

JUN 12 2018

The Island Regulatory
and Appeals Commission**Notice of Appeal**(Pursuant to Section 28 of the *Planning Act*)

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

NOTE:

Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of KINKORA (name of City, Town or Community) on the 4th day of JUNE, 2018, wherein the Minister/Community Council made a decision to MAKE PREVIOUS RF3 ZONING TO RF4 TO ALLOW 2(TWO) TRIPLEX RENTAL UNITS. THE ORIGINAL ZONING WAS RF2 SINGLE FAMILY DWELLINGS - SEE OVER (attach a copy of the decision).
PID #1080811, 1080829, AND 1080837

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

THE COUNCIL OF KINKORA HAS PREVIOUSLY AMENDED RF2 TO ALLOW RF3 DUPLEX RENTAL UNITS ON THE ABOVE NOTED PID LOTS. THE AREA HAS "NO" RENTALS OF ANY KIND ON SHAMROCK CRES, MC GUINITY LANE OR JOHNSON STREET. SIGNAGE ON SOMERSET LOT SAYS ESTATE LOTS FOR SALE. NO MENTION OF DUPLEX OR TRIPLEX RENTAL AVAILABLE!

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

THE DISALLOWANCE OF AN AMENDMENT TO MAKE THIS AREA RF4. THE AREA HAS ALREADY GONE FROM RF2 TO RF3 AND NOW SEEKING FURTHER ZONING. WE BELIEVE THIS ACTION WILL REDUCE HOUSE VALUES AND MAY VIOLATE KINKORA'S OWN TOWN PLAN.

Name(s) of Appellant(s): MARLENE M. WADDELL
RONALD E THOMSON
Please Print

Signature(s) of Appellant(s): Marlene Waddell
R E Thomson more over →

Mailing Address: 22 SHAMROCK CRES.City/Town: KINKORAProvince: PEPostal Code: COB 1N0Email Address: r.t@rogers.comTelephone: 416 527 6154 CELL

Dated this 11th day of JUNE, 2018.
day month year

IMPORTANT

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

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

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

TAKE NOTICE:

Meeting of WEDNESDAY MAY 16th 2018
Rural Municipality of Kinkora
*ATTACHED. First Reading of PART 5
of minutes Reasoning of
P/A #1080811, 1080829 and 1080837
McGuigan Lane, Somerset Estate
Sub Division from RF3 to RF4

PLEASE NOTE: CALLED FOR MINUTES OF MEETING MAY 28th
2018. COA AMANDA NOONAN AWAY ON
VACATION. CALLED DEPUTY MAYOR ROGER
SANDIE AND RECEIVED NO RETURN
CALLBACK!
Minutes NOTED 21 DAYS FOR APPEAL TO
BE STARTED FROM DATE OF MAY 28th
MEETING! IN MINUTES OF MAY 28th!

PLEASE
NOTE:

MINUTES OF PREVIOUS MEETINGS WERE
REQUESTED AND "DENIED" AS PER COPY
OF GLEN MCGRATH'S EMAIL ATTACHED
* PICTURE OF SOMERSET ESTATES SALES
SIGN ON FIRST LOT SHOWS NO INDICATION
OF MULTI LOTS OR TRIPLEX FOR SALE
IN THIS ESTATES Sub Division!

QUESTION:

WHAT IS THE TIME PERIOD AFTER IRAC
RECEIVED THIS APPEAL DO YOU MAKE
A DECESSION ON THIS APPEAL.
PLEASE ALSO CONSIDER COMMUNITY
MEMBER DENIED MINUTES FROM
APRIL MEETING OF COUNCIL. AS
PER GLEN MCGRATH E-MAIL REQUEST
TO COUNCIL

MORE NAMES OF APPELLANTS

Print

Lesley Cousins -

MAILING ADDRESS
16 Shamrock Crescent
Kinkora
PROVINCE PE
EMAIL ADDRESS ldcousins@upeir.ca


