard: Thank you, Your Worship. The next application is for 55 & 59 Richmond Street for a site specific for a site specific amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet and a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) together with a request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) and obtain off-lot parking approval for 12 parking spaces plus 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street), in order to permit a four story 23-unit apartment building.

77 letters were sent out October 19 to property owners within 100 meters. We received 38 responses to date with six (6) in opposition and 32 in favour. We do have Jesse Morton, Planner, to present the application.

Jesse Morton: Good evening Your Worship, Council and members of the audience. As Councillor Rivard eluded to, this is a multifaceted application which includes a lot consolidation and off-lot parking request however it's the site specific amendment facet of the application that triggers the public meeting here tonight. As many of you are likely aware, this is a continuation

of a proposed development which was previously before the public and Council earlier this year. That original application was withdrawn by a Council resolution; that resolution also allowed a revised application to be submitted which is being presented here tonight. The discussion tonight will focus primarily on this revised application. The site specific amendment application is a request to modify the text of the City's Zoning and Development Bylaw as it pertains specifically to 55 & 59 Richmond Street. These two properties are located in the Downtown Neighbourhood (DN) Zone adjacent to 41 Richmond Street and across from Connaught Square. The site specific bylaw amendment request would enable the developer to construct a four unit apartment building with 23 units on the subject properties. As Councillor Rivard also mentioned, included within the site specific amendment request is a request to vary the grade level height so the height of the main storey of the dwelling and also a request to reduce the minimum frontage. At the current time this property has frontage under 82 feet; the frontage is 74.5. Within the DN Zone, if you are on a property that has frontage less than 82 feet, you are permitted to do a three unit apartment dwelling. When you consider the entirety of the site specific amendment it would enable the applicant to construct a fourth storey and, as of right, you can do a three storey in the DN Zone. It would also permit a significant increase in residential density; an increase of 20 units to a total of 23.

This is another view of the proposed development just looking down the street to the east. This is a view of the building; the proposal facing Richmond Street. This is a site plan that I realize is a bit difficult to read but the purpose of this site plan is to show the setbacks of the property including the front and all three other yards are satisfied. The minimum setback in the eastern yard is 6 feet and that is being satisfied. The minimum setback in the western side yard is zero and that is because it is equal to the setback on the abutting property and the property at 41 Richmond Street received a zero yard variance to build to the property line so that is also able to be accommodated on the subject property.

Staff did receive notice this afternoon that there are balconies facing the zero property line setback. The applicant indicated that those balconies on the first and second storey would be removed but the balconies on the third and fourth storey would remain. The applicant also indicated that some modifications to the interior layout of the building. On the left, you will see there is a larger garbage storage area than what was originally proposed. On the upper storeys there will also be some additional barrier-free units within the building. At this point in time, I will pass things along to the applicant and staff will also be available for questions after his presentation.

Councillor Rivard: Thank you Jesse. We do have Tim Banks here, the developer for the project to present. Whenever you are ready, Mr. Banks.

Tim Banks: Your Worship, Councillors and members of the public, my name is Tim Banks and I thought I would start out this evening by talking about the project. Our original application was made in December of 2016 and we felt this was a good project for downtown Charlottetown and

we anticipated starting in the spring and sometime around this time of year opening this project and offering it to the public. We've been here before you talking about the same project with some minor variations to the project and I think maybe we lost sight of explaining it to the degree that we think it has to be talked about. How I would like to start first is talking about a company that myself and six other guys started in the year 2000 and that is Killam Properties. I am a director of that company and one of the original founders and directors of Killam Properties. A little bit about Killam Properties - we are growing so fast; we started with two employees and we have over 600 employees now with Killam. Our portfolio has turned into \$2.1 billion worth of properties. We have 14,287 apartments, we had another 5000 MHC units; we have 20,000 places that people are sleeping in tonight probably making up 50,000 – 60,000 people. I am very proud of the company; we have done an extremely good job but being a director and working to the degree that we do, you get to understand what happens in marketplaces right across the country as we have properties right across the country. With that, there has been a flight to the core. Just for clarification as I said, I was a founding director since 2000 so I have considerable experience with respect to developing apartments in various market places and this particular company has a lot of projects on the go. I think we have 300 to 350 million worth of projects under construction or in the development stage; some of them right here in Atlantic Canada. We also done the property on North River Road which we replaced the former Charlotte Court with the new property which has 100 new units on it. We did a building up on Spring Park Road that we developed and flipped back to Killam and a new property in Summerside. I think we have about 900 units here in PEI.

I'm just going through some of the projects that we are building currently. So everyone is welcome to go onto the site of Killam Properties and look at what we have been doing so with that being said, I am going to talk about what we see has been happening in the marketplace which is a flight to the core to the downtown. What is happening there is a new kind of tenant and that is a young professional tenant; lots of them without a driver's license and without a car. Young professionals who want to work in a very urban environment and we have recently built 72 micro-units on Barrington Street in downtown Halifax; we have zero vacancy in it. We are living in this community in Charlottetown where the vacancy rate for apartments is below 1% and I have been trying to build this building since December 2016. I would like to go to my presentation now.

So this is our development, Parkside. I can stop at any time if someone wants to ask a specific question from Council and at the end of the presentation, I will answer any questions of the public that are here. The site itself is across from Connaught Square. The surrounding area has the Culinary Institute, the Government buildings, Kent Plaza, Dominion Building, Confederation Centre, the Delta Hotel, Sacred Heart Home, the Northumberland, the Holman Grand, Rochford Place, Rochford Centre, Pownal Parkade, the Court House and in effect, that is what I call the neighbourhood. Adjoining our property is a site, as of right, is allowed to build five storeys and we are only looking to build four storeys. Right between that site and our site, is a six storey building and surrounded by six storey buildings or higher. The building we are building is a modern design but our design goes before a design review committee of an architect that is engaged by the City who reviews the project to make sure before we get our permit that the building has been tweaked to accommodate and look like the site. I would just like to ask the director of Planning, *is that correct?* So he said that is correct. Without getting into detail, we

know that somebody is going to supervise that, somebody is going to look at it so before we get our permit, it's going to go through that review.

This is the existing condition. There is a parking lot between the condo building and the white little house and it's in two lots; one is a vacant lot and one has the house on it. This is what the actual picture of the site with the actual trees and everything around the site and the rendering of the building to scale put right in the site. When you look at the massing of our building compared to the massing of the neighbouring building, it's a lot less density and physically on the footprint, we are about one third of what the existing neighbouring building is. This is the neighbouring building, this is our building and our building will be 40 feet high, four storeys. The neighbouring building is six storeys and over 60 feet high. This is our site; it is less than a minute to the parking garage which we have contracted 13 spaces and it's less than a minute to get there. In addition to that there is opportunity to have three more spaces for visitors that come to our property because with the building of our building, the driveways into the existing structure and into the parking lot will now be eliminated; those driveways. The street is going to have the benefit of getting three more spaces on the street for visitors visiting our neighbours or visiting our place. This is the contractual letter that comes from CADC giving us the spaces. This is our site plan. We are 5 feet on the left hand side of the property from where we are and we are allowed to build at zero but we are not building at zero; we are going 5 feet away and on this side we are 7 feet away and we could build it 6 feet. This is the ground floor plan. There are two barrier free units on the first floor. We removed the balcony on the first floor. On the second floor, there is another barrier free unit and in the middle of the space that is the garbage chute that is built within the building that goes down into the garbage room which is pretty typical of apartment buildings in major cities across this country and buildings in Charlottetown. We removed the balcony on that floor. On the third and fourth floors, we left the balcony because now they are about 12-14 feet away from the neighbouring balcony. This is the lower level and in this level there is a significant garbage facility that is designed right into the building. The right-hand side of the building there is storage for bicycles, etc. In the lower level also, there is a gym and a storage area.

These are micro-units and that is why the number of units in the building are much different than what you are typically used to in this marketplace. One bedroom units are 580 feet, very efficiently designed and essentially what happens is that we still need a kitchen, bath, bedroom but with this efficient layout it represents about 40% less area than the normal one bedroom unit and it is about 30% lower to build in cost. It allows us a return in our investment to be able to lower our rental prices for our units. This is one of the largest one bedroom that we have which is 680 sq. ft and looking at the new buildings that have been built in this marketplace in the downtown core, most one bedrooms are 1000 sq. ft. This is a one bedroom barrier free unit and this is a typical two bedroom in the unit which is 815 sq. ft and the ground floor unit is a little bigger and has a barrier free unit, two bedroom. This is a picture of the micro units that we built in Halifax. You can go onto our website and look for a development called Southport and you can look up the size of the units. This elevation here shows our building; our building is to the right and our neighbour's building is the left. This is where the issue, I think, was before is when we had the apartment here sorry not the apartment but the deck and this deck were conflicting. We made the change and it no longer conflicts. This is the property line; our neighbour's building and parking garage is built right to the property line so the foundation of the parking

garage that is in our neighbours property is right on the lot line and so for easier construction reasons and so on, we had originally set out instead of building right next to it where we were allowed to do it, we set it back 5 feet. We could move the building right over beside the existing building, as of right but from day one we never tried to do that; we tried to respect the property. This is what one of the issues is, is that under the bylaws in Charlottetown when they tweaked them with the 500 Lots in this neighbourhood they said the first floor has to be 13 ft 6 so we could put a commercial space in it. So we could actually build that building right next door to the neighbour's property. We could put a convenience store in the ground floor and run a convenience store in the ground floor. Total 40 feet as of right. To talk about affordable housing, these smaller units results in more affordable rents, they promote economic growth for the downtown, it's a revitalizing of a tired and uncharacteristic site, design and use of green strategies which are low flow toilets, LED lighting, higher R values, solar water heating, low energy elevator, low E glass, off-site parking included, updated design blends with the mix use neighbourhood and above average barrier free units provided.

Our site is here and this is 66 Dorchester Street. It happened before you a few months ago with respect to a permit application. This is 94-98 King Street which happened to be before you a number of months ago. In both of those cases, the permits were approved. I'd like to review this one because it is in the same neighbourhood. That is the drawing of the building that is going to be built at 94-98 King Street. It is physically the same size as ours, same height, same number of floors and has all the same things that we have been asking for but I want to point them out. Their building on a zero lot line. On this side, we are building on 5 feet. They are building on a zero lot line to the right of the building, we are building on 7.4 away from the property. Their frontage because they had to consolidate, two lots got consolidated and approved by Council at 65 feet; our requirement is 74.5 feet. They got their 9 ft variance to allow them to get an extra floor in so they got the four storeys approved, they got their rear yard setback moved from the required 23 feet to 10 feet; we have 35 feet at the back of our property. They had to get off-site parking because they absolutely have no parking so they have to do the exact same thing that we do is enter into an agreement with an adjoining property like the parkade or whatever they do to their neighbouring property to get their designated parking spaces to meet the requirement and that was approved by Council. It's an identical character as our project. This is 66 Dorchester Street. I don't know if it's an apartment or what it is but I do know that neighbouring it to the right from a harmonious prospect, it looks like a traditional heritage type home to the right of the property. This property has to reduce the side yards on both sides to 0 feet. Now remember that we are asking for 5 feet on one side and 7 ft 6 as of right. These people went and got a variance that was approved by you guys between our permit to build to the zero lot line in both cases. They got zero lot line approved and this project is directly across the street from a couple of heritage projects. The contrast here in terms of what the building looks like with respect to that street and our street. So again, this is a project that Council approved. This is the letter that I had to get my solicitor write to the City to talk about why we had to go through this exercise of ending up in a meeting with IRAC about our building being unharmonious. These are letters of concern; we had to press the City for our rights to see what people wanted to object to. The reason we wanted to see them is because we like to deal with them; we like to know what our neighbours were looking for. In this case, the first letter is not against development. You can read it on the second paragraph but not in my back yard. There are a number of issues here in this letter and they had a concern that it does not meet the bylaw requirements. Well, the bylaw

frontage requirements for downtown are unrealistic. What we are saying that in many areas of the City; out in the industrial park you can build a 65 foot lot or a 66 foot lot but in downtown where every other downtown like Moncton, Fredericton, St. John, Halifax they vary from 35 feet to 45 feet – the lot sizes. But for the strange reason the 500 Lot just like the strange reason the 13 ft 6 is there is because it is not appropriate. Balconies in close proximity; many apartments have balconies side by side in many buildings in this city, right beside each other. We have eliminated critically close balconies in response to the letter. *Lack of parking* – measures to provide parking have been established, they are in your bylaws. Three permitted resident parking spaces in front is incorrect. There is ability to have three spaces out front that will be made up from putting this new development on the site. *Approved agreement with CADC* – we will consider putting parking in the backyard if the Rochford Condo people allow us to drive through their parking lot.

We tried to do that with the Legion property but their spaces are designated and we can't remove them because they are designated by Council as parking spaces so we can't get into our back yard. *Storage of garbage* – interior garbage facility provided in the lower level; not uncommon when the space is restricted. It is a very common practice and I'll remind you that I deal with 20,000 residential units and we have many, many, many, many buildings with garbage chutes and garbage rooms and we take the trash out and manage it accordingly. Another letter from another resident and when I say a 'resident', it turns out there are six letters of opposition as I understand five of them are from one building; the condo building next door. I suggest that they will be here this evening and I hope to answer any questions they want to bring forward. These letters are public record but that letter had limited parking, required amount of parking is available. Three new spaces out front, approved agreement with CADC. Distance between the existing balconies are too close. They are eliminated critically close balconies. Storage of garbage – interior garbage facility in lower level common in other buildings. Snow removal. Some of their concerns are everyday concerns that happen every day with everybody's property in every city in Canada. We are in the business, we manage that and it is stuff we do. *Potential of impact of excavation* - we build thousands of buildings and let's take for example the Kays property near neighbouring properties and I could go on and on and on and on. Professional engineers are hired to deal with the building of the building. It is not going to impact our neighbours and we don't get a building permit unless our building meets the National Building Code, meets the National Fire Code, is stamped by an architect, is stamped by a civic engineer, stamped by a mechanical engineer, stamped by an electrical engineer and that is the process. I would like to ask the director of Planning, *do we get a permit unless we do that?* We have to meet those requirements; those are his comments. That accusation in the letter from one of the neighbours is just a red herring like a lot of the other accusation. It's not uncommon to build adjacent to other buildings. It's a pretty standard phenomenon in downtown cores across this country. Another letter and most of them say they are not against development but they have concerns. *Proposed building too big for the lot* – well, did they look at the building they live in? These are people that are complaining about a smaller scale building being next to them. We meet all the bylaws. Is it more fitting than a condo building next door or unfair for other developers is part of the language of the letter? Other developers are receiving more liberal variances than ours. Just recently, Council approved a project on Passmore Street that had five more variances than our application but it got approved and their setbacks were closer to the property line than ours.

There is not a lot of development going on in downtown Charlottetown. Our vacancy rate is less than half a percent. *Design does not suit well in existing form* - we are just doing quotes out of these letters and you can read them. We are smaller in scale than many of the neighbouring buildings. Newer than the surrounding neighbourhood. Was deemed harmonious by Planning so the Planning department had initially said our project was harmonious to the neighbourhood and put it in writing. *Density too high* – we are not building an oversized structure. Does our building and I'll ask the director of Planning, from a density perspective, does it meet the rules?

Alex Forbes, Planning Manager: This is a complicated application so I mean, does it meet the rules? It doesn't meet the rules because that is why we are here this evening. It meets some but doesn't meet others so that is why the public is here. Those things are always inside the Planning report and if there is a technical analysis on what it is meeting and not meeting, it is kind of a difficult question to answer in this forum.

Tim Banks: But on King Street with the same physical size building, was approved? Correct?

Alex Forbes: Every development has different circumstances so we would do the same process as we will go through with you in regard to analyzing all of what it meets and doesn't meet.

Tim Banks: So I can tell you from a purely technical point of view that if you approve the lot consolidation, we will undertake to get a professional opinion from a planner that we meet the density requirements of the City of Charlottetown or I won't build it. So in the case of Passmore Street, you (Council) increased the density requirement over there significantly; more than double what was required. Our units are smaller or allowing more density in a respectable footprint. This allows for more affordable housing. *Potential structure impact on excavation* – this is another red herring that somebody wants to write in a letter; it is just hogwash in my mind. Professional engineers are going to be hired to build a building and deal with all those issues that surround the building. Another letter and we've gone through the letters in detail looking at them to see what is reasonable and the 500 Lot has no density limits. This encourages much needed urban infill projects. *What adversity affects the quality of life in the area* – this project doesn't nothing but help the area. The development adds prosperity to the community. A reasonable lot line clearance allows us to maintain our quality of life. This is what the people in the condo building are saying. As per the bylaws, we can build on the zero lot line and build a building as of right. We are not trying to do that, we are trying to work with the neighbours. We are providing a 5 foot setback. *Construction challenges in building a structure so close* - not an issue. It is irrelevant to this proposal. Maintenance and safety is a concern because of the lot line – within 5 feet there is more than enough room to maintain the property. We have properties that are joined to other buildings. *Balconies have been removed where security is an issue* – here what is happening in other neighbourhoods in downtown core, currently. There is downtown Halifax and I might note all the heritage buildings that face the street opposite Citadel Hill and popping up in, around and above them are all these brand new buildings that are all residential developments and for the first time in 20 some years, the Halifax peninsula in the downtown core has outpaced the great Halifax region for new units; we are the complete opposite.

This is our development. The project clearly meets the Official Plan. It is less stringent than other approved developments nearby. It is harmonious to the neighbourhood. It provides jobs, investment and choice. The choice is for people to have affordable units in the downtown marketplace. It is energy efficient, includes above average barrier free design with five units in total and is clearly an affordable housing project.

My closing statement is that I was at the public meeting to review Passmore Street application and that particular project had doubly amount of variances required than our project and it was approved by Council. In fact, Councillor Tweel stood up and said it was a great project for the City of Charlottetown. Yet, when we presented this project previously he voted against it. We are getting a mixed message from a development perspective of what we should be doing in this community. I am putting my application forward and we hope you will look at it from a purely technical point of view. We thank you for the opportunity of presenting our presentation. I will answer questions of both Council and the public.

Mayor Lee: Thank you Mr. Banks.

Philip Brown: Could you go back to the white house next to the existing development where there are three driveways. Is that right?

Tim Banks: No, there are two driveways. One is an open driveway so it's not like 20 feet wide, it's like 40 feet wide.

Philip Brown: Is that the driveway that allows the existing property owners of the condo to park? Is there parking there now?

Tim Banks: Not for the condo owners.

Philip Brown: Is there parking there at all?

Tim Banks: Yes

Philip Brown: There is. Just stay there Stephen. In this diagram here does that cut off any access for cars going in and out of that area?

Tim Banks: The parking lot is going to be abandoned, it's gone. We are building the building on that parking lot and we are eliminating the traffic of 16 people going their daily because our traffic is going to be up on Pownal Street in the parkade.

Philip Brown: Councillor Greg, those 16 parking spaces, how are they accommodated for in the existing condo development?

Mayor Lee: Those spaces are not related to the existing condo. There is a condo building and a parking lot and they are not related to each other.

Tim Banks: It has nothing to do with the condo development. In fact, the property line and the fence that is front of those cars right now, is on our property.

Philip Brown: So your new condo will go right up to 5 feet away from the existing condo? Correct?

Tim Banks: What's your point?

Philip Brown: I am trying to figure out where the building is going to be next to where Philip O'Halloran's condo building is.

Tim Banks: (shows Mr. Brown a slide and demonstrates the lay of the lot/parking).

Philip Brown: That parking is going to be eliminated?

Tim Banks: This is not an approved parking lot.

Philip Brown: Do those cars belong to the condo?

Tim Banks: No

Philip Brown: Those spots are still being used to park and I'm saying that will be gone for whoever uses them? Correct?

Mayor Lee: Yes

Philip Brown: That's my point. Those spaces will be gone once you chain it up. I thought those parking spaces belonged to the condo that is already there.

Mayor Lee: No

Tim Banks: It's always great to have this gentleman here. He tried to stop our project on Spring Park Road when he was the Chair of Planning. He's here tonight and I don't know what he is talking about.

Philip Brown: There is no indication in my comments that I am trying to stop the development. My question, as I said to the Mayor, was a point of clarification so don't use this public forum to bring down an citizen of this city and anyone else that will come up to this mic. My point was very clear just to clarify and as for the Spring Park development, Philip Brown has always asked questions and he will continue to ask questions. So don't come up here and accuse me, Mr. Banks, of misrepresenting your project.

Mayor Lee: We are going to deal with the application for 55 & 59 Richmond Street now. I believe we have a speaker.

