



## City of Charlottetown

Report No: PLAN-May-01-2017-# 4

Date: April 26<sup>th</sup>, 2017

**Directed to:**  
Planning Board

**Department:**  
Planning & Heritage

**Prepared by:**  
Jesse Morton

**Attachments:**

- 1) Applicant's March 31<sup>st</sup> Email
- 2) CADC's April 18<sup>th</sup> Letter
- 3) Previous Planning Board Reports for this Application (February, March & April)

**Subject:**

An application requesting:

- The consolidation of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- A site specific bylaw amendment, which includes a major variance, in order to permit a four storey, 23-unit apartment dwelling on the consolidated property; and
- Approval to enter into an off-lot parking agreement with the Charlottetown Area Development Corporation (CADC) to provide the 13 required parking spaces at the Pownal Parkade, subject to the signing of a 10 year lease with CADC.

**RECOMMENDATION:**

The Planning Board is encouraged to recommend that the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- Enter into an off-lot parking agreement with the Charlottetown Area Development Corporation (CADC) to provide 13 required parking spaces at the Pownal Parkade, subject to the signing of a 10 year lease with CADC; and
- Obtain a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23-unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft),

be approved, subject to the receipt of final pinned survey plans, design review approval, and the signing of a Development Agreement.

**Background:**

This application is a multi-faceted request to construct a four storey, 23-unit apartment dwelling at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929). The original application was reviewed at the three previous Planning Board meetings; please see February, March, and April's Planning Board packages for further information.

Since those meetings, one component of the application has been modified: the applicant is now requesting approval to utilize 13 off-lot parking spaces at the CADC's Pownal Parkade, subject to the signing of a 10 year lease, as opposed to cash-in-lieu approval.

**Planning Board (March) & Council Deferral #1:**

The original application was reviewed in detail at the Board's March 6<sup>th</sup> meeting, and ultimately, the Board decided to recommend that



Council approve the subject application. At Council's March 13<sup>th</sup>, Council voted to defer the following resolution:

*"That the request to:*

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);*
- Accept cash-in-lieu payment of \$78,000 for 13 required parking spaces; and*
- Obtain a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23-unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft),*

*be approved, subject to the receipt of final pinned survey plans, design review approval, and the signing of a Development Agreement.*

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

Council opted to defer the application due to concerns about the cash-in-lieu request and the absence of on-site (and/or off-site) parking options. The deferral was intended to give the applicant the opportunity to re-evaluate this item and potentially modify the application.

#### **Planning Board (April) & Council Deferral #2:**

After some deliberation, the applicant confirmed via email (See Attached) that the application will not be modified, and as such, they will continue to request cash-in-lieu approval for 13 required parking spaces (a payment of \$78,000).

At the Planning Board's April meeting the Board reaffirmed their support for the original application. Further, the Board stated that they would be equally supportive of an application that included an off-lot parking agreement rather than a cash-in-lieu request. The Board agreed that either a cash-in-lieu payment or off lot parking would be acceptable subject to Council's discretion.

The Board did not formally recommend the off-lot parking request as it was not component of the applicant's submission.

On April 10<sup>th</sup>, the day of Council's meeting, the applicant exchanged a series of emails with staff and Council. The applicant formally amended his application to include an off-lot parking agreement for the required 13 parking spaces instead of a cash-in-lieu request.

Council had a lengthy discussion regarding this application at their meeting, and expressed some confusion as to why the application was altered at the last minute. Council expressed concerns about the feasibility of the off-lot parking agreement, as the change surfaced without sufficient notice and documentation. There were also concerns about the proposed balconies along the western side property line, particularly with respect to their proximity to the abutting lot / building. Council voted to defer the following resolution:

*"That the request to:*

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);*
- Enter into an off-lot parking agreement with the Charlottetown Area Development Corporation (CADC) to provide thirteen (13) required parking spaces at the Pownal Parkade, subject to the signing of a 10 year lease with CADC ; and*
- Obtain a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to*

*permit a four storey 23-unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft),*

*be approved, subject to the receipt of final pinned survey plans, design review approval, and the signing of a Development Agreement.*

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

Council opted to defer the application in order to give the applicant the opportunity to:

- Produce a contract / off-lot parking agreement / written confirmation from the CADC that confirms the 13 required parking spaces will be provided at the Pownal Parkade for a minimum period of 10 years; and
- Reconsider and/or rectify the placement of the western balconies.

#### **Additional Correspondence & Planning Board (May):**

The applicant submitted a signed letter from Ron Waite (General Manager of the CADC) on April 18<sup>th</sup>. The letter states that the CADC is prepared to enter into an off-lot parking agreement with the applicant to satisfy the proposed development's minimum parking requirement (See Attached).

The Board previously expressed support behind an off-lot parking option for the proposed development, but since the applicant has now modified their request, staff are seeking a formal recommendation on the revised application.

#### **Discussion:**

In March's Planning Board package, staff outlined a detailed discussion on the proposed development. Since that time, the application has been modified to include a request for off-lot parking as opposed to cash-in-lieu acceptance. Staff did not have significant concerns with regard to the cash-in-lieu request, nor do they have significant concerns about the revised off-lot parking request.

There are several items that staff wish to note before the Board, and subsequently Council, makes a decisions regarding this application:

#### **Development Procedure**

If this application is approved by Council, the applicant will have to complete several key items before any building permit(s) is issued for the proposed development. The applicant must:

- Sign an off-lot parking lease with the CADC for a minimum period of 10 years, and present a copy of said lease to the City of Charlottetown;
- Submit pinned survey plans so staff can formally approve the consolidation of 55 Richmond Street and 59 Richmond Street;
- Obtain design review approval;
- Submit a demolition application to have the existing dwelling demolished;
- Enter into a Development Agreement with the City of Charlottetown stipulating that the proposed development will adhere to several key criteria; and
- Submit a full package of site and building to staff, who will determine if the proposed development satisfies the requirements of the Zoning & Development Bylaw and the National Building Code.

If one of these six items is not satisfied, then the proposed development will not proceed.

**Balconies:**

There are concerns that the proposed development's balconies will be located in close proximity to the balconies of 41 Richmond Street. Staff too noted this item in past reports, as preliminary drawings show a balcony setback of approximately 1.25ft.

It's worth noting that Council previously issued a variance to allow the condo building at 41 Richmond Street to be constructed to a 0ft setback. In accordance to the requirements of the DN Zone, this means that the subject property is now permitted to build to a 0ft setback in the western side yard. Therefore, the proposal adheres to the Zoning & Development Bylaw's minimum setback requirements for the DN Zone.

The balcony placement on the proposed building will have to be reviewed when detailed building plans are submitted to staff; any future development must satisfy the National Building Code's requirements.

**Off-lot Parking:**

An off-lot parking agreement must be in place for a minimum period of 10 years. The Zoning & Development Bylaw addresses what must occur if a 10 year off-lot lease expires or is terminated. Section 4.44.7 states:

*Where a lease (i.e., off-lot parking lease) is required under subsection 4.44.6 expires or is cancelled the owner of the property for which the lease was required shall forthwith notify the City of the expiration or cancellation of the lease and:*

- a) provide the City with a copy of a lease which replaces the lease which has expired or has been cancelled and meets the requirements of the Bylaw with respect to parking; or*
- b) cease occupation or use of that portion of the subject lot which relates to the lease until the required parking is provided; or*
- c) pay to the City the amount of money required for the current cash-in-lieu or parking spaces under subsection 4.49, subject to meeting the requirements of subsection 4.49.*

**Design Review:**

There have been inquiries regarding the role of the design reviewer's role on this project. In summary, many new developments in the 500 Lot Area are subject to the design review process, as per Section 9 of the Zoning & Development Bylaw. This proposed development is subject to said 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.

**RECOMMENDATION:**

The Planning Board is encouraged to recommend that the request to:

- Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- Enter into an off-lot parking agreement with the Charlottetown Area Development Corporation (CADC) to provide thirteen (13) required parking spaces at the Pownal Parkade, subject to the signing of a 10 year lease with CADC; and

- Obtain a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23-unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft),

be approved, subject to the receipt of final pinned survey plans, design review approval, and the signing of a Development Agreement.

Respectfully,

 MSIP

Reviewed By:

CAO	Dir Corp Svcs	Dir Pub Svcs	Dir F & D Svcs	Dir Hum Res	Mgr 	Other
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**RECOMMENDATIONS/ACTIONS:**

## 1) Applicant's March 31st Email:

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Friday, March 31, 2017 10:34 AM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Forbes, Alex <aforbes@charlottetown.ca>; Heather Joudrie <hjoudrie@apm.ca>; Terry Palmer <tpalmer@apm.ca>; Dawn Alan <dawn@downtowncharlottetown.com>; pwmcguire@charlottetownchamber.com; Jerry Leblanc <jleblanc@apm.ca>; Ian Harper <iharper@apm.ca>; Mayor of Charlottetown (Clifford Lee) <mayor@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>  
**Subject:** RE: Richmond Street Project

Hi Jesse,

I believe we only have the one option as CADC cannot enter into a 10 year lease therefore we'll opt for the cash-in-lieu option which we previously indicated to Planning Board.

Thanks  
Tim

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**From:** Morton, Jesse [mailto:jmorton@charlottetown.ca]  
**Sent:** Wednesday, March 29, 2017 5:14 PM  
**To:** Tim Banks  
**Cc:** Forbes, Alex  
**Subject:** RE: Richmond Street Project

Good Afternoon, Tim,

Planning staff are preparing resolutions in advance of April's Planning Board and Council meetings. As you are aware, the resolution for the 55-59 Richmond Street contains three items, including parking. Can you please confirm which parking-related request you're proceeding with?

**Option 1 - Original:**

A request to accept cash-in-lieu payment of \$78,000 for 13 required parking spaces.

**Option 2 – Revised:**

A request to accept off-lot parking for 13 required parking spaces at 100 Pownal Street (PID# 340414), subject to the receipt of a lease stating that off-lot parking shall be provided for a minimum period of 10 years.

The option that you select will be crafted into a formal resolution which will be forwarded to Council's April meeting, along with the information previously disclosed in our correspondence.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

## 2) CADC's April 18<sup>th</sup> Letter



April 18, 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

 <p style="text-align: center;"><b>City of Charlottetown</b></p>	<b>Report No: PLAN-Feb-06-2017-# 8</b>
	<b>Date:</b> February 1 <sup>st</sup> , 2017
<b>Directed to:</b> Planning Board	<b>Attachments:</b> 1) Site Plan 2) Building Plans
<b>Department:</b> Planning & Heritage	
<b>Prepared by:</b> Jesse Morton	
<b>Subject:</b> An application requesting: <ul style="list-style-type: none"> <li>• The consolidation of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);</li> <li>• A site specific bylaw amendment, which includes two major variances, in order to permit a four storey, 23-unit apartment dwelling on the consolidated property; and</li> <li>• A cash-in-lieu acceptance for 13 requirements parking spaces.</li> </ul>	
<b>RECOMMENDATION:</b> Planning Board is encouraged to recommend that Council advance the site specific bylaw amendment application, which includes two major variances, to a public meeting.	

### **Background:**

During the past year, the applicant has held several discussions with staff regarding the potential redevelopment of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929). In December 2017, the applicant scheduled a meeting with staff to unveil preliminary development plans for a four-storey, 23-unit apartment dwelling on the subject properties.

Staff reviewed the preliminary development plans and immediately noticed that the project will require several levels of approval before it can become a reality (i.e., lot consolidation, demolition, design review, cash-in-lieu of parking, etc.). Most pressing is the need for a 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 any building in the DN Zone shall be a minimum of two storeys (or 24.6ft) and a maximum of three stories (or 40ft). The proposed building is four stories, which exceeds the maximum height listed in the text of the DN Zone.

Unlike many zones, the DN Zone's maximum and minimum height is defined by text, 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.





### **Context:**

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



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

The streetscape is defined by the large 22-unit apartment dwelling at 41 Richmond Street, which was approved in 2011-2012. The building is six stories in height and it has increased the area's range of building heights beyond traditional DN standards.



### **Application:**

The applicant submitted a formal application to proceed with the suite specific bylaw amendment in January 2017. The site plan and building plans are attached to this report.

### **DN Requirements:**

A 23-unit apartment dwelling is a permitted use in the DN Zone. As previously stated, a 4 storey building triggers the site specific bylaw amendment process.

Two variances are also included within this site specific bylaw amendment:

	DN Requirements	Proposed
Front Yard Setback	between 0ft and 55ft	8.6ft
L Side Yard Setback	min 0ft	approx. 1.25ft
R Side Yard Setback	min 6ft	approx. 0.625ft
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 from grade to top of 2 <sup>nd</sup> floor	approx. 9.5ft – 10.67ft

- The DN Zone requires residential uses to have a tall ground floor; specifically the grade level height (distance from grade to the top of the second floor) shall be a minimum of 13ft. According to the Building Inspector's estimate, the proposed grade level height is likely 10 - 10.67ft, which requires a major variance.
- The proposed building wall is setback 5ft from the right side property line and the patios project further. As such, a major variance is required to reduce this minimum side yard setback from 6ft to approximately 0.625ft. This side yard abuts the Legion's driveway so the abutting property should not be significantly impacted.

The left minimum side yard setback is equal to that of the abutting property (41 Richmond Street), which is 0ft. While the applicant satisfies the minimum requirement, the balconies of the respective properties may be within 1.25ft of each other on the first and second storeys. This could pose some design challenges moving forward.

**Parking:**

Section 4.44 of the Zoning & Development Bylaw were used to determine minimum parking requirements for the property. The proposed development requires a minimum of 12 parking spaces + 1 accessible parking space.

No parking spaces have been provided on-site. As per Section 4.49.1 of the Zoning & Development Bylaw, in the 500 Lot Area:

*"Council may require or accept cash-in-lieu of parking spaces in any situation where a development permit has been applied for and adequate or required off-street parking cannot be provided or, in the opinion of Council, having considered a recommendation from the Planning Board, is unfeasible."*

Council must pass a resolution to approve cash-in-lieu of parking before this development can be approved by staff. The current cash-in-lieu cost is set at \$6,000 / parking space.

**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:**

As stated, the existing two-unit dwelling must be demolished to allow for the proposed development. Section 4.57.2.b of the Zoning & Development 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 February 1<sup>st</sup> 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 support 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 reviewer (typically an architect) is hired to evaluate a detailed development proposal to ensure that key design criteria are satisfied.

Once the applicant and design reviewer finalize a design and it is approved, the applicant will enter into a development agreement to ensure that specific development criteria are adhered to.

**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-dwellings range between two and three storeys in height, while the proposed development contains four storeys. That being said, the existing dwellings utilize small setbacks from the side property lines, as is the case with the proposed development.

The six storey apartment dwelling at 41 Richmond has reduced the area’s traditional built form and paved the way for greater densities, scales, massing, etc. The proposed development continues this trend, though it is noticeably smaller in scale, massing, and footprint than 41 Richmond Street.

***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” in terms of building height, 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 provide high density residential development and new forms of dwelling units to the surrounding neighbourhood, as this objective encourages. The external design reviewer will ensure that key design criteria are satisfied to ensure 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 street 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**

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 enhance the neighbourhoods housing options, while the design review process is in place to ensure that new development is compatible with, and enhances its surroundings.

**Discussion:**

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

Staff do not have significant concerns with respect to the lot consolidation, as it would create vital infill opportunities, along with new residential options, in downtown Charlottetown. Opportunities to consolidate downtown properties are relatively rare, and independently, both lots are difficult to develop.

The request to accept cash-in-lieu of parking of parking is uncommon, but staff do not have significant concerns regarding the request. The proposed apartment dwelling contributes to several Official Plan objectives, such as accommodating infill development and compact residential development. It should also be noted that many residents choose to live downtown because they do not want / own an automobile, and because they can walk to nearby destinations. Those who require parking can purchase a parking space at the Pownal parking structure.

Even with a consolidation, accommodating a sufficient amount of on-site parking is challenging: the site will need to accommodate a two-way driveway; the developable area will decrease drastically; and a significant amount of landscaping will be lost. It is also worth noting that the \$78,000 cash-in-lieu contribution will be used to provide parking elsewhere in the 500 Lot Area (as per Section 4.49).

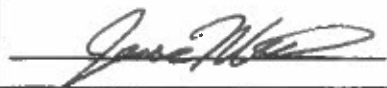
The site specific bylaw amendment – which also includes two major variances – is the request that necessitates a public meeting. As outlined in this report, staff believe that the Official Plan provides significant support behind the subject application, as the proposed development will satisfy several needs. That being said, there are several objectives pertaining to character and compatibility, which are open to some interpretation. The proposed development does not resemble traditional residential development, but the neighbourhood / block is in a state of transition, given the presence of 41 Richmond Street; this project introduced a new modern direction for the area. With all considerations in mind, staff believe that the proposed development aligns with what is considered suitable for the area, and due to the design review process, staff are confident a respectful and compatible design can be reached.

Ultimately, Council must determine if compatibility and character-related objectives of the Official Plan are being satisfied prior to approving the subject application.

**RECOMMENDATION:**

Planning Board is encouraged to recommend that Council advance the site specific bylaw amendment application, which includes two major variances, to a public meeting.

Respectfully,



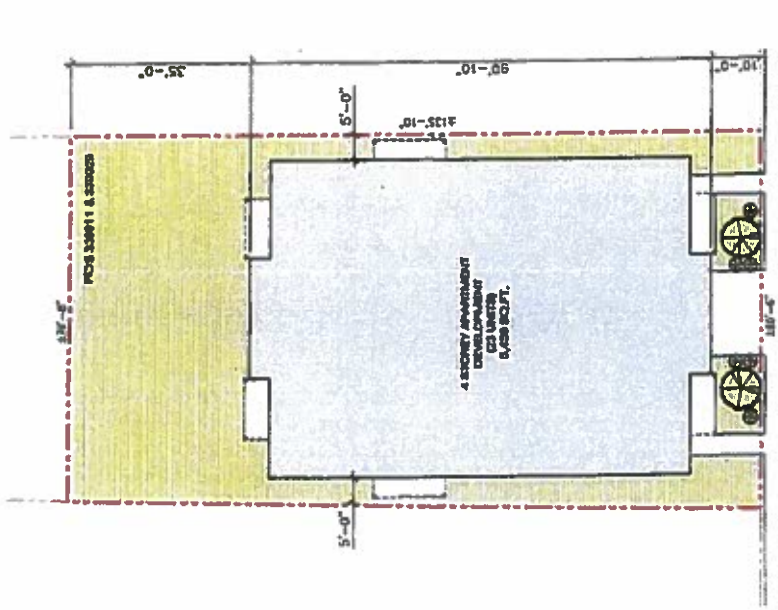
Reviewed By:

CAO	Dir Corp Svs	Dir Pub Svs	Dir F & D Svs	Dir Hum Res	Mgr <i>A</i>	Other
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**RECOMMENDATIONS/ACTIONS:**

# 1) Site Plan

PH10-07-01



RICHMOND STREET

SITE PLAN 1"=20'-0"

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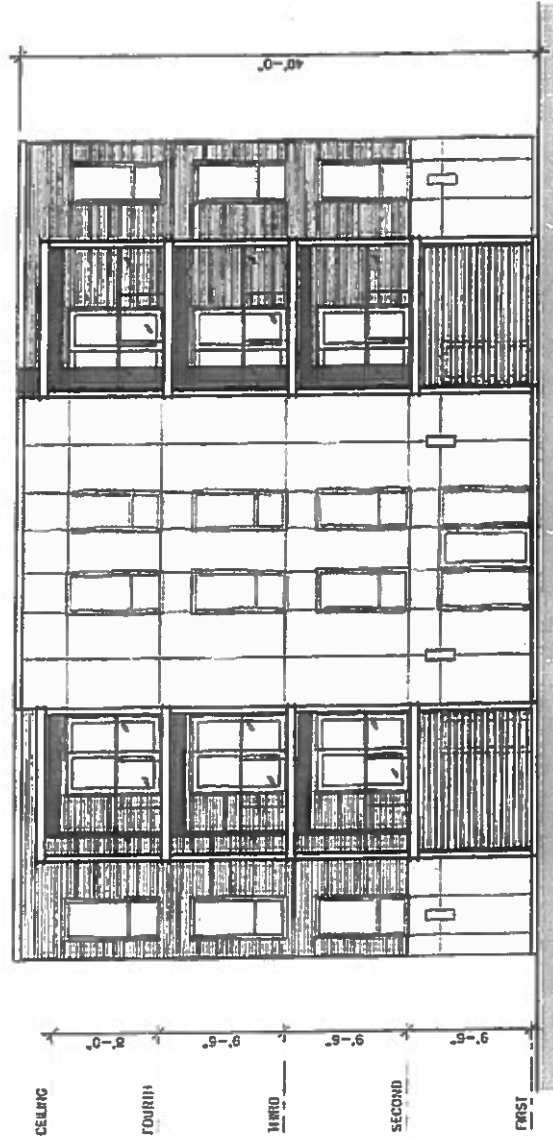


**APM Commercial**

**PROPOSED 4 STOREY DEVELOPMENT**

416-593-1111 or 416-593-1112

## 2) Building Plans



FRONT ELEVATION N.T.S.

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APM Commercial

PROPOSED 4 STOREY DEVELOPMENT



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APM Commercial

**ROYAL LEPAGE**





# City of Charlottetown

Report No: PLAN-March-06-2017-# 8

Date: March 2<sup>nd</sup>, 2017

**Directed to:**  
Planning Board

**Department:**  
Planning & Heritage

**Prepared by:**  
Jesse Morton

**Attachments:**

- 1) Revised Site Plan
- 2) New Building Schematics
- 3) Submitted Letter

**Subject:**

An application requesting:

- The consolidation of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);
- A site specific bylaw amendment, which includes a major variances, in order to permit a four storey, 23-unit apartment dwelling on the consolidated property; and
- A cash-in-lieu acceptance for 13 requirements parking spaces.

**RECOMMENDATION:**

Planning Board is encouraged to recommend that:

- The request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) be approved, pending the submission of pinned survey plans;
- The request for Council to accept cash-in-lieu payment of \$78,000 for the 13 required parking spaces be approved; and
- That the request for a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23 unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft) be approved,

Subject to design review approval and the signing of a development agreement.

**Background:**

In December 2017, the applicant scheduled a meeting with staff to unveil preliminary development plans for a four-storey, 23-unit apartment dwelling at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929)

Staff reviewed the preliminary development plans and immediately noticed that the project will require several levels of approval before it can become a reality (i.e., lot consolidation, demolition, design review, and cash-in-lieu of parking). Most pressing is the need for a 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 any building in the DN Zone shall be a minimum of two storeys (or 24.6ft) and a maximum of three stories (or 40ft). The proposed building is four stories, which exceeds the maximum number of stories permitted.

Unlike many zones, the DN Zone defines the maximum and minimum height including the number of stories permitted in the zone. Variances are typically related to dimensional requirements (i.e., height, setbacks, etc.) and text changes are addressed through site specific amendments to the Zoning &

Development Bylaw, as they relate to a particular property. 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.

### **Context:**

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

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



The streetscape is defined by the large 22-unit apartment dwelling at 41 Richmond Street, which was approved in 2011-2012. The building is six stories in height and it has increased the area's range of building heights beyond traditional DN standards.

### **February's Planning Board Meeting:**

This application was originally presented at the Planning Board's February meeting. Staff led the Board through a detailed overview of the project (See February's Planning Board Package for more information).



### **Zoning & Development Bylaw**

While the proposal satisfied many of the DN Zone's performance standards, staff explained that the site specific bylaw amendment also encompassed two variances:

- The applicant proposed a grade level height that is approximately 9.5ft, though the DN Zone minimum is 13ft.
- The proposed building wall is setback 5ft from the right side property line and the patios project further. As such, a major variance is required to reduce this minimum side yard setback from 6ft to approximately 0.625ft (This request was amended prior to the public meeting. See "Revised Plans" Section).

Staff have some concerns pertaining to the balconies along the left property line, as they may be located roughly 0.625ft from the balconies on the abutting property's second storey. That being said, the minimum setback requirement is satisfied. The Zoning & Development Bylaw does not restrict this scenario on the subject property, though the Building Inspector indicated that certain National Building code requirements will apply.

Section 4.44 of the Zoning & Development Bylaw were used to determine minimum parking requirements for the property. The proposed development requires a minimum of 12 parking spaces + 1 accessible

parking space. Staff acknowledge that it will be very difficult to incorporate the required parking spaces on the subject property regardless of its design.

### ***Heritage Board / Demolition***

The Heritage Board reviewed the demolition request at their February 1<sup>st</sup> meeting. The property's heritage evaluation indicated that it has limited heritage or historical significance. As such, the Heritage Board determined that they will support the demolition of the existing two unit dwelling if the applicant obtains design review approval for the proposed development.

### ***Official Plan***

Staff reviewed the applicant's compliance with the Official Plan and many objectives were satisfied. The objectives relating to "compatibility" may be debated by some residents, but staff were largely satisfied with the proposal. The proposed development differs from the area's traditional dwellings and building design, however, this area is in a state of transition since the approval of the six-storey building at 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 enhance the neighbourhoods housing options, while the design review process is in place to ensure that new development is compatible with, and enhances its surroundings.

### ***Decision***

The Planning Board did not raise serious questions or concerns, and that they recommended that the application be advanced to a public meeting.

### **Revised Plans:**

Prior to the public meeting, the applicant contacted staff to inform them that their design had been revised. They informed staff that *"We have decided to eliminate the balconies on the right side of the building and reduce the width of our building by 1'-0" to meet the minimum side yard setback on that side."*

With this change, the proposed development now satisfies the right side yard setback requirement, and therefore, only one major variance is now included in the site specific bylaw amendment.

### **Mail Out & Notification:**

On February 17<sup>th</sup> staff mailed 71 letters to property owners located within 100 meters of the subject property. The letter informed them of the rezoning application and solicited their comments, to be received in writing by noon on March 6<sup>th</sup>. Staff received one response, which outlined a list of concerns, including that the area has a parking shortages, the development will increase traffic near the park, and the applicant failed to identify where garbage bins will be located. The author believes the development is too dense of the area and should not be approved. (See Attached).

Any additional responses will be presented at the Board's March meeting.

Newspaper ads for the request were also placed in The Guardian, as per the requirements of the Zoning & Development Bylaw to advertise the public meeting.

### **Public Meeting:**

The public meeting was held on Tuesday, February 28<sup>th</sup> at the Rodd Charlottetown. The applicant presented his application in great detail. In addition to an overview of his proposed building, the applicant educated the public on why the development is good for Charlottetown, which is in dire need for increased density. No questions or comments were raised.

### **Discussion:**

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

Staff do not have significant concerns with respect to the lot consolidation, as it would create vital infill opportunities, along with new residential options, in downtown Charlottetown. Opportunities to consolidate downtown properties are relatively rare, and independently, both lots are difficult to develop.

The request to accept cash-in-lieu of parking is uncommon, but staff do not have significant concerns regarding the request. The proposed apartment dwelling contributes to several Official Plan objectives, such as accommodating infill development and compact residential development. It should also be noted that many residents choose to live downtown because they do not want / own an automobile, and because they can walk to nearby destinations. Those who require parking can purchase a parking space at the Pownal parking structure. While accepting a full cash-in-lieu is not desirable in all situations, this context appears to be reasonably fitting.

Even with a consolidation, accommodating a sufficient amount of on-site parking is challenging: the site will need to accommodate a two-way driveway; the developable area will decrease drastically; and a significant amount of landscaping will be lost. It is also worth noting that the \$78,000 cash-in-lieu contribution will be used to provide parking elsewhere in the 500 Lot Area (as per Section 4.49).

A residents raised concerns regarding the location of garbage and recycling bins. Staff believe that these will be located within the building, though they will seek clarification from the application prior to the Board's meeting.

The site specific bylaw amendment – which now includes one major variance - is the request that necessitated the public meeting. As outlined in this and February's report, staff believe that the Official Plan provides significant support behind the subject application, as the proposed development will satisfy several needs. That being said, there are several objectives pertaining to character and compatibility, which are open to some interpretation. The proposed development does not resemble traditional residential development, but the neighbourhood / block is in a state of transition, given the presence of 41 Richmond Street, which is significantly larger than the current proposal; 41 Richmond introduced a new modern direction for the area. With all considerations in mind, staff believe that the proposed development aligns with what is considered suitable for the area, and due to the design review process, staff are confident that a compatible design can be reached.

#### **RECOMMENDATION:**

Planning Board is encouraged to recommend that:

- The request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) be approved, pending the submission of pinned survey plans;
- The request for Council to accept cash-in-lieu payment of \$78,000 for 13 requirements parking spaces be approved; and
- That the request for a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23 unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft) be approved,

Subject to design review approval and the signing of a development agreement.

Respectfully,

 MCIP

**Reviewed By:**

CAO

Dir Corp Svcs

Dir Pub Svcs

Dir F & D Svcs

Dir Hum Res

Mgr

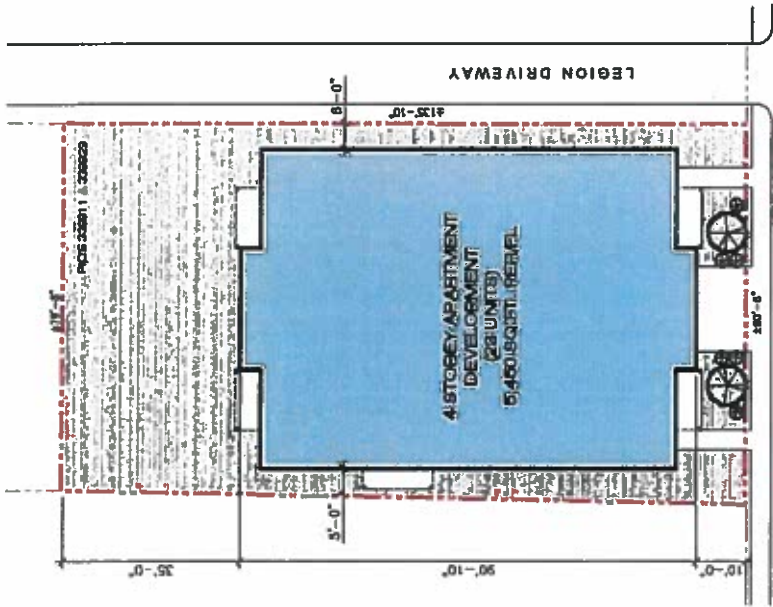


Other

**RECOMMENDATIONS/ACTIONS:**

1) Revised Site Plan

PH15-SN-01



RICHMOND STREET

SITE PLAN 1"-20'-0"

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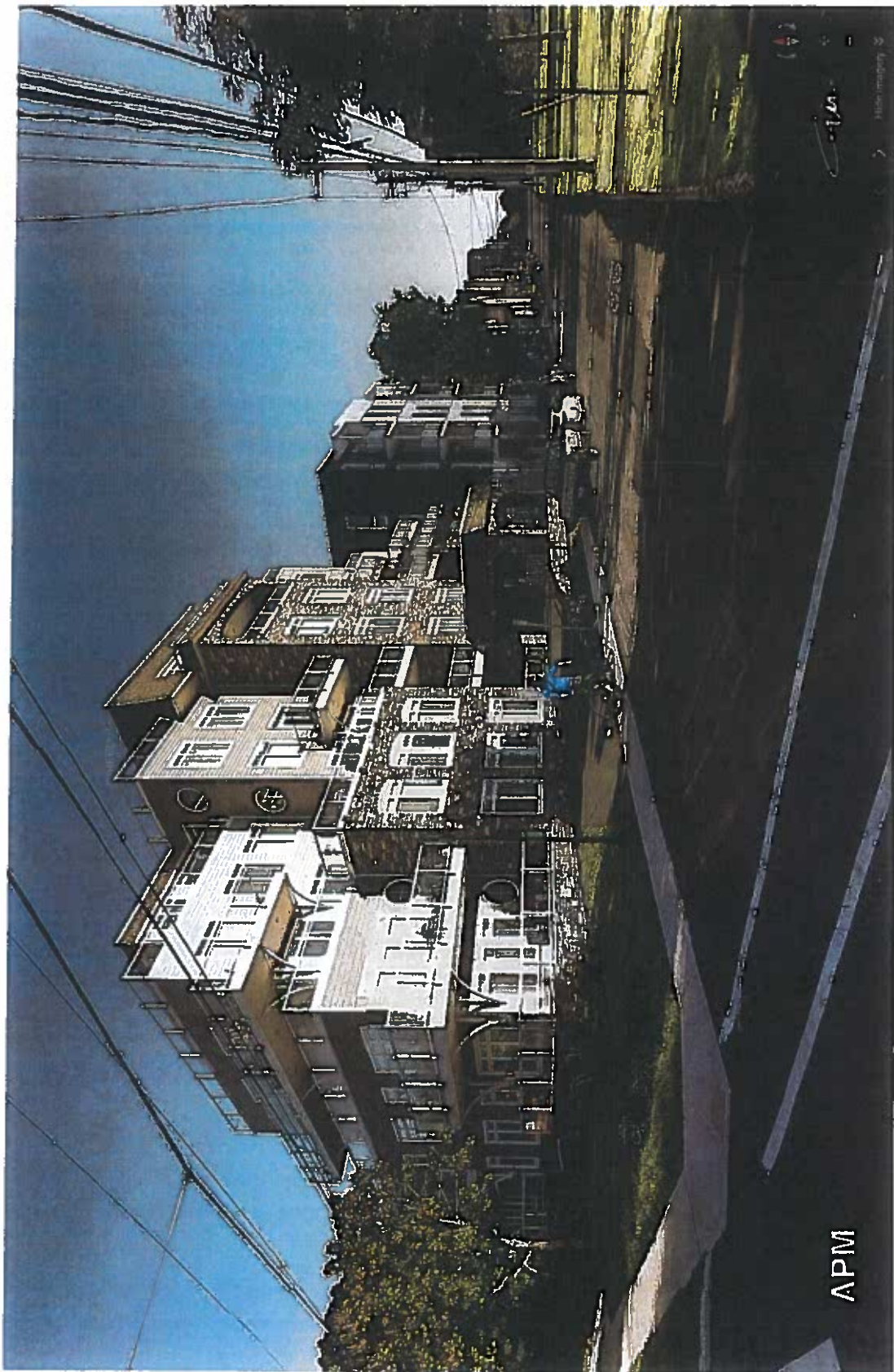
APM Commercial

PROPOSED 4 STOREY DEVELOPMENT



## 2) New Building Schematics





APM



### 3) Submitted Letter

1 March 2017

JK

February 28, 2017

Planning and Heritage Department  
City of Charlottetown  
P.O. Box 98  
Charlottetown PE C1A 7K2

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

Dear City Planners,

As a resident of 41 Richmond Street, I would like to bring the following concerns to your attention regarding the proposed 23-unit development of 55 and 59 Richmond Street.