Sign 

CITY TOWN Kinkora
POSTAL CODE C0B 1N0
TELEPHONE (902) 439-7345

Print Glen McGrath

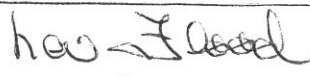
MAILING ADDRESS
21 Shamrock Crescent
Kinkora, PE
Province
E-MAIL glen and shelly2016@gmail.com

Sign


CITY TOWN Kinkora
POSTAL CODE C0B 1N0
TELEPHONE 902-393-0056

Print - Leo Flood

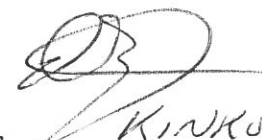
20 SHAMROCK Crescent
Kinkora, PEI C0B 1N0
E-mail - habsguy10@gmail.com

Sign 
CITY TOWN - Kinkora
Post Code - C0B 1N0
Telephone - 902-~~393~~⁴³⁹-1554
h.f.

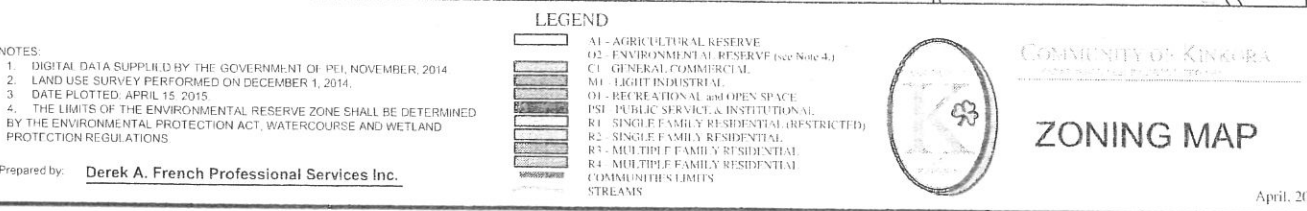
Print - Darren Bagble

26 Sunset St.
Kinkora, PE, C0B 1N0

Sign


CITY TOWN Kinkora
Post Code C0B 1N0
Telephone 902-439-8939

DATED 21 day of JUNE, 2018
day month YEAR



Rural Municipality of Kinkora
Special Meeting
Wednesday, May 16th, 2018

Present: Deputy Mayor Roger Savoie, Councillors Janet Payne, Damien McAvinn, Steven Dawson, Les Nantes, CAO Amanda Noonan, and one resident.

Absent: Mayor Patrick Duffy and Councillor Robert Duffy.

1. Meeting called to order at 7:05 pm.
2. Deputy Roger Savoie reminded everyone of the Code of Conduct.
3. Approval of the minutes from the previous meeting by Councillor Damien McAvinn. Seconded by Councillor Les Nantes. All in favor. Motion passed.

4. Rezoning of PID # 465385:

- a. 2015 Zoning & Subdivision Control (Development) Bylaw Amendment [#2018-1] to change PID # 465385 at the intersection of Somerset Street and Anderson Road. To amend the Rural Municipality of Kinkora 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map.

Date: May 16, 2018

Moved by: Councillor Steven Dawson

Seconded by: Councillor Damien McAvinn

- **Whereas** an application was received from Robert Duffy for a lot at the intersection of Somerset Street and Anderson Road, pid no. 465385 for a zoning amendment from the (R2) Single Family Residential Zone to proposed (C1) General Commercial Zone under the Rural Municipality of Kinkora, 2015 Zoning & Subdivision Control (Development) Bylaw. To amend the Zoning Map for pid no. 465385 from (R2) Single Family Residential Zone to (C1) General Commercial Zone.

- **And whereas** zoning bylaw amendment [#2018-1], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map was read a first time at the Council Meeting held on May 14, 2018.

Discussion.

Vote: All in favor.

Be it resolved that the Rural Municipality of Kinkora zoning bylaw amendment [#2018-4], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw be hereby read a second time.