Kathleen Casey: I am the MLA for Charlottetown/Lewis Point but I have vested interest in affordable housing. If I were to say what the number one issue to deal with in my constituency or in the city, is affordable housing. Soon there is going to be a national housing strategy come out and closely followed by that will be a provincial housing strategy. I was compelled to come tonight because of this affordable housing project. We have hundreds of people on a waiting list for Charlottetown for affordable housing. I think we need to form some partnerships. I think we need the municipality and I know Your Worship you have talked about affordable housing before. We need the municipality, we need the Province and we need developers like Tim Banks to come together to make sure people have affordable, proper housing in the city. We know there is problems with seniors trying to find affordable housing, singles and persons with disabilities and I am glad there are some barrier free apartments in this building. We also heard that the vacancy rate is very, very low. I have been involved with the Charlotte Court development that Mr. Banks has done and it has been tremendous. It would bring tears to your eyes when a 75 year old woman says to you that *this is the first time I have ever lived in a new structure*. Thanks to Tim for that and we need more like Tim Banks in this city. I think we have to be ready for the national housing strategy and the provincial housing strategy. I would compel the City to start identifying pieces of property that we can be partners with you in building affordable housing because the need is there and we need you as a partner involved in this. Thank you.

Mayor Lee: Thank you Kathleen. Well said. Tim, just on that point, can you tell us what the rents are going to be for the affordable housing?

Tim Banks: Basically, with the demands on the US right now, our costs from what we initially anticipated to start in April of this year to what we think it will be in April of next year has gone up by six or seven percent because of building materials and supplies; however, we were still tracking to have our one bedrooms under \$800 and our two bedrooms under \$1000. We investigated the marketplace here and some of the one bedroom for newer units are in the neighbourhood of \$1100 and some of the two bedrooms are \$1400 to \$1450. We are going to be significantly below the marketplace but until we get a building permit, design done and building built but I can tell you that at Charlotte Court, we have 50 units that people rent for \$560/month and I hope I can do the same here by bringing a really good project to Charlottetown.

Mayor Lee: Thank you. Next?

Dawn Alan: I am the Executive Director of Downtown Charlottetown Inc (DCI). Part of the mandate of DCI and our five year strategy is to create 100 new jobs in downtown Charlottetown and 1000 new residential units. In order to do that, of course, we need new residential units and as such, the residential development committee of DCI as well as the Board would like to voice our support for this proposed development. The project would create new affordable residential units within the downtown core where they are so very much needed particularly in light of the .5% residential vacancy rate in Charlottetown. We realize that City Council must operate within the guidelines given the recommendations from City Planning that this project subject to the conditions be approved, we hope this professional opinion on the project merits will allow you to reach the same conclusion regarding this project approval. We did submit this letter of support to the director of Planning for the City. Thank you.

President of Condo Corp (Rochford): The proposed development fills that lot completely. It has four storeys, its 23 households, currently zoned for fewer households so this is a major jump in housing on a lot that is very small. We talked about no on-site parking; the reason for no on-site parking is there is no room for on-site parking. Having lived there let's look closer at those concerns. Richmond Street already has a full complement in the day time and what's going to happen and what's planned and what my question is that while we have good housing, where will these people park. I don't believe that they will be without cars and they will have visitors who will want to park. This is Charlottetown, this is Canada and parking, as much as it is a problem, it will not go away. The reality of the situation is that parking will be eliminated. 16 cars that will have no place to go other than somewhere in the area around the park. To get to the parkade we need to go to the end of Richmond Street on Pownal and it is over here. If you are carrying groceries, if you have trouble walking it's gonna take more time. If the other spaces nearby are blocked, the reality of parking in downtown Charlottetown is not pretty and this will make it worse. There are a lot of uncertainties when it comes to planning but one certainty we will have is snow. When we have snow there will be cars parked and people will need to have a place to park to get to their facilities. We want affordable housing but it is not good if it comes to the expense of inconvenience or unable to park particularly if you have difficulty walking and getting into your building. So that is a prime concern which Councillors need to take into consideration.

We saw the plans and saw that this development will be very close to the existing development which create proximity and security issues. Whether it is 12 inches or 5 feet, it's still a very close proximity when you have neighbours within 5 feet of one another or balconies within 12 inches of each other; it is a privacy issue. The new building will cast shadows, box in existing residents so while it may be positive for others there is no question that this will be a negative development on the neighbourhood. Tim, thank you for eliminating the balconies as indicated earlier. It's this kind of pressure and this kind of opposition that will move this forward. I would like to continue a dialogue but 5 feet between neighbours is still tight.

The design as it calls for, the buildings will be close together. The one positive aspect is that the neighbours are so close that if one neighbour's burger is left on the plate too long, the other one can flip it over for him. That does not make good neighbours. The core problem with this development is that the lot is too small. The requirement for the lot, whether Tim you think it is too small compared to Moncton or any other place, this is Charlottetown and the current bylaw says we need 82 feet. The building is squeezed in there. The primary reason is to maximize the profitability of that existing lot. The lot is too small. The concept is good and nobody is not against the concept. We want affordable, good housing but people should expect to get adequate parking and a reasonable distance from neighbours. The closer you put neighbours together, the less harmonious the relationships are going to be and less attractive of living in downtown Charlottetown. The current bylaws require 82 feet of frontage for apartment complexes. What we ask is that the bylaws be followed. I want to be absolutely clear with Councillors, please, is that this will negatively affect the neighbourhood, parking will be difficult, proximity will be difficult and this will not lead to harmonious living in the neighbourhood. Let's build a location but give it good parking and reasonable proximity to its neighbours. Thank you.

Mayor Lee: Any other questions or comments. Mr. Banks.

Tim Banks: I would like for him to show me where he could flip those burgers.

President of Condo Corp (Rochford): Five feet between neighbours is not a comfortable distance.

Tim Banks: We met with you and tried to compromise. We asked you to meet us half way and adjust your balconies which is easy to do but you didn't want to do that. It is rich condo owners scared of affordable housing.

President of Condo Corp (Rochford): No it is not.

Tim Banks: It is so.

President of Condo Corp (Rochford): It is a developer....

Mayor Lee: Guys, Tim...

President of Condo Corp (Rochford): It's a developer maximizing their profit on a small lot that is not zoned for this.

Tim Banks: Rich condo owners.

President of Condo Corp (Rochford): Rich developer.

Mayor Lee: Ladies and gentlemen, any other comments.

Stephanie Hamilton: I live at 41 Richmond Street. Mr. Banks, I appreciate your presentation and learned some things. One thing that I would say is that Mr. Banks pointed out that he was receiving mixed messages from Councillors and I would just point out that we are receiving mixed messages from Mr. Banks. Every time Mr. Banks presents this proposal to Councillors, it changes and it changes on last minute basis. The last time we had this presentation and the last time we met there was an issue of parking and at the 11th hour about five minutes before the meeting all of a sudden parking was fixed. Now we have this meeting and at the 11th hour right before the presentation, we find out that Mr. Banks removed balconies from the first and second storeys. I don't know what to believe anymore. I don't know what Mr. Banks is actually building next door to me. I would like to think that it's going to be a beautiful building with excellent neighbours and I'm really happy about it. I love living in downtown Charlottetown and I want more people to live here. What I don't want is to sit there and say that we approved this building and now Mr. Banks decides to change again whenever he feels like it.

Mayor Lee: Maybe I can help you out with that. Basically, the application we are dealing with is this application. If there are any other changes to the application going forth that is the opinion of the Manager of Planning (not director). The process is that if there are changes to the application, we start afresh. That is why we are here tonight. As I understand it, the changes

that have been made today were simply the elimination of the patios on the first and second level. Is that correct Tim?

Tim Banks: That is correct. We got those letters earlier today. We didn't have them in writing from anybody before so as soon as we got the letters.....

Mayor Lee: So what we are dealing with is this application. If Council approves an application, it is this one and that's what the building permit is going to be issued for by administration. If the projects changes then we are back to square one.

Stephanie Hamilton: So Mr. Banks, you are saying that you didn't realize that 12 inches between balconies wasn't an issue before today.

Tim Banks: It was our 'as of right'.

Stephanie Hamilton: But you are saying you got the letters today.

Tim Banks: We met with your Condo Board and we offered to do a compromise to adjust our balconies to our neighbouring property but he didn't come back to us.

Stephanie Hamilton: Is that true?

Mayor Lee: We can't have this neighborly meeting....

Tim Banks: I am just telling you what we did. He was the chair of their committee, he asked for a meeting....

Mayor Lee: You can have your private discussion later. Any other comments?

Robbie Dover: I own the old Kays building on the corner, Fresh Media. Just out of curiosity, 13 spaces in the Pownal Parkade is that correct? Okay, is that the maximum or the minimum? How do we come to the 13?

Tim Banks: Bylaw requirements based on the number of occupants.

Robbie Dover: So could he go 14, 20, 23...

Mayor Lee: He could go to a 100 if he wanted to but the bylaw is 13.

Robbie Dover: Is there any consideration to work with CADC to get more spaces in the parkade.

Tim Banks: We are a professional development company and the only way we are going get to rent the places if it turns out that we require more, we are going to CADC and get more but we are targeting people without vehicles so if we have to go back and get more then we will go get

more. Those other 16 people, they can pay money and go to the parkade. Go over there tonight and it's empty.

Robbie Dover: The process in place of getting more space is based....

Tim Banks: By the demand. There is not a tenant association. We are going to manage the building. We go through a process where we screen the people that come in. It's not a low rental district or some drug infested place; it's a procedure we go through with our occupancy and in this particular case, if we find there is more demand by the people that take us up on our apartments then we will go look for more spaces.

Mary: I share a lot of the concerns expressed here tonight. I am a resident and actually south to the balcony so thank you for removing the one right adjacent to me Tim. I did live in one of your subdivisions before and it was beautiful and appropriate for the area out in Bridle Path. I am in support of good development and appropriate development. The only other comment that I will add that others haven't -- the 16 parking lots. I work in the downtown, most of those parking lots are used when people are working in the downtown area. Every weekend and every evening there is no one in that parking lot so that will displace. There are six of my staff that rent there and concerned of where they will park going forward. That would be a concern.

Mayor Lee: My understanding Mary on those 16 spots is that they are not legal. The lot is not zoned for parking.

Mary: I don't know if they are legal or not but my staff are paying rent to park there during the day.

Mayor Lee: I appreciate that even though it is not in compliance with the bylaw. Any other questions or comments.

Councillor Coady: In both presentations, Mr. Banks and the gentleman representing the condo, they talked about harmonious development. From a professional planning point of view, is this proposal harmonious with the current streetscape?

Alex Forbes: That question is in the existing Planning report. Staff have eluded to our concerns in regard to this development. This development isn't the same as the original development so we eluded to concerns to that side property line as a result of the request for a variance. The particular dilemma on these two properties is that issue of these two buildings coming close to each other has to do with two variances. We eluded to that in the Planning report.

Rory Francis (Greater Charlottetown Chamber of Commerce): I have a noncontroversial statement to make and hope no one is disappointed. There has been much discussion and discord on the issue of residential and commercial development in the greater Charlottetown area. Our Chamber would like to express our support for development in all areas of our great city with the understanding that projects meet the relevant bylaws, zoning regulations and environmental considerations. Appropriate development stands to benefit all residents in terms of the quality of our community allowing for economic growth, job creation and ultimately standard of living for

all citizens. Residential development is of great importance particularly at this time given the very low apartment vacancy rates in Charlottetown. A recent report has been eluded to from CMHC which estimates rental vacancy below .5% for October. As you are all aware, this has been driven by immigrations, downsizing seniors and our student populations increasing in Charlottetown. Of course, this population growth offers much opportunity and positive attributes for our city and must be supported by development of our housing stock. We request the City and Council support for creating an environment that is both receptive and efficient for residential and commercial investment in the city of Charlottetown.

Mayor Lee: Rory, the only time that Council deals with an application for development is when they are not in compliance with the Zoning & Development Bylaw. If it is in compliance with the bylaw, staff automatically issue a building permit. I really would hate for the Chamber or anybody else to have the impression that the City changes the rules every time we turn around; we don't. The rules are there in black and white. What happens is that different developments come forward and not in compliance. I am not saying that is a good or bad thing but I am just saying that anytime as a Council we deal with an application for development is when the bylaws are not being met. My understanding is that Councillor Rivard has been working with the Chamber and DCI in regards to the 500 Lot area, I asked Tim different times to send his concerns about the 500 Lot area so we can address them. I am not saying the bylaw is perfect but the only time myself and my colleagues deal with an application for development is when the bylaw is not being met. The only way to change the bylaw is by public process and getting input from people; not only developers but residents of the community. I don't want anyone to walk away with the feeling that we are against development because that is far from reality. With that is there any other comments or questions. Mr. Banks.

Tim Banks: I just would like to remind the City that other three projects that I speak about came between our original application and today and all of them had greater variance requirements than what we are asking for and I just want to remind you that and you approved them all.

Mayor Lee: Motion to adjourn Council Moved by Deputy Mayor Duffy and Seconded by Councillor Rivard. Meeting adjourned. Thank you.

End of verbatim excerpt

 City of Charlottetown	Report No: PLAN-Nov-06-2017-# 7
	Date: November 3, 2017
Directed to: Planning Board Department: Planning & Heritage Prepared by: Jesse Morton	Attachments: 1) Council's July 10, 2017 Resolution 2) Site Plan 3) Building Schematics 4) Building Plans – Revised November 2 nd 5) CADC Letter 6) Mail Out / Newspaper Ad Responses
Subject: An application requesting: • The consolidation of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929); • Off-lot parking approval for 12 parking spaces + 1 accessible parking space; and • A site specific bylaw amendment (which a minor variance to reduce the minimum frontage and a major variance to reduce the minimum grade level height) in order to permit a four storey, 23-unit apartment dwelling on the consolidated property.	
RECOMMENDATION: Planning Board is encouraged to recommend that the request to: • Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929); • Obtain off-lot parking approval for 12 parking spaces + 1 accessible parking space; and • Obtain a site specific bylaw amendment (which includes a minor variance to reduce the minimum frontage and a major variance to reduce the minimum grade level height) in order to permit a four storey, 23-unit apartment dwelling on the consolidated property, be approved by Council, subject to the receipt of final pinned survey plans, design review approval, and the signing of a development agreement.	

Background:

The applicant originally made a multi-faceted application for the properties at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) on January 3, 2017. The January application was proceeding through the review process when questions surfaced regarding the precise frontage of the consolidated properties. Staff asked the applicant to confirm the frontage, and the applicant disclosed that the frontage was indeed less than the 82ft minimum that the Downtown Neighbourhood (DN) Zone requires for apartment dwellings. Therefore, an apartment dwelling exceeding three units was no longer a permitted use as-of-right.

As such, the applicant requested to withdraw the application on May 8, 2017. Council later passed a resolution on July 10, 2017 that allowed the application to be withdrawn and enabled the applicant to submit a revised application (See attached).

Revised Application:

A revised application was submitted on July 17, 2017. The proposed external appearance / design of the proposed building essentially remained the same, and the revised application included many elements from the original application. That being said, the revised application contained some changes: the general

building width was reduced (63'6" to 62'2"); an off-lot parking request at the Pownal Parking Garage was requested up-front; and a minor variance request to reduce the minimum frontage requirement from 82ft to 74.5ft was included.

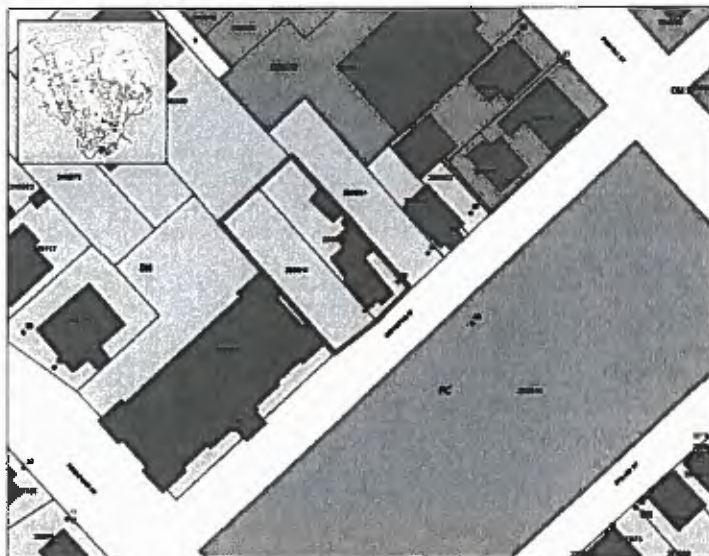
It is this last addition that holds the greatest significance, as it increases the magnitude of the applicant's site specific amendment request with regards to residential density. Please see the "Comparison of Applications Section" for more details.



Context:

The subject properties are located on Richmond Street, between Pownal Street and Rochford Street, across from Connaught Square. 55 Richmond is undeveloped and 59 Richmond contains a two-unit dwelling, which will be demolished to proceed with the proposal.

The subject properties abut the Legion's driveway while three low density dwellings lie further east; these dwellings are compatible with the neighbourhood's historic development typology. These eastern properties lie in the DN Zone, where residential uses are allowed, and the Downtown Mixed Use Neighbourhood (DMUN) Zone, which accommodates residential and limited commercial uses.



The streetscape is largely defined by the six storey, 24-unit apartment dwelling at 41 Richmond Street, which abuts the subject properties to the west. In 2011, Council approved five variances (including three variances to reduce minimum yard setbacks to 0ft) in order to facilitate the construction of this large building; the applicant later re-applied in 2013 to increase the residential density further. As a result, the six story building has transformed the area and increased the scale of development that is now considered suitable for the area.

Site Specific Bylaw Amendment:

The subject properties are located in the Downtown Neighbourhood (DN) Zone where a variety of residential uses are permitted as-of-right. Section 33 of the Zoning & Development Bylaw contains performance standards for the DN Zone. The text of said section states that a building in the DN Zone shall be a minimum of 2 storeys or 24.6ft and a maximum of 3 stories or 40ft.

Unlike many zones, the DN Zone's maximum and minimum height is defined by text (i.e., maximum of 3 stories) not a variable length / dimension. That means that a four storey building in the DN Zone requires a site specific amendment to the Zoning & Development Bylaw, as per Section 4.29.

While this is a multi-faceted application, the site specific amendment component is the most significant feature of the application. The significance of the site specific amendment has been enhanced with the revised application due to the presence of an additional variance request to reduce the minimum frontage requirement from 82ft to 74.5ft.

Comparison of Applications:

When the original application was advanced to a public meeting, the applicant requested a site specific bylaw amendment, which included a major variance to decrease the grade level height requirement, to accommodate an additional storey of dwelling units. At that time, all parties involved (e.g., the applicant, City, and community) believed that 55 & 59 Richmond Street had the frontage required to accommodate an apartment dwelling exceeding three units. As such, and based on the submitted floor plans, the applicant's request would have accommodated a density increase of six units (i.e., the number of units on the fourth storey).

We now know that the properties do not have the minimum frontage of 82ft required to accommodate an apartment dwelling greater than three units. As such, the revised application also included a minor variance to the property's frontage requirement. The inclusion of this minor variance means that the site specific amendment request will facilitate a density increase of 20 units.

Planning Board & Council:

The Planning Board originally reviewed this application at their August meeting. Staff explained the history and merits of the proposal before the applicant joined the meeting to answer questions. The Board expressed concern regarding the closeness of the proposed left side yard balconies with those at 41 Richmond Street. Mr. Banks responded that the proposed development, including the balconies, meets all of the setback requirements. He also stated that apartment dwellers desire balconies and the units would not be marketable without them. Though the Board expressed concern regarding the closeness of the balconies to the balconies of 41 Richmond Street, they decided to advance the application to a public consultation.

Council originally passed a motion to reject advancing the subject application to a public meeting. The applicant subsequently filed an application with the Island Regulatory and Appeals Commission (IRAC) to appeal Council's decision. Following a mediation between the three respective parties, Council passed a new resolution on October 10, 2017 to advance the subject application to a public meeting.

Revised Building Plans:

Roughly four hours in advance of the public meeting, the applicant informed staff that he had modified the building plans, in part to respond to concerns about the balconies in the left side yard and their proximity to those at 41 Richmond Street. The balconies have been removed from the first and second storey to avoid potential conflicts with 41 Richmond Street, even though the minimum setback in this yard is 0ft. The applicant has also indicated that the building will contain five barrier free dwelling units. Due to the timing of the submission, staff are unsure if these five units satisfy the National Building Code, though that will be assessed before a building permit is issued.

The remainder of this report will focus on the revised building plans.

