

**VOLUME 2 OF 2
Supplementary
Record filed by
The City of Charlottetown
In the matter of
Browns Volkswagen, et al
v. City of Charlottetown
(Appeal #LA19009)**

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

December 11, 2019

INDEX

Tab 24 ff

- A: 249 Sherwood Road 18-095
Rezone Portion from M3 to M2
(Frizzell Property)
33. Checklist for Application process re 249 Sherwood Road and Receipts for Application Payments
34. February 28, 2018, Application for Subdivision and Lot Consolidation – Applicant's Irving and Marjorie Frizzell
35. March 5, 2018, Letter from Irving Frizzell to City of Charlottetown, Planning Department re Proposed Land Rezoning
36. March 23, 2018, Application for Subdivision and Lot Consolidation – Applicant's Irving and Marjorie Frizzell
37. March 23, 2018, Letter from CBCL to Chapman Bros. Construction Ltd. Re Sherwood Road Asphalt Plant – Overview of Site and Access
38. April 3, 2018, Recommendation to Planning Board – Report No.: PLAN-2018-04-#
39. April 3, 2018, Minutes of Meeting of Planning Board
40. April 5, 2018, Memo from Cyril Chapman to PEI Department of Communities, Land and Environment
41. April 9, 2018, Verbatim – Excerpt of Minutes of Regular Meeting of Council (with CD of Audio Recording of Meeting)
42. April 9, 2018, Excerpt Minutes of Regular Meeting of Council
43. April 9, 2018, Resolution of Council
44. April 12, 2018, Letter from Laurel Palmer Thompson to Irving and Marjorie Frizzell
45. April 12, 2018, Letter to Property Owners with property located within 100 meters of the subject property

46. April 17, 2018, Chapman Bros. Asphalt Plant Information from Province of Prince Edward Island Web Site
47. Feedback from Residents re Proposal
 - a. Letter from Margaret Stewart, 5 Countryview Drive, to City Council in opposition of proposal
 - b. April 20, 2018, Email from Jamie Brown to Planning Department in opposition
 - c. April 25, 2018, Email from Tim Kember to Planning Department in opposition
 - d. April 26, 2018, Letter from Warren Phillips to Lauren Palmer Thompson in opposition
 - e. April 27, 2018, Letter from Wendell and Marion Grasse - no objection
 - f. May 7, 2018, Email from Elizabeth Li to Planning Department in opposition
 - g. May 8, 2018, Letter from Ellen's Creek Watershed Group in opposition
 - h. May 8, 2018, Letter from Charlottetown Airport Authority in support
 - i. May 9, 2018, Email from Jim MacDougall to Planning Department in opposition
 - j. May 9, 2018, Email from Darren Turner to Jason Coady in opposition
48. April 26, 2018, Letter from Derek A. French to Jeffrey Chapman re Storm Management Plan
49. April 27, 2018, Email exchange between Brian Gillis and Laurel Palmer Thompson
50. April 27, 2018, Form of Letter from Laurel Palmer Thompson to property owners within 100 meters of subject property
51. Notice of Public Meeting to be held May 2, 2018
52. Notice of Public Meeting rescheduled from May 2, 2018 to May 10, 2018
53. May 8, 2018, Email from Brian Gillis to Alex Forbes
54. May 10, 2018 - Public Meeting Agenda – Notice of Meeting
55. Information Sheet for Public Meeting of Thursday, May 10, 2018
56. Handwritten notes from Public Meeting
57. May 10, 2018, Minutes of Public Meeting of Council (with CD of Audio Recording of Meeting)

58. May 16, 2018, Invoice from City of Charlottetown to Chapman Brothers Construction
 59. Further Feedback from Residents following the Public Meeting of Council
 - a. May 23, 2018, Letter from Daphne Andrews to Mayor and Council
 - b. May 23, 2018, Email from Shirley Campbell to Planning Department
 - c. May 24, 2018, Letter from Island Construction to Alex Forbes re Proposed Rezoning - 249 Sherwood Road
 - d. May 24, 2018 Letter from Karen Gallant to City Planning and Heritage Department
 - e. May 25, 2018, Letter from Doiron's Landscape and Garden Centre
 - f. May 25, 2018, Email from Alison Moore to Planning Department
 60. May 25, 2018, Letter from Gordon MacKay (legal counsel for Island Construction Limited) to City of Charlottetown
 61. May 31, 2018, Letter from Craig Chapman to Laurel Palmer Thompson, withdrawing the application
 62. June 4, 2018, Minutes of Meeting of Planning Board
 63. June 11, 2018 – Minutes of Regular Meeting of Council
 64. June 11, 2018, Resolution of City Council
 65. Plans and Drawings
 - a. Storm Water Management Plan prepared by Derek A. French
 - b. Site Plan Proposed Chapman Bros. CDA Zone prepared by Derek French
 - c. Proposed Chapman Bros Industrial Site
 - d. Various maps
 66. Package of material labelled Chapman Sherwood Rezoning
- B: 330 Sherwood Road – File 2019-0043
Subdivision and Lot Consolidation Application
(Irving Property)
67. March 12, 2019, Preliminary Plan of Survey prepared by Derek A. French
 68. June 25, 2019, Amendment to Agreement of Purchase and Sale between Chapman Bros and Cavendish Farms Corporation re part of PID 390823
 69. July 24, 2019, Subdivision and Lot Consolidation Application

70. July 26, 2019, Plan of Survey Showing Lot 19-1 & 19-2 being a subdivision of lands of PID No. 390823
 71. July 31, 2019, Letter to Registrar of Deeds enclosing copy of lot subdivision/consolidation approval
- C: 330 Sherwood Road – File 19-394
Building and Development Permit Application
(Irving Property)
72. July 22, 2019, Building and Development Permit Application
 73. Drawings and Photos of Plant Layout
 74. July 23, 2019, Site Plan Showing Proposed Asphalt Plant prepared by Derek A. French
 75. July 30, 2019, Email from Robert Zilke to Jeffrey Chapman re Asphalt Plant Permit Req's
 76. November 4, 2019, Email from Robert Zilke to Jeffrey Chapman re 330 Sherwood

PROPERTY ADDRESS: 249 Sherwood Road

DATE COMPLETE

1. Signed application by the owner or authorized agent is received.

2. Fee of \$300.00 is paid.

3. Legal description and a plot plan or a survey plan accurately showing location of property is received.

March 2, 2018

4. Statement of applicant's interest is received.

5. Drawings showing any proposed building for the lot in a detailed concept plan with floor plans, elevations for building, detailed site showing location of building on the lot, required parking and landscaping.

6. Application is taken to Planning Board for recommendation to proceed to public consultation.

Planning Board Date:

Staff recommendation: APPROVE

Planning Board: APPROVE

April 3, 2018

7. Application to proceed to public consultation is forwarded to Council. If Council rejects public consultation process, applicant advised in writing within 7 business days.

Council Date:

Council Decision: APPROVE

April 9, 2018

8. Notice of public meeting is placed as an advertisement in the *Guardian* newspaper in at least 2 issues.

Ad dates:

First notice must be at least 7 clear days (does not include date ad placed in newspaper or date of Public Meeting for a total of 9 days prior to the public meeting date)

1st Ad: Apr 21 & 28, 2018
2nd Ad: May 2 & May 5

Public Meeting date:

ORIG: May 2

Date: May 10, 2018

Date of letter:

1st Apr 12, 2018

2nd Apr 27, 2018

Number of Letters Sent:

9 for each date

10. Notice is posted on subject property at least seven business days prior to public meeting.

April 19 & 30, 2018

11. Following public meeting, the applicant is *not* allowed to withdraw the application.

Planning Board Date:

The rezoning request is taken back to Planning Board for recommendation to Council.

Planning Board Recommendation:

Council:

Council Date:

APPLICATION WITHDRAWN

COUNCIL JUNE 11, 2018

12. Development Officer notifies applicant within seven (7) business days of decision. If rejected, applicant is advised of the appeal process.

13. Bylaw readings are introduced:

First Reading:

Second Reading:

Third Reading:

14. All three readings (with minutes of Public Meeting, Council Meeting, Planning Board Meeting; Council resolution; proof of ads; and other information as required) are sent to the Minister of Community Affairs and the Attorney General for approval.

Ministerial approval:

15. The 21 day appeal period starts from the date the Minister approves the rezoning or the date Council rejects the application.

Appeal ends:

16. After a rezoning has been lawfully determined, the same or similar rezoning shall not be heard by Council or Planning Board for one (1) year unless Council is of the opinion that there is valid new information or a change in conditions.

OFFICIAL RECEIPT

CHARLOTTETOWN

P.O. BOX 98, CHARLOTTETOWN, P.E.I., C1A 7K2

PHONE (902) 566-5548 FAX (902) 566-4701

TO BE VALID THIS
FORM MUST BE CASH
REGISTER RECEIPTED

RECEIVED
FROM

ADDRESS P.O. BOX 249, SHERWOOD RD., PEI, C0A 2B0

THE SUM OF THREE HUNDRED 100 DOLLARSper AN/22/2018

IN PAYMENT OF ITEMS LISTED BELOW

18-095
062-REZ-18
249 SHERWOOD RD

VISA
BW

M I S C E L L A N E O U S	<u>10-6101-4477</u>	<u>300 00</u>

TOTAL

300 00CUSTOMER'S COPY/WHITE OFFICE COPY/YELLOW FILE COPY/PINK
32002

OFFICIAL RECEIPT



CHARLOTTETOWN

P.O. BOX 98, CHARLOTTETOWN, P.E.I., C1A 7K2
PHONE (902) 566-5548 FAX (902) 566-4701

TO BE VALID THIS
FORM MUST BE CASH
REGISTER RECEIPTED

RECEIVED
FROM

RECEIVED
FROM Chapman Brothers Construction Ltd

ADDRESS P.O. BOX 95, SETKIS, PE, CDA 2B0

THE SUM OF one thousand one hundred fifty & 67
100 DOLLARS

per July 9, 2010

IN PAYMENT OF ITEMS LISTED BELOW

Beijing

Property:

240 Shekhyad Rd

Ch# 39705

10

REQUEST FORMS INC., WINSLOWE, P.E.I. (902) 368-2517

CUSTOMER'S COPY/WHITE OFFICE COPY/YELLOW FILE COPY/PINK
32359

18-095
062REZ-18

Mar 2/2018 BW

Application
Amended.

CHARLOTTETOWN

PLANNING & HERITAGE DEPARTMENT

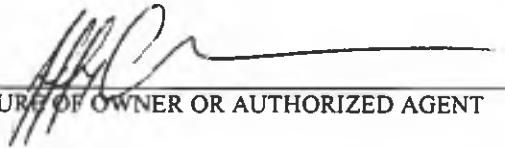
APPLICATION

FILE NUMBER	HERITAGE	SUBDIVISION
ASSESSMENT NUMBER <u>145128</u>	VARIANCE	Name _____ Number of Lots <u>2</u>
REZONING FROM <u>M3</u>	TO <u>M2</u>	OTHER

1. Applicant's Name Irving & Marjorie Frizzell
2. Address c/o Chapman Bros. Construction, Box 249, 31 Greenvale Road, Souris PE COA 2B0
3. Telephone: Work 902 969 0285 Home _____
4. Civic Address of Property to be Developed 249 Sherwood Road
5. Present Use of Property (Zone) M3 zone--vacant land
6. Proposed Use of Property and Brief Description of Work Part of PID 145128 to be subdivided and consolidated with part of PID 615831 for construction of an asphalt plant
7. Site or Subdivision Plan Provided Yes No
8. Building Plans Provided Yes No
9. Estimated Start Date Apr. 1 23/18 Completion Date _____

I, the undersigned, as owner or authorized agent for the owner of 249 Sherwood Road, Charlottetown (Civic Address) hereby make application for the above-noted development and certify the truth of all statements or representatives contained herein.

Feb 28/18
DATE


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.

PLANNING
REC'D MAR 2/2018 B.C

March 5, 2018

To: City of Charlottetown
Planning Department

Re: Proposed Land Rezoning
Sherwood Road, Charlottetown, P.E.I.

I am writing you to declare my support of Chapman Bros. Construction Ltd. application to you for rezoning of the property to M2 in which I have a sales agreement with them. This property will be adjacent to my properties PID #145128, PID# 615831, and PID# 145961.

I also have no objection to them constructing an Asphalt Plant and a Maintenance Shop on the proposed rezoned property.

Regards

Irving Frizzell

Irving Frizzell

March 23/18 DR



CHARLOTTETOWN

PLANNING & HERITAGE DEPARTMENT

APPLICATION

FILE NUMBER	HERITAGE	SUBDIVISION
ASSESSMENT NUMBER	VARIANCE	Name _____ Number of Lots <u>2</u>
REZONING FROM <u>M3</u>	TO <u>CDA</u>	OTHER

1. Applicant's Name Irving & Marjorie Frizzell
2. Address c/o Chapman Bros. Construction, Box 249, 31 Greenvale Road, Souris PE
3. Telephone: Work 902 969 0285 Home _____
4. Civic Address of Property to be Developed 249 Sherwood Road
5. Present Use of Property (Zone) M3 zone--vacant land
6. Proposed Use of Property and Brief Description of Work Part of PID 145128 to be subdivided and consolidated with part of PID 615831 for construction of an asphalt plant
7. Site or Subdivision Plan Provided Yes No
8. Building Plans Provided Yes No
9. Estimated Start Date May 15/11 Completion Date _____

I, the undersigned, as owner or authorized agent for the owner of 249 Sherwood Road, Charlottetown (Civic Address) hereby make application for the above-noted development and certify the truth of all statements or representatives contained herein.

March 23/18

DATE

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.



CBCL LIMITED

Consulting Engineers

March 23, 2018

Chapman Bros. Construction Ltd.
Attn: Mr. Jeffrey Chapman, P.Eng.
cbcl.jeffrey@bellaliant.com

Dear Mr. Chapman:

RE: Sherwood Road Asphalt Plant – Overview of Site and Access

CBCL Limited understand that Chapman Bros. Construction Limited intends to construct an asphalt plant on Sherwood Road in Charlottetown. This letter provides a high-level review of the existing site and surrounding land uses, current zoning, proposed site and access, and anticipated site traffic volumes.

The proposed site covers roughly 21 acres with boundaries generally as shown in the figure below. The proposed access is a new driveway which would connect to the existing intersection of Sherwood Road and Mt. Edward Road. There are several adjacent developed



commercial properties to the south including Centennial Auto Sport and Tire, Phillips Suzuki/Andy's Tire, Aiweather Windows & Doors, and the PEI Human Society. The land east of the site is occupied by Island Construction Ltd. Immediately southwest of the site is a small farm with two residential buildings. The adjacent land to the west and north is undeveloped.





CBCL LIMITED

Consulting Engineers

Mr. Jeffery Chapman, P.Eng.

March 23, 2018

Page 2 of 3

We understand the proposed site will generally include the following:

- Asphalt plant
- Material storage/stockpiles
- Small office building
- Equipment maintenance building
- Equipment storage (future)
- Snow plow parking area
- 6m (20') tree buffers along the south, west, and north sides
- Buffer area along east side (part of a significant stormwater route)

From the above points, the proposed land use could be considered Industrial. Although some of the site is currently zoned M2 (Heavy Industrial) and M3 (Business Park Industrial), roughly 80% of it is zoned R2 (Low Density Residential), as is some of the adjacent Island Construction property, which also includes an asphalt plant and material stockpiles.

The site is situated at the north end of the largest industrial area in Charlottetown. Aside from the residences on the adjacent farm, the closest residential building is about 250m from the site boundary. These points suggest that the property could be suitable for a development of this nature. Within Charlottetown City Limits, this appears to be the most appropriate site for the proposed land uses. The proposed land use is consistent with the adjoining Island Construction land use and with several nearby properties south of Sherwood Road. We understand the site is also beneficial due to its close proximity to the northeast part of Charlottetown where Chapman Bros. has a plowing contract and to the large PEI Transportation, Infrastructure, and Energy depot and salt dome just off Brackley Point Road.

The site will generate new traffic through the existing intersection of Sherwood Road and Mt. Edward Road. Some of this traffic will be heavy vehicles including dump trucks and snow plows, while the rest will be smaller private vehicles driven by staff. We understand the asphalt plant will operate seasonally (generally May-November), and on an on-demand basis during that time. Therefore, typical site traffic will vary from month to month. When the site is open, the number of total daily vehicle movements entering and exiting the site will range as high as about 150 when the plant is operating to as low as about 20-50 when it's not. There would also be some movement of snow plows in and out of the site during winter months. This volume of additional traffic would not be expected to greatly impact the adjacent roadways and intersections as all appear to have extra capacity. Sherwood Road and Mt. Edward Road already handle a high percentage of industrial/truck traffic associated with other industrial land uses in the area.

The proposed driveway access would form a fourth leg at the Sherwood Road/Mt. Edward Road intersection and should be adequately controlled with a stop sign. This is a good access strategy in that it wouldn't impact residential neighbourhoods. We would further suggest that the driveway should be paved for a distance of 150-200m northward from the intersection; this should help keep trucks from tracking soil onto City roads.





CBCL LIMITED

Consulting Engineers

Mr. Jeffery Chapman, P.Eng.

March 23, 2018

Page 3 of 3

We trust this meets your needs at this time. Please contact us if you have any questions or require additional information.

Yours very truly,

CBCL Limited

A handwritten signature in black ink that appears to read "Mark".

Mark MacDonald, P.Eng.
Senior Transportation Engineer
Direct: 902-892-0303
E-Mail: markmacd@cbcl.ca

Project No: 182609.00





City of Charlottetown

Report No: PLAN-2018-04 -# Cf

Date: April 3, 2018

Directed to: Planning Board

Attachments: concept plan, map showing site and subdivision concept plan submitted in 2012.

Department: Planning and Heritage

Prepared by: Laurel Palmer Thompson MCIP

Subject: Application to proceed to public consultation to amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area. To rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown from R-2 (Low Density Residential Zone) and M-3 (Business Park Industrial Zone) to CDA (Comprehensive Development Area) and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

RECOMMENDATION: Staff encourages Planning Board to recommend proceeding to public consultation to amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area and to rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown from R-2 (Low Density Residential Zone) and M-3 (Business Park Industrial Zone) to CDA (Comprehensive Development Area) and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

To consolidate a portion of PID #615831 with a portion of 145128 to form one parcel.

REPORT:

This is an application to amend Appendix "A" the Official Plan Map of the City of Charlottetown from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area and to rezone land from R-2 (Low Density Residential Zone) and M-3 (Business Park Industrial Zone) to CDA (Comprehensive Development Area) and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw. In addition to the rezoning request the applicant has requested to consolidate a portion of PID #615831 with a portion of 145128 to form one parcel.

The applicant has requested the change in zoning and Official Plan amendment to allow him to locate his construction company and asphalt plant to this area of the City. The CDA Zone allows Council to approve any uses or mix of uses allowed in any zone of the Zoning and Development Bylaw including innovative mixed-use developments subject to a development concept plan and development agreement.

Section 36, Comprehensive Development Area Zone (CDA) of the Zoning and Development Bylaw requires that Council approve the Development Concept Plan for the site prior to the approval of new buildings or uses occurring on the site. The approval process must be treated as if it were an amendment to the Zoning and Development Bylaw and therefore requires notification of property owners within 100 meters of the subject property, posting of the proposed bylaw amendment and a public meeting.

The property in question is approximately 19.89 acres in total. It is bound to the north by a large parcel of land zoned R-2S (Low Density Residential Single Zone) and rural land located outside of the City's boundary. It is bound to the east by land zoned R-2 (Low Density Residential Zone) containing a legal non-conforming use (asphalt plant) and M-2 (Heavy Industrial) zoned land. It is bound to the south by Sherwood Road and M-3(Business Park Industrial) zoned land on the opposite side of Sherwood Road. It is bound on the west by the remaining R-2 (Low Density Residential) zoned lands of PID # 615831 and the remaining M-3 (Business Park Industrial) zoned lands of PID#145128 containing the original farm buildings.

Approximately 10 years ago the property owner began to subdivide lots off of his property along Sherwood Road. There was concern that if a concept plan was not provided to show future access than there was potential for the greater parcel to become land locked. Therefore, in 2012 the property owner was required to provide a concept plan for future development of this site. On the concept plan the access to the current land acquisition was shown as a future Road (Road "A"). Road "A" curved and connected with a road that ran parallel with Sherwood Road (Road "B"). This would allow the interior portion of the industrial lands to be further subdivided and have access to a public road when development was to occur. If this proposal is approved Road "A" will be consolidated in as part of the overall parcel. Road "A" is 66 ft. wide and therefore will provide the required frontage on a public road. However, there is concern that this portion of land may be required for future access to the balance of the site as shown on the 2012 concept plan. Therefore, if the land is rezoned to CDA the development agreement should stipulate that this portion of land may be required for future road access and stipulate who is responsible for cost of road construction.

Another reason the land owner was required to provide a concept plan in 2012 was the requirement under the Zoning and Development Bylaw for 10% parkland or 10% value cash-in-lieu for land subdivided. The landowner was permitted to subdivide lots on the understanding that parkland as identified on the concept plan would be deeded to the City as the subdivision occurred in phases. The landowner deeded one portion of land for parkland along Sherwood Road. However, the balance of the parkland was to be deeded later on as the subdivision was developed. The landowner was permitted to subdivide two lots on the corner of Sherwood Road and Malpeque Road in 2016 and the parkland required to be dedicated for these two lots was credited toward Parkland Phase 2 on the concept plan.

This current proposal encompasses Parkland Phase 2, the parkland that was to be dedicated to the City. Therefore, if this land is rezoned and sold to the applicant the landowner will be required to renegotiate parkland or cash-in-lieu and will have to either provide the land in another area deemed appropriate to the City or pay 10 % cash-in-lieu for the value of the land that has been subdivided. Planning staff will consult with Parks and Recreation on options.

Parkland Phase 1 and 2 contained a wetland. Staff is concerned about lot drainage from the proposed asphalt plant to the wetland area. A substantial portion of this property will be used to store aggregate to make asphalt. If this use is permitted staff will be seeking a comprehensive lot drainage plan to ensure that any runoff is managed in the most effective way on site. Staff has been working with the Provincial Department of Environment who has a number of criteria for protection of such areas and the City will defer to their processes.

If this is to be approved staff will be working very closely with the Department of Environment to ensure that all of their concerns related to environmental approvals are clearly outlined and defined in the development agreement. The asphalt plant is subject to meeting air quality requirements and standards. The applicant and the Provincial Department of Environment have indicated to staff that the newer asphalt plants are much cleaner from the perspective of air quality. However, specifications on the asphalt plant has not been provided to staff for review. The proposed asphalt plant is a portable unit that can be moved and is not as large as the existing asphalt plant on the adjacent property.

Land use along Sherwood Road is predominately industrial. The proposed site plan that was submitted by the applicant shows Lot 18-2 and 18-3 within an existing industrial zone. However, Lot 18-1 is approximately 421 m x 160 m and is currently zoned R-2. This parcel is bounded by R-2S (Low density Residential Single) zoned land. Staff have concerns about expanding industrial land uses north, closer to residential zones. Typically, good planning rules would propose a transition zone such as light commercial uses and multi-unit housing between the industrial zone and the low density residential zone. The current concept plan submitted by the land owner in 2012 proposes a 4.5 meter buffer between the industrial and residential land uses.

Conversely, this site is located along the City's boundary and is approximately 200 meters away from existing residential development. The asphalt plant would be located on the northwest portion of the site approximately 479 meters from existing residential development. A 20 foot treed buffer is proposed to surround the site and provide screening of the site from any residential uses. If this application is approved a treed buffer around the property should become a condition of approval. Access to and from the site is onto Sherwood Road which is a collector street with many industrial and commercial uses. Therefore, heavy truck traffic would not affect any residential streets. In terms of location given that this site is currently not in close proximity to existing residential uses and it is adjacent to an existing similar use the site poses low impact on existing developed residential properties.

Given the location of the proposed asphalt plant and material storage yard in relation to the existing industrial area and its accessibility to Sherwood Road a busy collector street staff encourage Planning Board to recommend advancing this application to Council for a recommendation to proceed to public consultation to amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area and to rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown from R-2 (Low Density Residential Zone) and M-3 (Business Park Industrial Zone) to CDA (Comprehensive Development Area) and to and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

Also to consolidate a portion of PID #615831 with a portion of 145128 to form one parcel.

Respectfully,

Reviewed By:

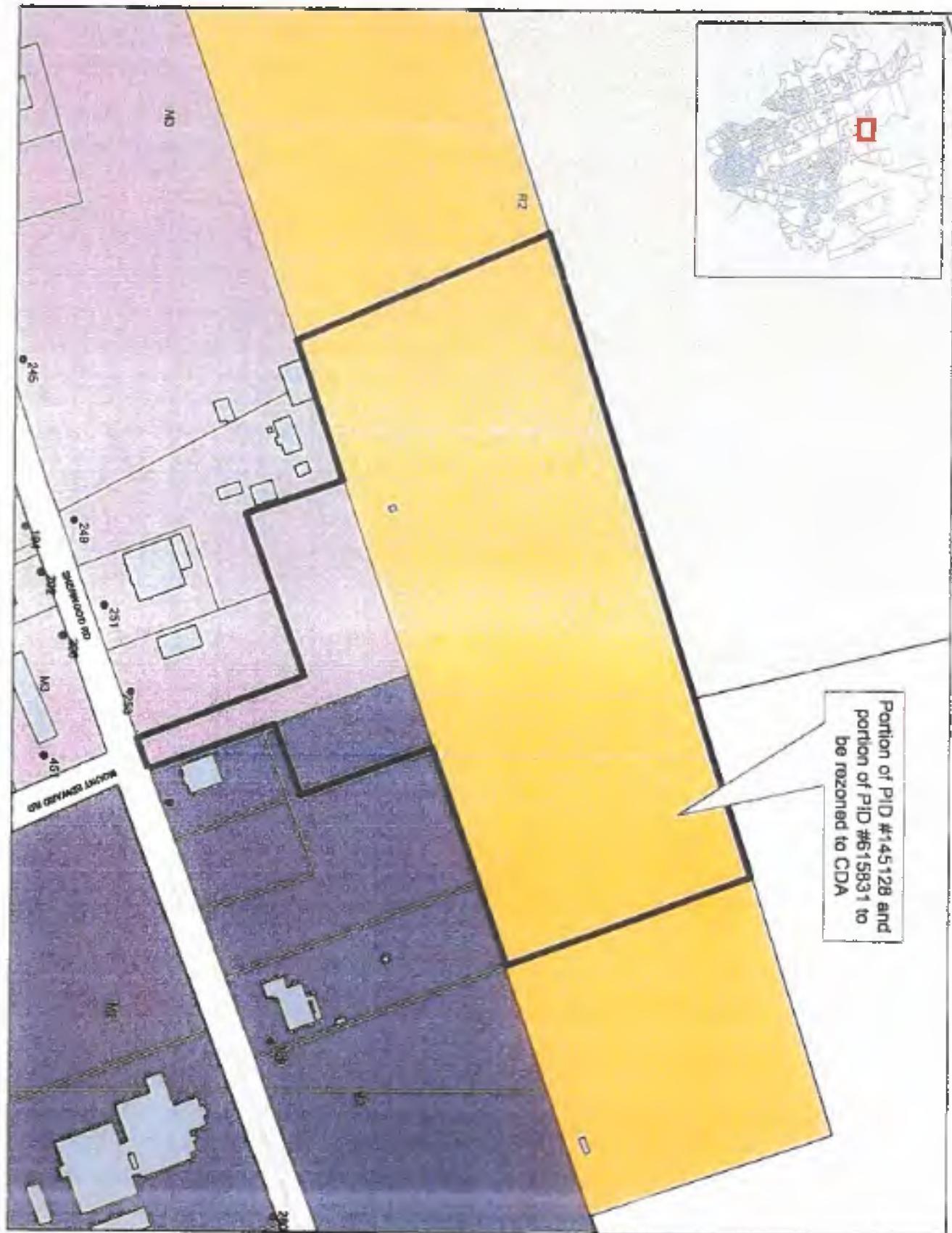
CAO	Dir: Corp Svcs	Dir Pub Svcs	Dir F & D Svcs	Dir Hum: Res	Mgr <i>A</i>	Other
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Proposed Site Plan:



DR. A. F. STONE President of the
American Society of Plastic Surgeons,
and **DR. J. W. HARRIS**, Vice-President,
will speak at the meeting of the
American Society of Plastic Surgeons
on Friday evening, April 13, at 8 P.M.,
in the Auditorium of the Hotel Statler.

Zoning Map:



PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD

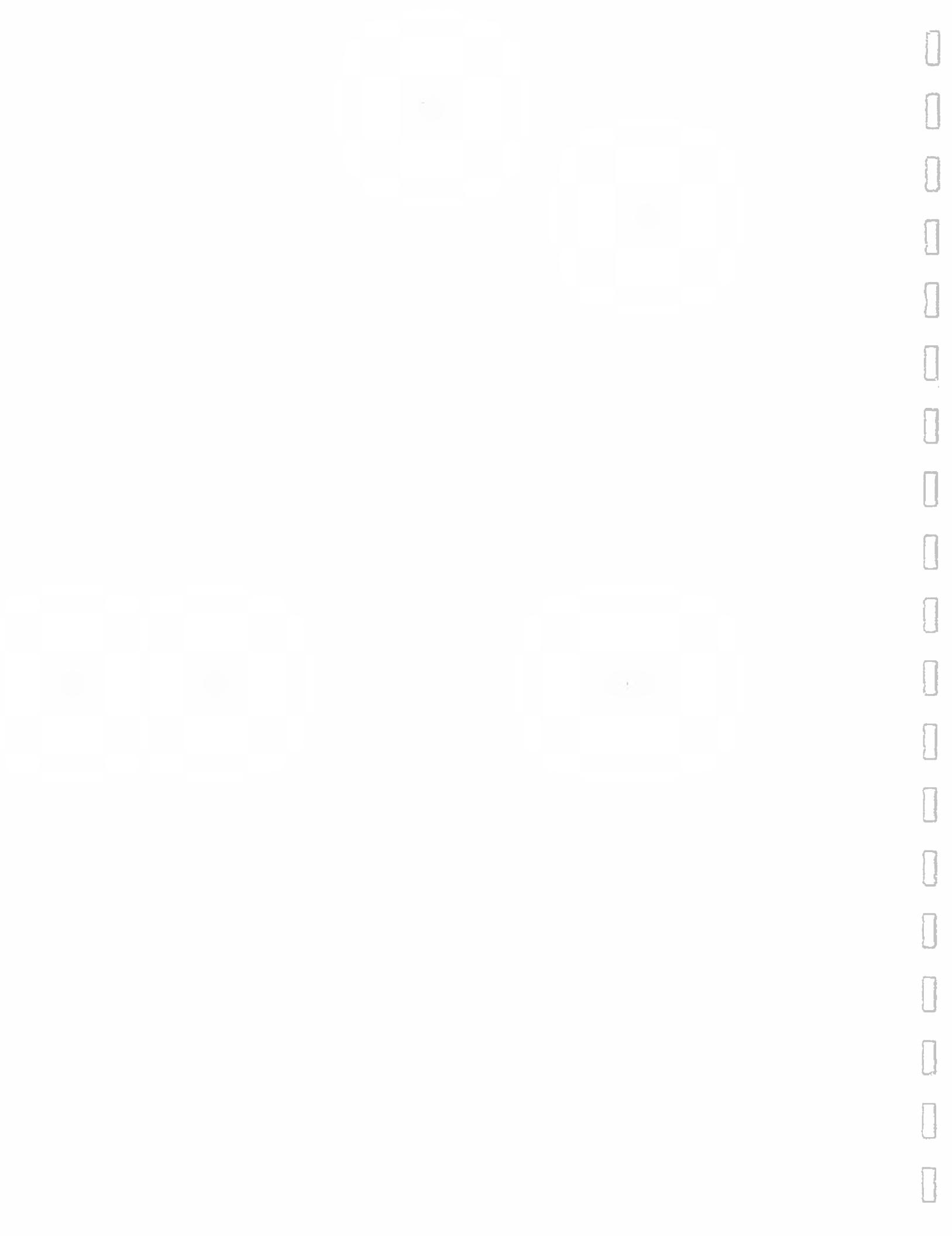
TUESDAY, APRIL 3, 2018

5:00 P.M.

<u>Present:</u>	Councillor Greg Rivard, Chair	Councillor Terry MacLeod, Vice-Chair
	Councillor Jason Coady	David Archer, RM
	Loanne MacKay, RM	Lynn MacLaren, RM
	Lea MacDonald, RM	Alex Forbes PHM
	Pat Langhorne, RM	Greg Morrison, PII
	Karolyn Walsh, RM	Laurel Palmer Thompson, PII
	Ellen Faye Ganga, PH IA/AA	Linda Thorne, PHAA
<u>Regrets</u>	Roger Doiron, RM	Brad Wonnacott, AA
	Kate Marshall, RM	

1. 249 Sherwood Road (PID #s 615831 & 145128) Irving Frizzel/Chapman's

This item is an application to amend Appendix "A" of the City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area; to rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Low Density Residential (R-2) Zone and Business Park Industrial (M-3) Zone to Comprehensive Development Area (CDA); and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw. The request is to consolidate a portion of PID #615831 with a portion of PID #145128 to form one parcel. The applicant has requested a change in Zoning and Official Plan map to allow the applicant to locate his construction company and asphalt plant in this area. The property is approximately 19.89 acres in total, and approximately 10 years ago, the property owner began to subdivide lots from this parcel. Concerns were raised at that time that if a Concept Plan was not provided, there is the potential for larger parcels to be land locked, thus a Concept Plan was required. If this request is approved, staff will be working closely with the Department of Environment to ensure that all concerns relating to the environment are clearly outlined and defined in the Development Agreement. It was also noted that the new asphalt plants are much cleaner than the older ones. The subject property is located adjacent to an existing industrial zone. It is approximately 479 meters from existing residential development. A 20 ft. buffer of trees will be required around the perimeter of the site. Give the location of the proposed asphalt plant the staff recommendation is to advance to public consultation.



Councillor Rivard asked for any comments or questions, and introduced Jeff Chapman, applicant.

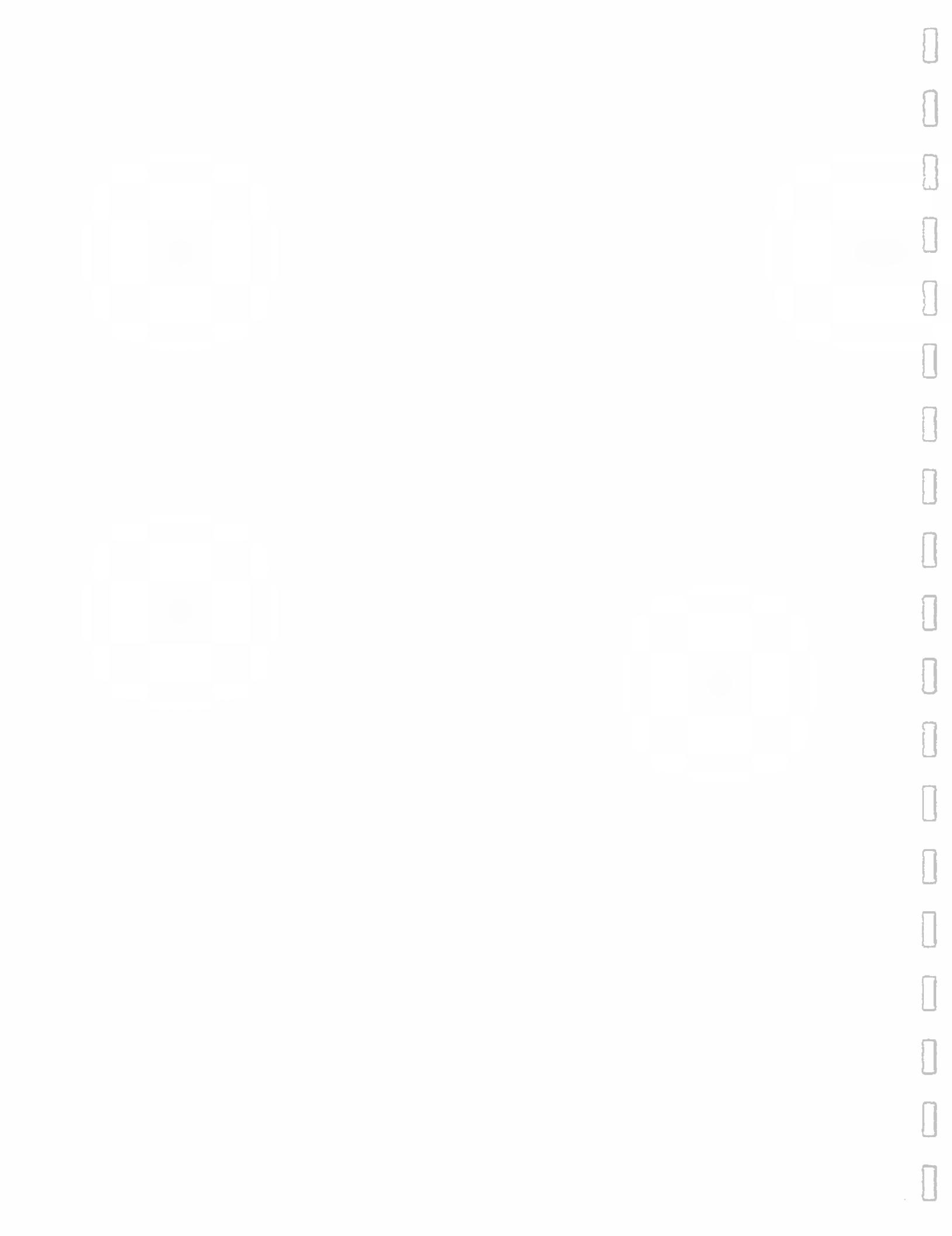
Councillor Coady verified that the exit road to the site is off of Sherwood Road and asked about working hours, loading trucks and hauling. Laurel Thompson, PII, confirmed this as well and added that the location is close to Malpeque Road, Brackley Point Road and the airport. This proposal will have limited impact with regard to neighbouring residential streets. Mr. Chapman responded that their projects are seasonal and would usually run from 6 am to 8 pm. Councillor Coady also inquired about the process of extending the mail out from 100 meters to 200 meters radius if possible and Ms. Thompson responded that we typically do not go beyond what is required in the Bylaw. The information regarding the rezoning is posted on the subject property and advertised in the local newspaper. Residents beyond the 100 meter radius will be informed through this notification process. Alex Forbes also added that it is difficult to change the notification process beyond the by-law requirements because when you change these requirements on a case by case basis, it becomes a challenge to determine which standard to use.

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

Moved by Pat Langhorne, RM, and seconded by Lynn MacLaren, RM, that the request for the following amendments to the City of Charlottetown Zoning and Development Bylaw and Official Plan Map and the request for a lot consolidation for the property at 249 Sherwood Road (PID#s 615831 & 145128) to permit the construction of an asphalt plant and storage maintenance building be recommended to Council for approval to proceed to the public consultation phase:

- i. amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Planning Area;
- ii. rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown from Low Density Residential (R-2) Zone and Business Park Industrial (M-3) Zone to Comprehensive Development Area (CDA);
- iii. amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;
- iv. consolidate a portion of PID #615831 with a portion of PID #145128 to form one parcel.

CARRIED



PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD
TUESDAY, APRIL 3, 2018
5:00 P.M.

Present:	Councillor Greg Rivard, Chair Councillor Jason Coady Loanne MacKay, RM Lea MacDonald, RM Pat Langhorne, RM Karolyn Walsh, RM Ellen Faye Ganga, PH IA/AA	Councillor Terry MacLeod, Vice-Chair David Archer, RM Lynn MacLaren, RM Alex Forbes PHM Greg Morrison, PII Laurel Palmer Thompson, PII Linda Thorne, PHAA
Regrets	Roger Doiron, RM Kate Marshall, RM	Brad Wonnacott, AA

1. Call to Order

Councillor Rivard called the meeting to order at 4:58 pm and welcomed everyone to the meeting.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Pat Langhorne, RM, and seconded by Lynn MacLaren, RM, that the agenda for Tuesday, April 3, 2018 be approved.

CARRIED

4. Adoption of Minutes

Moved by Pat Langhorne, RM, and seconded by Lynn MacLaren, RM, that the minutes of the Monday, March 5, 2018 meeting be approved.

CARRIED

5. Business arising from Minutes

6. 3 Douglas Street (PID #356683)

This item is a request for two (2) variances to decrease the frontage requirement and the lot area requirement. Please see attached Staff Report. Greg Morrison, PII, presented the application. The requested variances are as follows:

1. Decrease the lot frontage requirement from 76.1 ft to approximately 41.2 ft representing a 45.9% variance.
2. Decrease the lot area requirement from 7,965.6 sq. ft. to approximately 3,306.2 sq. ft. representing a 58.5% variance.