Schedule A is attached revised zoning map, dated May 14, 2018.

- b. 2015 Zoning & Subdivision Control (Development) Bylaw Amendment [#2018-1] to change PID # 465385 at the intersection of Somerset Street and Anderson Road. To amend the Rural Municipality of Kinkora 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map

Date: May 16, 2018

Moved by: Councillor Les Nantes

Seconded by: Councillor Damien McAvinn

- **Whereas** an application was received from Robert Duffy for a lot at the intersection of Somerset Street and Anderson Road, pid no. 465385 for a zoning amendment from the (R2) Single Family Residential Zone to proposed (C1) General Commercial Zone under the Rural Municipality of Kinkora, 2015 Zoning & Subdivision Control (Development) Bylaw. To amend the Zoning Map for pid no. 465385 from (R2) Single Family Residential Zone to (C1) General Commercial Zone.

- **And whereas** zoning bylaw amendment [#2018-1], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map was read and formally approved a first time at the Council Meeting held on May 14, 2018.

- **And whereas** zoning bylaw amendment [#2018-1], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map was read a second time at this council meeting.

Discussion.

Vote: All in favor.

Be it resolved that the Rural Municipality of Kinkora zoning bylaw amendment [#2018-1], be hereby approved.

5. Rezoning of PID # 1080811, 1080829, and 1080837:

- a. 2015 Zoning & Subdivision Control (Development) Bylaw Amendment [#2018-2] to change PID #s 1080811, 1080829, and 1080837, McGuigan Lane, Somerset Estate Subdivision.

To amend the Rural Municipality of Kinkora 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map.

Date: May 16, 2018

Moved by: Councillor Steven Dawson

Seconded by: Councillor Les Nantes

- Whereas an application was received from Town N Country Holdings Inc./David MacLeod for PID #s 1080811, 1080829, and 1080837, McGuigan Lane, Somerset Estate Subdivision for a zoning amendment from the (R3) Multiple Family Residential Zone to proposed (R4) Multiple Family Residential Zone under the Rural Municipality of Kinkora, 2015 Zoning & Subdivision Control (Development) Bylaw. To amend the Zoning Map for PID #s 1080811, 1080829, and 1080837 from (R3) Multiple Family Residential Zone to proposed (R4) Multiple Family Residential Zone.

- And whereas zoning Bylaw Amendment [#2018-2], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw was read and formally approved a first time at the Council Meeting on May 14, 2018.

Discussion.

Vote: In favor: Councillor Steven Dawson and Councillor Les Nantes

Against: Councillor Damien McAvinn and Councillor Janet Payne

Tie Breaking Vote: In favor by Deputy Mayor Roger Savoie

Be it resolved that the Rural Municipality of Kinkora zoning amendment [#2018-2], a bylaw to amend the Rural Municipality of Kinkora 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map be hereby read a second time.

Schedule A is attached revised zoning map, dated May 14, 2018.

- b. 2015 Zoning & Subdivision Control (Development) Bylaw Amendment [#2018-2] to change PID #s 1080811, 1080829, and 1080837, McGuigan Lane, Somerset Estate Subdivision.

To amend the Rural Municipality of Kinkora 2015 Zoning & Subdivision Control (Development) Bylaw, Zoning Map.

Date: May 16, 2018

Moved by: Councillor Les Nantes

Seconded by: Councillor Steven Dawson

- Whereas an application was received from Town N Country Holdings Inc. / David MacLeod for PID #s 1080811, 1080829, and 1080837, McGuigan Lane, Somerset Estate Subdivision for a zoning amendment from the (R3) Multiple Family Residential Zone to proposed (R4) Multiple Family Residential Zone under the Rural Municipality of Kinkora, 2015 Zoning & Subdivision Control (Development) Bylaw. To amend the Zoning Map for PID #s 1080811, 1080829, and 1080837 from (R3) Multiple Family Residential Zone to proposed (R4) Multiple Family Residential Zone.