DN Zone Requirements:

A 23-unit apartment dwelling is a permitted use in the DN Zone (if the necessary frontage requirement is provided). The applicant submitted a site plan, though it was not signed by a qualified professional. A signed pinned surveyed plan is required before any building permits are issued for this property. Based on the site plan that was submitted, it appears that the proposed development adheres to the DN Zone's setback requirements.

DN Requirements		Proposed
Frontage	82ft	74.5ft
Front Yard Setback	between 0ft and 55ft	10ft (approx. 8.75ft to balconies)
L Side Yard Setback	min 0ft	5ft (approx. 1ft to 3 rd & 4 th storey balconies)
R Side Yard Setback	min 6ft	7.33ft (approx. 3.33ft to balconies)
Rear Yard Setback	min 19.7ft	35ft
Height	min 2 storeys or 24.6ft; max 3 storeys or 40ft	4 storeys (40ft)
Grade Level Height	Min 13ft	9.5ft

The minimum right side yard setback requirement is 6ft and the applicant has proposed a 7.33ft (7'4") setback. Balconies have also been proposed in the right side yard. As per Section 4.3 of the Zoning & Development Bylaw, side yard balconies can project into the required side yard by 3.9ft as long as they are a minimum of 3.3ft from the property line. The site plan shows that the balconies project approximately 2.66ft into the required yard and are setback a minimum of 3.33ft (3'4") from the property line (See Attached).

The left minimum side yard setback is equal to the setback of the abutting property (41 Richmond Street), which received a variance to reduce the abutting setback to 0ft. The applicant has proposed a left side yard setback of 5ft. Again, balconies are proposed in the left side yard, though they shall only be present on the third and fourth storey of the building. These two balconies will be setback 1ft from the side property line; they do not project into the required yard setback, and as such, Section 4.3 does not apply. While these two balconies align with those on the abutting building, 41 Richmond Street's design incorporates a "stepback" after the second storey, which means that the respective balconies of each building should have an adequate separation distance. While staff do not have the precise separation distance at this time, they estimate that the distance between the third storey balconies is approximately 7ft.

As previously stated, a 4 storey building triggers the site specific bylaw amendment process. Two variances are also included within this revised site specific bylaw amendment:

- The applicant has indicated that the consolidated properties will have a frontage of 74.5ft, and properties in the DN Zone must have a minimum frontage of 82ft to accommodate a large apartment dwelling. As such, a minor variance is required to reduce the minimum frontage requirement from 82ft to 74.5ft.
- The DN Zone requires residential uses to have a tall ground floor; specifically the grade level height shall be a minimum of 13ft. As such, a major variance is required to reduce the minimum grade level height from 13ft to 9.5ft.

Parking:

Section 4.44 of the Zoning & Development Bylaw defined the property's minimum parking requirements. The proposed development requires a minimum of 12 parking spaces + 1 accessible parking space.

The applicant has not proposed on-site parking. As per Section 4.44.6.a of the Zoning & Development Bylaw, The Development Officer may, with the approval of Council, approve off-lot parking:

"for developments located in the 500 Lot Area provided that the lot or building containing the required parking is within 240 m (787.4 feet) of the subject lot and the developer has filed with the City a lease providing the parking for a period of not less than 10 years"

The applicant submitted a letter (dated June 16, 2017) from the Charlottetown Area Development Corporation (CADC) stating that the CADC is prepared to enter into an off-lot parking agreement to provide 55 and 59 Richmond's 13 required parking spaces within the Pownal Parking Garage (100 Pownal Street). CADC guaranteed that this agreement could be signed within the next 90 days; after that period, a future agreement would be subject to availability within the garage. Since this 90 day period has now passed, staff shall require a revised letter prior to November's Council meeting to ensure this off-site parking is still available at 100 Pownal Street.

The Pownal Parking Garage is located approximately 370ft from the subject properties via sidewalk (or approximately 266ft via straight line) according to GIS mapping.

Landscaping:

Section 4.70 of the Zoning & Development Bylaw states that a minimum of 10% of the property must be used for landscaped open space. The site plan shows this requirement will be satisfied, as a significant amount of landscaping shall be provided on-site.

Demolition:

The existing two-unit dwelling must be demolished to allow for the proposed development. Section 4.57.2.b of the Bylaw states that all demolition applications within the 500 Lot Area shall be reviewed by the Heritage Board who, along with the Heritage Officer, determines the disposition of the application.

The Heritage Board reviewed the demolition request at their January meeting. The property does not appear to be structurally unstable, and general renovations could be undertaken to improve the appearance of this building. The property's heritage evaluation indicated that it has limited heritage or historical significance.

Heritage Board determined that they will approve the demolition of the existing two unit dwelling if the applicant obtains design review approval for the proposed development.



Design Review:

As per Section 9 of the Zoning & Development Bylaw, the proposed development is subject to the design review process. During this process, an external design reviewer (i.e., an architect) will assess the design merits of a proposed development. The design reviewer conducts a qualitative analysis of the building's exterior appearance, in accordance with *Section 7: Development and Design Standards* of the Zoning & Development Bylaw and the 500 Lot Standards & Guidelines document. Following this analysis, the design reviewer provides written comments to staff and the Heritage Board. If both the design reviewer and Heritage Board support the design, staff can proceed with the signing of a Development Agreement (and subsequently the building permit process).

It's worth noting that the design reviewer does not re-design an applicant's building, he/she merely provides comments and indicates whether the proposal meets the design criteria identified in the Zoning & Development Bylaw and the 500 Lot Standards & Guidelines document.

Official Plan:

There are several Official Plan objectives that relate to this proposal; in particular, those aimed at sustaining neighbourhoods (Section 3.2) and creating a vibrant 500 Lot Area (Section 4.2):

Section 3.1 – Objective #2 – Our objective is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities.

The proposed development involves the consolidation of two properties in order to allow a compact infill development. The development will capitalize on existing municipal infrastructure that presently exists. Additionally, the apartment dwelling will front onto Connaught Square, which is an important community resource.

Section 3.2 - Objective #1 - Our objective is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surrounding.

This objective contains a policy stressing the importance of ensuring that “building footprints, massing, and setbacks” are physically related to its surroundings. The proposed development is larger than the block's traditional residential development. The three remaining low density dwellings range between two and three storeys in height, while the proposed development contains four storeys. That being said, the proposed building height is 40ft, which independent of the number of stories, is the maximum overall height that is permitted in the DN Zone. Additionally, the existing dwellings on the street utilize small setbacks from the property lines, as is the case with the proposed development.

The massing of the proposed building is larger than traditional residential development in the area. That being said, the six storey apartment dwelling at 41 Richmond Street has reduced the area's traditional built form and set a new standard for permitting more density, scale, massing, etc. The proposed development continues this trend, though it is noticeably smaller in scale, massing, and footprint than 41 Richmond Street.

Staff previously stated that one aspect of the proposed development is not harmonious with the abutting development at 41 Richmond Street - the left side yard balconies. The requirements of the DN Zone allow a side yard setback equal to the abutting property. This provision is generally effective when building walls of abutting buildings have 0ft setbacks; however, it is not clear whether this provision was intended to apply to a situation where the balconies of two dense residential developments are abutting. While these balconies adhere to the DN Zone regulations, they may have an impact on the Official Plan's objective to maintain harmony to some degree. This issue has been compounded by the fact that 41 Richmond Street was given a 0ft side yard setback and the subject property is requesting a frontage variance which reduces the overall width of this property.

The applicant has subsequently modified his building plans to eliminate balconies on the first and second storey of this building wall. These two balconies would have been located 1ft from the property line and balconies at 41 Richmond Street. Staff believe that the elimination of the first and second storey balconies is a marked improvement with regards to the harmony and compatibility between these two large buildings. Moreover 41 Richmond Street incorporates a "stepback" after the second storey, which means that the respective balconies on the third and fourth storey should have an adequate separation distance. While staff do not know the precise separation distance at this time, it is believed to be approximately 7ft for the third storey.

Section 4.2 - Objective #7 - Our objective is to provide transitions between areas of differing intensities and scales.

The proposed development provides a visual "step down / step up" in terms of building height along the street, which should have a positive impact on the streetscape and create a more harmonious transition between buildings (i.e., 6 storeys - 4 storeys - 3 storeys vs. 6 storeys - 3 storeys).

Section 3.2 - Objective #2 - Our objective is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

The proposed development will add a high density residential development and new forms of dwelling units to the surrounding neighbourhood, as this objective encourages. It is worth noting, however, that the subject application would represent a significant density increase beyond what is permitted as-of-right. Council needs to evaluate this proposal to determine if the increased request for density can be accommodated on this site without unduly bringing two higher density buildings together.

The external design reviewer will ensure that key design criteria are satisfied to ensure visual harmony with the neighbourhood.

Section 3.2 - Objective #3 - Our objective is to support the provision of suitable commercial and institutional needs, employment opportunities, community-based services, and public realm amenities within neighbourhoods.

The proposed development is in the Downtown Neighbourhood (DN) which supports residential uses, not commercial or institutional uses. The proposed development is adjacent to an important community

amenity, Connaught Square. Locating residential dwellings near parks and/or natural features is considered to be a good design practice. Increasing the number of residents should increase the use of the Square.

Section 4.2 - Objective #2 - Our objective is to promote new development that reinforces the existing urban structure.

The proposed development satisfies the front yard setback requirements outlined in the DN Zone, and as a result, it complies with permitted front yard setbacks on the block. As discussed, the historic streetscape on this block was significantly altered back in 2011-2012. The proposal is generally consistent with the post-2012 streetscape, and is less imposing than the abutting development at 41 Richmond Street.

Section 4.2 - Objective #5 - Our objective is to ensure that the concept of compatible development is fundamental to all aspects of the CHARLOTTETOWN PLAN.

Section 4.2 - Objective #6 - Our objective is to protect and strengthen the character of the residential neighbourhood in the 500 Lot Area

Section 4.2 - Objective #10 - Our objective is to ensure that all new buildings are designed and constructed so that they become future Heritage resources.

Objective 5 defines compatible development as “*development that is not necessarily the same as, or similar to existing development. It is development that enhances the character of the existing community.*”

As discussed, the proposed development differs from the area’s traditional dwellings and building design. This area is in a state of transition since the approval of 41 Richmond, which altered the design and appearance of the neighbourhood. The proposed development will contribute to this transition. That being said, compatibility is not directly tied to similarity. Staff believe that the proposal will increase and diversify the neighbourhood’s housing options, while the design review process is in place to ensure that new development is visually compatible with, and enhances its surroundings.

Mail Out & Notification:

On October 19th, staff mailed 77 letters to property owners located within 100 meters of the subject properties. The letter informed them of the rezoning application and solicited their comments, to be received in writing by noon on November 3rd. Newspaper ads advertising the public meeting were also placed in The Guardian, as per the requirements of the Zoning & Development Bylaw.

Staff received 46 responses prior to the deadline - one letter was neutral and 11 expressed opposition to the subject application (See Attached). Four of these letters raised concerns about the loss of the informal parking lot that currently exists at 55 Richmond Street. That being said, a building permit was not issued to allow this use and a stand alone parking lot is not permitted in the Downtown Neighbourhood (DN) Zone.

The opposition letters raised a number of concerns:

- The proposed building will be constructed too closely to the condo building at 41 Richmond Street. This proximity will diminish the privacy and a living conditions on both properties.
- The balconies poses safety and privacy concerns (staff note that the left-hand balconies on the building’s lower levels were subsequently removed).
- The proposal is too dense for the subject properties.
- The building’s design is not ideal for the neighbourhood.
- The proposal does not utilize any on-site parking spaces; that 13 off-site parking spaces are not sufficient to satisfy the needs of the proposed building; and that this development will further impact the downtown’s parking supply.

Conversely, staff received 34 positive submissions for the application, stating:

- There's a need for density / compact units in downtown Charlottetown, as vacancy rates are very low.
- There's a great for accessible and affordable housing options.
- The proposal improves consumer choice for housing units.
- The building utilizes a visually appealing design, and it would be a great asset for the neighbourhood / downtown Charlottetown.

Public Meeting:

The public meeting was held on Thursday, November 2nd at the Rodd Charlottetown. The applicant presented an overview of the proposed building, educated the public on why the development is good for Charlottetown, and stated that his request is less significant than others that have recently been approved.

Several individuals spoke at the public meeting, some of which had previously submitted written letters (See Public Meeting Minutes). Those who provided their support include MLA Kathleen Casey and Dawn Alan from Downtown Charlottetown Inc. A couple individuals, who did not express their stance on said application, asked questions about nearby parking and the Pownal Parking Garage's capacity. The applicant answered those concerns and clarified that there are more than 13 available parking spaces in the Pownal Parking Garage.

Several residents from 41 Richmond Street voiced their opposition to the application / proposed development. Daniel Hurnik, the president of the Rochford Condominium Association, prepared a brief PowerPoint presentation listing the member's complaints: significant parking challenges in regard to the existing supply of nearby parking and the off-lot parking request; proximity of the proposed development with 41 Richmond Street and its implications on quality of life; snow clearance complications; and a proposed building that is too big for the subject lots. Another resident expressed concern that the applicant continues to change his proposal at the last moment, so the proposed building could look drastically different before it is built. The Mayor explained that if the proposal changes drastically it will return to the public.

Discussion:

This application involves numerous requests which shall be considered concurrently, as all items must be approved to proceed with the proposed development. First, the Heritage Board is supportive of the demolition, as the design review process must be completed before building and demolition permits are issued.

Staff do not have significant concerns with respect to the lot consolidation, as it would create an infill opportunity in downtown Charlottetown; a goal which is often difficult to achieve. Even with the consolidation, however, the lots do not possess the frontage required to develop an apartment building exceeding three units, though the consolidation ensures the frontage variation is minor rather than major in nature.

The request to provide off-lot parking is not uncommon in the 500 Lot Area. Staff do not have significant concerns regarding this request, though an accessible parking space in the Pownal Parking Garage may not be readily available to a tenant with mobility limitations.

Section 4.44.6.a of the Zoning & Development Bylaw gives an applicant the ability to request off-lot parking in the 500 Lot Area, provided that it is located within 787.4ft of the subject lot. As previously stated, the Pownal Parking Garage is located approximately 370ft (via sidewalk) from 55 and 59 Richmond Street. Off-lot parking requests are reviewed by Council on a case-by-case basis after assessing the merits of a proposed development and potential implications on the surrounding neighbourhood. Similar applications have been reviewed and approved in recent years.

The site specific bylaw amendment – which also includes one minor frontage variance and one major grade level height variance – is the request that necessitated a public meeting. This is the most significant facet of the application, as it would enable the applicant to construct four storey apartment dwelling and increase in the number of dwelling units that can be accommodated on-site by a very significant margin. While this increase in density is significant, the Official Plan provides support behind the subject application, as the proposed development satisfies several key objectives:

The Official Plan paints a strong case for accommodating infill development, compact residential development, and alternate forms of housing in Charlottetown, particularly within the well-served 500 Lot Area, if it's harmonious and compatible with its surroundings. While staff believe the Official Plan provides sufficient support to the exterior design of the proposal, Council must determine if the request to obtain an extra storey of units and a significant increase in the overall residential density is too significant for the subject properties and neighbourhood.

While staff support the character of the proposed development, there are several Official Plan objectives pertaining to character and compatibility, which are open to Council's interpretation. The proposed development does not resemble traditional residential development, but it is generally compatible (in terms of massing and scale) with the current conditions of the surrounding area as the neighbourhood / block is in a state of transition due to the presence of 41 Richmond Street; this project introduced a new modern direction for the area.

In regards to harmony-related objective, staff originally noted some concerns with respect to the proposed left side yard balconies which abut balconies at 41 Richmond Street. Though these balconies are one small feature of the proposed development, Council shall evaluate the impact they create on the harmony between the two buildings. Staff noted the following in their August 2017 Planning Board report:

"The proposed left side yard balconies adhere to the technical requirements of the DN Zone that are outlined in the Zoning & Development Bylaw. The City's Building Inspectors suggested that the balconies could likely be designed in a manner that complies with the National Building Code, as well. This issue would be reviewed in greater detail once detailed building plans are available.

The requirements of the DN Zone allow a side yard setback equal to the abutting property. This provision is generally effective when building walls of abutting buildings have 0ft setbacks; however, it is not clear whether this provision was intended to apply to a situation where the balconies of two dense residential developments are abutting in such close proximity.

These Bylaw provisions were introduced to reflect the existing building pattern in the downtown. This pattern includes a number of low and medium density dwellings that are constructed to the side property line. In this particularly case, a significant building was built on the adjacent lot (41 Richmond Street) which required multiple variances, including 0ft setback variances. The 41 Richmond Street approval, in tandem with the Bylaw provisions allowing two dense buildings to be located very close to each other, compounds the issue of privacy / harmony in this particular instance."

Staff note that the applicant has since modified the proposed building design; the balconies on the first and second storey have been removed from the proposal (See Attached Building Plans). Staff see this modification as a marked improvement over the original design, as their removal should reduce concerns regarding the proximity to abutting balconies. These two balconies would have been setback a mere 1ft from the abutting balconies at 41 Richmond Street. While this occurrence was technically permitted due to the fact that Council previously approved 0ft setbacks for 41 Richmond Street, it did raise some concerns pertaining to harmony and compatibility. Staff do not have precise numbers regarding the separation distance between balconies on the third and fourth storeys; however, it is believed that the third storey balconies are separated by approximately 7ft and the fourth storey balconies are separated by roughly 10.5ft.

With all considerations in mind, staff believe that the proposed development largely aligns with the Official Plan and what density / massing / character is suitable for the area, and due to the design review process, staff are confident a respectful and compatible design can be reached. Further, staff suggest that the harmony between the proposed building and 41 Richmond Street has been enhanced by the removal of the lower level balconies. Ultimately, Council must determine if the harmony, density, and character-related objectives of the Official Plan are being satisfied to their understanding of these requirements before a final decision is granted.

Summary:

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

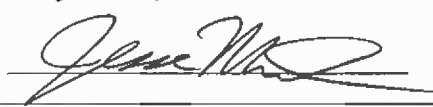
Positives	Neutral	Shortcomings
• Compact Urban Form • Positive Infill Development in 500 Lot Area • Utilizes existing municipal services • Compatible with current neighbourhood character • Smaller massing and scale than 41 Richmond Street • Alternative and more dense housing form • Provides transition between development of differing scales • More residents near important community amenity • Adheres to setback requirements • Ample on-site landscaping	• Contributes to the neighbourhood's continued transition in scale and design • Off-lot parking requests are common in 500 Lot Area • Balconies in the left side yard were originally close to abutting balconies. Two balconies have been eliminated and harmony concerns have been reduced.	• Larger in scale than historic neighbourhood character • Smaller floor level height than the DN requires • Smaller frontage than the proposed apartment dwelling requires in DN Zone; properties can currently support a three unit apartment dwelling • Building would exceed three storey maximum height • Approval for a fourth storey + frontage variance creates a large density increase (three units to 23 units) • No on-site accessible parking space

RECOMMENDATION:

Planning Board is encouraged to recommend that the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- Obtain off-lot parking approval for 12 parking spaces + 1 accessible parking space; and
- Obtain a site specific bylaw amendment (which includes a minor variance to reduce the minimum frontage and a major variance to reduce the minimum grade level height) in order to permit a four storey, 23-unit apartment dwelling on the consolidated property,

be approved by Council, subject to the receipt of final pinned survey plans, design review approval, and the signing of a development agreement.