The property is located in the Low Density Residential (R-2) Zone and the purpose of these variances is to convert the existing single-detached dwelling into a duplex. Historically, the property has been a non-conforming duplex. A most recent zoning inquiry dated May 5, 2016 indicated that the current use of the property is apartments. Staff completed the zoning inquiry on May 13, 2016 outlining the history of the property and noted that apartments are not a permitted use in the R-2 Zone and the building must be converted back into a single-detached dwelling. A number of residents continue to indicate that the property has been converted back and operates as a duplex. It continues to violate the requirements of the Zoning and Development Bylaw, but approving these variances would bring the property into conformance. Three (3) responses were received from the mailout and there were no objections to the variances. The letters indicated that they have no objection as long as it enhances the neighborhood and it has sufficient off-street parking. One area of concern though, would be if the building is planned to be demolished and replaced with a larger duplex. Should this variance be approved, it could set a precedent for this property and other properties in the area where it has been known to have non-compliance issues and that other undersized properties in the neighborhood would request for a second dwelling unit. The staff recommendation is to reject the two (2) variances to decrease the lot frontage and lot area requirement.

Councillor Rivard asked for any comments or questions.

Lea MacDonald, RM, asked if the lot reduction is 4,659.4 sq. ft. (about 50% reduction) and will the property be renovated if the proposal is approved. Mr. Morrison responded that the reduction will be about 4,600 sq. ft. and that the applicant has not indicated any specific renovation plans. Mr. MacDonald continued to ask if the existing building is currently being rented out as a duplex. Mr. Morrison responded that it is what residents in the area indicated but the most recent permit reflects it was approved as a single-detached dwelling.

Pat Langhorne, RM, added a comment that she agrees with the staff that approving these variances will set a precedent for the rest of the properties in the area and that we have had the same struggle with other non-compliant properties in the past and now is the time to reject this type of request.

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

Moved by Pat Langhorne, RM, and seconded by Karolyn Walsh, RM, that the request for variances to the property at 3 Douglas Street (PID #356683) to decrease the lot frontage requirement from 76.1 ft to approximately 41.2 ft and to decrease the lot area requirement from 7,965.6 sq. ft. to approximately 3,306.2 sq. ft. be recommended to Council for rejection.

CARRIED

On April 6, 2018, the applicant withdrew his application for the variances.

7. 29 Garfield Street (PID #278929)

This item is a request for two (2) variances to decrease the rear yard setback requirement and the side yard setback requirement. Please see attached Staff Report. Greg Morrison, PII, presented the application. The requested variances are as follows:

1. Decrease the rear yard setback requirement of 19.7 ft to 4.0 ft.
2. Decrease the side yard setback requirement of 9.8 ft to 0.0 ft.

The property is located in the Mixed-Use Corridor Commercial (MUC) Zone and the purpose of this variance is to construct a 9,660 sq. ft. addition to the rear of Aubrey's Bottle Exchange & Recycling Ltd. Records show that Council approved a variance on May 27, 2009 to reduce the front yard setback from the average of approximately 54 ft to approximately 111 ft to permit the construction of a warehouse building. One (1) response to the mailout was received after the report was written opposing the request and expressed concerns due to on-going parking issues with the PEI Brewing Company and lack of adherence to previous stipulations in place to address parking. Councillor Rivard asked if there were plans for a meeting space when the PEI Brewing Company was constructed and Mr. Morrison, responded that the meeting room was located in the building after construction. He added that the applicant proposed to have a parking agreement with Aubrey's to use their property. The adjacent property owner had indicated that he was not in support of these variances until the parking issue was resolved.

The applicant originally submitted an application on February 16, 2018 but the application could not be entertained because it did not confirm with the Zoning and Development Bylaw. The applicant worked with staff and came up with a proposal that could be entertained by Planning Board and Council. Staff has discussed this application several times with the applicant who has agreed that the ideal situation would be to resolve all outstanding issues of the property. Notwithstanding the fact that the two requested variances are significant and the proposal will continue to create parking pressures in the area, staff are concerned about supporting this application. The staff recommendation is to reject the two variances to decrease the rear yard and side yard setback requirement.

Councillor Rivard asked for any comments or questions.

Councillor Rivard verified with Mr. Morrison, that the plan has been revised. Lynn MacLaren, RM, clarified who is asking for this request. Mr. Morrison explained that the variance is for Aubrey's Bottle Exchange and the letter of opposition is related to the parking for the PEI Brewing Company. Lea MacDonald, RM, asked if we are voting on the new proposed variances. Mr. Morrison indicated that the property in question is requesting a zero setback on the side yard and 4.0 setback on the rear yard. Although the subject property does directly involve the brewery property, the two properties are related because the parking at Aubrey's Bottle Exchange is used by PEI Brewing Company for events. The resident's concern is that there will be an additional

warehouse area increasing capacity on the Aubrey's Bottle Exchange property which in turn will decrease the capacity for parking on site. This is further compounded by the fact that the parking capacity on the brewery property exceeds what is presently provided at this time. Councillor Greg Rivard asked if the brewery property has sufficient parking. Mr. Morrison explained that the PEI Brewing Company met the parking requirement when it was constructed but with the addition of the event space, off-lot parking was approved on Aubrey's Bottle Exchange property. The applicant is proposing 10 new spaces on the property which will satisfy the warehouse addition requirement. Lea MacDonald, RM, clarified that the space will be used as warehouse and will not create more traffic. Mr. Morrison confirmed that it is used for warehouse only.

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

Moved by Lea MacDonald, RM, and seconded by Councillor Jason Coady that the request for variances to the property at 29 Garfield Street (PID #278929) to decrease the rear yard setback requirement of 19.7 ft to 4.0 ft and decrease the side yard setback requirement of 9.8 sq. ft. to 0.0 ft. be recommended to Council for approval.

CARRIED

8. 494 Queen Street

This item is a request for a variance to increase the maximum height requirement from 39.4 ft to 74.0 ft. Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this variance is to construct a six (6) storey mixed-use building containing 63 residential dwelling units with underground parking on the property. The property location will be adjacent to the Atlantic Superstore.

One (1) response was received from a resident of Emerald Street after the report was written opposing the request and expressed concerns that the value of the single detached dwellings will decrease and traffic on Queen Street will increase. The resident also indicated that the utilities and street will not allow this type of residential increases.

The Official Plan provides policy to allow moderately higher densities in neighborhoods using existing underground services to its fullest practical capacity and encouraging development in fully serviced areas. The current proposal currently meets all the requirements of the Zoning and Development Bylaw and also allows creation of a mixed-use development on a vacant property. The staff recommendation is to approve the variance to increase the maximum height requirement.

Councillor Rivard reminded everyone that the vacancy rate for apartments in Charlottetown is less than or close to 0.5% and certainly there is a need for this type of housing.

Brian Gillis, on behalf of the applicant, added that the property lies halfway between the downtown core and upper retail big box area of the City. It is currently an empty space and this transition can bring new life and new opportunity with a \$15M investment for the City. The trade-off for the extra height is allowing half of the ground floor for commercial spaces and the rest of the ground floor would be five (5) barrier free housing units which currently are in demand. There is also allocation for underground parking. With the area being near the UPEI, it is an economic node for the City of Charlottetown, and the property can be a higher standard accommodation to neighborhood and students.

Councillor Greg Rivard requested a breakdown of the height distribution of the building. Mr. Gillis described the ground floor to be around 14.6 ft for full commercial/retail use, 5 floors of approximately 9 ft per floor and the top floor having a flat roof with green roof area which can store and control water runoff.

Councillor Rivard asked for any comments or questions.

Lynn MacLaren, RM, asked that given the extra traffic, has anyone looked at how it will affect Queen Street. Mr. Morrison responded that the police are the traffic experts: however, the location beside two major roadways (Belvedere Avenue and Queen Street) should be sufficient to handle any concerns. Mr. Gillis also added that this property will restrict traffic that is presently traversing through this vacant lot as a short cut to Superstore, etc. Loanne MacKay, RM, asked that since the applicant mentioned about vet students renting such type of housing, if they already have an idea of rent for the apartments although it may not be definitive at this time. Mr. Gillis responded that the Charlottetown rental market range for apartments is between \$1,100 to \$1,400 in this area, with underground parking. There are also current housing challenges in Charlottetown and this proposal will respond to this need.

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

Moved by Lea MacDonald, RM, and seconded by David Archer, RM that the request for a variance to the property at 494 University Ave (PID #372300) to increase the maximum height requirement from 39.4 ft to 74.0 ft to permit the construction of a 6-storey mixed use building be recommended to Council for approval.

CARRIED

9. 151-153 Euston Street (PID #358812)

This item is a request to rezone the property from the Medium Density Residential (R-3) Zone to the Downtown Mixed Use (DMU) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this application is to convert the existing duplex into an office for the law firm Lecky Quinn. Currently, the Official Plan does not provide requirements

pertaining to rezoning residential properties for commercial use outside of the 500 Lot area, but there is language that supports allowing small scale commercial development to support the needs of a particular area. This request is significant because it is requesting a Bylaw amendment and an Official Plan amendment. The property is not adjacent to other DMU properties, and so approving this request may lead the way for other residential properties in the area to request rezoning to DMU. The staff recommendation is not to proceed to a public consultation.

Councillor Rivard asked for any comments or questions.

Ken Lecky, applicant, stated that he started as a single proprietor and has a growing team, thus needing more office space. There is currently nothing available in the market for an office space and to file storage while keeping their costs low. There are currently six (6) parking spaces and three (3) spaces are rented out. Pat Langhorne, RM, asked about employees using the remaining three parking spots. Mr. Lecky noted that employees do not use the parking spots.

Councillor Rivard asked the Staff if it is possible to have a site specific amendment to allow this proposal without changing the Bylaw. Alex Forbes, PHM, responded that it is possible but the requirements for this request has to be very clear. Mr. Forbes added that if the Board is inclined to support this request, it is recommended that this report be deferred back to staff before the next Council meeting with recommendations and a supporting proposal outlining how this property will function.

Moved by Lea MacDonald, RM, and seconded by Lynn MacLeod, RM that the request to proceed to the public consultation phase to rezone the property at 151-153 Euston Street (PID #358812) from Medium Density Residential (R-3) Zone to Downtown Mixed Use (DMU) Zone be deferred.

CARRIED

Following the meeting, staff prepared a revised report for this application requesting to proceed to the public consultation phase to amend the Medium Density Residential (R-3) Zone of the Zoning and Development Bylaw and amend the Medium Density Residential (R-3) Zone land use of the Official plan for a site specific amendment for the property at 151-153 Euston Street (PID #358812) to allow a Law Office as a permitted use and is subject to the signing of a Development Agreement. At the time of this report, an electronic vote is being requested to approve this request. Following this a resolution will be forwarded to Council as follows:

That the request for a Site Specific Amendment for the property at 151-153 Euston Street (PID #358812) by amending the Official Plan (Medium Density Residential Land Use Designation) and Zoning and Development Bylaw (Medium Density Residential (R-3) Zone) to permit a law office be approved to proceed to the public consultation phase.

CARRIED

10. 155 Upper Prince Street (PID #369140) & 21 Young Street (PID #369132)

This item is a request to consolidate two properties in the Medium Density Residential (R-3) Zone. Two (2) responses were received in opposition expressing concern that where the lawn and parking lot are located does not provide enough parking spaces for residents if a bigger property is built. In turn, this will affect their living conditions. Council has already approved a variance to allow an additional dwelling unit to the existing four (4) unit apartment. The proposed lot consolidation will only allow a five (5) unit apartment building and will not change the use of the property, but bring the property into better conformance with zoning and building regulations. The staff recommendation is to approve the lot consolidation.

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

Moved by Lynn MacLaren, RM, and seconded by Lea MacDonald, RM, that the request for a lot consolidation of 155 Upper Prince Street (PID #369140) and 21 Young Street (PID #369132), subject to the receipt of signed pinned survey plans, be recommended to Council for approval.

CARRIED

11. 249 Sherwood Road (PID #s 615831 & 145128) Irving Frizzel/Chapman's

This item is an application to amend Appendix "A" of the City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area; to rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Low Density Residential (R-2) Zone and Business Park Industrial (M-3) Zone to Comprehensive Development Area (CDA); and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw. The request is to consolidate a portion of PID #615831 with a portion of PID #145128 to form one parcel. The applicant has requested a change in Zoning and Official Plan map to allow the applicant to locate his construction company and asphalt plant in this area. The property is approximately 19.89 acres in total, and approximately 10 years ago, the property owner began to subdivide lots from this parcel. Concerns were raised at that time that if a Concept Plan was not provided, there is the potential for larger parcels to be land locked, thus a Concept Plan was required. If this request is approved, staff will be working closely with the Department of Environment to ensure that all concerns relating to the environment are clearly outlined and defined in the Development Agreement. It was also noted that the new asphalt plants are much cleaner than the older ones. The subject property is located adjacent to an existing industrial zone. It is approximately 479 meters from existing residential development. A 20 ft. buffer of trees will be required around the perimeter of the site. Give the location of the proposed asphalt plant the staff recommendation is to advance to public consultation.

Councillor Rivard asked for any comments or questions, and introduced Jeff Chapman, applicant.

Councillor Coady verified that the exit road to the site is off of Sherwood Road and asked about working hours, loading trucks and hauling. Laurel Thompson, PII, confirmed this as well and added that the location is close to Malpeque Road, Brackley Point Road and the airport. This proposal will have limited impact with regard to neighbouring residential streets. Mr. Chapman responded that their projects are seasonal and would usually run from 6 am to 8 pm. Councillor Coady also inquired about the process of extending the mail out from 100 meters to 200 meters radius if possible and Ms. Thompson responded that we typically do not go beyond what is required in the Bylaw. The information regarding the rezoning is posted on the subject property and advertised in the local newspaper. Residents beyond the 100 meter radius will be informed through this notification process. Alex Forbes also added that it is difficult to change the notification process beyond the by-law requirements because when you change these requirements on a case by case basis, it becomes a challenge to determine which standard to use.

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

Moved by Pat Langhorne, RM, and seconded by Lynn MacLaren, RM, that the request for the following amendments to the City of Charlottetown Zoning and Development Bylaw and Official Plan Map and the request for a lot consolidation for the property at 249 Sherwood Road (PID#s 615831 & 145128) to permit the construction of an asphalt plant and storage maintenance building be recommended to Council for approval to proceed to the public consultation phase:

- i. amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Planning Area;
- ii. rezone land and amend Schedule "H" the Zoning Map of the City of Charlottetown from Low Density Residential (R-2) Zone and Business Park Industrial (M-3) Zone to Comprehensive Development Area (CDA);
- iii. amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;
- iv. consolidate a portion of PID #615831 with a portion of PID #145128 to form one parcel.

CARRIED

12. 49 Trailview Drive (PID #145284)

This item is an application to amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Concept Planning Area; to rezone a portion of the property PID #145284 located at 49 Trailview Drive; amend Schedule "H" the Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Single Detached Residential (R-1L) Zone to Comprehensive Development Area (CDA) Zone; and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

The proposal is to rezone a portion of the property to facilitate the construction of a townhouse development, with 8 townhouse dwellings (36 units) on one property as a grouped dwelling condominium development. This project will have very low impact on existing low density residential development therefore the staff recommendation is to advance to public consultation.

Councillor Rivard asked for any comments or questions.

Pat Langhorne, RM, asked if these units are rentals or condominiums. Ms. Thompson responded that this is a condominium development, so if the owners decide to create a condominium corporation, they can either sell or rent the units. The applicant in this case will own and maintain the roads. Councillor Coady asked if the roads are off Trailview Drive and Ms. Thompson confirmed that is located off of this street which will run through the centre of the current subdivision.

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

Moved by Pat Langhorne, RM, and seconded by Karolyn Walsh, RM, that the request for the following amendments to the City of Charlottetown Zoning and Development Bylaw and Official Plan be recommended to Council for approval to proceed to the public consultation phase:

- i. Amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Concept Planning Area;
- ii. Amend Schedule "H" the Zoning Map of the City of Charlottetown from Single Detached Residential (R-1L) Zone to Comprehensive Development Area (CDA)
- iii. Amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.
- iv. Rezone a portion of the property PID #145284 located at 49 Trailview Drive from Single Detached Residential (R-1L) Zone to Comprehensive Development Area (CDA) Zone.

CARRIED

13. Lot #3 Michelle Crescent amendment to Development Concept Plan (PID #1076686)

This is an application to amend an existing Development Concept Plan and Development Agreement under Section 31, Comprehensive Development Area (CDA) Zone of the Zoning and Development Bylaw. The property consists of 11,413 sq. m and is part of the original 15 acre site that comprises the approved Development Concept Plan. The current approved use for this lot are two 32 unit apartment buildings. The current property owner requested that the Development Agreement and Development Concept Plan be amended to include a total of 30 town house units, which is a density decrease of 34 units. An amendment was approved in 2017 to the Development Concept Plan for Lot 6 to allow a density increase of 16 units. This situation will result in a net decrease of 18 units on the overall site from the original approved plan. Although this is a decrease in density there has been a demand for townhouses in this neighbourhood. The applicant has developed both lots 1 and 2 on this site and the product has proved popular within the area. Therefore the staff recommendation is to advance to public consultation.

Councillor Rivard asked for any comments or questions.

Lynn MacLaren, RM, noted that the property has gone through several requests for changes to the original concept plan that was approved by Council. She noted that the developers are not following what they proposed and are requesting changes each time they decide to build on a lot. She said that there have been several public meetings regarding this property that the neighbourhood has had to attend. Ms. Thompson noted that it is not an easy development because there are so many changes to the original proposal. She also added that the area can handle density and townhouses are a popular product in the area. The lot was originally a single lot but has been subdivided into different lots. Some of the lots have already been developed. David Archer, RM, mentioned that the appearance of the initial two (2) townhouse lots are not that attractive and questioned why we would want to add more townhouses to this development.

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

Moved by David Archer, RM, and seconded by Pat Langhorne, RM, that the request to proceed to the public consultation phase to consider amendments to the existing development concept plan and development agreement under Section 31, Comprehensive Development Area (CDA) Zone of the Zoning and Development Bylaw, for the property located at Lot #3 Michelle Crescent (PID# 1076686) be recommended to Council for rejection.

CARRIED

On April 3, 2018, the applicant withdrew his application for the amendments to the existing development concept plan and development agreement.

Planning Board Meeting

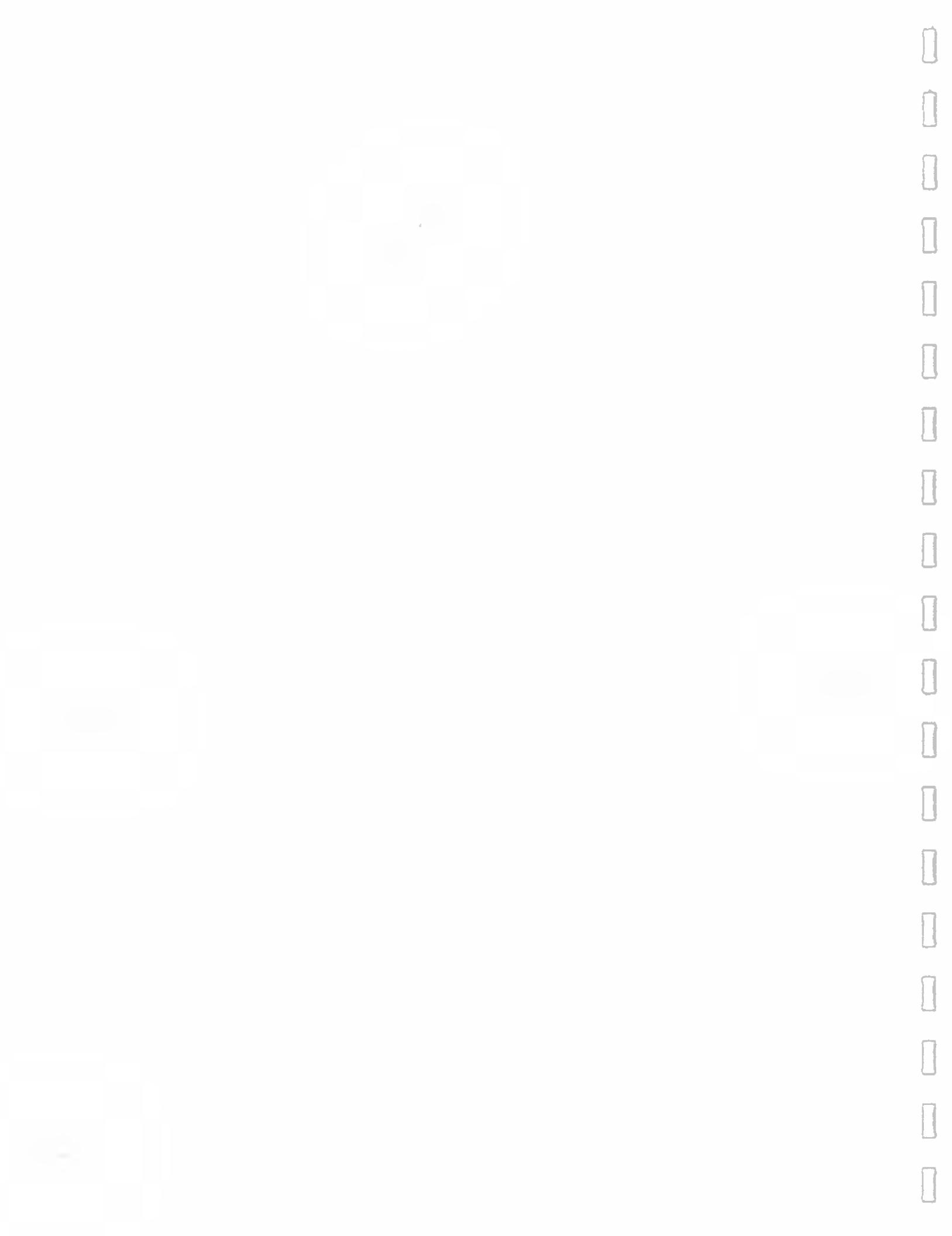
April 3, 2018

Page 11 of 11

The meeting was adjourned at 6:31 p.m.

A handwritten signature in black ink, appearing to read "Councillor Greg Rivard". The signature is somewhat stylized and cursive.

Councillor Greg Rivard, Chair



CHAPMAN BROS. CONSTRUCTION LTD.
31 GREENVALE RD, LITTLE HARBOUR
PO BOX 249
SOURIS PE C0A 2B0
PHONE: 902-687-2328
FAX: 902-687-3545
Email: cbcl.office@bellaliant.com

CHAPMANBROS.

DATE: April 5, 2018

TO: PEI Department of Communities, Land & Environment
PO Box 2000
Charlottetown PE C1A 7N8
Attention: Environmental Assessment Coordinator

RE: Environmental Impact Assessment (EIA) Registration Document

FROM: Cyril Chapman

Enclosed are both digital and paper copies of the EIA Registration document for property located at

If you have any questions regarding the above, please do not hesitate to call me.



CHAPMAN BROS. CONSTRUCTION LTD.
PO BOX 249
SOURIS PE C0A 2B0
PHONE: 902-687-2328
FAX: 902-687-3545
Email: cbcl.office@bellaliant.com

CHAPMAN BROS.

PROPOSER:

- (i) Name of Corporate Body: Chapman Bros. Construction Ltd.
- (ii) Address: PO Box 249, Souris, PE C0A 2B0
- (iii) Chief Executive Officer:
 - a. Name: Cyril Chapman
 - b. Official Title: President
 - c. Address: PO Box 249, Souris PE C0A 2B0
 - d. Telephone No. office 902-687-2328; cell 902-969-7408
- (iv) Email address: cbcl.office@bellaliant.com
- (v) Principal Contact Person for purposes of EIA:
 - a. Name: Jeffrey Chapman
 - b. Official Title: Supervisor
 - c. Address: PO Box 249, Souris PE C0A 2B0
 - d. Telephone No. 902-969-0285
 - e. Email address: cbcl.jeffrey@bellaliant.com

THE UNDERTAKING:

Sherwood Rd Asphalt Plant

To provide a location within the Charlottetown city limits for the supply of asphalt pavement to private customers, municipal and provincial governments , and the Charlottetown Airport Authority runway project during June -September 2018.

DESCRIPTION OF THE UNDERTAKING:

The site is located on the north side of Sherwood Rd, Charlottetown, PE. With access to Sherwood Rd. The site includes a portion of PID 651831. Attached is goggle maps photo of the site.

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This site presently includes mix of cleared land and some forested land. The land generally drains storm water to the southeastern edge of property. Some storm water could drain from surrounding properties during significant precipitation events over the tree and farmed area on the eastern edge of property. The site has no electrical, water/sewer utilities, groundwater well or significant buildings.

The site generally will include an asphalt plant and the associated stockpiles for construction use. An engineered site plan for the site will be forwarded soon as available. The site plan and storm water management plan has been undertaken by Derek French P.Eng, Professional engineering services.

The property is currently not under any significant use except some light farm use and is currently zoned R-2. Chapman Bros. has an application in progress with the City of Charlottetown to rezone the area CDA and enter into an agreement with the city to operate an asphalt plant on this site.

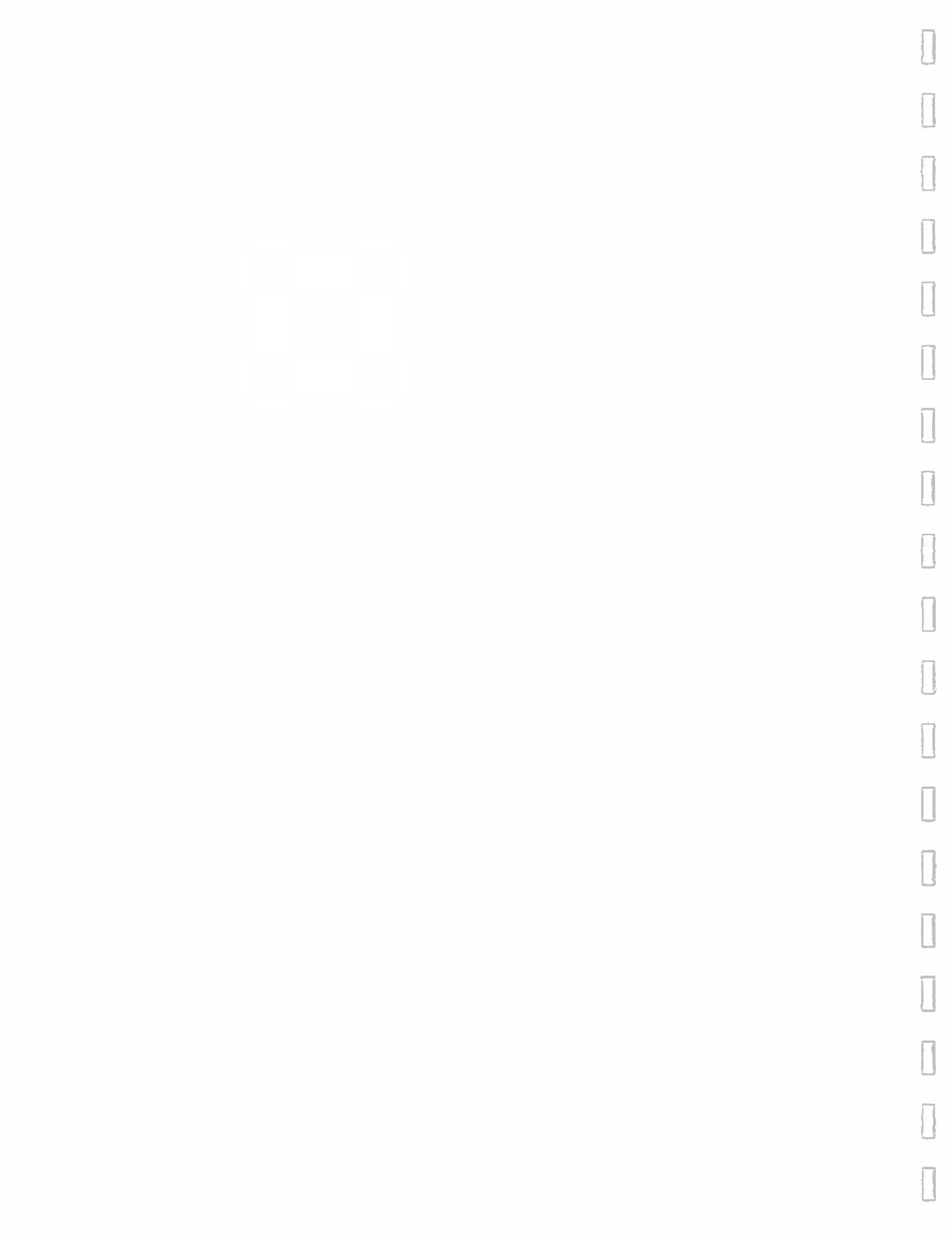
Construction of the site is proposed to take place between June 1/18 to July 10/18. The primary concern during the construction phase will be to deal with any new exposed earth and to prevent its runoff. Controls necessary during this time period are being reviewed by the retained engineering firm. No other significant sources of pollutants are expected during the construction phase.

It is preferable that the site be operational by mid-June to allow for the asphalt plant setup for the production of asphalt pavement by late June/18.

AUTHORIZATION:

Signature  Chief Executive Officer

Date 





Verbatim Excerpt re:
Planning resolution #5
(249 Sherwood Rd)

Regular Meeting of Council
Monday, April 9, 2018 at 7:00 PM
Council Chambers, City Hall, 199 Queen St.

Mayor Clifford Lee presiding

<u>Present:</u>	Deputy Mayor Mike Duffy Councillor Greg Rivard Councillor Melissa Hilton Councillor Jason Coady	Councillor Terry Bernard Councillor Terry MacLeod Councillor Mitchell Tweel Councillor Bob Doiron
<u>Also:</u>	Peter Kelly, CAO Paul Smith, PC Paul Johnston, IAMM Frank Quinn, PRM Scott Adams, PWM Ramona Doyle, SO Laurel Lea, TO Cindy MacMillan, AA	Scott Messervey, DCAO Randy MacDonald, FC Alex Forbes, PM Jen Gavin, CO Ron Atkinson, EconDO Steve Forbes, CS Karen Lavers, EA
<u>Regrets:</u>	Councillor Kevin Ramsay Wayne Long, EDO Tracey McLean, RMC	Bethany Kauzlarick, HRC Richard MacEwen, UM

6.10 Planning & Heritage – Coun. Greg Rivard, Chair

Planning Resolution #5

Moved by Councillor _____ **Greg Rivard**

Seconded by Councillor _____ **Terry MacLeod**

RESOLVED:

That the request for consideration of the following amendments to the City of Charlottetown Official Plan and Zoning and Development By-law for the property located at 249 Sherwood Road (Portion of PID #615831) be approved to proceed to the public consultation phase:

- I. To amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;

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- ii. To amend Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- iii. To amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans be approved.

Mayor Lee: Councillor Tweel

Councillor Tweel: Thank you. Councillor Rivard, the applicant was at the planning meeting, did he answer all the questions in a coherent and satisfactory manner in order to move to the next phase?

Councillor Bernard: Coherent

Councillor Tweel: Pardon, what

Mayor Lee: Sorry, go ahead, coherent. Councillor Rivard.

Councillor Tweel: Is there something wrong?

Mayor Lee: No

Councillor Rivard: Councillor Tweel, I believe he did, I still think that he is unsure of the rules as well, so I think that any question that was asked of him or posed to him that evening, he definitely did his best to answer and do I think it is good enough to go to a public meeting? Yes I do.

Councillor Tweel: Just to follow up, what is the impact and effect to the residents that could be 400-500m away? Were all the environmental concerns taken into consideration before we bark upon this process?

Councillor Rivard: Ok Councillor Tweel, I think that we are a little bit ahead of ourselves. The impact to residents, I mean, the way that the land is configured right now, Island Construction currently has an asphalt plant within, I don't know how many feet of the proposed asphalt plant for the applicant that he is proposing. Where our concern was at the time from the planning report was really around future development in behind Penny Lane coming into the back field that is undeveloped right now. That is more of concern, I think moving forward than the current residents on Penny Lane. I don't think they are going to be impacted much different from what they are impacted now through Island Construction. The equipment that they are using is much newer than what they are using at Island Construction, with that, it's less noisy, it's environmentally friendly, and this is all stated by



**Regular Meeting of Council
April 9, 2018 (Verbatim Excerpt)**

the applicant that evening. So he did address some of those things. Now, I am not a professional in equipment or environment, this was from the applicant himself.

Mayor Lee: Councillor Tweel

Councillor Tweel: Thank you. Does the staff concur with all the points that you brought up sir?

Councillor Rivard: Staff has mixed emotions on this but I mean I will let Alex speak to that. We have talked at length about this application. Alex, do you want to add what your concerns are from a staff perspective?

Mayor Lee: You know folks; the resolution is to go to a public meeting, is that correct?

Councillor Rivard: It is.

Mayor Lee: So should we wait until we hear from the public; the citizens, before we start forming our opinions, one way or the other, be it the staff, chairs of the Committee or whatever? That's the purpose of the public meeting.

Councillor Tweel: Before I vote, your Worship, I would like to get that answer.

Mayor Lee: What was the question?

Councillor Tweel: About the staff, does the staff concur with this?

Mayor Lee: Concur with going to a public meeting?

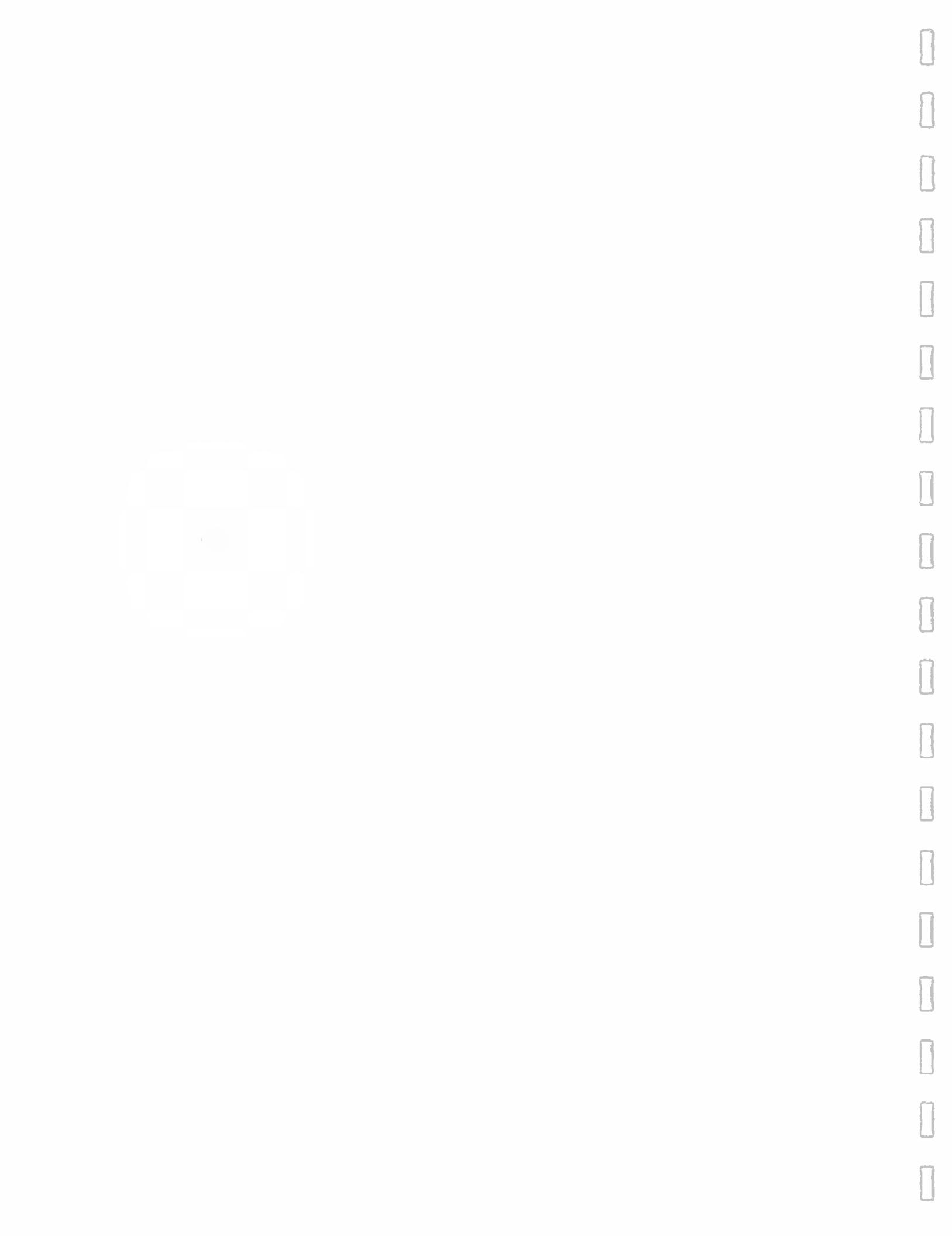
Councillor Tweel: No, no. With the presentation that was made by the applicant. Does the staff concur that all the pre-requisites are being met?

Alex Forbes: Your Worship, we have a meeting with the Department of Environment, we are going to work very closely with them on that. There is going to be some approvals, the Department of Environment approves air quality and a number of environmental issues. This, if approved will be subject to a development agreement, all of those environmental regulations that they have to meet anyway, would be a part of any future development agreement (next few words inaudible)

Mayor Lee: Ok, Councillor Bernard

Councillor Bernard: Just so I am clear, this facility is going beside Island Construction that is there now? And so, any heavy trucks and that are they going on residential streets or will they stay on Sherwood Road?

Councillor Rivard: They will exit onto the Sherwood Road



Mayor Lee: All in favour, those opposed. Motion carried 7-1 with Councillor Tweel opposed.

End of Excerpt

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DRAFT

**Regular Meeting of Council
Monday, April 9, 2018 at 7:00 PM
Council Chambers, City Hall, 199 Queen Street**

Mayor Clifford Lee presiding

<u>Present:</u>	Deputy Mayor Mike Duffy Councillor Greg Rivard Councillor Melissa Hilton Councillor Jason Coady	Councillor Terry Bernard Councillor Terry MacLeod Councillor Mitchell Tweek Councillor Bob Doiron
<u>Also:</u>	Peter Kelly, CAO Brad MacConnell, DPC Paul Johnston, IAMM Richard MacEwen, UM Scott Adams, PWM Ramona Doyle, SO Laurel Lea, TO Karen Lavers, EA	Scott Messervey, DCAO Randy MacDonald, FC Alex Forbes, PM Frank Quinn, PRM Ron Atkinson, EconDO Jen Gavin, CO Steve Forbes, CS Cindy MacMillan, AA
<u>Regrets:</u>	Councillor Kevin Ramsay Tracey McLean, RMC	Bethany Kauzlarick, HRC Wayne Long, EDO

Mayor Lee called the meeting to order.

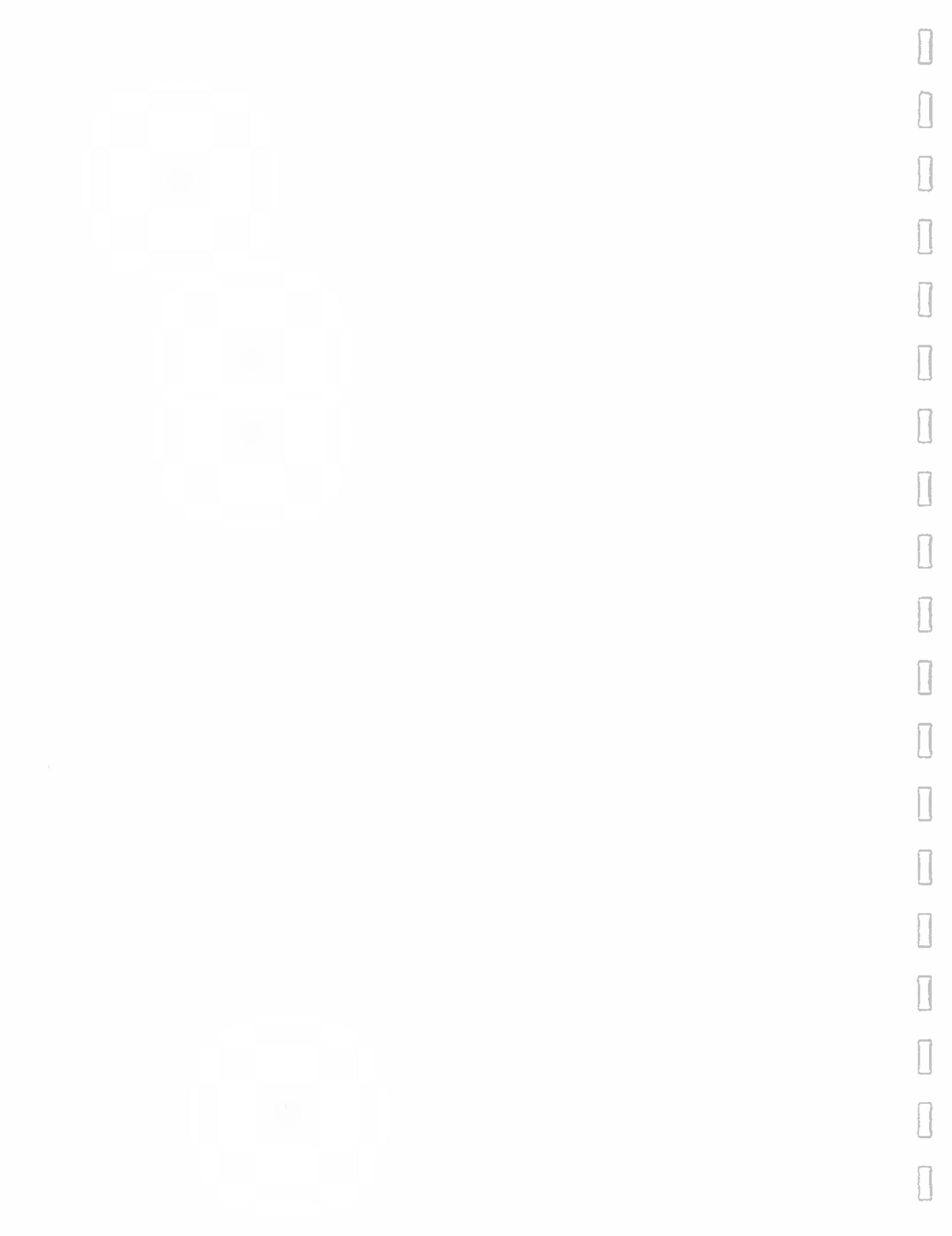
6.1 Planning & Heritage – Coun. Greg Rivard, Chair

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

RESOLVED:

That the request for consideration of the following amendments to the City of Charlottetown Official Plan and Zoning and Development By-law for the property located at 249 Sherwood Road (Portion of PID #615831) be approved to proceed to the public consultation phase:

- i. To amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;



- ii. To amend Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- iii. To amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans be approved.