- Variance of lot line from 6' to less than a foot - This will leave very little space between the proposed building and the current building at 41 Richmond Street. The existing bylaws were put in place in keeping with sustainable development, which considers existing property owners and the general appearance of a small city. What has changed in the City's mandate to move away from a plan that has been accepted?
- Lack of parking and increased traffic on a quiet residential street bordering a park - The proposed development will ultimately double the traffic volumes that are currently experienced, therefore, increasing risks to those using the park.
- Snow loads that will collect between buildings that are so close to each other - This will be an issue when snow removal is required.
- Location of garbage and recycling containers - Drawings do not indicate a reasonable plan as to location of any garbage bins. How is this going to affect existing properties?

I have no objection to development on a scale that is representative of the area. What is proposed is simply too dense for the area and conflicts with what has been previously established as acceptable.

Regards,

Dana Drummond  
dana.drummond@bellaliant.net



March 5, 2017

To: Planning & Heritage Department - City of Charlottetown

From: Board of Directors of Rochford Condominiums

**Re: Site specific amendment for 55 Richmond Street (PID339911) & 59 Richmond Street (PID 339929)**

Thank you for the opportunity to comment on the proposed development on 55 and 59 Richmond street as outlined in your letter of February 17th. This response is from the Board of Directors of Rochford Condominiums at 41 Richmond street, the adjoining property to the proposed development. We are very familiar with conditions on Richmond street, and we have some strong reservations for the proposed new building.

The first concern is parking availability. At the February 28th public meeting, the developer indicated the units would be aimed at: young professionals, UPEI students, and EA games employees as potential tenants. Parking was not deemed a problem as this demographic likely would not have cars. We do not believe that assumption is correct. UPEI students, notably the veterinary students that were mentioned in the public meeting, are likely to have cars since they need to reach UPEI campus at all hours. We anticipate that young professionals in Charlottetown will have cars, and this development will likely have to accommodate 20-30 cars, particularly when guests are present. Richmond street does not even come close to having adequate parking for that many new cars. If allowed to proceed, the planned development will cause parking chaos in and around Connaught square - particularly in the winter when snow clearing narrows both Richmond and Rochford streets. Adequate parking is always a challenge downtown and this development will significantly exacerbate this problem.

At the public meeting it was noted that the 23 micro-units need the same infrastructure (washroom/kitchen) as regular housing units and that will mean 23 households with compost, waste and recycling needs. The building plan as shown by the developer is has no visible location for bins and limited curb-side space for that many bins while accommodating the parking deficit. The tight space means that the bins will inevitably be placed close to Rochford condominium units and their balconies which closely adjoin the proposed development. We anticipate odour, and other nuisances to negatively affect our residents should 23 new units be placed in such close proximity.

The Rochford condominium building has a significantly different design and purpose than proposed for the new development. If we look at the proposed proximity between the two buildings, there may be only be 10 feet or less between balconies and windows of the two properties. Such close proximity will have negative impact on the privacy, security, value, and the enjoyment of property for tenants in both buildings.

We believe the micro-unit concept proposed by the developer is a sound idea, but it is absolutely in the wrong location. A site with sufficient parking, closer to UPEI and Holland college, closer to other student housing, and closer to the downtown business core would result in a much better outcome than what is proposed. We recommend strongly that Charlottetown City Council maintain its bylaws as intended and not approve the amendment for 55 and 59 Richmond street.

A handwritten signature in black ink, appearing to read 'Hurnik', with a stylized flourish extending from the end.

Daniel Hurnik  
Vice President Rochford Condominiums

## Evans, Victoria

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**From:** Mary MacInnis <marymacinnis@hotmail.ca>  
**Sent:** Sunday, March 05, 2017 10:43 PM  
**To:** Planning Department  
**Cc:** Mary MacInnis  
**Subject:** Re : Letter referencing variance 55/ 59 Richmond St (PID # 339911 & 339929 )

My feedback on the requested variances noted in the PID's referenced above is as follows :

- I strongly object to any side variances for security, potential increased noise levels and privacy reasons . I live in the Rochford condo unit 205 which is on the second floor and adjacent to the proposed development . Should the project proceed ,it will have a negative impact on lifestyle in current environment.
- There is also a potential parking issue should any tenants in the proposed development have vehicles. This is a real possibility as anyone living in the downtown Charlottetown will require transportation for work ,groceries and access to most amenities
- 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 conjecture the street on 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 weather 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 has potential to devalue my property and I ask that the City not approve the project as presented.

I am in favor of a project of less density and more in keeping with the surrounding properties which would benefit all

Mary MacInnis  
Property owner  
ROCHFORD Condo  
41 Richmond St

Sent from my Samsung Galaxy Tab@4

## Evans, Victoria

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**From:** Shelly Cooke <shelly.cooke@gmail.com>  
**Sent:** Sunday, March 05, 2017 1:40 PM  
**To:** Planning Department  
**Subject:** To: Planning & Heritage Department - City of Charlottetown

**From:** Shelly Cooke, Owner of Unit 302, 41 Richmond Street, Charlottetown, PEI

**Re: Site specific amendment for 55 Richmond st (PID339911) & 59 Richmond street (PID 339929)**

**Good Morning,**

I have serious concerns with this development on 55-59 Richmond street. My first one being the parking issue. I myself, paid \$15,000 for one parking space in my building. Each unit owner was given the option of buying parking spaces and we are sold out of all 22 underground parking spaces. Also we have visitors parking in the back of the building, another 24 parking spaces.

This development has nothing to offer anyone for parking or for visitors parking other then taking other peoples parking spots which may include them trying to park in our visitors parking spaces which this will cause major work trying to police this issue, it will be difficult and a night mare for all residents in 41 Richmond street.

I am advised that Mr. Banks does not require to have parking spaces for 23 units , but instead a one time pay out of \$78,000.00 for 23 units and not even thinking about visitors and where will they park! I believe this is a very serious issue as down town Charlottetown as very limited parking to begin with and the parkade's are full all year round. Currently you can not even get a parking space in the Pownal parkade as they have all been rented out for the winter months due to our snow issue. My friend who lived across the street from me could not buy a parking spot anywhere so she gave up and sold her vehicle as it was to much hassle owning a car and trying to have parking down town in the winter months!!! Yet Mr. Banks can just pay one time only ??? THIS WILL NOT SOLVE ANYTHING!! Just makes parking even worse !

Last month Richmond street was not even plowed for 2 days as we are not a main street which I understand but if we have people with vehicle from this 23 unit apartment building where will they park? In other peoples parking spaces and along the road on Richmond street, this will be a night mare!!

Also I have concerns about the garbage issue and where the bin's will be placed. I just walked past the soup kitchen and the look of the garage bins it terrible. I am very proud of my condo building and how beautiful it looks and how very well maintained it is. I would not want to see next door being so close to us and not keeping up with our standards of being proud of our building, city and community.

I am also very disappointed with the design of the building, it is far from within the keeping with our building design. It looks like a shoe box ! Where is the landscaping requirements? This type of a building belongs near a

university or a collage as students are the focal of these units. To state they will not own cars is crazy and I guess they will not have visitors either ?? This is not a university town this is Charlottetown.

I also want to point out our beautiful park that is very popular for children and families. We would need increased policing of the park from possibly being ruined or destroyed or increased noise from this 23 unit student apartment building in this quit peaceful family environment.

I believe in no way should this project be given any variance on the first floor as this should not even be build, I understand people have right to build but only if it fits in our city bylaws, this building does not ! I also encourage the city to look at this and all future projects to have mandatory parking provided or not be allowed to build commercial building at all with "Money in lie of" does not solving anything, we have run out of space down town for parking!

I am 100% against this development .

Thank you for the opportunity to comment on this development.

Sincerely  
Shelly Cooke  
41 Richmond Street  
suite 302  
Charlottetown, PEI

Cell: (902) 629-5959

## Forbes, Alex

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**From:** Kevin McCarville <kmccarville@cornwallpe.ca>  
**Sent:** Monday, March 06, 2017 12:42 PM  
**To:** Forbes, Alex  
**Subject:** Richmond Street proposal

Good afternoon Alex,


As noted in our conversation last week I wish to confirm my opinion on the proposal for granting a variance to allow for an additional storey on Mr. Banks proposal

I live on Rochford Street, just around the corner from the subject property.

I fully support the request to allow for an additional storey without having to increase the height of the building.

Hank you

Kevin

 <p style="text-align: center;"><b>City of Charlottetown</b></p>	<b>Report No: PLAN-April-03-2017-# 7</b>
	<b>Date: March 31<sup>st</sup>, 2017</b>
<b>Directed to:</b> Planning Board	<b>Attachments:</b> 1) Applicant's March 31 <sup>st</sup> Email
<b>Department:</b> Planning & Heritage	
<b>Prepared by:</b> Jesse Morton	
<b>Subject:</b> An application requesting: <ul style="list-style-type: none"> <li>• The consolidation of 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);</li> <li>• A site specific bylaw amendment, which includes a major variance, in order to permit a four storey, 23-unit apartment dwelling on the consolidated property; and</li> <li>• Cash-in-lieu acceptance for 13 requirements parking spaces.</li> </ul>	
<b>RECOMMENDATION:</b> For information purposes only.	

### **Background:**

This application is a multi-faceted request to construct a 23-unit apartment dwelling at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929). This application has been reviewed at the two previous Planning Board meetings; please see February and March's Planning Board packages for further information.

### **Planning Board & Council:**

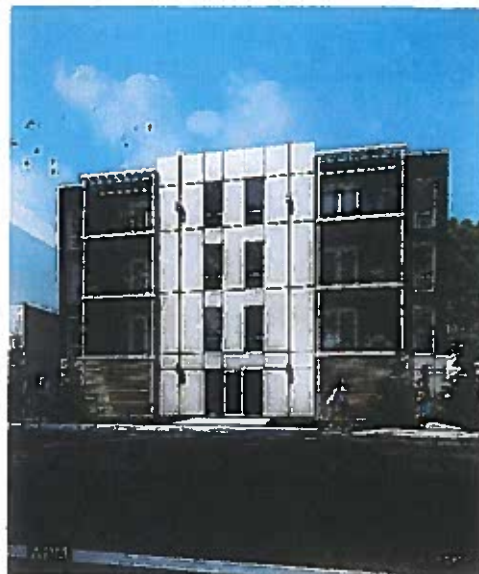
This application was reviewed in detail at the Board's March 6<sup>th</sup> meeting, and ultimately, the Board decided to recommend that Council approve the subject application. At Council's March 13<sup>th</sup>, Council voted to defer the following resolution:

*"That the request to:*

- *Consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929);*
- *Accept cash-in-lieu payment of \$78,000 for 13 required parking spaces; and*
- *Obtain a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) in order to permit a four storey 23-unit apartment building (including a variance to reduce the minimum grade level height from 13ft to approximately 9.5ft),*

*be approved, subject to the receipt of final pinned survey plans, design review approval, and the signing of a Development Agreement.*

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





Council opted to defer the application due to concerns about the cash-in-lieu request and the absence of on-site (and off-site) parking options. The deferral was intended to give the applicant the opportunity to re-evaluate this item and potentially modify their application.

**Correspondence:**

Staff exchanged a series of emails with the applicant, discussing potential modifications to the subject application. The applicant discussed the potential of entering into an agreement with CADC to obtain off-lot parking in the Pownal Parking Garage, but ultimately, the applicant confirmed via email (See Attached) that no modifications will be made to the application. As such, they will continue to request cash-in-lieu approval for 13 required parking spaces (a payment of \$78,000).

The application will now be advanced to Council's April 10<sup>th</sup> meeting.

**RECOMMENDATION:**

Planning Board previously offered their recommendation on this application; that recommendation was subsequently deferred by Council to give the applicant the opportunity to modify the cash-in-lieu of parking request. The applicant opted not to amend his application, and therefore, no further recommendation is required from the Board.

Respectfully,



**Reviewed By:**

CAO	Dir Corp Svcs	Dir Pub Svcs	Dir F & D Svcs	Dir Hum Res	Mgr <i>A</i>	Other
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**RECOMMENDATIONS/ACTIONS:**

## 1) Applicant's March 31st Email:

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Friday, March 31, 2017 10:34 AM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Forbes, Alex <aforbes@charlottetown.ca>; Heather Joudrie <hjoudrie@apm.ca>; Terry Palmer <tpalmer@apm.ca>; Dawn Alan <dawn@downtowncharlottetown.com>; pwmcguire@charlottetownchamber.com; Jerry Leblanc <jleblanc@apm.ca>; Ian Harper <iharper@apm.ca>; Mayor of Charlottetown (Clifford Lee) <mayor@charlottetown.ca>; Rivard, Greg <grivard@charlottetown.ca>  
**Subject:** RE: Richmond Street Project

Hi Jesse,

I believe we only have the one option as CADC cannot enter into a 10 year lease therefore we'll opt for the cash-in-lieu option which we previously indicated to Planning Board.

Thanks  
Tim

---

**From:** Morton, Jesse [mailto:jmorton@charlottetown.ca]  
**Sent:** Wednesday, March 29, 2017 5:14 PM  
**To:** Tim Banks  
**Cc:** Forbes, Alex  
**Subject:** RE: Richmond Street Project

Good Afternoon, Tim,

Planning staff are preparing resolutions in advance of April's Planning Board and Council meetings. As you are aware, the resolution for the 55-59 Richmond Street contains three items, including parking. Can you please confirm which parking-related request you're proceeding with?

**Option 1 - Original:**

A request to accept cash-in-lieu payment of \$78,000 for 13 required parking spaces.

**Option 2 – Revised:**

A request to accept off-lot parking for 13 required parking spaces at 100 Pownal Street (PID# 340414), subject to the receipt of a lease stating that off-lot parking shall be provided for a minimum period of 10 years.

The option that you select will be crafted into a formal resolution which will be forwarded to Council's April meeting, along with the information previously disclosed in our correspondence.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD**

**MONDAY, MAY 1, 2017**

**5:00 P.M.**

**Present: Councillor Greg Rivard, Chair**

**Councillor Jason Coady**

**David Archer, RM**

**Pat Langhorne, RM**

**Kate Marshall, RM**

**Laurel Palmer Thompson, PII**

**Jesse Morton, PII**

**Regrets: Graham Robinson RM**

**Lynn MacLaren, RM**

**Councillor Terry MacLeod**

**Roger Doiron, RM**

**Karolyn Walsh, RM**

**Lea MacDonald, RM**

**Alex Forbes, PHM**

**Greg Morrison, PI**

**Victoria Evans, AA**

**Loanne MacKay, RM**

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

This item is a request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), obtain a site specific bylaw amendment (which includes a major variance), and approve off lot parking in order to permit a four storey, 23-unit apartment dwelling on the consolidated property.

This application is a multi-faceted request to construct a four storey, 23-unit apartment dwelling at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929). The original application was reviewed at the three previous Planning Board meetings. Since those meetings, one component of the application has been modified: the applicant is now requesting approval to utilize 13 off-lot parking spaces at the CADC's Pownal Parkade, subject to the signing of a 10 year lease, as opposed to cash-in-lieu approval. Council deferred this application at its April meeting because of concerns about the feasibility of the off-lot parking agreement, as the change surfaced without sufficient notice and documentation. There were also concerns about the proposed balconies along the western side property line, particularly with respect to their proximity to the abutting lot / building.

The applicant has since submitted a signed letter from Ron Waite (General Manager of the CADC) on April 18th. The letter states that the CADC is prepared to enter into an off-lot parking agreement with the applicant to satisfy the proposed development's minimum parking requirement.

Prior to the Planning Board meeting, staff received an inquiry asking if the property fulfills the frontage requirement for such a development. Staff would note that on the submitted site plan the frontage is listed as "+/- 80.5 feet" however this proposal will require 82 feet of frontage. Staff has therefore asked the applicant to submit a survey plan confirming that there is 82 feet of frontage. As such, the Board voted to defer the application until the applicant has confirmed the amount of frontage on this property. The Board agreed to conduct an email vote should this confirmation be received before Thursday of this week. This would result in a resolution being forwarded to the next Council meeting regarding off-site parking. If the applicant cannot demonstrate that the required frontage exists, a further variance request will need to be made to the subject application before it proceeds further.

***End of excerpt.***



**Regular Meeting of Council  
Monday, May 8, 2017 at 7:00 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

<b><u>Present:</u></b>	<b>Deputy Mayor Mike Duffy Councillor Mitchell Tweel Councillor Melissa Hilton Councillor Terry Bernard Councillor Kevin Ramsay</b>	<b>Councillor Edward Rice Councillor Jason Coady Councillor Terry MacLeod Councillor Bob Doiron</b>
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<b><u>Also:</u></b>	<b>Peter Kelly, CAO Randy MacDonald, FC Frank Quinn, PRM Scott Adams, APWM Ramona Doyle, SO Laurel P. Thompson, PDO Christopher Drummond, PC David Hooley, CS Tracey McLean, RMC</b>	<b>Paul Smith, PC Paul Johnston, IAMM Richard MacEwen, UM Wayne Long, EDO Ron Atkinson, EconDO Jesse Morton, PDO Allan MacKenzie, SFO Alicia Packwood, CA</b>
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<b><u>Regrets:</u></b>	<b>Councillor Greg Rivard Mandy Feuerstack, HRM Jen Gavin, CO</b>	<b>Scott Ryan, FM Alex Forbes, PM</b>
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**REPORTS OF COMMITTEES / RESOLUTIONS**

**10. Planning & Heritage – Councillor Greg Rivard**

Councillor MacLeod, on behalf of Councillor Rivard, indicated the Committee's report was included in the weekend package. He advised Council that the application for the proposed development located at 55-59 Richmond Street was withdrawn recently by the applicant.

**End of Excerpt**



**Regular Meeting of Council  
Monday, May 8, 2017 at 7:00 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

<b><u>Present:</u></b>	<b>Deputy Mayor Mike Duffy Councillor Mitchell Tweel Councillor Melissa Hilton Councillor Terry Bernard Councillor Kevin Ramsay</b>	<b>Councillor Edward Rice Councillor Jason Coady Councillor Terry MacLeod Councillor Bob Doiron</b>
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<b><u>Also:</u></b>	<b>Peter Kelly, CAO Randy MacDonald, FC Frank Quinn, PRM Scott Adams, APWM Ramona Doyle, SO Laurel P. Thompson, PDO Christopher Drummond, PC David Hooley, CS Tracey McLean, RMC</b>	<b>Paul Smith, PC Paul Johnston, IAMM Richard MacEwen, UM Wayne Long, EDO Ron Atkinson, EconDO Jesse Morton, PDO Allan MacKenzie, SFO Alicia Packwood, CA</b>
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<b><u>Regrets:</u></b>	<b>Councillor Greg Rivard Mandy Feuerstack, HRM Jen Gavin, CO</b>	<b>Scott Ryan, FM Alex Forbes, PM</b>
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**REPORTS OF COMMITTEES / RESOLUTIONS**

**10. Planning & Heritage – Councillor Terry MacLeod**

Councillor Rivard was absent; therefore, Councillor MacLeod presented the report to Council.

**Mayor Lee:** Councillor MacLeod.

**Councillor Terry MacLeod:** Planning Committee has not met since our last Council meeting. Planning Board met on Monday, May 1 and a copy of those minutes are included in your package. There are eight (8) resolutions for your consideration for this evening. Heritage Board met on Tuesday, April 25; minutes are included and there are no resolutions. There are no 1<sup>st</sup> or 2<sup>nd</sup> readings for this meeting and there are two 3<sup>rd</sup> readings. For information purposes, the permit applications for the month are included in your package. Just a note of information for Council and Mayor and citizens, the Richmond Street apartment complex has been withdrawn by the Applicant, Mr. Tim Banks; this is just for information purposes. Thank you and I will try to answer any questions that you may have.

**Mayor Lee:** Seeing no questions; the first resolution Mr. Kelly.

**End of Verbatim Excerpt**

## **Morton, Jesse**

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**From:** Morton, Jesse  
**Sent:** Monday, May 08, 2017 4:19 PM  
**To:** Tim Banks; Cain Arsenault  
**Cc:** Forbes, Alex; Heather Joudrie; Ian Harper; Terry Palmer; Jerry Leblanc  
**Subject:** RE: 55-59 Richmond Street

Hello Tim,

Thank you for your email update. Please let us know when you wish to re-submit the application and we'll do our best to assist you when that time comes.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Monday, May 08, 2017 1:29 PM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>; Cain Arsenault <carsenault@apm.ca>  
**Cc:** Forbes, Alex <aforbes@charlottetown.ca>; Heather Joudrie <hjoudrie@apm.ca>; Ian Harper <iharper@apm.ca>; Terry Palmer <tpalmer@apm.ca>; Jerry Leblanc <jleblanc@apm.ca>  
**Subject:** RE: 55-59 Richmond Street

Hi Jesse,

Sorry to be so late but we still haven't resolved the width issue so at this point we'd like to withdraw our application and we'll resubmit it in the near future.

Thanks  
Tim

---

**From:** Morton, Jesse [mailto:jmorton@charlottetown.ca]  
**Sent:** Tuesday, May 02, 2017 4:35 PM  
**To:** Cain Arsenault; Tim Banks  
**Cc:** Forbes, Alex  
**Subject:** RE: 55-59 Richmond Street

Hello Tim,

Staff have reviewed the most recent parking plan for 99 Pownal Street, particularly with respect to the Richmond Street driveway / access point. The plan indicates that parking spaces currently line both sides of the Richmond Street driveway. It's important to note that 99 Pownal has constraints with respect to parking – this means that the number of on-site parking spaces cannot be reduced. If you were to adjust the property line between the Legion and 59 Richmond Street, any impacted parking spaces must be accommodated elsewhere on the Legion property, in accordance with the Zoning & Development Bylaw.

At this time, the actual frontage of 55 & 59 Richmond Street is unknown (though I believe you suggested it was likely 76ft). If the variance request to adjust the required frontage represents a change of 10% or less, this would be classified as a minor variance. Minor variances are subject to a mail out / public notification process. Residents would be asked to submit comments, as per Section 4.31 of the Zoning & Development Bylaw.

Your current application has resulted in modifications over the last couple of months with regard to the issue of parking and the recent revelation on the frontage provides another dimension. At this stage, it will be hard to isolate the frontage variance from the entire application. If you pursue the frontage variance request, the Planning Board / Council may require that the entire application be subject to a new public notification process and public meeting so that all aspects of the application can be reviewed concurrently.

Please let us know if you have further questions.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Cain Arsenault [<mailto:carsenault@apm.ca>]  
**Sent:** Tuesday, May 02, 2017 12:45 PM  
**To:** Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)>; Tim Banks <[tim@apm.ca](mailto:tim@apm.ca)>  
**Subject:** RE: 55-59 Richmond Street

Hi Jesse,

If a variance is required would it be considered only a minor variance and able to be approved through the planning department without any scrutiny or would public notice be given and council involved?

Please let us know,

Thanks

Cain

---

**From:** Morton, Jesse [<mailto:jmorton@charlottetown.ca>]  
**Sent:** Monday, May 01, 2017 3:10 PM  
**To:** Tim Banks; Cain Arsenault

**Cc:** Forbes, Alex  
**Subject:** Re: 55-59 Richmond Street

Hello,

The City received your signed confirmation letter from CADC stating that your off-lot parking request can be accommodated at the Pownal Parking Garage; and this information will be forwarded to both the Planning Board and Council. If your application is approved, the details regarding this parking arrangement will be outlined in the Development Agreement.

Staff have received a recent inquiry from an adjacent property owner as to the actual frontage of this property. The site plan that you submitted indicates that the two subject properties will have a combined frontage of "±80.5ft" once consolidated. The minimum frontage requirement is 82ft for an apartment building in this zone. As a result, it is critical that the actual dimension of this property is determined before your application moves forward. A surveyor may confirm that you have the required frontage and if this is the case your application will proceed as proposed. If you do not have the required frontage, then a frontage variance must be highlighted before the Planning Board and Council deliberate on your application. Presently, if your current application is approved as submitted, the proposed building cannot proceed until survey plans prove that the properties have a minimum frontage of 82ft.

Staff are asking you to confirm as soon as possible the actual frontage that the consolidated property will possess. This will require a survey plan or confirmation by a registered land surveyor. Without precise confirmation, it is believed that the Planning Board and/or Council will defer this application until this information can be provided.

If you can demonstrate that the necessary 82ft of frontage is available on this lot by Friday, the Planning Board will conduct an on-line vote to keep the process moving so your application can be reviewed by Council next Monday. If 82ft of frontage is not available, your application will need to be modified to include the required frontage variance.

Please let us know if you have further questions.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)





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

## **Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Friday, June 23, 2017 8:56 AM  
**To:** Tim Banks  
**Cc:** Cain Arsenault; Forbes, Alex  
**Subject:** RE: 55-59 Richmond Street

Good Morning Tim,

The original application was withdrawn which brought a conclusion to the process. I spoke with Alex and he agrees that this is a brand new application for the reasons previously stated. If you wish to proceed to July's Planning Board meeting, please submit the \$300 fee before next Wednesday (June 28).

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Thursday, June 22, 2017 4:24 PM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Cain Arsenault <carsenault@apm.ca>  
**Subject:** Re: 55-59 Richmond Street

Sorry but we didn't cancel it we just withdrew it until we had a clearer understanding on how to deal with the width issue that arose. We contribute a significant tax base to the City of which this development will be and we expect the City to deal with our original permit.

Thanks

Tim

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
tel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

On Jun 22, 2017, at 4:10 PM, Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)> wrote:

Hello Tim,

Thank you for your response. The previous \$300 fee was for your original application, which required staff time, several advertisements, and a public meeting. The original application was subsequently canceled and concluded. This is a brand new application, and as such, a \$300 fee is required to initiate the process and cover future expenses that will result from a second application.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [<mailto:tim@apm.ca>]  
**Sent:** Thursday, June 22, 2017 9:03 AM  
**To:** Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)>  
**Cc:** Cain Arsenault <[carsenault@apm.ca](mailto:carsenault@apm.ca)>  
**Subject:** Re: 55-59 Richmond Street

Good morning Jesse... not thru our own cause, Council continued to defer our existing application so wouldn't this amended application bring clarity to their concerns and be considered as an revision to the existing application? Why should we have to pay another fee for the same project? Please explain?

Thanks  
Tim

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

On Jun 22, 2017, at 8:24 AM, Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)> wrote:

Hello Cain,

We haven't reviewed the application in great detail yet; that will happen later today. The next Planning Board meeting is Tuesday, July 4<sup>th</sup> @ 4:30pm. I'll attentively schedule you first on the agenda, if that works for you.

We still need your \$300 application fee before next Wednesday in order to advance your application to the meeting. There could be a later charge depending on the cost of advertising and/or the public meeting.

Sincerely,

**Jesse Morton, MCIP  
Planner II**

**City of Charlottetown**  
PO Box 98, 233 Queen Street  
Charlottetown, PE C1A 7K2  
Office: 902-629-4108  
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[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Cain Arsenault [<mailto:carsenault@apm.ca>]  
**Sent:** Wednesday, June 21, 2017 3:13 PM  
**To:** Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)>  
**Cc:** Tim Banks <[tim@apm.ca](mailto:tim@apm.ca)>  
**Subject:** 55-59 Richmond Street

Hi Jesse,

Just checking in regarding our amended application for Richmond Street and wondering what date is scheduled for the reevaluation?

Let us know ASAP.

Thanks

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](mailto:carsenault@apm.ca)  
[www.APM.ca](http://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>



## Morton, Jesse

---

**From:** Tim Banks <tim@apm.ca>  
**Sent:** Monday, June 26, 2017 4:36 PM  
**To:** Morton, Jesse  
**Cc:** Cain Arsenault  
**Subject:** Re: 55-59 Richmond Street

Hi Jesse

Although Cain normally answers all these questions in this project case all future correspondence should be addressed to me.

The 40 foot elevation height is exact and we will revise drawings to reflect.

I don't recall our committing to remove balconies unless we are causing variance issues... can you confirm that our "as of right allows balconies on the side elevations" or am I reading the bylaws incorrectly?

We will provide electronic copies once you confirm the answer to balconies.

Thanks  
Tim

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
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Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

On Jun 26, 2017, at 4:17 PM, Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)> wrote:

Hello Cain,

I had a couple items that I was hoping you can address regarding the 55-59 Richmond Street application:

- 1) The elevation drawing that you submitted shows that the proposed building is 40ft from grade. The cross section drawing that you submitted (dwg A-3.1), however, seems to suggest that the 40ft is to the foundation, not the grade of the property (which appears lower in this drawing).

Can you please confirm the precise height that you're requesting as part of the site specific amendment? Is it indeed 40ft from the property's grade?

- 2) You mentioned that no balconies will be provided in either side yard of the proposed development. The site plan you submitted indeed shows no side yard balconies, but the floor

plans still show balconies in the left side yard (facing 41 Richmond). Can you please confirm that no side yard balconies will be included in the proposed development?

3) Are you able to update the drawings so no balconies are included? Doing so should help avoid confusion down the road.

4) Are we able to get electronic copies of your plans / drawings?

Thank you in advance,

**Jesse Morton, MCIP**  
**Planner II**

**City of Charlottetown**  
PO Box 98, 233 Queen Street  
Charlottetown, PE C1A 7K2  
Office: 902-629-4108  
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[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

**Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Tuesday, June 27, 2017 9:30 AM  
**To:** Tim Banks  
**Cc:** Cain Arsenault; Forbes, Alex  
**Subject:** RE: 55-59 Richmond Street

Good Morning Tim,

As per the Zoning & Development Bylaw, the left minimum side yard setback for the subject property is equal to the side yard setback of the abutting property (41 Richmond Street), which is 0ft. The submitted site plan currently shows no side yard balconies and a 5ft setback.

Please confirm if you do in fact intend to pursue balconies in the left side yard. We will need all submitted drawings to provide clarity on this matter.

Balconies were previously removed from the right side yard to avoid an additional variance.

**Jesse Morton, MCIP  
Planner II**

**City of Charlottetown**  
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Charlottetown, PE C1A 7K2  
Office: 902-629-4108  
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[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Monday, June 26, 2017 4:36 PM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Cain Arsenault <carsenault@apm.ca>  
**Subject:** Re: 55-59 Richmond Street

Hi Jesse

Although Cain normally answers all these questions in this project case all future correspondence should be addressed to me.

The 40 foot elevation height is exact and we will revise drawings to reflect.

I don't recall our committing to remove balconies unless we are causing variance issues... can you confirm that our "as of right allows balconies on the side elevations" or am I reading the bylaws incorrectly?

We will provide electronic copies once you confirm the answer to balconies.

Thanks  
Tim



Tim Banks  
CEO - APM

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[www.apm.ca](http://www.apm.ca)

On Jun 26, 2017, at 4:17 PM, Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)> wrote:

Hello Cain,

I had a couple items that I was hoping you can address regarding the 55-59 Richmond Street application:

- 1) The elevation drawing that you submitted shows that the proposed building is 40ft from grade. The cross section drawing that you submitted (dwg A-3.1), however, seems to suggest that the 40ft is to the foundation, not the grade of the property (which appears lower in this drawing).