- And whereas zoning Bylaw Amendment [#2018-2], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw was read and formally approved a first time at the Council Meeting held on May 14, 2018.

-And whereas zoning Bylaw Amendment [#2018-2], a bylaw to amend the 2015 Zoning & Subdivision Control (Development) Bylaw was read a second time at this Council Meeting.

Discussion.

Vote: In favor: Councillor Les Nantes and Councillor Steven Dawson

Against: Councillor Damien McAvinn and Councillor Janet Payne

Tie Breaking Vote: In favor by Deputy Mayor Roger Savoie.

Be it resolved that the Rural Municipality of Kinkora zoning bylaw amendment [#2018-2], be hereby approved.

6. Amendment of Official Plan & General Land Use Plan

- a. 2015 Official Plan Amendment [#2018-3] to change PID # 465385 at the intersection of Somerset Street and Anderson Road.

To amend the Rural Municipality of Kinkora 2015 Official Plan, General Land Use Plan.

The Council of the Rural Municipality of Kinkora under the authority vested in it by Section 18 of the Planning Act R.S.P.E.I. 988 Cap. P-8 hereby enacts as follows:

Amendment – 2015 Official Plan, General Land Use Plan;

Date: May 16, 2018

Moved by: Councillor Damien McAvinn

Seconded by: Councillor Steven Dawson

1. Amend the land use for the at the intersection of Somerset Street and Anderson Road, pid no. 465385 for an amendment from the Residential to the proposed Commercial as shown on Schedule B, 2018 General Land Use Plan of the Rural Municipality of Kinkora, 2015 Official Plan is designated as Commercial, hereby excluding it from its former designation of Residential land use.

Discussion.

Vote: All in favor.

Motion passed.

Schedule B is attached revised General Land Use Plan, dated May 16, 2018.

7. Date of Next Meeting: Monday, May 28th, 7:00 pm
8. Meeting adjourned at 7:26 pm.

Mayor

Date

CAO

Date

April 24, 2018

The Rural Municipality of Kinkora's Council
PO Box 38
Kinkora, PE
C0B 1N0

Re: Proposed Changes to the Official Plan and Zoning and Subdivision Bylaw

This letter concerns the change to Property Identification Numbers 1080811, 1080829, and 108037 on McGuigan Lane, Somerset Estate Subdivision (the "McGuigan Lane Developments") from (R3) Multiple Family Residential Zoning ("R3") to (R4) Multiple Family Residential Zoning ("R4").

My name is Darren Baglole. I have been a proud resident of this community and the Shamrock Crescent subdivision for the past twenty-five years. I am writing in opposition to the proposed re-zoning of the McGuigan Lane Developments from R3 to R4, for reasons which will be described below.

For nearly the entirety of the twenty-five years I have lived at Shamrock Crescent, it has been zoned as (R2) Single Family Residential Zone ("R2"). Around the year 2014, plans for the creation and development of McGuigan Lane and Johnston Lane began. During the initial conception and the subsequent implementation of the development plans for McGuigan Lane and Johnston Lane, the parcels of land within these developments were zoned as R2.

However, around the year 2015, meetings were held to change the zoning of the McGuigan Lane Developments from R2 to R3. This would have the practical effect of permitting the owner of the McGuigan Lane Developments to build duplex properties on what was formerly parcels of land that were zoned for single-family dwellings. A number of community discussions were held to debate the merits of this change. Most people who intended these meetings also attended the meeting on April 23, 2018.

After the 2015 meetings, the community decided to permit the re-zoning of the properties from R2 to R3. However, many residents felt that a considerable concession was made to permit this re-zoning. This concession was justified on the basis that this re-zoning would enhance the development of the McGuigan Lane Developments and the surrounding parcels of vacant land, as well as to make a "gesture of goodwill" to the proposed developer (who is a community member). It is my opinion, though, that any further re-zoning of the properties would be adverse to the community's and the existing residents of Shamrock Crescent and Somerset Street's interests for a number of reasons. This opinion is shared by a significant number of residents, many of whom attended the April 23, 2018 meeting.