CARRIED 7-1
Councillor Tweel opposed

End of Excerpt





CITY OF CHARLOTTETOWN

RESOLUTION

MOTION CARRIED *Chair 1-10*

MOTION LOST _____

*Councillor
Tweel opposed*

Planning #5

Date: April 9, 2018

Moved by Councillor *[Signature]*

Greg Rivard

Seconded by Councillor *Terry MacLeod*

Terry MacLeod

*Councillor
Ramsay
absent*

RESOLVED:

That the request for consideration of the following amendments to the City of Charlottetown Official Plan and Zoning and Development By-law for the property located at 249 Sherwood Road (Portion of PID #615831) be approved to proceed to the public consultation phase:

- i. To amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- ii. To amend Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- iii. To amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans be approved.



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April 12, 2018

Irving & Marjorie Frizzell
PO Box 249, 31 Greenvale Road
Souris PE
C0A 2B0

Dear Mr. Irving and Marjorie Frizzell,

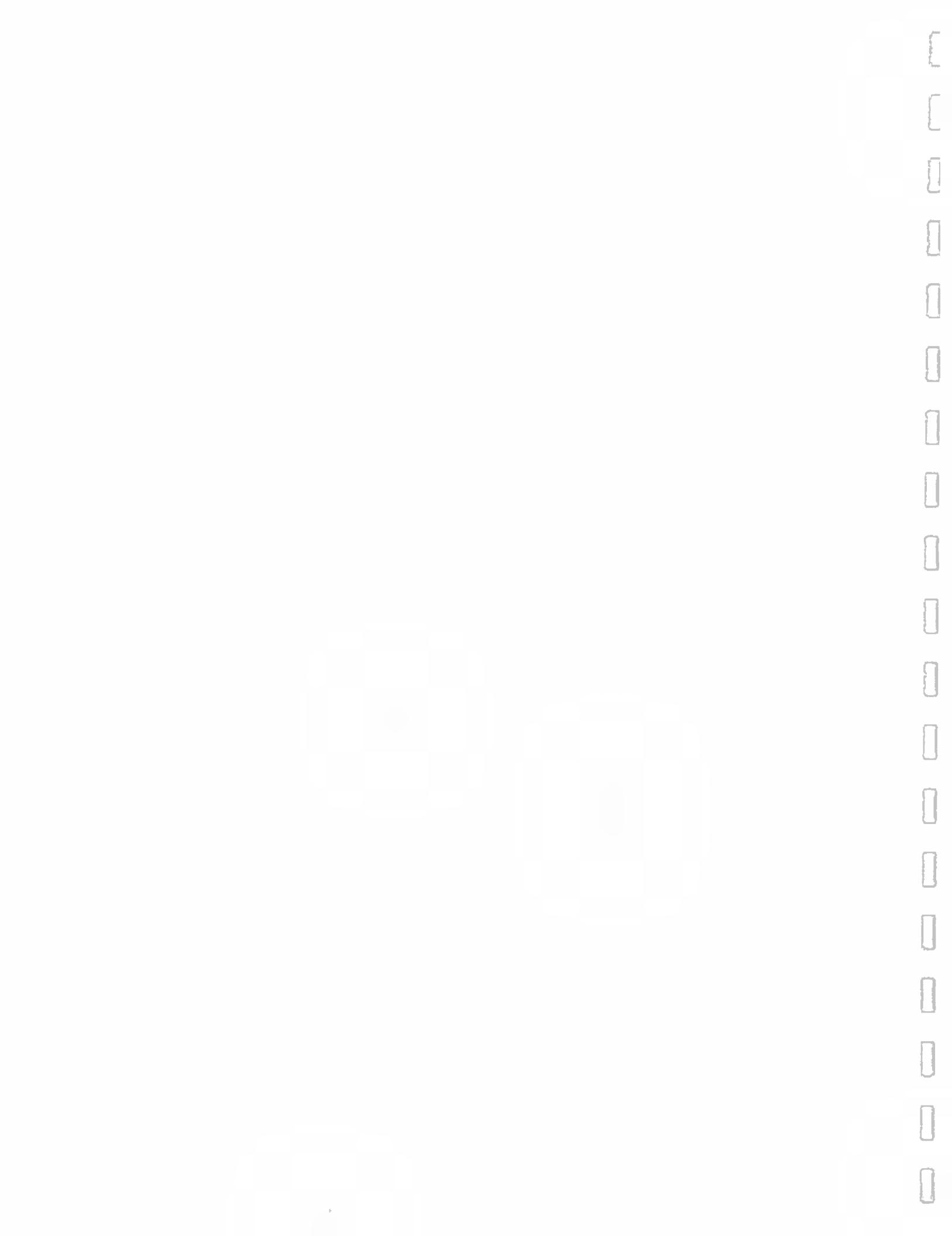
Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Monday, April 9, 2018:

"That the request for consideration of the following amendments to the City of Charlottetown Official Plan and Zoning and Development By-law for the property located at 249 Sherwood Road (Portion of PID #615831) be approved to proceed to the public consultation phase:

- i. *To amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;*
- ii. *To amend Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and*
- iii. *To amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.*

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans be approved."

The Public Meeting of Council has been scheduled for Wednesday, May 2, 2018 at 7:00 p.m. at the Council Chambers (2nd Floor, City Hall), 199 Queen Street. You (or a representative) are encouraged to attend the public meeting in order to answer questions from the public and Council. If you would like to present your application and are planning to use a PowerPoint presentation, please have electronic copy submitted by Monday, April 30, 2018.



City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, Prince Edward Island
Canada C1A 7K2



t 902.629.4158
f 902.629.4156
e planning@charlottetown.ca
w www.charlottetown.ca

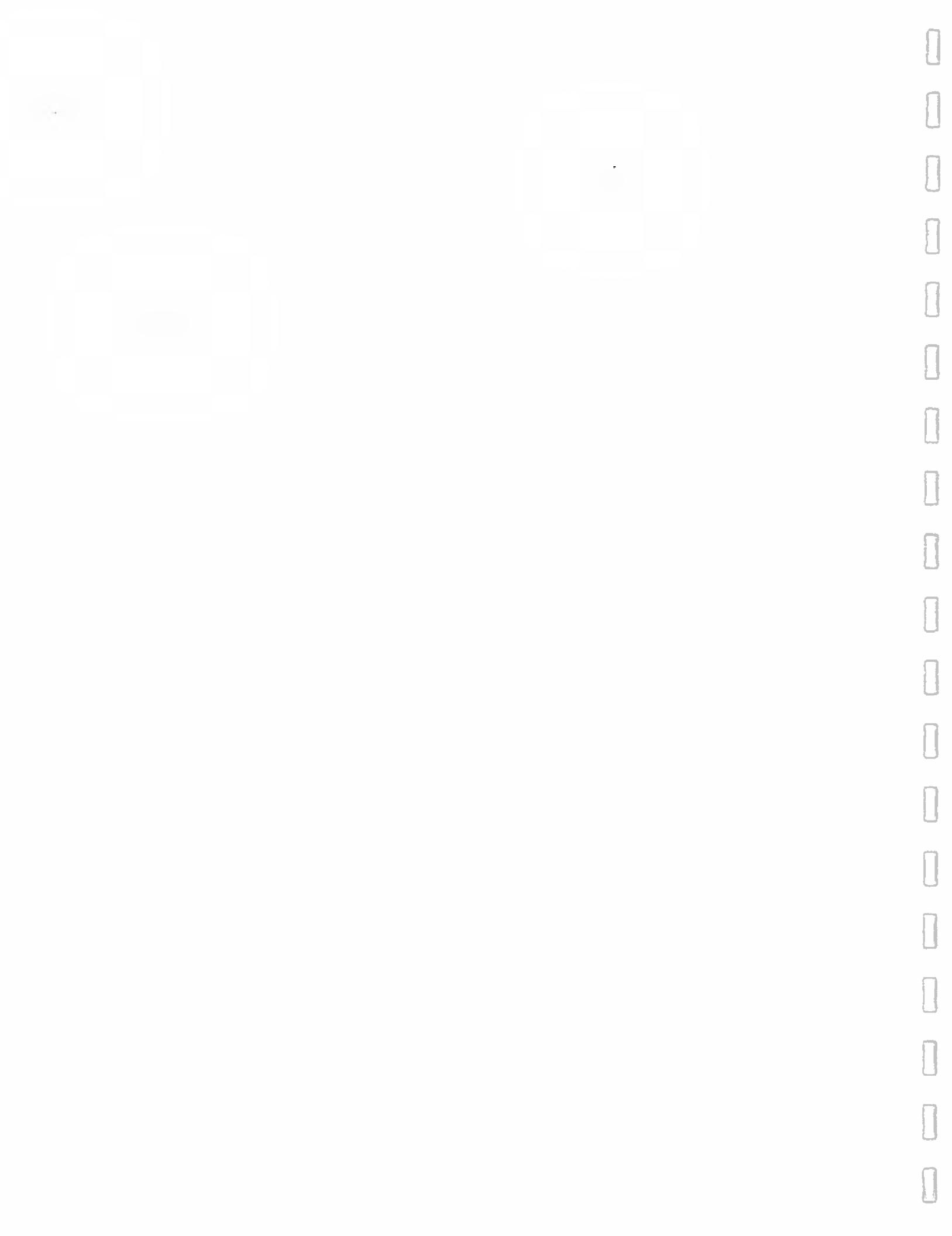
If you have any questions, please contact the Planning and Heritage Department at (902) 629-4158 or email at planning@charlottetown.ca.

In addition, please submit eight (8) copies of your lot consolidation plan for approval by the staff of the Planning & Heritage Department.

Yours truly,

Laurel Palmer Thompson

Laurel Palmer Thompson
Planner II



City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, Prince Edward Island
Canada C1A 7K2



902.629.4158
902.629.4156
planning@charlottetown.ca
www.charlottetown.ca

April 12, 2018

Dear Property Owner:

Re: 249 Sherwood Road (PID #615831)

The City of Charlottetown Planning & Heritage Department has received a request to consider the following amendments to the Zoning and Development Bylaw and Official Plan Map for the property at 249 Sherwood Road (PID#615831):

- Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, we're inviting you to attend a Public Meeting for this application, scheduled for **Wednesday, May 2, 2018 at 7:00 p.m. at the Council Chambers, 2nd Floor City Hall (199 Queen Street)**. All residents are welcome to attend.

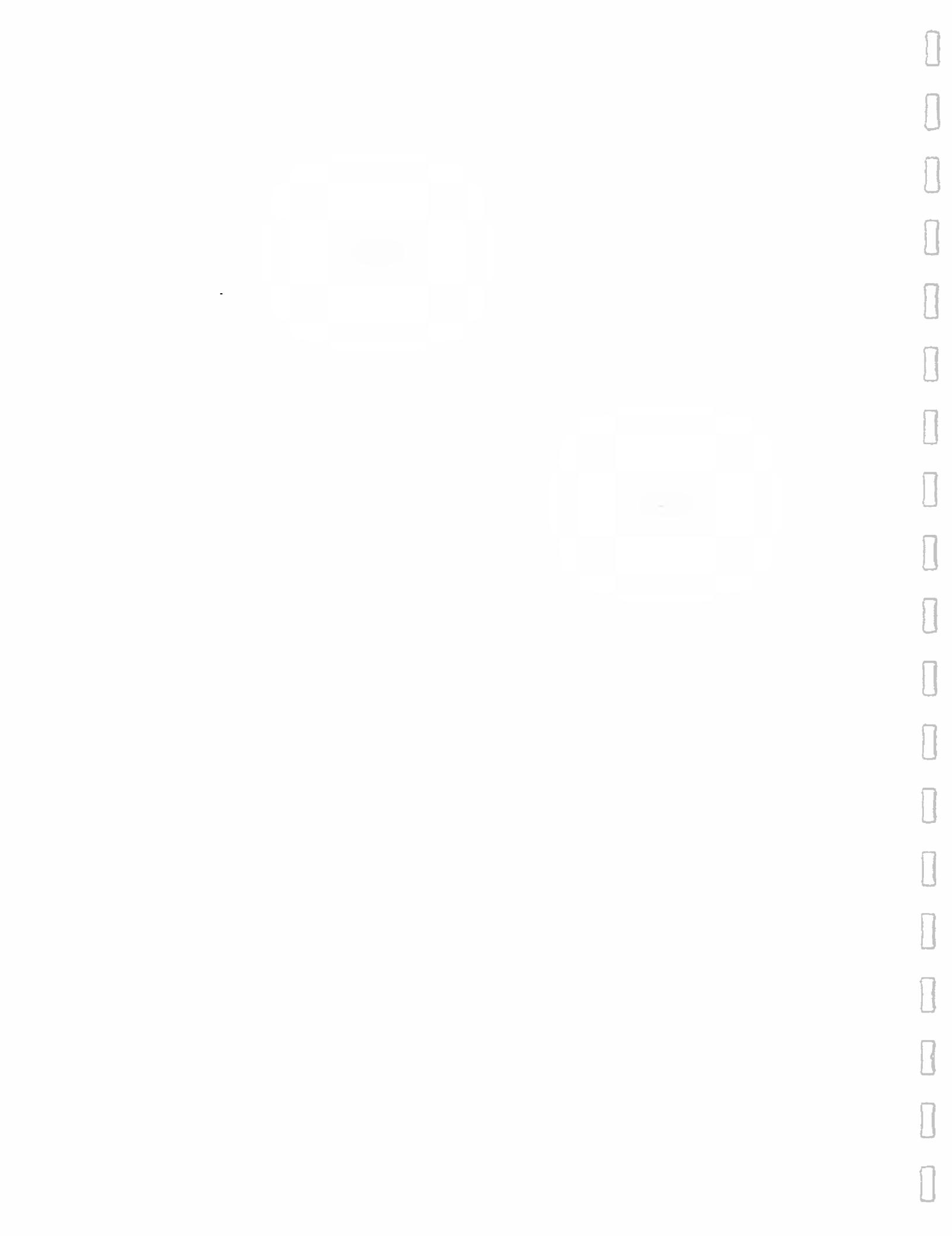
Furthermore, we solicit your written comments for or against this proposed site specific amendment, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments must be received by **12:00 noon, Thursday, May 3, 2018**. All submitted comments shall become part of the public record.

If you have any questions, in regards to this matter please call the Planning & Heritage Department at (902) 629 - 4158.

Yours truly,

Laurel Palmer Thompson

Laurel Palmer Thompson, MCIP
Planner II





CHARLOTTETOWN





April 27, 2018

Dear Property Owner:

Re: 249 Sherwood Road (PID #615831)

The City of Charlottetown Planning & Heritage Department would like to advise you that the public meeting for 249 Sherwood Road that was originally scheduled for May 2, 2018 has been **rescheduled to May 10, 2018**. The purpose of the public meeting is to hear a rezoning request to locate an asphalt plant on the subject property (please see attached preliminary site plan). This application will include a request to consider the following amendments to the Zoning and Development Bylaw and Official Plan Map for the property at 249 Sherwood Road (PID#615831):

- Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, we're inviting you to attend a Public Meeting for this application, scheduled for **Thursday, May 10, 2018 at 7:00 p.m.** at the Rodd Charlottetown Hotel (75 Kent Street). All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this proposed site specific amendment, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments must be received by **12:00 noon, May 11, 2018**. All submitted comments shall become part of the public record.

If you have any questions, in regards to this matter please call the Planning & Heritage Department at (902) 629 - 4158.

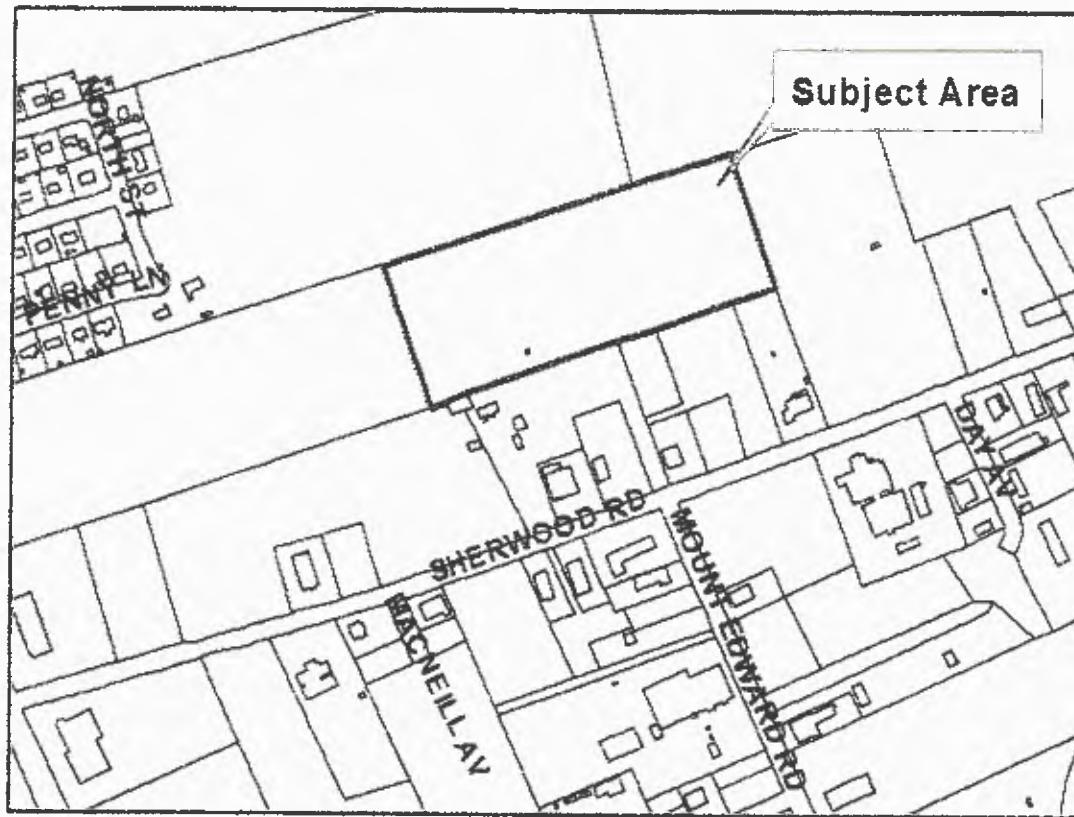
Yours truly,

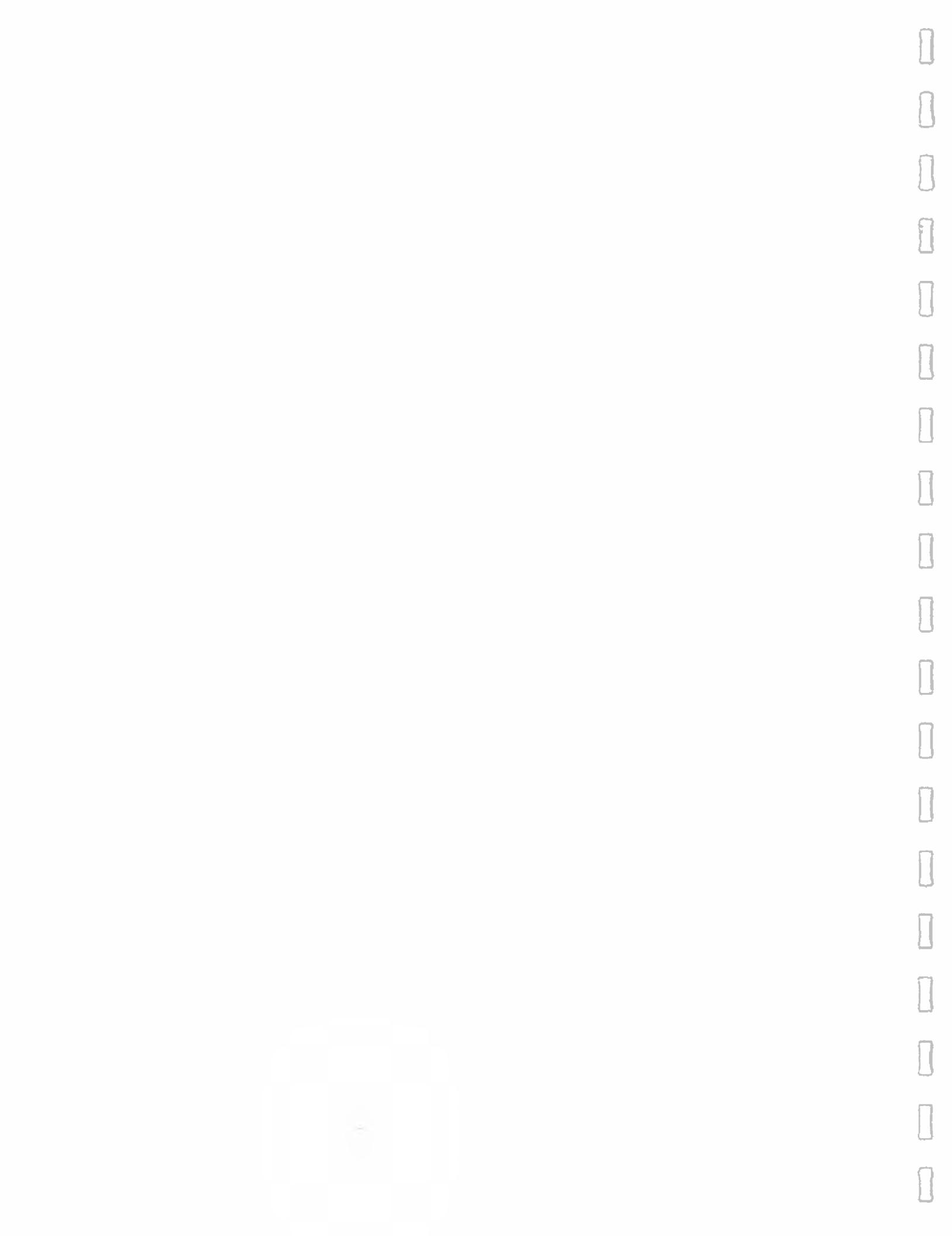

Laurel Palmer Thompson, MCIP
Planner II

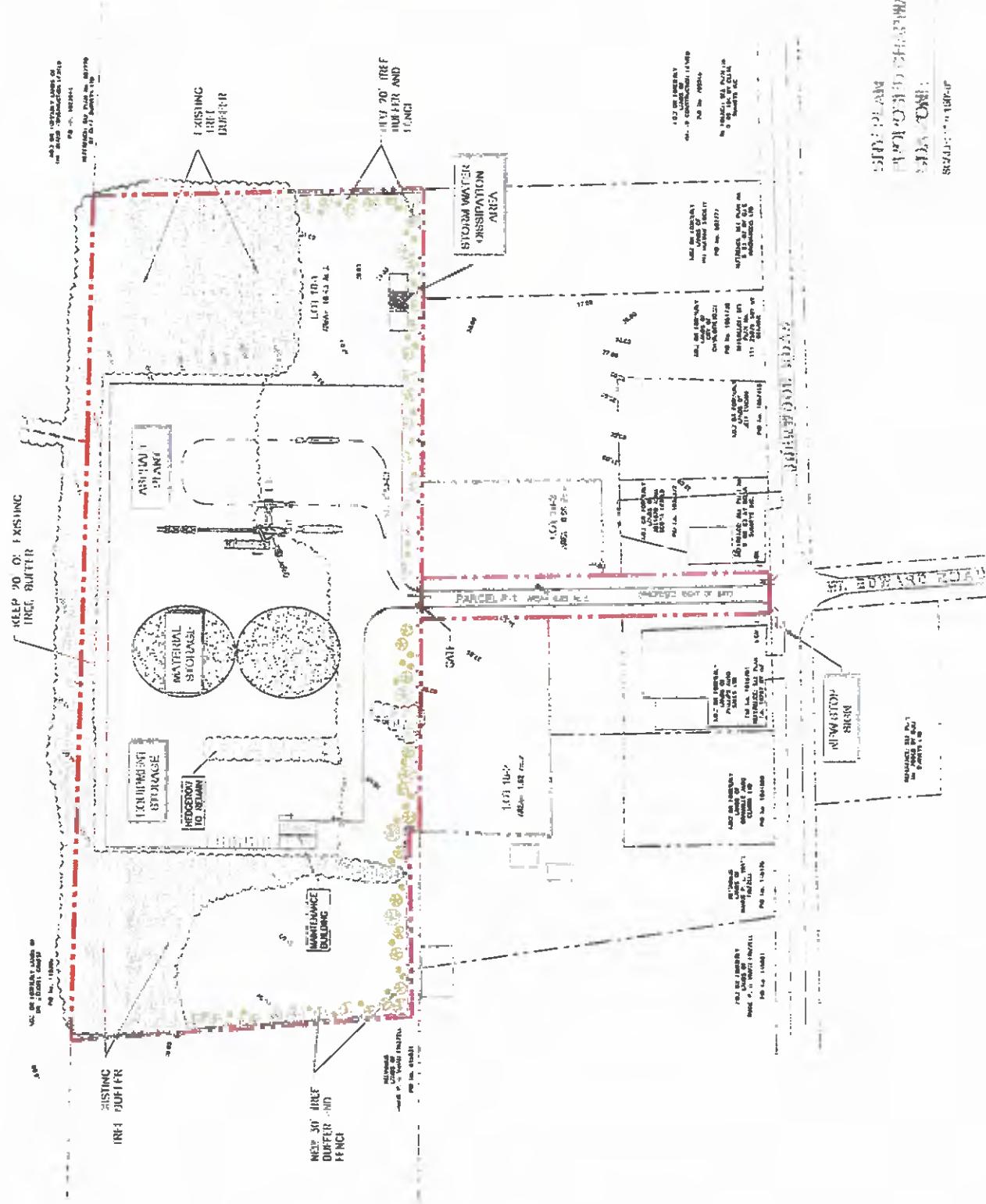


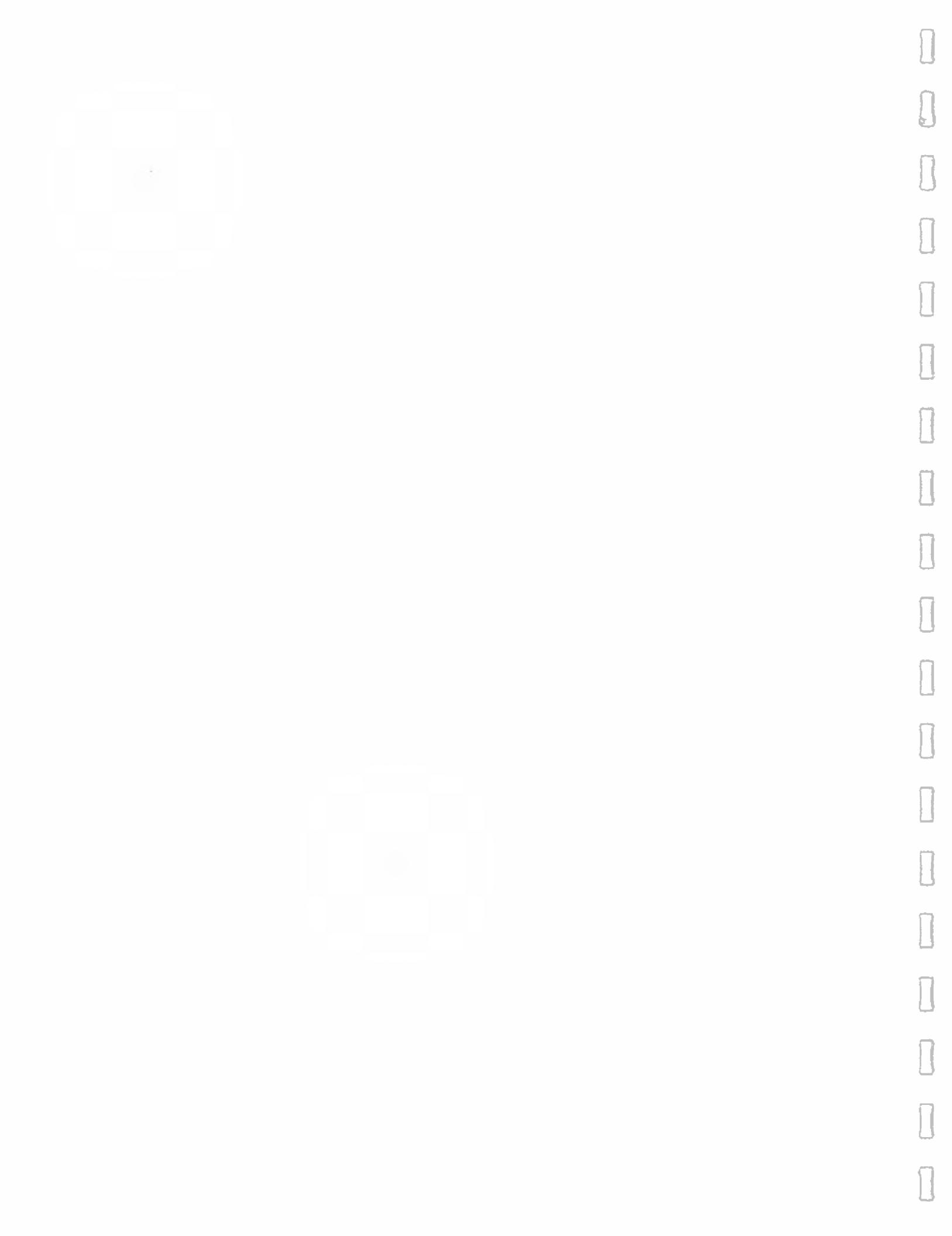


CHARLOTTETOWN









PID	OWNER_FIRS	OWNER_LAST	OWNER_CIV	OWNER_STRE	OWNER_S_STU	OWNER_ADD	OWNER_CITY	OWNER_ST	OWNER_ZIP
1028372	3044678 NOVA SCOTIA LIMITED		27 TROOP	AVE		DARTMOUTH	NS	B3B 2A7	
108439	BOWNESS MOTORS		65 DOUGAN	LN		FRENCHFORT	PE	C1C 0E6	
1061738	CITY OF CHARLOTTETOWN				PO BOX 98	CHARLOTTETOWN	PE	C1A 7K2	
145961	IRVING P & VIVIAN	FRIZZELL				CHARLOTTETOWN	PE	C1E 0E5	
1064880	GRANVILLE AUTO CENTER LTD	GRASSE	245 SHERWOOD	RD		CHARLOTTETOWN	PE	C1N 3Z7	
410308	DR WENDELL		610 SOUTH	DR		SUMMERSIDE	PE	C1E 1V5	
709746			50 PENNY	LN		CHARLOTTETOWN	PE	C1A 7K7	
802777	ISLAND CONSTRUCTION LTD				PO BOX 367	CHARLOTTETOWN	PE	C1A 9E3	
1016781	PEI HUMANE SOCIETY				PO BOX 20022	CHARLOTTETOWN	PE	C1A 8B9	
	PHILLIPS AUTO SALES LTD				PO BOX 2243	CHARLOTTETOWN	PE	C1A 8B9	

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Chapman Bros. Asphalt Plant

Proponent

Chapman Bros. Construction Ltd.

Location

Sherwood Road, Charlottetown

Project Status

SCREENED OUT

Description

Construction of a new asphalt plant with equipment and material storage.

Public comments regarding this undertaking can be forwarded to the Environmental Assessment Officer by the methods below:

Contact Information

Dale Thompson

PEI Department of Communities, Land and Environment

PO Box 2000

Charlottetown, PE C1A 7N8

Attn: EIA Officer

Email: dethompson@gov.pe.ca

Fax: (902) 368-5830

Project Documents

- EIA Registration
- City of Charlottetown Report
- Location Map

Published date: April 17, 2018

General Inquiries

Contact Government

or use the **Feedback** tab to share your comments and feedback

Do! City Council

Re: 249 Sherwood Rd
PID # 615831

Area of this plant is
built.

When the weather is
warm I spent a lot of
time on my front de-
stination; I own the
property at 5 Countrywood
Drive.

As I am an elderly lady
approaching 80 years with
severe breathing problems

I am concerned about
the environment

I am also concerned
about the value of

Our prospectus if this away our country
project goes ahead.

As I cannot attend value so very much
the meeting because
of health issues my
vote is No for this
proposal.

We do not need any
more industrial
development in our
area.

Please don't take

City Council
Re: Asphalt Plant
Project.



Planning Department

From: Jamie Brown <jamie@brownsvw.ca>
Sent: Friday, April 20, 2018 6:49 PM
To: Planning Department
Cc: Mayor of Charlottetown (Clifford Lee); Coady, Jason; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Hilton, Melissa; Bernard, Terry; Jamie Brown
Subject: Sherwood Road Zoning

April 20, 2018

Dear Laurel Palmer Thompson,

I was just informed of the request to consider the re zoning of 249 Sherwood Road (PID#615831) from Low Density Residential to Comprehensive Planning Area. I am opposed to this change as it opens the door for practically any business such as an asphalt plant or building supplier/lumber yard, etc.

I have owned and operated Brown's Volkswagen for over 13 years, basically across the street from the re zoning request. Last year we invested millions of dollars building a brand new state of the art dealership, 2 lots over from our original location.

Our municipal property taxes have sky rocketed with the increase value of our new building. We aren't excited about this new huge tax expense but we have excepted it as we feel our dealership is located in an excellent location, amongst other automotive and farm equipment dealerships and other like businesses . The Sherwood Road has become a destination for consumers looking at buying and/or repairing a car, truck, tractor, motorcycle, 4 wheeler, or parts for your truck.

It has come to my attention that the land re zoning is being requested so that a asphalt plant can be built! I am totally against this proposal for many reasons.

We already have an asphalt plant at the other end of the Sherwood Road. When their plant is on and the wind is from the north east, the air quality for breathing is noticeably bad. However, they were there first (at least 60 years), and we moved in much longer after they've been established; therefore we really have no basis to complain. That's like a residential home owner builds a house next to a pig farmer (who's pig farmed in that location for 60 years). The residential home owner has no right to complain about the smell. However, if a pig farmer moves in next to an established residential area, then yes the residents have every right to complain. In fact they shouldn't ever have to deal with that problem, because the pig farm would never be permitted to build next to an established residential area.

We are not talking about a pig farm but rather an asphalt plant. The same principles apply. If an asphalt plant across from our dealership is built, not only will we lose significant property value, but also we will lose customers and employees who can't tolerate poor air quality, not to mention the massive increase in heavy dangerous truck traffic accessing the plant. The Sherwood Road is constantly in bad condition with heavy trucks on it. The road can't take anymore gravel and asphalt truck traffic.

In summary, I am in favour of commercial development that compliments the existing businesses that are in proximity to our dealership. I'm against commercial development that will not only have a negative financial impact on our business but also a negative impact on our air quality, our road quality and road safety.

Yours truly,

Jamie Brown, Owner
Brown's Volkswagen

Planning Department

From: tim.kember@centennialautogroup.ca
Sent: Wednesday, April 25, 2018 5:01 PM
To: Planning Department
Cc: Mayor of Charlottetown (Clifford Lee); Coady, Jason; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Hilton, Melissa; Bernard, Terry; ira@centennialhonda.com; 'Jamie Brown'; warren@phillipssuzuki.com; suzuki@pei.aibn.com
Subject: Re: 249 Sherwood Road (PID #615831)

Dear Laurel Palmer Thompson and whom it may concern,

Upon receiving notice of the request to consider the re-zoning of 249 Sherwood Road (PID # 615831) from R-2 to CDA, I am writing to you to make it known that we are completely opposed.

We have recently spent a great deal of money in this area because it showed signs of being developed in like-business to ours. From the corner of Mount Edward Road and Sherwood Road, down to the corner of Route 2 and Sherwood Road there have been a number of similar retail-commercial establishments built in the past few years. We feel that over time there is potential to have more like minded retail businesses in this area, as it is a heavily traveled route both to and from Downtown Charlottetown via Mt Edward Road, and also to and from the Charlottetown Airport, as well as to the Brackley Road and Brackley area.

With the possibility of a heavy industrial development on this road we feel it would affect us negatively in the following ways;

1. **In Retail traffic** – we and many of the businesses on this section of road rely heavily on the level of drive-by passenger traffic we receive. With the added traffic of heavy equipment, industrial machinery, and the increased air pollution from a heavy industrial facility, we are sure to see a decrease in this “normal” traffic. This every-day vehicle driver is what our business relies on, and we cannot afford to have these customers avoid the area due to the amount of heavy equipment traffic and poor condition of the road due to the increased level of what is already too much of this type of traffic.
2. **In pollution** – We understand the type of business looking to develop this property is an asphalt plant. There is already an asphalt plant on the road and we know exactly the type of pollution that it gives off. On the right day with the right wind there is a heavy odor in the air, and as well a level of industrial fallout, and dust created from the movement of equipment, that not only is hazardous to the health of our employees and customers, but it is also hard on our buildings, and lands on our vehicles in the parking lot, creating huge amounts of work to maintain. There are hundreds if not thousands of employees in the area and at least six different car lots in close enough proximity to experience this type of pollution and fallout already, doubling the amount is definitely not going to be good for health or business in the area.
3. **In loss of future development of positive commercial/retail business** – We chose this location because of the types of business that have been developed here in the past number of years. We knew that as time went on, more and more retail-focused establishments would choose the area to develop. However, by allowing this one large heavy industrial business to buy up this very large parcel and establish a non-retail industrial facility will only negatively limit the opportunity for businesses similar to ours to develop and will prove to be a loss of the increased amount of retail traffic we would have experienced.

4. **In General Appearance** – We and most other businesses on this road take great pride in our establishments. We meticulously care for our properties and go to great lengths to maintain curb appeal. This type of heavy-industrial establishment just does not fit with the other business that are found on this section of this road. Furthermore, this road is the direct route to any part of Prince Edward Island west of Charlottetown for many tourists arriving by plane. Why would we want to add to the fact that they already drive by one heavy-industrial asphalt plant to visit this part of our beautiful Island.

To sum up, this is not the type of development in this area we should be looking for. A heavy-industrial, pollution producing, heavy equipment traffic business like this should have its place well outside city limits, and not close to residential and retail properties. Had we known this type of establishment could potential be directly in our back yard in the future we never would have developed here in the first place. We are sure the same goes for other business owners that have recently spent millions on their own developments in the area. We are all for commercial development, but it is good for everybody if that type of development has a positive impact on the area, but this proposal most certainly will not.

Sincerely

Tim Kember

Managing Partner



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April 26, 2018

Dear Laurel Palmer Thompson

I have just been informed that the property at 249 Sherwood Rd. has had a request presented to change rezoning from low density residential to comprehensive planning area; going from residential to allowing almost anything to be developed on it.

I have run a business on this street for 30 years and bought property 10 years ago and construction of a new building. I take great pride in keeping it clean and up to date. Now I hear of the possibility of an asphalt plant being built in my back yard. I know most businesses on this street also take great pride in their properties.

Sherwood Road is a main throughway from the airport, people travelling around Charlottetown to Brackley, etc. I feel people will avoid this street because of the increase in large truck traffic, which we, as business people, do not want.

Reasons below state why I am firmly against this type of development within city limits:

- 1) Devaluing property values
- 2) Noise pollution
- 3) Air pollution
- 4) Increased truck traffic
- 5) Extra wear and tear on streets
- 6) Environmental issues

In closing, I feel this is not the type of development we should be looking for. Businesses that compliment what is here now is great but not something that will keep retail traffic away. A heavy industrial, heavy equipment pollution-producing business like this should not be built within city limits but should be away from residential and retail businesses.

Yours truly,

Warren Phillips
Phillips Auto Sales Ltd
253 Sherwood Rd

Ganga, Ellen

From: li Elizabeth <elizabethmcli42@outlook.com>
Sent: Monday, May 07, 2018 6:22 PM
To: Planning Department
Subject: Plan for property at 249 Sherwood Road

Hi there,
I am living in 42 Penny Lane, I disagree with the plan to locate an asphalt plant on the subject property.

Thank you !