Respectfully,						
						
Reviewed By:						
CAO	Dir Corp Svcs	Dir Pub Svcs	Dir F & D Svcs	Dir Hum Res	Mgr 	Other
<u>RECOMMENDATIONS/ACTIONS:</u>						

1) Council's July 10, 2017 Resolution



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #10

MOTION CARRIED 12-9-0

MOTION LOST _____

Date: July 10, 2017

Moved by Councillor

Terry MacLeod

Terry MacLeod

Seconded by Councillor

Jason Coady

Jason Coady

RESOLVED:

Whereas at Council's public meeting on May 8th, 2017 through an inadvertent oversight by staff a determination as to the disposition of the application for 55-59 Richmond Street was not made. As a result, a decision regarding the withdrawal request from the applicant was not made by Council;

And Whereas under section 4.29.7 it is mandatory that Council exercise its discretion as to whether or not to allow the application to be withdrawn and re-submitted at a later date before the expiration of one (1) year and make a determination as to the disposition of the application;

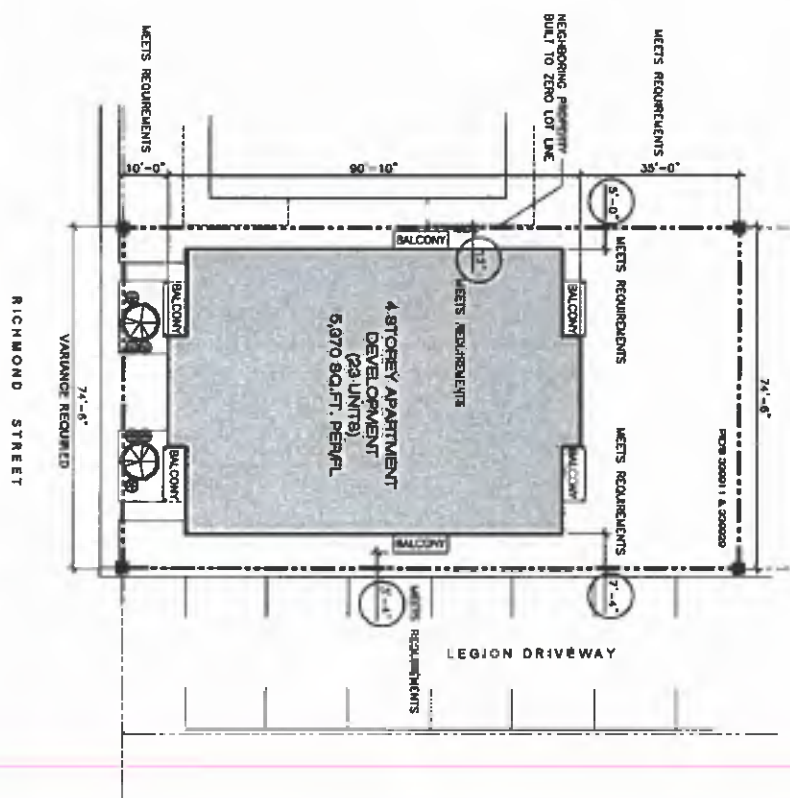
And Whereas the issue relating to a shortfall with regard to the prescribed public street frontage was identified very late in the Bylaw amendment process leading up to Council's May 8th meeting;

BE IT RESOLVED that pursuant to section 4.29.7 it be recommended that Council:

1. Approve the Applicant's request of May 8, 2017 to withdraw its application;
2. Allow the Applicant to re-submit his application afresh together with a further variance request regarding the street frontage before the expiry of one (1) year; and,
3. Upon receipt of the re-submitted application, Council hereby directs Planning Staff to proceed to process the application in the manner prescribed by the Bylaw.

Robert G. Rivard

2) Site Plan



P1413-SP1-07

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SITE PLAN 1"=20'-0"



APM Commercial

PARKSIDE - A New Kind of Living in Downtown Charlotte

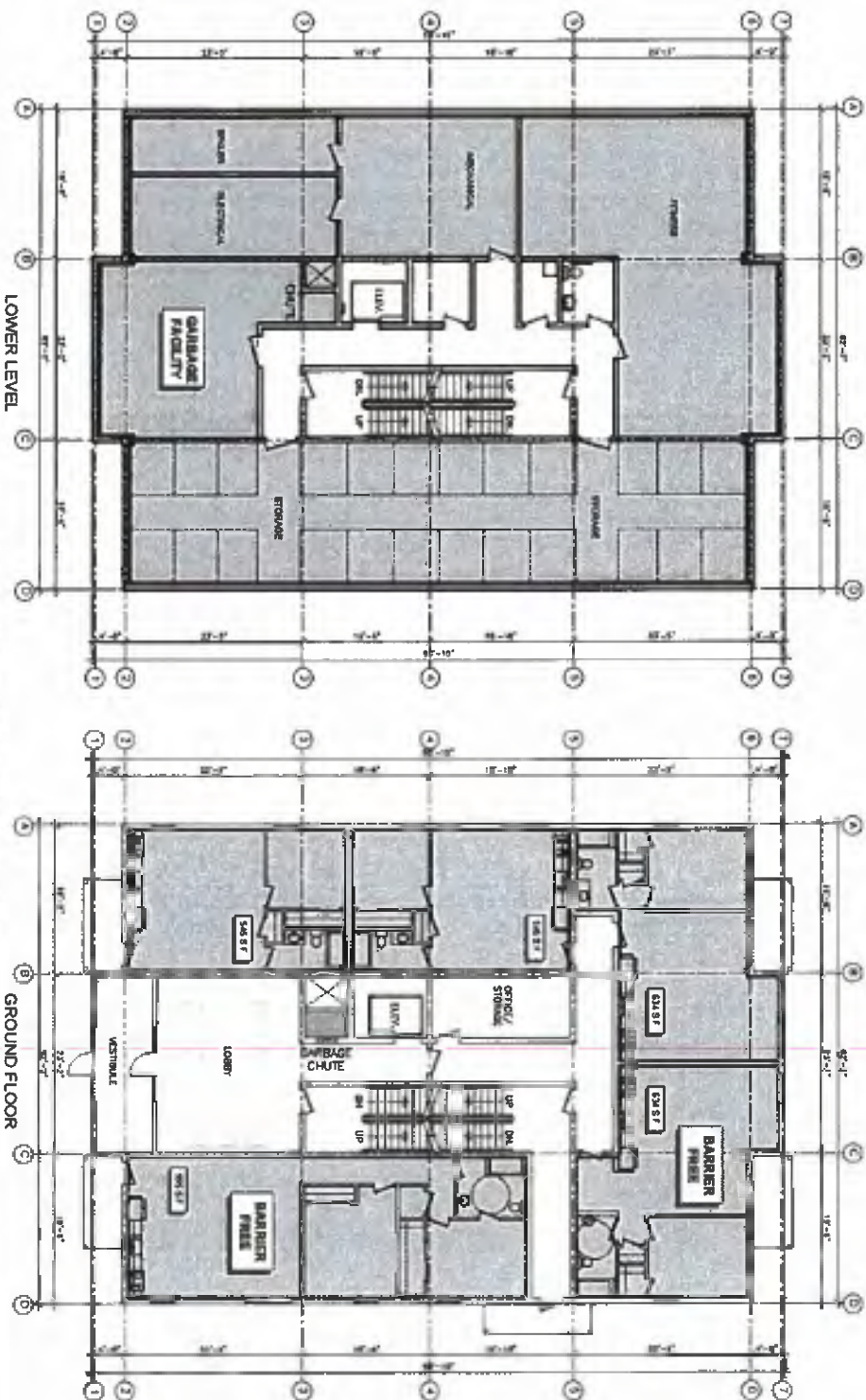
3) Building Schematics





APM

APM
1000-1000-1000



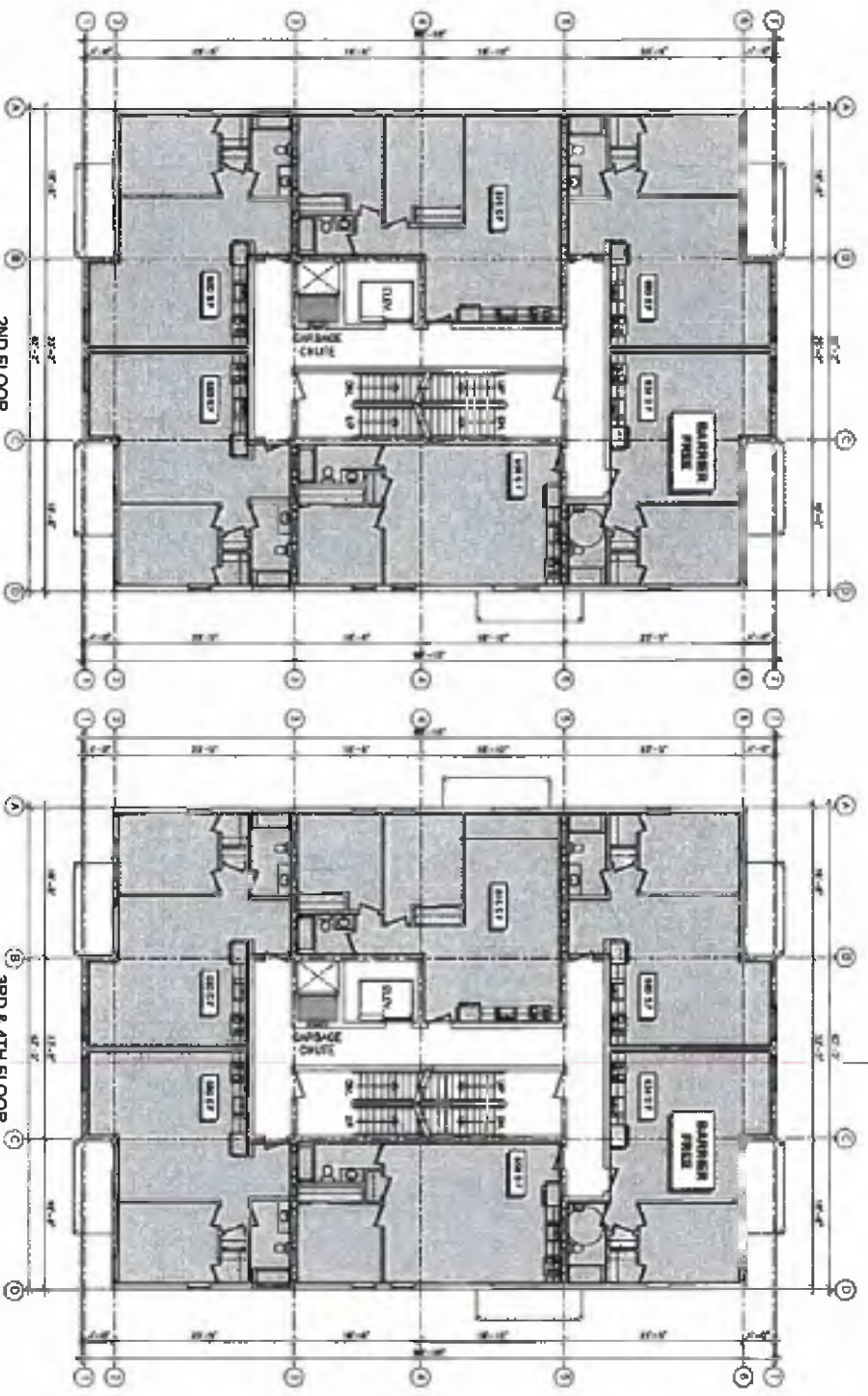
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APM Commercial

PARKSIDE - A New Kind of Living in Downtown Charlotte

The Parkside Springs Community Center, 1001 Parkside Springs, Charlotte, NC 28207



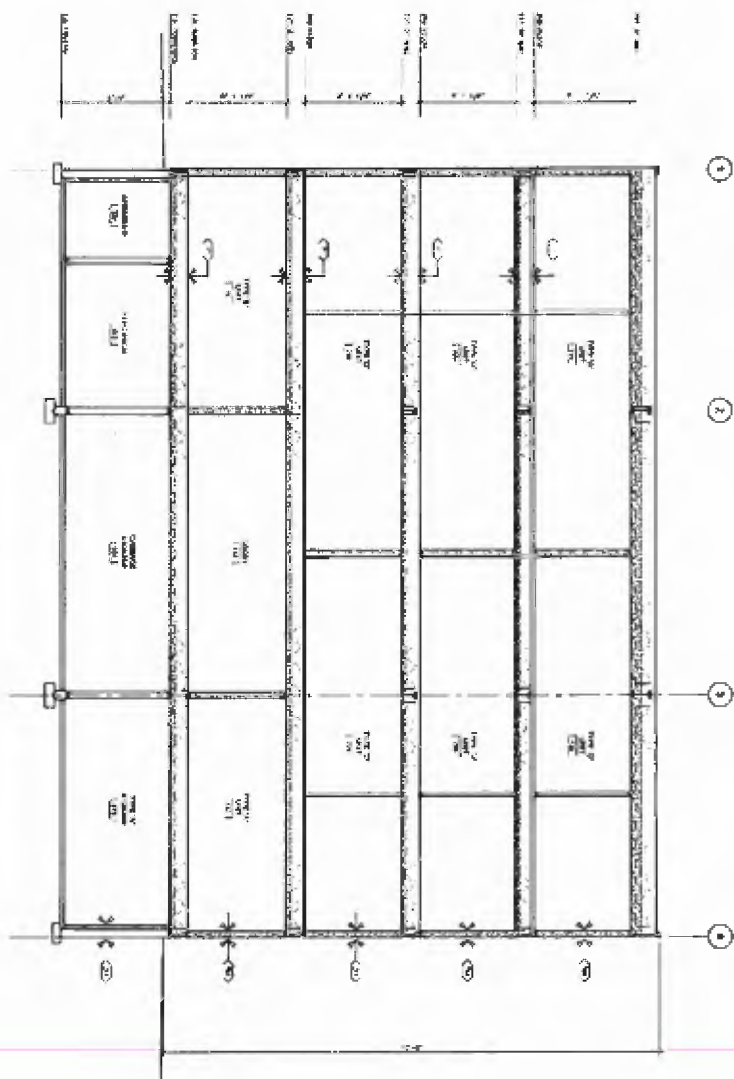
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PARKSIDE - A New Kind of Living in Downtown Charlotte

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PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTEVILLE, PE		APM	
CROSS SECTION		A-3.1	

5) CADC Letter



June 16, 2017

Tim Banks
CEO
APM Landmark Inc.

Dear Tim,

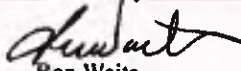
Re: Pownal Parkade Parking Agreement

This letter shall serve to confirm that in the event APM Landmark Inc. is able to obtain a development permit for your proposed development at 55 Richmond Street CADC is prepared to enter into a parking agreement for 13 spaces in the Pownal Parkade.

The number of available spaces fluctuates from month to month and season to season however if we were to enter into an agreement within the next 90 days we can guarantee the 13 spaces you are requesting. Monthly parking is available on a first come first serve basis if space is available.

Please note that this agreement would entitle you to 13 spaces in the garage and would not be designated. Should you drop spaces at any time getting them back in the future would be subject to availability and any waiting list.

Yours truly


Ron Waite
General Manager

Response letters received regarding 55-59 Richmond Street

Opposition letters

1. Michael Short
2. Shelly Cooke
3. Mary MacInnis
4. Bruce MacDonald
5. Betty Fraser
6. Ernie MacAulay (October 25, 2017)
7. Ernie MacAulay (November 3, 2017)
8. Daniel Hurnik (Rochford Condominiums)
9. Kara Carr
10. Sharon B Hayes
11. Sheena Ramsay

Letters of support

12. A. Jeffrey
13. Travis Webster
14. Jennifer Drake
15. Jason Perrot
16. Louis-Philippe Beaulieu
17. Terry Palmer
18. Pam Mullally
19. Sherri Grosvenor
20. Jamie Dickie
21. Thane Hansen
22. Jerry LeBlanc
23. Kim MacKenzie
24. Neila Roberts
25. Linda Clements
26. Chris Noye
27. Mehrnoosh Aghdassi
28. Dawn Alan (Downtown Charlottetown Inc)
29. Chris Cudmore
30. PEI Council of People with Disabilities (Marcia Carroll)
31. Marcianne Gamauf
32. Paul Daley
33. Kim MacPhail
34. Legal Management Inc.
35. Wendy Quinn
36. Jenny Ford
37. Laura MacLeod
38. Chaylon Brewster
39. Pam Martin
40. Marcie Gaudet
41. Kathy O'Keefe
42. Anne Marie O'Rourke
43. Nick Millar
44. Kevin Murphy
45. Doreen Pound

Neutral (support for general development)

46. Rory Francis (Chamber of Commerce)

Evans, Victoria

From: Michael Short <mshort1966@gmail.com>
Sent: Thursday, November 02, 2017 2:54 PM
To: Planning Department
Subject: Proposed development at 55 Richmond street

Dear Sirs,

I would like to bring to your attention my comments regarding the proposed development at 55 Richmond street

1. The building suggested to be developed at 55 Richmond street will be built with very close proximity to the existing building at 41 Richmond street. The plans indicate a proximity measured in inches which create large concerns over privacy, security and the ability to respond to emergencies like fires. Such unreasonably close proximity will result less than ideal living conditions for both the tenants in 41 Richmond street and those at 55 Richmond street. The new building will reduce the reputation of living in downtown Charlottetown.

2. The proposed development has no onsite parking and will contain 23 units. There is inadequate street parking around Connaught square to accommodate the additional residential cars and their visitors. The development plan calls for parking to be made available for 13 cars a block away. This accommodation is not adequate as the proposed building will destroy an existing parking lot and result in net loss in downtown Charlottetown parking availability. The new development will cause parking problems in the downtown core, and will further will reduce the quality of life for everyone in downtown Charlottetown.

3. All of the above problems can be solved if the proposed development is built on a correct size lot. Under Charlottetown bylaws, the proposed lot at 55 Richmond street is too small for the building that's planned and we recommend that a frontage variance not be given, but rather a location be found that has reasonable distances between neighbours and provides adequate parking for its tenants

Best regards,

Michael Short



Virus-free. www.avast.com

Evans, Victoria

From: Shelly Cooke <shelly.cooke@gmail.com>
Sent: Thursday, November 02, 2017 12:49 PM
To: Planning Department; Shelly Cooke
Subject: Issues with Site Specific amendment to 55 & 59 Richmond Street Development .

Good Morning,

I am writing to express my sincere concerns of the above development being purposed due to several issues :

1) The parking issue, I can not understand a 23 unit apartment building in downtown Charlottetown is allowed to build with no parking spaces included in the structure itself. The en lieu of parking of 13 parking spaces in a Parkade on Pownal Street will not even come close to looking after the needs of parking for this development without alone the visitors parking ! The Pownal Parkade is closed on weekends and is over full in the winter. I have had friend's that live down town and had to sell there cars as no parking available anywhere including the current lot beside our condo which is sold out in the winter of all 16 spaces. If this development was build these 16 vehicle will be displaced as well with no where to park.

2) The building is way to close to our building for fire issues. Where is the fire wall to protect our building in case of fire ? The structure of the new building's balcony's to the side of our building will have a huge lack of privacy and safety for both building also the noise issue would be unreasonable.

There is nothing wrong with a development next door providing it is a reasonable size for the lot and safe for everyone and provides adequate parking for 23 units plus visitors.

Thank you,

Shelly Cooke
Unit 302
41 Richmond Street
Charlottetown, PEI

Evans, Victoria

From: Mary MacInnis <marymacinnis@hotmail.ca>
Sent: Monday, October 30, 2017 11:45 PM
To: Mayor of Charlottetown (Clifford Lee); Planning Department
Cc: tmacleod@charlottetown.ca; Duffy, Mike; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; Hilton, Melissa; Bernard, Terry; Planning Department; Tweel, Mitchell; Mary MacInnis
Subject: Oct 19,2017 Letter referencing Site Specific Amendment for 55/ 59 Richmond St (PID # 339911 & 339929)

In response to your letter dated Oct 19,2017 referencing site specific Amendments for PID's referenced above , let me start by saying I welcome and support appropriate residential development at 55/59 Richmond St .The proposal included in your letter however has the following concerns:

-My primary concern is limited parking availability in the down town for tenants of the proposed development & their visitors. The development as proposed will not have on –site parking for all units which could result in tenants/visitors of the building needing to find parking in close proximity which is very limited. Also if this development goes ahead as proposed ,the existing 16 parking spaces on PID # 339911 will be eliminated. This parking that is currently available to the public while working down town will no longer be available causing further parking concerns.

- I also have concerns with the close proximity of the proposed building to the existing Rochford condo .Should the project go ahead as proposed the distance between existing buildings and balconies would be very small and could leads to potential security, safety , and privacy concerns . I live in the Rochford condo unit 205 which is on the second floor and adjacent to the proposed development and should the project proceed ,the current environment will be significantly impacted.

- Also concerned about the proposed density of the property and the associated bin requirement for compost,recycled, and waste .There is no indicated area for these bins which would collect in the street on scheduled collection day and have potential for unsightly order issues for neighboring properties.

- Given close proximity to Rochford condos question how easily snow removal and other required maintained safety requirement could be completed.

- I also question if there is any potential structural impact of excavation in close proximity to the Rochford condo .

In closing overall design / density of building does not appear to fit with existing properties including the Rochford condo and I ask that the City not approve the project as presented.

As I stated in my opening comment, I am in favor and support development of an appropriate project of less density and more in keeping with the surrounding properties which would benefit all

Mary MacInnis

Property owner

ROCHFORD Condo #205

41 Richmond St

Evans, Victoria

From: Bruce MacDonald <bmacdonald29@cogeco.ca>
Sent: Thursday, November 02, 2017 7:43 AM
To: Planning Department
Subject: Objection to proposed building at 55 Richmond St

Importance: High

Hello,

I am the owner of a condo at the Rochford Condo's at 41 Richmond and I believe the proposed building for 55 Richmond does not suit the size of lot.