Can you please confirm the precise height that you're requesting as part of the site specific amendment? Is it indeed 40ft from the property's grade?

- 2) You mentioned that no balconies will be provided in either side yard of the proposed development. The site plan you submitted indeed shows no side yard balconies, but the floor plans still show balconies in the left side yard (facing 41 Richmond). Can you please confirm that no side yard balconies will be included in the proposed development?
- 3) Are you able to update the drawings so no balconies are included? Doing so should help avoid confusion down the road.
- 4) Are we able to get electronic copies of your plans / drawings?

Thank you in advance,

**Jesse Morton, MCIP  
Planner II**

**City of Charlottetown**  
PO Box 98, 233 Queen Street  
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[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

## Morton, Jesse

---

**From:** Tim Banks <tim@apm.ca>  
**Sent:** Thursday, June 29, 2017 5:54 PM  
**To:** Forbes, Alex; Morton, Jesse; Cain Arsenault; Heather Joudrie; Terry Palmer  
**Subject:** Fwd: Richmond Street  
**Attachments:** image001.gif

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
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cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

Begin forwarded message:

**Resent-From:** <tim@mercurymailssystem.ca>  
**From:** James Travers <jtravers@stewartmckelvey.com>  
**Date:** June 29, 2017 at 3:11:15 PM ADT  
**To:** Tim Banks <tim@apm.ca>  
**Subject:** Richmond Street

Provisions from 4.29 of the bylaw. Doesn't look good. Best bet would be for Council to consider the original application to still be under consideration (because no disposition was made under .7), and another public meeting held to continue to consider the original application, as amended.

.7 On the recommendation of the Planning Board, Council May, for reasons that are in the best interests of the City, reject a proposed amendment to this By-law without public Notice and without referral to a public meeting, but if an application goes to a public meeting, then Council Shall determine the disposition of the application and the applicant May not be allowed to withdraw the application after the public meeting.

.10 When an application for a rezoning, or an amendment to this By-law has been lawfully determined, the same or a similar rezoning or amendment application Shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is valid new information or a substantial change in the application.



James C. Travers\*, Q.C.  
Partner  
stewartmckelvey.com/Charlottetown  
D: 902 629 4504  
jtravers@stewartmckelvey.com  
\*Law Corporation

\*\*\*\*\*

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**Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Thursday, June 29, 2017 9:23 AM  
**To:** 'Cain Arsenault'  
**Subject:** RE: Richmond Street Application

Hi Cain,

Can we get electronic copies of the site plan, building elevation rendering, and streetscape rendering, as well?

**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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Cain Arsenault [mailto:[carsenault@apm.ca](mailto:carsenault@apm.ca)]  
**Sent:** Tuesday, June 27, 2017 2:34 PM  
**To:** Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)>  
**Subject:** FW: Richmond Street Application

FYI

---

**From:** Cain Arsenault  
**Sent:** Tuesday, June 27, 2017 2:20 PM  
**To:** [jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)  
**Cc:** Tim Banks  
**Subject:** Richmond Street Application

Hi Jesse,

Here is the digital copy for our application which include corrections to the balconies.

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](mailto:carsenault@apm.ca)  
[www.APM.ca](http://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.

**APM** since 1980  
**building ... across CANADA**

---

**Forbes, Alex**

---

**From:** Forbes, Alex  
**Sent:** Friday, June 30, 2017 8:32 AM  
**To:** Rivard, Greg  
**Subject:** FW: Phone Call

FYI

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:** Forbes, Alex  
**Sent:** Thursday, June 29, 2017 6:03 PM  
**To:** 'Tim Banks' <tim@apm.ca>  
**Cc:** Kelly, Peter <pkelly@charlottetown.ca>; Morton, Jesse <jmorton@charlottetown.ca>  
**Subject:** FW: Phone Call

Tim: I spoke with David Hooley on whether you are allowed to proceed with your new (or amended former application) for Richmond Street at this time. I mentioned that you contend that you just temporarily withdrew your application until a further date and you would return with a new application which I understand you may file as early as tomorrow. David directed me to Section 4.29 .7 of the Zoning By-law which states that: "On the recommendation of the Planning Board, Council May, for reasons that are in the best interests of the City, reject a proposed amendment to this by-law without public Notice and without referral to a public meeting, **but if an application goes to a public meeting, then Council Shall determine the disposition of the application and the applicant May not be allowed to withdraw the application after the public meeting.** David has also directed me to sections 4.29.10, 4.31.4 and 4.32.3 of the Bylaw which you can read for yourself on the City's web site. Since you asked to withdraw your application *after* the public meeting held last February, Council must now proceed to determine whether or not to allow you to withdraw your application under section 4.29.7 and re-submit before the expiration of the year prescribed by sections 4.29.10, 4.31.4 and 4.32.3. These provisions were apparently not dealt with back on May 8<sup>th</sup> so they must now be determined before we can proceed further with your new application. I will be forwarding the issue to the next Council meeting in July to seek Council direction. Until that time, I cannot process your intended new application with the street frontage variance as an added request until Council provides a final determination on your previous application. Once we have that decision and direction we will proceed accordingly. 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:** Forbes, Alex  
**Sent:** Thursday, June 29, 2017 2:10 PM  
**To:** 'Tim Banks' <[tim@apm.ca](mailto:tim@apm.ca)>  
**Subject:** Phone Call

Tim: I received your voice mail. David is reviewing this situation and I expect to speak to him this afternoon. 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"**





City of  
Charlottetown

Report No:

Date: July 4, 2017

Directed to: Planning Board

Department: Planning and Heritage

Prepared by: Alex Forbes

Attachments:

Subject: 55-59 Richmond Street

**RECOMMENDATION:**

Staff encourage Planning Board to recommend to Council one of the following 3 options. (1) Approve the Applicant's request of May 8<sup>th</sup>, 2017 to withdraw his application and allow the applicant to re-submit his application afresh together with a further variance request regarding the street frontage before the expiry of one year (1), and upon receipt of the resubmitted application, Council hereby directs Planning Staff to proceed to process the application in the manner prescribed by the By-law (new public hearing). (2) allow the applicant to amend his previous application with a further variance request regarding the street frontage and upon receipt of the resubmitted application, Council hereby directs Planning Staff to proceed to process the application by making a recommendation to Planning Board and Council about the merits of proceeding to a new public hearing. (3) deny the previous application which will restrict the applicant from reapplying for the same application for a one year period.

**REPORT:**

On May 28<sup>th</sup>, 2017, the application for 55-59 Richmond Street was withdrawn at the applicant's request because of the last minute determination that the appropriate amount of frontage was not available to meet the requirements for an apartment building on this property. This application could not be completed because the applicant needed to determine how to proceed to address this component of his application.

It is important to note Planning Board and Council need to *focus solely on the narrow procedural issue currently at hand* which arises simply because Council inadvertently overlooked the requirements of section 4.29.7 at its May 8<sup>th</sup> meeting in neglecting to make a decision under that section which states as follows:

4.29.7 On the recommendation of the Planning Board, Council May, for reasons that are in the best interests of the City, reject a proposed amendment to this By-law without public Notice and without referral to a public meeting, **but if an application goes to a public meeting, then Council Shall determine the disposition of the application and the applicant May not be allowed to withdraw the application after the public meeting.**

The holistic merits of the application are not up for a decision at the July 10<sup>th</sup> Council meeting: rather, *the sole current issue is procedural in nature*: i.e. whether or not – in the peculiar set of circumstances which prevailed on May 8<sup>th</sup> – having been informed of the Applicant's request to withdraw its application - Council ought at that time to have exercised its discretion to allow the Applicant to withdraw its application and re-submit it at a later date *before* the expiry of the one (1) year rule otherwise prescribed by sections 4.29.10; 4.31.4; and, 4.32.3 *An unanticipated fact came to light on the eve of Council's May 8<sup>th</sup> meeting*. Specifically, it came to staff's attention (through an inquiry) that the subject property did not have the required frontage to be considered for an apartment building after the lot consolidation. The lack of frontage on this property had not been brought up at the previous public meetings of Council in February, March or April.

This begs the question of whether the applicant should be permitted to withdraw his application and re-submit it at a later date - without being subjected to the 1 year rule?

Staff were under the impression that prior to Council's May 8<sup>th</sup> meeting the Applicant endeavoured to acquire extra frontage from its abutting property owner but was not successful. The Applicant wishes to re-submit essentially the same application (demolition permit, lot consolidation, site specific amendment, off lot parking and certain other variances) but with one added variance regarding the public street frontage.

The last minute issue with the frontage was fatal to the application as it then existed and a reasonable time was needed to either acquire the extra frontage required; or, seek an additional variance. The Planning Board and Council have 3 options.

#### **Option 1**

Council's "determination" as to the "disposition" of the application under section 4.29.7 would thus be to allow the withdrawal of the previous application and to allow the Applicant to re-submit a fresh application (before the expiry of a one (1) year) together with the prescribed filing fee and including the additional variance being requested regarding the street frontage. The application in turn would be advertized and a public hearing held following which Council, after receiving a recommendation from Staff and Planning Board would make a decision on the holistic merits of the application.

#### **Option 2**

(2) allow the applicant to amend his previous application with a further variance request regarding the street frontage and upon receipt of the resubmitted application. This application would involve basically going back through the same process for the first application including hosting a new public hearing.

#### **Option 3**

(3) deny the previous application which will restrict the applicant from reapplying for the same application for a one year period.

--

Respectfully,

My Fore


Reviewed By:

CAO

Manager

Other

**RECOMMENDATIONS/ACTIONS:**

 <p style="text-align: center;"><b>City of Charlottetown</b></p>	<b>Report No:</b> PLAN-June-05-2017-#
	<b>Date:</b> July 4th, 2017
<b>Directed to:</b> Planning Board	<b>Attachments:</b> 1) Proposed Amendments
<b>Department:</b> Planning & Heritage	
<b>Prepared by:</b> Alex Forbes, MCIP	
<b>Subject:</b> Section 10 of the Zoning and Development By-law should be amended to reflect the obligations of property owners who wish to subdivide property with frontage on the various types of streets that exist within the City of Charlottetown.	
<b>RECOMMENDATION:</b> Planning Board is encouraged to recommend to Council that the proposed amendments to Section 10 of the Zoning and Development By-law (including Section 3 definitions) be approved.	

### **Background:**

In recent years, staff have received requests from property owners to develop properties that front on undeveloped streets within the city that were not serviced with water, sewer, storm water catchments, curb, pavement, etc. In addition, recent master planning processes (East Royalty Master Plan) require future streets be delineated in the Master Plan to ensure that a large tracts of land can be efficiently subdivided to ensure orderly subdivision. The existing subdivision requirements in the Zoning and Development By-law is unclear regarding the obligations of the property owner or municipality to service these types of streets. Therefore, it is necessary to amend the Zoning and Development By-law to stipulate how the various types of streets will be recognized and defined in the Zoning and Development By-law. Moreover, the amendments provide the ability to outline the obligations of property owners regarding servicing standards when seeking development approval.

### **Discussion:**

The Zoning By-law provides clear direction for property owners wishing to subdivide property on tracts of land that are vacant without any road rights of way or existing services. In this situation all costs associated with the creation of new building lots including provision for the construction of the street rights of way with all of the required servicing is borne entirely by the property owner who wishes to subdivide. The Zoning By-law is less clear regarding the obligations of property owners who either acquired property in the past on an undeveloped street or they owned land beside an undeveloped street. In this instances, the property owners contest the obligation to provide the servicing and build the road is the municipality's responsibility. In this scenario the property owner would have acquired the land at a discounted valued because it was not serviced. If the municipality (taxpayer) agrees to build and service an undeveloped road at their expense, the windfall profit on the increased valuation of the lot is realized by the property owner and not the municipality. Most municipalities have brought in policies to standardize who pays for the

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD**  
**MONDAY, JULY 4, 2017**  
**5:00 P.M.**

<b><u>Present:</u></b> <b>Councillor Greg Rivard, Chair</b> <b>Councillor Jason Coady</b> <b>David Archer, RM</b> <b>Pat Langhorne, RM</b> <b>Loanne MacKay, RM</b> <b>Greg Morrison, PI</b> <b>Jesse Morton, PII</b>	<b>Councillor Terry MacLeod</b> <b>Karolyn Walsh, RM</b> <b>Graham Robinson RM</b> <b>Lea MacDonald, RM</b> <b>Alex Forbes, PHM</b> <b>Laurel Palmer Thompson, PII</b> <b>Victoria Evans, AA</b>
<b><u>Regrets:</u></b> <b>Lynn MacLaren, RM</b> <b>Roger Doiron, RM</b>	<b>Kate Marshall, RM</b>

**1. 55-59 Richmond Street (PID# 339911, 339929)**

This item is an application for 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 includes two variances; 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. This item has previously been presented to the Board and proceeded to a public consultation. However, the application was withdrawn on May 8, 2017, before Council voted on the application because it was discovered that the application may not have the appropriate amount of frontage. Staff inadvertently overlooked the requirements of section 4.29.7 at the May 8, 2017 Council meeting and as result, Council neglected to make a decision on the withdrawal of the application. Planning Board and Council therefore must make a decision directing staff on how to process the application.

Staff presented several options to the Board including allowing the applicant to resubmit the application, allowing the applicant to amend his previous application or denying the previous application. The Board agreed to allow the applicant to resubmit a new application with a further variance for street frontage.

**Moved and seconded Whereas at its public meeting on May 8<sup>th</sup>, 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 8<sup>th</sup> 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.**

**CARRIED**

*End of excerpt.*



**Regular Meeting of Council  
Monday, July 10, 2017 at 4:30 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

**Present:**      **Deputy Mayor Mike Duffy**  
                 **Councillor Mitchell Tweel**  
                 **Councillor Melissa Hilton**  
                 **Councillor Bob Doiron**  
                 **Councillor Kevin Ramsay**

**Councillor Edward Rice**  
**Councillor Jason Coady**  
**Councillor Terry MacLeod**  
**Councillor Terry Bernard**

**Also:**            **Peter Kelly, CAO**  
                 **Randy MacDonald, FC**  
                 **Richard MacEwen, UM**  
                 **Alex Forbes, PM**  
                 **Frank Quinn, PRM**  
                 **Ron Atkinson, EconDO**  
                 **Ramona Doyle, SO**  
                 **Laurel Lea, TO**  
                 **Alicia Packwood, CA**  
                 **Tracey McLean, RMC**

**Brad MacConnell, DPC**  
**Paul Johnston, IAMM**  
**Mandy Feuerstack, HRM**  
**Scott Ryan, FM**  
**Scott Adams, APWM**  
**Wayne Long, EDO**  
**Laurel P. Thompson, PDO**  
**Karen Campbell, CS**  
**Cindy MacMillan, AA**

**Regrets:**        **Councillor Greg Rivard**

Mayor Lee called the meeting to order.

**REPORTS OF COMMITTEES / RESOLUTIONS**

**8.      Planning & Heritage – Councillor Terry MacLeod**

**Moved by Councillor Terry MacLeod**  
**Seconded by Councillor 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.

Mayor Lee clarified that what Council was allowing the applicant to withdraw their application that did not come forward for a vote of council back in May and you are saying for them to begin the process over again.

CAO added that only council can allow an applicant to withdraw.

Mayor: Because Council is the only body that can allow the applicant to withdraw. So what we are saying is that we approve the decision back in May to withdraw the application and we are prepared to start the process afresh for a development on that property.

Mayor: Councillor Tweel

Councillor Tweel: Looking for a legal clarification; Council has a public meeting, does it not have the obligation once a public meeting is held to entertain a resolution to either accept or reject the development. I always understood; the years I've been in this chamber that once you go to a public meeting, Council must entertain a resolution and either accept or reject the resolution. That is my request for legal assessment.

Mayor: Councillor Terry MacLeod

Councillor Terry MacLeod: Thank you very much your worship. That's fine and great if there isn't a withdraw, but if the developer decides he wants to withdraw then how we dealt with it wasn't quite correct. We should be voting on it regardless, that night we should have said all in favour of the withdraw and we didn't do that process, so we are here tonight to do that. Only if it came forward Councillor Tweel would we say yes or no, so we didn't bring it forward and that's the issue, we should've brought it forward.

Mayor: Councillor Hilton

Councillor Hilton: Thank you your worship. So if I'm reading this correctly in all likely we will be going to a public meeting again. That whole process will begin all over again by allowing him to withdraw his application properly.

Councillor Terry MacLeod: Thank you your worship. So in front of you tonight, there are three sections to it, proposals, options if you want to call it that; one, two or three and one it is to approve the applicants' request to withdraw, which states that we will go all the way back to the start – there is nothing from this application that can be involved from this application it's a brand new application. The second choice is will be for the applicant to resubmit, has to go back to a public meeting but he can bring forward the information provided in this particular



application. In number three is that we just outright decline it and then the applicant would have just one other recourse, so it's either decline it, let the developer come back with this information and go to the public meeting or option number one just allow the withdraw to happen and let the developer decide what he wants to do after that.

Mayor Lee: Councillor Hilton

Councillor Hilton: I think actually the resolution is reading that 1, 2 and 3 is all part of the resolution, we are not being given an option. We are allowing the application to be withdrawn and then the applicant resubmits and then once resubmitted, Planning staff and board will meet and then Council will hear what the plans are and direction from there. Is that correct?

Peter Kelly: That is correct, so it is to allow those three things to occur. Council also has to give permission because the one year time frame is to allow them to apply even though the one year has not gone by since starting from scratch.

Councillor Hilton: Ok perfect, thank you.

Mayor Lee: Mr Forbes

Alex Forbes: Thank you your worship. It may be a little bit confusing, there was a report in your package that outlined that there are three options that council has; they can deny the application back in May, they can amend the application from back in May or they can allow the applicant to withdraw and then reapply. What you see for the resolution is really the number one option. So the number one option is all three of them have to go together, but (can't make this out) to just allow him to withdraw he can come back and (??) the process, back to the planning board, goes back to a public hearing and you folks deliberate on it again with this new hearing included. Then give a comprehensive review and then give your final decision at that time.

Mayor Lee: This is a rezoning application, correct?

Alex Forbes: Correct, yes.

Mayor Lee: So that does require a public meeting.

Alex Forbes: inaudible

Mayor Lee: Councillor Tweel

Councillor Tweel: Thank you. I would like a response to the question from a legal perspective, as to again, the question is once council goes to a public meeting does it not have the responsibility to entertain the resolution for the development either to reject or approve. Is that not required of Council?

Karen Campbell: Subject to the request of withdraw which is what is being dealt with here. So in this instance the resolution before council is to allow the developer to withdraw the application and then to commit him to come back with a fresh application even though the one year period has expired under the bylaw.

**CARRIED 9-0**

**End of Excerpt**



## CITY OF CHARLOTTETOWN

### RESOLUTION

Planning #10

MOTION CARRIED 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 8<sup>th</sup>, 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 8<sup>th</sup> 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.

*about 6m. Risand*

**Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Thursday, July 13, 2017 8:50 AM  
**To:** Tim Banks  
**Subject:** Re: Richmond  
**Attachments:** Subdivision, Variance and Rezoning Application Feb 19 2015.pdf

Good Morning Tim,

Sorry that I missed your call yesterday afternoon, I was out conducting site inspections. We need you to complete a new application form for the Richmond Street site specific amendment, and submit a new up-front fee of \$300. An additional charge may be applied at the conclusion of the process.

I meetings scheduled for this morning, but I'll give you a call later on to discuss this further.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

City of Charlottetown  
Planning & Heritage Department  
233 Queen Street  
PO Box 98  
Charlottetown, P.E.I C1A 7K2



t 902.629.4158  
f 902.629.4156  
e [planning@charlottetown.ca](mailto:planning@charlottetown.ca)  
w [www.charlottetown.ca](http://www.charlottetown.ca)

July 13, 2017

Tim Banks  
APM  
16 McCarville Street  
Charlottetown, PEI, C1E 2A6

Dear Mr. Banks:

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

“Whereas at its public meeting on May 8th, 2017 through an inadvertent oversight Council neglected to make a determination as to its disposition of the application for 55-59 Richmond Street following a withdrawal request from the applicant;

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 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 Council:

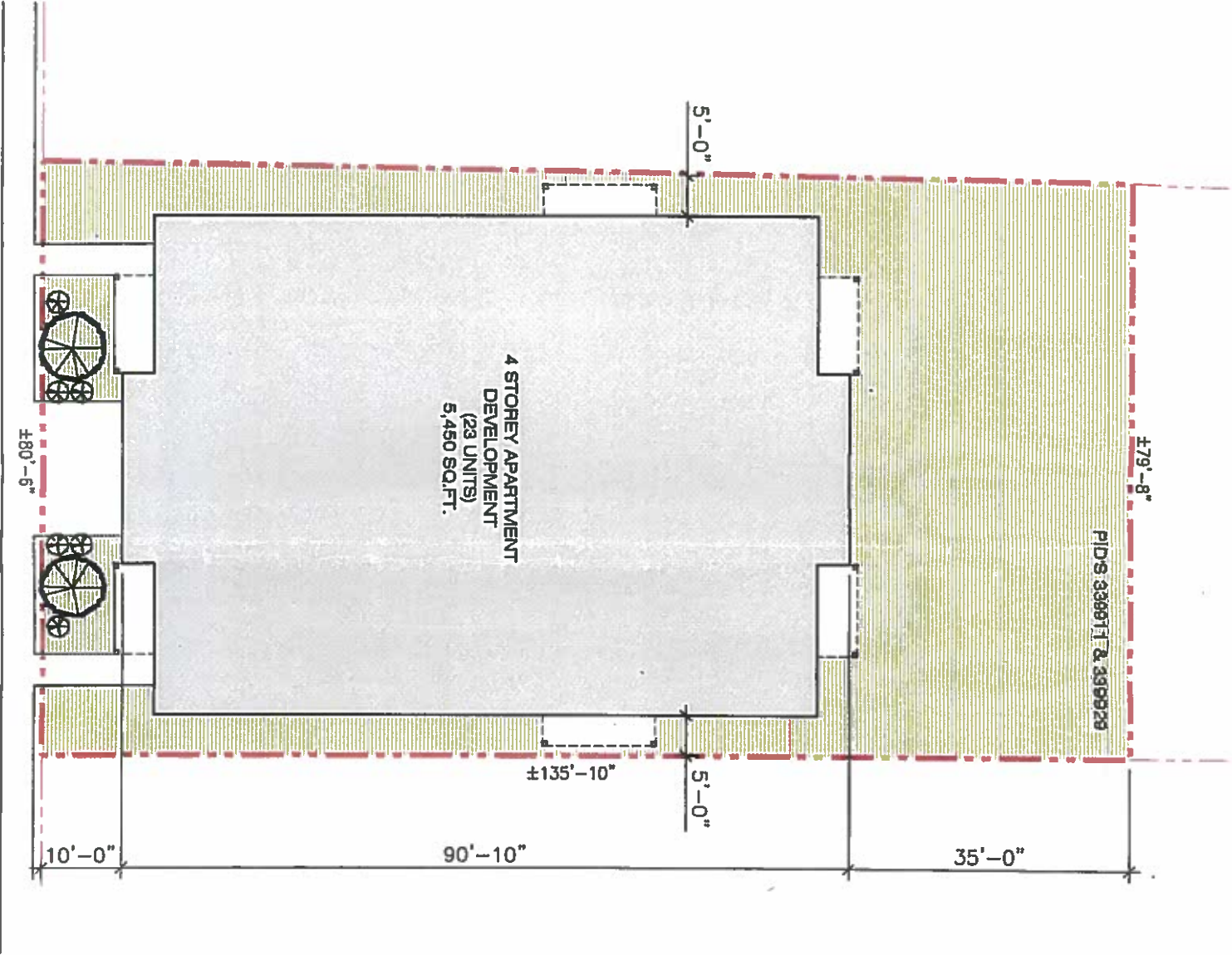
1. Approve the Applicant’s request of May 8, 2017 to withdraw its application;
2. Allow the Applicant to re-submit his application afresh together with a further variance request regarding the street frontage before the expiry of one (1) year; and,
3. Upon receipt of the re-submitted application, Council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

If you have any questions, please contact the Planning Dept. at 902 629-4158.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Forbes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alex Forbes, MCIP, MBA  
Manager of Planning and Heritage



SITE PLAN 1"=20'-0"

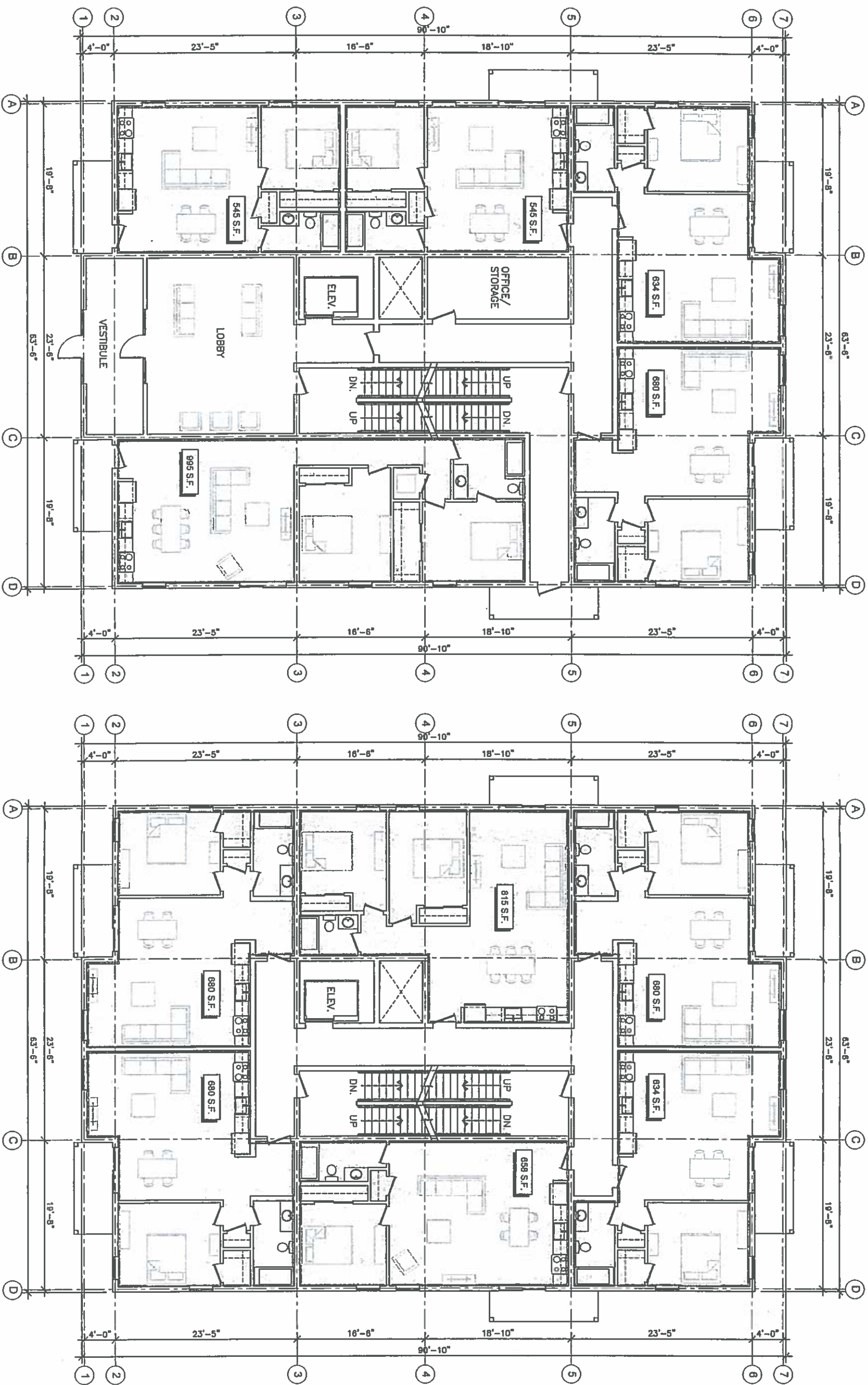
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**APM Commercial**  
INDEPENDENTLY OWNED AND OPERATED

**PROPOSED 4 STOREY DEVELOPMENT**

Richmond Street, Charlottetown, PE



FLOOR PLANS N.T.S.

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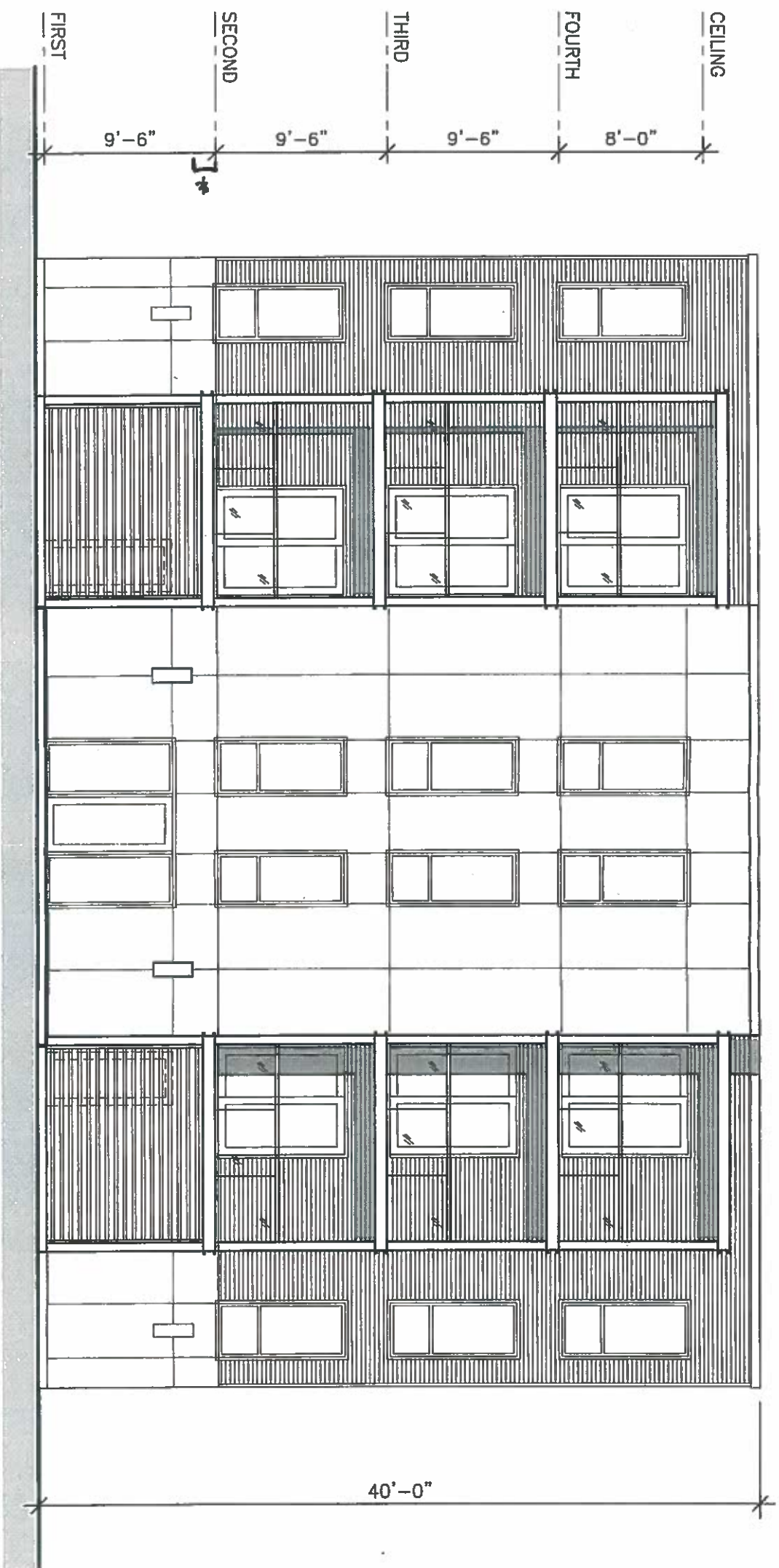
APM Commercial

INDEPENDENTLY OWNED AND OPERATED

PROPOSED 4 STOREY DEVELOPMENT

Richmond Street, Charlottetown, PE





12-16" approx

FRONT ELEVATION N.T.S.