Elizabeth



Ellen's Creek Watershed Group Inc
36 Kirkdale Road
Charlottetown, PE
C1E 1N6

May 08, 2018

City of Charlottetown
Planning and Heritage Department
233 Queen Street
Charlottetown, PE
C1A4B9

Re: Rezoning Request to locate an asphalt plant on 249 Sherwood Road (PID # 615831)

To Whom It May Concern;

The Ellen's Creek Watershed Group has grave reservations about opening a second asphalt plant adjacent to an existing one, within the City limits and bordering on an urban wetland which drains directly into Hazard Creek.

Some would call this environmental folly and there are examples in the City where, despite development agreements with developers and good intentions all round, development has caused environment setbacks which are not easily recovered.

If City Council approves this development, a comprehensive lot drainage plan must be mandated in the developmental agreement to ensure this development does not negatively impact the environment during and after construction, and during future operation. It is critical in this developmental agreement that the operator commit to the future integrity of the lot drainage plan, and that any changes on site that impact the functioning of runoff control structures as built be immediately addressed.

Sincerely,

Darragh Mogan
Chairperson, Ellen's Creek Watershed Group Inc

Norman Dewar
Coordinator, Ellen's Creek Watershed Group Inc



250 Maple Hills Avenue, Suite 132 • Charlottetown, PE • C1C 1N2

May 8, 2018

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

Dear Mr. Alex Forbes, Manager, Planning & Heritage:

Re: Letter of Support for Rezoning of 249 Sherwood Road (PID #615831 & 145128)

On behalf of the Charlottetown Airport Authority (CAA) we strongly support this proposed initiative to have the above noted property rezoned to allow for the development of an asphalt plant. The readily available competitive access to construction materials is essential to the growth of our economy. This was demonstrated in our most recent tender of our ongoing Runway Improvement Program that saw competitive bids from two local companies.

As you are well aware the proposed use of the subject property is a natural fit with the current commercial and industrial uses of the adjacent lands. This centrally located facility will enable cost efficiencies and competitive bidding on both current and future capital infrastructure investments within the greater Charlottetown area.

We are currently in the final year of our Runway Improvement Program requiring over 30,000 t. of asphalt on our main runway and three adjoining taxiways. Should this rezoning application not proceed a temporary asphalt plant will be set up on airport property. This induces unnecessary risk to our project at the Island's only commercial airport. We encourage the City of Charlottetown to consider both the short and long-term benefits to our City and Island economy and accelerate this rezoning. We look forward to a positive outcome of this rezoning application.

Yours truly,

Jason Lindsay, P.Eng., MBA, PMP
Director, Engineering & Facilities
e. jlindsay@flypei.com

cc Doug Newson, Charlottetown Airport Authority
Shelley Christian, Charlottetown Airport Authority
Craig Chapman, Chapman Brothers Construction Ltd.
Jeff Chapman, Chapman Brothers Construction Ltd.
Laurel Palmer Thompson, City of Charlottetown

Ganga, Ellen

From: jrmacdougall <jrmacdougall@eastlink.ca>
Sent: Wednesday, May 09, 2018 9:11 PM
To: Planning Department
Subject: Asphalt plant

I am a resident of Brookdale Drive in Charlottetown and am very opposed and so are a couple of my neighbors who can't attend the meeting.(Chaissons and the Fords) Besides the overloaded traffic that will be on Sherwood Road (Seafood Express) and ambulance plus the normal vehicle traffic way too much. I've always enjoyed sitting out on our deck all summer but with the smell and noise it would become unbearable. We have a diesel generator where I work so I know how loud they are let alone having TWO running 24 hours per day. Please do the right thing for our community and turn this down. Thank you in advance Jim MacDougall

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

Ganga, Ellen

From: Coady, Jason
Sent: Wednesday, May 09, 2018 7:47 PM
To: Planning Department
Subject: Fw: Proposed asphalt plant

The resident would like this email included with the other comments that were previously submitted. Thanks

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Darren
Sent: Monday, May 7, 2018 7:40 PM
To: Coady, Jason
Subject: Proposed asphalt plant

Hi Jason it was just brought to my attention that Chapman Brothers are proposing to build a asphalt plant on Sherwood Rd. I can't believe that it is being considered by the city of Charlottetown to change the zoning of this parcel of property. I'm definitely against the rezoning of this property. It will be nothing but a nuisance due to traffic, noise, air quality and environmental impact (smell odor) . We all know that this is cost savings for Chapman Brothers as they have to truck the asphalt from their existing plants in Ebenezer and Cardigan. Being that Chapman Brothers is a Souris based company, the taxpayers of Charlottetown should not have to suffer all the problems that this proposed asphalt plant will cause if built.

Darren Turner

Sent from my iPhone

Dr Wendell & Marion Grasse

50 PENNY LN
CHARLOTTETOWN
PE
C1E 1V5

27th April 2018

Attention : Charlottetown City Councillors & Planning Board

Regarding Rezoning of and lot Consolidation parcel #615833

We are adjoining neighbours to the proposed rezoning residing at 50 Penny Lane and have viewed the plans put forward by Chapman Bros Ltd.

Neither my wife Marion nor I have any objection or concern with what is being proposed by Chapman Brothers Ltd.

We appreciate being consulted.

Sincerely,



Dr Wendell & Marion Grasse

DEREK A. FRENCH PROFESSIONAL SERVICES INC.

379 Trans Canada Highway, PO Box 580, Cornwall, PEI, C0A 1H0
tel: 902-394-2945 fax: 902-569-2944 email: dfrenchservices@gamil.com

April 28, 2018 DAF

April 26, 2018

Job No. 1817

Chapman Bros Construction Inc.
31 Greenvale Road
Souris, PE
C0A 2B0
(902) 687-2328

Attn: Jeffrey Chapman

RE: Storm Water Management Plan, Lot 18-1, Sherwood Road, Charlottetown

Dear Mr. Chapman,

As requested, we have performed a topographical survey of Lot 18-1 and surrounding areas to prepare a Storm Water Management Plan. As noted on the Storm Water Management Plan, drawing no. 1817-SWMP, the dissipation area will have to be confirmed. The dissipation area will be designed to contain the additional surface water as a result of the development. The change from the existing conditions to the proposed development conditions shall be determined and the dissipation area will be designed accordingly. Its size will be dictated by the amount of proposed hard surfaces in the development. Once a plant site plan is completed, the dissipation area can be determined and constructed accordingly.

The surface water flow from the site will be designed so it does not exceed the existing flow rates. The flow will be mitigated by the design of the dissipation area.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Derek A. French

Derek A. French, P.Eng.

Thompson, Laurel

From: Brian Gillis <brian.a.gillis@gmail.com>
Sent: Friday, April 27, 2018 1:21 PM
To: Jeffrey Chapman; Thompson, Laurel
Subject: Re: Chapman Bros. Ltd. Site plan Sherwood Rd Rezoning

Hello Laurel,

You may use the PDF Siteplan, but please respect that it is a Preliminary Plan and Chapman Bros wish to continue to make amendments based on feedback from neighbors or there own optimization of the site.

Thanks

Brian Gillis

On Fri, Apr 27, 2018 at 12:43 PM Thompson, Laurel <lthompson@charlottetown.ca> wrote:

Hi Brian:

I've been thinking about this some more and it may be beneficial to send the site plan as some people may not be able to attend the public meeting and this will help to clarify what is actually happening. There is a considerable buffer around the site and that may alleviate a lot of concerns. If there are changes you could advise people at the public meeting about what has changed and why.

What are your thoughts?

Laurel

From: Brian Gillis [mailto:brian.a.gillis@gmail.com]
Sent: Friday, April 27, 2018 11:34 AM
To: Thompson, Laurel; cbcl.jeffrey@bellaliant.com
Subject: Chapman Bros. Ltd. Site plan Sherwood Rd Rezoning

Hello Laurel,

As follow up to our meeting this morning, a PDF version of the site plan is attached.

We will be presenting this at the Public Meeting.

We would prefer not to include this with the mail out to residents.

There may be changes that come out of our continuing discussion with neighbours and we do not want to have different versions of the site plan circulating.

Brian Gillis

Per Chapman Bros Ltd.

--
Brian A. Gillis
902.213.6723

"The great artist is the simplifier." - Henrie Amiel

Thompson, Laurel

From: Brian Gillis <brian.a.gillis@gmail.com>
Sent: Friday, April 27, 2018 11:34 AM
To: Thompson, Laurel; cbcl.jeffrey@bellaliant.com
Subject: Chapman Bros. Ltd. Site plan Sherwood Rd Rezoning
Attachments: Site Plan - Apr 26-18.pdf

Hello Laurel,

As follow up to our meeting this morning, a PDF version of the site plan is attached.

We will be presenting this at the Public Meeting.

We would prefer not to include this with the mail out to residents.

There may be changes that come out of our continuing discussion with neighbours and we do not want to have different versions of the site plan circulating.

Brian Gillis

Per Chapman Bros Ltd.

April 27, 2018

3044678 NOVA SCOTIA LIMITED
27 TROOP AVE
DARTMOUTH NS B3B 2A7

Dear Property Owner:

Re: 249 Sherwood Road (PID #615831)

The City of Charlottetown Planning & Heritage Department would like to advise you that the public meeting for 249 Sherwood Road that was originally scheduled for May 2, 2018 has been rescheduled to **May 10, 2018**. The purpose of the public meeting is to hear a rezoning request to locate an asphalt plant on the subject property (please see attached preliminary site plan). This application will include a request to consider the following amendments to the Zoning and Development Bylaw and Official Plan Map for the property at 249 Sherwood Road (PID#615831):

- Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

And further, consolidate the properties located at 249 Sherwood Road (portion of PID #615831 and portion of PID #145128) to form one parcel subject to the receipt of signed, pinned survey plans.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, we're inviting you to attend a Public Meeting for this application, scheduled for **Thursday, May 10, 2018 at 7:00 p.m. at the Rodd Charlottetown Hotel (75 Kent Street)**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this proposed site specific amendment, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments must be received by **12:00 noon, May 11, 2018**. All submitted comments shall become part of the public record.

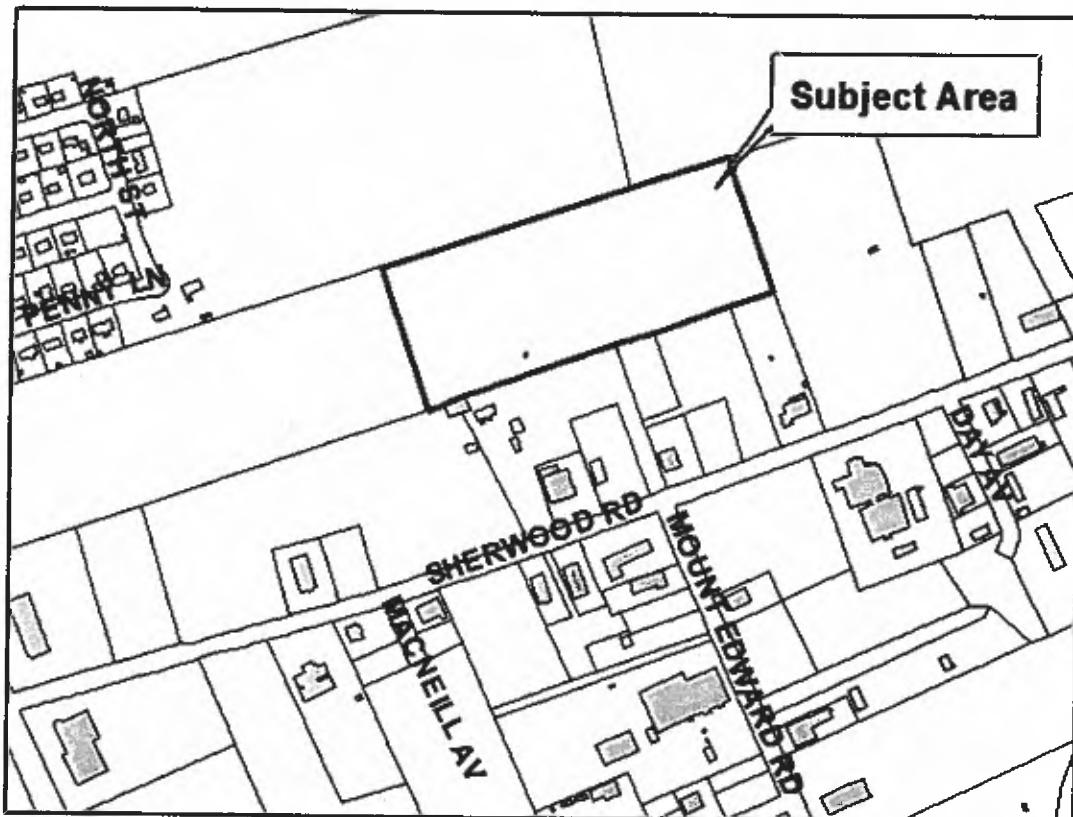
If you have any questions, in regards to this matter please call the Planning & Heritage Department at (902) 629 - 4158.

Yours truly,


Laurel Palmer Thompson, MCIP
Planner II



CHARLOTTETOWN



Posted April 17/18 11:55AM
@ Utility Park

KP



CHARLOTTETOWN

NOTICE OF PUBLIC MEETING

City Council will hold a public meeting to hear comments on the following application:

249 Sherwood Road (PID # 615831)

A request to amend:

- i. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- ii. Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- iii. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;

And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department by 12:00 noon, Thursday, May 3, 2018. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

**WEDNESDAY, MAY 2, 2018 AT 7 P.M.
COUNCIL CHAMBERS, CITY HALL, 199 QUEEN STREET**
The general public is invited to attend.

CHARLOTTETOWN

Additional Information may be available on the City's website

PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

151-153 Eaton Street (PID #3558812)

A request for a Site Specific Amendment to the Official Plan (Medium Density Residential Land Use Designation) and the Zoning and Development By-law (Medium Density Residential (R-3) Zone) for the property located at 151-153 Eaton Street (PID #3558812). The property is located in Medium Density Residential (R-3) zone. The applicant is requesting to permit a few office on this property.



249 Sherwood Road (PID # 815831)

A request to amend:

- I. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- II. Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- III. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;

And further, a request to consolidate a portion of PID #815831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, planned survey plans.



49 Trailview Drive (PID # 145226)

A request to amend:

- I. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- II. Appendix "H" of the Zoning and Development By-law from the Single-Detached Residential (R-1) Zone to the Comprehensive Development Area (CDA) Zone; and
- III. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;



Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department by 12:00 noon, Thursday, May 3, 2018. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

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WEDNESDAY, MAY 2, 2018 AT 7 P.M.
COUNCIL CHAMBERS, CITY HALL, 199 QUEEN STREET
The general public is invited to attend.

704488

APRIL 26, 2016

CHARLOTTETOWN

Additional Information may be available on the City's website

PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

151-153 Euston Street (PID #358812)

A request for a Site Specific Amendment to the Official Plan (Medium Density Residential Land Use Designation) and the Zoning and Development By-law (Medium Density Residential (R-3) Zone) for the property located at 151-153 Euston Street (PID #358812). The property is located in Medium Density Residential (R-3) Zone. The applicant is requesting to permit a law office on this property.



249 Sherwood Road (PID # 615831)

A request to amend:

- I. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- II. Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- III. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development By-law;

And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, planned survey plans.



49 Truro Drive (PID # 145284)

A request to amend:

- I. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- II. Appendix "H" of the Zoning and Development By-law from the Single-Detached Residential (R-1L) Zone to the Comprehensive Development Area (CDA) Zone; and
- III. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development By-law;



Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department by 12:00 noon, Thursday, May 3, 2018. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

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CHARLOTTETOWN

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249 Sherwood Road (PID # 615831)

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- iii. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;

This is a rezoning request to locate an asphalt plant on the subject property.

And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

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The Public Meeting will be held on:

**THURSDAY, MAY 10, 2018 AT 7 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL, 75 KENT STREET
*The general public is invited to attend.***

PUBLIC MEETING

City Council would like to advise the public that the meeting for 249 Sherwood Road that was originally scheduled for May 2, 2018 has been rescheduled to May 10, 2018. The purpose of the public meeting is to hear comments regarding the rezoning request to locate an asphalt plant on the subject property. This application will include a request to consider the following amendments to the Zoning and Development Bylaw and Official Plan Map for the property at 249 Sherwood Road (PID#615831):

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*Chairman A3
- J.H.*

Subject Area

NORTH ST

DEFO ST

DAY AV

CD

MOUNT EDWARD RD

SHERWOOD RD

MACNEILL AV

2018 PHARMACY BOARDWALK REPLACEMENT

Proposal documents may be obtained at www.charlottetown.ca/tenders
The City of Charlottetown is not bound to accept the lowest or any proposal received.

REQUEST FOR TENDERS

Sealed Tenders will be received by the office of the Acting Controller, 3rd floor, City Hall, 199 Queen Street, Charlottetown, PE until 2:00:00 PM local time on Wednesday May 9, 2018 for the following:

CHARLOTTETOWN INFRASTRUCTURE RENEWAL PROGRAM - WATER REHABILITATION PROJECT

Tender documents may be obtained at www.charlottetown.ca/tenders
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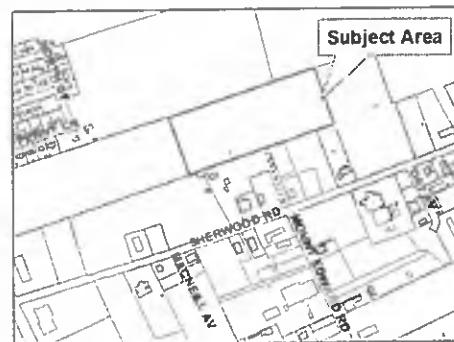
TOPSOIL SUPPLY SOD SUPPLY

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And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

P.O. Box 12129 Queen Street
Charlottetown PE C1A 2B7
Phone: (902) 566-5545
Fax: (902) 566-1701
www.charlottetown.ca

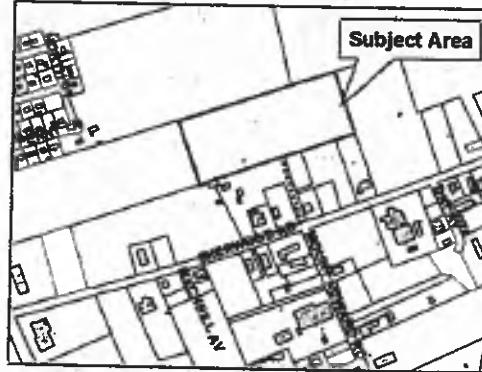
CHARLOTTETOWN

Additional information may be available on the City's website.

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The Public Meeting will be held on:

**THURSDAY, MAY 10, 2018 AT 7 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL, 75 KENT STREET**
The general public is invited to attend.

7640858

May 5, 2018

CHARLOTTETOWN

Additional information may be available on the City's website

REQUEST FOR QUOTATIONS

Sealed Quotations will be received by the office of the Acting Controller, 3rd floor, City Hall, 199 Queen Street, Charlottetown, PE until 2:00:00 PM local time on Monday May 7, 2018 for the following:

PARKS-SPORTS FIELD LINING PAINT & A PAINTING APPLICATOR

Quotation documents may be obtained at www.charlottetown.ca/tenders
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REQUEST FOR PROPOSALS

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**TOPSOIL SUPPLY
EDD SUPPLY**

Quotation documents may be obtained at www.charlottetown.ca/tenders
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PUBLIC MEETING

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And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

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The Public Meeting will be held at:

THURSDAY, MAY 10, 2018 AT 7 P.M.
PROVINCES ROOM, 6600 CHARLOTTETOWN HOTEL, 75 KENT STREET
The general public is invited to attend.

Forbes, Alex

From: Brian Gillis <brian.a.gillis@gmail.com>
Sent: Tuesday, May 08, 2018 2:40 PM
To: Forbes, Alex; Thompson, Laurel; Jeffrey Chapman; Rivard, Greg
Subject: Chapman Bros. Ltd. Rezoning Sherwood Road
Attachments: Sherwood Rd Asphalt Plant.pdf; 1817 - Chapman Bros - Sherwood Road - SWMP - May 7.pdf; 09-224 Chapman Brothers Construction.pdf; LE01 Chapman - Asphalt Plant Site Mar23-18 (1).pdf; Site Plan - Apr 26-18 (1).pdf; 20180427092054488.pdf; truck_routes.pdf

Alex & Laurel,

The following items are the essential components for the Public Meeting on Thursday:

- Stormwater management plan prepared by D. French P.Eng. *Enclosed PDF*
- Site specific traffic analysis prepared by CBCL Consulting Engineers, Mark MacDonald P.Eng. *Enclosed PDF*
- Siteplan SP-1 to scale illustrating the detailed site development, plant layout, material storage areas, equipment storage areas, maintenance building, existing tree buffers, new tree planting buffers, fencing & gated control, stormwater dissipation zone and paved access driveway from Sherwood Road. *Enclosed PDF*
- Aerial overview of the site indicating the relationship to adjacent properties, both residential and industrial. *Enclosed Draft PDF*
- There are two residences that abut the property, Irving & Vivian Frizzel (who are selling the property to Chapmans) and Dr Wendell & Marion Grasse (copy of their signed letter not opposing the project). There are no other residential properties within +/- 560 metres. *Enclosed PDF*
- Photo of the proposed plant, which is a portable 7' Double Barrel Asphalt Plant manufactured by Aztec Inc. Complete with a PEBH 52-18 Baghouse 52,264 CFM. *Enclosed PDF*
- Engineer shop drawings of the plant prepared by Aztec Inc. *Enclosed PDF*
- Designated truck routes City of Charlottetown *Enclosed PDF*

We trust that this is adequate information for completion of staff review.

I will provide a PowerPoint presentation incorporating these elements + supplemental material on a USB stick.

Survey plans of the subdivision and lot consolidation have been filed ----- 8 copies Drawing 1817 prepared by Derek French

--
Brian A. Gillis
902.213.6723

"The great artist is the simplifier" - Henri Amiel



CHARLOTTETOWN

PUBLIC MEETING AGENDA NOTICE OF MEETING

*Thursday, May 10, 2018 at 7:00 p.m.
Provinces Room, Rodd Charlottetown Hotel, 75 Kent Street*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda**
- 4. Reports:**
 - a. **249 Sherwood Road (PID # 615831) Irving Frizzel/Chapman's.** A request to amend:
 - i. Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
 - ii. Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
 - iii. Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;

This is a rezoning request to locate an asphalt plant on the subject property.

And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

- 5. Introduction of New Business**
- 6. Adjournment of Public Session**

Information Sheet for Public Meeting of Thursday, May 10, 2018

The City of Charlottetown has received the following application for consideration:

249 Sherwood Road (PID #615831)

A request to amend:

- Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area;
- Appendix "H" of the Zoning and Development By-law from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone; and
- Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw;

This is a rezoning request to locate an asphalt plant on the subject property.

And further, a request to consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel subject to the receipt of signed, pinned survey plans.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Nine (9) letters were sent out on April 12, 2018 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw. A second letter was sent out to the same recipients on April 27, 2018 advising the property owners that the Public Meeting for this application is rescheduled to May 10, 2018.

Notice of the proposed amendments was initially advertised in The Guardian newspaper on Saturday, April 21, 2018 and Saturday, April 28, 2019. The proposed amendment with the new schedule of the Public Meeting was advertised on Wednesday, May 2, 2018 and Saturday, May 5, 2018. Notices were also posted on the City's website.

The initial notice was posted on the subject property on April 19, 2018 and the revised notice with the new schedule of Public Meeting was posted on the subject property on April 30, 2018

Four (4) responses have been received to date: three (3) in opposition and one (1) noted no objection or concern. Copies attached.

Notes:

June 4 pB.

Good evening Your Worship, Members of Council

This is an application to amend Appendix "A" the Official Plan Map of the City of Charlottetown from Low Density Residential to Comprehensive Planning Area and to rezone land from R-2 (Low Density Residential Zone) to CDA (Comprehensive Development Area) and to amend Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw. In addition to the rezoning request the applicant has requested to consolidate a portion of PID #615831 with a portion of PID # 145128 to form one parcel.

The change in zoning and Official Plan amendment was requested to allow a construction company and asphalt plant to be located on the subject property. The CDA Zone allows Council to approve any uses or mix of uses allowed in any zone of the Zoning and Development Bylaw including innovative mixed-use developments subject to public consultation, a development concept plan and development agreement.

The property in question is approximately 16.43 acres in total.

It is bound to the north by a large parcel of land zoned R-2S (Low Density Residential Single Zone) and rural land located outside of the City's boundary. It is bound to the east by land zoned R-2 (Low Density Residential Zone) and M-2 (Heavy Industrial) zoned land. It is bound to the south by Sherwood Road and M-3(Business Park Industrial) zoned

Brian Willis P.I. - sign up sheet passed around
for people to fill out for follow up.

Company prides itself on innovation, invested
in technology & equipment.
this company desire to set up the Queens County
operations in Charlottetown. maintenance building
to be the direct for snow clearing in Ch Twn
& the asphalt plant. Aggregate storage.

Brian → Question posed. Where would you

locate an asphalt plant in Charlottetown.

large enough piece of land, transport of the goods.

lack of trees, What are the natural buffers to

shelter the site from prevailing winds.

shelter it from its neighbours.

Distance to sites has an impact to costs

Fuel consumption.

Amount of raw material, routes that you travel.

Location to residential neighbourhoods.

The city does require that suppliers of asphalt has
be within the City.

Maturity of the site as trees. Trees are located
on the north side of the property preventing wind
from northwest, northeast trees are a benefit
as they shelter the site.

Role of council:

Site specific contract

Zoning - DA - ~~the~~ site specific

Zoning Rights & Limitations on the DA zones
(within minutes)

land. It is bound on the west by the remaining R-2 (Low Density Residential) zoned lands of PID # 615831 and the remaining M-3 (Business Park Industrial) zoned lands of PID#145128 containing the original farm buildings.

Brian Gillis consultant for the applicant is here and he will now begin the presentation.

P2

Currently there is an asphalt plant in an R-2 zone legal as of right. On Wendell Glass gave letter stating he has no objections.

The site is set back a minimum 700 ft from Mt Edward Rd.

The plant will be enclosed on 3 sides from the existing tree line. There will also be a planted hedgerow where there is no existing tree cover. The hedgerow will be 20 ft deep at a minimum. It will be increased to 30 ft along the west side.

Stormwater management. Mitigate any stormwater leaving the site. Effective stormwater management during peak flows.

There is a stormwater dissipation area on the site.

There will be a maintenance bldg. If will be

- (3) To minimize dusting.
- 560 meters to closest residential house.
 - On Penny Lane $\frac{1}{2}$ KM.
 - Northwest corner of the dev. site is the high grass.
 - 46 m elevation point
 - Portable plant was set up between tent & building supplies for By pass
 - Aztek. video.
 - Parallel licensing for stormwater management through the Prov. Dept of Environment.
 - Traffic to & from the site. Hop sign @ mt Edward Rd & driveway location
 - Noise & Sound - manufacture of equipment noise contours.

George Gangord - 17 Karen Dr.

It sounds like the Chapmans are building a greenhouse. It will look like Island Const. ste. & Fred here for 31 years. Concerned about land degradation quality of life, noise pollution.

Councillor [unclear] (Lady) He was there in 10 mins. He spent 2 months working around his community. He could sit, talking to neighbors. He did not find ~~anyone~~ at least half of 79 homes. Not one of the residents anyone in favor mentioned by the City. It was inappropriate.

(P4). George Crawford. What is the purpose
of an official plan? Alex Fobes

George Crawford would you also say it's
to ensure that development is not ~~hazard~~ hatched.
How is it that a company like Chapman's can
apply to change Residential land.
There is hundreds of acres of ~~vacant~~ vacant land
along the Bypass

Question about requirement for asphalt plant to be
within the city. The Chair of P.W. clarified that
if a parking the asphalt has to be in the city.

There is indication that the Shrywood Industrial
plant is expanding to residential areas, the
are you going to sell the residential land?

What is going to happen to this land.
mayor Agreed that people would ~~not~~ want
to put an ~~asphalt plant~~ residential homes next
to an asphalt plant.

Jerry Phillips - has opposed, agree well
want to build around it. He bought the property
10 years ago. What about the trucks, vehicles
coming out? Will drive residential traffic away. End
year after year on the streets. Elkhorn River watershed
environmental. Not the right type of development
to be in City limits.

(3) Jason? - He has concerns but after hearing about the buffer he isn't as concerned. He asked if the Amtrak came from the City. It is an industrial zone and nothing will like for me.

City? Centennial Auto Group. Try to employ people to take a lot of pride in safety. Had they known that it was this open to industry they would not locate there. We would like to see more of an type of business there increased truck traffic, pollution. It is not conducive to car business. Prevailing winds would not be good for his auto business in the neighbours. Hill will not stop dust or industrial fall out. I stand construction on certain days they get industrial fall out from the asphalt plant. Between cars built in 80 & built in 2008 (Report Mr. Gillis onward).

Mris? lives with his girlfriends' 3 dogs. Traffic is getting out of control, fuel dangerous. Noise it will still be heard. We hear the airport. He also represents the Eco Youth of PEI. Is this a new plant or is it being moved.

⑥ Chris? permeable pavement. Why

asphalt? Has a full E been done?

or is that after you people who approve

Mix Forbes The Province has exempted them
from the EA process.

Chris? why was it exempted

Scott Barry - their office was obtained by a bunch
of residential home owners. The residents

Marta? ED of PED Humane Society we will
have a new dog park opening & it is used by
residents. Have concerns. What is their risk
management proposal. We have had damage
from runoff upon Island Construction

Mr Sanders 220 Mt Edward Rd. Concerned
about traffic. He used at Sept Highway.

Chapman Brothers had one of the worst
records to abide by safety reg's.

The Mayor shut chin down

Ganga, Ellen

From: jrmacdougall <jrmacdougall@eastlink.ca>
Sent: Wednesday, May 09, 2018 9:11 PM
To: Planning Department
Subject: Asphalt plant

I am a resident of Brookdale Drive in Charlottetown and am very opposed and so are a couple of my neighbors who can't attend the meeting.(Chaissons and the Fords) Besides the overloaded traffic that will be on Sherwood Road (Seafood Express) and ambulance plus the normal vehicle traffic way too much. I've always enjoyed sitting out on our deck all summer but with the smell and noise it would become unbearable. We have a diesel generator where I work so I know how loud they are let alone having TWO running 24 hours per day. Please do the right thing for our community and turn this down. Thank you in advance Jim MacDougall

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

P7 Jason Bust. - Toxic fumes Emerson
Hexane, caustic caustic, strong problem.
Why didn't Health concerns talked about
tonight everyone who is negatively impact
should be compensated.

Shirley Campbell 49 Pennington, she
closer than 500 meters the side was quite
deteriorating.
Mayor any other comments

Jess Chapman - We appreciate all your
input. We will look at all of your concerns
~~and~~ & try & make it as beneficial to make
it beneficial to everyone.

P8) In the winter of 2014 Chapman
came in & cleared the streets we could
have dealt with our our contact
we were the only contractor answered
the call.

He will make sure that the facility
is operated with integrity & security that
~~the facility will be~~ I speak for
the Chapman family.

May 25. new date for submission.



**Public Meeting of Council
Thursday, May 10, 2018
Provinces Room, Rodd Charlottetown Hotel (75 Kent Street)**

Mayor Clifford Lee Presiding

Present:

**Deputy Mayor Mike Duffy
Councillor Terry Bernard
Councillor Terry MacLeod
Councillor Mitchell Tweel
Councillor Melissa Hilton**

**Councillor Robert Doiron
Councillor Greg Rivard
Councillor Jason Coady
Councillor Kevin Ramsay**

Also:

**Alex Forbes, PHM
Peter Kelly, CAO**

**Laurel Palmer Thompson, PII
Ellen Faye Ganga, PHAA**

Regrets:

Greg Morrison, PII

1. Call to Order

Mayor Clifford Lee called the meeting to order at 7:04 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Mayor Clifford Lee opened the meeting, introduced the members of the Council and the agenda and process for 249 Sherwood Road.

Deputy Mayor Lee turned the meeting over to Councillor Rivard, Chair of Planning Board who introduced the application.

4. 249 Sherwood Road (PID #615831)

Councillor Greg Rivard reminded the public that the Planning Board scheduled on May 11, 2018 is deferred until June 4, 2018.

This item is a request to amend Appendix "A" City of Charlottetown Official Land Use Map from Low Density Residential to Comprehensive Planning Area, Appendix "H" of the Zoning and Development Bylaw from the Low Density Residential (R-2) Zone to the Comprehensive Development Area (CDA) Zone, and Appendix "G" Comprehensive Development Area Lands and Uses of the Zoning and Development Bylaw.

Laurel Palmer Thompson, PII, introduced the application. In addition to the amendment request, Ms. Thompson also noted that this application also includes a request to consolidate a portion of PID #615831 with a portion of PID #145128 to form one parcel. The change in zoning and official plan map is being requested to allow an asphalt plant be located in the subject property. The CDA zone allows council to approve any uses or mix of uses allowed in any zone of the Zoning & Development Bylaw subject to public consultation, development concept plan and development agreement. The property in question is approximately 16.43 acres in total. Ms. Thompson then introduced Brian Gillis, real estate consultant for the Chapman brothers, to deliver his presentation.

Mr. Gillis started his presentation by recognizing the presence of the residents to listen to the application and for the applicants to listen to comments from the residents. He circulated a sign-up sheet for the residents who wish to be contacted by the applicants in relation to the application. Mr. Gillis also introduced the Chapman brothers – Craig, Jamie, Jason and Jeffrey, who are present in this meeting as well. Mr. Gillis talked about the desire to setup asphalt plant and to provide for maintenance building for repairs of equipment for snow clearing operations.

The initial question to ask if you were to invest in this business is where to locate an asphalt plant. There are criteria used in making a decision and is noted as follows – requirement to have a large parcel of land; logistics and routing of trucks; availability of natural buffers to shelter the site and providing enclosure to give a sense of privacy, least destructive; impact of product pricing to businesses and carbon pricing to effect other commodities and services. One of the goals is reduce greenhouse gas contribution by switch away from petroleum fuels. Mr. Gillis moved on with his presentation by showing an aerial view of the site, which currently is shown as an empty, agricultural land. Mr. Gillis noted that there are trees on the north of the property and the prevailing winds are from the North West, while strong winds are from the North East. The access to the property will be via a 66 ft right of way that exits on to Sherwood Road. Mr. Gillis also presented the distance of the subject property to the residential homes, giving Mr. Campbell's residence as an example to be at least half kilometer away from the site. Aside from the aerial view and distances, Mr. Gillis also

discussed the Site Plan that outlines the proposed design for the property. Mr. Gillis also presented the movement of aggregate from the waterfront and the designated truck routes in the City of Charlottetown. Also, Mr. Gillis talked about the zoning plan and the request for change of the 16.43 acre property that is current zoned as R2 be changed to Comprehensive Development Zone. He described the zones around the property and provided actual site photos of the neighbouring properties and a photo of the plant. A short video describing the Aztec Double Barrel Drum Mixer was presented as well. The other topics covered by Mr. Gillis were Stormwater Management Plan of the site, Traffic analysis, sound contours and decibel equivalents, loudness comparison charts, and strategic infrastructure. Mr. Gillis concluded his presentation by providing final points relating to the application. (attached presentation for your reference)

Mayor Clifford Lee reminded the public that the purpose of this meeting is for council to hear from developer and from the people regarding this application and asked for any comments or questions.

George Crawford, resident, thanked Mr. Gillis for his presentation. Mr. Crawford noted that he loves the place and the community and doesn't believe that the development the Chapman brothers are going to build will look like a greenhouse or that it will not look like another construction site in a few years. He added that he is concerned about the possibilities of his land depreciating, the health of the community, quality of life, noise and air pollution, among other factors. These concerns were also expressed and heard by Councillor Jason Coady. Mr. Crawford added that he spent a couple or more days talking to about half or two-thirds of about 79 residents/families in the subdivision about their thoughts on the proposed project and no one was in favor for it. Mr. Crawford asked who is responsible for the overall City's Plan. Mr. Alex Forbes, PHM, responded that the Official Plan was in around 1995 and updated several times over the years. It goes through different planning reviews, consultation with the neighborhood and council for any changes. Mr. Crawford then asked why the City does all these changes, and that the City sets up residential, commercial and industrial zones and how can the Chapman Brothers apply for a permit to build an asphalt plant on residential land. Mr. Forbes responded that the Council is the decision making body and all residents can make an application. All applications are submitted and reviewed carefully by Staff whether it meets the policies or not. Staff recommendation is brought to the Planning Board, and then the Planning Board and makes a recommendation to Council for final decision. Mr. Forbes also confirmed that the City deals with any type of application - residential, industrial or commercial zones. As the City grows and new industries come in, taking the Asphalt plant as an example, the Planning Department looks at the applications but the plans cannot be changed immediately. There is a

robust process in place for any type of application or changes and the Planning Department oversees the whole process. It undergoes rigorous review by several Staff members, community involvement and Council decision whether to accept any rezoning application or changes to the Official Plan.

Mr. Crawford added a comment that in order for the Chapman Brothers to get a contract with the City to buy their asphalt, they have to be within city limits. Mayor Lee responded to say that this is the first time he is hearing this statement and that the City doesn't do contract and restricts businesses within City premises only, and that the Chapman Brothers were the successful bidders in recent years for paving City streets. Councillor Terry Bernard added that the asphalt plant requirement to be within city limits would be for patching streets only, which requires asphalt at a certain temperature.

Mr. Crawford went back to his earlier comment on pollution and encroachment on subdivision when the asphalt plant is built, and that there will be no way residential houses can be developed beside an asphalt plant. Mayor Lee commented to say that Mr. Crawford is with the assumption that the council is already rezoning the piece of land. The Council is still yet to make a decision on this application.

Mr. Morgan Phillips, owner of Phillips Auto Sales, is opposed to this project and believes that this is not the right type of development within City limits and that it should be built somewhere outside the City limits or away from residential or commercial properties. Some of the concerns noted were- property value is not going up and that no one would want to build properties around it; dust and noise pollution from an asphalt plant, tractors and loaders; increased truck traffic and extra wear and tear of streets; and environmental issues. Also, Mr. Phillips added that adding another asphalt plant may drive retail traffic away from the area which may affect existing businesses.

Jason Lannigan, resident, noted that he received information regarding the asphalt plant proposal he thought came from the City, with negative information/details. Mayor Lee and a few members of the council reviewed the material he was pertaining to and confirmed that the material was not provided by the City. Initially, he thought that the property is already an industrial zone so he doesn't see any reasons why the application cannot proceed. However, members of the public clarified that the property in question is currently a residential zone. With that, no further comments were made by Mr. Lannigan.

A representative of Centennial Auto Group spoke about their opposition to this proposal. He noted that he is opposed to this specific type of business, but not against business growth or other types of business that can attract retail customers to their area. The company decided to put the business in that location knowing that the back of their property was residential and will never be rezoned to heavy industrial. Currently, there are concerns on dirt and noise pollution in the area with the existing asphalt plant. Also, there is heavy traffic in the area with the existing asphalt plant, access to Mount Edward Road, downtown and other areas and the roads are heavily traveled by trucks. We want to have a retail friendly environment and invite retail traffic into the area and not have people stay away from this road. He also noted the presentation of Mr. Gillis on the prevailing winds coming from the North, which would be bad for their company. Using google search, he indicated that prevailing winds in the Summer is from the South/South westerly and westerly during the winter, which means that whatever is produced by the plant blows directly over to the neighbourhood. The existing asphalt plant in the area already produces dust and reaches down as far as Charlottetown Toyota. In addition, he noted that in Mr. Gillis' presentation, the emission system for vehicles built in the 80s is similar to the asphalt plant. There is a huge difference between cars built in the 80s and the 2014 to recent models. There are also environmental concerns relating to this proposal.

An unidentified resident of 10 North Street and one of the younger residents and representing EcoPEI is opposed to this project as well. He mentioned that traffic is a huge problem from Penny Lane and big trucks will make it worse. There is also a big issue on pollution, sound and air and noted that the decibels mentioned in the presentation is still considerably loud. The current neighbourhood is one of nicest one and will stop being one if an asphalt plant is built. He clarified if this plant is a new plant being built or if it is just being moved from an existing location. Mr. Gillis responded that it is an existing 2009 plant being moved from Ebenezer. He also asked if they looked into other alternatives aside from asphalt, like using permeable pavement which may be 2 to 3 times more costly but requires less maintenance and helps with roads and water. He also asked if a full environment assessment was done for this project. Mr. Alex Forbes responded that the applicant do have requests to the Province who is responsible for all these environmental assessments.

Scott Barry, Lawyer, advised the Council that their office was retained by a number of residential and business owners in the area to speak on their behalf in opposition to this application. Mr. Barry requested the Council to allow residents to be in contact with him and send submissions/comments with regards to this application.

Marla Somersall, Executive Director of PEI Humane Society, mentioned that their property will be very much affected by this application. Ms. Somersall noted that Island Construction is a good neighbor but there are a lot of impacts from the asphalt plant, including the run off from the construction, and doesn't want more of that into their property. There is an existing dog park that is used by a lot of the residents. The following questions were asked by Ms. Somersall as well, "What are the risks around this project? What is the safety record of the company and are the plans in case of an accident? What properties will be affected the most by this project?"