Charlottetown does not have adequate parking now for visitors to 41 Richmond St. How can it make sense to build 23 units next door that has no onsite parking for the residents or their visitors? Why don't they build an appropriate mix of apartments that will allow for a reasonable number of parking? This makes no sense to anyone. How is this fair to other developers that have to allocate appropriate costs and land to suit the planning dept.?

Also, the downtown area of Charlottetown has been rejuvenated so beautifully over the years. I believe the Rochford condo is one of those well thought out new buildings that blends well and was thoughtfully created with the needs of the city in terms of the building being stepped back to address street exposure. This proposal going straight up brings it into too close proximity to neighboring buildings. At a minimum the building foot print should be reduced so it is not so close to adjacent buildings or each additional story should be stepped in.

It's my belief that the design does not suit well in its existing form. I don't mind an apartment building on the lot but my belief is something more like a 12 unit would better suit the lot size and location. Charlottetown isn't Hong Kong when it comes to land scarcity and it isn't the planning departments job to agree to a certain number of units because a developer says it won't make economic sense to build less. If a developer has overpaid for property then that is his responsibility not a local planning department problem.

I would hate to see the city compromise on an inappropriate project for such a lovely area of the city with so much potential. You are making design decisions that have to be appropriate for the next 100 years for all the Charlottetown residents, not a short term, money based decision for one developer.

Kind regards

Bruce MacDonald
41 Richmond Street, Unit #202
Charlottetown, PE
bmacdonald29@cogeco.ca

**City Council Members
Planning and Heritage Members**

I am unable to attend the public meeting at city hall on Nov. 3 regarding the proposal for 55-59 Richmond street. I wish to have this letter read as correspondence at the meeting and copies made available to all council and planning board members.

I am an owner at 41 Richmond Street, and I will reiterate that in no way am I opposed to development at the adjoining property. I fully support affordable housing. I object to the proposed development for the following reasons :

- 1) The proposed structure does not meet the city by law requirements for this lot. Construction of any building which does not meet minimum standards and built in such close proximity can only be problematic. There is not a shortage of land in Charlottetown, therefore I see no reason to approve a building with balconies in such close proximity that coffee could be passed from one deck to the next. We live in Charlottetown and not Toronto or Vancouver where land may be at a premium.
- 2) Lack of parking : a building with 23 units will require parking on site. The lack of accessible parking will

cause congestion in an already congested area.

Consideration could be given to underground parking.

- 3) There is also an issue with storage for waste and compost bins, as there does not appear to be any provision on the proposed plan.

In closing, I trust that city hall in consultation with the developer can work together to achieve a suitable development that will satisfy the owners of 41 Richmond st and meet the needs of future residents in this area.

Respectfully Yours
Betty Fraser

Evans, Victoria

From: Ernie MacAulay <ernie19@bellaliant.net>
Sent: Wednesday, October 25, 2017 9:39 AM
To: Mayor of Charlottetown (Clifford Lee)
Cc: tmacleod@charlottetown.ca; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; Hilton, Melissa; Bernard, Terry; Planning Department
Subject: Propsed Development at 55 and 59 Richmond Street
Attachments: Development Proposal.docx

Your Worship:

Attached is a letter in which I express my support of appropriate residential development at 55 and 59 Richmond Street, Charlottetown but express the view that the current proposal that is before City Council has a number of incurable deficiencies.

Thank you for your consideration of this matter.

Sincerely,

Ernie MacAulay, BBA, MBA, LLB
1-5 – 41 Richmond Street, Charlottetown, PE, C1A 1H6
(902) 892-3610 (residence)
(902) 393-9799 (cell)

105 – 41 Richmond Street,
Charlottetown, PE, C1A 1H6

October 25, 2017

Mayor Clifford J. Lee,
City of Charlottetown

Your Worship:

Re: Development Proposal 55 and 59 Richmond Street

As a neighbourhood resident, I fully support development on the proposed site. This is an excellent 'parkside' location for residential accommodation. The residential structures that are currently on the site appear to suffer from neglect of normal maintenance likely because their owner(s) anticipate selling them to a developer who will demolish them and replace them with a new structure. My residence faces 59/61 Richmond Street which has obvious evidence of a lack of normal maintenance including a low-pitch roof, on what appears to be a one-storey addition to the original structure, that is covered by a plastic membrane held in place with concrete blocks. The area could certainly benefit from some appropriate urban renewal.

While I am in favour of urban renewal on the site, I do not support the development as proposed. The development proposal appears to be an effort to maximize the number of rental units that can be squeezed onto the available land by constructing an apartment building on a lot that does not meet the minimum frontage for apartment buildings, maximizing the building's footprint by eliminating lot-line clearances, and not providing for any on-site parking either in the form of surface or underground parking.

The proposed development will adversely affect the quality of life in the area in a number of ways. The zero lot line clearance will adversely affect the privacy, security, and value of all the units in the Rochford Condominium adjacent to the proposal. While the well-known metaphor about the pot and the kettle readily comes to mind because the Rochford Condominium, in my opinion, has also been constructed with the bottom two storeys too close to the lot line, the Rochford Condominium gets narrower from the third storey and above but the proposed development appears to rise vertically for four storeys a few inches from the lot line. My unit in the Rochford Condominium is on the southeast corner and my deck will be approximately three feet from the west wall of the structure if approved and constructed. We chose this particular unit because it is a 'corner unit' with natural lighting on the east and south sides. Our east wall has six 6' windows which would all be darkened by the proposed structure which significantly diminishes our normal enjoyment of the property and our quality of life. We currently leave our blinds open to allow for natural light but the proposed development, for privacy reasons, would require us to keep the blinds on the east side closed at all times and resort to artificial lighting. A building constructed with reasonable lot line clearance would allow us to maintain our current lifestyle. As a general rule, I would suggest a minimum lot line clearance of the lesser of eight feet or 5% of the frontage.

The total absence of on-site parking ought to be sufficient reason alone to deny approval of the proposal. Despite the statements the developer is reported to have made at a public meeting on February 28, 2017, the fictional demographics that he provided, of young professionals and students who do not own vehicles renting the apartments, is unlikely to exist in the real world. It is much more likely that a majority of the building's tenants will own vehicles. Renting a few parking spaces in a local parkade will not remedy the lack of on-site parking because of the lack of convenience of such an arrangement. Human nature being what it is, residents will choose to park as close to their residence as possible – which means local streets. The proposed development is across from Connaught Square, a well-maintained and reasonably frequented City park, that relies on on-street parking for those who enjoy its amenities who are beyond walking or cycling distance from the park. Currently, Richmond Street has unregulated parking and it appears that people who work nearby park on the north side of the street during normal office hours. That parking is currently available for park users in evenings and on weekends. If the proposed apartment building is constructed without on-site parking, residents of the building will use nearby streets for their parking needs thus depriving the current users of the spaces of a place to park while at work and park users of the parking spaces during visits on evenings and weekends.

In addition to the construction challenges in building a structure so close to the lot lines, including potential compromise of the integrity of the Rochford Condominium while excavating for the footings and foundation of the proposed structure, the lack of lot line clearance makes it difficult to access the east and west sides of the structure for maintenance but, of greater significance, it also likely presents unacceptable challenges with respect to safety and security. I recommend that Council consult with Charlottetown Fire Department to determine if they could efficiently and effectively respond to an emergency in the proposed structure and the adjacent structures. I also recommend that Council have a member of the Charlottetown Police Department with CPTED (Crime Prevention Through Environmental Design) training examine the plans to determine whether or not they incorporate CPTED principles and whether or not the proposed structure presents unnecessary safety or security challenges.

I fully support the replacement of the decaying and unsightly structures on the proposed development site with a suitable residential structure. The development proposal that is currently before Council, for approval of both minor and major variances, is not a suitable use of 55 and 59 Richmond Street. A proposal that is a reasonable size for the available land, which has reasonable lot line clearances, is harmonious with the existing structures in the area, which meets reasonable safety and security standards, and which has adequate parking spaces, would receive my complete support.

Sincerely,

Ernie MacAulay, BBA, MBA, LLB
(902) 892-3610
ernie19@bellaliant.net
cc: Councillors and Planning Department

Evans, Victoria

From: Ernie MacAulay <ernie19@bellaliant.net>
Sent: Friday, November 03, 2017 9:40 AM
To: Mayor of Charlottetown (Clifford Lee)
Cc: tmacleod@charlottetown.ca; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Rivard, Greg; Coady, Jason; tbernard4@charlottetown.ca; Planning Department
Subject: Proposed Development at 55 and 59 Richmond Street
Attachments: Development Proposal.docx

Your Worship:

During a review of my notes following the public meeting on November 2, 2017, I thought of a possible compromise that might make the proposal more tolerable should Council be inclined to grant the requested variances. In hindsight, the thought seems quite obvious but it totally escaped me when I had the opportunity to present it to the proponent at the public meeting. The proponent indicated that he can build to the lot lines as of right but he has generously and gratuitously provided 5-foot clearance on the west lot line and 7½-foot clearance on the east lot line. The eastern boundary of the development proposal appears to terminate at a right-of-way to the building that is currently occupied by the Royal Canadian Legion and other tenants, therefore, there would not be any privacy, aesthetic, or security concerns if the proposed structure was located near the east lot line. Moving the footprint of the structure approximately six feet eastward would significantly improve the appearance of the north side of Richmond Street and also make a significant contribution to the amelioration of the privacy issues for the occupants of 41 Richmond Street and the proposed building. Your Worship indicated to a speaker at the meeting that any changes to the proposal would require a re-start of the approval process; hopefully, a relocation of the proposed building's footprint on the lot would not trigger such a drastic result.

The proponent appears to have provided Council with materially inaccurate information. Mr. Banks stated the foundation and the garage of 41 Richmond Street is on the lot line on the east side. There is currently a chain-link fence between 41 Richmond Street and the proposed development which likely approximates the lot line between the two properties. I live in the southeast corner of 41 Richmond Street and I have a deck which extends 62" east of the foundation and which is approximately 22" from the chain-link fence. I took another measurement between the foundation of 41 Richmond Street and a post and the post (which supports the chain-link fence) was approximately 7'2" from the foundation. Contrary to the proponent's assertion that 41 Richmond Street is a 'zero lot line' structure, the building's foundation is actually approximately seven feet from the property line.

I have considered the proponent's "flight to the core" theory which he provided without any actual empirical support. It is likely a valid concept in major metropolitan areas which have efficient regional public transportation systems but it is probably not a current feature of the Charlottetown landscape. Similarly, while the car-less student and occasional car-less young professional was valid for approximately the first seven decades of the 20th century, it is not currently a significant demographic in this area and a landlord who restricts his tenancies to this demographic would have an almost vacant building. I expect this will become a future demographic when society reaches the stage of driverless vehicles being summoned only when required (rather than being owned or leased as vehicles are today) but we are about two decades away from that state in large metropolitan areas and even longer in locations like Charlottetown. If the proposal is approved, I expect virtually all the tenants would be licensed vehicle owners.

While I urge Council to uphold the minimum frontage bylaw, I am also suggesting an alternative that would be a significant improvement over the current development proposal.

I hereby expressly authorize the City of Charlottetown to provide this communication to any interested party.

Thank you for your consideration of this matter.

Sincerely,

Ernie MacAulay, BBA, MBA, LLB
105 – 41 Richmond Street, Charlottetown, PE, C1A 1H6
(902) 892-3610 (residence)
(902) 393-9799 (cell)

Evans, Victoria

From: daniel hurnik <hurnik@me.com>
Sent: Friday, November 03, 2017 11:58 AM
To: Morton, Jesse; Planning Department
Subject: Fwd:
Attachments: Rochford.pdf

Good Morning Jesse,

Thank you for allowing Rochford condominium to present at last evening's public meeting regarding development on 55 Richmond street. I have attached our presentation so that you have a hard copy and ask that it be shared with city councillors. Our building contains 24 families that will be negatively impacted by the proposed development as outlined in your letter of October 19th. Our concerns are outlined in the presentation and we remain adamant that the size of the underlying lot is too small for the building that is proposed. We simply ask that the city of Charlottetown allow development in accordance with existing bylaws.

best wishes

Daniel Hurnik
president
Rochford Condominium

Comments on Development at 55 Richmond street

Rochford Condominium
41 Richmond st



Proposed Development

- Fills the lot completely
- 4 stories - 23 households
- No onsite parking,
- because there is no room



Parking Concerns



- Richmond street is already full of cars
- Where will tenants and visitors of 55 Richmond street park ?





There will be parking difficulties for the neighbourhood

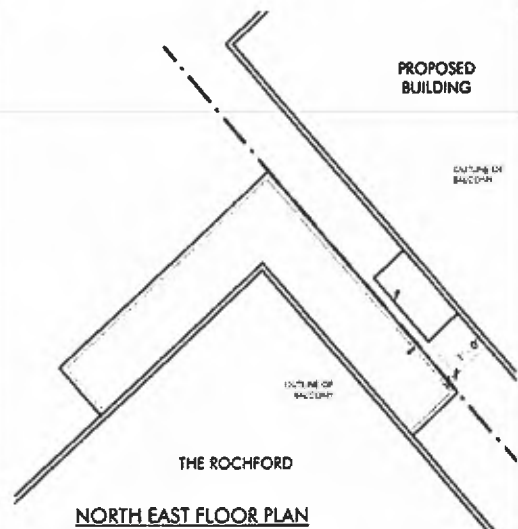
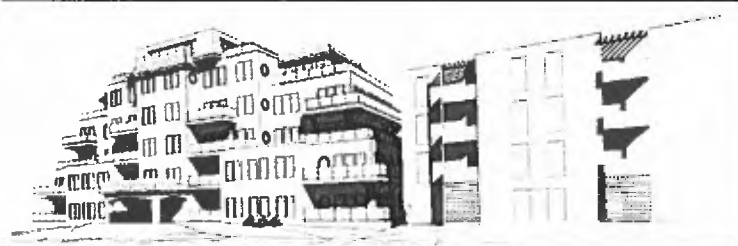


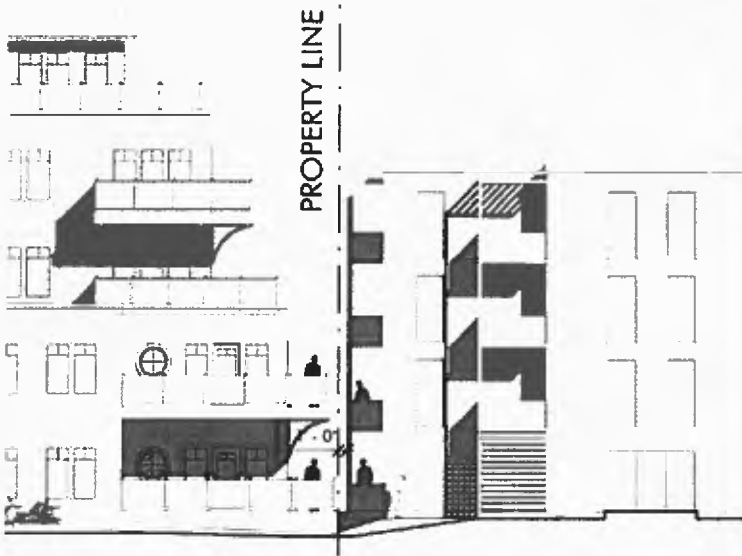
Proximity and Security

PROPOSED BUILDING
AND THE EXISTING ONE



RICHMOND STREET ELEVATION





The core problem

- The lot is too small
- The concept is good and should be built, but with:
 - ✓ adequate parking,
 - ✓ reasonable distance from neighbours, so there is harmony in the neighbourhood.
- Current bylaws require 82ft of frontage for apartment complexes.

We ask that city bylaws be followed

Evans, Victoria

From: Carr, Kara <kara.carr@rbc.com>
Sent: Friday, November 03, 2017 10:32 AM
To: Planning Department
Subject: PARKING SPOT

I am writing in regards to the recent proposed development by Tim Bank

Currently I am a tenant of the parking lot affected and I would like to stress my concerns about this development. Not only will this leave me WITH OUT affordable parking for my employment but I don't agree with this proposed structure. It is already a congested area and with the proposed building there will not be enough parking for the tenants not to mention how close this will be to the other structures. This will increase traffic significantly near the beautiful green space and park.

Please consider this for declining,

Thanks you very much

Kara Carr

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Evans, Victoria

From: Hayes, Sharon B <sharon.b.hayes@rbc.com>
Sent: Friday, November 03, 2017 10:21 AM
To: Planning Department
Subject: Proposed Development

To whom it may concern:

I am against the proposed development on lower Richmond Street as I park there and it is an affordable price. Also there will be increased traffic and there is not enough room for development there as there is a condo right next. If there is another building put there it will be interfering with the privacy of those people in that condo.

Thanks Sharon

Sharon B Hayes | Client Advisor Business Services | **RBC Royal Bank** | Royal Bank of Canada | 83 Queen Street, Charlottetown, PE, C1A 4A8 | T. 902-628-9133 F. 902-628-6527

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Evans, Victoria

From: Ramsay, Sheena <sheena.ramsay@rbc.com>
Sent: Friday, November 03, 2017 10:05 AM
To: Planning Department
Cc: Mayor of Charlottetown (Clifford Lee)
Subject: Development

I am writing in regards to the recent proposed development by Tim Bank

I am a current tenant of the parking lot affected and I would like to stress my concerns about this development. Not only will this leave me with out affordable parking for my employment but I don't agree with this proposed structure. It is already a congested area and with the proposed building there will not be enough parking for the tenants not to mention how close this will be to the other structures. This will increase traffic significantly near the beautiful green space and park.

I would just like my concerns to be heard

Thanks you very much

Sheena Ramsay | Manager of Client Care, RBC Royal Bank | **Royal Bank of Canada** | 83 Queen St , Charlottetown PEI
C1A 4A8 T. 902-628-9134 | F. 902-628-6527

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Si vous recevez ce courriel par erreur, veuillez en aviser l'expéditeur immédiatement, par retour de courriel ou par un autre moyen. Vous avez accepté de recevoir le(s) document(s) ci-joint(s) par voie électronique à l'adresse courriel indiquée ci-dessus; veuillez conserver une copie de cette confirmation pour les fins de référence future. Vous pouvez vous [désinscrire](#) de la liste d'envoi de courriels promotionnels.

Evans, Victoria

From: AMMIE JEFFERY <ajeffery999@hotmail.com>
Sent: Monday, October 30, 2017 11:42 AM
To: Planning Department
Subject: Richmond Street

Good Morning,

I have reviewed the plans for the proposed development of Richmond St, and I believe this is a fantastic project.

Affordable housing in that area is a wonderful concept. After reviewing the plans, I fully agree that these units would be a huge asset to downtown Charlottetown core.

Thank you

A. Jeffery

Evans, Victoria

From: Travis Webster <webman200@hotmail.com>
Sent: Monday, October 30, 2017 11:10 PM
To: Planning Department
Subject: Affordable housing

Get Outlook for Android

I for the affordable housing projects on Richmond st. It creates jobs and quality homes

Sincerely

Travis Webster

Evans, Victoria

From: Jennifer Drake <jennidrake@msn.com>
Sent: Tuesday, October 31, 2017 9:28 AM
To: Planning Department
Subject: Re: Richmond St Affordable Housing Proposal (APM)

Good Morning,

I would like to take a minute to express my thoughts to the Charlottetown Planning Committee. I have reviewed the plans for the structure proposed by Mr. Banks and am highly in support of this initiative! This structure would greatly benefit low income Islanders which is always in high demand across the province. It would also bring great character to the Richmond St. area. I am asking you to please generously consider Tim's proposal!

Thank you,

Ms. Jennifer Drake

Evans, Victoria

From: Jason Perrot <eastcoastcustompanels@gmail.com>
Sent: Tuesday, October 31, 2017 10:02 AM
To: Planning Department
Subject: APM Proposed housing unit Richmond street

Good Morning,

I am sending this letter in support of the proposed development by APM at 55 and 59 Richmond Street. I feel this project will be a great addition to Richmond Street and the City as a whole. It will provide energy efficient, modern, clean and affordable living for young professionals. These young professionals will be the driving force to bolster the city's continued growth and success.

I am asking you to support Tim's proposal.

Thank you,

Jason Perrot

Evans, Victoria

From: Louis-Philippe Beaulieu <king_loui@live.com>
Sent: Tuesday, October 31, 2017 12:08 PM
To: Planning Department
Subject: Parkside 55 & 59 Richmond Street

To whom it may concern

I have looked over the proposal made by APM and Mr Banks for the Parkside Appartment complex . I think it's a great thing ... The new building is very beautiful with a modern flare. I also love the higher efficiencies that newer building like this one will offer. I also believe that tiny living or minimalistic living is a trend that is going bigger and bigger it only makes sense to offer smaller apartments at a much more affordable rate to acomadat these persons.