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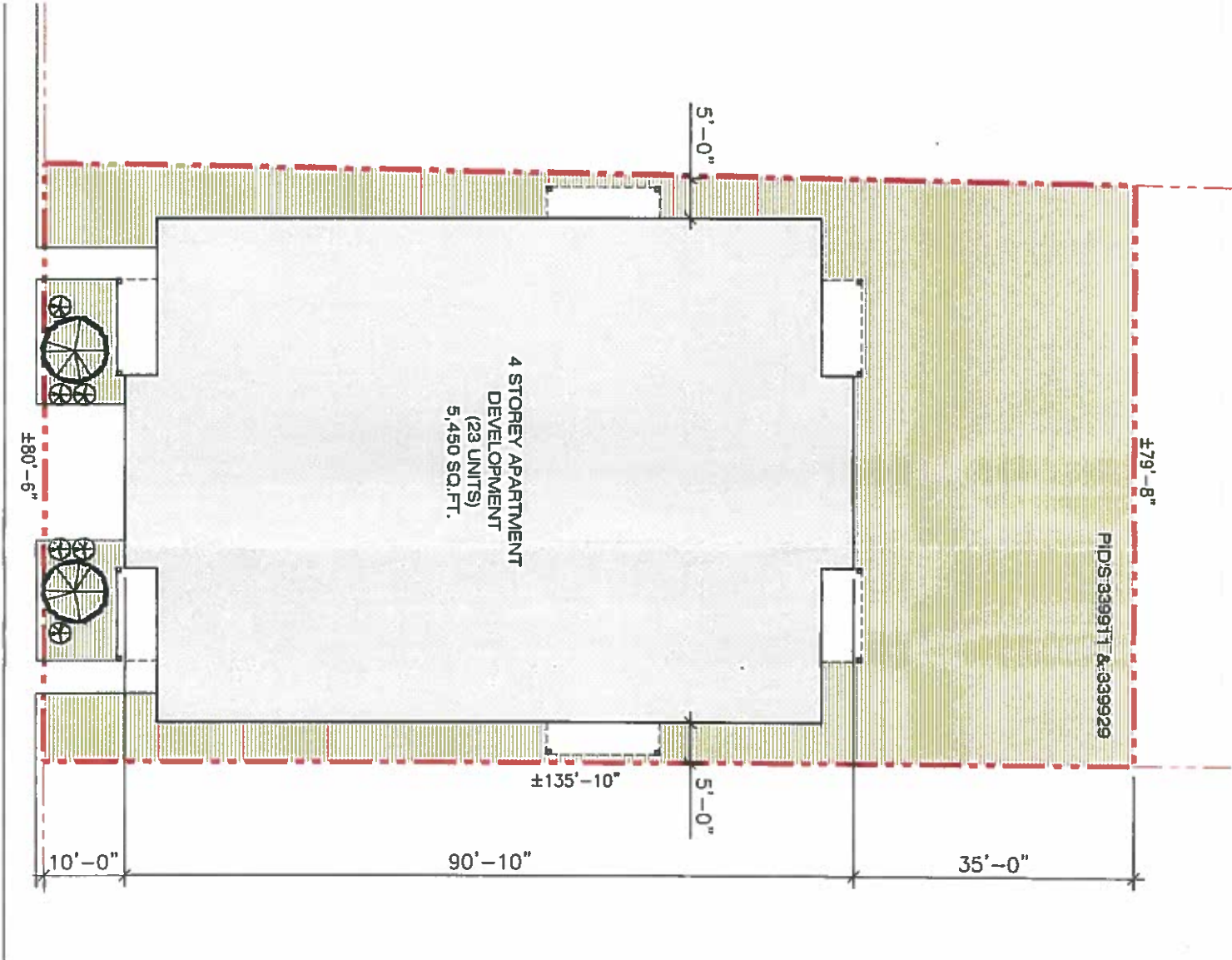


**APM Commercial**  
(INDEPENDENTLY OWNED AND OPERATED)

**PROPOSED 4 STOREY DEVELOPMENT**

Richmond Street, Charlottetown, PE





RICHMOND STREET

SITE PLAN 1"=20'-0"

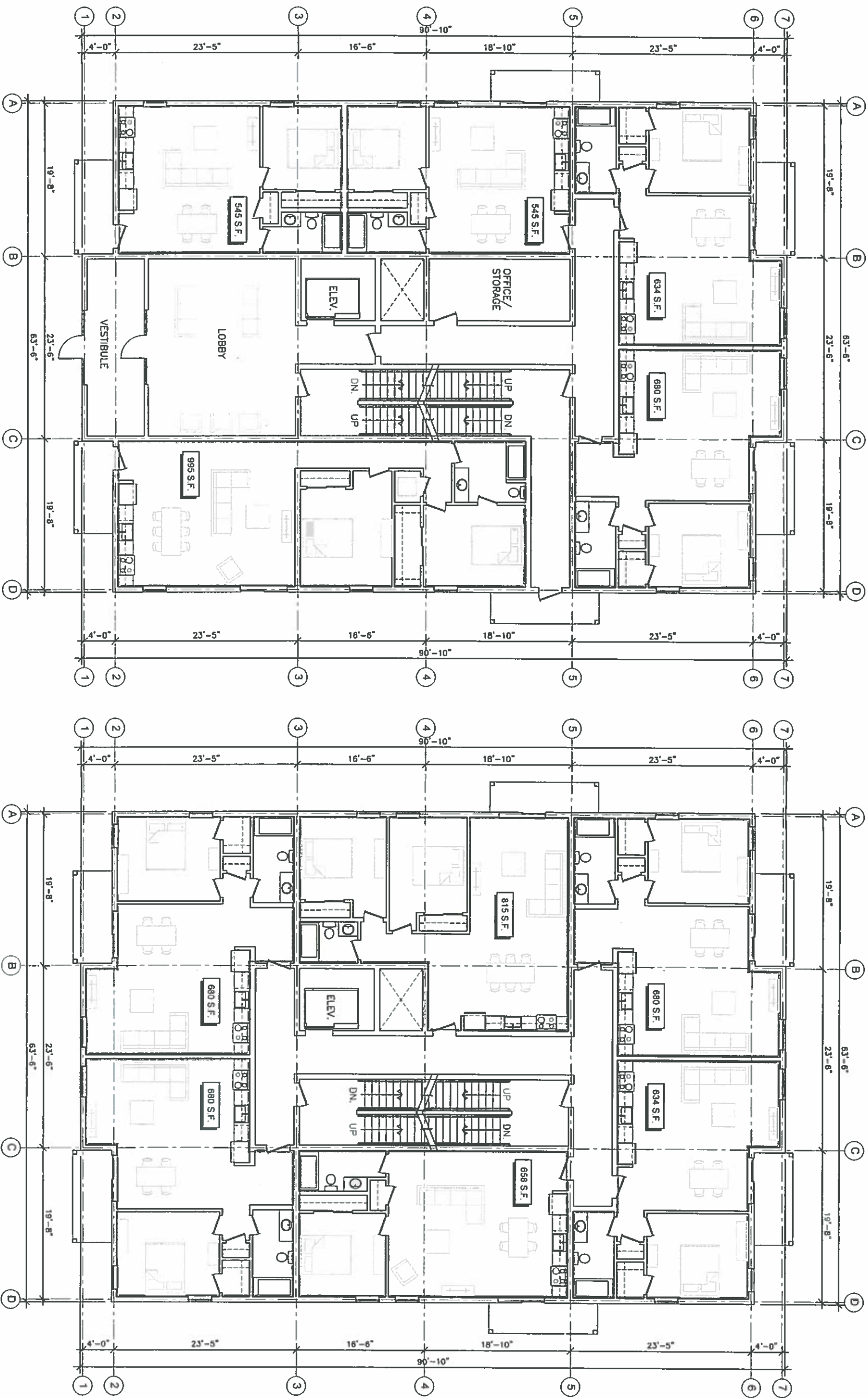
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**APM Commercial**  
INDEPENDENTLY OWNED AND OPERATED

**PROPOSED 4 STOREY DEVELOPMENT**

Richmond Street, Charlotte town, PE



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APM Commercial

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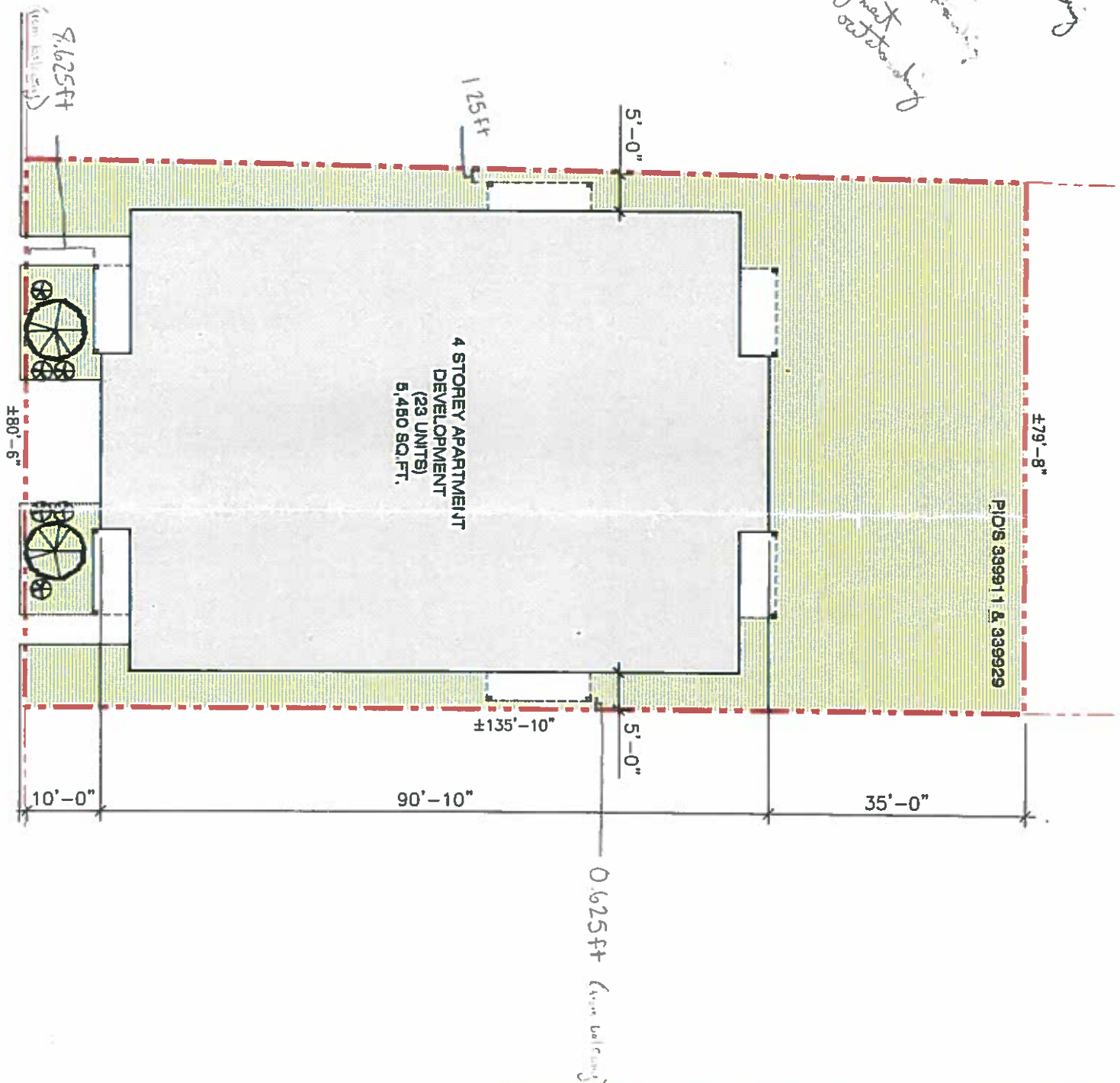
PROPOSED 4 STOREY DEVELOPMENT

Richmond Street, Charlottetown, PE



- ★ Requires lot consolidation \* pay outstanding
- ★ Requires HB Approval for Dens \* pay outstanding
- ★ Requires Design Review Approval \* pay outstanding
- ★ Requires Cash-in-lieu for 13 spaces

- Parking:
- 12 parking spaces + 1 accessible parking space
- Balance:
- Can pay off 1.2m/39ft with side & rear setback; still must be a min. of 1m(3.3ft) from lot line.
- Landscaping:
- Planting more than 10% of canopy.



RICHMOND STREET

- Requirements
- Front Yard: between 1.79ft and 5.9 ft
  - W Side Yard: min of 1.24ft
  - E Side Yard: min of 6ft
  - Rear Yard: min of 17.15 ft or 19.7ft,  $\frac{(11.61 + 6.71 + 3)}{3}$  whichever is greater.
  - Height: "max of 3 storeys or 40ft to the peak of the roof."
  - Shade level height: "min of 13ft grade to top of second floor height for rear yard."

- Purposed
- Front Yard: 8.625ft
  - W Side Yard: 1.25ft
  - E Side Yard: 0.625ft \* 0.31m
  - Height: 4 storeys / 40ft \* 3.1m
  - Rear Yard: 35ft \* balcony increase approx 0.94ft
  - Shade level height: 9.5-10ft \* 2.9m

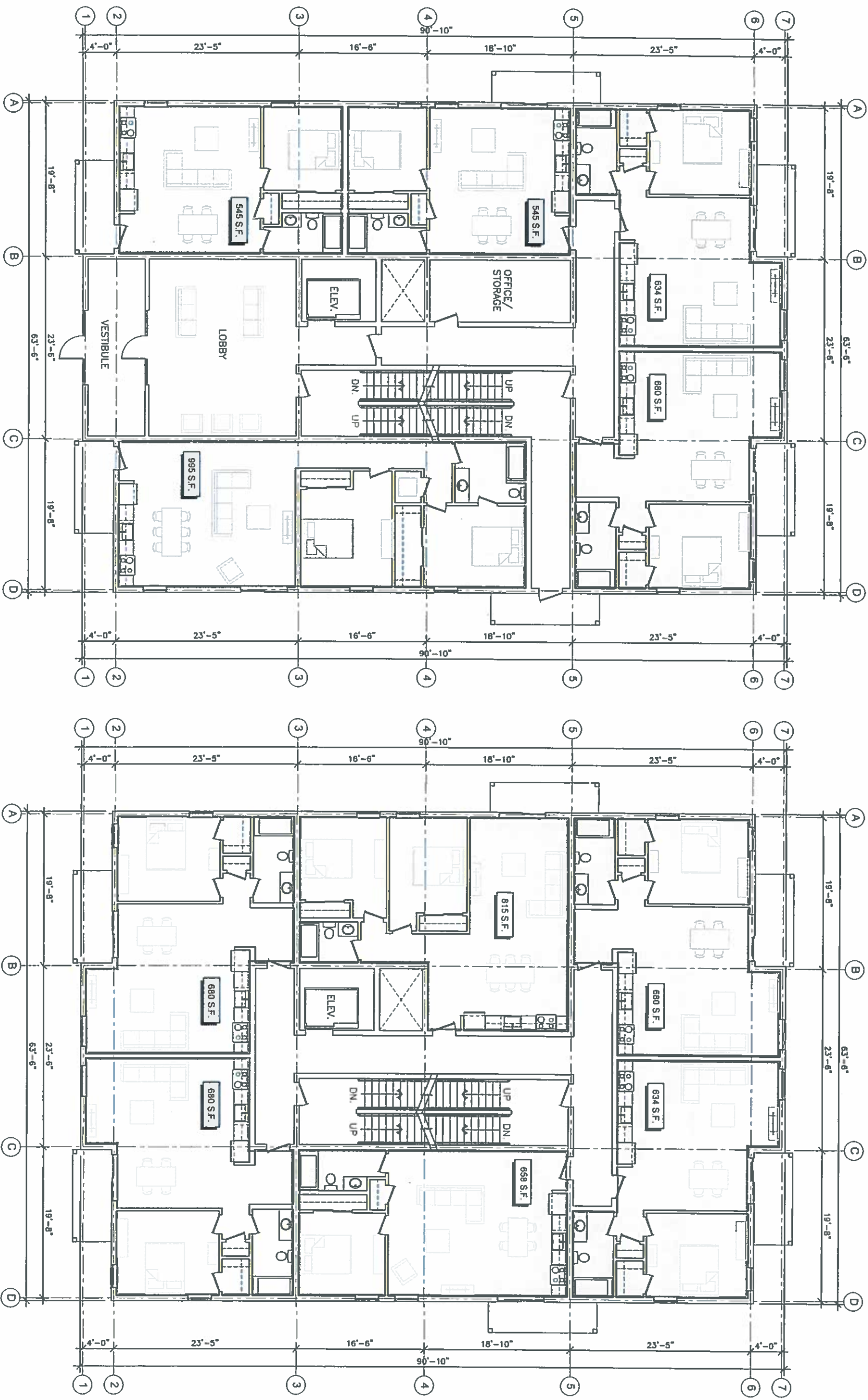
SITE PLAN 1"=20'-0"

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APM Commercial  
INDEPENDENTLY OWNED AND OPERATED

PROPOSED 4 STOREY DEVELOPMENT  
Richmond Street, Charlottetown, PE



FLOOR PLANS N.T.S.

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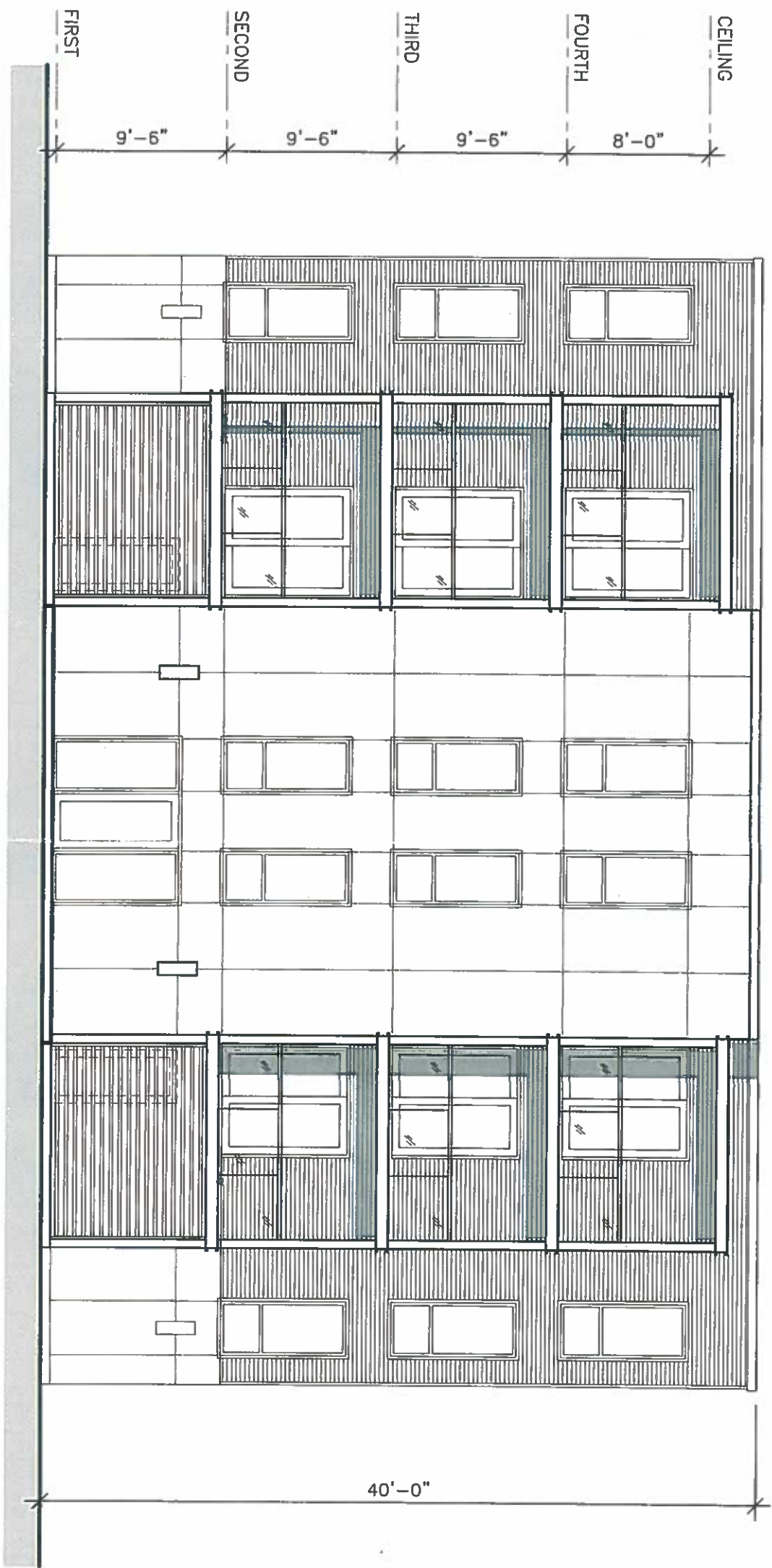


**APM Commercial**  
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**PROPOSED 4 STOREY DEVELOPMENT**  
Richmond Street, Charlottetown, PE



★ Elevations don't show  
side yard balconies. Need  
revised elevation for  
Design Review.



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FRONT ELEVATION N.T.S.



APM Commercial  
INDEPENDENTLY OWNED AND OPERATED

PROPOSED 4 STOREY DEVELOPMENT  
Richmond Street, Charlottetown, PE

PLANNING

Rec'd July 17/2017 Int BW

17-003 B  
342-BY-LAW-17



# CHARLOTTETOWN

## PLANNING & HERITAGE DEPARTMENT

### APPLICATION

FILE NUMBER	HERITAGE	SUBDIVISION Name _____
ASSESSMENT NUMBER	VARIANCE	Number of Lots _____
REZONING FROM _____ TO _____		OTHER <u>"SITE SPECIFIC ZONING AMENDMENT"</u>

1. Applicant's Name APM COMMERCIAL
2. Address P.O. BOX 20529 - C1A 9G4
3. Telephone: Work (902) 564-8400 Home \_\_\_\_\_
4. Civic Address of Property to be Developed 55 & 57 RICHMOND STREET
5. Present Use of Property (Zone) EN - DOWNTOWN NEIGHBORHOOD
6. Proposed Use of Property and Brief Description of Work  
PROPOSED 4-STORY 26 UNIT APARTMENT
7. Site or Subdivision Plan Provided Yes ☒ No ☐
8. Building Plans Provided Yes ☒ No ☐
9. Estimated Start Date TO BE DETERMINED Completion Date TO BE DETERMINED

I, the undersigned, as owner or authorized agent for the owner of 55 & 57 RICHMOND STREET (Civic Address) hereby make application for the above-noted development and certify the truth of all statements or representatives contained herein.

July 17/17  
DATE

IAN HARPER  
SIGNATURE OF OWNER OR AUTHORIZED AGENT

**NOTE:** This is an application ONLY and does not authorize the applicant to proceed with the proposed development until a building permit is applied for and issued for the development.

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

Tel (902) 629-4158, Fax (902) 629-4156, Email [planning@charlottetown.ca](mailto:planning@charlottetown.ca), Web [www.charlottetown.ca](http://www.charlottetown.ca)

## CHARLOTTETOWN

TO BE VALID THIS  
FORM MUST BE CASH  
REGISTER RECEIPTED

RECEIVED  
FROM

PAN AMERICAN PROPERTIES

ADDRESS PO BOX 2859, CHANDLER, ARIZONA 85224

THE SUM OF THREE HUNDRED 100 DOLLARS

per July 17/2017

IN PAYMENT OF ITEMS LISTED BELOW

# SITE AMENDMENT

17-003B

55-59 RICHMOND

CH<sup>4</sup> 6333

BW

[illegible]**TOTAL**

300 00

**CUSTOMER'S COPY/WHITE**

**OFFICE COPY/YELLOW**

**FILE COPY/PINK**

30271

WEST BRIDGE BLVD. WILLOW COUNTRY, TEXAS 78757

# Transmittal

**to: Jesse Morton**  
**City of Charlottetown**

**July 17, 2017**

**Regarding:**

phone: (902) 629-4108

from: Cain Arsenault, APM

## 55-59 Richmond Street

**comments:**

[illegible]

**we transmit:** ☒ drawings  
☐ specifications  
☐ diskettes  
☐ other

by: ☐ courier  
☐ mail  
☒ hand delivery  
☐ e-mail

for your:

- ☐ review
- ☒ action
- ☐ information
- ☐ use





## City of Charlottetown

Report No: PLAN-Aug-07-2017-# 2

Date: July 28, 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
- 5) CADC Letter

**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 Council advance the site specific bylaw amendment application (which includes a minor variance and major variance) to a public meeting.

**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.



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).

A revised application was submitted on July 17, 2017. The revised application included many elements from the original application, though there were some notable changes: the general building width was reduced (63'6" to 62'2"); a minor variance request to reduce the minimum frontage requirement from 82ft to 74.5ft was included; and an off-lot parking request at the Pownal Parking Garage was requested up-front.

**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 currently 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, 22-unit apartment dwelling at 41 Richmond Street, which abuts the subject properties to the west. In 2011-2012, Council approved three variances in order to facilitate the construction of this large building. As such, 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 applicant has requested the amendment so that the subject properties can accommodate an additional storey worth of dwelling units beyond which the DN Zone permits (i.e., 3 storeys). This request, in addition to the minimum frontage and minimum grade level height variances, will allow for increased density beyond what the subject properties can otherwise withstand.

### **DN Zone Requirements:**

A 23-unit apartment dwelling is a permitted use in the DN Zone (Section 33 of the Zoning & Development Bylaw). 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.

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

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

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 is 0ft. The applicant has proposed a left side yard setback of 5ft. Again, balconies are proposed in the left side yard and are setback 1ft from the side property line. These balconies do not project into the required yard setback, and as such, Section 4.3 does not apply. While the left side yard balconies satisfy DN Zone's side yard setback requirement, they do raise concern and challenges as they are located in close proximity to the balconies at 41 Richmond Street.

As previously stated, a four storey building triggers the site specific bylaw amendment process. Two variances are also included within this 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 (See Attached).

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 Zoning & Development 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 utilize small setbacks from the property lines, as is the case with the proposed development.

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.

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.

***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. The external design reviewer will ensure that key design criteria are satisfied to ensure 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 enhance the



neighbourhoods housing options, while the design review process is in place to ensure that new development is visually compatible with, and enhances its surroundings.

**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 vital infill opportunities, along with new residential options, in downtown Charlottetown. Opportunities to consolidate downtown properties are relatively limited, and independently, both lots are difficult to develop in accordance with the requirements of the DN Zone.

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.

It is worth noting that even if the subject properties were consolidated, accommodating a sufficient amount of on-site parking at 55 and 59 Richmond Street, along with a medium-to-high density residential use, will be challenging: the site will need to accommodate a two-way driveway; the developable area will decrease drastically; and a significant amount of landscaping will be lost.

The site specific bylaw amendment – which also includes one minor variance and one major variance – is the request that necessitates a public meeting. The applicant has requested the amendment so that the subject properties can accommodate an additional storey worth of dwelling units beyond which the DN Zone permits (i.e., 3 storeys). As outlined in this report, staff believe that 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, dense, and alternative forms of housing in Charlottetown, particularly within the well-serviced 500 Lot Area, if it's harmonious with its surroundings. While staff believe the Official Plan provides sufficient support to the applicant's proposed density, Council must determine if the request to obtain an extra floor of dwelling units and a minimum frontage variance 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 note 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.

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.

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. Though staff do have some concerns about the left side yard balconies, staff believe that a public meeting should be scheduled to collect community input. Ultimately, Council must determine if the harmony, density, and character-related objectives of the Official Plan are being satisfied to their standards 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
<ul style="list-style-type: none"> <li>• Compact Urban Form</li> <li>• Positive Infill Development in 500 Lot Area</li> <li>• Utilizes existing municipal services</li> <li>• Compatible with current neighbourhood character</li> <li>• Smaller massing and scale than 41 Richmond Street</li> <li>• Alternative and more dense housing form</li> <li>• Provides transition between development of differing scales</li> <li>• More residents near important community amenity</li> <li>• Adheres to setback requirements</li> <li>• Ample on-site landscaping</li> </ul>	<ul style="list-style-type: none"> <li>• Contributes to the neighbourhood's continued transition in scale and design</li> <li>• Off-lot parking requests are common in 500 Lot Area</li> </ul>	<ul style="list-style-type: none"> <li>• Balconies in left side yard are close to abutting balconies. Larger in scale than historic neighbourhood character</li> <li>• Smaller floor level height than DN permits</li> <li>• Increased density allows an extra storey of dwelling units</li> <li>• Frontage is smaller than minimum requirement for apartment dwellings in DN Zone</li> <li>• No on-site accessible parking space</li> </ul>

### **RECOMMENDATION:**

Planning Board is encouraged to recommend that Council advance the site specific bylaw amendment application (which includes a minor variance and major variance) to a public meeting.

Respectfully,



**Reviewed By:**

CAO

Dir Corp Srvs

Dir Pub Srvs

Dir F & D Srvs

Dir Hum Res

Mgr



Other

**RECOMMENDATIONS/ACTIONS:**



1) Council's July 10, 2017 Resolution



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #10

MOTION CARRIED 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 8<sup>th</sup>, 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;

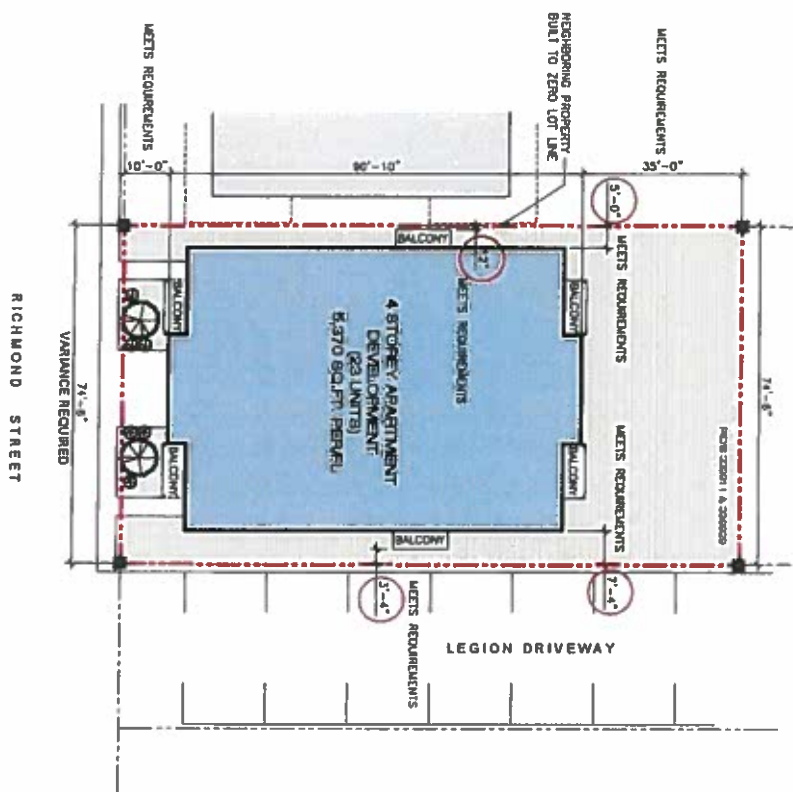
And Whereas the issue relating to a shortfall with regard to the prescribed public street frontage was identified very late in the Bylaw amendment process leading up to Council's May 8<sup>th</sup> meeting;

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.