Glendon Saunders, resident, noted the traffic from Mt Edward to Sherwood. He commented and wanted this known that he used to work as an operator with the Department of Highways and the Chapman brothers were one of the worst companies to follow safety regulations. Mayor Lee intervened in the discussion to remind the public that the purpose of this meeting is to see whether the development is proper for the neighbourhood and not a discussion about specific individual/s or company.

Jason Bus, resident, spoke to provide additional information about toxic fumes coming out of asphalt plants. He quoted the Environmental Protection Agency in the US saying, "Asphalt processing and roofing manufacturing facilities are major sources hazardous air pollution. Exposure to these air toxins may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritations. He is concerned why these factors were not discussed in the presentation. Mr. Bus requests that this be discussed before a decision is made and what mitigation will be made about this concern. There will also be negative impact to the property prices around the location so if this project moves forward, there must be some sort of compensation to those that will be impacted negatively by this project.

Shirley Campbell, resident, commented at how deceiving the pictures from Mr. Gillis' presentation with regards to the distance of the proposed development to their property. The diagram shows that the distance to their property is 500 meters, but that is from the middle of the site. Their residence is about 200 meters from the corner of the property. Ms. Campbell made a point that their location is a lot closer to the proposed development than what is being presented.

Mayor asked for comments or questions. Mayor asked the applicant to close

Jeff Chapman, applicant, thanked everyone and appreciated all the inputs provided in tonight's meeting. They will continue to look at the comments and see what else can be done to make this project beneficial for everybody. The Comprehensive Development

agreement will be a proposed contract with the Chapman Family with the City of Charlottetown residents and will provide the same support as when they initially supported the City in 2015 to clear the streets from snow. Mr. Chapman, as he spoke for the Chapman family, mentioned that they will make sure that the facility is operated with integrity and respect to the residents of the City of Charlottetown and that it will be of benefit to the City.

Mayor Lee asked for any further comments or comments; there being none, the Mayor reminded the public that the new date for submission of comments for this application is on May 25th. Planning Board will meet on June 4, 2018 to consider the application and that it is open to the public to hear the discussion. Residents may contact the Planning Department for the details of the meeting.

5. Adjournment of Public Session

Moved by Councillor Mitchell Tweel and seconded by Councillor Melissa Hilton that the meeting be adjourned.

Meeting adjourned at 9:03 p.m.

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
w www.charlottetown.ca

16-May-2018

In account with:

Chapman Brothers Construction
PO Box 249 31 Greenvale Road
Souris PE
C0A 2B0

The following fee is in association with the application to rezone a portion of the property at
249 Sherwood Road:

Mail out to residents within 100 meters of subject properties <i>(as per Zoning & Development Bylaw)</i> - \$0.82 (18)	\$ 14.76
Facility rental (share of costs)	\$ 86.25
Audio recording (share of costs)	\$ 414.00
Advertisements in <i>The Guardian</i> <i>(as per Zoning & Development Bylaw)</i>	\$ 935.66
Total Cost	\$ 1450.67
<i>Payment received</i>	\$ 300.00
Total Owed	\$ 1150.67

Please remit payment in the amount of **\$ 1150.67** immediately to the City of Charlottetown Planning Department (Attention: Ellen Faye Ganga).

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

Planning Department

From: Shirley Campbell <kandscampbell49@gmail.com>
Sent: Wednesday, May 23, 2018 6:38 PM
To: Planning Department
Subject: Re: 249 Sherwood Rd. (PID # 615831)

Dear Planning Department:

As residents of 49 Penny Lane, Charlottetown, we are informing you that we are against the requested zone change at 249 Sherwood Rd. from (R2)- Low Density Residential to (CDA)- Comprehensive Development Area.(Heavy Industrial). This zone change involves and includes the building of an asphalt plant. We have studied the proposal on display at City Hall, viewed information printed in the guardian, as well as attended the meeting at Rodd's Charlottetown on May 10, 2018.

Our reasons for being opposed to this request are as follows:

1. Increased poor air quality from the actual plant mechanics — We live in a residential area, which is only a few hundred meters from the proposed asphalt plant site. We are very concerned about on-going emissions and health issues associated with such a plant.
2. Excessive noise— The banging of tailgates, the hum of generators, the beeping of backup alarms is not music to our ears, nor is it to the wildlife which is abundant in this area at the present time. Mr. Gillis presented on May 10th , that the slope of the land in question, as well as the tree line ,will be natural buffers for the travel of noise. Well, the grade of the land will have to be levelled in order for the site to be prepared for actual construction, thus eliminating at least some of that natural buffer he speaks of. How much? Also, the amount of trees that must be removed to build this asphalt plant is abundant. A 20 to 30 foot buffer of tree line is not sufficient. We can presently hear the alarms and tailgates from the new Government Garage located on Brackley Pt. Rd., which is much farther way than the proposed site. Mr. Gillis neglected to mention if the proposed plant will be powered by a diesel generator or Maritime Electric . A generator ,with it's operating noise, may be functioning for extensive periods of time during large jobs.
- 3.Dust / Dirt / Muck coming from the site— We love PEI , but it is windy. We have yet to see a job site or work site that can promise no rain, therefore no mud. Similarly, no wind and consequently no dust. Who will be responsible to clean buildings, vehicles, etc. at surrounding homes and businesses?
4. Traffic increase— We are talking trucks. Lots of trucks. We have read in the guardian, and we were told at the May 10th meeting ,that Chapman Bros. snow machinery will call this proposed site home as well. Could this possibly be a snow dumping site in the future? More machinery ? More noise? The intersection at the end of Mt Edward Road is presently extremely busy. Sherwood Rd. is a go through connecting road from Brackley Rd. to the Mt Edward Rd. Both have high traffic flow. We have safety issues with the numerous trucks leaving the plant and entering Sherwood Rd. We feel a stop sign for exiting onto Sherwood Rd. is not a safe option.

5. Visually unattractive— The presentation by Brian Gillis made this proposed site look very inviting. However, we all know what an asphalt plant looks like- It is ugly. If you try to convince us otherwise, we will direct your attention to the present asphalt plant on Sherwood Rd.

6. The loss of beautiful land that is presently R2 — Any remaining land behind and adjacent to this proposed plant, will be essentially useless for residential use. It is very close to the rails to trails system, which would make it an attractive area for homes, or future natural area and trails. The only use for any land close to this asphalt plant would be more heavy industrial business. So where does this stop? We have huge concerns that this zone change will subsequently lead to more zone changes to Industrial . This proposed asphalt plant is very close to our subdivision , where children play outside , families BBQ and entertain on their decks, people go for walks, etc.

7. The end of commercial development in the area— There are a number of commercial businesses in the immediate area , some of which are very new or have done renovations . Allowing this plant to set up in their immediate neighbourhood will basically eliminate future businesses from desiring to locate in this area and possibly harm the stores that are already in operation. Who wants to set up business beside an asphalt plant? No one.

8. This is an irreversible change — There is NO going back with this zone change!

"Don't it always seem to go
That you don't know what you've got till it's gone
They paved paradise
And put up a parking lot"

We appreciate the fact that Chapman Bros. are proposing a number of ideas within their proposal. Though we understand that in their opinion this plan will lessen the grief for surrounding businesses and homes, we in turn ,would like to answer Mr. Gillis's question which he began his presentation with ..." Where would you locate an asphalt plant in Charlottetown ?" The answer, in our opinion is ..." No Where" . There is plenty of land on the outside of Charlottetown's perimeter away from hardworking business owners and home owning families.

In summary, please don't allow the beautiful sunrise, which rises over the huge grove of trees, be blocked by huge piles of gravel.

Thank-you for reading our letter.

Shirley, Kenny, and Kendra Campbell
19 Penny Lane
Charlottetown, PEI

THE ISLAND CONSTRUCTION LIMITED

GENERAL CONTRACTORS

SHERWOOD ROAD

P.O. BOX 367, CHARLOTTETOWN, P.E.I. C1A 7K7

TELEPHONE: 902-892-5396 FAX: 902-892-1059



May 24, 2018

Alex Forbes

Manager of Planning & Heritage
City of Charlottetown
223 Queen Street
Charlottetown, PE C1A 4B9

5/24/18

Dear Mr. Forbes:

RE: Proposed Rezoning – 249 Sherwood Road (PID #615831)

As the owner of an adjoining property to the above noted parcel, we were invited by the City to attend a public meeting on the rezoning of said property from residential to heavy industrial. We listened to the 1 hour 25 minute presentation of Mr. Brian Gillis on behalf of Chapman Bros speaking in favor of the rezoning. During his presentation he referred to several items that were either misleading, incomplete or inaccurate. We believe the following clarifications are relevant to your committee's deliberations:

1) The Proposed Asphalt Plant Facility:

Although in previous presentations and interviews Mr. Gillis described the facility as a "NEW" asphalt plant with "state of the art environmental technology", he did correct himself to say that the facility was not "new"; in fact it is a 2009 Astec "Six-Pack" Portable Asphalt Plant.

Mr. Gillis stated Chapman Bros were leaders in the industry and not followers, and implied that the dust control system, the BAGHOUSE, was a leading innovation. The fact is that the 2009 Astec plant's Baghouse was the third such dust control system on PEI. The first new baghouse equipped plant was introduced to Charlottetown, PEI in 1997 by Island Construction with our plant on Sherwood Rd. The second was brought to PEI in 2007 by Island Construction with the purchase of a new Portable Asphalt Plant.

Mr. Gillis was correct in saying there are other plants on PEI that do not use Baghouses. Others use wet wash systems that use underground water to control the dust. This is very old technology and not environmentally friendly. What Mr. Gillis neglected to say was that of the five Asphalt plants on PEI that use that outdated technology, Chapman Bros own three of them.

Mr. Gillis spoke of "vapors" being recovered during the Asphalt mixing process and those vapors would be consumed by the Plant Burner and not sent into the atmosphere. Mr. Gillis again spoke of this as being a state of the art technology. The "vapors" Mr. Gillis referred are in fact Hydrocarbons created when Liquid Asphalt and RAP are introduced into the Mixing Chamber of an Asphalt Plant. Again, just like the Baghouse, Mr. Gillis inferred that this technology is new,

innovative, and leading the industry where in fact both our Asphalt Plants, the 1997 and 2007, have “Blue Smoke Recovery Systems”. Again, the other five asphalt plants on PEI do not have such systems.

Mr. Gillis spoke of RAP, or Recycled Asphalt Pavement, being used in the proposed facility as if the use of RAP was, again, new, innovative and leading the industry. The facts are completely different. Island Construction has been using RAP in Asphalt Mixes for more than fifteen years and both our plants are equipped to use RAP creating a smaller environmental footprint on PEI. Again, the other five plants on PEI do not have such RAP systems.

2) Inability to Bid City Tenders:

Mr. Gillis stated that Chapman Bros could not bid on some tenders put out by the City of Charlottetown because they did not have a Plant Location within the City Limits and that put Chapman Bros at a disadvantage with the implication that the taxpayers of Charlottetown are somehow being harmed by this situation.

The **ONE** tender Mr. Gillis is referring to is the “Supply Only Patching Tender” put out by Charlottetown each year. The tender is to supply different Asphalt mixes for the City patching crews, picked up by City staff, in the amounts of 2-3 tonne per load, 2-3 times per day. The tender DOES NOT state that suppliers are required to have an “Asphalt Plant” within the City limits. The tender requires bidders to name the location of the **“plant, storage facility, or other method”**. Other contractors in the past have requested the City modify the tender to include storage silos that could be filled with Asphalt each day and make them eligible to submit a bid. The City complied and modified the tender.

The total mix in the tender for the entire season is approximately 1,100 tonnes. This amount, although implied by Mr. Gillis to be a huge amount, would represent less than 1% of Asphalt production for both Chapman Bros and Island Construction.

Mr. Gillis led the public meeting to believe that this situation was a big deal, however he neglected to inform the audience that in 2010 Chapman Bros had this very proposed Asphalt Plant within the City of Charlottetown on John Yeo Drive. Yet, despite having a location within the City, the proponent failed to submit a bid on the Supply Tender for that year.

3) Competitive Issues:

Mr. Gillis implied that Chapman Bros cannot be competitive in the greater Charlottetown Area without this proposed location.

In the last number of years Chapman Bros have been very competitive in this area. They have been the successful bidder on many projects for the Department of Transportation, City of Charlottetown, Charlottetown Airport Authority, Charlottetown Harbour Authority, and University of PEI among others. Each project was and is significant with very competitive bidding.

Recent Chapman Bros successful bids in the Greater Charlottetown Area include:

<u>Year</u>	<u>Owner</u>	<u>Project</u>	<u>Approx. Value</u>
2018	Charlottetown Airport Authority	Rebuild Runway	\$20,000,000
2018	Province of PEI	Rte 1 Charlottetown	\$280,000
2018	Province of PEI	Rte 21 Mermaid	\$72,000
2017	Charlottetown Airport Authority	Runway upgrade	\$8,000,000
2017	University of PEI	Parking Lots	\$900,000
2017	Province of PEI	Queens County Depot	\$750,000
2017	Province of PEI	Mt. Herbert	\$705,046
2017	Province of PEI	Rte 2 Marshfield	\$275,655
2015	City of Charlottetown	City Streets	\$1,330,000
2015	Charlottetown Harbour Authority	Wharf Deck Reconstruction	\$1,391,000
2014	City of Charlottetown	City Streets	\$1,342,250

In addition to this limited sample of successful bids, the proponent has submitted competitive bids on many other projects including City Streets in recent years.

4) Traffic Control:

Mr. Gillis in his presentation did not give the issue of increased traffic on the Sherwood, Brackley Point, and Mt. Edward Roads and RTE 2 the attention it deserves.

As the owner of an Asphalt Plant facility, I know from experience that during busy times when materials are coming in and product is leaving our facility, traffic is a challenging issue. We understand the burden of traffic at a facility like ours and the responsibility we have to help make traffic flow in a safe manner. To that end, we have installed two entrances to our facility to deal with both incoming and exiting traffic. The entrances are spaced far enough apart to minimize unnecessary congestion on the Sherwood Road and both entrances are built to a scale that accommodates the large trucks accessing our site.

Mr. Gillis referred to a traffic control plan that the only consideration for trucks entering and exiting the proposed facility was a "Stop Sign". We believe the significant, additional traffic generated by the proposed facility warrants a more thorough study and approach.

5) Noise Pollution:

Mr. Gillis spent a long time during his presentation explaining decibel levels of the Astec Asphalt Plant. However, he did not include in his presentation the additional and substantial causes of noise at an Asphalt Plant facility.

Again, speaking from over 45 years experience around Asphalt Plants, the main source of noise is not the Plant itself, but all the other activities associated with these facilities, including:

- Safety Back-up Alarms on Loaders, Skid Steers, Trucks and other heavy equipment;
- Tailboards banging on discharging dump trucks and trailers;
- Portable Diesel Generators used to produce electricity that typically run 24/7.

The Asphalt Plant itself is not the main source of noise at an asphalt facility so delivering so much information on plant decibel levels, while pertinent, left out many other significant noise generating activities.

6) Charlottetown Airport Project:

Mr. Gillis, in his presentation, inferred that if the site was not rezoned and the Asphalt Plant was not established, somehow that would result in putting the Airport Runway Project currently under construction by Chapman Bros in some form of jeopardy.

Having been part of a tender submission for that project and having read the tender documents in detail, I can assure you that the project is in no jeopardy if this rezoning request is rejected. The tender documents clearly state that an Asphalt Plant could be set up on the Airport Authority's property. Chapman Bros, by contract, will complete the project with or without this rezoning. The City should not place the burden or responsibility for the contractual obligations of Chapman Bros. for this single contract upon the residents of Penny Lane/Country View Estates and the established businesses of the Sherwood Industrial Park.

7) Suitable Plant Location:

Mr. Gillis in his opening remarks and again in his wrap-up comments asked the crowd one question:

He asked each person to suggest a better Plant Location for Chapman Bros.

What Mr. Gillis did not mention, and he may not be aware, but in fact the owners of Chapman Bros, Gloria and Cyril Chapman, own a parcel of land containing 92 acres in Stratford between the Bunbury Road and the TCH which could easily accommodate their proposed facility. That location is 4 kms closer to the Charlottetown Wharf and closer to some areas in the City of Charlottetown than the proposed site. It is not my intention to suggest to a private company where they may wish to locate their operation, however, Mr. Gillis encouraged attendees to propose alternatives.

We are opposed to this rezoning request for a number of issues which we have shared previously. The purpose of this letter is to add clarity and further details to numerous assertions by the proponent's consultant at the public meeting. Thank you for the opportunity to respond.

Sincerely,

The Island Construction Limited



D. Steve Matheson
President

cc: Members of City Council

Date: May 24th, 2018

Attention: to the city of charlottetown's planning & heritage department concerning the application for the asphalt plant on 249 Sherwood Road.

My name is Karen Gallant a resident and property owner of 41 Penny Lane, Charlottetown, P.E., C1E 1V5

I attended the meeting held @ the Rodd Hotel downtown Charlottetown on May 10th/2018, and because of such short notice, was not prepared to speak as it was my first meeting as a homeowner with having an issue, and my first time hearing of this information.

I was glad someone left me the information attached to my door informing me of this plan, which I believe we should have been told. After all this is in my neighbourhood.

I later discovered that 100 meters away from a project is all that is required to notify the public. That is sad.

My view of the meeting was somewhat disappointing, as it was obvious that the voices of the people really didn't matter, or they would have never allowed the engineer to talk so long and take up all the time.

I understand the Chapman's desire to save money but please not at a cost of a community. That community has been there a long time and the people have invested in their homes and build a future in that community.

I do not want this asphalt plant happening in my neighbourhood, plain and simple, and these are some of the reasons why.

#1. Noise, more big truck traffic, dust, fumes, etc...

#2. There is an asphalt plant present on that road and it appears it has expanded over the last couple of years and seems to be overpowering the area. They are not so attractive for any area of small business's but I understand they have been there for a long time. Still they have gotten bigger and are taking up more space and looking overwhelming, and you want to put in another one.

#3. Business's of this nature should be in an area that is away from residential sites, and smaller business's. They need lots of space for their huge trucks, large equipment, loud noises, the smells of diesel, asphalt and tar. Not environmentality friendly. That is the nature of the beast. The trucks can run all night when the ship comes in to be unloaded of sand or gravel in a twenty four hour period. They have their own generator which means running all day and night. Not to mention they want residential land near my subdivision.

Please don't put this in an area of compromise to peoples health issues around our home environments. It is the one area we can protect to some degree the toxins in the air.

As a homeowner, my place of rest, my place of community, a place where I can be myself a place I spend a great deal a time at making memories, because I will be there a long time. That is somewhat what people think when buying a home. Raising a family, expanding my home to fit the increase of members. Do you get the picture. I am not going to move that often. Maybe have one dwelling place in a life time or maybe just two homes in a lifetime. Business's on the other hand are always moving, expanding depending on the growth of the business.

Are you not going to protect our home environment?

What are your values for planning the zoning areas for a city?

Maybe you need to re-evaluate the plan for the city of Charlottetown, because what is happening out in my area is mixed housing that doesn't make much sense. A seniors complex, almost on the highway, next to it Seafood express, I hear of a fire department going in, and a mini mall.

It appears there isn't much consideration for our subdivision and a lack of planning well, in my neighbourhood.

Thank You very much!

Yours Truly

Karen Gallant

Landscape & Garden Centre

#2 Day Avenue
Charlottetown PE C1E 0E5

5/26/18

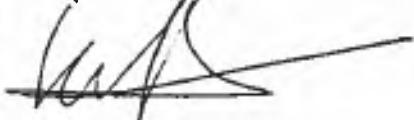
To All City Councillors and City of Charlottetown Planning Department

We are sending you this letter to express our strong opposition to the proposal for rezoning of 249 Sherwood Road (PID #615831) from R-2 to CDA to accommodate an asphalt plant.

As the owner of an existing business on the Sherwood Road I am against the rezoning of the land in question from low density residential to allow for the set up and operation of an asphalt plant as well as for a base of operation for snow clearing activities. As a business operator on the Sherwood road I realize that I am part of a commercial area. When we moved to this location in 1992, we were aware of the surroundings we were moving into. Just because there is already some heavy industry in the area, it does not mean that everyone should become complacent in allowing more to move in unquestioned. The increase of truck traffic would undoubtedly have negative effects on our ability to conduct business, in that our employees and our customers would both find it hard to come and go. Working in such a competitive industry, we do not want any reason for existing or potential customers to go elsewhere. We also have concerns about how the existing infrastructure could be negatively affected by the increase in truck and equipment traffic. In conclusion, I cannot stress enough how deeply I oppose the proposed rezoning in question.

Yours sincerely

Wade Doiron



Planning Department

From: Moore2, Alison (SSC/SPC) <alison.moore2@canada.ca>
Sent: Friday, May 25, 2018 7:07 AM
To: Planning Department; mayor@charlottetown.ca; Coady, Jason
Subject: 249 Sherwood Road (PID #615831)

To: Planning & Heritage Department, Mayor Clifford Lee, Jason Coady

I am strongly opposed to the request to rezone this location to allow an asphalt plant on this property. My rationale is outlined below.

- 1. Property Value - It is clear that this will do nothing positive for property values surrounding this asphalt plant.*
- 2. Noise - I understand this plant will be running generators 24/7 during paving season. There was a CBC article stating the noise is deafening, somewhat like a jet taking off. I wonder how you would feel living next to that.*
- 3. Traffic - Increased traffic, especially large trucks, is not acceptable. Also, the increased traffic close to the Island EMS and soon a new fire department does not make sense.*

I am sure you realized, during the public meeting, there are many residents of this subdivision strongly opposed to this rezoning request. As an elected official, you have a responsibility to take into account the concerns of the residents of Penny Lane Subdivision.

Sincerely,

Alison Moore



May 25, 2018

Telephone: (902) 892-4156
Facsimile: (902) 566-1377
Web: www.csmlaw.com

DELIVERED

WITHOUT PREJUDICE

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

- and -

Charlottetown Town Planning Advisory Board
233 Queen Street
Charlottetown, PE
C1A 4B9

Dear Members:

Re: Amendments to the Charlottetown Official Plan and Zoning and Development Bylaw—
Property located at 249 Sherwood Road.
Portion of Provincial Parcel #615831 and PID #145128—Asphalt Plant

We are legal counsel for The Island Construction Limited (“Island Construction”) and this correspondence is to serve as an official objection to the rezoning application of property located at 249 Sherwood Road, being portions of Provincial Parcel #615831 and Provincial Parcel #145128.

We understand that Chapman Bros. Construction Ltd. (“Chapman Bros”) is looking to have the property located at 249 Sherwood Road re-zoned so that they can establish an asphalt plant on this property as well as consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel of land. This would require the following: an amendment to Appendix “A” of the City of Charlottetown’s Official Plan (the “Official Plan”) Land Use Map from Low Density Residential to Comprehensive Planning Area and Industrial to Comprehensive Plan Area; a rezoning of land and amendment of Schedule “H” the Zoning Map of the City of Charlottetown from R-2 (Low-Density Residential Zone) and M-3 (Business Park Industrial Zone) to CDA (Comprehensive Development Area); an amendment to Appendix “G” Comprehensive Development Area Lands and Uses of the City of Charlottetown’s Zoning and Development Bylaw (the Bylaws), and a consolidation of a portion of PID #615831 with a portion of PID #145128 to form one parcel.

Our client, Island Construction, objects to these amendments and the rezoning application. Specifically, Island Construction is objecting to these amendments and the rezoning application on the lack of procedural fairness and bias and inadequate documentation.

Lack of Procedural Fairness and Bias

Generally, the Bylaws provide the general provisions for legal procedures which must be adhered to for a property to be rezoned or the Bylaws amended. The required procedural process, for both applicants and Council, is found in s. 4.29 of the Bylaws. Section 4.29 of the Bylaws attached hereto as Schedule "A".

Additionally, there are specific requirements that are required for a property to be zoned as CDA. These requirements are set out in section 36 of the Bylaws. Section 36 of the Bylaws is attached hereto as Schedule "B".

Furthermore, Section 4.62 of the Bylaws provides general provisions for site development. Section 4.62 is attached hereto as schedule "C".

Neither Chapman Bros. nor City Staff have adhered to the procedures provided for by the Bylaws in this application process.

Specifically, Chapman Bros. has not provided adequate information and documentation to either Council or the public to allow for informed decisions to be made. Chapman Bros. has failed to provide the following required documents and information:

1. A legal description and a plot plan or a survey plan accurately showing the location of the property or properties to be re-zoned;
2. The names and addresses of the Owners of the properties;
3. A drawing that shows any proposed Building for the Lot in a detailed concept plan with a floor plan and elevations for the Building and a detailed site plan showing the location of the Building on the Lot and the required Parking and Landscaping.
4. An adequately detailed Development Concept Plan providing the following:
 - a. the precise size and location of the Building or Buildings, both Existing and proposed;
 - b. details of driveway size and location, on-site paved Parking Spaces and vehicle circulation lanes, loading zones, and fire safety access lanes;
 - c. details of surface water drainage including covered storm drain systems if applicable;
 - d. design of urban beautification features such as green space, curbing, trees and shrubs, other formal Landscaping features and hard-surfaced walkways, with special attention to Streetscape;
 - e. details of utility connections to the Building and the location of sewer and water lines;
 - f. Design of screened trash storage and handling areas; and
 - g. Design of appropriate landscape Buffers to maintain the integrity of any adjacent residential or institutional Uses;
 - h. any Existing public View Planes in relation to public Use of Streets or Parks as defined in Section 4.75.5.
 - i. Building floor plans and elevations, accurately drawn to scale; and
 - j. a written statement with accompanying graphic descriptions that address the compatibility and integration of the proposed Development with Existing adjacent land Uses.

Similarly, City Staff has also failed to adhere to the procedural requirements pursuant to the Bylaws. Specifically, City Staff has failed to:

1. Require Chapman Bros. to submit either a legal description and a plot or a survey plan, pursuant to s. 4.29.2(a) of the Bylaws, as they have established, arbitrarily, that the document titled SP-1 meets this requirement, even though SP-1 does not contain either a legal description or a plot or survey plan;
2. Require Chapman Bros. to provide the names and addresses of the Owners of the properties and, if the applicant is not the Owner, a statement as to the applicant's interest in the property, as City Staff accepted a letter of March 5, 2018, from Irving Frizzel, the property owner, stating that he was in support of Chapman Bros.' application to mean that he authorized Chapman Bros. to make the application on his behalf. This is an inference made by City Staff and does not comply with the requirement of the Bylaws (pursuant to s. 4.29.2(b) of the Bylaws);
3. Obtain a drawing that shows any proposed Building for the Lot in a detailed concept plan with floor plan and elevations for the Building and a detailed site plan showing the location of the Building on the Lot and the required Parking and Landscaping, pursuant to s. 4.29.2(c) of the Bylaws, as City Staff determined that this was not required until the development stage and that document SP-1 would suffice at this stage, even though SP-1 does not provide any specifics of the proposed asphalt plant;
4. Require Chapman Bros. to provide adequate and detailed information regarding the asphalt plant to allow for informed recommendations of the Planning Board and the Development Officer as City Staff did not require Chapman Bros. to adhere to s.4.29.2 and 4.29.3 of the Bylaws, as provided for above (pursuant to s. 4.29.5 of the Bylaws) or inquire as to the specifics of the asphalt plant, such as the make, model, and height. Rather, City Staff accepted Chapman Bros.' document titled SP-1 and a photograph of the proposed asphalt plant, neither of which provide sufficiently detailed information regarding the asphalt plant; and
5. Adequately consider the requirements of a Development Concept Plan and the established Site Development Principles, pursuant to sections 36.3 and 4.62, respectively, of the Bylaws, as City Staff have accepted Chapman Bros.' document titled SP-1 as complying with all the requirements under sections 36.3 and 4.62 of the Bylaw, even though this document does not address any of the following:
 - a. the Maintenance of Design Standards of the proposed buildings and their accessibility with respect to land uses;
 - b. type of ownership;
 - c. preservation of existing natural beauty of the area, and the proposed population density of the area;
 - d. the precise size and location of the proposed asphalt plant;
 - e. details of driveway size and location, on-site paved Parking Spaces and vehicle circulation lanes, loading zones, and fire access safety lanes;
 - f. details of surface water drainage
 - g. details of utility connections to the proposed asphalt plant and the location of sewer and water lines;
 - h. design of screened trash storage and handling areas;

- i. any elevations, drawn to scale; and
- j. a written statement with accompanying graphic description that addresses the compatibility and integration of the proposed Development and Existing adjacent land Uses.

(pursuant to sections 36.3 and 4.62 of the Bylaws).

The Bylaws provide the above noted procedural process and requirements to ensure that all parties, including the public, can make informed decisions with respect to rezoning and bylaw amendment applications. Without the required information and documents, there is not enough information available to the public, or Council, to make an informed decision as to whether they should object to Chapman Bros.' application. There is not sufficient information to allow people to make an informed decision. Without sufficient information and the ability to make informed decisions, the application process cannot be considered fair and reasonable.

Additionally, by not requiring Chapman Bros. to adhere to all application and procedural requirements established by the Bylaws, City Staff has made it difficult, if not impossible, for Council to be able to consider the appropriate issues.

City Staff has implemented poor planning principles in this application process, resulting in an inherent bias. While City Staff is permitted to amend the Official Plan and the Bylaws concurrently, pursuant to section 18 (2) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8 (the "*Planning Act*"), the process used by City Staff in this application has been entirely inappropriate. For instance, City Staff have been incorrect in stating that some documents are not required until a later stage in development, when in fact, the Bylaws provide for the complete opposite. Furthermore, City Staff demonstrated their bias in favour of Chapman Bros. by failing to provide the open process and exchanging of documents, as demonstrated by my colleagues' attendance at the City's Planning & Heritage Department on May 9, 2018 where they were advised they could see the documents in Chapman Bros.' application but that City Staff would require Chapman Bros.' permission to provide copies of the application material. For an open process concerned about informing the public, this was entirely inappropriate. Additionally, when City Staff were contacted to provide either the recordings or contact information for the party responsible for the recordings from the Public Meeting held on May 10, 2018, they either refused to provide or neglected to provide the requested information.

Deficiencies with Chapman Bros.' Presentation at the Public Meeting:

Brian Gillis presented on behalf of Chapman Bros. at the public meeting which was held on May 10, 2018 (the "Public Meeting"). Like Chapman Bros.' application, Mr. Gillis' presentation at the Public Meeting was also inadequate. Mr. Gillis' presentation was inadequate as it provided for several inaccurate or misleading statements that were not entirely accurate representations of the situation. Specifically:

1. Mr. Gillis began the meeting by stating that he had no vested interest in the project. This was an incorrect and misleading statement to Council and the public as Mr. Gillis is working for Chapman Bros. and, as such, has a vested interest in having the application approved;
2. Mr. Gillis further stated that Chapman Bros. have new technologies and that they are "ahead of the curve" and that the modern asphalt plant proposed by Chapman Bros. is superior to the majority of other asphalt plants on PEI. This is a false and misleading statement as Island

Construction has used this technology for over twenty (20) years and their plants are equal to, or superior to, the proposed Aztec plant that Chapman Bros. intends to use if its application is successful;

3. Despite indicating that the asphalt plant is environmentally sound, Chapman Bros. has applied for, and apparently received, an exemption from the environmental assessment process under the *Environmental Protection Act*. It is therefore incorrect to state that there is any indication that the project would be environmentally acceptable;
4. Mr. Gillis admitted that a major reason for selecting this location was to eliminate trucking distance or aggregate (gravel) from the Charlottetown wharf to the asphalt plant site. In part, Mr. Gillis advised that this was justified to lower Chapman Bros.' carbon footprint. However, Mr. Gillis did not provide sufficient information regarding a traffic assessment, nor an environmental impact assessment, to substantiate this claim. Rather, we submit that Chapman Bros.' application has little to do with reducing their carbon footprint and more to do with saving money on trucking, which in turn, results in Chapman Bros. being profitable;
5. Mr. Gillis further stated that the only wharf available for unloading gravel was in Charlottetown. However, this is an inaccurate statement as the present wharf (the old railway wharf) is the only unloading point in Charlottetown; gravel by boat or barge is also unloaded in Summerside, Georgetown and Souris. In addition, gravel has been trucked to PEI for years through both Borden and Wood Islands. Thus, we submit that the proposed asphalt plant location has more to do with saving money than choosing the best possible location;
6. Mr. Gillis provided a plan at the Public Meeting which purported to show that the asphalt plant was 560 meters from the nearest subdivision house (the Campbells). As pointed out by Mrs. Campbell, Mr. Gillis' plan is inaccurate as the location shown on the plan is not correctly marked. Additionally, the provincial regulations on the location of asphalt plants requires 500 metres from the area of operations; and
7. Finally, Mr. Gillis indicated that he was at the Public Meeting to listen to the concerns of the residents. However, this could not have said to be the actual case as he spoke at such length as to not provide time for all interested parties to speak. In addition, Mr. Gillis did not consent to the materials he presented at the Public Meeting being provided to interested parties so that they could make a full determination of the issues surrounding this application.

Summary

Chapman Bros. has made an application to have the property located at 249 Sherwood Road re-zoned so that they can establish an asphalt plant on this property as well as consolidate a portion of PID #615831 and a portion of PID#145128 to form one parcel of land. In order to approve this application, amendments to the Official Plan and Bylaws would be required.

There are a number of concerns with Chapman Bros.' application, not the least of which is the fact that Chapman Bros. has failed to provide adequate information and documentation regarding their proposed asphalt plant and the fact that City Staff have ignored the documentary requirements and procedures pursuant to their governing Bylaws.

It would be entirely inappropriate to deal with this matter until both Council and the public are properly informed.

For the foregoing reasons, the rezoning application for 249 Sherwood Road, to be rezoned from a Low Density Residential zone to a Comprehensive Development Area zone, should be denied.

Yours truly,

CARR STEVENSON & MacKAY

J. GORDON MACKAY, Q.C.
c Client
Enc.

- .13 The permit holder shall insure no structural modifications are made to the Mobile Canteen or equipment placed herein without prior approval of the Planning & Development Officer and/or Fire Inspector.
- .14 Mobile Canteens may be permitted on the street right-of-way subject to the Street Vending Bylaw.
- .15 Mobile Canteens may be permitted in City owned public Open Space subject to the approval of the Manager of Parks & Recreation, in consultation with the Parks, Recreation & Leisure Activities Committee.
- .16 Any aggrieved Person May lodge a complaint or complaints regarding a Mobile Canteen within the City. After investigation by City Staff if the complaint is deemed valid, a report and recommendation from Planning Board Shall be brought to the attention of Council. Council Shall determine the disposition of the complaint or complaints, and Council May cancel a permit for the Mobile Canteen or place future restrictions on the Mobile Canteen by Development Agreement or otherwise.

4.27 USES PERMITTED IN ALL ZONES

Nothing in this By-law Shall prevent the Use of land for:

- .1 Public Streets;
- .2 Public Parks and playgrounds; and
- .3 Utility Services.

4.28 USES PROHIBITED IN ALL ZONES

Notwithstanding any other provision of this By-law, the Use of a vehicle or recreational vehicle as a permanent place of residence Shall not be permitted within any zone in the City.

GENERAL PROVISIONS FOR LEGAL PROCEDURES

4.29 AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW

- .1 A Person who seeks to rezone a parcel of land, or to otherwise have this By-law amended, Shall address a written and Signed application to the Council.
- .2 An application under this section Shall include such information as May be required by the Development Officer for the purpose of adequately assessing the desirability of the proposal, and if the application is for a rezoning Shall include:
 - a. either a legal description and a plot plan or a survey plan accurately showing the location of the property or properties to be re-zoned;

- b. the names and addresses of the Owners of the properties and, if the applicant is not the Owner, a statement as to the applicant's interest in the property; and
 - c. a drawing that shows any proposed Building for the Lot in a detailed concept plan with a floor plan and elevations for the Building and a detailed site plan showing the location of the Building on the Lot and the required Parking and Landscaping.
- .3 The applicant Shall, when submitting the application, deposit with the City an amount estimated to be sufficient to pay a fee for any required advertising and mail-outs in accordance with a fee schedule to be set from time-to-time by resolution of Council.
- .4 Before amending any regulations or rezoning any parcel of land, Council Shall conduct a public meeting to receive the views and opinions of the public and the applicant, and Notice of the hearing and its purpose Shall be given by publishing a Notice in not less than two issues of a newspaper circulating in the City with the first Notice at least seven (7) calendar days prior to the public hearing date.
- .5 Before amending the text of this By-law or rezoning any parcel of land, Council Shall request and consider the recommendations of the Planning Board and the Development Officer and before the Planning Board considers an application, all information outlined in subsections 1 through 3 Shall be complete.
- .6 In considering a rezoning application, the Development Officer or Planning Board May require the applicant to provide such other information as it deems necessary in addition to that required by this By-law.
- .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.
- .8 Before rezoning any parcel of land, the Development Officer Shall advise all Affected Property Owners within 100 m (328.1 ft.) of the boundaries of the subject property, through notification in writing at least one (1) week prior to the public meeting, of the date of the public meeting.
- .9 A copy of the purpose of the rezoning application Shall be posted in at least one (1) conspicuous place on the subject Lot at least seven (7) calendar days prior to the date fixed for 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.
- .11 A Notice in writing Shall be sent to the applicant within seven (7) calendar days of the Council decision stating if the application is successful, and if not successful, stating the appeal process available to the applicant.
- .12 The Council May itself initiate a Zoning and Development By-law amendment for a change in zoning or for other changes to the text of this By-law without the Signatures of the Owner or Owners of the lands involved in the rezoning, provided that the proposed amendment obtains the support of a majority of the whole Council.
- .13 Where there is an amendment to the text of this By-law that does not entail a change in zoning, all procedures in this subsection Shall be followed except that the procedure for notification of all Assessed Property Owners Shall not apply.

4.30 RECONSIDERATION

- .1 If a permit or approval under this By-law is granted, not granted, or granted subject to conditions the applicant or an aggrieved Person feels are unjustified or unwarranted under this By-law, the applicant or an aggrieved Person May seek a reconsideration before Council.
- .2 An aggrieved Person or an applicant wishing to launch a reconsideration Shall make known their intention to do so and the grounds or reasons as per subsection 3 below by written letter delivered to the Development Officer within twenty-one (21) calendar days of the initial decision.
- .3 Council May review, rescind, change, Alter or vary any order or decision made by the Development Officer or Council, and Council May reconsider any application under this section provided that:
 - a. new material facts or evidence not available at the time of the initial order or decision have come to light;
 - b. a material change of circumstances has occurred since the initial order or decision; or,
 - c. there is a clear doubt as to the correctness of the order or decision in the first instance.

SECTION 36 - COMPREHENSIVE DEVELOPMENT AREA (CDA)

36.1 PERMITTED USES

- .1 Uses permitted in a CDA Zone shall be those approved by Council and may include any uses or Mix of uses allowing in any zone of this Bylaw and Innovative mixed-use Developments and Council Shall give due consideration to other sections of this bylaw, but Council may approve any use or Development in a CDA Zone which it deems to be in the public interest notwithstanding all other sections of this bylaw but only after following the procedures of this Section 31.

36.2 DEVELOPMENT CONCEPT PLAN

- .1 Development within a Comprehensive Development Area shall be subject to the approval by Council of a Development Concept Plan and any attached schedule and the applicable Development Agreement entered into pursuant to subsection 31.6.2. Appendix "G" comprises a list of approved properties in the Comprehensive Development Area zone and their permitted uses.

36.3 DEVELOPMENT APPLICATIONS IN THE CDA ZONE

- .1 No Development consisting of new buildings or the demolition or relocation of buildings shall take place in a Comprehensive Development Area until a Development Concept Plan has been proposed and adopted by Council.
- .2 The Council, before approving a Development Concept Plan, shall consider the following:
- a. the Maintenance of Design Standards of the proposed buildings and their acceptability with respect to land uses and the character and scale of existing and proposed Development in the vicinity;
 - b. the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
 - c. the type of Ownership;
 - d. the proposed population density of the area, the floor space ratio, the adequacy of Open Space areas, building form, Parking, pedestrian walkways, Streets, water supply, sanitary and storm sewers; and
 - e. any other factors recommended by Planning Board.
 - f. Applicants for Development approval in the CDA Zone may put forward Development Concept Plans, and such Development Concept Plans, if approved by Council, shall serve as the elements of a Development Concept Plan for the portion of the zone in which they are situated

- g. Development Concept Plans for sites in the CDA Zone shall be prepared having regard to the site Development principles as set out in Section 4 of this By-law.

36.4 REQUIREMENTS

- .1 A comprehensive Development Concept Plan shall comprise no less than 1.2 hectares (3 acres) in one (1) contiguous area unless it constitutes an expansion of an existing Development Concept Plan. A Lot that is less than 1.2 hectares and existed prior to the effective date of this By-law may submit a Development Concept Plan.

36.5 APPROVAL PROCEDURE

- .1 In considering a Development Concept Plan put forward by an applicant, Council shall deliberate the quality of architectural Design of all proposed buildings, their compatibility with the architectural character of adjacent Development, and the extent to which the Development Concept Plan reflects the site Development principles as set out in Section 4 of this By-law.
- .2 Subsequent to approval of the Development Concept Plan, the working site plan and buildings shall be approved on the recommendation of Planning Board for each Phase within the Comprehensive Development Area provided it is, in the opinion of Council, consistent with the overall Development Concept Plan and any schedule attached thereto.
- .3 Before Council approves or amends a Development Concept Plan in a Comprehensive Development Area, a public hearing shall be called in the same manner, *mutatis mutandis*, as if an amendment to this By-law were being considered.
- .4 Changes to a Development Concept Plan that do not change the approved intent of the use or Lot such as minor additions to a building, Lot Subdivision or consolidation will not be considered an amendment to the Development Concept Plan and may be approved by the Development Officer.