Firstly, it is submitted that the further re-zoning of the McGuigan Lane Developments from R3 to R4 would be discourteous to the initial concession made to permit the development of R3 properties upon the McGuigan Lane Developments. It is my opinion that, should the developer had initially proposed to create R4 properties on land which would otherwise have been zoned as R2, this proposal would have been met with strong opposition from community members and the concession would *not* have been made at the 2015 meetings. To this end, to subsequently permit the further re-zoning of these R3 developments to R4 properties would allow for the development of the McGuigan Lane Developments in a way which was considerably different than first anticipated. Further, this could set a dangerous precedent for development in the community by creating a model by which to place R4 developments in otherwise R2 property in the Kinkora area.

Secondly, it is submitted that the practical effects of having R4 units, as opposed to R3 units, could cause a number of adverse outcomes to the community and the existing residents of Shamrock Crescent and

Somerset Crescent. For an example, it is suggested that placing R4 developments in areas where all other properties of single-family dwellings could negatively impact the value of existing residents' properties. As well, it is suggested the development of the McGuigan Lane Developments as R4 properties, which would permit the creation of three-unit (or more) dwellings, could adversely impact the living experience shared by residents of Somerset Street, Shamrock Crescent, McGuigan Lane, and Johnston Lane by potentially detracting from the "community feel" and neighborly-mood shared amongst these residents. Further, it is submitted that the creation of three-unit (or more) dwellings at the McGuigan Lane Developments could result in existing residents of Shamrock Crescent and Somerset Street having difficulty re-selling their properties. Lastly, it is suggested that the creation of R4 properties at the McGuigan Lane Developments could impact the ability to sell vacant properties upon Johnston Lane, which have been marketed as a "premium" offerings within our community, as well as Somerset Street and McGuigan Lane.

Thirdly, it is submitted that beyond the speculated adverse effects described above, the development of R4 properties on McGuigan Lane Developments is relatively unnecessary. There is considerable land available within the Kinkora area for the development of R4 properties. As such, it is argued that it would be more sound municipal planning to place additional R3 and R4 properties nearer other properties of these zones, or in developments which are explicitly intended for this purpose. An excellent example of this already exists in this community at Duffy Court. To this end, it is contended that should the developer wish to create new R4 properties in the Kinkora area, there are a considerable number of other parcels of land available which are better suited for this purpose that could permit the development of R4 properties in a way which would not adversely affect owners of nearby single-family dwellings.

In conclusion, I would like to re-express my opposition to the re-zoning of the McGuigan Lane Developments to R4 properties. While the development of two R4 properties, as opposed to three R3 properties, may create a benefit to the developer, I fail to see how this development creates anything but adverse outcomes to the existing residents of Shamrock Crescent and Somerset Street, as well as the community of Kinkora. Beyond the adverse outcomes described above, I would challenge the need to develop the McGuigan Lane Developments as R4 properties, as there is a considerable land available in other parts of the community that would be better suited to these types of developments and would permit R4 development to occur without any expense to existing single-family dwellings.

Finally, I would like to state that it is my full intention to appeal this decision through the relevant governmental bodies if the re-zoning of the McGuigan Lane Developments to R4 properties occurs.

Thank-you for reading, and if you have any additional questions, please do not hesitate to contact me at 902-887-2171.

Darren Baglole



April 24, 2018.

To: Council Members of the Community of Kinkora

Re: Application to re-zone PID#'s 1080811, 1080829, 1080837 from R3 to R4

Dear Council Members,

My wife and I are submitting this letter to express our objection to the re-zoning application. The statement of facts below will explain our reasons for this objection.

Historical overview

A few years ago (2013/2014), the Community of Kinkora purchased land to develop into a single family home (R2) subdivision. The vision was to provide new lot development to promote growth in the community. Care was taken to make the subdivision appealing and attractive to potential buyers by building a wide street with concrete curbs and underground services (no power poles visible). A covenant was also created to protect the community property values, ensuring only specific structures would be built.