*about Gov. Risand*

## 2) Site Plan



P 1415-021-02

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**SITE PLAN 1"=20'-0"**



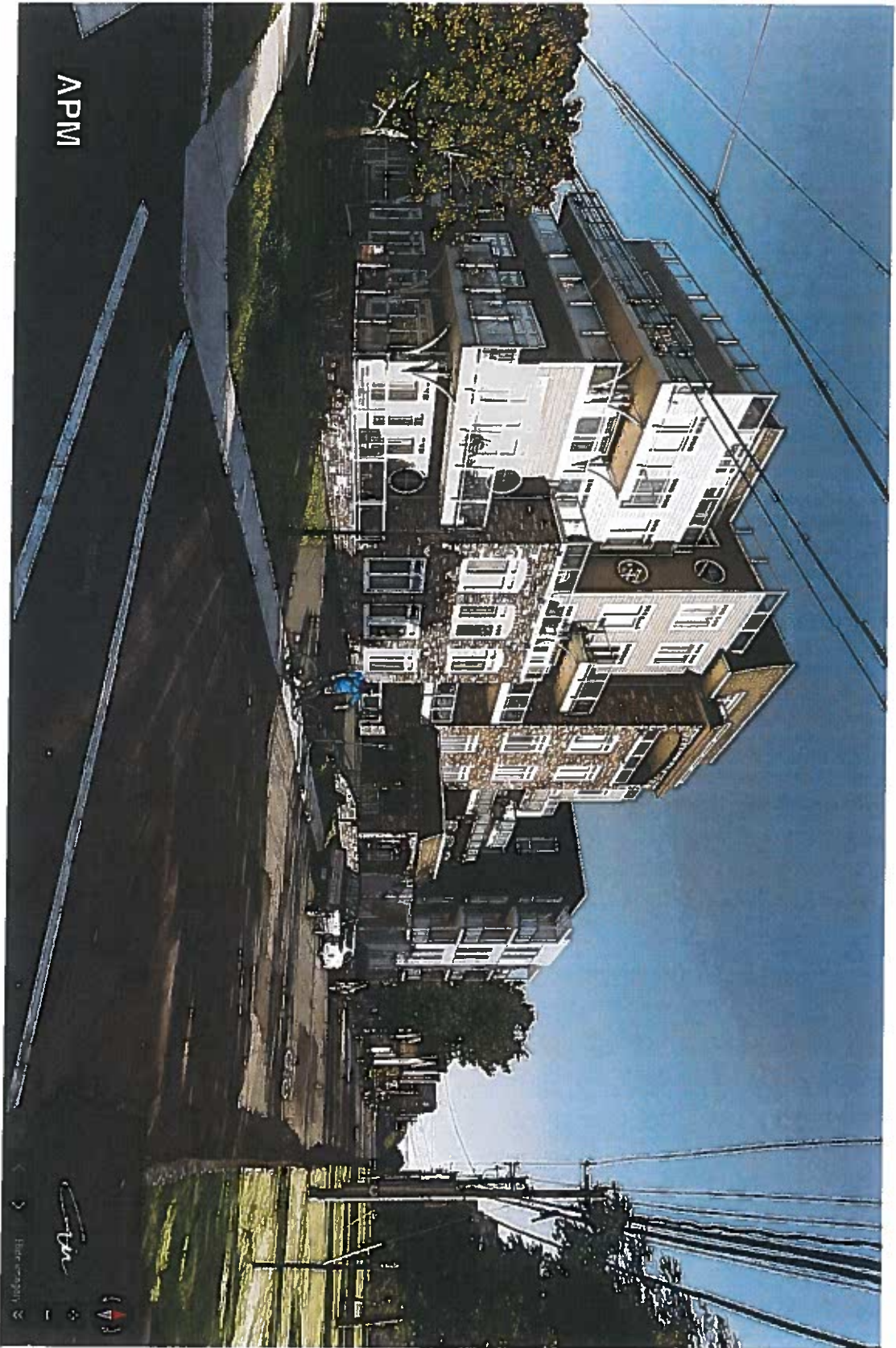
**APM Commercial**

PARKSIDE - A New Kind of Living in Downtown Charlotte

### 3) Building Schematics



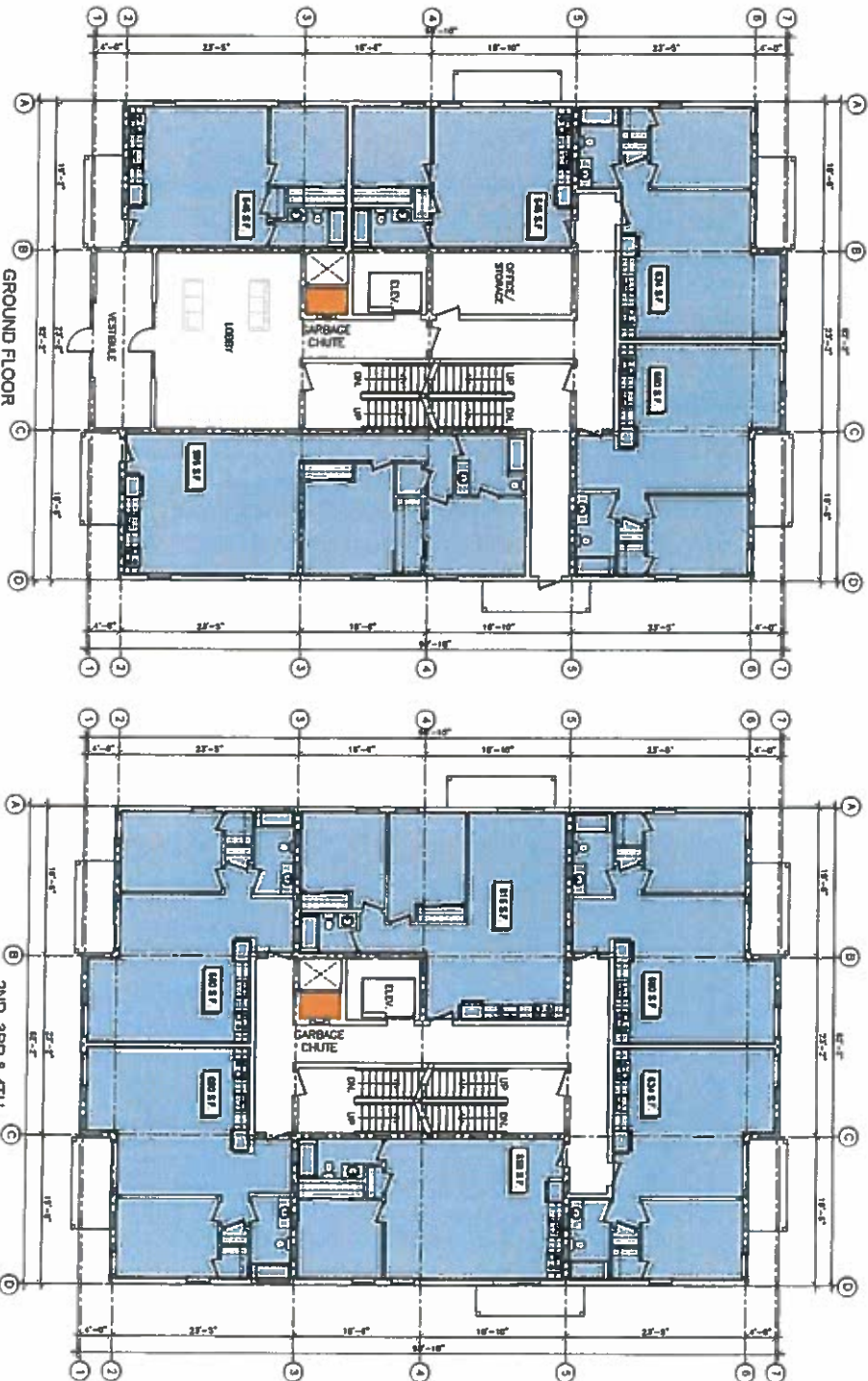




APM



**FRONT ELEVATION N.T.S.**



FLOOR PLANS N.T.S.

2ND, 3RD & 4TH

GROUND FLOOR

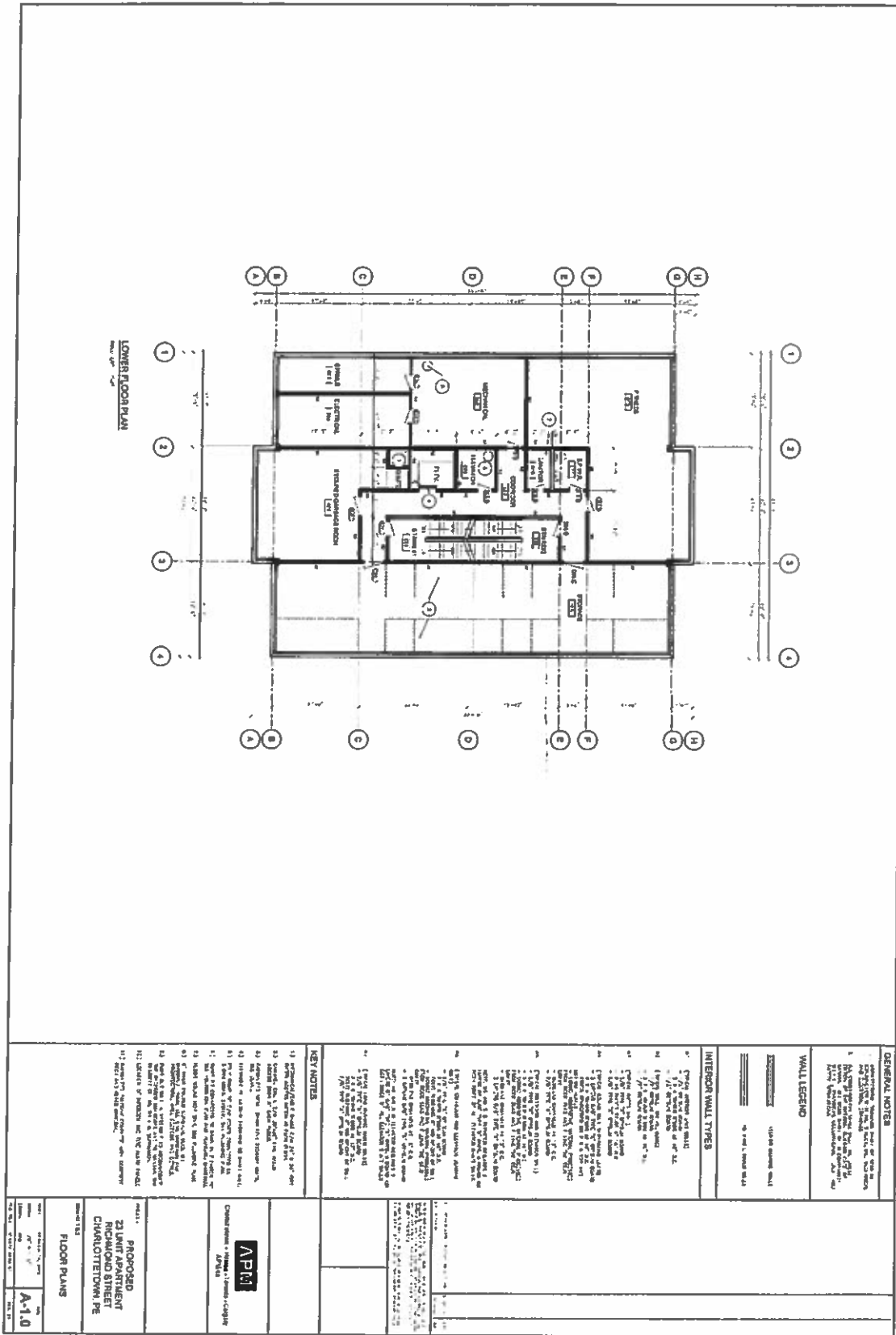
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APM Commercial

PARKSIDE - A New Kind of Living in Downtown Charlottetown

1000 Bank Street, Charlottetown, PE - T1A 4B1, June 17, 2017



GENERAL NOTES

- 1. SEE SITE PLAN FOR LOCATION OF BUILDING.
- 2. SEE SITE PLAN FOR EXISTING UTILITIES.
- 3. SEE SITE PLAN FOR EXISTING DRIVEWAYS.
- 4. SEE SITE PLAN FOR EXISTING FENCES.
- 5. SEE SITE PLAN FOR EXISTING LANDSCAPE.
- 6. SEE SITE PLAN FOR EXISTING TREES.
- 7. SEE SITE PLAN FOR EXISTING SHRUBS.
- 8. SEE SITE PLAN FOR EXISTING GRASS.
- 9. SEE SITE PLAN FOR EXISTING PAVEMENT.
- 10. SEE SITE PLAN FOR EXISTING CURBS.
- 11. SEE SITE PLAN FOR EXISTING SIDEWALKS.
- 12. SEE SITE PLAN FOR EXISTING STREETS.

WALL LEGEND

- 1. 1/2" THICK CONCRETE WALL
- 2. 1/2" THICK CMU WALL
- 3. 1/2" THICK CMU WALL WITH REINFORCING BARS
- 4. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH
- 5. 1/2" THICK CMU WALL WITH REINFORCING BARS AND INTERIOR FINISH
- 6. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH
- 7. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION
- 8. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION
- 9. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION AND EXTERIOR FINISH
- 10. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION AND EXTERIOR FINISH AND INTERIOR FINISH
- 11. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION
- 12. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR FINISH

INTERIOR WALL TYPES

- 1. 1/2" THICK CONCRETE WALL
- 2. 1/2" THICK CMU WALL
- 3. 1/2" THICK CMU WALL WITH REINFORCING BARS
- 4. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH
- 5. 1/2" THICK CMU WALL WITH REINFORCING BARS AND INTERIOR FINISH
- 6. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH
- 7. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION
- 8. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION
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- 12. 1/2" THICK CMU WALL WITH REINFORCING BARS AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR INSULATION AND EXTERIOR FINISH AND INTERIOR FINISH AND EXTERIOR INSULATION AND INTERIOR FINISH

KEY NOTES

- 1. SEE SITE PLAN FOR LOCATION OF BUILDING.
- 2. SEE SITE PLAN FOR EXISTING UTILITIES.
- 3. SEE SITE PLAN FOR EXISTING DRIVEWAYS.
- 4. SEE SITE PLAN FOR EXISTING FENCES.
- 5. SEE SITE PLAN FOR EXISTING LANDSCAPE.
- 6. SEE SITE PLAN FOR EXISTING TREES.
- 7. SEE SITE PLAN FOR EXISTING SHRUBS.
- 8. SEE SITE PLAN FOR EXISTING GRASS.
- 9. SEE SITE PLAN FOR EXISTING PAVEMENT.
- 10. SEE SITE PLAN FOR EXISTING CURBS.
- 11. SEE SITE PLAN FOR EXISTING SIDEWALKS.
- 12. SEE SITE PLAN FOR EXISTING STREETS.

APM

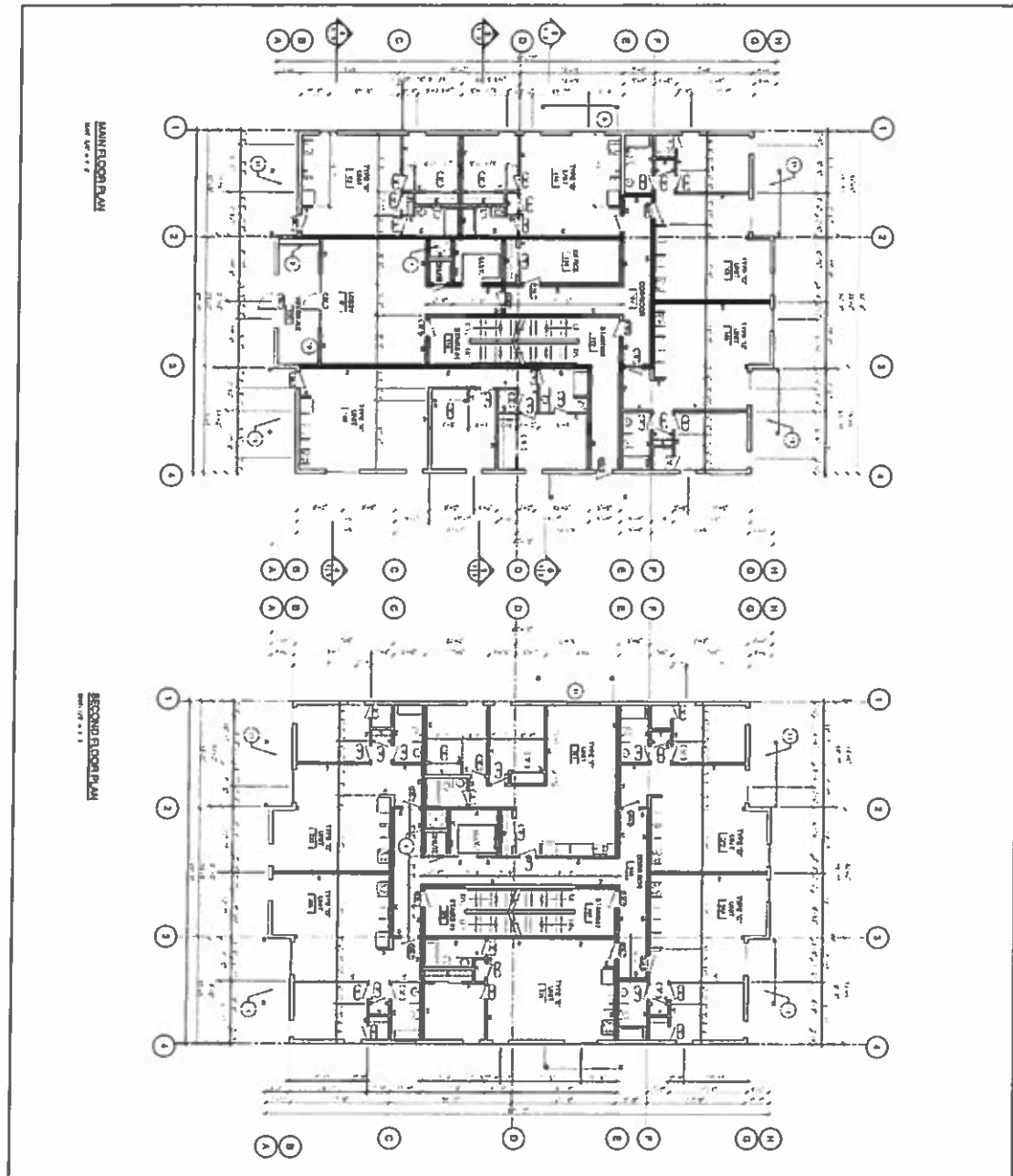
CHARLES R. RICHARDS, ARCHITECT

PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTE, NC 28202

FLOOR PLANS

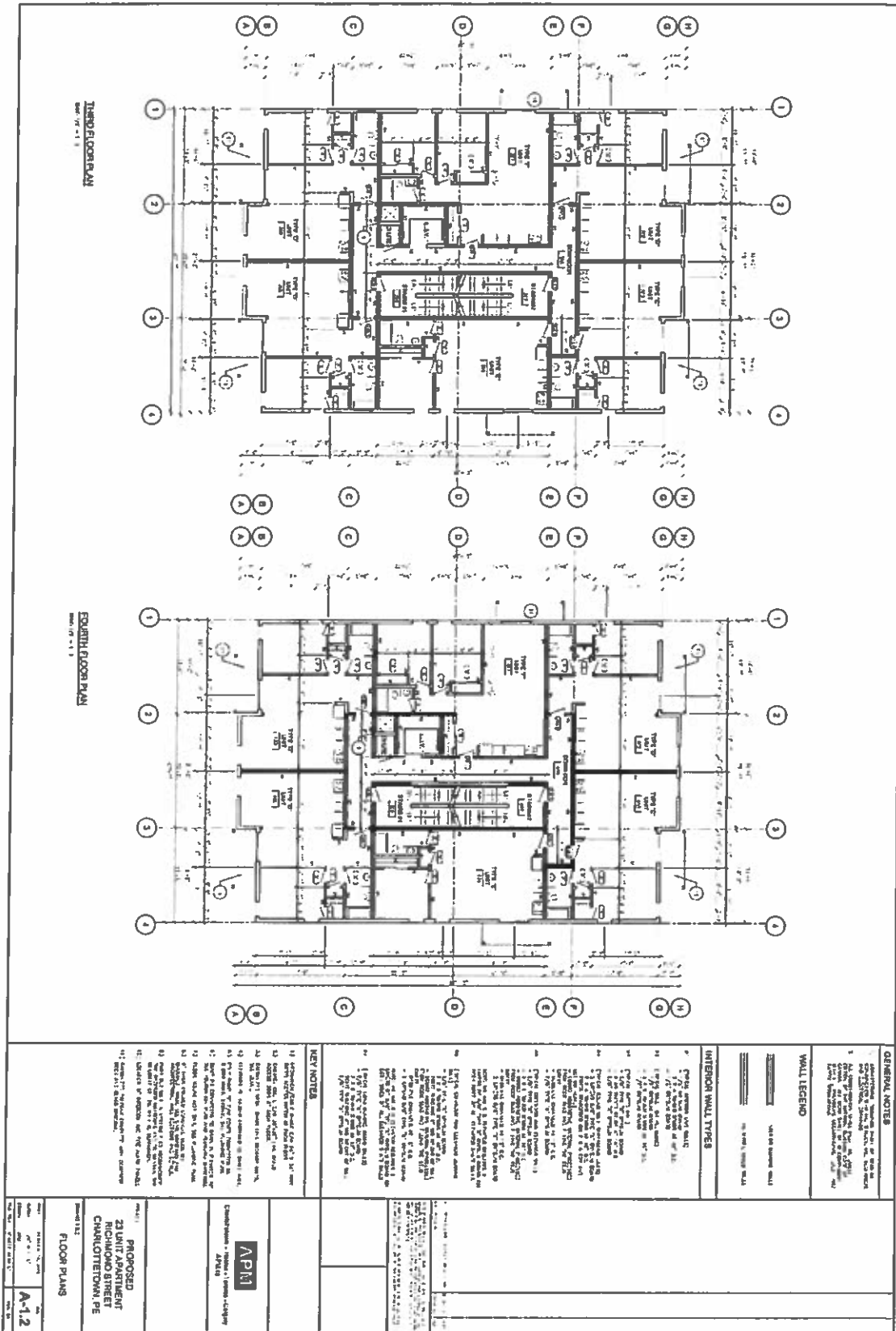
Scale: 1/8" = 1'-0"  
Sheet: A-1.0  
Date: 10/1/2011





<b>GENERAL NOTES</b> 1. SEE ARCHITECT'S NOTES FOR GENERAL NOTES. 2. SEE ARCHITECT'S NOTES FOR SPECIFICATIONS. 3. SEE ARCHITECT'S NOTES FOR MATERIALS. 4. SEE ARCHITECT'S NOTES FOR FINISHES. 5. SEE ARCHITECT'S NOTES FOR EQUIPMENT. 6. SEE ARCHITECT'S NOTES FOR UTILITIES. 7. SEE ARCHITECT'S NOTES FOR SAFETY. 8. SEE ARCHITECT'S NOTES FOR ACCESSIBILITY. 9. SEE ARCHITECT'S NOTES FOR ENERGY EFFICIENCY. 10. SEE ARCHITECT'S NOTES FOR SUSTAINABILITY.	
<b>INTERIOR WALL TYPES</b> 1. TYPE 1: INTERIOR WALL WITH FINISH. 2. TYPE 2: INTERIOR WALL WITH FINISH AND PARTITION. 3. TYPE 3: INTERIOR WALL WITH FINISH AND PARTITION AND GLASS. 4. TYPE 4: INTERIOR WALL WITH FINISH AND PARTITION AND GLASS AND PARTITION. 5. TYPE 5: INTERIOR WALL WITH FINISH AND PARTITION AND GLASS AND PARTITION AND GLASS AND PARTITION.	
<b>KEY NOTES</b> 1. SEE ARCHITECT'S NOTES FOR GENERAL NOTES. 2. SEE ARCHITECT'S NOTES FOR SPECIFICATIONS. 3. SEE ARCHITECT'S NOTES FOR MATERIALS. 4. SEE ARCHITECT'S NOTES FOR FINISHES. 5. SEE ARCHITECT'S NOTES FOR EQUIPMENT. 6. SEE ARCHITECT'S NOTES FOR UTILITIES. 7. SEE ARCHITECT'S NOTES FOR SAFETY. 8. SEE ARCHITECT'S NOTES FOR ACCESSIBILITY. 9. SEE ARCHITECT'S NOTES FOR ENERGY EFFICIENCY. 10. SEE ARCHITECT'S NOTES FOR SUSTAINABILITY.	
<b>PROPOSED 23 UNIT APARTMENT</b> RICHMOND STREET CHARLOTTE, NC	
<b>FLOOR PLANS</b> SCALE: 1/8" = 1'-0" DATE: 10/1/2023	





THIRD FLOOR PLAN  
Scale: 1/8" = 1'-0"

FOURTH FLOOR PLAN  
Scale: 1/8" = 1'-0"

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF THE CITY OF RICHMOND, VIRGINIA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF RICHMOND.

WALL LEGEND

- 1. 1/2" Gypsum Board on 2x4 Studs
- 2. 5/8" Gypsum Board on 2x6 Studs
- 3. 1/2" Gypsum Board on 2x8 Studs
- 4. 5/8" Gypsum Board on 2x10 Studs

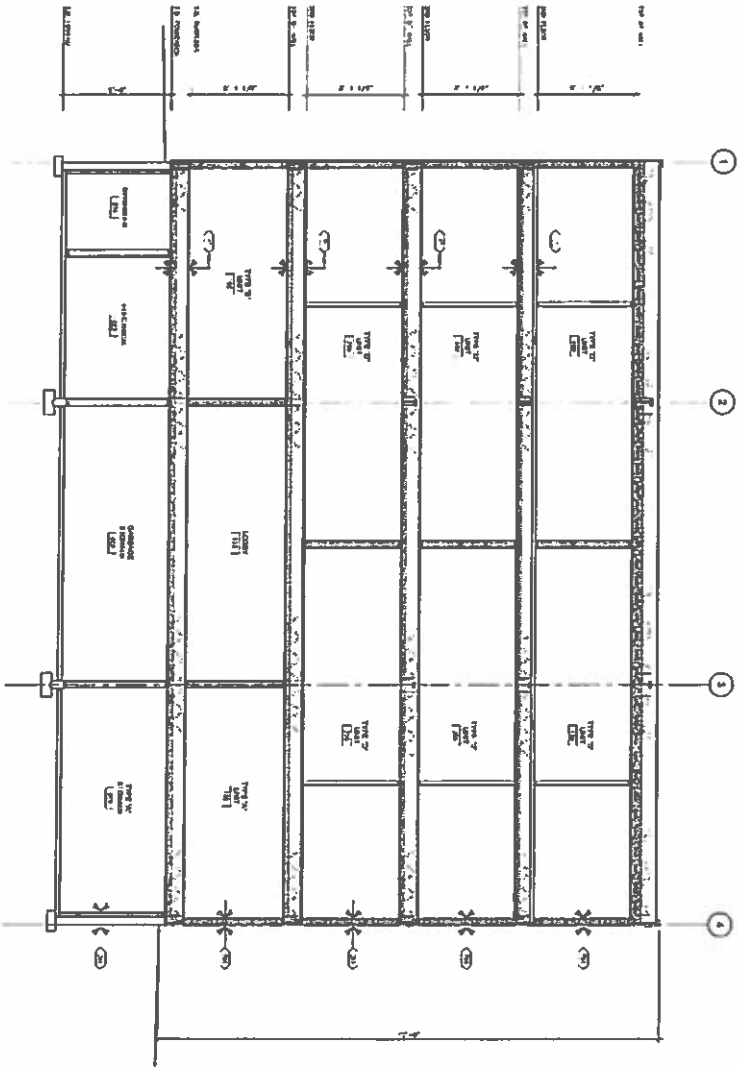
INTERIOR WALL TYPES

1. Type A: 1/2" Gypsum Board on 2x4 Studs, 8' High
2. Type B: 5/8" Gypsum Board on 2x6 Studs, 8' High
3. Type C: 1/2" Gypsum Board on 2x8 Studs, 8' High
4. Type D: 5/8" Gypsum Board on 2x10 Studs, 8' High
5. Type E: 1/2" Gypsum Board on 2x4 Studs, 10' High
6. Type F: 5/8" Gypsum Board on 2x6 Studs, 10' High
7. Type G: 1/2" Gypsum Board on 2x8 Studs, 10' High
8. Type H: 5/8" Gypsum Board on 2x10 Studs, 10' High

KEY NOTES

1. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD.
2. ALL WALLS SHALL BE PAINTED WITH A QUALITY INTERIOR PAINT.
3. ALL WALLS SHALL BE CLEANED AND TOUCHED UP PRIOR TO OCCUPANCY.
4. ALL WALLS SHALL BE INSULATED WITH R-13 INSULATION.
5. ALL WALLS SHALL BE SOUND-RESISTANT.
6. ALL WALLS SHALL BE FIRE-RESISTANT.
7. ALL WALLS SHALL BE VIBRATION-RESISTANT.
8. ALL WALLS SHALL BE AIR-RESISTANT.
9. ALL WALLS SHALL BE WATER-RESISTANT.
10. ALL WALLS SHALL BE BLOWN-IN INSULATION.
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99. ALL WALLS SHALL BE POLYACETALDEHYDE INSULATION.
100. ALL WALLS SHALL BE POLYURETHANE INSULATION.

<p>PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTE TOWNSHIP, PE</p>		<p>FLOOR PLAN</p>
<p>APR 11</p>		<p>A-1.2</p>



<p>PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTETOWN, PE</p>	<p>APM</p>	<p>PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTETOWN, PE</p>	<p>CROSS SECTION A-3.1</p>
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## 5) CADC Letter

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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

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD**  
**MONDAY, AUGUST 7, 2017**  
**4:30 P.M.**

<b><u>Present:</u></b>	<b>Councillor Greg Rivard, Chair</b>	<b>Councillor Terry MacLeod</b>
	<b>Councillor Jason Coady</b>	<b>Karolyn Walsh, RM</b>
	<b>David Archer, RM</b>	<b>Kate Marshall, RM</b>
	<b>Lynn MacLaren, RM</b>	<b>Lea MacDonald, RM</b>
	<b>Loanne MacKay, RM</b>	<b>Roger Doiron, RM</b>
	<b>Greg Morrison, PI</b>	<b>Alex Forbes, PHM</b>
	<b>Jesse Morton, PII</b>	<b>Victoria Evans, AA</b>

<b><u>Regrets:</u></b>	<b>Graham Robinson RM</b>	<b>Pat Langhorne, RM</b>
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**1. 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929)**

This item is an application for a four storey, 23-unit apartment building at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929). This application is a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone to permit an additional storey of dwelling units beyond which the DN Zone permits (from 3 to 4 storeys). The application also includes a minor variance to reduce the minimum frontage and a major variance to reduce the minimum grade level height. The application also includes a lot consolidation and a request for off-lot parking approval for 12 parking spaces and 1 accessible parking space. This application proceeded through the review process earlier this year however after the public meeting questions surfaced regarding the precise amount of frontage provided by 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. 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.

The revised application included many elements from the original application, though there were some notable changes: the general building width was reduced (63'6" to 62'2"); a minor variance request to reduce the minimum frontage requirement from 82ft to 74.5ft was included; and an off-lot parking request at the Pownal Parking Garage was requested. Should the application be approved, the proposed development will also be subject to a Development Agreement and the design review process.

Tim Banks, the applicant and developer of the project, attended the meeting. Mr. Banks gave an overview of the existing neighbourhood and noted that there are several buildings, such as the neighbouring 41 Richmond Street which are above four storeys. He noted that his company has developed many high rise apartment buildings in Halifax, NS.

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.

The left minimum side yard setback is equal to the setback of the abutting property (41 Richmond Street), which is 0ft. The applicant has proposed a left side yard setback of 5ft. While the left side yard balconies satisfy DN Zone's side yard setback requirement, they do raise concern and challenges as they are located in close proximity (1ft) to the balconies at 41 Richmond Street.

The Board expressed concern regarding the closeness of the proposed left side yard balconies to the balconies of 41 Richmond Street, Mr. Banks responded that the proposed development meets all of the setback requirements and that the balconies meet the setback requirements as well. 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 as the balconies meet the setback requirements. Staff did note that the applicant will still need to design the building and balconies to conform to the National Building Code and the application will need to undergo the design review process.

**Moved and seconded that the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be recommended to Council for approval.**

**FURTHER this application also includes 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 + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council's approval.**

**CARRIED**

**Morton, Jesse**

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**From:** Morton, Jesse  
**Sent:** Tuesday, August 08, 2017 8:30 AM  
**To:** 'Tim Banks'  
**Subject:** RE: Planning Board

Hello Tim,

I wanted to follow up from last night's Planning Board meeting. The Board has recommended that your application be sent to a public meeting. Council will review the Board's recommendation at their August 14 meeting. Staff will touch base with you again shortly afterwards.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

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**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Monday, August 07, 2017 12:26 PM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Subject:** RE: Planning Board

yes

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**From:** Morton, Jesse [mailto:jmorton@charlottetown.ca]  
**Sent:** Monday, August 07, 2017 12:26 PM  
**To:** Tim Banks  
**Cc:** Cain Arsenault  
**Subject:** RE: Planning Board

Ok. Can you please send final confirmation by 4pm 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](mailto:jmorton@charlottetown.ca)

[www.charlottetown.ca](http://www.charlottetown.ca)

**From:** Tim Banks [<mailto:tim@apm.ca>]  
**Sent:** Monday, August 07, 2017 8:58 AM  
**To:** Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)>  
**Cc:** Cain Arsenault <[carzenault@apm.ca](mailto:carzenault@apm.ca)>  
**Subject:** Re: Planning Board

Yes... probably but I just have to move around a few things

Thanks

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

On Aug 7, 2017, at 8:16 AM, Morton, Jesse <[jmorton@charlottetown.ca](mailto:jmorton@charlottetown.ca)> wrote:

Good Morning,

Just a reminder that your Richmond application will be presented at today's Planning Board meeting. The meeting will start at 4:30pm in the Parkdale Room, second floor of City Hall. We currently have you first on the agenda. When you have a moment, please confirm that you still wish to attend.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)



## CITY OF CHARLOTTETOWN

### RESOLUTION

Planning #4

MOTION CARRIED 9-0

MOTION LOST \_\_\_\_\_

Date: August 08, 2011

Moved by Councillor \_\_\_\_\_

Rob Lantz

Seconded by Councillor \_\_\_\_\_

Jason Coady

#### RESOLVED:

That the request for variances (lot area – from the Bylaw requirement of 37,890.6 sq ft to approximately 22,340 sq ft; height from 39.4 feet to approximately 58.0 feet; front yard from 7.7 feet to 0 feet; rear yard from 19.7 feet to 0 feet; flankage (side) yard from 0 feet to approximately 20 feet) to allow for a 22 unit building on property at 41 – 51 Richmond Street (PID#s 339903 & 339895), subject to the signing of a Development Agreement, be approved.

The Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

Councillor Redmond  
absent





Verbatim Excerpt re:  
55/59 Richmond Street

**Regular Meeting of Council  
Monday, August 14, 2017 at 4:30 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

<b><u>Present:</u></b>	<b>Deputy Mayor Mike Duffy Councillor Mitchell Tweel Councillor Melissa Hilton Councillor Bob Doiron Councillor Kevin Ramsay</b>	<b>Councillor Edward Rice Councillor Jason Coady Councillor Terry MacLeod Councillor Terry Bernard Councillor Greg Rivard</b>
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<b><u>Also:</u></b>	<b>Peter Kelly, CAO Tim Mamye, FC Richard MacEwen, UM Alex Forbes, PM Scott Adams, APWM Jesse Morton, PDO Laurel Lea, TO Jen Gavin, CO</b>	<b>Paul Smith, PC Paul Johnston, IAMM Mandy Feuerstack, HRM Amanda Cheverie, C Ron Atkinson, EconDO Frank Quinn, PRM Charity Hogan, CS Tracey McLean, RMC</b>
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<b><u>Regrets:</u></b>	<b>Wayne Long, EDO</b>	<b>Ramona Doyle, SO</b>
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**REPORTS OF COMMITTEES / RESOLUTIONS**

**7. Planning & Heritage – Councillor Greg Rivard**

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

**RESOLVED:**

That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be approved,

And that this application also includes 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 + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council's approval.

**Mayor Lee:** Can I ask a question? Are we just approving all of these questions to go to a Public Meeting? Is that all we are doing?

**Councillor Rivard:** Yes. Correct.

**Mayor Lee:** Ok. I never noticed anything in relationship to the patio. Does that require the variance of some type?

**Councillor Rivard:** Your Worship, it doesn't. They can go to the zero lot line based on the development that was....

**Mayor Lee:** Can you tell me what the distance is between the apartments and the existing condominium at the corner of Richmond and Rochford.

**Councillor Rivard:** A foot and a half, I guess. Is that right?

**Jesse Morton, PDO:** One foot.

**Mayor Lee:** And that is considered good development?

**Councillor Rivard:** I am not saying it is good or bad. It is allowed under the bylaw.

**Mayor Lee:** Do we still have a section of the bylaw that deals with unharmonious development?

**Alex Forbes, PM:** We do and it is referenced in this recent report regarding that issue.

**Mayor Lee:** I find it amazing that we are actually going to a neighbourhood meeting with an application and say that there is 12 inches between patios on two different buildings. I am sure the Chief of Police would have concerns from a policing perspective. You'd be jumping from one building to the other.

**Councillor Rivard:** You are right but this has to go through the proper channels before...

**Mayor Lee:** The point that I am trying to make is that there seems to be the concept that every time someone makes an application, we have to go to a public hearing and put the neighbourhood through it. Council does have the right to say at the start, this application does not have merit to proceed to a public meeting and reject it outright. We are not forced to go to a public meeting.

**Councillor Rivard:** That is why we have the resolution Your Worship.

**Mayor Lee:** Councillor Tweel.

**Councillor Tweel:** Councillor Rivard, maybe you can help me with respect to the patio as one issue. Have all the outstanding issues that were in play when applicant had removed the application, have they all been addressed so that in the event it goes to a public meeting the applicant is going to answer to the adjacent property owners and the neighbourhood so they can answer those issues in a very crystal clear fashion and the community have a better understanding and be more thorough in the insight of what is being proposed and there won't be

any ambiguity or any type of vagueness. The last thing we want to do is go to a venue and have the community come out with a bunch of questions. I'm sure the staff has done a thorough job in anticipating the issues that are going to come forward. I just hope that before we get there that they will be addressed in a very effective manner.

**Mayor Lee:** Councillor Rivard.

**Councillor Rivard.** Thank you Councillor Tweel. As you recall, the last application that was submitted it had, there was two, there was a height variance required. They wanted to put in four floors so a height variance for the first floor from 13.5 ft down to 9 ft to have another residential floor. The second piece was an approval for an off-lot or off-site parking. The difference with this application is they also needed a variance for the frontage which they didn't have last time so that's why the applicant pulled the application. They got the off-site parking which something Council wanted. They still are asking for the height variance which is the first floor to allow four storeys of residential; still the maximum of 40 ft. What they are asking for now in addition is a variance to the front yard. They need 2 ft, I believe, and they only have 74.5. They have answered the questions of parking and it's up to Council to review that too.

**Mayor Lee:** Councillor Rice

**Councillor Rice:** I agree with what you say about the questions on this particular property. I think some of it was misunderstood or not caught as far as parking goes. At the beginning, there was going to be no parking and now we asked for the parking to be considered and it is apparently being looked at as an off street site. The second part is that it only exemplifies the need to go beyond tweaking that shows something happening in the 500 Lots where we darn near put through and it's only with the people having brought to our attention what we were doing with the one foot allowance, which is allowed, across a patio where you could pass a cup of tea. I think it just exemplifies where the 500 Lot study has to be reviewed in a more serious manner because this was considered and damn near passed.

**Mayor Lee:** Councillor Hilton.

**Councillor Hilton:** As of right, and correct me if I am wrong, the developer can build a three storey building, the first floor has to be 13 ft and as a right obviously the patios can be one foot away because of the zero variance with the other building but as a right, does he need to provide parking? I have a real problem with the no parking for a 23 Unit apartment building when there is no parking on the street or anywhere around there. I really have a strong concern for the no parking on-site but as a right, can he build a three storey building with those patios one foot away and does he have to provide parking if we didn't accept the off-lot parking?

**Councillor Rivard:** Yes, as a right, the applicant can put a three storey with retail on the bottom floor up to 40 ft. As far as the variance, he doesn't require a variance to the side that we are talking about; the side closest to Rochford Place. If he didn't narrow his building, he would still require a variance to the front yard but if he were to narrow the property or the building then he wouldn't be required. Onto the parking question, in the 500 Lot area, we allow the applicant to apply in cash-in-lieu of the parking or buy into off-lot parking. That is up to Council to approve; it's not something that is as a right. It is not automatically granted. It is something that has to come to Council for approval.

**Mayor Lee:** Councillor Bernard.

**Councillor Bernard:** Councillor Rivard, I am just wondering. The off-lot parking in the 500 Lot area; is there a cut off in how many units you can put on a piece of property with the off-lot parking. My understanding was the intent was basically for residential homes. Now we are talking about this 23 unit apartment buildings so I am just wondering if there was any type of a cut off to how many units before this off-lot parking kicks in.

**Councillor Rivard:** There isn't.

**Councillor Bernard:** If you ever put up a 60 unit apartment building and have no parking for it.

**Alex Forbes, PM:** You either pay for parking where you pay the municipality (standard fee), you can request to pay within a parking structure which is within a certain distance which this one is and if you own property next door you can make arrangement with the property owner. As Councillor Rivard has eluded to, that request comes to Council to whether you are comfortable to whether it is the money, next door or allow within a structure.

**Mayor Lee:** Council has to approve the off-lot parking.

**Alex Forbes, PM:** Correct.

**Councillor Bernard:** And that probably should be looked at and I think I send you that email on that part of the 500 Lot because where this ends and if we are building 60 unit apartment buildings now. There is obviously a parking problem in downtown Charlottetown now. Thank you.

**Mayor Lee:** Councillor Tweel

**Councillor Tweel:** Just on the parking issue. Will staff be making a recommendation as to what they feel is the most logical and rational way to go when it comes to dealing with the challenge of parking? That was one of the major concerns and I know you outlined three options. Will staff be making a recommendation on one of those options?

**Councillor Rivard:** No, they don't. The applicant has three options and they choose the option they want. It comes to Council for vote so I guess we determine if we like it or not. Staff will not make a recommendation because we give those three choices so we are not going to twist the applicants arm to do one of them when we give them three choices.

**LOST 6-4**

**Councillors Bernard, Duffy, Hilton, Ramsay, Rice & Tweel opposed**

**End of Excerpt**



## CITY OF CHARLOTTETOWN

### RESOLUTION

MOTION CARRIED

MOTION LOST

*[Signature]*  
6-4

*Opposed  
Tweed, Duffy, Bernard,  
Hilton, Ramsay & Rice*

Planning #1

Date: August 14, 2017

Moved by Councillor

*[Signature]*

Greg Rivard

Seconded by Councillor

*[Signature]*

Terry MacLeod

#### RESOLVED:

That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be approved,

And that this application also includes 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 + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council's approval.

## **Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Tuesday, August 15, 2017 1:04 PM  
**To:** 'Tim Banks'  
**Cc:** Forbes, Alex; Cain Arsenault  
**Subject:** RE: Richmond St

Hello Tim,

Thank you for the message. We will be drafting your letter this afternoon and will pass it along once it is complete.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Tuesday, August 15, 2017 10:49 AM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Forbes, Alex <aforbes@charlottetown.ca>; Cain Arsenault <carsenault@apm.ca>  
**Subject:** Richmond St

Hi Jesse

Can you please get officially a rejection letter so we can file our appeal.

Thanks  
Tim

Tim Banks  
CEO - APM

**APM CONSTRUCTION SERVICES INC.**  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

August 16, 2017

Tim Banks  
APM  
16 McCarville Street  
Charlottetown, PEI, C1E 2A6

Dear Mr. Banks:

As you are aware, 55 & 59 Richmond Street was recently the subject of an application of a similar nature (ie. four storey, 23 unit apartment building). Council agreed to allow you to withdraw your previous application when it was determined very late in the process that you did not have the requisite street frontage to continue with that application.

Charlottetown City Council revisited your revised application with an additional request for a street frontage variance at their monthly meeting held August 14, 2017, and *rejected* the following resolution:

“That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be approved.

FURTHER this application also includes 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 + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council’s approval.”

Part of Council’s deliberations included the Staff Report to the Planning Board dated July 28<sup>th</sup>, 2017 which outlined in detail the positive elements and shortcomings of the revised proposal. Some of these concerns are also alluded to in the Planning Board minutes of August 7, 2017 which were before Council to assist with its deliberations. At the Council meeting of August 14<sup>th</sup>, 2017, concerns related to unharmonious development and a lack of on-site parking were specifically referred to by Council members. Based upon all of the foregoing and the fact that to obtain the higher density requested in this application, you required a site specific amendment to

the Downtown Neighbourhood (DN) Zone which included a variance to the street lot frontage and variance to the grade level floor height, and discretionary off lot parking, Council rejected your request to go back to another public hearing.

In accordance with Section 4.30 of the City of Charlottetown Zoning & Development Bylaw you may, within 21 days from Council's decision, request a reconsideration of Council's decision or appeal the decision to the Island Regulatory and Appeals Commission. You may not apply for a similar rezoning for one (1) year unless, pursuant to section 4.29.10 of the Bylaw Council is of the opinion that there is valid new information or a substantial change in the application.

If you have any questions, please contact me at 902 629-6108.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Forbes', written in a cursive style.

Alex Forbes, MCIP, MBA  
Manager of Planning and Heritage



## **Morton, Jesse**

---

**From:** Morton, Jesse  
**Sent:** Tuesday, August 22, 2017 8:21 AM  
**To:** 'Tim Banks'  
**Cc:** Thompson, Laurel  
**Subject:** RE: Council Letter to Tim Banks 55-59 Richmond Street August 2017 (002)  
**Attachments:** RECONSIDERATION PROCESS.doc

Hello Tim,

The topic of harmonious and compatible development is raised in numerous sections of the Official Plan, including Sections 3.2, 3.4, and 4.2.

Staff recommended that the Planning Board advance the application to a public meeting.

The reconsideration process is outlined in Section 4.30 of the Zoning & Development Bylaw. I have also attached a handout to this email which may be of some assistance.

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](mailto:jmorton@charlottetown.ca)  
[www.charlottetown.ca](http://www.charlottetown.ca)

---

**From:** Tim Banks [mailto:tim@apm.ca]  
**Sent:** Monday, August 21, 2017 1:58 PM  
**To:** Morton, Jesse <jmorton@charlottetown.ca>  
**Cc:** Thompson, Laurel <lthompson@charlottetown.ca>  
**Subject:** Fwd: Council Letter to Tim Banks 55-59 Richmond Street August 2017 (002)

Alex is out so can someone please respond to my questions?

Thanks

Tim

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400

cel 902.628.7313

[www.apm.ca](http://www.apm.ca)

Begin forwarded message:

**From:** <[tim@apm.ca](mailto:tim@apm.ca)>

**Date:** August 21, 2017 at 1:52:31 PM ADT

**To:** "Forbes, Alex" <[aforbes@charlottetown.ca](mailto:aforbes@charlottetown.ca)>

**Cc:** Heather Joudrie <[hjoudrie@APM.ca](mailto:hjoudrie@APM.ca)>, Terry Palmer <[tpalmer@APM.ca](mailto:tpalmer@APM.ca)>, Jerry LeBlanc <[jleblanc@apm.ca](mailto:jleblanc@apm.ca)>

**Subject:** Re: Council Letter to Tim Banks 55-59 Richmond Street August 2017 (002)

Hi Alex,

Could you please answer a few questions regarding Council's decision in order to fully assess whether to appeal this decision.

What is the meaning of "unharmonious development" and where does it show up in the bylaws?

Council originally supported a similar plan to be presented to a public meeting so can you specifically explain what Council felt was significantly different in not allowing that step to take place?

Did planning staff recommend the application be forwarded to a public meeting?

How do we officially appeal to Council and is the IRAC appeal process still open for 21 days while Council consider our appeal?

Your quick response to this matter would be appreciated.

Thanks

Tim

Tim Banks  
CEO - APM

APM CONSTRUCTION SERVICES INC.  
16 McCarville Street  
Charlottetown, PE, Canada, C1E 2A6  
tel 902.569.8400  
cel 902.628.7313  
[www.apm.ca](http://www.apm.ca)

On Aug 16, 2017, at 3:45 PM, Forbes, Alex <[aforbes@charlottetown.ca](mailto:aforbes@charlottetown.ca)> wrote:

Tim: Here is your letter outlining the decision of Council on Monday night. Alex

Please consider the environment before printing this e-mail

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This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any views or opinions presented are solely those of the author and do not necessarily

represent those of the City of Charlottetown. If you are not the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

<Council Letter to Tim Banks 55-59 Richmond Street August 2017 (002).docx>

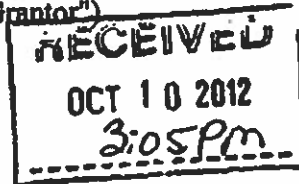
and twelve.

**IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF  
INDENTURES.**

**BETWEEN:**

**RICHMOND STREET WAREHOUSING INC.,** a body corporate, duly  
incorporated under the laws of the Province of Prince Edward Island

(hereinafter called the "Grantor")



**OF THE ONE PART**

**AND:**

**BRADLEY HARPER,** of Charlottetown, Queens County, Prince Edward  
Island,

(hereinafter called the "Grantee")

**OF THE SECOND PART**

**WITNESSETH** that in consideration of Five (\$5.00) Dollars of lawful money of Canada now  
paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged) the said  
Grantor **DOES** grant unto the Grantee, his heirs, executors, administrators and assigns forever,  
all and singular the lands following that is to say:

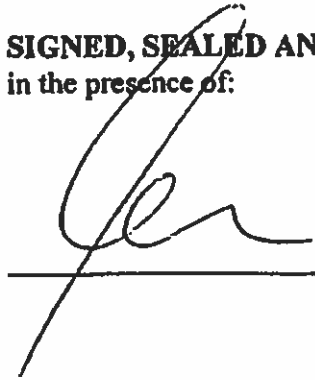
**ALL THAT PARCEL** of land situate, lying and being at Charlottetown, in Queens County, in  
the Province of Prince Edward Island, and being composed of part of town lot numbers 47 and  
48 in the second hundred of town lots of Charlottetown, aforesaid, being more particularly  
described in Schedule "A" hereto annexed.

**TOGETHER** with all the rights, privileges, easements, advantages and appurtenances to the  
said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or  
enjoyed: **TO HAVE** and **TO HOLD** the said lands and premises with appurtenances unto and  
to the use of the Grantee, his heirs, executors, administrators and assigns forever. (1) **THE  
SAID GRANTOR COVENANTS** with the said Grantee (2) that it has the right to convey the  
said lands to the said Grantee notwithstanding any act of the said Grantor (3) **AND** that the  
said Grantee shall have quiet possession of the said lands (4) free from all encumbrances. (5)  
**AND** the said Grantor covenants with the said Grantee that it will execute such further  
assurances of the said lands as may be requisite. (6) **AND** the said Grantor covenants with the  
said Grantee that it has done no act to encumber the said lands. (7) **AND** the Grantor releases  
to the said Grantee all its claims upon the said lands. (8) **AND** the Grantor covenants and

warrants, to the best of its knowledge, that the buildings, if any, that are situate upon the lands and premises described in Schedule "A" attached hereto do not at present, and have not in the past, contained urea formaldehyde foam insulation.

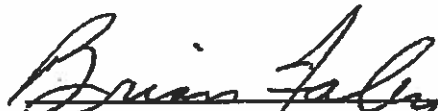
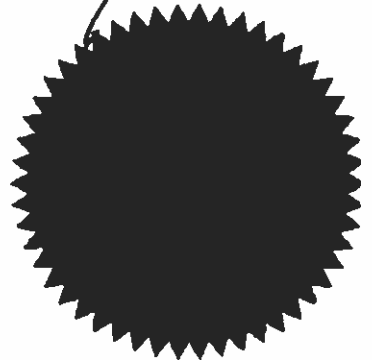
IN WITNESS WHEREOF the Corporate Seal of Richmond Street Warehousing Inc. was hereunto affixed by its duly authorized signing officer who signed in authentication thereof on the day and year first above written.

SIGNED, SEALED AND DELIVERED )  
in the presence of: )



RICHMOND STREET WAREHOUSING  
INC.

PER:

  
BRIAN FOLEY, PRESIDENT

IN THE MATTER of the Family Law Act,  
being Statutes of Prince Edward Island, 1995,  
Cap. 12, as amended;

- and -

IN THE MATTER of the Registry Act, being  
Revised Statutes of Prince Edward Island, 1988,  
Chapter R-10, as amended.

**AFFIDAVIT OF SPOUSAL STATUS OR INTEREST**

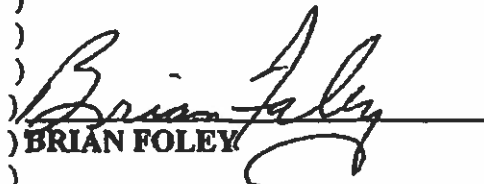
I, **BRIAN FOLEY**, of Charlottetown, Queens County, Prince Edward Island,

**MAKE OATH AND SAY AS FOLLOWS:**

1. **THAT** I am an officer or director of Richmond Street Warehousing Inc., the Grantor in the annexed Deed of Conveyance, and am authorized to make this Affidavit, and as such, have personal knowledge of the facts deposed to herein.
2. **THAT** the ownership of a share or shares or of an interest in a share or shares of the grantor does not entitle the owner of such share or shares to occupy any housing unit owned by the grantor and located on the property described in Schedule "A" hereto.
3. **THAT** the property that is the subject matter of the within deed and which is described in Schedule "A" hereto has never been occupied by any persons or their spouses who are associated with the grantor as a family home within the meaning of Part II of the Family Law Act, and amendments thereto.
4. **THAT** the property is not now the subject of a Court Order, interim or otherwise, made pursuant to the Act.

SWORN to before me at Charlottetown, Queens )  
County, Prince Edward Island this 10 day of )  
October, A.D. 2012. )

  
A COMMISSIONER FOR TAKING AFFIDAVITS )  
IN THE SUPREME COURT. )

  
BRIAN FOLEY

ALL that parcel of land situate, lying and being at Charlottetown, in Queens County, in the Province of Prince Edward Island, and being composed of part of town lot numbers 47 and 48 in the second hundred of town lots of Charlottetown aforesaid, bounded and described as follows, that is to say:

COMMENCING on the North side of Richmond Street at the Southwest angle of land owned by Stephen Moore;

THENCE Westwardly along Richmond Street 40 feet;

THENCE Northwardly at right angles to Richmond Street 160 feet;

THENCE Eastwardly parallel to Richmond Street 40 feet;

THENCE Southwardly 160 feet to the place of commencement;

EXCEPTING THEREOUT AND THEREFROM the following described parcel of land:

COMMENCING at a point on the West boundary of lands now or formerly in the possession of J. Melvin Duffy, said point being 25 feet Southwardly from the North boundary of the said Duffy land;

THENCE Northwardly along the said West boundary of the said Duffy land for the distance of 25 feet or to the South boundary of the Charlottetown Curling Club's property;

THENCE Eastwardly along the said Southern boundary of the said Charlottetown Curling Club property for the distance of 40 feet or to the Western boundary of Jessie Clark's land;

THENCE Southwardly along the said Western boundary of Jessie Clarke's land for the distance of 25 feet;

THENCE Westwardly to the said Western boundary of the land of the said J. Melvin Duffy at the point at the place of commencement.

SAID TRACT OF LAND BEING the rear portion of the said J. Melvin Duffy's lot, having a depth of 25 feet and extending the full width of the said J. Melvin Duffy's land.

**BETWEEN:**

**RICHMOND STREET WAREHOUSING INC.**

(hereinbefore called the "Grantor")

**OF THE ONE PART**

**AND:**

**BRADLEY HARPER**

(hereinbefore called the "Grantee")

**OF THE SECOND PART**

---

**DEED OF CONVEYANCE**

---

**(QUEENS COUNTY)**

**PHILIP MULLALLY, Q.C.  
Philip Mullally Law Office  
51 University Avenue  
P.O. Box 2560  
Charlottetown, PE C1A 8C2**



1019

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**THIS INDENTURE**

Made the 22<sup>nd</sup> day of September in the year of our Lord one thousand nine hundred and ninety-nine.

IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF INDENTURES;

**BETWEEN:**

L. ERIC ARSENAULT of Charlottetown, Queens County, Prince Edward Island and JUDY ANN MARGARET ARSENAULT of Charlottetown, aforesaid, spouse of the said L. Eric Arsenault

(hereinafter called the Grantors) AND

of the one part,

**AND:**

BRADLEY HARPER of Charlottetown, Queens County, Prince Edward Island

(hereinafter called the Grantee)

of the other part.

**WITNESSETH** that in consideration of FIVE (\$5.00) dollars of lawful money of Canada now paid by the Grantee to the Grantors (the receipt whereof is hereby by them acknowledged) the said Grantors Do grant unto the Grantee his heirs and assigns forever, all and singular the lands described in Schedule "A" hereto annexed.

Together with all the rights, privileges, easements, advantages and appurtenances to the said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or enjoyed: TO HAVE and TO HOLD the said lands and premises with their appurtenances unto and to the use of the grantee his heirs and assigns forever. (1) THE SAID GRANTORS COVENANT with the said Grantee (2) that they have the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantors (3) AND that the said Grantee shall have quiet possession of the said lands (4) free from all encumbrances. (5) AND the said Grantors covenant with the said

.../2

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Grantee that they will execute such further assurances of the said lands as may be requisite. (6) AND the said Grantors covenant with the said Grantee that they have done no act to encumber the said lands. (7) AND the said Grantors release to the said Grantee all their claim upon the said lands. (8) AND the Grantors warrant and covenant with the Grantee that the building(s) on the property herein conveyed do not contain urea formaldehyde foam insulation.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:

*Charles J. Arsenault*

*Eric Arsenault*

L. ERIC ARSENAULT

*Judy Ann Arsenault*

JUDY ANN MARGARET ARSENAULT

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

6428

IN THE MATTER of the Family Law Act, being Statutes of Prince Edward Island, 1995, Cap. 12, as amended;

- and -

IN THE MATTER of the Registry Act, being Revised Statutes of Prince Edward Island, 1988, Chapter R-10, as amended.

**AFFIDAVIT OF SPOUSAL STATUS OR INTEREST**

We, L. ERIC ARSENAULT and JUDY ANN MARGARET ARSENAULT, both of Charlottetown, Queens County, Prince Edward Island,

JOINTLY AND SEVERALLY MAKE OATH AND SAY AS FOLLOWS:

1. THAT we are the Grantors in the annexed Deed and, as such, have personal knowledge of the facts deposed to herein.
2. THAT for the purpose of this Affidavit, "Spouse" means either of a man or whoman who:
  - (a) are married to each other;
  - (b) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under the Family Law Act.
3. THAT we are the only spouses of one another.

JOINTLY AND SEVERALL SWORN TO )  
before me at the City )  
of Charlottetown, P.E.I., this )  
day of , A.D. 1999.)

  
L. ERIC ARSENAULT

A COMMISSIONER FOR TAKING  
AFFIDAVITS IN THE SUPREME COURT.)

  
JUDY ANN MARGARET ARSENAULT

6428

SCHEDULE "A"

ALL THAT PARCEL OF LAND situate, lying and being in Charlottetown aforesaid, being part of Town Lot number 48 in the second hundred of Town Lots in Charlottetown, aforesaid, bounded and described as follows, that is to say:

COMMENCING on the north side of Richmond Street 38 feet east from the division line between said town lot number 48 and town lot number 47 in the said second hundred and at the southeast corner of a piece of land conveyed by Mary Alice Alexander to Charles William McGough by Deed bearing date the 20th day of August, 1872;

THENCE running northwestwardly at right angles with Richmond Street for the distance of 135 feet or until it meets land formerly owned by The Charlottetown Curling Club;

THENCE northeastwardly along said land 34 feet 6 inches;

THENCE running southeastwardly at right angles with said Richmond Street for the distance of 135 feet or until it reaches said Richmond Street; and

THENCE southwestwardly along said Richmond Street for the distance of 34 feet 6 inches to the place of commencement, and being thus described in a Deed of Conveyance from Jessie Clark to Arthur P. Arsenault, dated October 11, 1950 and registered in the Queens County Registry Office on October 11, 1950 in Liber 126, Folio 664.

*JK* *ja* *9/20*

PHILIP MULLALLY LAW OFFICE



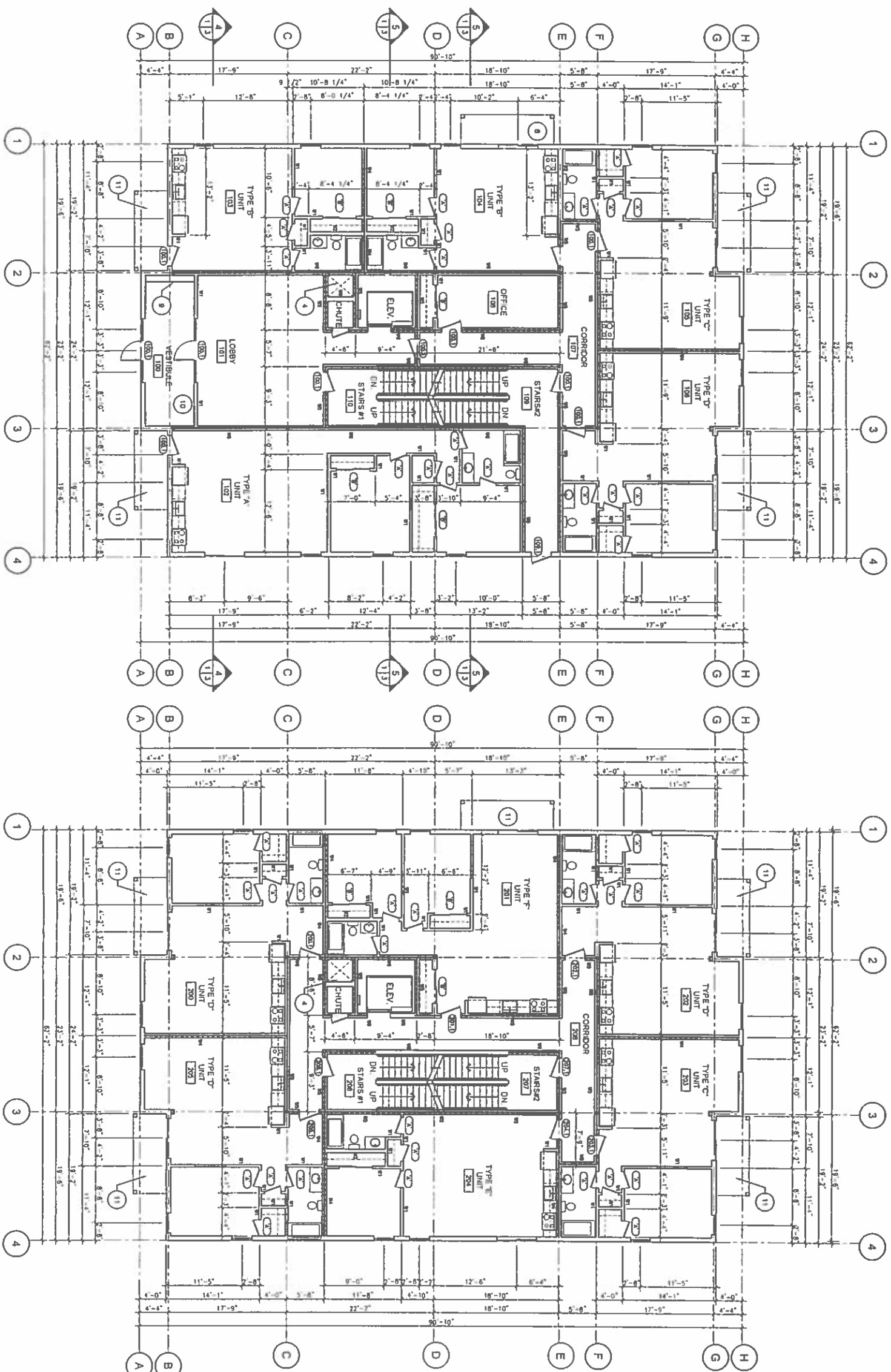


APM

*tin*







### MAIN FLOOR PLAN

SECRET - 9/1/73

## SECOND FLOOR PLAN

**SCALE: 1/8" = 1'-0"**

- ## GENERAL NOTES
1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
  2. ALL CONSTRUCTION SHALL MEET THE LATEST EDITION OF THE NATIONAL BUILDING CODE OF CANADA. ALL WORK SHALL BE IN COMPLIANCE WITH THE PROVISIONAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

## WALL LEGEND



### INTERIOR WALL TYPES

- |     |   |
|-----|---|
| W1  | <p>(TYPICAL INTERIOR UNIT WALLS)</p> <ul style="list-style-type: none"> <li>- 1/2" GYPSUM BOARD</li> <li>- 2 X 4 TRUSS STUDS AT 16" O.C.</li> <li>- 1/2" GYPSUM BOARD</li> </ul>  |
| W2  | <p>(TYPICAL WALL WITH PLUMBING)</p> <ul style="list-style-type: none"> <li>- 1/2" GYPSUM BOARD</li> <li>- 2 X 6 TRUSS STUDS AT 16" O.C.</li> <li>- 1/2" GYPSUM BOARD</li> </ul>   |
| W3  | <p>(TYPICAL BAYED WALL)</p> <ul style="list-style-type: none"> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> <li>- 2 X TRUSS STUDS AT 16" O.C.</li> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> </ul>   |
| W4  | <p>(TYPICAL SOUND WALL WITH SEPARATING LINTS)</p> <ul style="list-style-type: none"> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> <li>- 2 X 4 TRUSS STUDS AT 16" O.C.</li> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> <li>- SOUND ABSORBING MATERIAL, PROCESSED FROM ROCK SLAG AND FILLING THE STUD</li> <li>- RESIDUAL CHANNELS AT 16" O.C.</li> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> </ul> |
| W5  | <p>(TYPICAL CORRIDOR AND ELEVATOR WALL)</p> <ul style="list-style-type: none"> <li>- 2 X 6 TRUSS STUDS AT 16" O.C.</li> <li>- 2 X 4 TRUSS STUDS AT 16" O.C.</li> <li>- SOUND ABSORBING MATERIAL, PROCESSED FROM ROCK SLAG AND FILLING THE STUD</li> <li>- RESIDUAL CHANNELS AT 16" O.C.</li> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> </ul>  |
| W6  | <p>NOTE: W6 WALLS OF ELEVATOR REQUIRES 2 LINTERS OF 5/8" TYPE "X" GYPSUM BOARD ON BOTH SIDES OF ALL ELEVATOR SHUTT WALLS.</p>   |
| W7  | <p>(TYPICAL CORRIDOR AND ELEVATOR BAYING WALL)</p> <ul style="list-style-type: none"> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> <li>- 2 X 6 TRUSS STUDS AT 16" O.C.</li> <li>- SOUND ABSORBING MATERIAL, PROCESSED FROM ROCK SLAG AND FILLING THE STUD</li> <li>- RESIDUAL CHANNELS AT 16" O.C.</li> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> </ul>  |
| W8  | <p>(TYPICAL CORRIDOR AND ELEVATOR BAYING WALL)</p> <ul style="list-style-type: none"> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> <li>- 2 X 6 TRUSS STUDS AT 16" O.C.</li> <li>- SOUND ABSORBING MATERIAL, PROCESSED FROM ROCK SLAG AND FILLING THE STUD</li> <li>- RESIDUAL CHANNELS AT 16" O.C.</li> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> </ul>  |
| W9  | <p>NOTE: W9 WALLS OF ELEVATOR REQUIRES 2 LINTERS OF 5/8" TYPE "X" GYPSUM BOARD ON BOTH SIDES OF ALL ELEVATOR SHUTT WALLS.</p>   |
| W10 | <p>(TYPICAL LOBBY BAYING BAYED WALL)</p> <ul style="list-style-type: none"> <li>- 5/8" TYPE "X" GYPSUM BOARD</li> <li>- 2 X 6 TRUSS STUDS AT 16" O.C.</li> <li>- SOUND ABSORBING MATERIAL, PROCESSED FROM ROCK SLAG AND FILLING THE STUD</li> <li>- RESIDUAL CHANNELS AT 16" O.C.</li> <li>- 2 LINTERS 5/8" TYPE "X" GYPSUM BOARD</li> </ul>  |

## KEY NOTES

- 1) MECHANICAL ACCESS CHASE, CHASE C/W 24" X 34" HIE RATED ACCESS HATCH AT EACH FLOOR.
- 2) GARAGE CHUTE C/W 30" X 34" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3) BALANCED METAL CHAIN LINK STORAGE UNITS, SEE DETAIL.
- 4) ELEVATOR PIT LADDERS FASTENED TO SHAFI WALL.
- 5) POOL SLUP PIT C/W COVER CONNECTED TO STORM DRAIN SYSTEM, SEE PLUMBING PLAN.
- 6) SLUP PIT CONNECTED TO DRAIN IN ELEVATOR PIT, SEE FOUNDATION PLAN AND PLUMBING DRAWINGS.
- 7) FLOOR MOUNT DWP SHU, SEE PLUMBING PLAN.
- 8) 6" THICK POLISHED CONCRETE DECK WITH BROWDED FINISH, SEE C/W DRAWINGS AND ARCHITECTURAL WALL SECTIONS AND DETAILS.
- 9) FLOOR OF WALL IS VERSTABLE TO ACCOMMODATE THE RECESSED LAMBRDES AND TO MAINTAIN THE INTEGRITY OF THE W/ FIRE SEPARATION.
- 10) LOCATION OF INTERLOCKS AND PRE ALUMN PANELS.
- 11) BALANCED BALCONY COMPLETE WITH CONCRETE DECK AND GLASS HANDRAIL.

**PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTETOWN, PE**

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## FLOOR PLANS

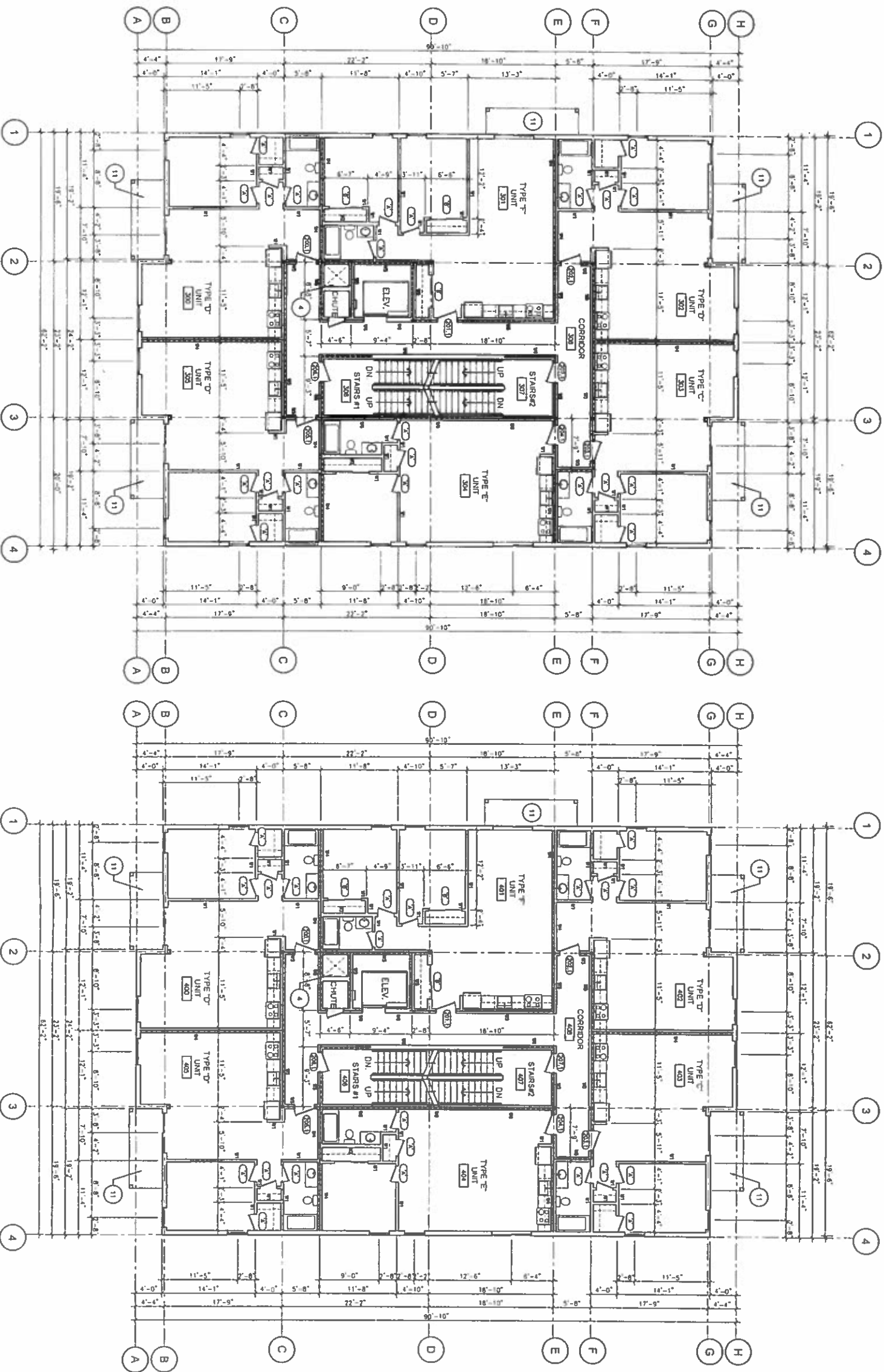
DATE: OCTOBER 14, 2011

$$\text{scat.} \quad 1/\sigma^* = \epsilon^* - \sigma^*$$

FILE NO: C16077-A100-01

MCV, 61





THIRD FLOOR PLAN  
SCALE 1/8" = 1'-0"

FOURTH FLOOR PLAN  
SCALE 1/8" = 1'-0"

- GENERAL NOTES**
1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
  2. ALL CONSTRUCTION SHALL MEET THE LATEST EDITION OF THE NATIONAL BUILDING CODE OF CANADA (NBC) AND THE CANADIAN STANDARD FOR CONSTRUCTION WITH THE APPLICABLE CORRELATIONS HEALTH AND SAFETY REGULATIONS.

**WALL LEGEND**

=====	INTERIOR BEARING WALLS
=====	45 MINUTE RATED WALLS

**INTERIOR WALL TYPES**

- W1** (TYPICAL INTERIOR UNIT WALLS)  
- 1/2" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 1/2" GYPSUM BOARD
- W2** (TYPICAL WALL FOR PLUMBING)  
- 1/2" GYPSUM BOARD  
- 1/2" GYPSUM BOARD AT 16" O.C.  
- 1/2" GYPSUM BOARD
- W3** (TYPICAL RATED WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 5/8" TYPE "X" GYPSUM BOARD
- W4** (TYPICAL SOUND WALL SEPARATING UNITS)  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- STUDS STAGGERED ON 2 x 6 TOP AND BOTTOM PLATES  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W5** (TYPICAL CORRIDOR AND ELEVATOR WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 5/8" TYPE "X" GYPSUM BOARD  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W6** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W7** (TYPICAL LOBBY BEARING RATED WALLS)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 5/8" TYPE "X" GYPSUM BOARD  
- 5/8" TYPE "X" GYPSUM BOARD
- W8** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W9** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W10** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY
- W11** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOUND ABSORBING MATTING, PROCESSSED FROM ROCK WOOL AND FILLING THE STUD CAVITY

**KEY NOTES**

- 1) MECHANICAL/PLUMBING CHASE C/W 2" x 3" x 3" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 2) GARBAGE CHUTE C/W 30"x36" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3) ADVANCED METAL CHAIN LINK STORAGE UNITS, SEE DETAIL.
- 4) ELEVATOR PIT LUGGER FASTENED TO SHWIFT WALL.
- 5) FLOOR SLAB FIN C/W COVER CONNECTED TO STORM DRAIN SYSTEM, SEE PLUMBING PLAN.
- 6) SEE FLOORING PLAN AND PLUMBING DRAWINGS.
- 7) FLOOR MOUNT LOOP SHNK, SEE PLUMBING PLAN.
- 8) IF THICK POURED CONCRETE DECK WITH BROACHED FINISH, SEE CIVIL DRAWINGS AND ARCHITECTURAL WALL SECTIONS AND DETAILS.
- 9) FURNI OUT WALL IN VESTIBULE TO ACCOMMODATE THE RECESSED WALLBOARDS AND TO MAINTAIN THE INTEGRITY OF THE W4 FIRE SEPARATION.
- 10) LOCATION OF INTERIOR AND FIRE ALARM PANTS.
- 11) ADVANCED BACKING COMPLETE WITH CONCRETE DECK AND GLASS INSULATION.

PROJECT:  
PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTETOWN, PE

DRAWING TITLE:  
FLOOR PLANS

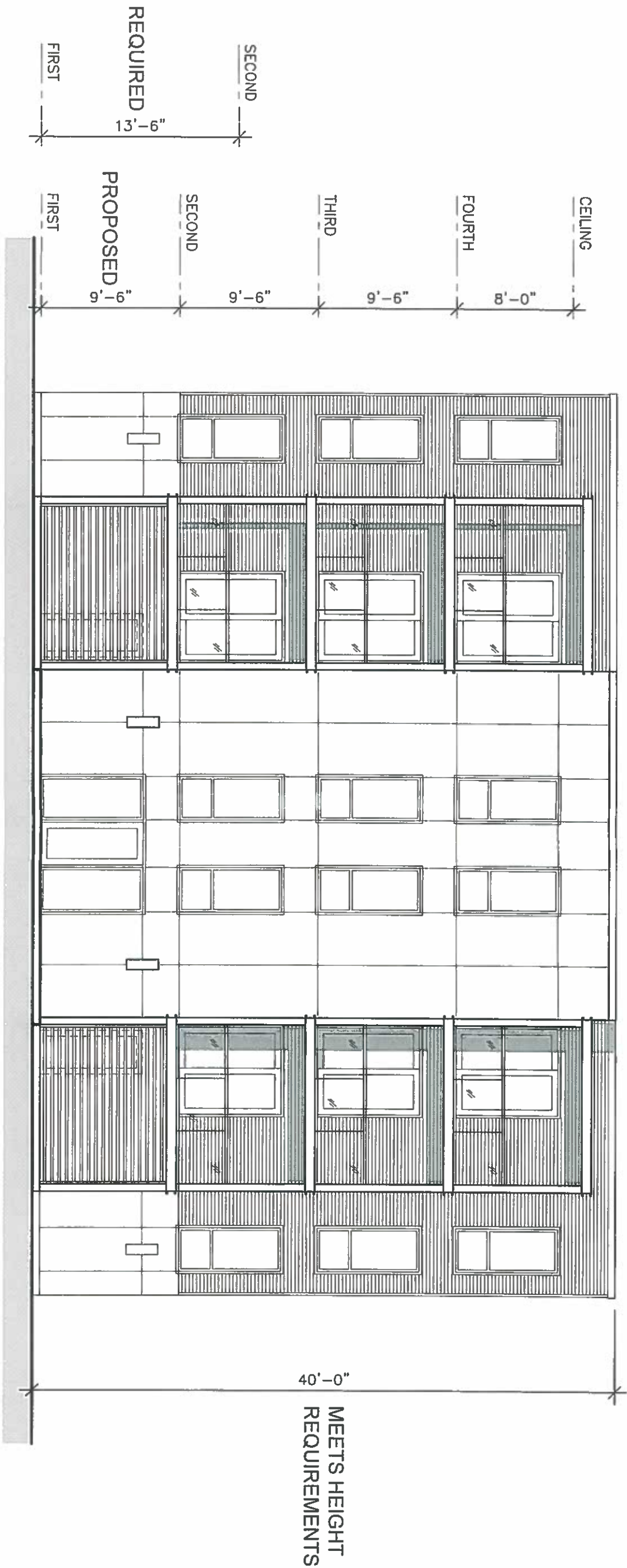
DATE: OCTOBER 14, 2018  
SCALE: 1/8" = 1'-0"  
DRAWN: JPM  
TLE NO.: C11077-4100-01  
REV: 01  
DWG: A-1.2

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Variances Required

- 1.) FIRST FLOOR HEIGHT FROM 13'-6" TO 9'-6" FLOOR TO FLOOR.
- 2.) FROM 3 STOREYS TO 4 STOREYS.
- 3.) LOT FRONTAGE FROM 82'-0" TO 74'-6".



FRONT ELEVATION N.T.S.

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PARKSIDE - New Kind of Living in Downtown Charlottetown  
Richmond Street, Charlottetown, PE - Rev.#3 June 27, 2017





GROUND FLOOR

2ND, 3RD & 4TH

FLOOR PLANS N.T.S.

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Richmond Street, Charlottetown, PE - Rev.#3 June 27, 2017





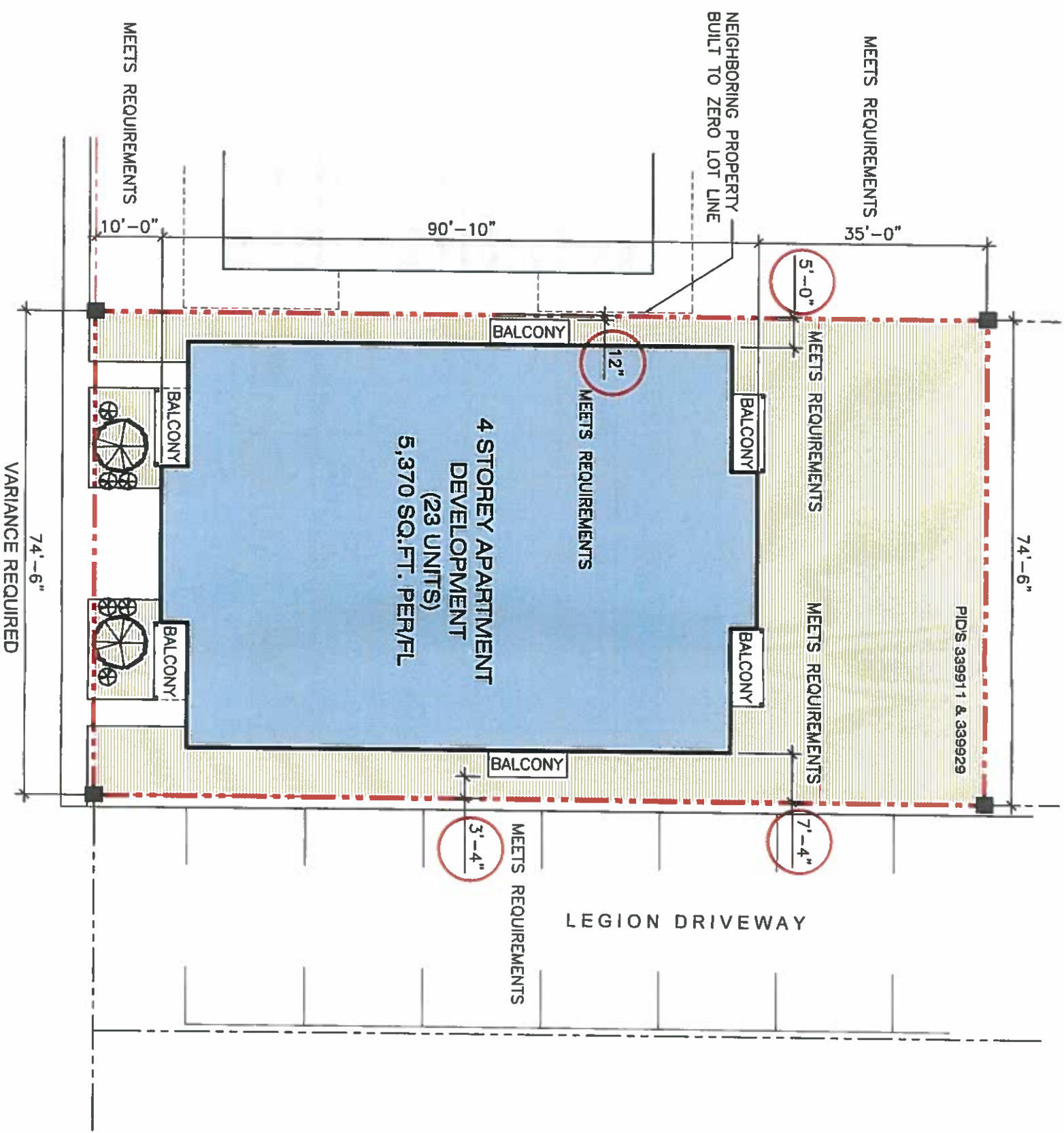


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RICHMOND STREET

LEGION DRIVEWAY

SITE PLAN 1"=20'-0"

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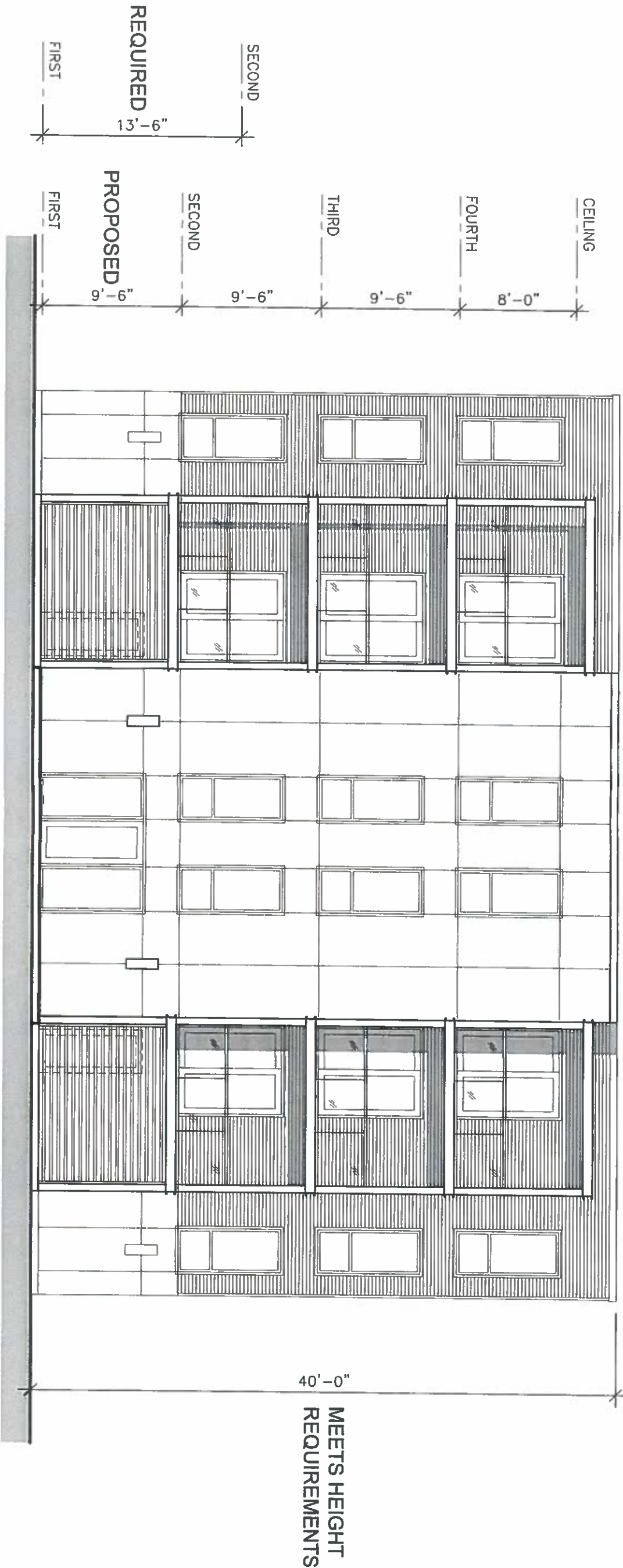


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Richmond Street, Charlottetown, PE - Rev.#3 June 27, 2107

Variances Required

- 1.) FIRST FLOOR HEIGHT FROM 13'-6" TO 9'-6" FLOOR TO FLOOR.
- 2.) FROM 3 STOREYS TO 4 STOREYS.
- 3.) LOT FRONTAGE FROM 82'-0" TO 74'-6".



MEETS HEIGHT REQUIREMENTS

FRONT ELEVATION N.T.S.

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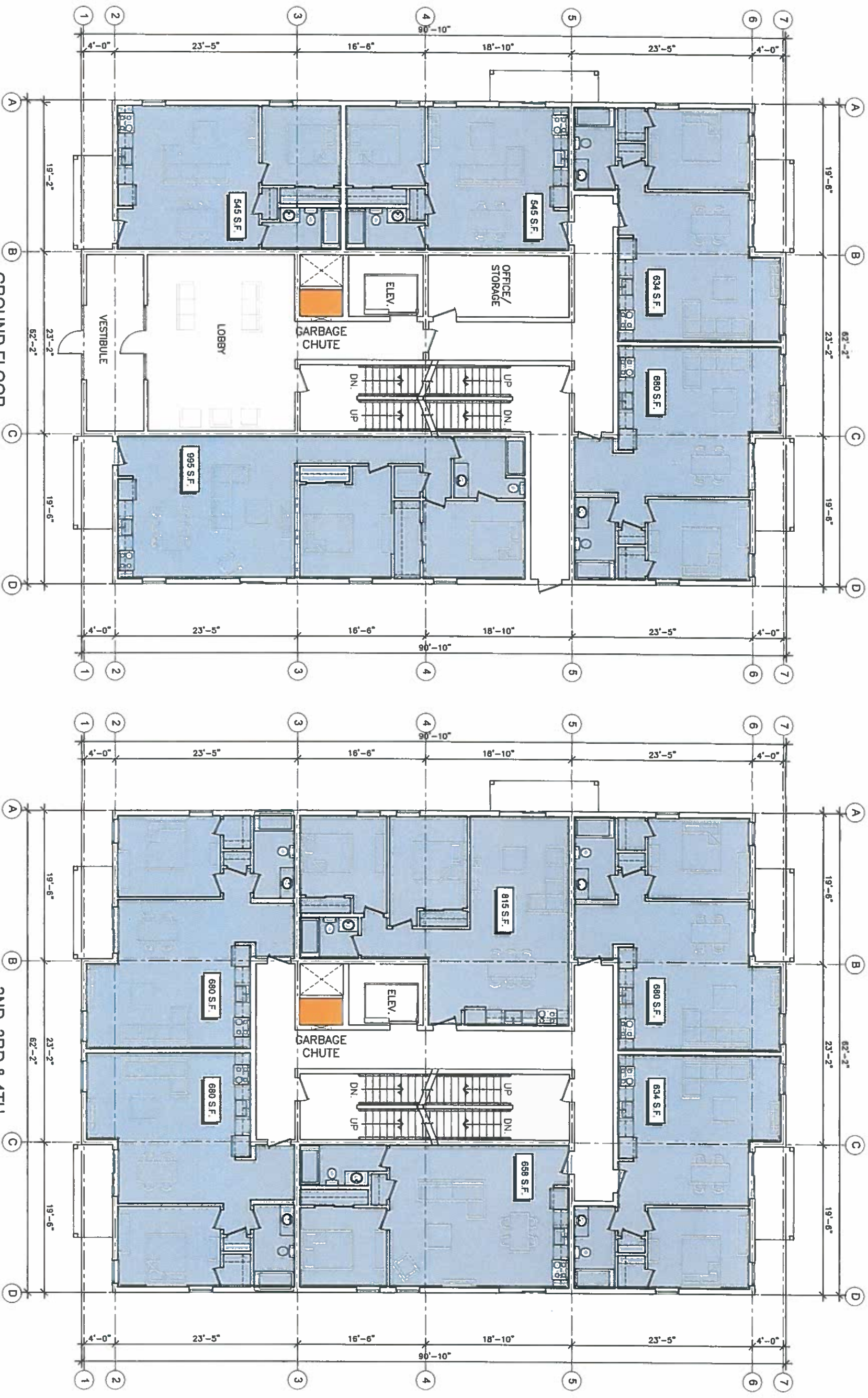


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PARKSIDE - New Kind of Living in Downtown Charlottetown  
Richmond Street, Charlottetown, PE - Rev.#3 June 27, 2017

PLANNING  
Filed June 28 Int. JN





GROUND FLOOR

2ND, 3RD & 4TH

FLOOR PLANS N.T.S.

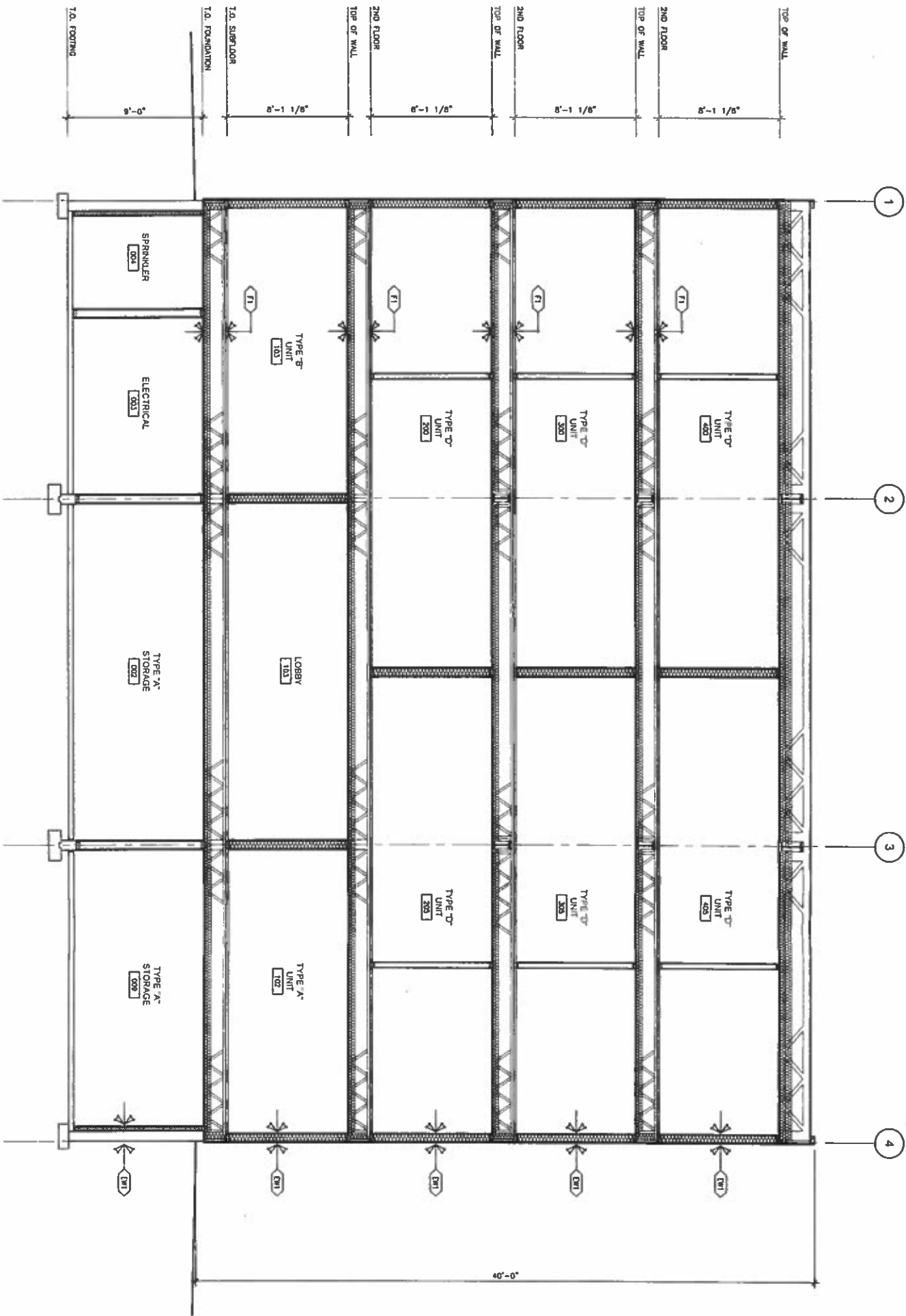
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**PARKSIDE - A New Kind of Living in Downtown Charlotte**  
Richmond Street, Charlotte, PE - Rev. #3 June 27, 2017





PROJECT: PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTETOWN, PE		APM		Charlottetown • Halifax • Toronto • Calgary APM.ca	
DRAWING TITLE: CROSS SECTION		DATE: OCTOBER 14, 2018		SCALE: 1/8" = 1'-0"	
DRAWN: APM		CHECKED: APM		FILE NO.: C-18377-4100-01	
PROJECT: PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTETOWN, PE		DATE: OCTOBER 14, 2018		SCALE: 1/8" = 1'-0"	
DRAWN: APM		CHECKED: APM		FILE NO.: C-18377-4100-01	
PROJECT: PROPOSED 23 UNIT APARTMENT RICHMOND STREET CHARLOTTETOWN, PE		DATE: OCTOBER 14, 2018		SCALE: 1/8" = 1'-0"	
DRAWN: APM		CHECKED: APM		FILE NO.: C-18377-4100-01	

- GENERAL NOTES**
1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
  2. ALL CONSTRUCTION SHALL MEET THE LATEST EDITION OF THE NATIONAL BUILDING CODE OF CANADA (NBC) AND THE CANADIAN STANDARDS ASSOCIATION (CSA) STANDARDS, AS WELL AS ANY OTHER APPLICABLE STANDARDS, WITH THE PROVISIONS, OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

**WALL LEGEND**

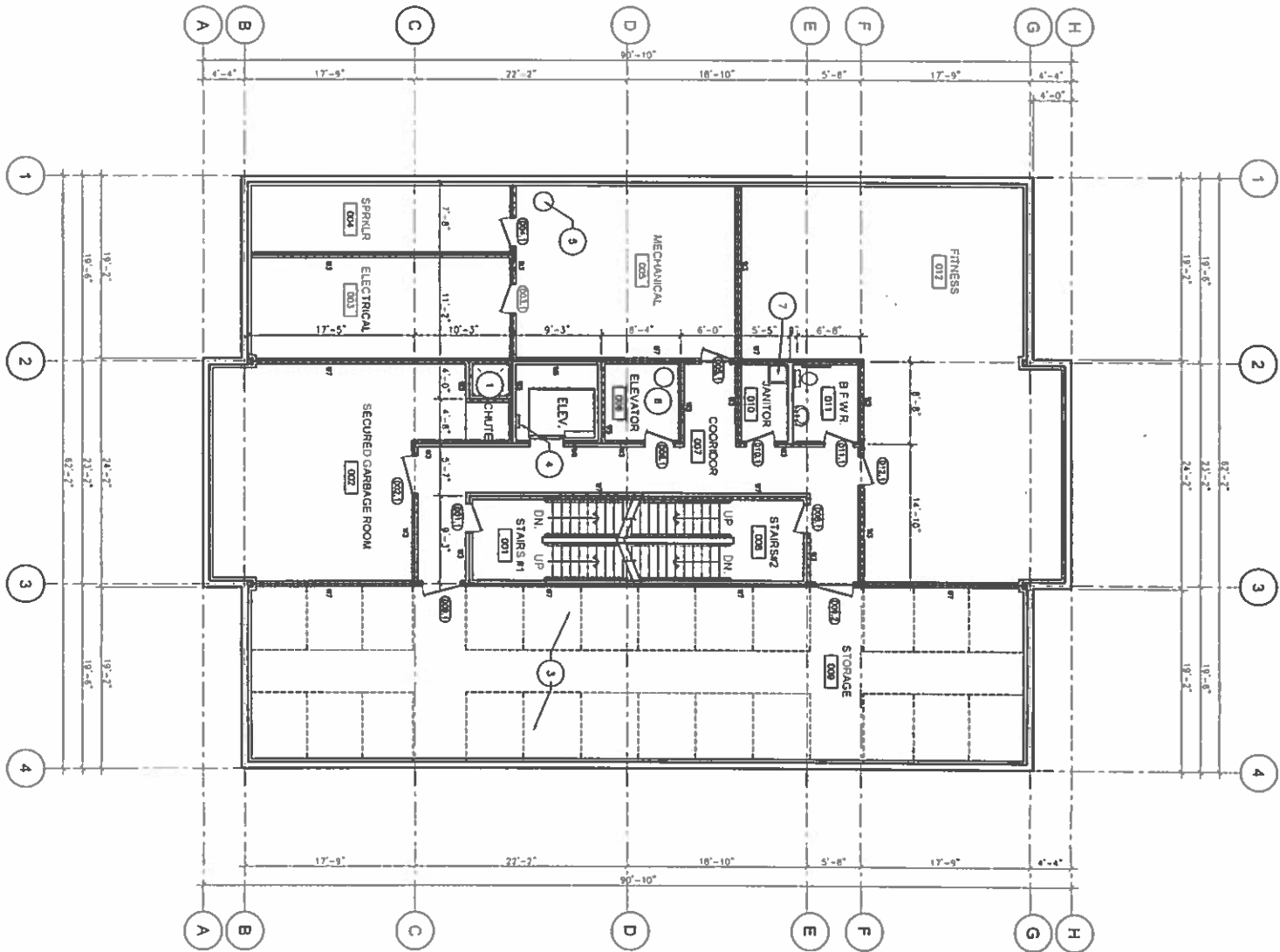
	INTERIOR BEARING WALLS
	45 MINUTE RATED WALLS