36.6 AGREEMENTS

- .1 Upon approval of the Development Concept Plan by Council, the Development Concept Plan may be accepted by Council resolution as all or part of a Secondary Plan.
- .2 The Council shall require the applicant to enter into a Development agreement incorporating the terms of the Development Concept Plan setting out the responsibilities on the part of the applicant and Council, and Council may require such security as may be acceptable to Council for items as shown on the site, building or landscape plan(s).

- d. The Subdivider Shall install the said private sewer and water system to services all Lots in the Subdivision and to meet such Standards as are required by Section 13 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.
 - e. Any Subdivider who receives approval from the City to install a private sewer and water system Shall enter into a Subdivision agreement with the City and Shall provide security for the rehabilitation of a sewage treatment facility, well or any other appurtenance that May become surplus at such time that the system is connected to the Municipal Services.
- .3 A private sewer and water system Shall be turned over to the City after a one-year Maintenance by the Subdivider, and provided it meets the standard specified by the City, the City Shall accept this system and operate it;
 - .4 At such time as the City provides Municipal Services to the Subdivision, a private sewer and water system Shall be connected to the Municipal Services.

4.61 BUILDING TO BE MOVED

No Building, accessory, residential or otherwise Shall be moved within, into, or out of the area covered by this By-law without obtaining a Building Permit from the Development Officer.

GENERAL PROVISIONS FOR SITE DEVELOPMENT

4.62 SITE DEVELOPMENT PRINCIPLES

- .1 The site *development* principles set out herein shall be given consideration for all non-residential and *multi-unit* residential development, except for a residential property containing four (4) units or less, by any *person* applying for a development shall clearly demonstrate to the City that the *development* proposal upon which the application is based has been prepared to reflect these principles and to enhance the urban environment in which the *development* is to be situated.
- .2 For all non-residential and multi-unit residential development, except for a residential property containing four (4) units or less, any *person* who proposes to construct a new *building* or renovate an *existing building*, or consolidate or subdivide lands for the purpose of constructing a new *building* or renovating an *existing building* shall consider a *development* proposal containing the following:
 - a. a site plan, accurately drawn to scale, that shows:
 - i. the precise size and location of the *Building* or *Buildings*, both Existing and proposed;

- ii. details of driveway size and location, on-site paved Parking Spaces and vehicle circulation lanes, loading zones, and fire safety access lanes;
 - iii. details of surface water drainage including covered storm drain systems if applicable;
 - iv. design of urban beautification features such as green space, curbing, trees and shrubs, other formal Landscaping features and hard-surfaced walkways, with special attention to Streetscape;
 - v. details of utility connections to the Building and the location of sewer and water lines;
 - vi. Design of screened trash storage and handling areas; and
 - vii. Design of appropriate landscape Buffers to maintain the integrity of any adjacent residential or institutional Uses;
 - viii. any Existing public View Planes in relation to public Use of Streets or Parks as defined in Section 4.75.5.
- b. Building floor plans and elevations, accurately drawn to scale; and
 - c. a written statement with accompanying graphic descriptions that address the compatibility and integration of the proposed Development with Existing adjacent land Uses;
- .3 The Development Officer Shall give consideration to the disposition of an application made in accordance with this section provided the procedures as outlined in the zones are followed and having regard to the following:
- a. compatibility and interrelationship of the proposed Uses of the Building or Buildings;
 - b. the *design* compatibility of the proposed *building* or *buildings* with adjacent heritage resources, if any;
 - c. the convenience, adequacy and safety of Street and pedestrian connections;
 - d. the adequacy and esthetic Usefulness of urban beautification features;
 - e. the suitability of water and sewer services and connections;
 - f. the adequacy of stormwater drainage systems, both surface and underground;
 - g. the adequacy of fire protection access;

- h. the *design compatibility* of the proposed *building or buildings* with adjacent heritage resources, if any;
 - i. the vehicular and pedestrian conflict persists in its configuration of Parking areas and driveways or access points;
 - j. the Existing View Planes of the Charlottetown Harbour (Hillsborough and York Rivers) from a public Street (projection of their right-of-way to the water) or Park.
- .4 Where the Development Officer experiences difficulty in evaluating the Development proposal or in reaching a satisfactory agreement with the applicant, he May, at his discretion, determine to consult with the Planning Board, who Shall consider the application and such recommendations as the Development Officer May make, and make a recommendation to Council on the disposition of the application.
- .5 Upon receiving the recommendation of the Planning Board, Council May, at its discretion, call a public meeting to give an opportunity for public input on the proposed Development and, after consideration of the input received, Shall make a disposition of the application.
- .6 Where Council convenes a public meeting, the applicant Shall attend to present and defend his application.
- .7 Council May require that a Development agreement be Signed between the two parties indicating that the Development will be carried out in accordance with the drawings and other documents produced in respect of the proposed Development and agreed upon between both parties, and Shall bear the Signatures of the applicant and the City.
- .8 In addition to the foregoing requirements, any *person* who proposes to build a new major retail facility shall, in the preparation and presentation of plans and other documentation to the Council, have regard for the following factors:
 - a. compliance with applicable provincial and municipal regulations and by-laws;
 - b. provision for safe vehicular and pedestrian movement;
 - c. Parking that is Designed for convenience, safety, and esthetic excellence, and providing for appropriate snow removal and surface water drainage;
 - d. permanent green spaces for urban planting and Maintenance of mature trees, shrubs and other suitable vegetation;
 - e. the impact of the major retail facility on the City Street system and traffic flow;

- f. safe and convenient access to and egress from the site to or from Existing Streets and highways;
 - g. harmonious Building form compatible with surrounding or adjacent Buildings and in scale with the natural or built elevations of the site;
 - h. sympathetic overall Design compatible with any adjacent urban or natural landscape, natural environment, Building forms and architectural features;
 - i. appropriate infrastructure and servicing, including water, sanitary and storm sewers, traffic and traffic controls, transportation modes and connections; and
 - j. provision for an equitable, proportionate contribution by the applicant to any incremental public improvements that May be necessitated by the proposed Development.
 - k. Council may require that a development agreement be signed between the two parties indicating that the *development* will be carried out in accordance with the drawings and other documents produced in respect of the proposed *development* and agreed upon between both parties and shall bear the signatures of the applicant and the City.
- .9 Where an applicant refuses to enter into an agreement when required by the City, the application Shall be denied.

4.63 TEMPORARY CONSTRUCTION USES PERMITTED

- .1 The Development Officer May issue a Development Permit for the Erection of a temporary Building or Structure which is accessory to construction in progress, such as a work or construction camp, Modular Home, sales or rental Office, tool or Maintenance shed and scaffold.
- .2 The Development Officer May issue a temporary permit for up to six (6) months for a Greenhouse or other Structure or Building in any zone where it would not be permitted by this By-law and for up to one (1) year for community gardens, and this permit May be renewed for community gardens and accessory buildings.
- .3 The Development Officer Shall have the power to order that any boat, motor home or piece of heavy equipment such as construction equipment or a commercial truck not be stored outside in any residential zone or to regulate the manner of storage thereof.
- 4. Temporary plastic garages be prohibited in all zones.
- 5. Failure to comply with any order or direction of the Development Officer Shall constitute an offence under this By-law.

Chapman Brothers Construction Ltd.

P.O. Box 85
Souris, PE
C0A 2B0
(902) 969-0285

31st May 2018

Attention

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

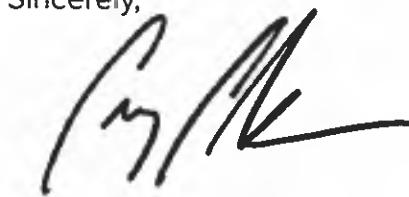
Reference: Rezoning & Lot Consolidation 249 Sherwood Rd PID's 615831 & 145128

Dear Laurel,

Chapman Brothers Construction Ltd. wishes to withdraw the application presently under consideration by the City of Charlottetown to rezone the lands at 249 Sherwood Road to accommodate an asphalt plant.

We thank you for your support in advancing this proposal.

Sincerely,



Craig Chapman

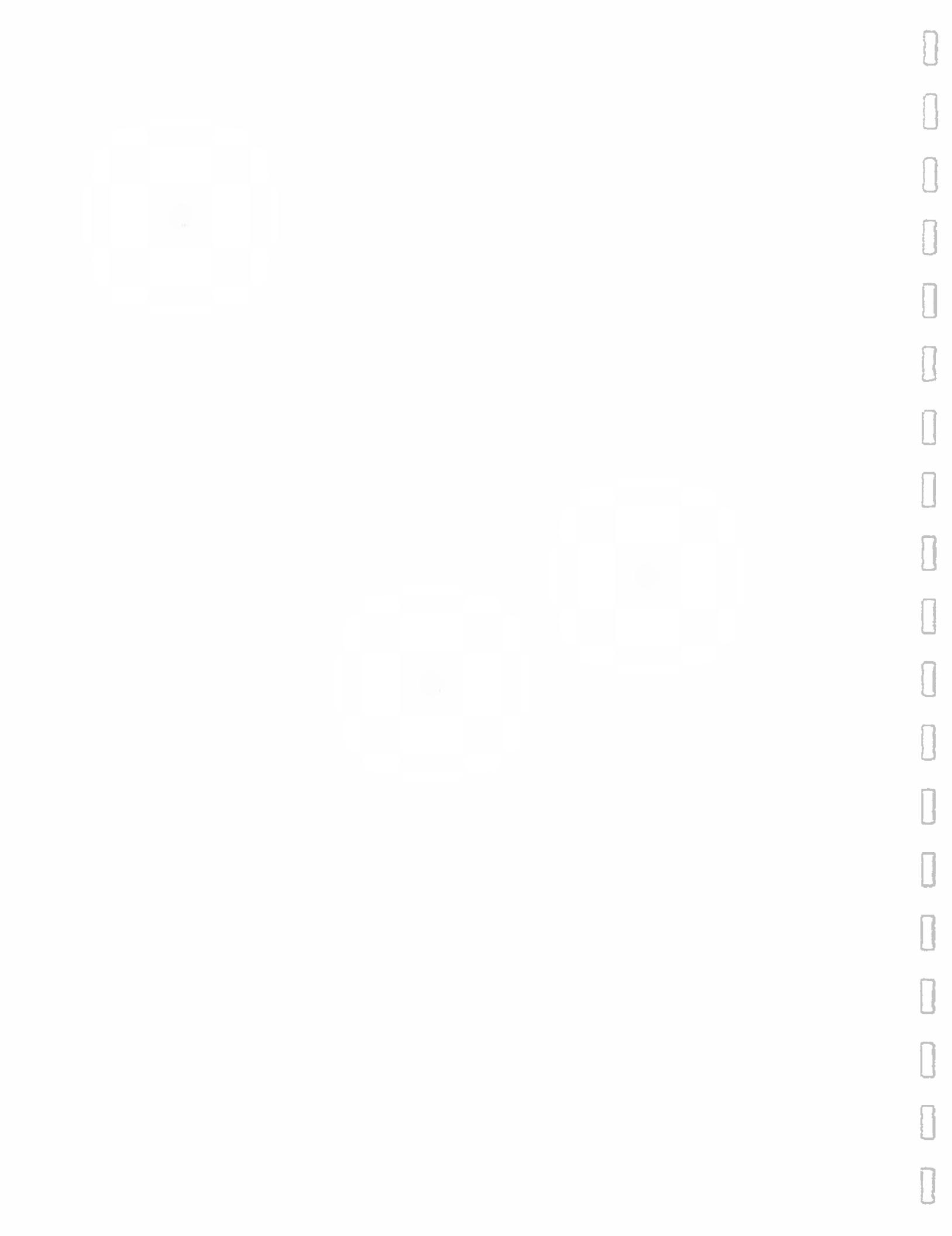
Chapman Brothers Construction Ltd.

PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD
MONDAY, JUNE 4, 2018
4:30 P.M.

<u>Present:</u>	Councillor Greg Rivard, Chair	David Archer, RM
	Councillor Terry MacLeod, Vice-Chair	Lynn MacLaren, RM
	Councillor Jason Coady	Ron Coles, RM
	Lea MacDonald, RM	Alex Forbes PHM
	Pat Langhorne, RM	Greg Morrison, PII
	Karolyn Walsh, RM	Laurel Palmer Thompson, PII
	Roger Doiron, RM	Ellen Faye Ganga, PH IA/AA
	Kate Marshall, RM	
<u>Regrets</u>	Loanne MacKay, RM	Brad Wonnacott, AA

1. 249 Sherwood Road (PID #'S 615831&145128) Irving Frizzel/Chapman's

This application was added as part of the Agenda to inform the public that this application has been withdrawn on May 31, 2018. A resolution will be presented at the Council Meeting. Councillor Coady clarified that if this application is withdrawn, this application cannot reapply within 1 year. Alex Forbes confirmed his assessment was accurate.



PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD
MONDAY, JUNE 4, 2018
4:30 P.M.

<u>Present:</u>	Councillor Greg Rivard, Chair	David Archer, RM
	Councillor Terry MacLeod, Vice-Chair	Lynn MacLaren, RM
	Councillor Jason Coady	Ron Coles, RM
	Lea MacDonald, RM	Alex Forbes PHM
	Pat Langhorne, RM	Greg Morrison, PII
	Karolyn Walsh, RM	Laurel Palmer Thompson, PII
	Roger Doiron, RM	Ellen Faye Ganga, PH IA/AA
	Kate Marshall, RM	

Regrets **Loanne MacKay, RM** **Brad Wonnacott, AA**

1. Call to Order

Councillor Rivard called the meeting to order at 4:29 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Roger Doiron, RM, and seconded by Karolyn Walsh, RM, that the agenda for Monday, June 4, 2018 be approved.

CARRIED

4. Adoption of Minutes

Moved by Roger Doiron, RM, and seconded by Kate Marshall, RM, that the minutes of the Monday, May 7, 2018 meeting be approved.

CARRIED

5. Business arising from Minutes

6. 65-67 Prince Street (PID #338236)

This item is a request for a temporary use variance to the vacant property located at 65-57 Prince Street (PID #338256). The property is located in the Downtown Neighborhood (DN) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this application is to utilize the subject property for use as a temporary parking lot for four (4) months in the summer by the Inns on Great George as additional parking. A stand-alone parking lot is not a permitted use in the DN zone, hence the applicant is requesting for a variance for a temporary use in a manner otherwise prohibited by this Bylaw for a period not exceeding four (4) months in any year. The property used to be a 12-unit apartment building but was demolished after it was destroyed in a fire in August 2015. The property remained vacant since then and in

2017, the property operated without a permit as parking lot. The staff was in contact with applicant who then applied for a temporary use variance on September 8, 2017. The requested information was never received from the applicant therefore the application did not proceed. While Staff sympathizes that the local business does not have sufficient parking, there are a number of concerns with the application – 1) the proposed use does not conform to the Zoning and Development By-law; 2) should the variance be approved, it could set a precedent for this property and other properties in the area; and 3) staff does not want to set a precedent by suggesting to residents that by ignoring the bylaw and operating without a permit, it can be resolved through the variance process. The Staff recommendation is to reject the application for a temporary use variance to operate the property as a seasonal parking lot.

Councillor Greg Rivard commented that there were letters sent to the applicant indicating that the operation was not allowed. He questioned whether the applicant chose to ignore the fact that it was not permitted and continued to allow parking on the property. Greg Morrison, PII, noted that the applicant was in constant communication with staff to discuss and set parameters for the operation. The applicant did not adhere to the by-law, therefore there is nothing to approve. The applicant then began to seek to utilize the variance process. Mr. Morrison also mentioned that the applicant is present to speak about the application.

Lea MacDonald, RM, asked how many cars can fit the property and Mr. Morrison responded that he is not certain about the number.

June Sanderson, applicant, spoke and clarified what happened during the summer of 2017. At the time the City called the applicant, they did not understand the violation and the process and that everything was verbal at that time. She mentioned that she very much treasures Downtown Charlottetown and has no intention of using this vacant lot as a permanent parking lot, nor for it to violate the bylaw requirements. This year, the applicant was again approached to lease the lot as a parking lot on a seasonal basis, but the long term plan is to work with planners and architect to develop the lot. The current use of the lot is a parking lot with a maximum of approximately 15 cars but there are never more than 8 cars on site at any given time. The vehicles are parked in an orderly fashion and the property is used and kept in a better state than when it is not leased. Ms. Sanderson added that there are parking issues in the downtown, with some vehicles parking illegally. In her opinion, this is a viable option to do this legally and an opportunity to free up parking in the downtown area.

Lynn MacLaren, RM, asked when they plan to develop the property. Ms. Sanderson responded that they are probably looking at fall of 2019.

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

Moved by Roger Doiron, RM and seconded by Karolyn Walsh, RM, that the request for a temporary use variance to operate the vacant property located at 65-67 Prince Street (PID #338236) as a seasonal parking lot be rejected.

CARRIED

7. 35 Prince Street (PID #337089)

This item is a request for a variance to extend a legal non-conforming use to allow the existing Eating & Drinking Establishment to obtain a liquor license and outdoor seating for the property located at 35 Prince Street (PID #337089). The subject property is located in the Downtown Neighborhood (DN) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. The Council passed a resolution on December 2016 allowing a variance to extend a legal non-conforming use for an eating and drinking from a coin laundromat area subject to a development agreement and not permitting the sale of liquor. The applicant since returned to apply for a liquor license and a patio on the public right-of-way. When dealing with legal non-conforming uses, the long term use of a property should gravitate towards conforming back to the legal uses in the zone. Moreover, anytime a request is made to expand a non-conforming use, the request has to go through Council for approval. The staff recommendation is to reject the application for a variance to extend a legal non-conforming use to obtain a liquor license and outdoor seating.

Lynn MacLaren, RM, asked why they need to obtain a liquor license now. Greg Morrison, PII, responded that it was always the owner's intention but Council restricted it at the time due to public opposition. There is also further opposition letters in this report pertaining to liquor sales. It was noted that the nature of restaurants is such that the sale of alcohol is something that is typically expected similar to other restaurants that provide this type of service. Ms. MacLaren added she remembers that at the time this was discussed, obtaining a liquor license was not something the Planning Board felt comfortable supporting. Greg Morrison confirmed that no part of the restaurant at the moment sells liquor.

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

Moved by Lynn MacLaren, RM and seconded by Pat Langhorne, RM, that the request for a variance to extend a legal non-conforming use (i.e., allow the existing Eating & Drinking Establishment to apply for a liquor license and obtain outdoor seating) at 35 Prince Street (PID #337089), be rejected.

CARRIED

8. 19 Hillsborough Street (PID #898551)

This item is a request for a variance to extend a legal non-conforming use (i.e., laundromat) for the property located at 19 Hillsborough Street (PID #898551). The property is located in the Downtown Neighborhood (DN) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. This application was presented to the Planning Board on February 6, 2017 for a variance to extend a legal non-conforming use (i.e., laundromat) into the former convenience store area but was deferred because of concerns on the exhaust system. The application was then presented again to the Planning Board on March 6, 2017 and to Council on March 13, 2017 where the application was rejected. The applicant is reapplying for this variance with no change to the original application and the applicant is here to talk about the rationale behind the dryer exhaust that was in question back in 2017. Staff would note this application is

related to a similar variance application in this neighbourhood where the owner of a different property requested to remove a coin operated laundromat and use the space for a restaurant. That application was approved and the closure of this laundromat created the request by the applicant to permit an additional 7 washers and 7 dryers in the area (total of 13 washers and 13 dryers). The applicant wishes to provide additional laundromat services in this area of the City. With the installation of these additional dryers and washers, the existing convenience store in this property will now be reduced where in this situation; the legal non-conforming laundromat would be expanding into the conforming convenience store. Staff feels that this situation is unique where the laundromat may provide a necessary service to the area and may have lesser impact to the residents than a convenience store. The staff recommendation is to approve the request for a variance to extend the legal non-conforming use (i.e., laundromat) at 19 Hillsborough Street (PID #898551). The applicant is present to speak to the application.

Pat Langhorne, RM, asked if there are any other laundromats close to that area and Greg Morrison, PII, commented that he is not certain and a comment from the Board was that there is one on lower Queen Street. Ms. Langhorne added that most of the residents in the downtown don't have vehicles so walking to the laundromat is convenient. Mr. Morrison added that the rationale to extend the laundromat is not the issue, the concern is more related to the location of dryer vent exhaust.

Malcolm Lodge, representative for owner of the shop, Michael Mayaleh owner of shop, explained the dryer exhaust concerns of the board. Mr. Mayaleh purchased the property as a convenience store / take out restaurant and laundromat and gains a lot of local use by residents and pedestrians who walk around the area. Because of that, parking is not an issue on that property. It is also seen as a growing opportunity for business with the closure of another laundromat. He explained that putting a common vent for a dryer may sound like a practical plan, however, when the dryers are being used, there is no identification as to what dryers are used at any given time and during the winter, no hot air goes above 20 feet before it condenses. In this case, air that does not escape from the vent falls back to the bottom and may trap lint which is a fire hazard. The solution is to put vents far from windows and from neighbors that are concerned. The property is separated by 8 foot fence at King Street and about 16 feet distance along Hillsborough Street.

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

Moved by Pat Langhorne, RM and seconded by Roger Doiron, RM, that the request for a variance to extend a legal non-conforming use by adding seven (7) washers and seven (7) dryers to the existing laundromat at 19 Hillsborough Street (PID #898551), be approved.

CARRIED

9. 51 Emerald Drive (PID #372250)

This item is a request for a variance to decrease the lot frontage requirement from 0@ 4 ft to 20.0 feet and to amend the intent of a proposed Development Agreement for the property located at 51 Emerald Drive (PID #372250). The property is located in the Medium Density Residential

(R-3) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. A resolution was approved by Council on March 14, 2016 and by the Minister of Communities, land and Environment on April 27, 2016 changing from Low Density Residential (R-2) Zone to Medium Density Residential (R-3) Zone and to accommodate a three (3) unit townhouse subject to the developer entering into a Development Agreement. Both plans were never applied for. The property is then sold and the new owner is requesting to construct a five (5) unit apartment. The existing property will remain the same with the addition of three (3) units to the rear of building. Councillor Greg Rivard added that this application went to public consultation for rezoning to build a three unit townhouse and that this is what the public will be expecting. Since this has already been rezoned, the public may not be fully aware of the new proposal. Mr. Morrison added that the proposed amendment will have minor impact on adjacent properties along Queen Street but would not be consistent with the existing single dwellings along Emerald Drive. It will retain the same façade along Emerald drive but will extend towards the rear property line. Staff support the previous application and are recommending to reject the request for a variance to decrease the lot frontage requirement from 98.4 ft to 79.9 ft and to amend the intent of the proposed Development Agreement for the property located at 51 Emerald Drive (PID #372250).

Pat Langhorne, RM, commented that the neighborhood was against the three unit building and the parking is not ideal at that location.

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

Moved by Roger Doiron, RM and seconded by Pat Langhorne, RM, that the request for a variance to decrease the lot frontage requirement from 98.4 ft to 79.9 ft and to amend the intent of the proposed Development Agreement for the property located at 51 Emerald Drive (PID #372250), be rejected.

CARRIED

10. 27 Summer Street (PID #547810)

This item is a request for two variances to reduce the minimum lot area requirement for a commercial use in the MUC Zone from 6,458.4 sq.ft to 3,408.2 sq. ft. and to decrease the frontage requirement from 65.6 ft to 31.2 ft for the property located at 27 Summer Street (PID #547810). The property is located in the Mixed Use Corridor (MUC) Zone and is currently occupied with a single detached dwelling. Please see attached Staff Report. Laurel Palmer Thompson, PII, presented the application. The purpose of this application is for a catering business that prepares food on site and delivers food off site. There will be no restaurant seating and this business is referred to as tiffen service where customers order food online and the meals are delivered to their door. Only one (1) parking space is required on site and the public will not be visiting the property to pick up food. This area of the City is predominantly zoned as MUC, residential and commercial. The catering service will be located in a single detached dwelling and the proprietor and staff will not intensify the use of this location. One of the concerns from residents in that area was the garbage issue. Ms. Thompson noted that there are two major variances but doesn't feel that it is an unreasonable request to add a sink and a range for this type of operation. Should the catering services close, they can easily move the kitchen equipment out

and convert back to a single-detached residential dwelling. The staff recommendation is to approve the request for two variances to reduce the minimum lot area requirement for a commercial use in the MUC Zone from 6,458.4 sq.ft to 3,408.2 sq. ft. and to decrease the frontage requirement from 65.6 ft to 31.2 ft for the property located at 27 Summer Street (PID #547810).

Pat Langhorne, RM, asked if there will be individuals living in the property. Ms. Thompson, PII, noted that the Department of Health requires that if a property operates as a food service, individuals are not permitted to live in the dwelling. Lynn MacLaren, RM, asked about the number of staff and was informed that it will consist of one cook and a couple of staff and if gets busy. Gagandeep Singh Sehgal, applicant, responded that it will only be himself and one staff person who will be in the dwelling. The Board was informed that everything is done online and will be managed around the size of the business. Councillor Terry MacLeod asked how they are going to deal with the garbage concern. Ms. Thompson noted that more information can come from Island Waste Management about the required garbage cans. Mr. Sehgal mentioned that he recently had a garbage problem with the existing/current tenants and that this will be resolved. Lea MacDonald, RM, asked if they require a dumpster and if most of their garbage would be compost. Mr. Sehgal responded that the current garbage containers should be enough as they are not expecting to generate a large amount of garbage from their catering services and most of it will be compost waste. Kate Marshall, RM, confirmed from the applicant that he owned the building and that the orders are to be delivered and there will most likely be no vehicle parked all the time.

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

Moved by Pat Langhorne, RM and seconded by Lynn MacLaren, RM, that the request for two variances to reduce the minimum lot area requirement for a commercial use in the MUC Zone from 6,458.4 sq.ft to 3,408.2 sq. ft. and to decrease the frontage requirement from 65.6 ft to 31.2 ft for the property located at 27 Summer Street (PID #547810) for a catering business that delivers food off site only, be approved.

CARRIED

11. MacRae Drive / East Royalty Road (PID #192401)

This application is a request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential for the property located on MacRae Drive (PID #192401); and
2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone for the property located on MacRae Drive (PID #192401).

The property is located in the Single-Detached Residential (R-1L) Zone per attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this rezoning is to construct a public street on the subject property and subdivide a number of lots from the parcel.

This is a 12.2 acre property adjacent to the airport. The applicant submitted a preliminary plan showing about 100+ residential dwelling. The original approach was to rezone to CDA but the applicant is not certain to what properties they want to develop and wants to develop depending on the market demands so the applicant cannot commit to a concept plan. The preliminary subdivision plan shows a mix of semi-detached dwellings and town houses (108 units) but if the rezoning is approved, the applicant could potentially build upwards of 300 residential dwelling units. A small portion of the property may be located within the 30 NEF noise contour line of the airport so the necessary consultation with the Airport Authority and appropriate noise reduction measures. Staff recommendation is to reject this application. Mr. Morrison also indicated that it may be beneficially for the Board to defer the application until such time that a more detailed concept plan has been submitted.

Councillor Greg Rivard commented that going to public consultation without a plan would not be prudent. It is recommended that the applicant put together a more detailed plan for the public to review. Mr. Rivard also suggested that the direction of the application should be to rezone to CDA. Greg Morrison indicated that the property is quite large and as an R-3 zone, a wider range of development would be permitted. Staff noted that it would be difficult to explain to the public what may occur if property is rezoned to R-3 without a concept plan in place.

Lea MacDonald, RM, asked if there are public streets along the property. Greg Morrison, PII, confirmed that there is a road along MacRae Drive and the proposed public street would include the extension of those services. Pat Langhorne, RM, asked if this is covered by the plan recently developed for the East Royalty Plan. Mr. Morrison confirmed that it is part of the East Royalty planning area but the zoning was not changed at that time.

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

Moved by Lea MacDonald, RM and seconded by Kate Marshall, RM, that the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential for the property located on MacRae Drive (PID #192401); and
2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone for the property located on MacRae Drive (PID #192401).
be deferred until a detail concept plan is provided for the property.

CARRIED

12. Karen Drive (PID #524132)

This item is a request to amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone in order to rezone the property located on Karen Drive (PID #524132). The property is located in the Single-Detached Residential (R-1L) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this rezoning is to construct a two (2) unit dwelling on the vacant property. The applicant has not submitted a site or building plans, so

should the application be approved, the applicant needs to submit plans that meet the requirements to the Zoning & Development Bylaw. The neighborhood is a mix of one and two unit dwellings. This specific property may be considered a spot rezoning but staff feel that the two unit dwelling could be accommodated on the subject property and recommend that it be approved to proceed to public consultation.

Kate Marshall, RM, asked if the applicant would have plan when they go to public consultation. Greg Morrison, PII, responded that it is not a substantial change in zoning to permit a two unit dwelling within the constraints of the bylaw. Staff indicated that the applicant is not required to have a plan but they should have something to provide at the public consultation.

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

Moved by Lynn MacLaren, RM and seconded by Karolyn Walsh, RM, that the request to amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone in order to rezone the property located at 36-38 Karen Drive (PID #524132) be approved to proceed to public consultation phase.

CARRIED

13. MacWilliams Road (PID #192161)

This item is a request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Community Institutional for a portion of the property located on MacWilliams Road (PID #192161); and
2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential (R-2) Zone to the Institutional (I) Zone for a portion of the property located on MacWilliams Road (PID #192161).

Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this rezoning is to consolidate the portion of the property with LM Montgomery Elementary School – 69 MacWilliams Road (PID #663823) in order to accommodate the expansion of the bus parking lot and for potential storm water management. The staff feels that the school is an integral part of the community and staff should work with the school to meet its growing needs. The application aligns with the East Royalty Master Plan and a future street will still be able to be accommodated and will not interfere with the plan. The Staff recommendation is for approval to proceed to public consultation.

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

Moved by Lynn MacLaren, RM and seconded by Roger Doiron, RM, that the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Community Institutional for a portion of the property located on MacWilliams Road (PID #192161); and
2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential (R-2) Zone to the Institutional (I) Zone for a portion of the property located on MacWilliams Road (PID #192161)

be approved to proceed to public consultation phase.

CARRIED

14. 91 Kensington Road (PID #278044) & 6 Spring Lane (PID #278077)

This item is a request to consolidate a portion of PID #278044 (Parcel #2) with 91 Kensington Road, PID #278044 (Parcel #1) and to consolidate the remaining portion of PID #278044 with 6 Spring Lane, PID #278077 (Parcel #2), subject to a pinned final survey plan. The property is located in the Mixed-Use Corridor Commercial (MUC) Zone. Please see attached Staff Report. Greg Morrison, PII, presented the application. The purpose of this application is to reconfigure the existing property lines of 91 Kensington Road in order to eliminate two non-conforming situations. Any lot consolidation that are not R-1/R-2 zones requires council approval. There is an accessory building at 6 Spring Lane that is located over the property line of 91 Kensington Road. By consolidating the portion of land from 91 Kensington Road to 6 Spring Lane, it eliminates the non-conforming setback of the accessory building by allowing a 3 ft setback which conforms to the bylaw. This is an administrative issue and consolidating the properties also resolves mapping issues without causing any additional density.

Councillor Greg Rivard asked if this application needs two resolutions. Greg Morrison responded that it is a consolidation of parcel #2 with parcel #1 and consolidation with 6 Spring Lane. Alex Forbes, PHM, also noted that we will have one resolution at this time but can add another resolution later if necessary. Councillor Terry MacLeod also asked if the owner of 91 Kensington Road is initiating this application and Greg Morrison confirmed that they are.

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

Moved by Roger Doiron, RM and seconded by Karolyn Walsh, RM, that the request to consolidate a portion of PID #278044 (Parcel #2) with 91 Kensington Road, PID #278044 (Parcel #1) and to consolidate the remaining portion of PID #278044 with 6 Spring Lane, PID #278077 (Parcel #2), be approved, subject to a pinned final survey plan.

CARRIED

15. Upton Road (PID #704536) Laurel

This is a request to rezone the property on Upton Road (PID #704536) and amend Schedule "H" of the Zoning Map of the City of Charlottetown from Single Detached Residential (R-1S) to Low Density Residential (R-2S). The property is located in the Single Detached Residential (R-1S) Zone and located immediately north of the Provincial Tree Nursery. Please see attached Staff Report. Laurel Palmer Thompson, PII, presented the application. The purpose of this application

is to rezone to Low Density Residential (R-2S). The R-2S zone allows for a combination of single-detached dwellings with 25% of the lots to be used for semi-detached or duplex dwellings. The applicant is requesting to rezone the property to allow subdivision of the lot and construct a semi-detached dwelling along Upton Road. If the rezoning is approved, a future phase of development would be construction of a small subdivision of single detached dwellings and 25% of the lots for semi-detached dwellings. An amendment to the Official plan is not required as both are considered low density residential on the Future Land Use Map. The majority of the property is wooded and there is a stream that runs through the north east portion of the property. If this is approved, the Provincial Department of Environment will have to delineate the wetland and establish the required buffer zone along the wetland. The greater majority of the neighborhood is single detached dwelling and semi-detached dwellings. It also allows additional townhouses which is not that intensive. It is a mixed design of the land and contours. There is a demand for other forms of housing types and choices in neighborhoods. Staff feels that this is an appropriate and good fit. The Staff recommendation is to approve the request to proceed to public consultation to rezone the property on Upton Road (PID #704536) and amend Schedule "H" of the Zoning Map of the City of Charlottetown from Single Detached Residential (R-1S) to Low Density Residential (R-2S). The applicant is present if there are questions relating to the application.

Council Greg Rivard noted that when this application goes to a public consultation, the public wants to see what's coming so there should be a plan for the property. The applicant, confirmed that they are waiting on Environment Management Plan of the wooded area to determine wetland and buffer zones and what they are able to do adjacent to the buffer zones. These information should be available before the scheduled Public Meeting.

Lynn MacLaren, RM, commented that there is a little road off Hurry Road and if a subdivision is created, a road cannot go across the water course. The applicant noted that there is a 40 ft right of way along Upton Park Subdivision that widens out to Hurry Road. They noted that they gave the Province/City about 13 ft out to Royalty Road. If there is an expansion of the road in the future, they already provided for appropriate contribution. Kate Marshall, RM, asked if the duplex entrance is coming into Upton Road. Laurel Palmer Thompson responded that Hurry Road needs to be upgraded before they have the subdivision at that end. The road is narrower at Upton Road with the stream up at this corner so it may be harder to get a subdivision road.

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

Moved by Lynn MacLaren, RM and seconded by Roger Doiron, RM, that the request to rezone the property (opposite side of street from Enderis Lane) on Upton Road (PID #704536) and amend Schedule "H" of the Zoning Map of the City of Charlottetown from Single Detached Residential (R-1S) to Low Density Residential (R-2S) be approved to proceed to public consultation phase.

GADDIE

16. 249 Sherwood Road (PID #'S 615831&145128) Irving Frizzel/Chapman's

This application was added as part of the Agenda to inform the public that this application has been withdrawn on May 31, 2018. A resolution will be presented at the Council Meeting. Councillor Coady clarified that if this application is withdrawn, this application cannot reapply within 1 year. Alex Forbes confirmed his assessment was accurate.

17. Zoning & Development Bylaw

Alex Forbes, PHM, presented this topic in the agenda. This specific topic has been discussed in the past and there will more opportunity to hear additional details at the upcoming public meeting. Mr. Forbes noted that the 500 Lot Plan was initially adopted around September or early October of 2013. The new concepts in this Plan have served the City well and this bylaw has been tweaked several times. It was also noted that some people in the development community felt that there was too much complexity built into this plan and it did not provide the level of certainty was available previously. Mr. Forbes noted that the design requirement (which for some create a level of complexity) was built into this plan in order to provide more density in the zoning categories downtown. The proposed Zoning and Development Bylaw amendment being brought forward provides a clear, more concise and consistent process and will support both the heritage resources in the downtown as well as those properties that are not designated. The proposed amendments are intended to provide more consistent rules and regulations for everyone. The proposed changes would include reduction of excessive text and eliminate redundancies or duplication of text. It also provides for a clearer language by removing qualifying statements, regulate through permissive use language and maintain a consistent use of terminologies. It also develops regulations that are consistent with the Provincial legislation. The new approach strengthens protection of non-designated heritage properties and identifies the process to designate additional heritage buildings or areas.

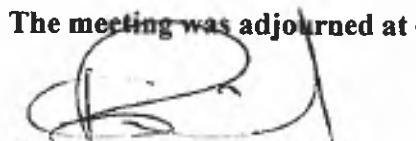
Councillor Greg Rivard added that this proposal will again be discussed at the Public Meeting where Hope Parnham and staff will discuss the proposal in more details.

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

Moved by Pat Langhorne, RM and seconded by Roger Doiron, RM, that the request to amend the Zoning & Development Bylaw to permit changes to various sections as outlined in the attached report, be approved to proceed to public consultation.

CARRIED

The meeting was adjourned at 6:07 p.m.


Councillor Greg Rivard, Chair

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**Regular Meeting of Council
Monday, June 11, 2018 at 4:30 PM
Council Chambers, City Hall, 199 Queen Street**

Mayor Clifford Lee presiding

<u>Present:</u>	Deputy Mayor Mike Duffy	Councillor Terry Bernard
	Councillor Greg Rivard	Councillor Terry MacLeod
	Councillor Melissa Hilton	Councillor Mitchell Tweel
	Councillor Jason Coady	Councillor Kevin Ramsay
	Councillor Bob Doiron	
<u>Also:</u>	Peter Kelly, CAO	Scott Messervey, DCAO
	Paul Smith, PC	Randy MacDonald, FC
	Paul Johnston, IAMM	Alex Forbes, PM
	Frank Quinn, PRM	Richard MacEwen, UM
	Scott Adams, PWM	Wayne Long, EDO
	Ron Atkinson, EconDO	Laurel Lea, TO
	Alicia Packwood, CA	Steve Forbes, CS
	Tracey McLean, RMC	
<u>Regrets:</u>	Ramona Doyle, SO	Bethany Kauzlarick, HRC

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

RESOLVED:

That Council approve the request by Chapman Brothers to withdraw their development application (to amend the Official Plan and Zoning and Development By-law) to permit an asphalt plant at 249 Sherwood Road with the provision that the applicant will not be permitted to apply for the same or similar application at this location for a one (1) year period pursuant to section 4.29 10 of the Zoning and Development By-law.

CARRIED 9-0

End of Excerpt

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CITY OF CHARLOTTETOWN

RESOLUTION

Planning #10

MOTION CARRIED *[Signature]* 9-0

MOTION LOST _____

Date: June 11, 2018

Moved by Councillor *[Signature]* Greg Rivard

Seconded by Councillor *[Signature]* Terry MacLeod

RESOLVED:

That Council approve the request by Chapman Brothers to withdraw their development application (to amend the Official Plan and Zoning and Development By-law) to permit an asphalt plant at 249 Sherwood Road with the provision that the applicant will not be permitted to apply for the same or similar application at this location for a one (1) year period pursuant to section 4.29 10 of the Zoning and Development By-law.