I strongly support this initiative. I think the city of Charlottetown should allow this project to move forward and encourage many more similar projects to go up.

Best regards
Louis-philippe Beaulieu

Sent from my Bell Samsung device over Canada's largest network.

Evans, Victoria

From: Terry Palmer <terry1402@gmail.com>
Sent: Tuesday, October 31, 2017 1:53 PM
To: Planning Department
Cc: Sherrill Palmer
Subject: Richmond St. Project

Dear Sir or Madam,

At a resident of the City of Charlottetown (Ward 5) I want to ensure you know how important affordable housing projects like the one proposed for 55-59 Richmond St. are to our community, providing much needed long term accommodations to the residents and workers that support our local economy and students that attend our local post-secondary educational institutions.

In addition, investment in construction projects such as this provide much needed economic activity and jobs for the businesses located in Charlottetown and on PEI as well as a boost to municipal and provincial property taxes.

I have reviewed the plans for this project and I urge you to approve this project and others like it in our community.

Yours truly,

Terry Palmer
16 Westview Drive
Charlottetown, PEI

Evans, Victoria

From: Pam Mullally <pam.mullally@gmail.com>
Sent: Tuesday, October 31, 2017 2:53 PM
To: Planning Department
Subject: New apartment on Richmond Street

Attention Charlottetown Planning Department.

I recently reviewed the proposed plans for a new apartment building on Richmond Street and was pleasantly surprised with how much I liked the size and style of what was being presented. My family recently went through an exhaustive and frustrating search trying to find the right apartment for our Mom who recently needed to move out of her previous home due to health issues as well as the loss of her drivers license. Her wish list was simple, she desperately wanted to remain social as well as independent so being able to walk to amenities in a downtown location was her greatest wish. Trying to keep within her budget and her needs (stairs were not an option) ruled out so many locations. Unfortunately she had to settle on a location outside the downtown area. Maybe if such options like the proposed apartment building for Richmond Street had been available 6 months ago my Mom would be enjoying her retirement the way she had always imagined it to be. Thanks you

--

Pam Mullally

Evans, Victoria

From: Sherri Grosvenor <sherri.grosvenor@gmail.com>
Sent: Tuesday, October 31, 2017 4:49 PM
To: Planning Department
Subject: Richmond St.

Good afternoon,

I would like to say I have reviewed the plans for the Richmond Street affordable housing project and think that the city is in need of affordable housing, it look good, its a great idea.

Thank you,

Sherri Grosvenor

Evans, Victoria

From: Planning Department
To: Evans, Victoria
Subject: RE: 59 Richmond

Sent: Wednesday, November 01, 2017 11:43 AM
To: Morton, Jesse <jmorton@charlottetown.ca>
Subject: Fwd: 59 Richmond

Sent from my iPhone

Begin forwarded message:

From: Jamie Dickie <jdickie@brightonconstruction.ca>
Date: October 11, 2017 at 3:56:47 PM ADT
To: <grivard@charlottetown.ca>
Subject: 59 Richmond

Hi Greg

Noticed in the news that the proposed apartment development on 59 Richmond is back on the agenda. I will have to admit, as an adjacent property Owner (99 Pownal Street), when I received the letter related to this project I didn't voice my opinion as really could see no issue as to why it would not proceed

I fully support this development and believe it will be a welcome addition. In my opinion it is architecturally fitting, will improve the present property and therefore neighboring properties, and provides affordable housing in the downtown core. I see no downside

Although I have not followed the twists and turns related to this story I gather proximity to the Richmond condo is the main concern. Generally are not downtown buildings relatively close. More importantly, I fail to see how variances granted and /or choices made for the adjacent build in relation to the property line should impact this properties development options. That would be a slippery slope for all development going forward.

Thanks
Jamie

Evans, Victoria

From: Thane Hansen <thane@hansenelectric.ca>
Sent: Wednesday, November 01, 2017 2:21 PM
To: Planning Department; 'Jerry Leblanc'
Subject: Richmond street

Hi,

I think this should go ahead, it is nice project and people need a choice.

Thanks

Evans, Victoria

From: Jerry LeBlanc <jlbflorida@hotmail.com>
Sent: Wednesday, November 01, 2017 3:20 PM
To: Planning Department
Subject: Richmond Street

Good afternoon,

In reference to the project on Richmond Street I wanted to show my support of this project with this letter. This project is one that is much needed in the downtown core. Many of my friends and family have an interest in moving into the city and want to be close to all the amenities but there is a huge shortfall of places to rent not to mention the affordability. This is an attractive building across from a wonderful green space in the heart of downtown. Not only do we need this particular building, lets hope there will be more to follow to meet the demand.

Also this project will bring investment and economic growth including significant boost to the municipal and provincial tax base

I have reviewed the plans for this project and I urge you to approve this project.

Yours truly,

Jerry LeBlanc

Evans, Victoria

From: Kim MacKenzie <mackenzie@pei.aibn.com>
Sent: Wednesday, November 01, 2017 4:04 PM
To: Planning Department
Subject: APM Proposed Development

To whom it may concern,

I wanted to voice my support for the proposed micro unit building APM is proposing to build at 55 & 59 Richmond Street.

As a local business owner who has operated in downtown Charlottetown for the past 24 years, I have seen many changes over that period of time. In the last five to ten years I have witnessed a resurgence in the downtown core. A resurgence which has been driven by the foresight and perseverance of developers such as APM.

APM has a proven track record as a quality developer and has undertaken numerous projects in Charlottetown over the past number of years which have not only provided much needed quality and affordable residential units, in addition to retail and office units, but have improved the esthetics of the areas which they have developed both directly and indirectly.

Developments such as the one proposed by APM attracts more residents, patrons and developers to Charlottetown's downtown core and helps to create a vibrant community.

Kim MacKenzie
Owner
kc | clothing
MacKenzie Associates Inc.
kim@kcclimbing.ca
902.566.1881 ph
902.566.1424 fax

Evans, Victoria

From: Neila Roberts <Neila_Roberts@hotmail.com>
Sent: Wednesday, November 01, 2017 11:35 PM
To: Planning Department
Subject: Richmond St. Project

To whom it may concern,

I have reviewed the drawings for the Richmond St. project and I feel as if it is a unit will be a welcomed addition to the downtown area. I was impressed to see the plan to use green strategies, and energy efficient.

Young professionals working in the downtown are looking for housing close to their workplace. The downtown area also offers access to night life, fantastic restaurant's, theater, and close proximity to the waterfront and walking trails.

"Baby boomers" aging and selling their homes, are requiring apartment housing. Many are on a fixed income and low income housing in the downtown area will give them access to all amenities.

our family is in a situation that my aunt had been living with my grandfather in his home and with his passing a month ago, she is currently looking for affordable housing in the Charlottetown area. In exploring low-cost housing, and after an interview with the province this week for Senior housing, she was informed that there is a 2 year wait list for the provincial program. Ideally she would like to have something in the downtown core, that has an elevator to accommodate mobility issues.

From the drawings it appears that the setback requirements have all been met, and I beleivethat the design compliments the area.

Thank you for your time,

Neila Roberts

Evans, Victoria

From: Linda Clements <lindaclements@rocketmail.com>
Sent: Wednesday, November 01, 2017 9:11 PM
To: Planning Department
Subject: Richmond Street Affordable Housing

I, Linda Clements, resident of Charlottetown, support this project.

<https://drive.google.com/file/d/0B-8GBkNukrtueIR1U1BDU0picHM/view>

Sent from Samsung Mobile

Evans, Victoria

From: Chris Noye <chris.noye@live.ca>
Sent: Wednesday, November 01, 2017 8:46 PM
To: Planning Department
Subject: Richmond Street Project

Hello,

I've reviewed the plans for the Richmond Street Project that APM is proposing, and I fail to see how this would be 'unharmonious' to the neighborhood. Please reconsider that comment and have another look at the proposal.

I am also in favour of this project because of the dire need for affordable housing in Charlottetown.

Thanks,
Chris Noye

Sent from Sonim XP7

Evans, Victoria

From: Mehrnoosh Aghdassi <noosh@fastmail.com>
Sent: Thursday, November 02, 2017 9:12 AM
To: Planning Department
Subject: Richmond Street Project

Hello

I support this project, as it would certainly add to the downtown. My own experience confirms a real need of projects like this one.

Thanks

Noosh

Mehrnoosh Aghdassi
Island Realty Inc
129 Queen Street
Charlottetown, PE
C1A 4B4
Website islandrealtyinc.ca
Email noosh@irpei.ca
Mobile 902-314-9988



Downtown Charlottetown Inc.

Public Meeting Submission
City of Charlottetown Planning Department

November 2, 2017

From; Downtown Charlottetown Inc

Re; Development of 55 and 59 Richmond Street for Residential Apartment Units

The Residential Development Committee and the Board of Directors of Downtown Charlottetown Inc. (DCI) would like to voice support for the proposed development of the property located at 55 and 59 Richmond Street, a 23 unit Residential Apartment Building proposed by APM. Part of DCI's 5 year strategic goals is to work towards 1,000 new jobs and 1,000 new residents within the BIA and we see this proposed new development as squarely within these goals.

The project would create new, affordable, residential units within the city core where they are much needed, particularly in light of the current 0.5% residential vacancy rate in Charlottetown. We realize that city council must operate within its guidelines; given the recommendation from City Planning that this project - subject to several conditions - be approved, we hope this professional opinion on the project's merits will allow you to reach the same conclusion regarding project approval.

AMP has a reputation within our community and beyond for building quality products and attractive, practical, additions to communities. We would expect this project would continue with that standard of delivery.

Thank you for receiving this submission.

Presented by;

Dawn Alan, Executive Director

For Board Chair, Brian Howatt
Residential Chair, Trevor MacLeod

Evans, Victoria

From: Chris Cudmore <chris@cudmoregroup.com>
Sent: Thursday, November 02, 2017 10:16 AM
To: Planning Department
Subject: Parkside 55-59 Richmond St

To Whom it May Concern,

We write this email in support of the proposed development by APM at 55-59 Richmond St..

Stamper Inc is a commercial property owner in Charlottetown with most of its properties in the downtown. We think residential density in the downtown area is key to a vibrant and viable downtown. We see this development as being a well-designed, quality and affordable residential development that should proceed.

We support the development and it should be approved by the City of Charlottetown.

Chris Cudmore, President

Chris@Cudmoregroup.com

Stamper Inc.
PO Box 281
Charlottetown, PE
C1A 7K6

T: 902-894-3146 x 226
F: 902-892-9760
C: 902-626-1799



To Whom It May Concern:

There is a shortage of affordable/accessible housing for people with disabilities on Prince Edward Island and particularly in Charlottetown. In fact the 2009 PEI *Disability Services Review: Final Report*, identified that there is a critical need for housing for people with disabilities. As our population ages, the demand for affordable/accessible housing has grown significantly.

The PEI Council of People with Disabilities currently has a waiting list of over 100 individuals that are living in inappropriate housing due to the lack of inventory and housing options. The crisis has gotten considerably worse as the City of Charlottetown planning department continues to approve projects that replace affordable housing options with condos and student residences'. So you can imagine our amazement as we watch the process unfold around the proposed development by APM on Richmond Street. We think this is a great project that will enhance our downtown, strengthen our community, and help many people who are looking for affordable/accessible living space.

It has been well established in housing studies that the home is one of the fundamental places that gives shape and meaning to peoples' everyday lives. The home ideally should offer a combination of rest, peace, quiet, comfort and health, and be a place for personal expression.

Housing is also fundamental to the economic, social and physical well-being of Island citizens and communities. Housing is more than just shelter; it is also the basic building block of healthy, inclusive, sustainable communities. Community prosperity is improved when all community members have access to affordable, appropriate housing from which they can engage in the local economy.

The PEI Council of People with Disabilities has daily requests in the Charlottetown office from people with disabilities who are looking for a wide range of accessible housing options. Due to the limited inventory available, we have no options when trying to assist these citizens with their housing needs. It is for these reasons that we support the proposed APM housing development on Richmond Street.

If you have any questions or concerns, please contact me directly.

Marcia Carroll
Executive Director
PEI Council of People with Disabilities
peicod@peicod.pe.ca
902-892 9149 ext 222

Evans, Victoria

From: Marcianne Gamauf <marciannegamauf@gmail.com>
Sent: Friday, October 27, 2017 5:32 PM
To: Planning Department
Subject: Support

Marcianne Gamauf <marciannegamauf@gmail.com>

to planing



Would like to add my voice of support to APM's affordable housing project in downtown Charlottetown.

M Gamauf

Evans, Victoria

From: paul daley <pkdaley@live.com>
Sent: Friday, October 27, 2017 4:21 PM
To: Planning Department
Subject: Parkside Project

What a beautiful project, one that not only fits the downtown but will provide seniors like myself who are looking to sell their homes and move into the downtown core an affordable option!

Can't imagine the City will not approve this one!

Paul Daley

Evans, Victoria

From: Kim MacPhail <kim_macphail2@hotmail.com>
Sent: Saturday, October 28, 2017 10:05 AM
To: Planning Department
Subject: Richmond Street Affordable Housing Project

Good morning,

As a resident of Charlottetown who has been looking for an apartment in the downtown area (that I can afford), I am 100% in support of the project proposed by APM!!!

I am very much looking forward to having an affordable housing option !!

Thanks for your time.
Kim MacPhail

Sent from my Bell Samsung device over Canada's largest network.

Legal Management Inc.
P.O. Box 2140
Charlottetown, PE C1A 8B9

34

October 30, 2017

Jesse Morton, MCIP
Planning & Heritage Department
City of Charlottetown
P.O. Box 98, 233 Queen Street
Charlottetown, PE C1A7K2

PLANNING
Rec'd 30 October 2017 JM

Dear Mr. Morton:

Re: 55 Richmond Street & 59 Richmond Street

Thank you for your letter dated October 19, 2017. As a property owner within 100 metres of the subject development, we do not have any objections.

We support increasing the density of our downtown and increasing the variety of housing options available to all residents of our city. The proposed development is located in an area that is accessible to the Culinary Institute of Canada operated by Holland College. Parking is also accessible by way of the Pownal Parkade operated by the Charlottetown Area Development Corporation. Different housing options in terms of size and cost are also accessible within walking distance, including the recently redeveloped Dominion Building.

We hope these comments are helpful to your planning department.

Sincerely,



President,
Legal Management Inc.

Evans, Victoria

From: wendy ford-quinn <wquinn_7@hotmail.com>
Sent: Friday, October 27, 2017 9:37 AM
To: Planning Department
Subject: Tim Banks's Development on Richmond Street

I have been a life long resident of Charlottetown and I would like to let you know I am in support of Tim Banks's development on Richmond Street. We are in need of more affordable housing in the City of Charlottetown.

Yours truly,
Wendy Quinn

Evans, Victoria

From: Jenny Ford <jx_ford@hotmail.com>
Sent: Friday, October 27, 2017 9:49 AM
To: Planning Department
Subject: Richmond St Project

Just wanted to lend my support to Tim Banks and his Richmond Street affordable housing project.

Thanks
Jenny Ford

Evans, Victoria

From: Laura MacLeod <lauramaemacleod@gmail.com>
Sent: Friday, October 27, 2017 9:49 AM
To: Planning Department
Subject: Richmond Street Affordable Housing

To Whom It May Concern,

Due to the lack of apartments in Charlottetown and the growing demand, I am in support of the Richmond Street Affordable Housing project that APM Construction is presenting to council.

Regards,
Laura MacLeod

Evans, Victoria

From: Chaylon <nevski@gmail.com>
Sent: Monday, October 23, 2017 9:49 AM
To: Planning Department
Subject: Richmond Street affordable housing

Hello,

I believe the development variance proposal on Richmond Street should be approved. Affordable housing is needed down town, and the building suits the surroundings and looks beautiful. We should be encouraging more development like this and do what it takes to get it done. Thank you.

Chaylon Brewster

85 Fitzroy Street
Suite 301
Charlottetown, PE
C1A 1R6
Telephone: 902-367-3476

Evans, Victoria

From: Pam Martin <pam_martin1@hotmail.com>
Sent: Monday, October 23, 2017 9:15 AM
To: Planning Department
Subject: Tim Banks proposed affordable housing project

As a senior who is way past retirement age but has to continue to work to live, I think that Charlottetown should be supporting this project. It sounds like something that might enable me to retire!

Pam Martin

Evans, Victoria

From: Marcie Gaudet <merlegg666@gmail.com>
Sent: Friday, October 27, 2017 9:55 AM
To: Planning Department
Subject: affordable housing

Good Morning,

As a resident of Charlottetown, I support Tim Banks and APM trying to bring affordable housing to Charlottetown. I would like to see his Richmond Street project proceed.

Thank You
Marcie Gaudet
Queen Street, Charlottetown

Evans, Victoria

From: Kathy O'Keefe <kathy-okeefe@hotmail.com>
Sent: Friday, October 27, 2017 10:07 AM
To: Planning Department
Subject: Richmond St affordable housing project

As a resident of Charlottetown I would like to give my support to Tim Banks and APM for their affordable housing project.

I hope they will be able to proceed as I feel housing of this kind is needed in our community.

Sincerely
Kathy Okeefe

Evans, Victoria

From: Anne Marie ORourke <annemarie.orourke@yahoo.com>
Sent: Friday, October 27, 2017 10:10 AM
To: Planning Department
Subject: Richmond St Apartments

Good Morning,

I want to give my support to Mr. Banks regarding construction of Richmond St. affordable housing .

As a senior I know there are few options for affordable housing in the City. This building would be a great asset to the city and I hope it is the first of many.

Thank you
Anne Marie O'Rourke

Evans, Victoria

From: nick <millarnick@hotmail.com>
Sent: Friday, October 27, 2017 10:14 AM
To: Planning Department
Cc: tbanks@apm.ca
Subject: Richmond St Housing Development Project

Good Day,

I would like to voice my approval in regards to the proposed Richmond St Development project. As an Island resident who has lived in Charlottetown and still in rural Charlottetown truly believe this is a great opportunity to not only attract but to provide people in the community with affordable housing and maintain a quality standard of living. I know there is very few places currently that can provide as such and I fully support this proposal which I would like to really see happen.

Evans, Victoria

From: Kevin Murphy <kmurphy@mhgpei.com>
Sent: Friday, November 03, 2017 9:26 AM
To: Planning Department
Subject: APM Proposal

To whom it may concern:

This email is to confirm Murphy Hospitality Group's support for APM proposed apartment on Richmond Street. MHG has been operating in the downtown of Charlottetown for over 35 years and the biggest challenge has been getting more people to be living downtown in the various accommodations that meet the needs of the market especially mid range accommodations.

APM is a reputable long term developer in Charlottetown and we need to support any developer that meets planning requirements for development which I understand Planning had approved this development.

Charlottetown has developed some momentum in the past few years in the downtown now is not the time to stop good developments.

Thanks you

Kevin Murphy
President
Murphy Hospitality Group

Evans, Victoria

45

From: Doreen Pound <doreenpound@gmail.com>
Sent: Thursday, November 02, 2017 5:26 PM
To: Planning Department
Subject: Housing Project on Richmond

I strongly support this housing project as the need for affordable and accessible housing should be a paramount priority of the City of Charlottetown. Over the years I have heard so many sad stories about less than acceptable housing situations within city limits. These 'slum' apartments are all some people can afford.

I beg that you consider this project carefully and please do what is right. Give the most vulnerable of our city an opportunity to live in a decent accessible and affordable unit. Fronting on a park only makes the whole project more positive.

Thank you

Doreen Pound



46

GREATER CHARLOTTETOWN AREA
CHAMBER OF COMMERCE

PO Box 67, 134 Kent Street, Suite 230, Charlottetown, Prince Edward Island, Canada C1A 7K2

Tel: 902.628.2000 • Fax: 902.368.3570 • E-mail: chamber@charlottetownchamber.com • www.charlottetownchamber.com

Councilor Greg Rivard
Chair – Planning Department
City of Charlottetown
P.O. Box 98
Charlottetown, PE C1A 7K2

November 3, 2017

Dear Councilor Rivard,

The Greater Charlottetown Area Chamber of Commerce represents and promotes the interests of close to 1000 members of the business community in the capital region. We believe that a vibrant business community supports a strong local economy and thus supports the wellbeing of all residents.

There has been much discussion, and some discord, on the issue of residential and commercial development in the greater Charlottetown area. The Chamber would like to express our support for development in all areas of our great city with the understanding that projects meet the relevant by-laws, zoning regulations and environmental considerations and allow for reasonable variances. Appropriate development stands to benefit all residents in terms of the quality of our community, allowing for economic growth, job creation and ultimately, increased standard of living in our community.