**INTERIOR WALL TYPES**

- W1** (TYPICAL INTERIOR UNIT WALLS)
- 1/2" GYPSUM BOARD
  - 2 X 4 TIMBER STUDS
  - 1/2" GYPSUM BOARD
- W2** (TYPICAL WALL FOR PLUMBING)
- 1/2" GYPSUM BOARD
  - 1/2" X 8 TIMBER STUDS
  - 1/2" GYPSUM BOARD
- W3** (TYPICAL RATED WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TIMBER STUDS AT 16" O.C.
  - 5/8" TYPE "X" GYPSUM BOARD
- W4** (TYPICAL BEARING WALL SEPARATING UNITS)
- 1/2" GYPSUM BOARD
  - 2 X 4 TIMBER STUDS AT 16" O.C.
  - STUDS STAGGERED ON 2 X 6 TOP AND BOTTOM PLATES
  - 1/2" GYPSUM BOARD, MINIMUM 5/8" MINIMUM PROCESSED FROM ROCK SLUG AND FILLING THE STUD CAVITY
  - RESIDUAL CHANNELS AT 16" O.C.
  - 5/8" TYPE "X" GYPSUM BOARD
- W5** (TYPICAL CORRIDOR AND ELEVATOR WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TIMBER STUDS AT 16" O.C.
  - 5/8" TYPE "X" GYPSUM BOARD, MINIMUM 5/8" MINIMUM PROCESSED FROM ROCK SLUG AND FILLING THE STUD CAVITY
  - RESIDUAL CHANNELS AT 16" O.C.
  - 2 UNITS 5/8" TYPE "X" GYPSUM BOARD
- W6** (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TIMBER STUDS AT 16" O.C.
  - SOLID BLOCKING AT MID HEIGHT OF WALL FROM JOINTS TO JOINTS, MINIMUM 5/8" MINIMUM PROCESSED FROM ROCK SLUG AND FILLING THE STUD CAVITY
  - RESIDUAL CHANNELS AT 16" O.C.
  - 2 UNITS 5/8" TYPE "X" GYPSUM BOARD
- W7** (TYPICAL LOAD BEARING RATED WALLS)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TIMBER STUDS AT 16" O.C.
  - SOLID BLOCKING AT MID HEIGHT OF WALL
  - 5/8" TYPE "X" GYPSUM BOARD

**KEY NOTES**

- 1.) MECHANICAL/PLUMB CHASE 24" X 34" FIRE RATED ACCESS TRUCK AT DOWN FLOOR.
- 2.) GARBAGE CHUTE C/W 30"x36" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3.) GUYANIZED METAL CHAIN LINK STORAGE UNITS. SEE DETAIL.
- 4.) ELEVATOR PIT LOOPER FASTENED TO SHUT WALL.
- 5.) POLY SLUMP PIT C/W COVER CONNECTED TO STORM DRAIN SYSTEM. SEE PLUMBING PLAN.
- 6.) SLUMP PIT CONNECTED TO DRAIN IN ELEVATOR PIT. SEE FOUNDATION PLAN AND PLUMBING DRAWINGS.
- 7.) FLOOR UPGRADE WOP SINK. SEE PLUMBING PLAN.
- 8.) 6" THICK POURED CONCRETE DECK WITH BROOKED FINISH. SEE CIVIL DRAWINGS AND ARCHITECTURAL WALL SECTIONS AND DETAILS.
- 9.) FURN OUT WALL IN VESTIBULE TO ACCOMMODATE THE RECESSED VANDERBILT AND TO MAINTAIN THE INTEGRITY OF THE W4 FIRE SEPARATION.
- 10.) LOCATION OF INTERIOR AND FIRE ALARM PANELS.
- 11.) GUYANIZED BALCONY COMPLETE WITH CONCRETE DECK AND GLASS HANDRAIL.



**LOWER FLOOR PLAN**

SCALE: 1/8" = 1'-0"

**PROPOSED**  
**23 UNIT APARTMENT**  
**RICHMOND STREET**  
**CHARLOTTETOWN, PE**

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**FLOOR PLANS**

DATE: OCTOBER 14, 2018  
SCALE: 1/8" = 1'-0"  
DRAWN: JPM  
FILE NAME: C:\10071-4100-01

DATE: 27/06/17  
BY: [Signature]  
CHECKED: [Signature]  
DESIGNED: [Signature]  
NOTED: [Signature]

**A-1.0**

REV. 01

GENERAL NOTES

1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE MECHANICAL, ELECTRICAL AND ELECTRICAL DRAWINGS.
2. ALL CONSTRUCTION SHALL MEET THE LATEST EDITION OF THE NATIONAL BUILDING CODE OF CANADA. ALL WORK SHALL BE IN CONFORMANCE WITH THE MECHANICAL, OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

WALL LEGEND

- INTERIOR BEDDING WALLS
- 45 UNFIRE RATED WALLS

INTERIOR WALL TYPES

- W1 (TYPICAL INTERIOR UNIT WALLS)
- 1/2" GYPSUM BOARD
  - 1/2" TUBER STUDS AT 16" O.C.
  - 1/2" GYPSUM BOARD
- W2 (TYPICAL WALL FOR PLUMBING)
- 2 X 6 TUBER STUDS AT 16" O.C.
  - 1/2" GYPSUM BOARD
- W3 (TYPICAL PARTED WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TUBER STUDS AT 16" O.C.
  - 5/8" TYPE "X" GYPSUM BOARD
- W4 (TYPICAL SOUND WALL SEPARATING UNITS)
- 2 X 4 TUBER STUDS AT 16" O.C.
  - STUDS STUCKED ON 2 X 6 TOP AND BOTTOM STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL PROCESSED FROM ROCK SLAG AND FILLING THE STUD
  - RESIDUAL CHANNELS AT 16" O.C.
  - 5/8" TYPE "X" GYPSUM BOARD
- W5 (TYPICAL CORRIDOR AND ELEVATOR WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TUBER STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL PROCESSED FROM ROCK SLAG AND FILLING THE STUD
  - RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD
- W6 (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TUBER STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL PROCESSED FROM ROCK SLAG AND FILLING THE STUD
  - RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD
- W7 (TYPICAL LOAD BEARING RATED WALLS)
- 5/8" TYPE "X" GYPSUM BOARD
  - 2 X 6 TUBER STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL PROCESSED FROM ROCK SLAG AND FILLING THE STUD
  - RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD

KEY NOTES

- 1) MECHANICAL/CABLE CHASE C/P 24" X 34" FIRE RATED ACCESS PANEL AT EACH FLOOR.
- 2) GABAGE CHUTE C/P 30" X 36" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3) GALVANIZED METAL CHAIN LINK STORAGE UNITS, SEE DETAIL.
- 4) ELEVATOR PIT LADDER FASTENED TO SHUTT WALL.
- 5) POLY SLUMP PIT C/P COVER CONNECTED TO STUMP DRAIN SYSTEM, SEE PLUMBING PLAN.
- 6) SLUMP PIT CONNECTED TO DRAIN IN ELEVATOR PIT, SEE FOUNDATION PLAN AND PLUMBING DRAWINGS.
- 7) FLOOR MOUNT WOP SINK, SEE PLUMBING PLAN.
- 8) 6" THICK ROUNDED CONCRETE DECK WITH REINFORCED CONCRETE BEAMS AND ARCHITECTURAL WALL SECTIONS AND DETAILS.
- 9) FLOOR DECK WALL IN VESTIBULE TO ACCOMMODATE INTENSITY OF THE W6 FIRE SEPARATION.
- 10) LOCATION OF INTERCOM AND FIRE ALARM PANELS.
- 11) GALVANIZED BALCONY COMPLETE WITH CONCRETE DECK AND GLASS HANDRAIL.



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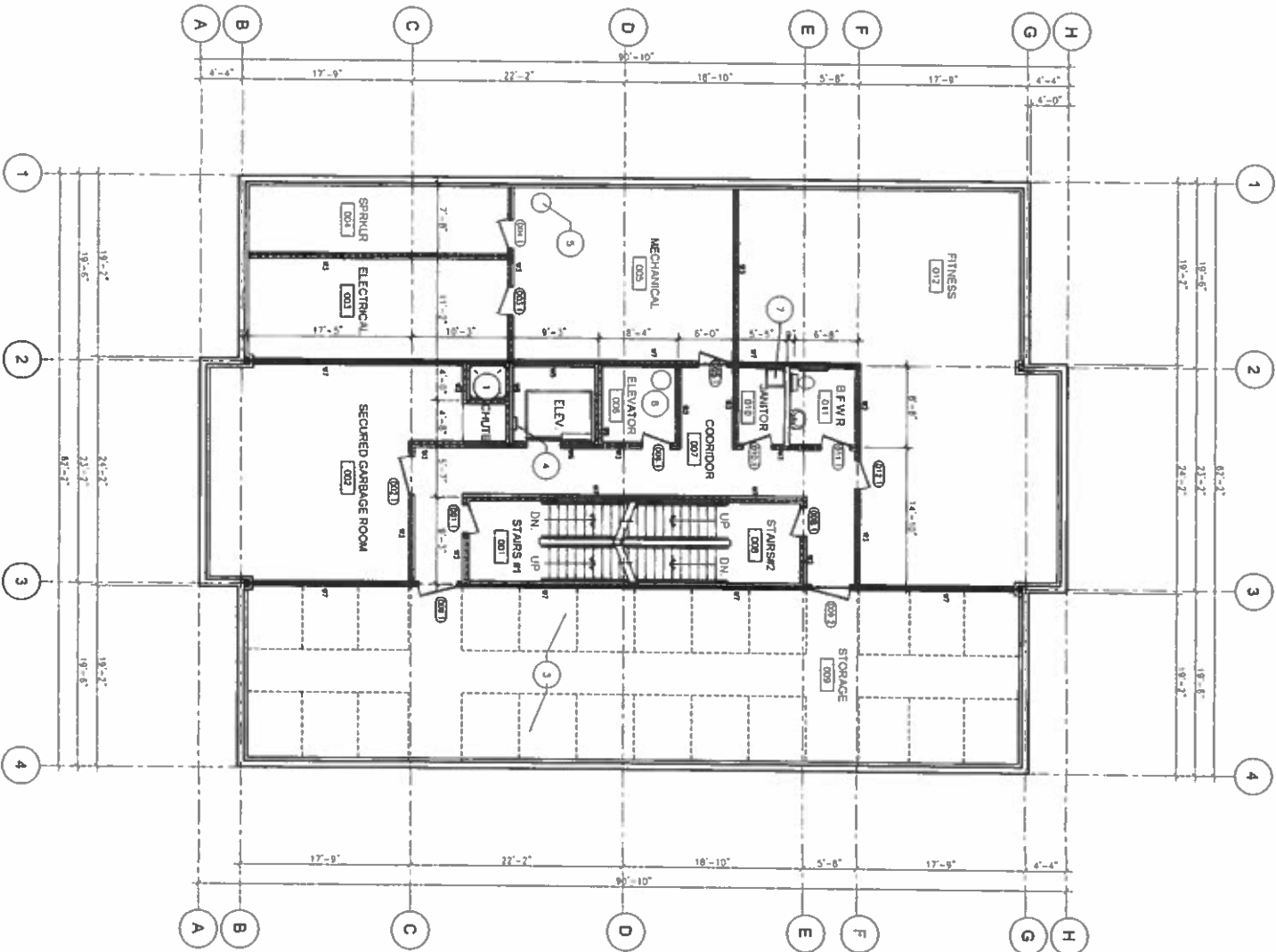
PROJECT:  
PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTETOWN, PE

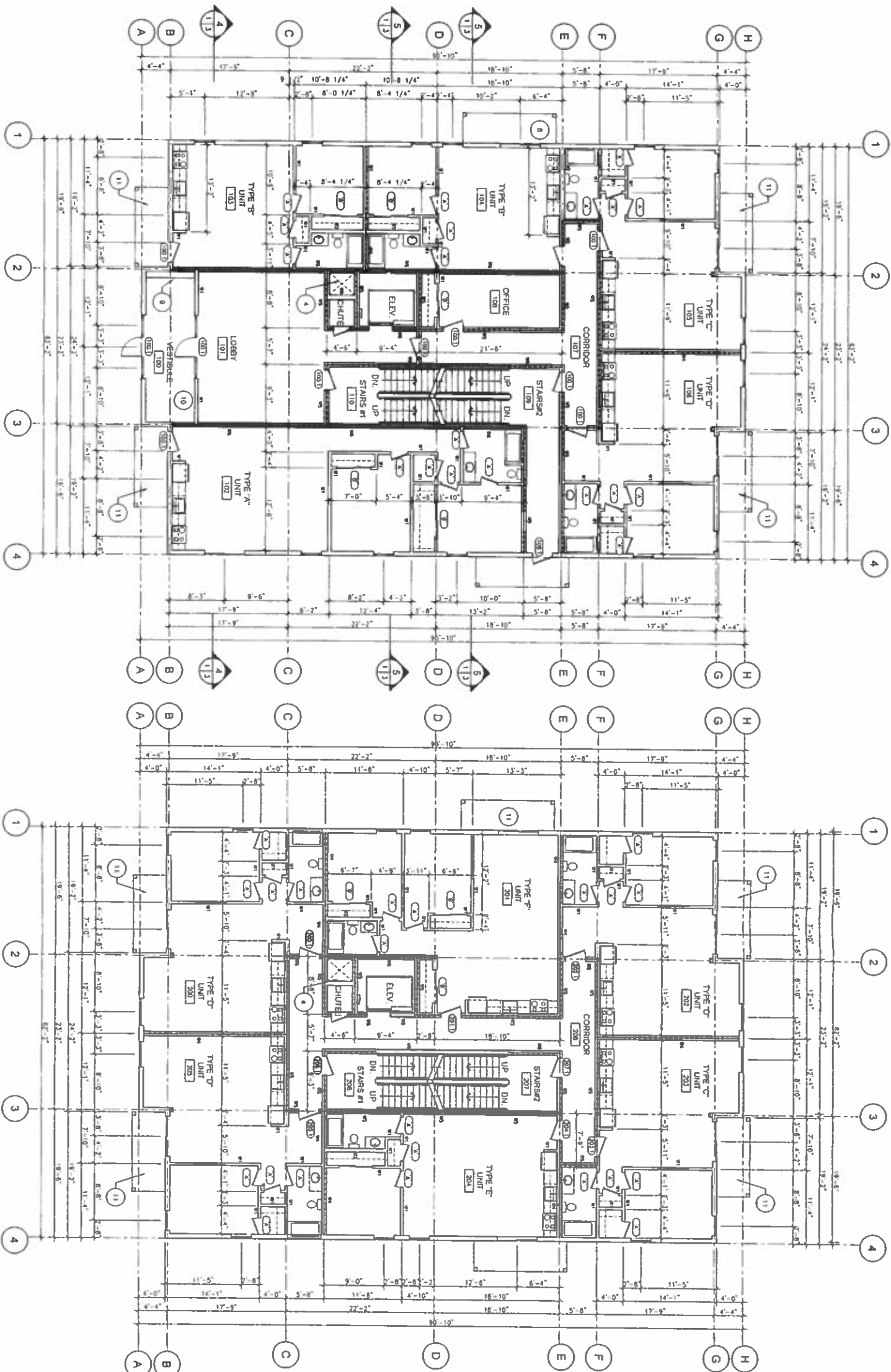
DATE: OCTOBER 14, 2018  
SCALE: 1/8" = 1'-0"  
DRAWN: JPM  
FILE NO: C1007-1100-01

CHK: A-1.0  
REV: 0

LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"





MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"

SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

- GENERAL NOTES**
1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE PROJECT MANUAL, SPECIFICATIONS, AND ELECTRICAL DRAWINGS.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 NATIONAL BUILDING CODE OF CANADA. ALL WORK SHALL BE IN COMPLIANCE WITH THE PROVINCIAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

**WALL LEGEND**

- INTERIOR BEARING WALLS
- 45 UNITS RATED WALLS

**INTERIOR WALL TYPES**

- W1 (TYPICAL INTERIOR UNIT WALLS)
- 1/2" OPSYS BOARD
  - 1/2" OPSYS BOARD
  - 1/2" OPSYS BOARD
- W2 (TYPICAL WALL FOR PLUMBING)
- 1/2" OPSYS BOARD
  - 1/2" OPSYS BOARD
  - 1/2" OPSYS BOARD
- W3 (TYPICAL RATED WALL)
- 1/2" OPSYS BOARD
  - 2 X 8 THICK STUDS AT 16" O.C.
  - 5/8" TYPE "X" OPSYS BOARD
- W4 (TYPICAL SOUND WALL SEPARATING UNITS)
- 2 LAYERS 5/8" TYPE "X" OPSYS BOARD
  - 2 X 4 THICK STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL, PROCESSED FROM ROCK SLUG AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" OPSYS BOARD
- W5 (TYPICAL CORRIDOR AND ELEVATOR WALLS)
- 1/2" OPSYS BOARD
  - 2 X 8 THICK STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL, PROCESSED FROM ROCK SLUG AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" OPSYS BOARD
- W6 (TYPICAL CORRIDOR AND ELEVATOR BEARING WALLS)
- 5/8" TYPE "X" OPSYS BOARD
  - 2 X 8 THICK STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL, PROCESSED FROM ROCK SLUG AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" OPSYS BOARD
- W7 (TYPICAL LOBBY BEARING RATED WALLS)
- 5/8" TYPE "X" OPSYS BOARD
  - 2 X 8 THICK STUDS AT 16" O.C.
  - SOUND ABSORBENT MATERIAL, PROCESSED FROM ROCK SLUG AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.
  - 2 LAYERS 5/8" TYPE "X" OPSYS BOARD

**KEY NOTES**

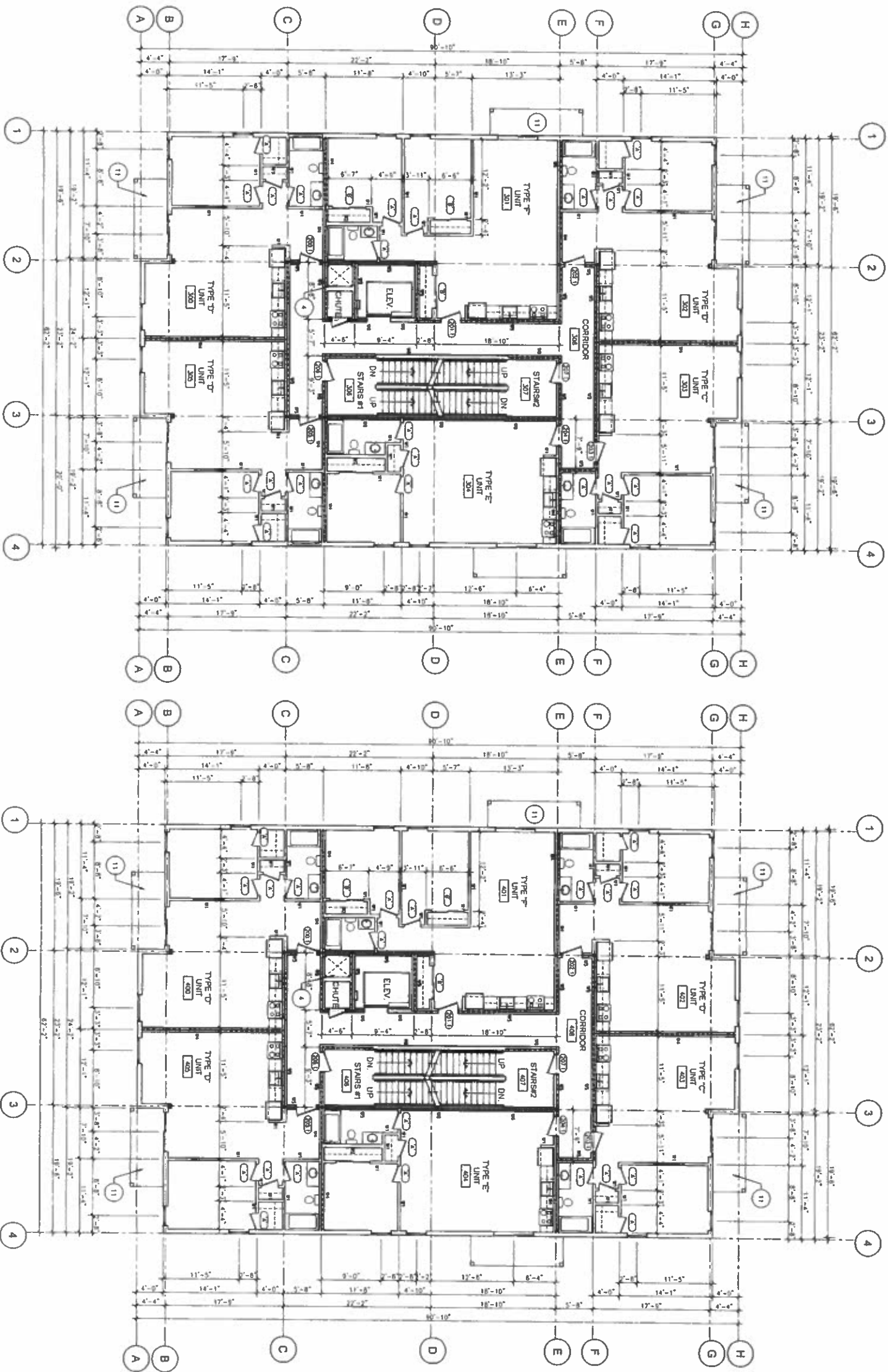
- 1) MEDICAL/CABLE CHASE C/W 2" X 3" FIRE RATED ACCESS PANEL AT EACH FLOOR.
- 2) GARBAGE CHUTE C/W 30" X 36" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3) GALVANIZED METAL CHAIN LINK STORAGE UNITS, SEE DETAIL.
- 4) ELEVATOR PIT LUGGER FASTENED TO SHUTT WALL.
- 5) POLY STAIR PIT C/W COVER CONNECTED TO STAIR DOWN SYSTEM, SEE PLUMBING PLAN.
- 6) STAIR PIT CONNECTED TO PLUMBING IN ELEVATOR PIT, SEE FOUNDATION PLAN AND PLUMBING DRAWINGS.
- 7) FLOOR MOUNT WASH SINK, SEE PLUMBING PLAN.
- 8) 6" THICK ROUNDED CONCRETE DECK WITH REINFORCING BARS, SEE FOUNDATION AND ARCHITECTURAL WALL SECTION AND DETAILS.
- 9) FIRE RATED WALL IN VESTIBULE TO ACCOMMODATE ELEVATOR, SEE DETAIL.
- 10) LOCATION OF INTERIOR AND FIRE ALARM PANELS.
- 11) GALVANIZED BALCONY COMPLETE WITH CONCRETE DECK AND GLASS HANDRAIL.

PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTETOWN, PE

FLOOR PLANS

DATE:	OCTOBER 14, 2018	CHK:	
SCALE:	1/8" = 1'-0"		
DESIGN:	APM		
FILE NO:	C1807-1100-01		

A-1.1



THIRD FLOOR PLAN  
SCALE 1/8" = 1'-0"

FOURTH FLOOR PLAN  
SCALE 1/8" = 1'-0"

- GENERAL NOTES**
1. ARCHITECTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE GENERAL NOTES, SPECIFICATIONS AND ELECTRICAL DRAWINGS.
  2. ALL CONSTRUCTION SHALL MEET THE LATEST EDITION OF THE NATIONAL BUILDING CODE OF CANADA. ALL WORK SHALL BE IN COMPLIANCE WITH THE PROVINCIAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

**WALL LEGEND**

- EXTERIOR BEARING WALLS  
4.5 UNFIRE RATED WALLS

**INTERIOR WALL TYPES**

- W1 (TYPICAL INTERIOR UNIT WALLS)  
- 1/2" GYPSUM BOARD  
- 1/2" GYPSUM BOARD  
- 1/2" GYPSUM BOARD
- W2 (TYPICAL WALL FOR PLUMBING)  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 1/2" GYPSUM BOARD
- W3 (TYPICAL RATED WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- 5/8" TYPE "X" GYPSUM BOARD
- W4 (TYPICAL SOUND WALL SEPARATING UNITS)  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 4 TIMBER STUDS AT 16" O.C.  
- SOLID ABSORBENT MATERIAL, PROCESSED FROM ROCK SLAB AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD
- W5 (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOLID ABSORBENT MATERIAL, PROCESSED FROM ROCK SLAB AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD
- W6 (TYPICAL CORRIDOR AND ELEVATOR BEARING WALL)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOLID ABSORBENT MATERIAL, PROCESSED FROM ROCK SLAB AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD
- W7 (TYPICAL LOBBY BEARING RATED WALLS)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 2 x 6 TIMBER STUDS AT 16" O.C.  
- SOLID ABSORBENT MATERIAL, PROCESSED FROM ROCK SLAB AND FILLING THE STUD RESIDUAL CHANNELS AT 16" O.C.  
- 2 LAYERS 5/8" TYPE "X" GYPSUM BOARD

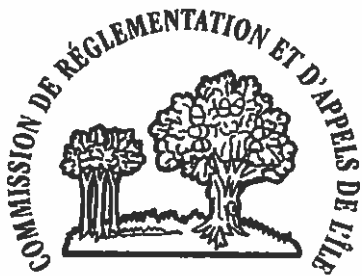
**KEY NOTES**

- 1) UP/DOWN/LOAD CHARGE C/W 3/4" x 3/4" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 2) GARAGE CHARGE C/W 30" x 36" FIRE RATED ACCESS DOOR AT EACH FLOOR.
- 3) GALVANIZED METAL OPEN LINK STORAGE UNITS, SEE DETAIL.
- 4) ELEVATOR PIT LUGGER FASTENED TO SHIRT WALL.
- 5) POLE SLUMP PIT C/W COVER CONNECTED TO STUMP PIT CONNECTED TO POLE IN ELEVATOR PIT SEE FOUNDATION PLAN AND PLUMBING DRAWINGS.
- 6) FLOOR MOUNT MOP SINK, SEE PLUMBING PLAN.
- 7) 6" THICK POURED CONCRETE DECK WITH REINFORCED CONCRETE PERIMETER AND ARCHITECTURAL WALL SECTIONS AND DETAILS.
- 8) FURF OUT WALL IN VESTIBULE TO ACCOMMODATE ACCESS TO VESTIBULE TO SEPARATE THE INTERIOR OF THE UNIT FROM FIRE SEPARATION.
- 9) LOCATION OF INTERIOR AND FIRE ALARM PANELS.
- 10) GALVANIZED BALCONY COMPLETE WITH CONCRETE DECK AND GLASS RAILING.

PROPOSED  
23 UNIT APARTMENT  
RICHMOND STREET  
CHARLOTTETOWN, PE

**FLOOR PLANS**

DATE	OCTOBER 14, 2016	DRAWN	APM
SCALE	1/8" = 1'-0"	DATE	REV. 01
FILE NO.	C1037-A100-01		



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

August 31, 2017

**PLANNING**  
Rec'd 7 September 2017  
2017

City of Charlottetown  
Attention: Alex Forbes, MCIP, MBA  
Manager, Planning and Heritage  
City of Charlottetown  
P.O. Box 98  
Charlottetown, PE C1A 7K2

Dear Mr. Forbes:


**Appeal #LA17005 – APM Commercial v. City of Charlottetown**

The Island Regulatory and Appeals Commission has received a Notice of Appeal from APM Commercial against the decision of the City of Charlottetown to deny the application for a site specific amendment for 55&59 Richmond Street, the application to consolidate such properties and further the refusal to proceed to a public meeting. I have enclosed a copy of the Notice of Appeal for your records.

The Commission is requesting the file information from the City of Charlottetown by Thursday, September 14, 2017. This information will be added to the Commission's file and will be distributed to the Appellants.

Any questions or concerns can be directed to myself by telephone at 902-892-3501 or email at [pjrafuse@irac.pe.ca](mailto:pjrafuse@irac.pe.ca)

Yours truly,

  
Philip J. Rafuse  
Appeals Administrator  
Corporate Services and Appeals Division

Enclosure



**Notice of Appeal**  
(Pursuant to Sections 28 of the *Planning Act*)

**PLANNING**  
Rec'd 7 September Int VR  
2017

**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 we hereby appeal the decision made by the Municipal Council of the City of Charlottetown on the 14th day of August, 2017, wherein the Council made a decision to refuse to proceed to a public meeting and denied the application for a site specific amendment for 55&59 Richmond Street and the application to consolidate such properties (a copy of the decision is attached as Schedule "A").

**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:

1. failed to act in accordance with sound planning principles;
2. erred in its interpretation of the bylaw;
3. erred by failing to rely on objective evidence and/or by relying on subjective considerations;
4. breached its duty of procedural fairness; and
5. acted in an arbitrary manner.

**RECEIVED**

AUG 31 2017

The Island Regulatory  
Appeals Commission

**AND FURTHER TAKE NOTICE** that, in accordance with the provisions of Section 28 (5) of the *Planning Act*, we seek the following relief:

1. quash the decision of council;
2. allow the application to proceed to a public meeting; and
3. provide directions to council regarding lawful planning considerations.

**Name(s) of Appellant(s):** APM Commercial c/o Tim Banks

**Signature(s) of Appellant(s):** 

**Mailing Address:** 16 McCarville Street  
**Province:** Prince Edward Island  
**Email Address** tim@apm.ca

**City/Town:** Charlottetown  
**Postal Code:** C1E 2A6  
**Telephone:** (902) 628-7313

Dated this 31st day of August, 2017.

**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.

Schedule "A"

City of Charlottetown  
Planning & Heritage Department  
233 Queen Street  
PO Box 98  
Charlottetown, P.E.I. C1A 7K2



t 902.629.6108  
f 902.629.4156  
aforbes@charlottetown.ca  
w www.charlottetown.ca

August 16, 2017

Tim Banks  
APM  
16 McCarville Street  
Charlottetown, PEI, C1E 2A6

Dear Mr. Banks:

As you are aware, 55 & 59 Richmond Street was recently the subject of an application of a similar nature (ie. four storey, 23 unit apartment building). Council agreed to allow you to withdraw your previous application when it was determined very late in the process that you did not have the requisite street frontage to continue with that application.

Charlottetown City Council revisited your revised application with an additional request for a street frontage variance at their monthly meeting held August 14, 2017, and *rejected* the following resolution:

"That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be approved.

FURTHER this application also includes 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 + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council's approval."

Part of Council's deliberations included the Staff Report to the Planning Board dated July 28<sup>th</sup>, 2017 which outlined in detail the positive elements and shortcomings of the revised proposal. Some of these concerns are also alluded to in the Planning Board minutes of August 7, 2017 which were before Council to assist with its deliberations. At the Council meeting of August 14<sup>th</sup>, 2017, concerns related to unharmonious development and a lack of on-site parking were specifically referred to by Council members. Based upon all of the foregoing and the fact that to obtain the higher density requested in this application, you required a site specific amendment to

-2-

the Downtown Neighbourhood (DN) Zone which included a variance to the street lot frontage and variance to the grade level floor height, and discretionary off lot parking, Council rejected your request to go back to another public hearing.

In accordance with Section 4.30 of the City of Charlottetown Zoning & Development Bylaw you may, within 21 days from Council's decision, request a reconsideration of Council's decision or appeal the decision to the Island Regulatory and Appeals Commission. You may not apply for a similar rezoning for one (1) year unless, pursuant to section 4.29.10 of the Bylaw Council is of the opinion that there is valid new information or a substantial change in the application.

If you have any questions, please contact me at 902 629-6108.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alex Forbes', with a stylized flourish at the end.

Alex Forbes, MCIP, MBA  
Manager of Planning and Heritage