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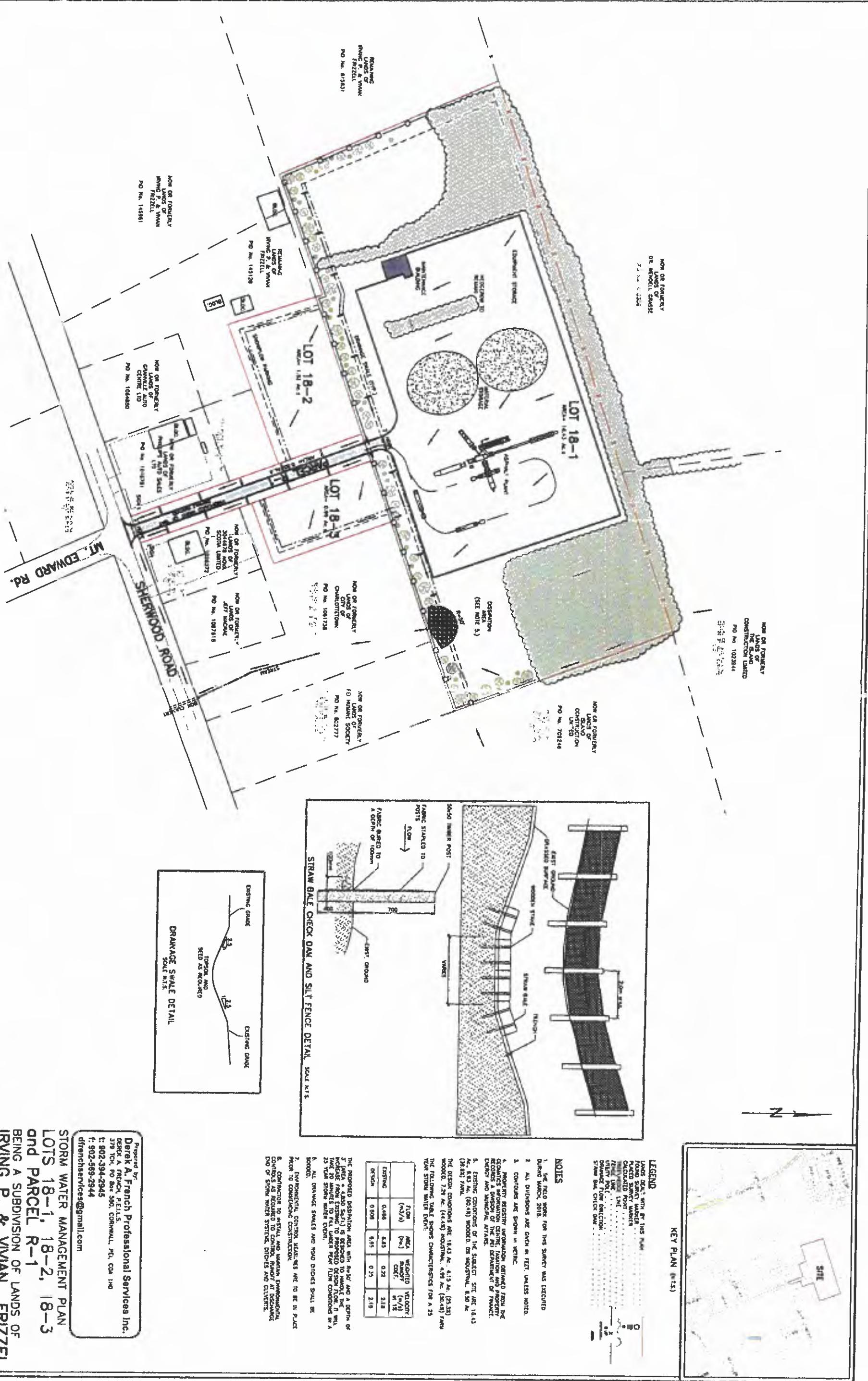
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Presented by
Derek A. French Professional Services Inc.
DEREK A. FRENCH, P.Eng.
375 YOUNG, PO BOX 2945
CORNWALL, PEI, C1A 1M0
t: 902-364-2945
f: 902-369-2944
dfranceservices@gmail.com







SCALE 1" = 100'

GRAPHIC SCALE - FEET

© 2010 Google

Proposed by
Derek A. French Professional Services Inc.
DRAFT - NOT FOR CONSTRUCTION
378 TCH. PO BOX 300 CORNWALL, PEI C0A 1H0
t: 902-394-2845
f: 902-389-2844
dfrenchservices@gmail.com

SITE PLAN SHOWING
PROPOSED CHAPMAN BROS
INDUSTRIAL SITE

CRAIG JEFFREY JOHN
QUEENS COUNTY
DRAWN BY: DAF
DRAWING No. 1817-1
P.I.D. No. 145128
P.E.I.
Date: 27. 07. 2010

NOTES

- 1 THE FIELD WORK FOR THIS SURVEY WAS EXECUTED ON JANUARY 5, 2010.
- 2 PLAN PREPARED BY STTP
- 3 BACKGROUND AERIAL PHOTO DATED JULY, 2010

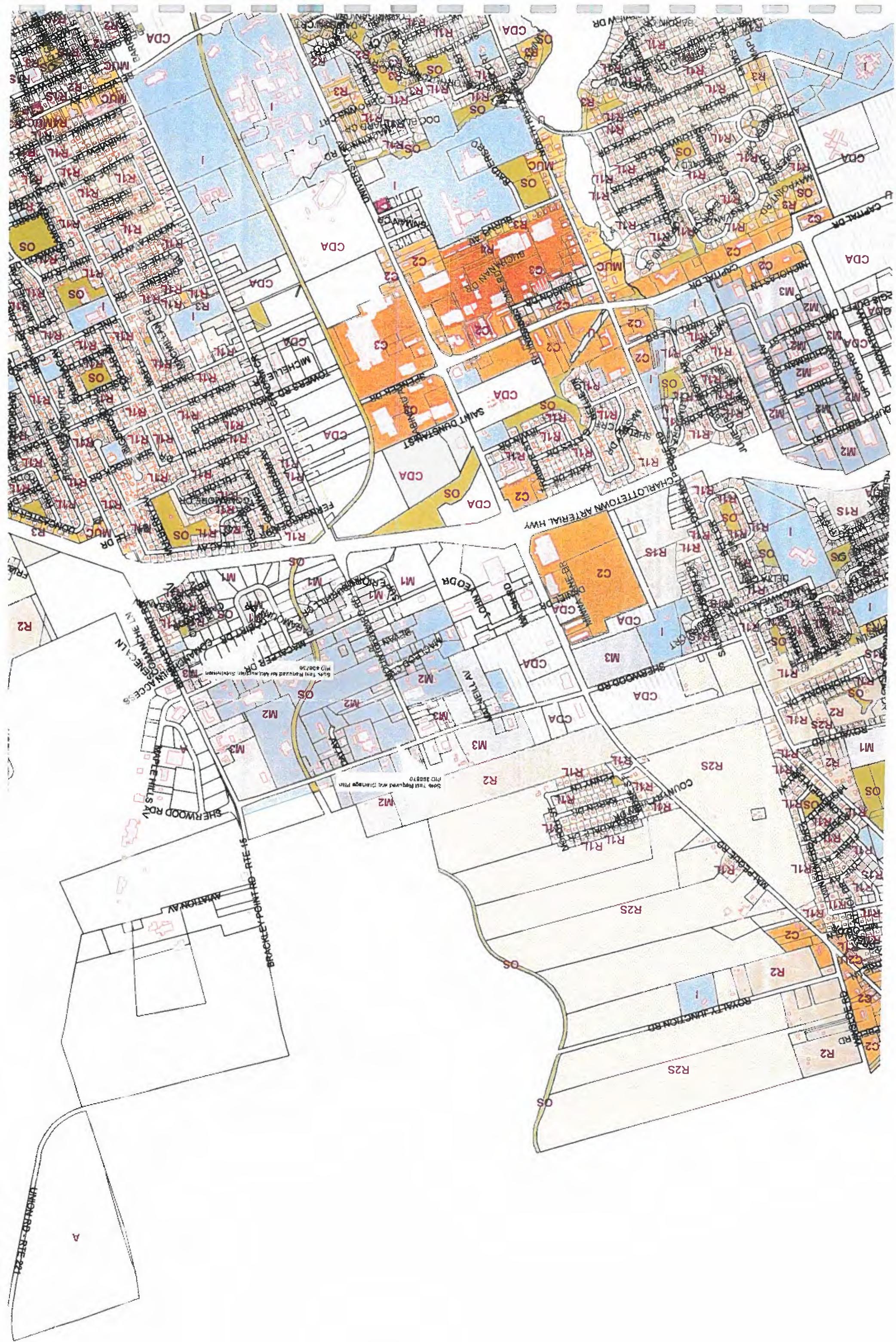
LEGEND

- LANDS DEAL WITH DR. HHS PLAN
- POLYLINE - SURVEY LINES
- CALCULATED POINT
- TRUE VERT LINE
- FOUR LINE
- OPPOSITE OR COUNTER
- UNION OF ANGLES
- ROUNDS

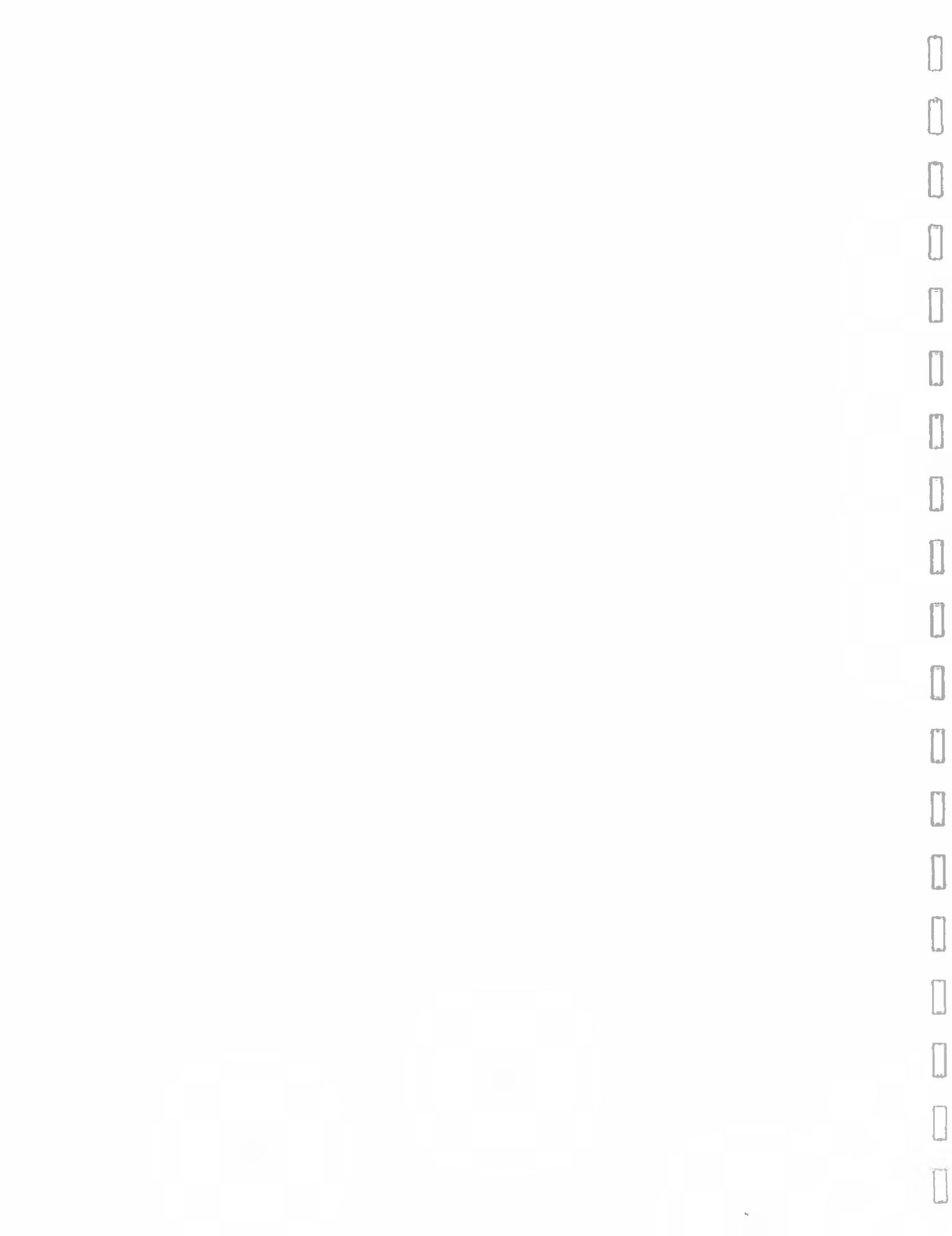
KEY PLAN (S)



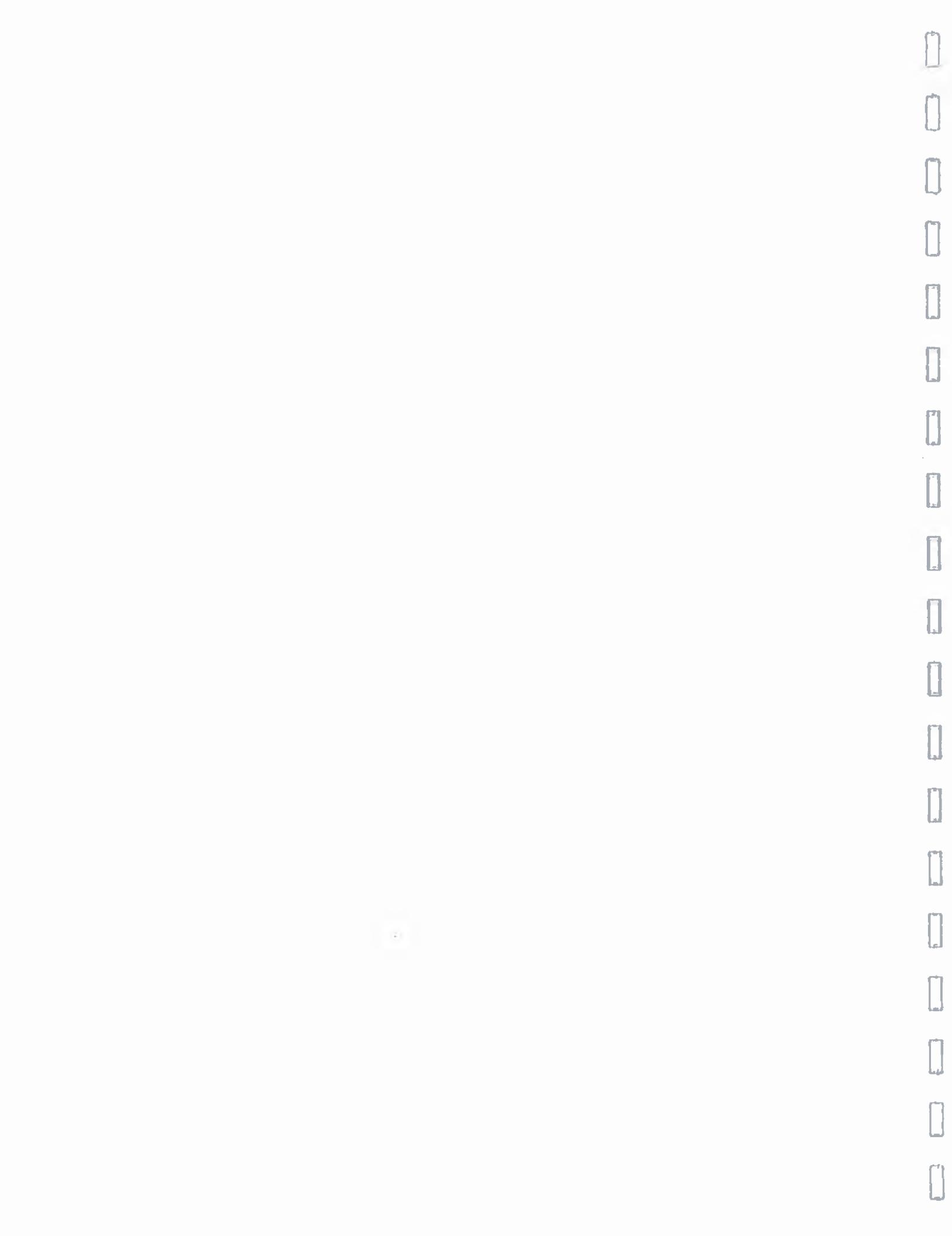


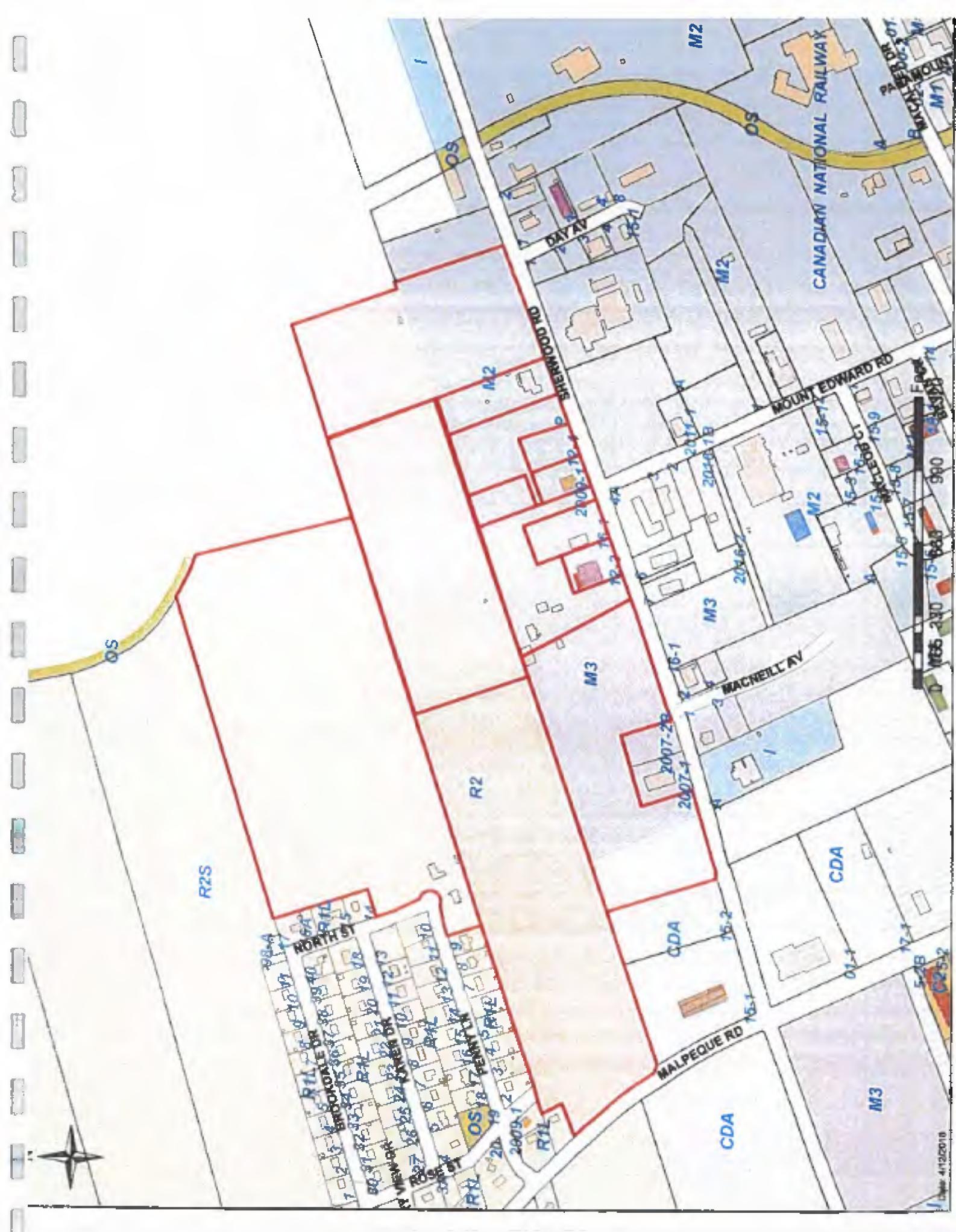












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TRUCK ROUTES

AS DELINERATED IN THE TRAFFIC BYLAW OF
THE CITY OF CHARLOTTETOWN



HEARTZ RD

APPLE HILLS AV

CHARLOTTETOWN PERIMETER HWY

UNIVERSITY AV



PROPOSED ZONING

ISLAND
CONSTRUCTION
LTD.
PID No.
1023944

DR.
WENDELL
GRASSE
PID No.
410308

ISLAND
CONSTRUCTION
LTD.
PID No.
709246

BLOCK 18-1
AREA = 17.6 Ac. \pm

AREA = 17.6 AC.

104

IRVING
FRIZZELL
PID No.
615831

IRVING
FRIZZELL
PID No.
145961

343

IRVING
FRIZZELL
FD No.
145128

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PID No.
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CITY OF
CHARLOTTETON
PID No.
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HUMANES
SOCIETY
PHD No
802777

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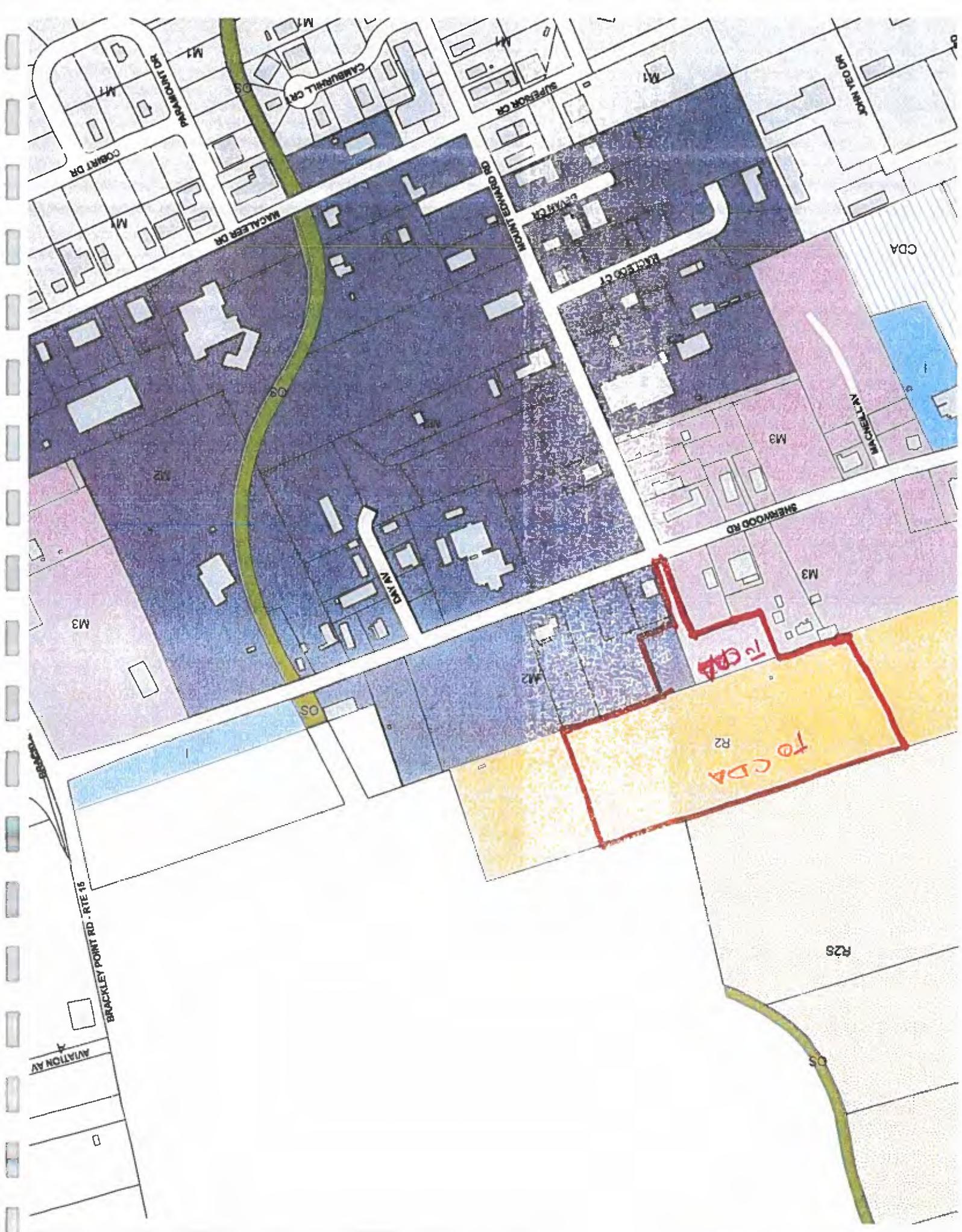
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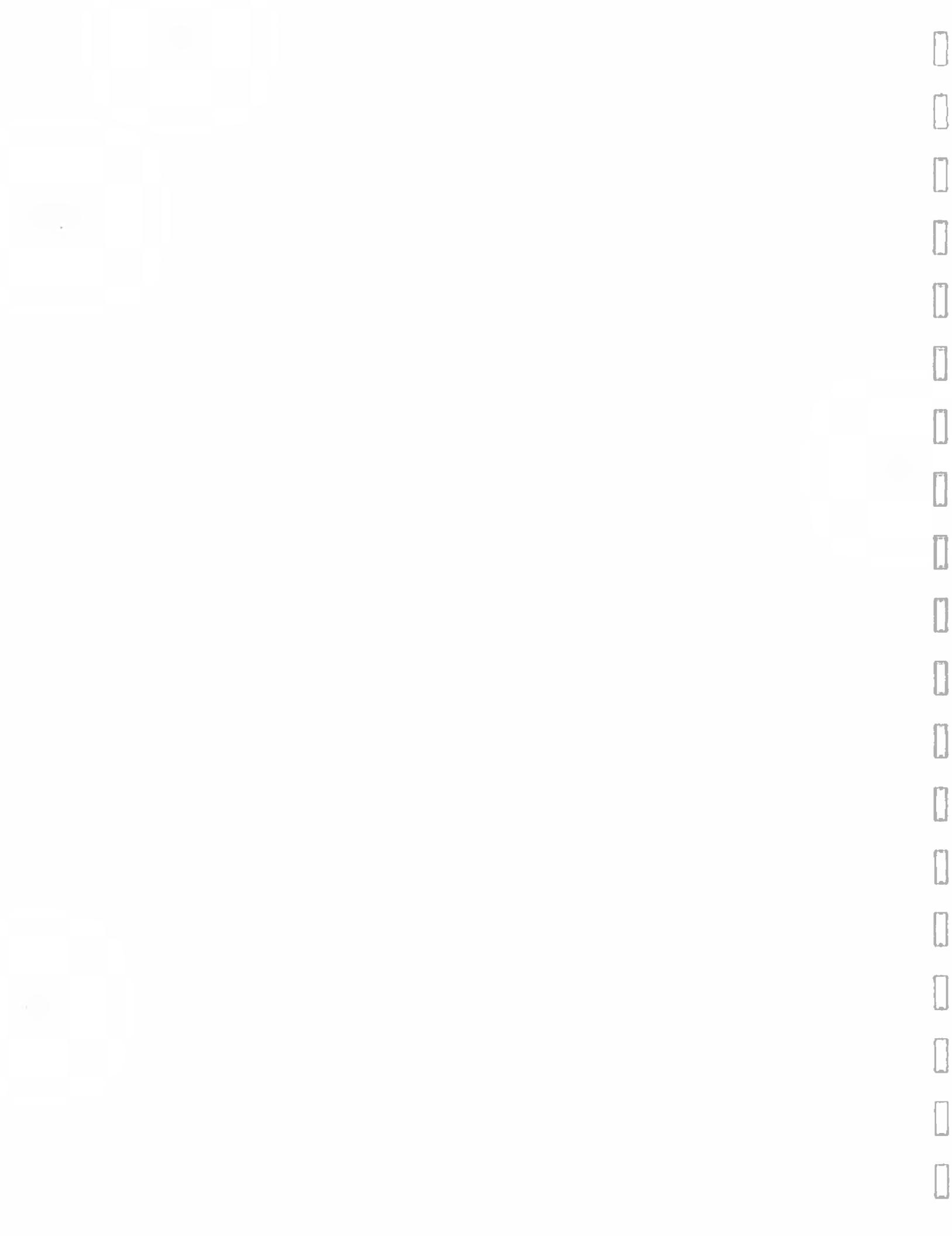
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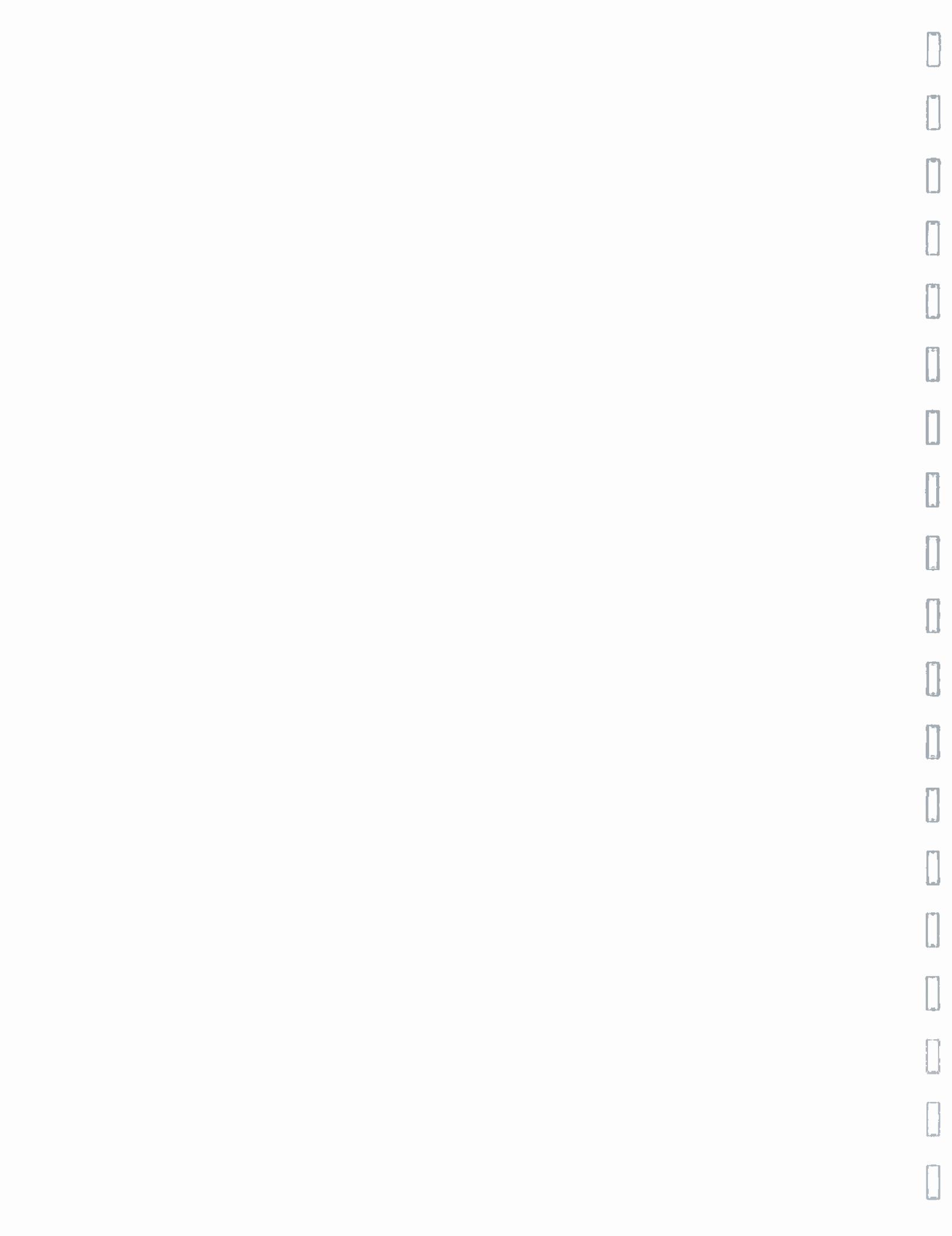
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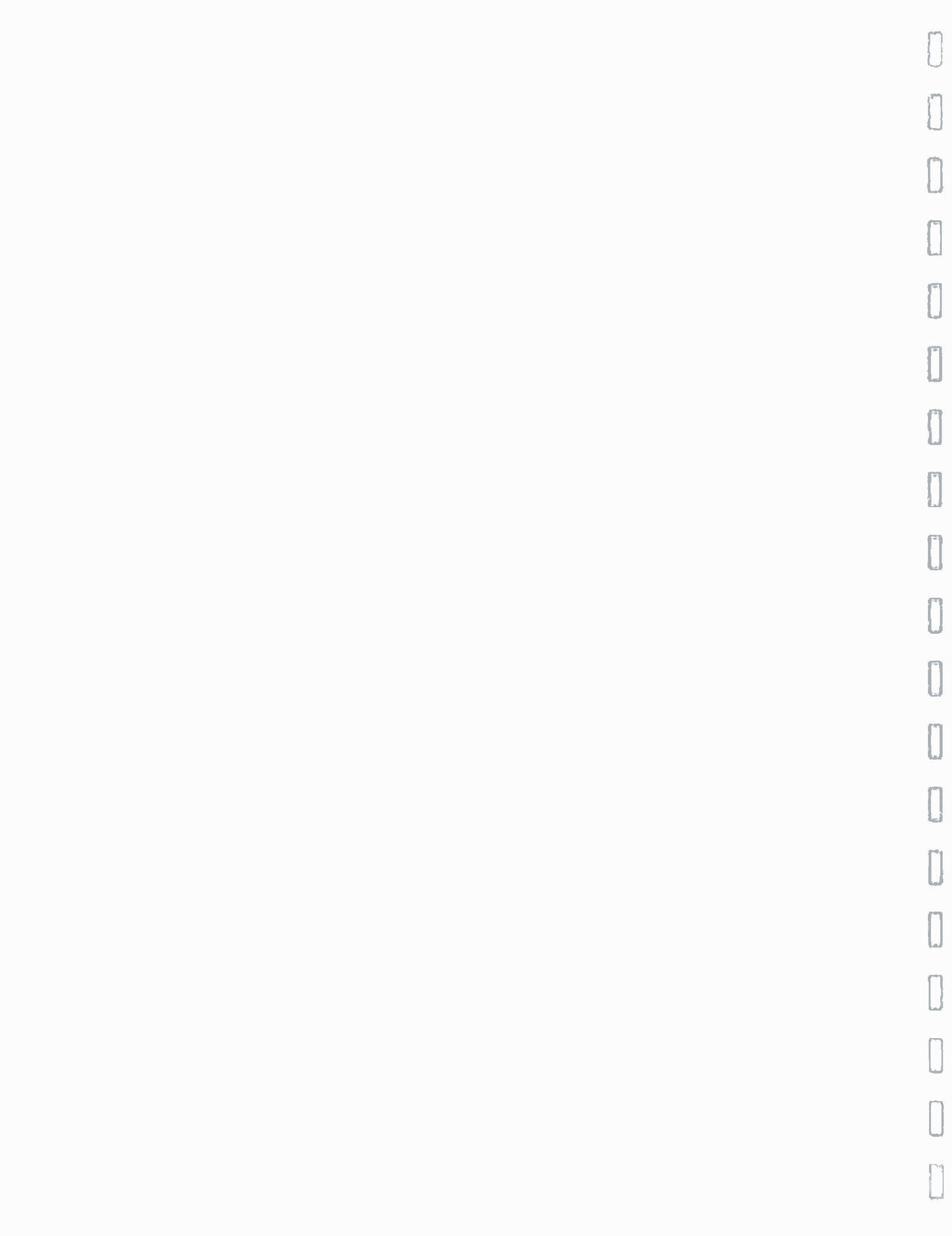


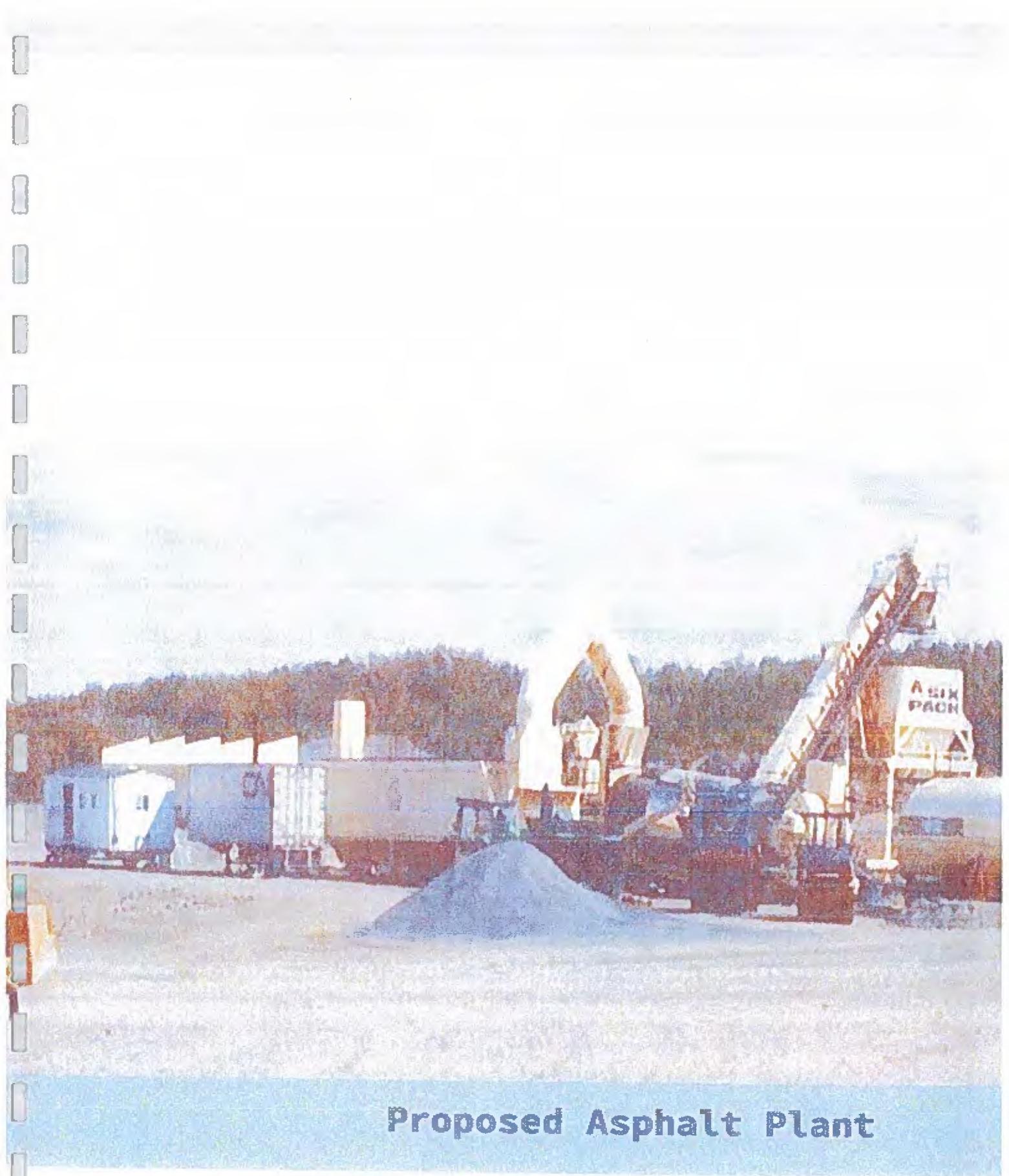




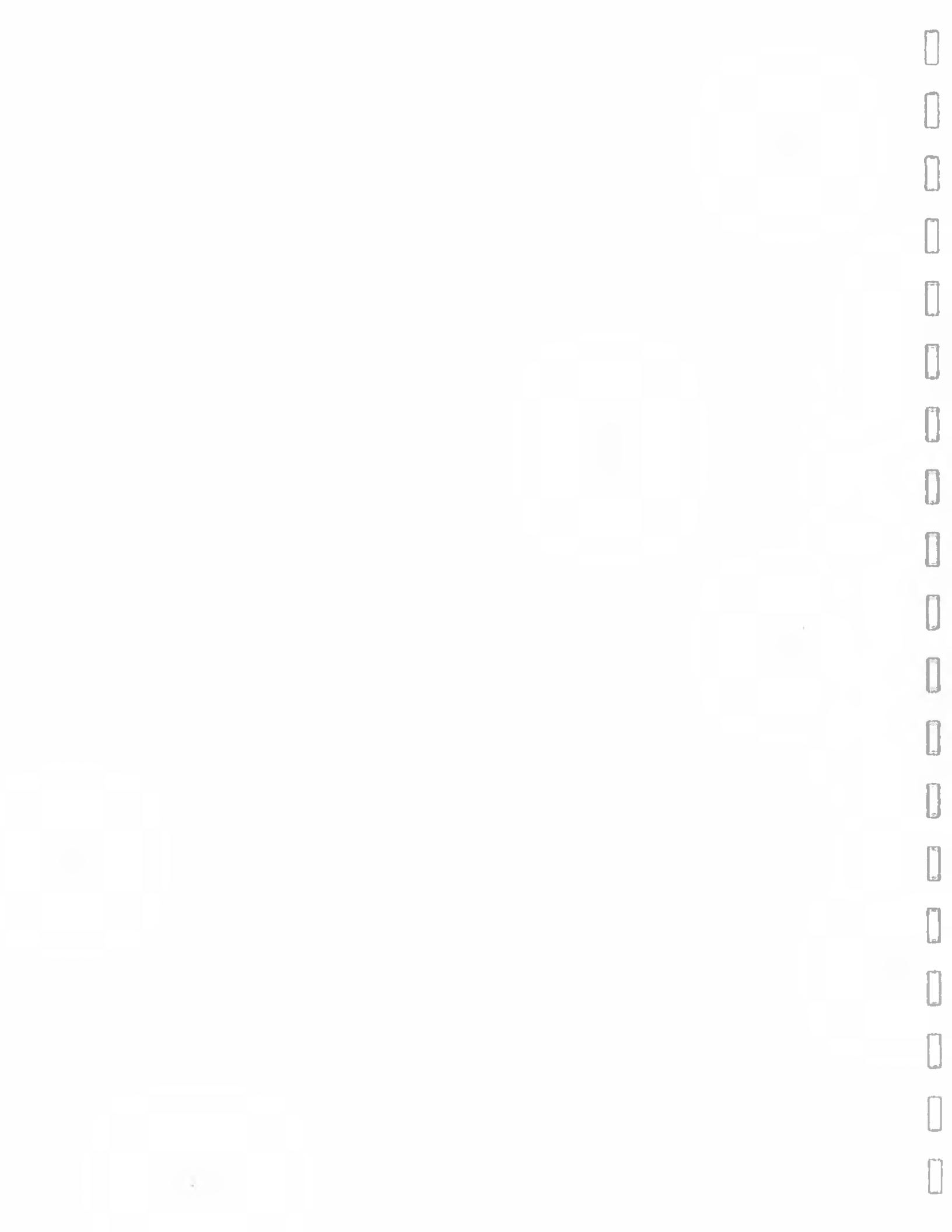
An aerial photograph of a proposed asphalt plant. The facility is located in a rural area with a mix of green fields and brown earth. A large, dark rectangular building, likely the asphalt plant itself, is positioned in the center-left. To its right is a long, low-profile building with several white storage tanks or silos attached. A tall, thin pipe or chimney extends from the top of this building. In front of the plant, there's a parking lot with several vehicles, including a white truck with 'B&K PAVING' written on its side. A paved road leads towards the plant from the bottom left. The surrounding land is a mix of dark green vegetation and lighter brown agricultural fields.