Resident Concession (first re-zoning application fall of 2015)

During the fall of 2015, an application to re-zone 4 lots was made (same lots as current re-zoning application, plus the Detention Pond). The request at that time was to re-zone from R2 to R3 to allow the construction of 3 duplex units (total of 6 units on 3 lots). Concern with this re-zoning was expressed by residents during the public meeting. Despite opposition, council proceeded to approve the re-zoning application. Had the community residents known or predicted that merely a few years later we would be facing a second re-zoning application to go from R3 (duplex) to R4 (triplex), the opposition would have been much greater at that time.

Pros and Cons to current re-zoning application

Pros or Cons	Impacts	Party	Description
Pros	Cost of building	Developer	The cost to build 6 rental units is more cost effective if done by building 2 triplex units rather than 3 duplex units.
Pros	Property tax	Developer	The property tax paid will be less by building 2 triplex buildings rather than 3 duplex buildings.
Pros	Operating costs	Developer	The operating costs will be less by building 2 triplex buildings rather than 3 duplex buildings.
Cons	Population growth	Community of Kinkora	With the current application, the community of Kinkora does not benefit from any additional population growth and remains unchanged. (in comparison to the first re-zoning that benefited from doubling the population (3 units to 6).
Cons	Tax revenue	Community of Kinkora	With the current application, the community will lose tax revenue (municipal portion). The total property assessment will be less in turn collecting less municipal tax.

Cons	Tax revenue	Province of PEI	With the current application, the Province of PEI will lose tax revenue (Provincial portion). The total property assessment will be less in turn collecting less municipal tax.
Cons	Tax revenue	Kinkora Utility	The municipal sewer dues will be less (from 3 properties to 2).
Cons	Waste collection tax (fee)	Island Waste Management Corporation	With the current application, the IWMC will lose waste collection fees (from 3 properties to 2).
Cons	Residential property value	Residents of Somerset subdivision	Duplex units have a negative impact on single family dwelling property values. The impact is greater with triplex units.
Cons	Residential property value	Residents of Kinkora	There is a risk, that if the property ownership changes in the future, the rental units may not be properly cared for and deterioration may occur, dramatically lowering neighboring property values and overall housing in Kinkora. (As seen with the apartment building adjacent to the Kinkora Irving)

This Pros & cons list clearly demonstrates that the developer is the only person(s) that benefits (lower build cost, lower property taxes, lower operating costs) from the re-zoning application. There is no benefit to the community, the Province or the Kinkora residents;

- No increase in population growth
- Less tax revenue
- Negative impact on single dwelling property values

In conclusion, I ask the council members to show good faith and to honor the first re-zoning application from 2015 and oppose this re-zoning application and continue with the original plan of building 3 duplex buildings.

Please note - Should the council approve this re-zoning, I would like it to be clear that the residents will proceed to the appeals process in an effort to have your decision reversed.

Thank you for your consideration,

Glen and Shelly McGrath
21 Shamrock Crescent
Kinkora, PE
Cell: 902.393.0056





Lesley Cousins <ldcousins@upe.ca>

FW: Re:Application to re-zone PID#'s 1080811, 1080829, 1080837 from R3 to R4

Flood, Leo <LeoEmmett.Flood@honeywell.com>
To: "ldcousins@upe.ca" <ldcousins@upe.ca>

Tue, Jun 12, 2018 at 8:30 AM

From: Flood, Leo
Sent: Wednesday, April 25, 2018 7:16 AM
To: 'Community Of Kinkora ' <communityofkinkora@eastlink.ca>
Subject: Re:Application to re-zone PID#'s 1080811, 1080829, 1080837 from R3 to R4

Dear Council Members,

My wife and I are submitting this letter to express our objection to the re-zoning application, I would just like to add to the comments that I made at the Public meeting on April 23, 2018.