Residential development is of great importance at this particular time, given very low apartment vacancy rates in Charlottetown. A recent report from Canada Mortgage and Housing Corporation estimates rental vacancy to be below 0.5% for the month of October. As you are aware, this is being driven by immigration, downsizing seniors and international student populations increasing in Charlottetown. Although this population growth offers much opportunity, it must be supported by the appropriate development of our housing stock.

We request your support in maintaining an environment that is both receptive and efficient for residential and commercial investment in the City of Charlottetown. I welcome the opportunity to discuss this further and thank you for your consideration.

Sincerely,

Rory Francis
President

Cc:

Mayor Clifford Lee, City of Charlottetown

Brian Howatt, Downtown Charlottetown

Penny Walsh McGuire, Greater Charlottetown Area Chamber of Commerce

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Monday, November 06, 2017 10:45 AM
To: Forbes, Alex
Cc: Morton, Jesse; Evans, Victoria
Subject: Re: Planning Board

Great thanks someone on way

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Nov 6, 2017, at 10:07 AM, Forbes, Alex <aforbes@charlottetown.ca> wrote:

Yes ask at the front counter. Alex

Alex Forbes, MBA, MCIP
Manager of Planning and Heritage
City of Charlottetown
P O Box 98, 233 Queen Street
Charlottetown, PEI
C1A 7K2
(P) 902-629-6108

<image001.jpg>

“Every time history repeats itself – the price goes up”

From: Tim Banks [<mailto:tim@apm.ca>]
Sent: Monday, November 06, 2017 9:55 AM
To: Morton, Jesse <jmorton@charlottetown.ca>
Cc: Forbes, Alex <aforbes@charlottetown.ca>
Subject: Re: Planning Board

5:40 is great and I'll try and be short... can I send someone to pick up the for and against letter so we can address them

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Nov 6, 2017, at 9:40 AM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Hello Tim,

Your application will be reviewed by Planning Board at their meeting this evening.
Would you like to attend the meeting? If so, I believe that we have a timeslot around
5:40pm. Let us know if that will work.

Sincerely,

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca



Verbatim excerpt re:
55-59 Richmond St
(includes resolution and
1st & 2nd readings

**Regular Meeting of Council
Tuesday, November 14, 2017 at 7:00 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

<u>Present:</u>	Deputy Mayor Mike Duffy Councillor Greg Rivard Councillor Terry MacLeod Councillor Jason Coady	Councillor Terry Bernard Councillor Kevin Ramsay Councillor Mitchell Tweel
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<u>Also:</u>	Peter Kelly, CAO Randy MacDonald, FC Richard MacEwen, UM Amanda Cheverie, AFM Bethany Kauzlarick, HRC Scott Adams, APWM Jen Gavin, CO Cindy MacMillan, AA	Paul Smith, PC Paul Johnston, IAMM Alex Forbes, PM Frank Quinn, PRM Ron Atkinson, EconDO Jesse Morton, PDO Steven Forbes, CS Tracey McLean, RMC
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<u>Regrets:</u>	Wayne Long, EDO Laurel Lea, TO	Ramona Doyle, SO
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REPORTS OF COMMITTEES / RESOLUTIONS

1. Planning & Heritage – Councillor Greg Rivard

**Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod**

RESOLVED:

That the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- To enter into a 10 year off-lot parking agreement with CADC for 12 parking spaces + 1 accessible parking space at the Pownal Parkade (100 Pownal Street);
- Obtain a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet);

in order to permit a four storey, 23-unit apartment dwelling on the consolidated property be approved subject to the receipt of final pinned survey plans, design review approval, and the signing of a development agreement,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

Mayor Lee: Councillor Bernard

Councillor Bernard: Since we have rejected this application in the past, the developer has made some positive changes. He has moved to propose a building footprint off the property line by 5 feet, he has taken off two of the decks on the same side and as you can see, he has acquired the parking that we talked about. All positive changes on behalf of the developer and we thank him for that. Tonight I am going to ask for a deferral on this application for just one month for two reasons 1) I believe out of respect for the elected official for that Ward, out of sick leave, see if he makes a return in the next month to see what he thinks of the changes and 2) I would still like Planning staff to touch base with the developer to see if there is a possibility...when he did his presentation, there was still 7 ½ feet on the right hand side of the proposed footprint and I am wondering if he would be agreeable to move that over as he got 7 ½ feet to move it; even if he only moves another 5 feet and at least there would be 10 feet in-between the two buildings. It creates quite of bit more harmony between the residents in that building and the new building. It certainly would make it a lot easier to say yes to the project. I will need a seconder for the deferral.

Mayor Lee: Is there a seconder for the motion to defer? Councillor Duffy. Ok folks, the motion on the floor is a motion to defer. Councillor Rivard, to the deferral?

Councillor Rivard: I appreciate Councillor Bernard's comments. I too agree with his opening statement that the applicant did make some positive changes in what seems to be a very touchy application. Where I am baffled or a bit confused is why the deferral. This application has been before Council for two years. What's a month going to gain? I mean I think we waited long enough and I really encourage Council here tonight to vote on the application as we have it here tonight; either for or against. I don't think a deferral is necessary and I will voting against it tonight.

Councillor Bernard: I can say it has been two years too so what's another month? I don't know if the Council on sick leave will be back or not but it's nice to give him the opportunity. If not then we will vote on it next month but I think the discussion with your staff would be, can he move that building over more; would he be agreeable to move that building over more which would create a lot more harmony between the residents in the current building that he is building next too. I know he came off the property line but another 5 feet would make quite a bit of difference. The two top balconies would still be right over the bottom balcony of the other building. The room is there and I know he doesn't have to but it wouldn't hurt for you staff to talk to him to see if he would agree to move it over. It would just create harmony for both buildings; residents in the first building and it would look better when the second building goes up.

Mayor Lee: I guess I am going to offer a comment on this. Quite frankly, I do think we need to appreciate and understand that when an application is made for development, the applicant has a reasonable expectation that the application will be process in a reasonable timeframe. The fact that a member of Council is on sick leave, quite honestly, does not stop the business of the City from proceeding and the reality is that I would hate for anyone sitting here tonight to think that the eight members of Council here tonight only represent our own particular Ward. We all have an obligation to the whole City of Charlottetown. With those words of wisdom or there lack of, I will call the question on the motion to defer.

All in favour of the motion to defer? Motion to defer is **Lost** by a 4-3 vote with Councillors Tweel, Duffy and Bernard in favour. Back to the original resolution Council. Any quick discussion? Seeing none, all in favour of the resolution? Motion is **Carried** by a 5-2 vote with Councillors Tweel and Duffy opposed.

1st & 2nd reading of the Zoning & Development Bylaw - For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 7-0

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the said bylaw be read a second time and that the bylaw be committed to Committee of the Whole Council and the Mayor be Chairman of the Committee.

CARRIED 7-0

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 7-0

Moved by Councillor Greg Rivard

Seconded by Councillor Terry MacLeod

RESOLVED:

That the bylaw be now engrossed as a City Bylaw and that it be entitled the “City of Charlottetown Zoning and Development Bylaw” and that it be read a third time at the next Public Meeting of Council.

CARRIED 7-0

Mayor Lee: Can I ask Council for a show of hands who is available for a Special Meeting tomorrow at Noon to give this amendment third and final reading.

Peter Kelly, CAO: We need to give three days’ notice.

Mayor Lee: We need three days' notice now. Another change. We will have to deal with it later. I am just getting really frustrated with the change of rules every time we turn around. This whole amendment to the bylaw was never done in my 30 years of sitting in this Chamber and now all of a sudden, it needs to be done this way. We can't have a meeting now without three days' notice, supposedly.

Councillor Rivard: On the site specific stuff, I think that is new to Planning; the site specific amendments.

Mayor Lee: It is no different than 12 Milky Way or any other application. The application or approval that we grant is site specific to that particular address.

Councillor Rivard: It was just a variance. It wasn't site specific; it was just a variance to the property. As for the waiting period, Alex, that has been in place for...

Alex Forbes: The waiting period; we were informed by the Province because they are the ones that review these things they asked for a three day waiting period. It is coming from the Charlottetown Area Municipalities Act so it's coming from them when they review the process.

Mayor Lee: ok.

End of Verbatim Excerpt

Motion to defer
M - Bernard
S - Duffin
East
43



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #4

MOTION CARRIED 5-2 *On Duty Council opposed*

MOTION LOST _____

Date: November 14, 2017

Moved by Councillor _____

Greg Rivard

Seconded by Councillor _____

Terry MacLeod

RESOLVED:

That the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- To enter into a 10 year off-lot parking agreement with CADRC for 12 parking spaces + 1 accessible parking space at the Pownal Parkade (100 Pownal Street);
- Obtain a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet);

in order to permit a four storey, 23-unit apartment dwelling on the consolidated property be approved subject to the receipt of final pinned survey plans, design review approval, and the signing of a development agreement

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

Morton, Jesse

From: Morton, Jesse
Sent: Thursday, November 16, 2017 3:26 PM
To: Forbes, Alex
Subject: Accepted: Tim Banks

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, November 21, 2017 2:32 PM
To: Kelly, Peter; Forbes, Alex; Rivard, Greg
Cc: Morton, Jesse
Subject: Richmond Street

Gentlemen,

Could someone please give us an update as to when the third reading of the resolution of this project may take place?

Thanks
Tim

Tim Banks
CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel 902-569-8400
cel 902-628-7313
fax 902-569-1149
email tbanks@apm.ca
www.APM.ca

Since 1980 **APM** has provided construction and design-build services that include construction management, engineering and general contracting. Our principles of Service, Trust and Value are our foundation for the delivery of every aspect of your new building or renovation project. **APM** operate across Canada with offices in **Charlottetown, Halifax, Toronto and Calgary** providing a host of construction services to local, regional and national clients.



since 1980
building ... across CANADA

construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Morton, Jesse
Sent: Tuesday, November 21, 2017 3:10 PM
To: 'Tim Banks'; Kelly, Peter; Forbes, Alex; Rivard, Greg
Subject: RE: Richmond Street

Good Afternoon Tim,

We just received notice that a Special Meeting of Council has been scheduled for Monday, November 27 at 5:30pm. The third reading of your 55 & 59 Richmond Street application will be held at that time.

Please note that Our Department previously mailed a letter informing you of Council's recent vote and the next steps for your application. If it hasn't arrived yet, it will in the coming days. In that letter staff listed the date of Council's next formal meeting (December 11) for your third reading. Please disregard that date, and we will follow-up with a revised hardcopy of said letter.

Sincerely,

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Tim Banks [mailto:tim@apm.ca]
Sent: Tuesday, November 21, 2017 2:32 PM
To: Kelly, Peter <pkelly@charlottetown.ca>; Forbes, Alex <aforbes@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>
Cc: Morton, Jesse <jmorton@charlottetown.ca>
Subject: Richmond Street

Gentlemen,

Could someone please give us an update as to when the third reading of the resolution of this project may take place?

Thanks
Tim

Tim Banks
CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel 902-569-8400
cel 902-628-7313
fax 902-569-1149
email tbanks@apm.ca
www.APM.ca

Since 1980 **APM** has provided construction and design-build services that include construction management, engineering and general contracting. Our principles of Service, Trust and Value are our foundation for the delivery of every aspect of your new building or renovation project. **APM** operate across Canada with offices in **Charlottetown, Halifax, Toronto and Calgary** providing a host of construction services to local, regional and national clients.



construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, November 21, 2017 3:18 PM
To: Morton, Jesse
Cc: Kelly, Peter; Forbes, Alex; Rivard, Greg
Subject: Re: Richmond Street

Thanks

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca

On Nov 21, 2017, at 3:12 PM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Good Afternoon Tim,

We just received notice that a Special Meeting of Council has been scheduled for Monday, November 27 at 5:30pm. The third reading of your 55 & 59 Richmond Street application will be held at that time.

Please note that Our Department previously mailed a letter informing you of Council's recent vote and the next steps for your application. If it hasn't arrived yet, it will in the coming days. In that letter staff listed the date of Council's next formal meeting (December 11) for your third reading. Please disregard that date, and we will follow-up with a revised hardcopy of said letter.

Sincerely,

**Jesse Morton, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2
Office: 902-629-4108
Fax: 902-629-4156

jmorton@charlottetown.ca
www.charlottetown.ca

From: Tim Banks [<mailto:tim@apm.ca>]
Sent: Tuesday, November 21, 2017 2:32 PM
To: Kelly, Peter <pkelly@charlottetown.ca>; Forbes, Alex <aforbes@charlottetown.ca>; Rivard, Greg

<grivard@charlottetown.ca>

Cc: Morton, Jesse <jmorton@charlottetown.ca>

Subject: Richmond Street

Gentlemen,

Could someone please give us an update as to when the third reading of the resolution of this project may take place?

Thanks

Tim

Tim Banks

CEO • APM

16 McCarville St.
Charlottetown, PE, Canada C1E 2A6
tel **902-569-8400**
cel **902-628-7313**
fax **902-569-1149**
email tbanks@apm.ca
www.APM.ca

Since 1980 **APM** has provided construction and design-build services that include construction management, engineering and general contracting. Our principles of Service, Trust and Value are our foundation for the delivery of every aspect of your new building or renovation project. **APM** operate across Canada with offices in **Charlottetown, Halifax, Toronto** and **Calgary** providing a host of construction services to local, regional and national clients.

<image001.jpg>

construction managers • project managers • engineers • general contractors • design builders

Morton, Jesse

From: Kelly, Peter
Sent: Tuesday, November 21, 2017 3:28 PM
To: Morton, Jesse
Subject: Re: Richmond Street

Monday evening the 27th.

Sent from my iPhone

On Nov 21, 2017, at 3:10 PM, Morton, Jesse <jmorton@charlottetown.ca> wrote:

Good Afternoon Tim,

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Please note that Our Department previously mailed a letter informing you of Council's recent vote and the next steps for your application. If it hasn't arrived yet, it will in the coming days. In that letter staff listed the date of Council's next formal meeting (December 11) for your third reading. Please disregard that date, and we will follow-up with a revised hardcopy of said letter.

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To: Kelly, Peter <pkelly@charlottetown.ca>; Forbes, Alex <aforbes@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>
Cc: Morton, Jesse <jmorton@charlottetown.ca>
Subject: Richmond Street

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<image001.jpg>

construction managers • project managers • engineers • general contractors • design builders



Verbatim Excerpt re: 55-
59 Richmond St. (includes
3rd reading

**Special Meeting of Council
Monday, November 27, 2017 at 5:30 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

Present: **Deputy Mayor Mike Duffy** **Councillor Greg Rivard**
 Councillor Terry MacLeod **Councillor Kevin Ramsay**
 Councillor Jason Coady

Also: **Peter Kelly, CAO** **Alex Forbes, PM**
 Tracey McLean, RMC

Regrets: **Councillor Mitchell Tweel** **Councillor Terry Bernard**

Mayor Lee called the meeting to order.

Mayor Lee: We have the 3rd reading of the Zoning & Development Bylaw and other resolutions.
Mr. Kelly.

Peter Kelly, CAO read the following:

1. **3rd reading of the Zoning & Development Bylaw** - For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the City of Charlottetown Zoning and Development Bylaw be read a third time and that the said Bylaw do now pass.

CARRIED 4-1
Deputy Mayor Duffy opposed

End of Excerpt

Morton, Jesse

From: Tim Banks <tim@apm.ca>
Sent: Thursday, December 14, 2017 4:52 PM
To: dhooley@coxandpalmer.com
Cc: Forbes, Alex; Morton, Jesse
Subject: 55/59 Richmond St

David,

Still don't have anything back from City and they tell me it's at Province so I just lit a fire under them. But I do need a draft development agreement to review ASAP as I'm heading South soon and want to be ready to start as soon as possible. Can you get me one?

Thanks
Tim

Tim Banks
CEO - APM

APM group
16 McCarville Street
Charlottetown, PE, Canada,
C1E 2A6
tel 902.569.8400
cel 902.628.7313
www.apm.ca



Office of the Minister
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Communities,
Land and
Environment

Communautés,
Terres et
Environnement



Bureau du ministre
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

December 15, 2017

21 December VE

Victoria Evans
Planning & Heritage Department
City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PE C1A 7K2

Dear Ms. Evans:

Re: City of Charlottetown Zoning and Development Bylaw Amendments

I am pleased to advise that I have approved the following amendment concerning Charlottetown's Zoning and Development Bylaw:

Zoning and Development Bylaw – Map Amendments

- *For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).*

Please note that the effective date of this amendment is the date of my signature. I trust that this amendment provides for the City's continued commitment to orderly development.

Thank you for Council's continued effort to ensure that the present and future land use management goals of the City are protected through effective land use planning.

Yours truly,

Robert Mitchell
Minister of Communities, Land and Environment

Encl.



CITY OF CHARLOTTETOWN

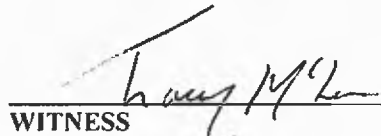
DATE: November 28, 2017

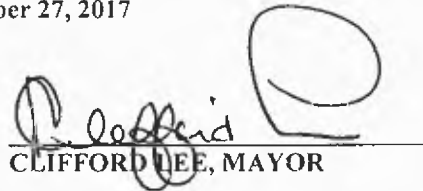
CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW

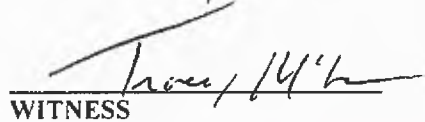
FIRST READING: November 14, 2017

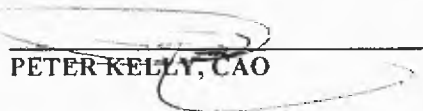
SECOND READING: November, 14, 2017

THIRD READING: November 27, 2017

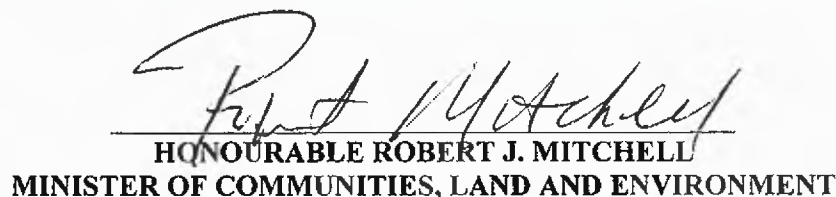

WITNESS


CLIFFORD LEE, MAYOR


WITNESS

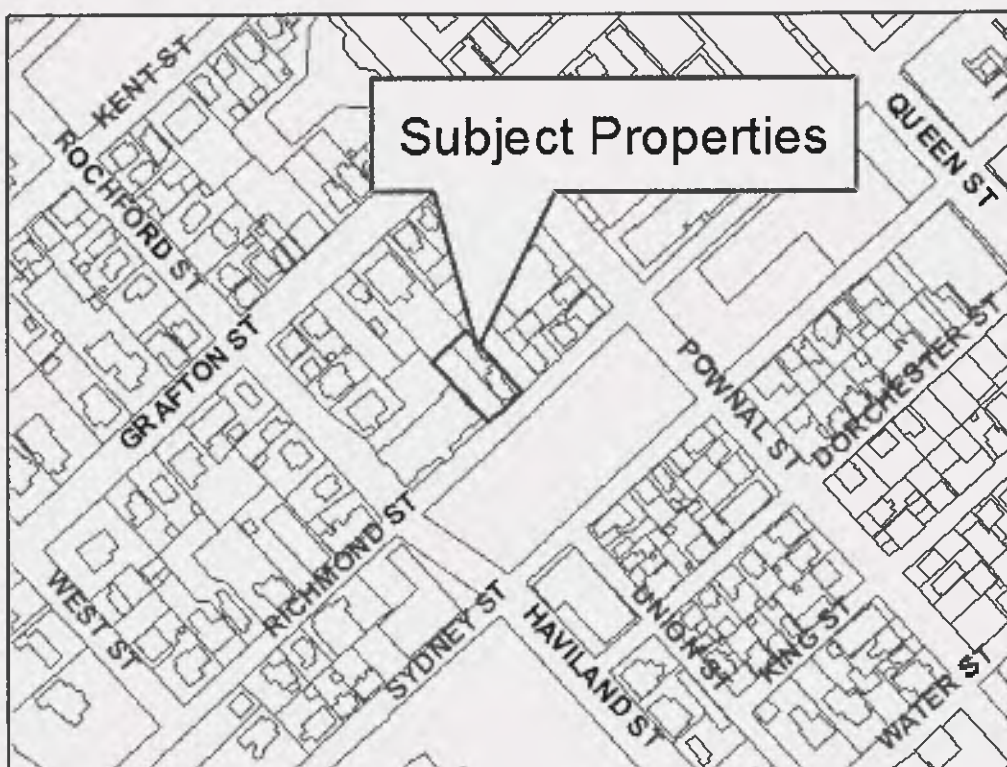

PETER KELLY, CAO

APPROVED BY THE MINISTER OF COMMUNITIES, LAND AND ENVIRONMENT PURSUANT
TO SECTION 17 OF THE PLANNING ACT, RSPEI 1988, CAP. P-7, ON THIS 15th DAY
OF December, 2017.