1. The lots in question were developed in 2013/2014 as R2 single family dwellings with the vision and to provide new development and growth in the community and this is stated in the Community's Official Plan. A covenant was also created to protect the community property values ensuring only specific structures would be built, this being single family dwellings.
2. In the fall of 2015 an application was made to re-zone the same lots as current rezoning and the lot the Detention Pond is on, from R2 to R3 to allow construction for Duplex's, Despite opposition from community residents, council proceeded to approve the re-zoning application, where council should have rejected the application and directed the developer to build his Duplex's in an area where there is commercial development, more traffic, and where other Duplex's , Apartments, Multiple family dwellings are located , away from single family dwellings as stated in the Community Official Plan.
3. The Pros & Cons for this rezoning application clearly demonstrates that the developer is the only person(s) that will benefit from this re-zoning, eg. lower building costs, lower operating costs. lower taxes, this is clear that the Community, the Province, or the Residents of Kinkora will not benefit.
4. In closing you have my comments from the public meeting that express my opposition to this re-zoning application and the ones listed above, so I ask that council would honor the first re-zoning application from 2015 from R2 to R3 and oppose the current application for re-zoning from R3 to R4.
5. Should Council approve this latest application for re-zoning, the residents of the Community will proceed and exercise our right to the appeals process in an effort to have Council's decision overturned.

April 26, 2018

Re: Rezoning Duplex Lots to Triplex Lots

Dear Community of Kinkora Council,

My name is Lesley Cousins and I am a resident of Kinkora. I live at 16 Shamrock Crescent with my husband, Nick. Nick and I bought our dream house in the subdivision in July 2016 and we have always claimed that the house is our "home until the home." When we bought the house in the subdivision we believed that we were moving into an area zoned for single family dwellings. Although we knew that one day there would be development in our back yard, we did not believe that there would be a string of buildings housing 3-5 living units.

As a resident and teacher in the community I am supportive of the development of housing that will increase the school population and the overall community population numbers. I realize that the present demand for housing is in the area of duplexes and triplexes, but my concern centers on what will happen down the road.

As a lifelong resident of the community, I remember when George and Linda Roberts created the apartment buildings. When the Roberts family owned the apartments they were well maintained and groomed. Shortly after selling the apartment complex, the building became the eye sore of the community with unkept grounds, overflowing garbage bins, leaky roofs (blue tarps on roof for over a year), mice infestations, and mold issues. I am 100% sure that any living units that are built and owned by David and Sharon MacLeod will be very nice and well maintained, but David MacLeod is not going to be the owner of these properties forever.

My husband and I have many years left until retirement and hopefully even more years left in our house. Presently, I worry when it does come time for us to go to "the home" what will be in our back yard? Will it be an eye sore? Will it decrease my property value? Will I be able to sell my house?

Section 8 of the Code of Conduct Bylaw states, "Members of Council have a duty to make decisions on the best interest of the municipality as a whole" (8.3). My hope is that in the processing of deciding the approval or denial of the rezoning proposal that all council members take a hard look at the proposal set forth and examine all the present and future implications and ask the question of whether this development is in the best interest of the community.

Lesley Cousins

Lesley Cousins
16 Shamrock Crescent
Kinkora, PEI



Lesley Cousins <ldcousins@upei.ca>

FW: documentation request

McGrath, Glen <gmcgrath@charlottetown.ca>
To: Lesley Cousins <ldcousins@upei.ca>

Tue, Jun 12, 2018 at 7:51 AM

Here is the email and also attached the letter itemizing requested docs. Also, attached the subdivision picture.

From: Glen McGrath [mailto:glenandshelly2016@gmail.com]
Sent: Tuesday, June 12, 2018 7:38 AM
To: McGrath, Glen
Subject: Fwd: documentation request

----- Forwarded message -----

From: **Community Of Kinkora** <communityofkinkora@eastlink.ca>
Date: Fri, May 4, 2018 at 10:17 AM
Subject: Re: documentation request
To: glenandshelly2016@gmail.com

Hi Glen,

I was instructed that once you start the process with IRAC, they will request those documents from us.