HONOURABLE ROBERT J. MITCHELL
MINISTER OF COMMUNITIES, LAND AND ENVIRONMENT

For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone
(including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a
major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit
a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond
Street (PID# 339911) and 59 Richmond Street (PID# 339929).

For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).



Notice of Appeal

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

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

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 Charlottetown (name of City, Town or Community) on the 27th day of November, 2017, wherein the Minister/Community Council made a decision to see page 2

(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)
see page 3

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)
the Commission substitute its own decision for the one appealed, allow the appeal, quash the City's decision to pass/grant/approve the site specific bylaw amendment and deny the application for the site specific bylaw amendment.

Name(s) of Appellant(s): Queens County Condominium No. 40 (aka The Rockford Condominium) Signature(s) of Appellant(s): [Signature]
Please Print Matthew Bradley, Solicitor for Appellant

Mailing Address: 65 Queen Street, P.O. Box 522 City/Town: Charlottetown
Province: P.E.I. Postal Code: C1A 7L1
Email Address: mbradley@csmlaw.com Telephone: 902-892-4156

Dated this 15 day of December, 2017
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.

Decision Being Appealed

pass/grant/approve a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID #339911) and 59 Richmond Street (PID# 339929).

GROUND OF APPEAL

1. the City failed to follow its own Zoning and Development Bylaw and exceeded its authority in approving the site specific bylaw;
2. the City failed to properly exercise the authority conferred on to it pursuant to the *Planning Act*, R.S.P.E.I. 1988, c. P-8;
3. the City failed to properly interpret the Zoning and Development Bylaw, including but not limited to sections 4.31 and 4.32;
4. the City failed to apply sound planning principles in approving the Bylaw amendment by:
 - a. approving the Bylaw amendment despite the objections of the residents in the immediate area;
 - b. approving the variances when the Zoning and Development Bylaw clearly indicated the variances are inappropriate;
 - c. failure to consider the safety ramifications of the Bylaw amendment on the neighbouring properties;
 - d. approving the Bylaw amendment and allowing a 23 unit apartment building to be built on the property with no on-site parking to act as a buffer between the neighbouring properties;
 - e. failure to consider the impact of the lack of on-site parking for the property on the neighbouring properties and the neighbourhood in general;
 - f. failure to consider the impact of the property no longer being used as a parking area itself and the impact it would have on the community;
 - g. failure to consider that before the variances no apartment building could be built on the property and as a result of the variances a 23 unit apartment building can now be built on the property; and
 - h. such further and other failures to apply sound planning principles as counsel for the appellant may advise in a timely manner upon review of the record and the Commission may permit;
5. such further and other grounds as counsel for the appellant may advise in a timely manner upon review of the record and the Commission may permit.



Excerpt from Special Mtg
of Council of November
27, 2017. Minutes not yet
approved

**Special Meeting of Council
Monday, November 27, 2017 at 5:30 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

Present: Deputy Mayor Mike Duffy Councillor Greg Rivard
Councillor Terry MacLeod Councillor Kevin Ramsay
Councillor Jason Coady

Also: Peter Kelly, CAO Alex Forbes, PM
Tracey McLean, RMC

Regrets: Councillor Mitchell Tweel Councillor Terry Bernard

Mayor Lee called the meeting to order.

1. **3rd reading of the Zoning & Development Bylaw** - For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).

**Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod**

RESOLVED:

That the City of Charlottetown Zoning and Development Bylaw be read a third time and that the said Bylaw do now pass.

**CARRIED 4-1
Deputy Mayor Duffy opposed**

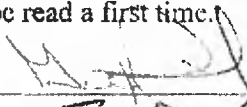
End of Excerpt

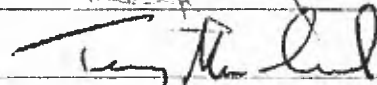


**CITY OF CHARLOTTETOWN
BYLAW**

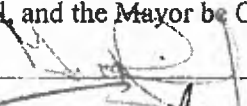
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RESOLVED: THAT the bylaw to amend the **CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW** be read a first time.

Moved by Councillor  ☒ Greg Rivard

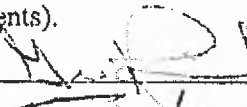
Seconded by Councillor  ☒ Terry MacLeod
Date: November 14, 2017

RESOLVED: THAT the said bylaw be read a second time and that the bylaw be committed to a Committee of the Whole Council, and the Mayor be Chairman of the Committee.

Moved by Councillor  ☒ Greg Rivard

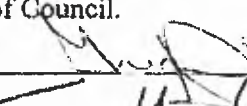
Seconded by Councillor  ☒ Terry MacLeod
Date: November 14, 2017

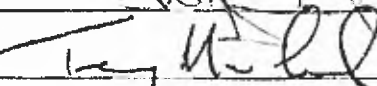
RESOLVED: THAT the Chairman reports progress of the Committee and that the Bylaw be adopted (as amended) (without amendments).

Moved by Councillor  ☒ Greg Rivard

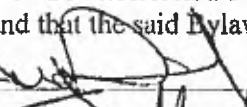
Seconded by Councillor  ☒ Terry MacLeod
Date: November 14, 2017

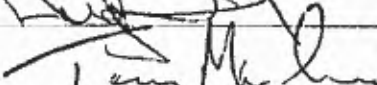
RESOLVED: THAT the bylaw be now engrossed as a City Bylaw and that it be entitled the "**CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW**" and that it be read a third time at the next Public Meeting of Council.

Moved by Councillor  ☒ Greg Rivard

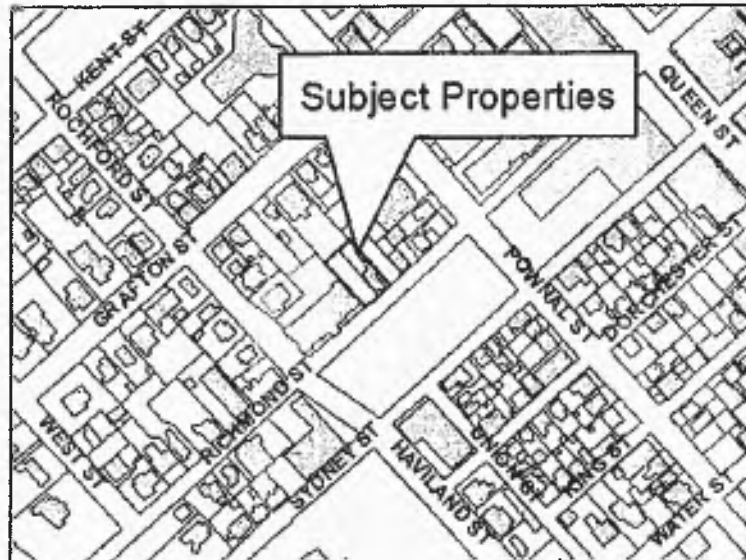
Seconded by Councillor  ☒ Terry MacLeod
Date: November 14, 2017

RESOLVED: THAT the "**CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW**" be read a third time and that the said Bylaw do now pass.

Moved by Councillor  ☒ Greg Rivard

Seconded by Councillor  ☒ Terry MacLeod
Date: November 21, 2017

For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).



Walsh-Doucette, Michelle (Charlottetown)

From: Hooley, David (Charlottetown)
Sent: Friday, February 2, 2018 2:23 PM
To: Walsh-Doucette, Michelle (Charlottetown)
Subject: FW: Draft DA for 55 -59 Richmond Street
Attachments: 55 - 59 Richmond Street - APM - DRAFT Development Agreement 2018 (003).doc

Categories: David's Files

David

David Hooley | Cox & Palmer | Senior Counsel

Direct 902 629-3903 **Fax** 902 566 2639 **Web** coxandpalmerlaw.com
Address Dominion Building 97 Queen Street Suite 600 Charlottetown PEI, C1A 4A9
*Practising as Professional Corporation

"Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent." Former US President Calvin Coolidge

Linked 

From: Hooley, David (Charlottetown)
Sent: January 5, 2018 3:05 PM
To: 'Tim Banks' <tim@apm.ca>
Cc: Alex Forbes (aforbes@charlottetown.ca) <aforbes@charlottetown.ca>
Subject: Draft DA for 55 -59 Richmond Street

Tim:

Here is a *preliminary draft* of the DA.

As you know, the City will need your detailed plans including importantly the design review plans and the prescribed design review process will have to be completed. Obviously as well, the additional information which is yellow highlighted needs to be added.

After your detailed plans are in hand and the design review process has been completed, then we will provide a final draft for your review. Pending these things, please consider the attached as a *preliminary* draft.

Trusting this is satisfactory for now to enable you to move forward.

In closing, and as you are aware, an appeal has been filed by the Condominium Association. As you are likely also aware, filing an appeal under the *Planning Act* does not operate as a stay of the City's planning process, nor eventually should a building permit be issued in due course, ultimately of construction. However, I should caution that you proceed solely at your own risk. The City is not responsible for any costs, expenses or damages you might incur if you continue moving forward regardless of the pending appeal and its potential adverse consequences. {I note parenthetically that the same is of course true for Mr. O'Halloran as regards the recent Pollard appeal of his intended development on Passmore Street.} We recommend you consult with your own legal counsel for advice in this regard.

David

David Hooley | Cox & Palmer | Senior Partner

Direct 902 629-3903 **Fax** 902 566 2639 **Web** coxandpalmerlaw.com

Address Dominion Building 97 Queen Street Suite 600 Charlottetown PEI, C1A 4A9

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Linked 

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this ____ day of January, 2018

BETWEEN:

CITY OF CHARLOTTETOWN, an incorporated City, duly incorporated under the laws of the Province of Prince Edward Island

(the "City")

AND:

TIM BANKS (PAN AMERICAN PROPERTIES INC.), a body corporate, duly incorporated, of Charlottetown, in Queens County, Province of Prince Edward Island

(the "Developer")

WHEREAS the Developer made application seeking approval to construct a four (4) story, twenty-three (23) unit apartment dwelling to be located at 50 – 59 Richmond Street in the City of Charlottetown, Queen's County, Prince Edward Island;

AND WHEREAS City Council approved the Developer's application on or about November 14, 2017 subject to certain conditions including the parties entering into a development agreement with a true copy of Council's resolution being annexed hereto as Schedule "A";

AND WHEREAS on or about <insert date> the Minister of Communities, Land and Environment approved the site specific bylaw amendment needed to accommodate the proposed four (4) story, twenty-three (23) unit apartment building development on the Property;

AND WHEREAS the City and the Developer have agreed to enter into a development agreement to allow the Developer to construct the intended four (4) story, twenty-three (23) unit apartment dwelling on the lot delineated on the lot consolidation plan <insert consolidation plan / lot number> / DWG#, name, date for 50 – 59 Richmond Street in

the City of Charlottetown Queen's County, Prince Edward Island, a true copy of which plan is annexed hereto as Schedule "B" ("the Property");

AND WHEREAS the Developer has provided the City with detailed <insert plan names, #, dates, etc.> true copies of which are annexed hereto as composite Schedule "C" ("the Plans");

AND WHEREAS neither a development permit nor a building permit shall be issued until the Plans have been approved by the City and this Agreement has been duly executed by both parties.

WITNESSETH THAT in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties agree as follows:

1. THE DEVELOPMENT

- 1.1 The development comprises the intended construction of a four (4) storey, twenty-three (23) unit apartment dwelling on the Property (the "Development").
- 1.2 The Property shall be developed in accordance with the Plans annexed as composite Schedule "C".
- 1.3 A minimum of thirteen (13) parking spaces for the Development shall be provided by the Developer at the Pownal Parking Garage at 100 Pownal Street (PID #340414) for a minimum period of ten (10) years, subject to the off-lot parking lease with the Charlottetown Area Development Corporation annexed in Schedule "D" <insert lease>.
- 1.4 If the lease in Schedule "D" expires or is cancelled, the Developer shall forthwith notify the City of the expiration or cancellation of the lease and:
 - 1.4.1 Provide the City with a copy of a new lease for the required thirteen (13) parking spaces which replaces the lease that has expired or been cancelled;
 - 1.4.2 Cease occupancy or use of the Development until the required thirteen (13) parking spaces are provided on-site; or
 - 1.4.3 Pay to the City the amount of money required for cash-in-lieu of thirteen (13) parking spaces, as per the requirements and procedures outlined in

the City's Zoning & Development Bylaw and Fee Schedule at the time payment is due.

2. DEVELOPER'S COVENANTS

- 2.1 Before commencing site work or construction, the Developer shall submit professionally designed and stamped architectural and engineering building plans, site plan, landscaping plan, and site drainage plan for approval by the City, acting reasonably. The Plans shall be in accordance with good planning principles and the requirements of the City's *Zoning and Development Bylaw*, *Building Code Bylaw*, and *Fire Prevention Bylaw*.
- 2.2 Before commencing site work or construction, the Developer shall have first obtained approval for the intended lot consolidation, design approval as hereinafter mentioned, approval of the Plans, a building permit and shall have executed this Development Agreement.
- 2.3 The Development shall be subject to Council's November 14, 2017 resolution and the design review approval process as prescribed by the City's Zoning & Development Bylaw. Following Design Review approval by the City, no material changes shall take place without prior written consent from the City in accordance with section 3 hereof.
- 2.4 As per the Developer's undertaking at the public meeting and the revised plans dated November 2, 2017 no balconies shall be permitted on the first two (2) storey's of the proposed four (4) storey apartment building as it applies to the westerly side property boundary (adjacent to the Condominium property).
- 2.4 A minimum of 10% of the lot area shall be used for no other purpose than landscaped open space.
- 2.5 Solid waste pick up and management shall be planned and implemented as an integral part of the overall project and be processed so as not to interfere with pedestrians and traffic as per the approved Plans.
- 2.6 All work related to connecting and/or extending City services (sanitary sewer, water, storm water, sidewalks, etc.) shall be the responsibility of the Developer and undertaken at their cost.
- 2.7 Any damage to the City's municipal services or sidewalks shall be remediated by the Developer or its contractor(s). The City shall approve the nature and extent of

the remediation and give written notice to the Developer to complete the work. If the Developer does not comply within ten (10) working days of the notice, the City retains the right to complete the work with its own contractor and bill the Developer costs plus 10%, unless otherwise mutually agree in writing.

- 2.8 For any work related to the Development that takes place on public City streets or sidewalks the Developer or its contractor(s) shall provide a plan showing the proposed construction safety procedures to be implemented to provide safety to the public for both pedestrian and vehicles, which plan shall be reviewed and approved in advance by the City. The City will be consulted and permission for any sidewalk or street closures sought and obtained prior to construction.

3. AMENDMENTS

- 3.1 Any material changes or alterations to the Plans as shown in Schedule "C" or the building use shall necessitate an amendment to this Agreement and must first be approved by the City in writing by way of an Addendum to this Agreement.
- 3.2 The reasonable decision of the Chief Administrative Officer or other designate of the City, as to whether a change or alternation to the Plans is material or if the Development conforms to or with the terms of this Agreement and the Plans shall be conclusive and final.

4. DISPUTE RESOLUTION – NEGOTIATION, MEDIATION AND ARBITRATION

- 4.1 The parties agree to negotiate all matters or disputes arising out of this Agreement reasonably, in good faith and with a view to reaching a mutually satisfactory agreement. Each party shall make full, frank and open disclosure of any and all documents within its possession, custody or control as may be necessary to secure a negotiated solution to any dispute arising under this Agreement.
- 4.2 Where agreement on any matter cannot be reached by negotiation, the parties may either retain a mutually acceptable mediator to assist them in reaching an agreement, or shall arbitrate their dispute as provided in Section 4.3.
- 4.3 If negotiation and mediation do not resolve the differences between the parties, then any matters in dispute between the parties in relation to this Agreement shall be referred to arbitration before a single arbitrator, if the parties agree upon one within three (3) working days. This time may be extended by mutual written agreement. Otherwise, the dispute shall be submitted to three (3) arbitrators.

One arbitrator is to be appointed by each party within three (3) working days of receiving notice in writing by the other (who shall simultaneously name their nominee) to do so. The third arbitrator, who shall be the chairperson, shall be chosen by the first two named, within three (3) working days after their selection. If a party fails to select its nominee within three (3) working days of receiving notice to do so in writing, then the matter shall revert to being heard by the one (1) arbitrator appointed by the party first requesting the other to name their nominee. The award and determination of the arbitrator or arbitrators, or any two of the three arbitrators, shall be rendered within thirty (30) days (or such longer time as may mutually be agreed upon) after selection of the sole arbitrator or Chairperson. The award shall be final and binding upon the parties and their respective successors and assigns.

5. COSTS

- 5.1 The Developer agrees to pay for all reasonable legal costs and other reasonable out of pocket costs and expenses incurred by the City in the preparation of and registration of this Development Agreement. Any dispute over the amount of the City's legal, other costs or out of pocket expenses for reimbursement by the Developer shall be referred to the Prothonotary of the Supreme Court of Prince Edward Island for taxation on a solicitor client scale.
- 5.2 The City shall forward its legal accounts to the Developer, and the Developer shall pay the City within thirty (30) days of receipt of the account.
- 5.3 Any dispute as to the amount of the City's legal costs may be referred to the Prothonotary of the Supreme Court of Prince Edward Island for taxation on a substantial indemnity basis.
- 5.4 If the Developer abandons the Development or surrenders the approvals, permits, etc. issued by the City, then the Developer's obligation to pay for all reasonable legal costs incurred by the City pursuant to Paragraphs 5.1 ceases effective upon receipt of written notice by the City from the Developer to this effect, provided that the Developer shall continue to be remain responsible for all other costs to the City including any award of costs against the City in any legal proceedings. If the Development is substantially complete, the Developer cannot invoke this clause unless otherwise mutually agreed.

6. INDEMNITY

- 6.1 The Developer shall at all times indemnify and save harmless the City from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings by whomever made, sustained, brought or prosecuted to the extent that the foregoing are based upon, occasioned by or attributable to anything done or omitted by the Developer, its servants or its agents or employees in the fulfillment of any of its obligations under this Agreement.

7. GENERAL

- 7.1 It is agreed the provisions of this Development Agreement are severable from one another and that the invalidity of one provision shall not prejudice the validity or enforcement of any other provision.
- 7.2 The continued operation of the Development shall comply with all applicable Federal, Provincial and Municipal laws, bylaws, and regulations.

8. HEIRS, SUCCESSORS AND ASSIGNS

- 8.1 This Agreement shall be binding upon the parties hereto, their heirs, successors and assigns and shall be registered on title and run with and burden the land and the Development which is the subject of this Agreement.
-

IN WITNESS THEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written.

Sealed, Delivered and Attested to
by the proper signing officers
in the presence of:

CITY OF CHARLOTTETOWN

Per: _____
Mayor

Per: _____
CAO

Sealed, Delivered and Attested to
by the proper signing officers
in the presence of:

**TIM BANKS (PAN AMERICAN
PROPERTIES INC.)**

Per: _____
TIM BANKS

SCHEDULE "A"

111-5000/43



CITY OF CHARLOTTETOWN

RESOLUTION

MOTION CARRIED

MOTION LOST

Planning #4

Date: November 14, 2017

Moved by Councillor

Greg Rivard

Seconded by Councillor

Terry MacLeod

RESOLVED:

That the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- To enter into a 10 year off-lot parking agreement with CADRC for 12 parking spaces + 1 accessible parking space at the Pownal Parkade (100 Pownal Street);
- Obtain a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet);

In order to permit a four storey, 23-unit apartment dwelling on the consolidated property be approved subject to the receipt of final planned survey plans, design review approval, and the signing of a development agreement

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.



SCHEDULE "B"

<Lot consolidation plans >

PRELIMINARY DRAFT

SCHEDULE "C"

Architectural, Site Plans, etc

PRELIMINARY DRAFT

SCHEDULE "D"

<Off-lot Parking Lease with CADC>

PRELIMINARY DRAFT

DATED this ____ day of January, 2018 A.D.

BETWEEN:

CITY OF CHARLOTTETOWN

(the "City")

OF THE FIRST PART

AND:

TIM BANKS

(the "Developer")

OF THE SECOND PART

DEVELOPMENT AGREEMENT