So unfortunately, I cannot give you copies of those documents, as they include confidential information of some of the parties involved.

So sorry I couldn't be of more help.

Amanda Noonan

From: glenandshelly2016@gmail.com
Sent: Wednesday, May 2, 2018 7:58 PM
To: communityofkinkora@eastlink.ca

Subject: documentation request

Hi Amanda,

I'm hoping you can help with this request.

In preparation for the appeal process, I've attached a list of documents I would like to get copies of.

I'm assuming the list of documents in the attachment are public record and available.

If it's easier for you, you can make copies and I can pick them up instead of scanning and emailing.

Thanks very much,

Glen McGrath

393-0056

2 attachments



IMG_20180611_2046530.jpg
3246K



Correspondence request.docx
15K

Correspondence/documents requested

May 2, 2018

In relation to the 1st re-zoning request from Oct/Nov 2015:

- All council meeting minutes where discussions were had relating to the re-zoning.
- Application for the re-zoning (who requested the re-zoning)
- All public/resident correspondence supporting and opposing the re-zoning.

In relation to the current re-zoning request:

- All council meeting minutes where discussions were had relating to the re-zoning.
- All public/resident correspondence supporting and opposing the re-zoning.

General question:

Are the affected lots currently sold or is there a conditional offer? If they are sold, what date were they sold?



COMMUNITY OF KINKORA

ESTABLISHED 1835 INCORPORATED 1955

PO BOX 38, KINKORA, PE COB INO TELE: 887-2868 FAX: 887-3514

Community of Kinkora

Rezoning of lots 12-17, 12-17, 12-18 and lot labelled DP Detention Pond on Parcel #1053818

Zoning Bylaw Amendment #2015-2

A Bylaw to Amend the Community of Kinkora

Zoning and Subdivision Control (Development) By-Law

Authority

The council of the Community of Kinkora under authority vested in it by Section 18 and 19 of the Planning Act R.S.P.E.I 1988 Cap. P-8 hereby enacts as follows:

1. The zoning of lots 12-17, 12-17, 12-18 and the lot labelled DP Detention Pond of Parcel Number 1053818 on the Community of Kinkora Zoning and Subdivision Control (Development) Bylaw Zoning Map (Appendix A, April 17, 2015), and as shown in Schedule A, is designated as R3 Zone (Multiple Family Residential Zone), hereby excluding them from their former designation of R1 Zone (Single Family Residential Restricted Zone).

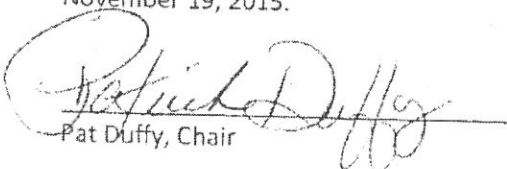
Schedule A: map

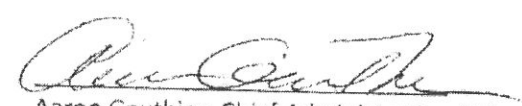
Effective Date

The effective date of this Bylaw is the date as signed by the Minister of Communities, Land and Environment.

Adoption and Approval by Council:

The Bylaw amendment was given first reading and approval on October 5, 2015, was read a second time and was adopted and approved by a majority of Councillors present at the Council meeting held November 19, 2015.

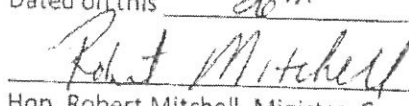

Pat Duffy, Chair


Aaron Gauthier, Chief Administrative Officer

Approval of Minister:

Bylaw #2015-2 is hereby approved.

Dated on this 26th day of January, 2016


Hon. Robert Mitchell, Minister, Communities, Land and Environment