Proposed Asphalt Plant



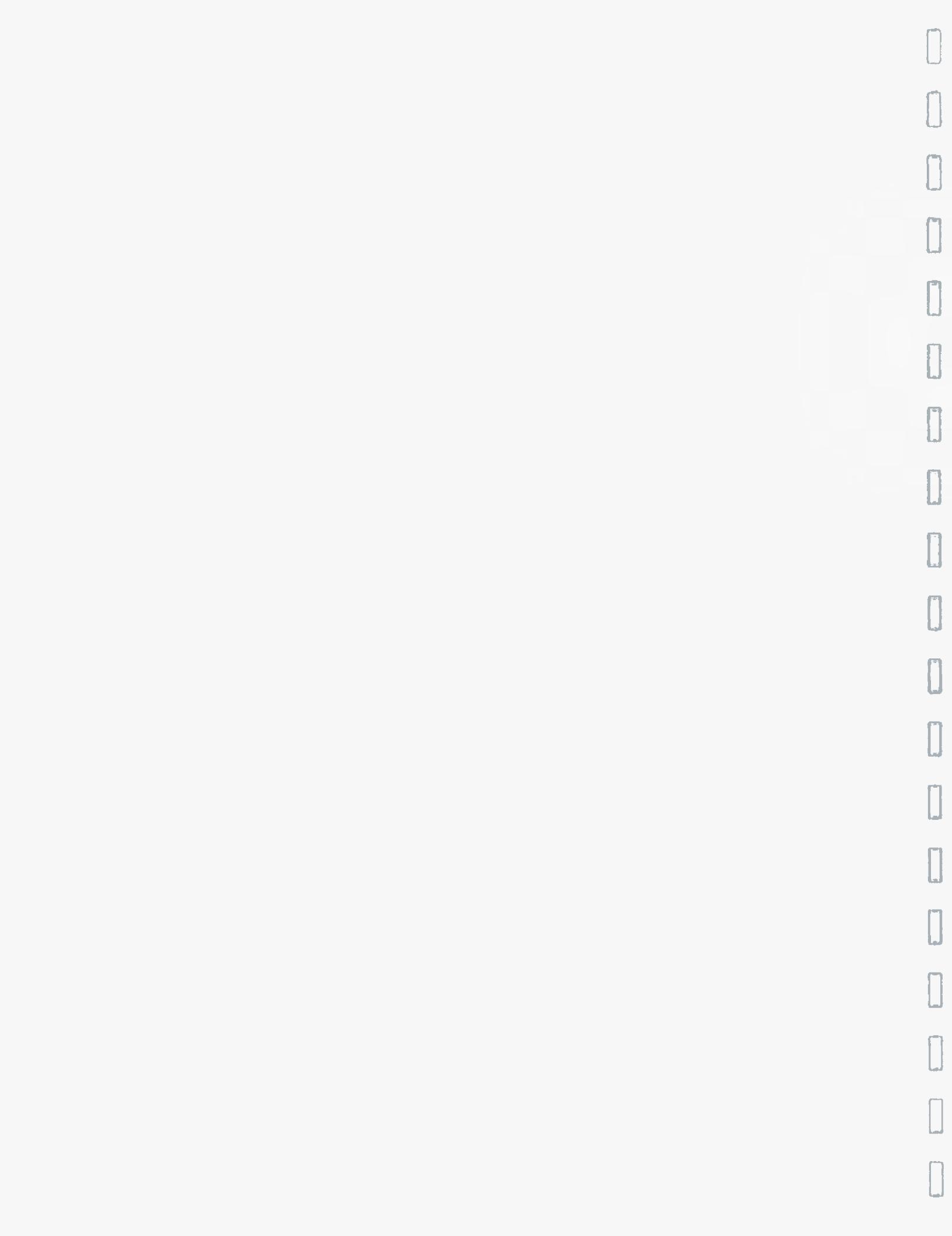


Proposed Asphalt Plant





AS DELINATED IN THE TRAFFIC BYLAW OF
THE CITY OF CHARLOTTETOWN



Dr Wendell & Marion Grasse
50 PENNY LN
CHARLOTTETOWN
PE
C1E 1V5

27th April 2018

Re: Rezoning of lot 50 Penny Lane - Charlottetown

Regarding Rezoning of and lot Consolidation parcel #815833

We are adjoining neighbours to the proposed rezoning residing at 50 Penny Lane and have viewed the plans put forward by Chapman Bros Ltd.

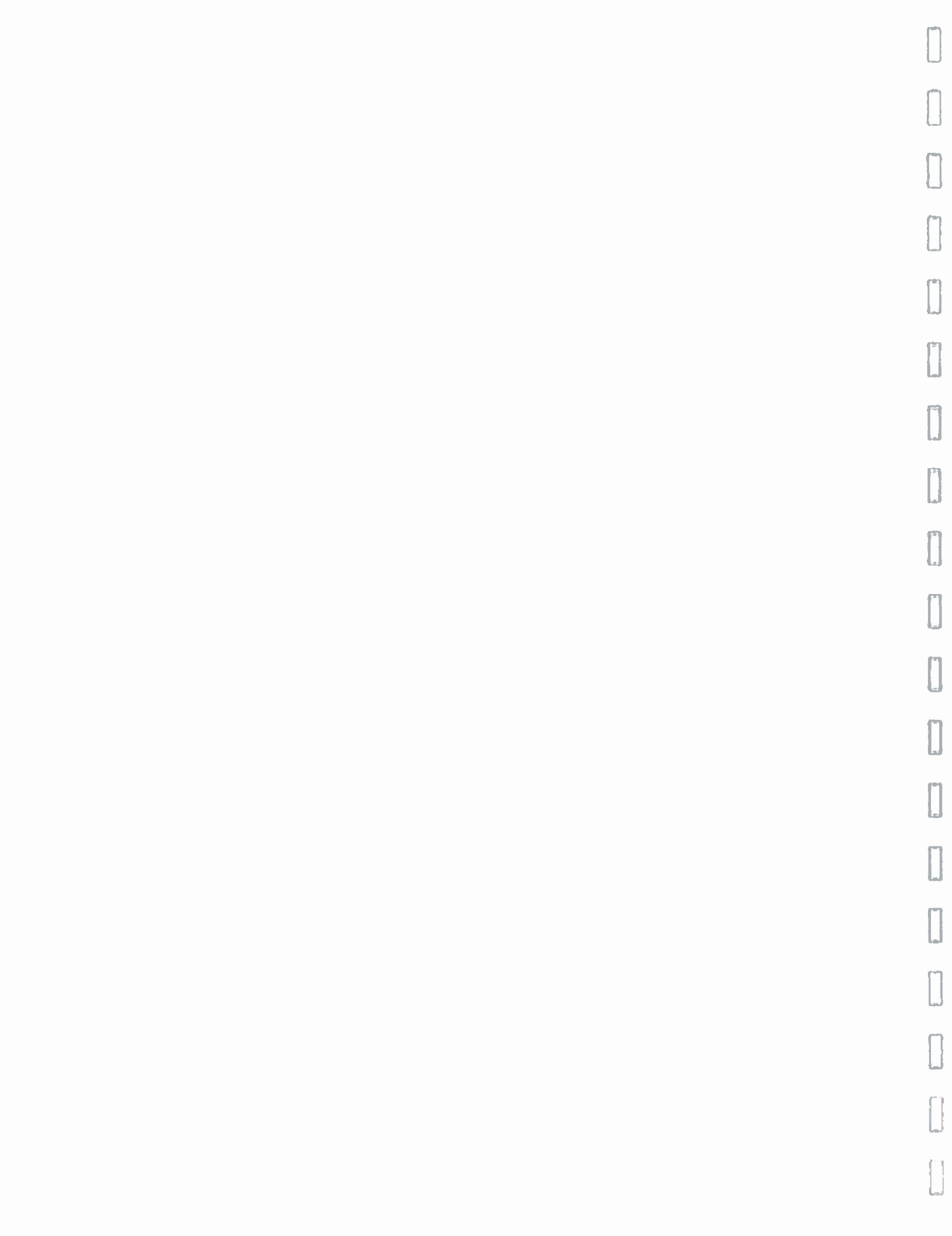
Neither my wife Marion nor I have any objection or concern with what is being proposed by Chapman Brothers Ltd.

We appreciate being consulted.

Sincerely



Dr. Wendell & Marion Grasse



March 23, 2018

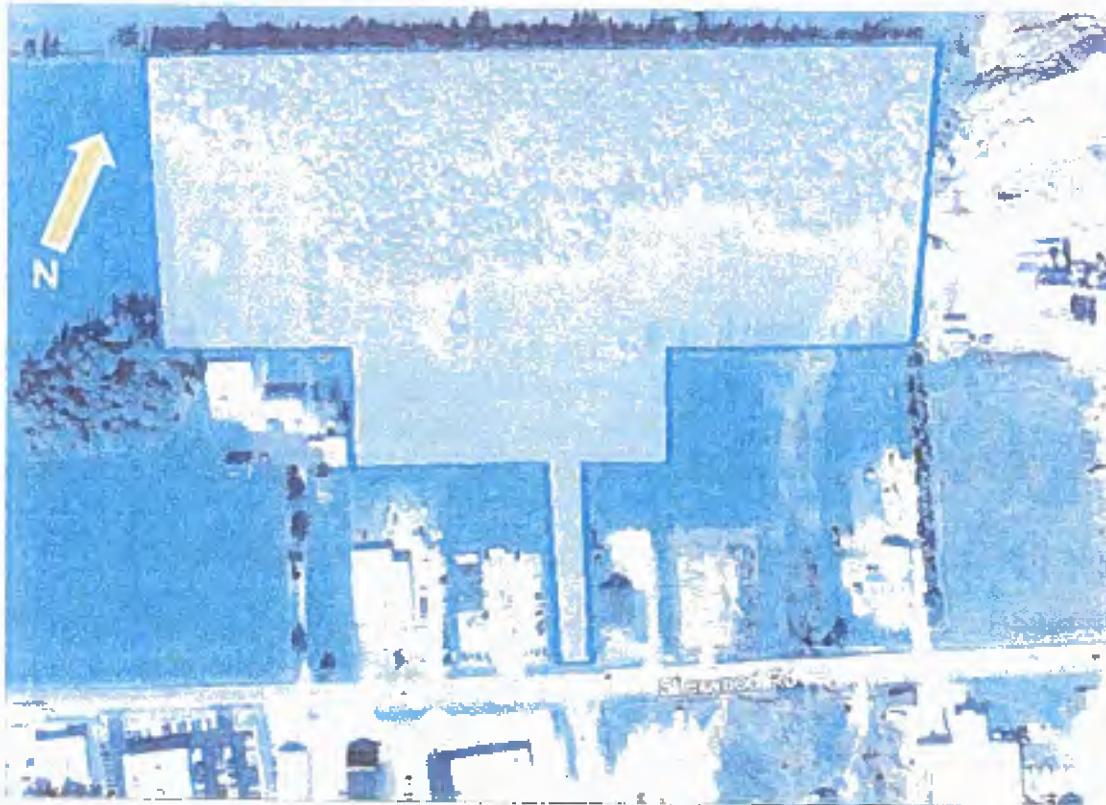
Chapman Bros. Construction Ltd.
Attn: Mr. Jeffrey Chapman, P.Eng.
cbcl.jeffrey@bellaliant.com

Dear Mr. Chapman:

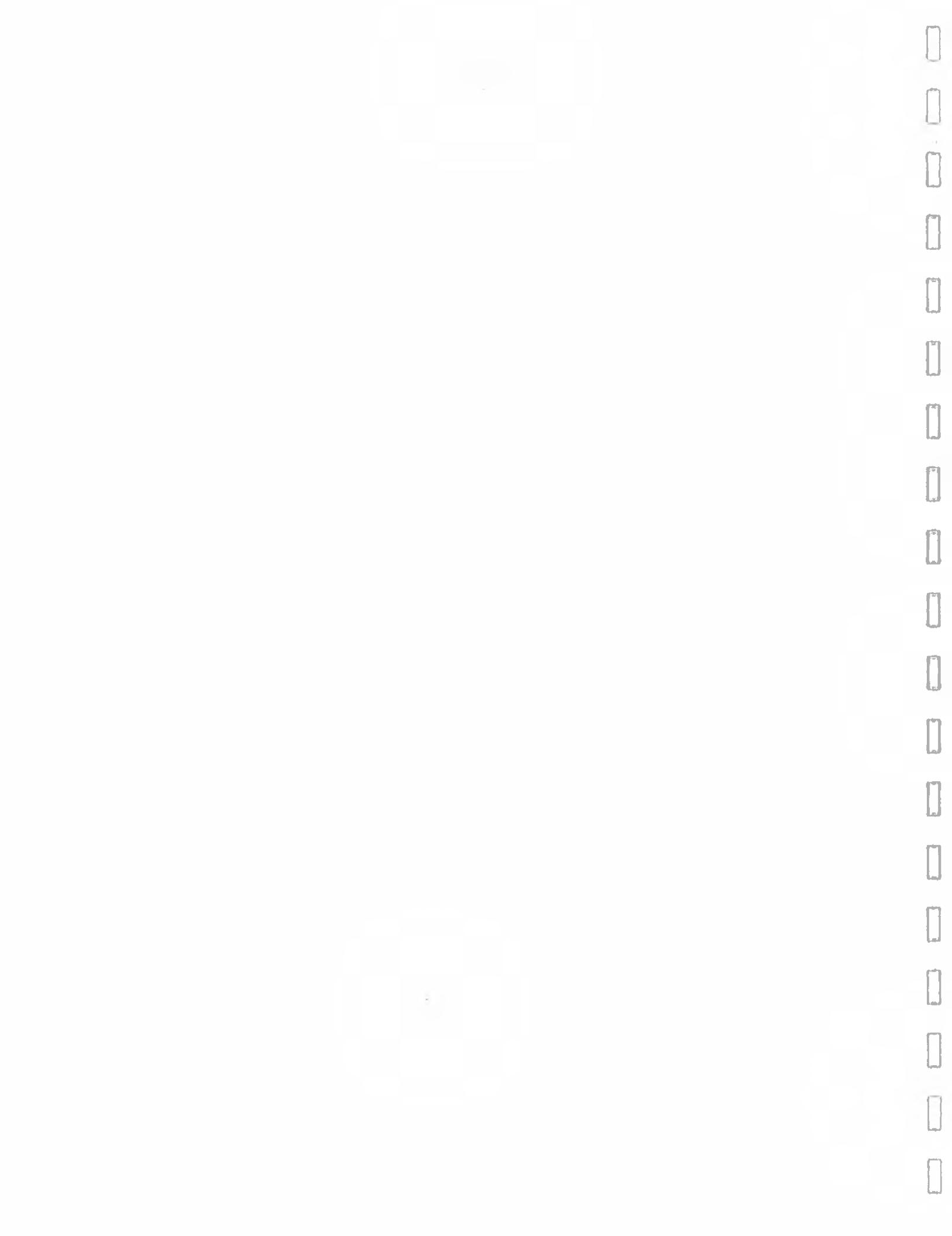
RE: Sherwood Road Asphalt Plant – Overview of Site and Access

CBCL Limited understand that Chapman Bros. Construction Limited intends to construct an asphalt plant on Sherwood Road in Charlottetown. This letter provides a high-level review of the existing site and surrounding land uses, current zoning, proposed site and access, and anticipated site traffic volumes.

The proposed site covers roughly 21 acres with boundaries generally as shown in the figure below. The proposed access is a new driveway which would connect to the existing intersection of Sherwood Road and Mt. Edward Road. There are several adjacent developed



commercial properties to the south including Centennial Auto Sport and Tire, Phillips Suzuki/Andy's Tire, Alweather Windows & Doors, and the PEI Human Society. The land east of the site is occupied by Island Construction Ltd. Immediately southwest of the site is a small farm with two residential buildings. The adjacent land to the west and north is undeveloped.



We understand the proposed site will generally include the following:

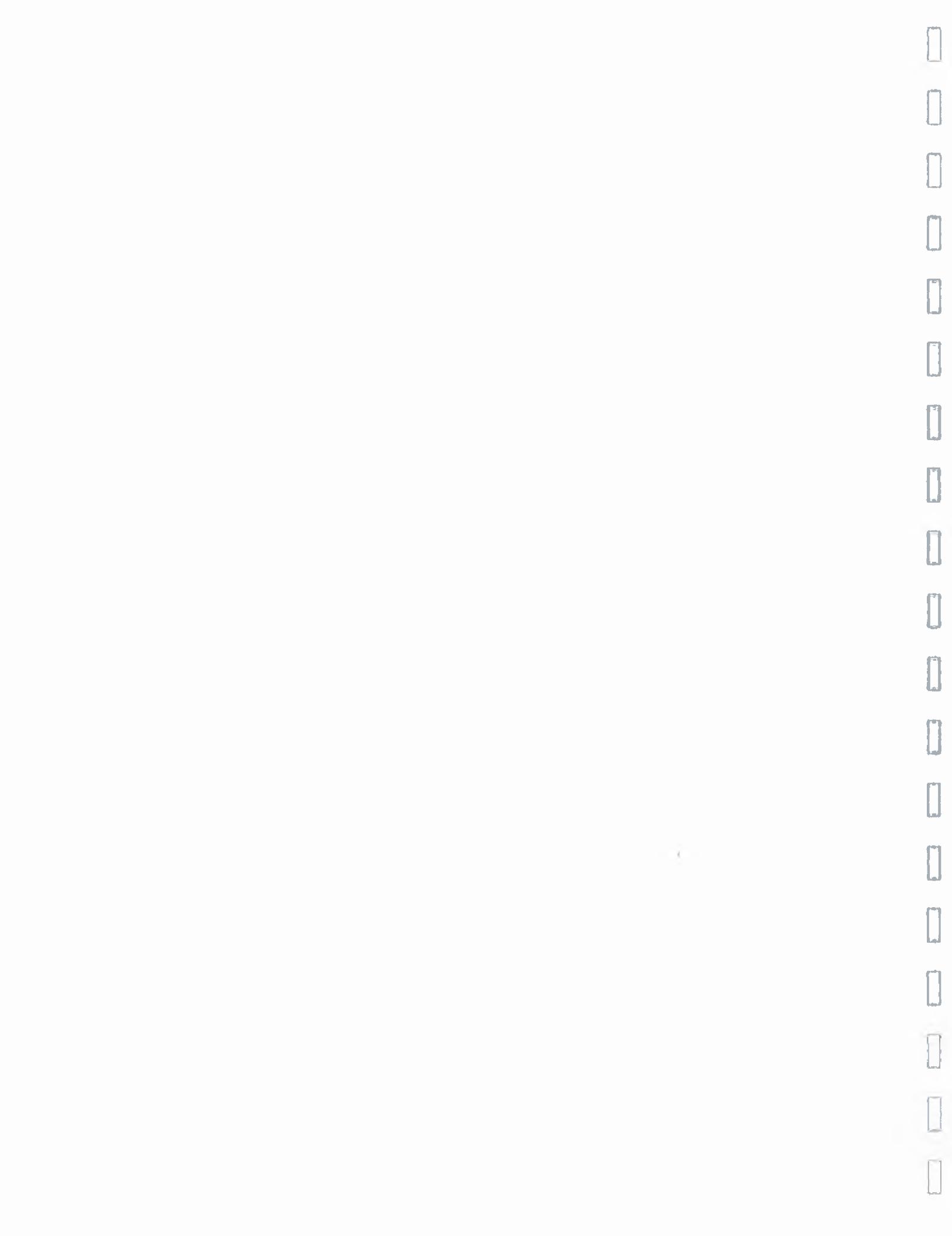
- Asphalt plant
- Material storage/stockpiles
- Small office building
- Equipment maintenance building
- Equipment storage (future)
- Snow plow parking area
- 6m (20') tree buffers along the south, west, and north sides
- Buffer area along east side (part of a significant stormwater route)

From the above points, the proposed land use could be considered Industrial. Although some of the site is currently zoned M2 (Heavy Industrial) and M3 (Business Park Industrial), roughly 80% of it is zoned R2 (Low Density Residential), as is some of the adjacent Island Construction property, which also includes an asphalt plant and material stockpiles.

The site is situated at the north end of the largest industrial area in Charlottetown. Aside from the residences on the adjacent farm, the closest residential building is about 250m from the site boundary. These points suggest that the property could be suitable for a development of this nature. Within Charlottetown City Limits, this appears to be the most appropriate site for the proposed land uses. The proposed land use is consistent with the adjoining Island Construction land use and with several nearby properties south of Sherwood Road. We understand the site is also beneficial due to its close proximity to the northeast part of Charlottetown where Chapman Bros. has a plowing contract and to the large PEI Transportation, Infrastructure, and Energy depot and salt dome just off Brackley Point Road.

The site will generate new traffic through the existing intersection of Sherwood Road and Mt. Edward Road. Some of this traffic will be heavy vehicles including dump trucks and snow plows, while the rest will be smaller private vehicles driven by staff. We understand the asphalt plant will operate seasonally (generally May-November), and on an on-demand basis during that time. Therefore, typical site traffic will vary from month to month. When the site is open, the number of total daily vehicle movements entering and exiting the site will range as high as about 150 when the plant is operating to as low as about 20-50 when it's not. There would also be some movement of snow plows in and out of the site during winter months. This volume of additional traffic would not be expected to greatly impact the adjacent roadways and intersections as all appear to have extra capacity. Sherwood Road and Mt. Edward Road already handle a high percentage of industrial/truck traffic associated with other industrial land uses in the area.

The proposed driveway access would form a fourth leg at the Sherwood Road/Mt. Edward Road intersection and should be adequately controlled with a stop sign. This is a good access strategy in that it wouldn't impact residential neighbourhoods. We would further suggest that the driveway should be paved for a distance of 150-200m northward from the intersection; this should help keep trucks from tracking soil onto City roads.





CBCL LIMITED

Project Manager

Mr. Jeffery Chapman, P.Eng.

March 23, 2018

Page 3 of 3

We trust this meets your needs at this time. Please contact us if you have any questions or require additional information.

Yours very truly,

CBCL Limited

A handwritten signature in blue ink that appears to read "Mark Mac".

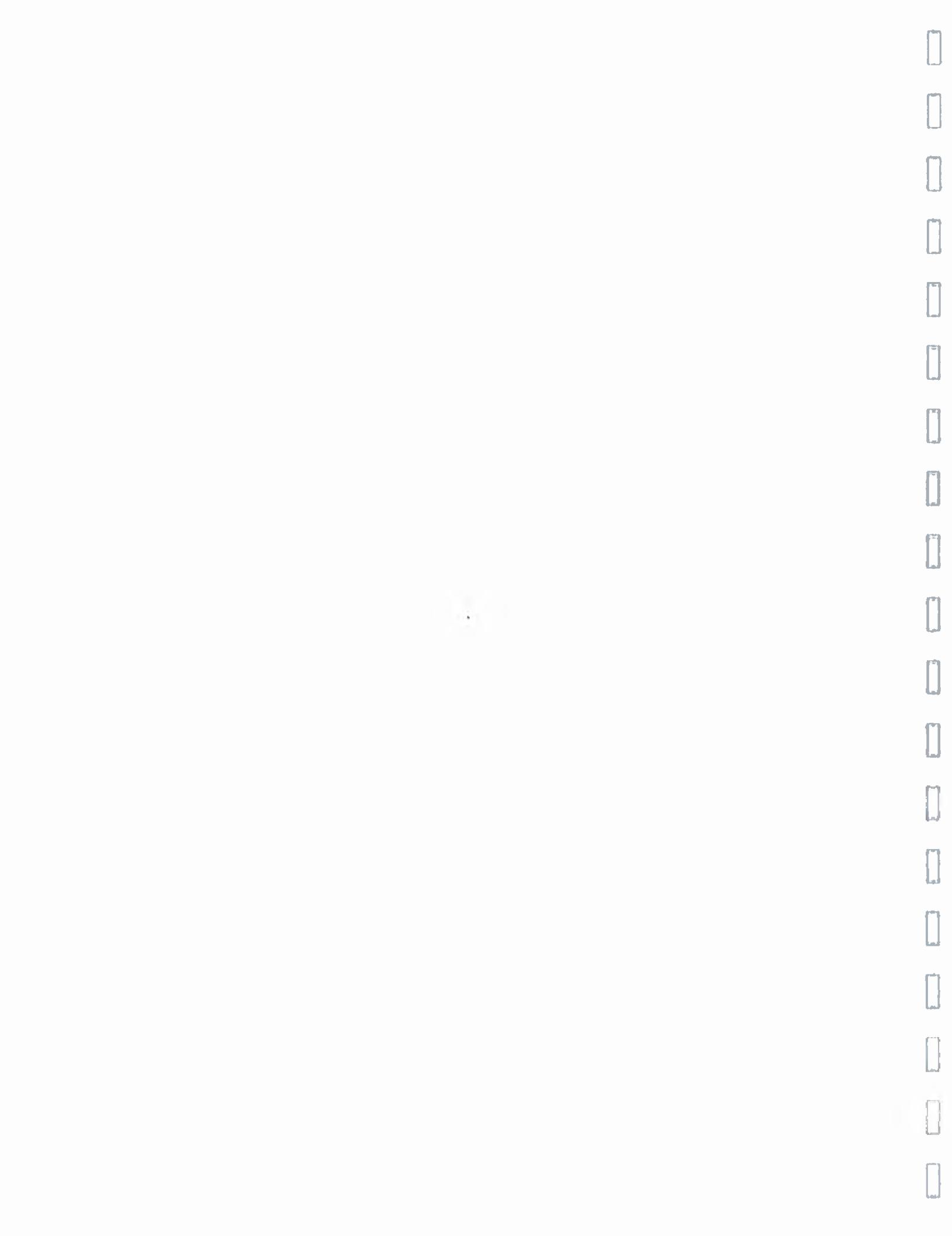
Mark MacDonald, P.Eng.

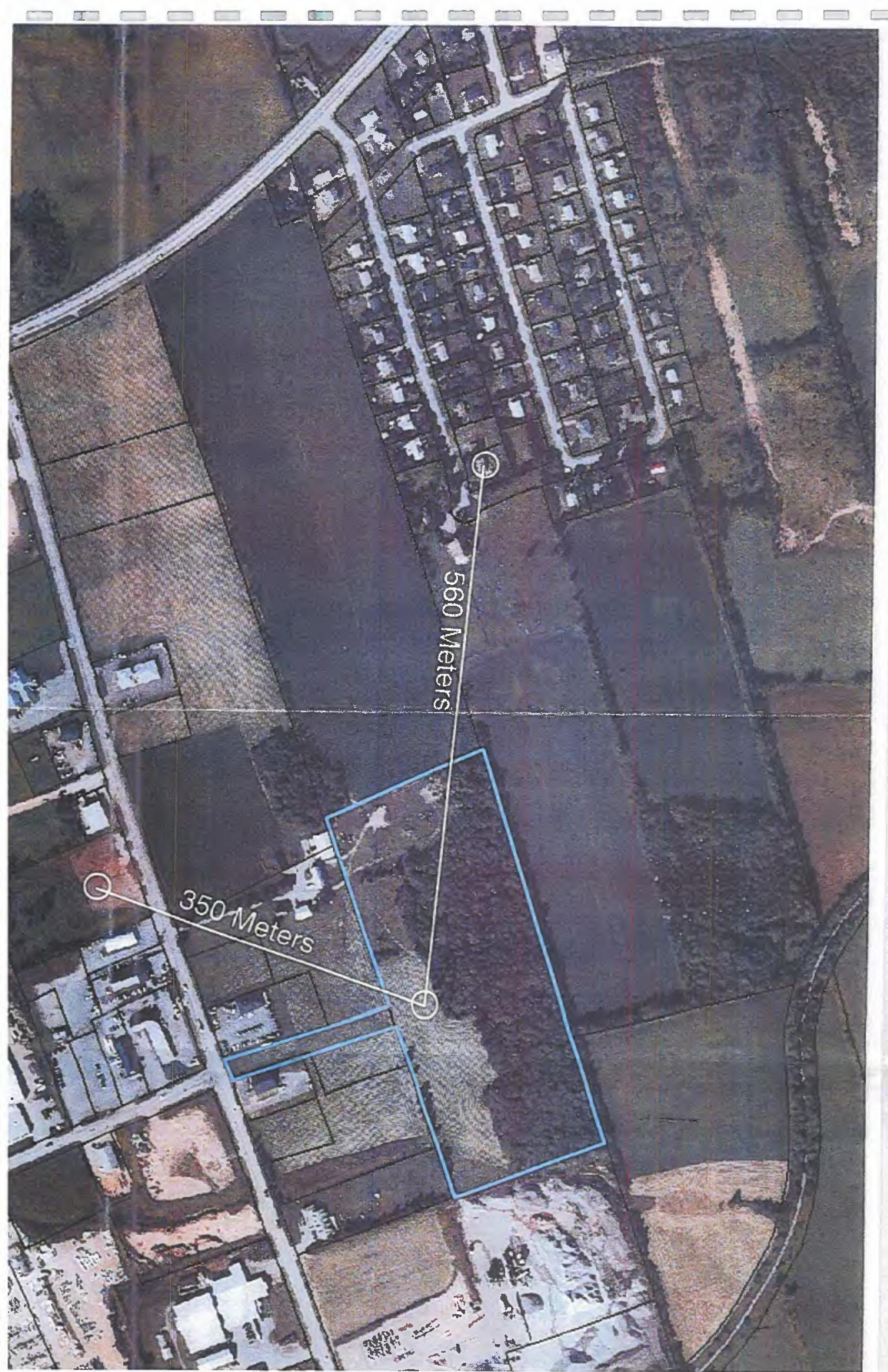
Senior Transportation Engineer

Direct: 902-892-0303

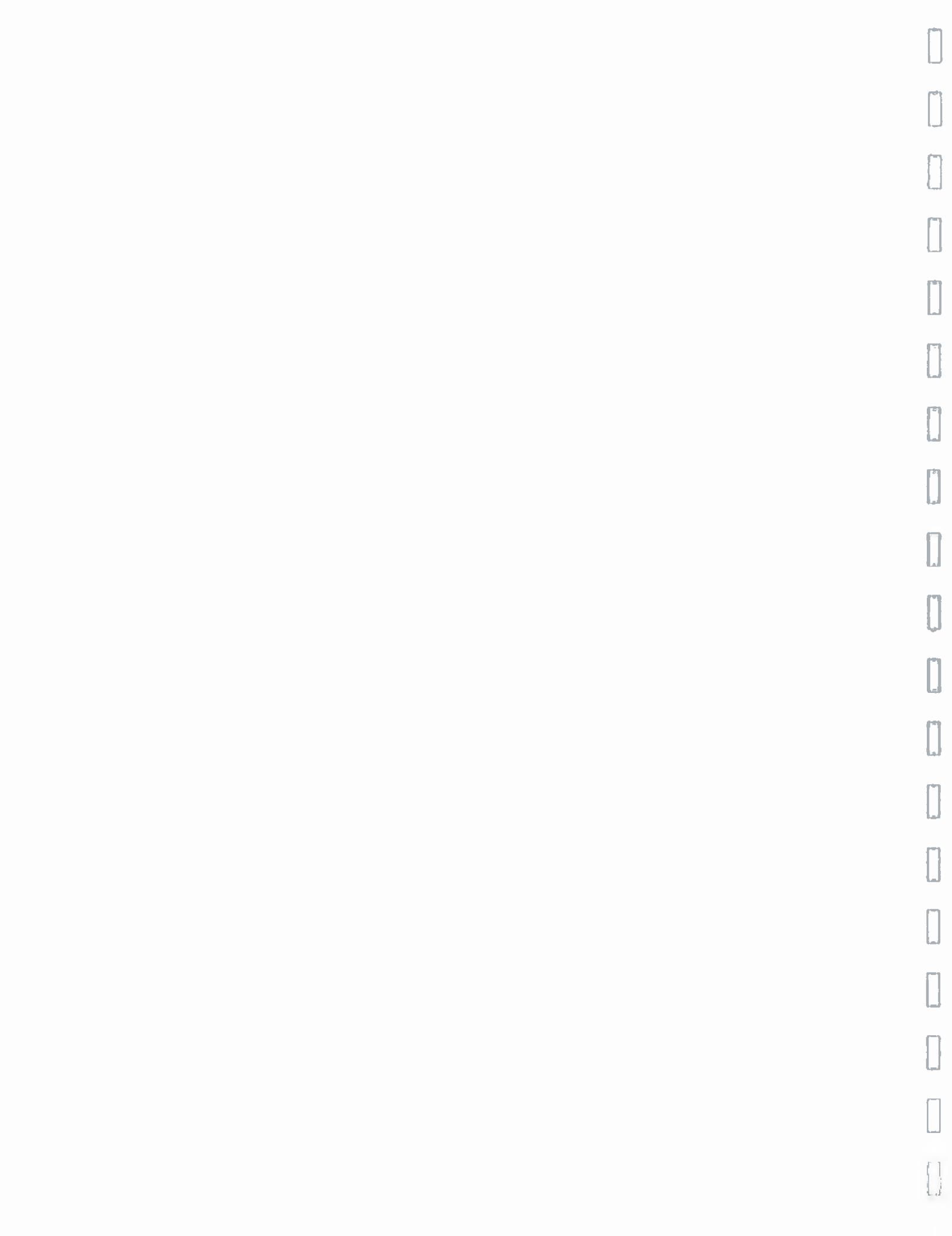
E-Mail: markmacd@cbcl.ca

Project No: 152609 00

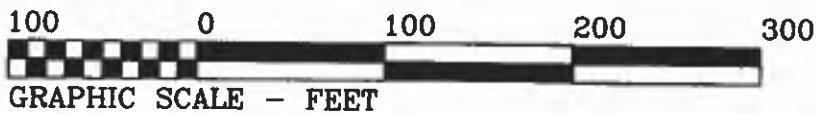








SCALE 1" = 100'



GRAPHIC SCALE - FEET

Prepared by:

Derek A. French Professional Services Inc.

DEREK A. FRENCH, P.E.I.L.S.
379 TCH, PO Box 580, CORNWALL, PEI, C0A 1H0

t: 902-394-2945

f: 902-569-2944

dfrenchservices@gmail.com

**PLAN OF SURVEY SHOWING
LOT 19-1
BEING A SUBDIVISION OF LANDS OF
PID No. 390823**

CHARLOTTETOWN
QUEENS COUNTY

P.E.I.

DRAWN BY: DAF
DRAWING No. 1939

P.I.D. No. 390823

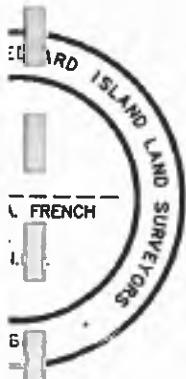
I, DEREK A. FRENCH, PRINCE EDWARD ISLAND LAND SURVEYOR, DO
HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY
DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND
CORRECT REPRESENTATION OF SAID SURVEY.

PRELIMINARY

DEREK A. FRENCH P.E.I. LAND SURVEYOR

MARCH 12, 2019

DATE



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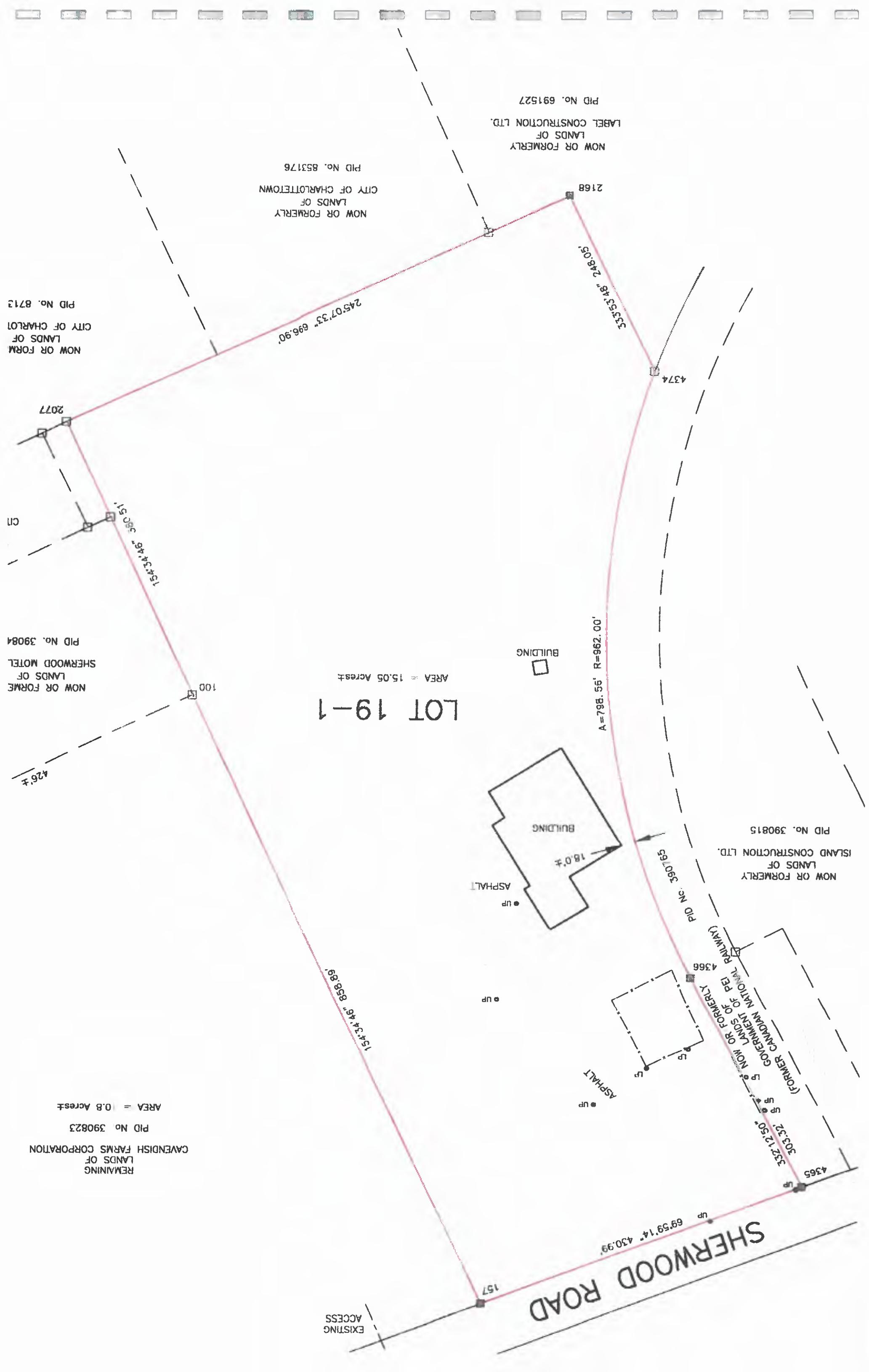
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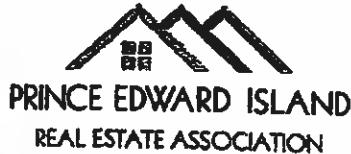
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PRINCE EDWARD ISLAND
REAL ESTATE ASSOCIATION
AMENDMENT TO AGREEMENT
OF PURCHASE AND SALE



Dated June 25

2019

Property address 330 SHERWOOD Road

Charlottetown

C1E 2A3

PID # P/O 390823

Buyer Chapman Bros

Seller Cavendish Farms Corporation

Date of original Agreement of Purchase and Sale (the "Original Agreement")

March 14/19

It is hereby understood and agreed between the undersigned parties that the following changes shall be made to the above noted Original Agreement and except for such changes noted below all, other terms and conditions in the Original Agreement shall remain as stated therein. Any amendments contemplated in this Amendment shall not be binding upon the parties unless duly executed by all parties hereto.

DELETE:

1) SUBDIVIDE PROPERTY: This Agreement is conditional upon the Buyer surveying and subdividing the subject property from the main parcel, as shown on the previously approved Preliminary Survey, at his or her own expense on or before 5 p.m. the 27 day of June 2019 (the "Property Subdivision Deadline) or this Agreement shall become null and void and the deposit shall be returned to the Buyer in full without interest or penalty.

2) Completion Date: This agreement shall be completed on or before 5 pm(AST) the 4th day of July 2019.....

3) Preclose Viewing: The Buyer shall have the right to conduct a pre-closing viewing of the Property at 330 Sherwood Road, Charlottetown the 4th day of July 2019.....

INSERT:

1) SUBDIVIDE PROPERTY: This Agreement is conditional upon the Buyer surveying and subdividing the subject property from the main parcel, as shown on the previously approved Preliminary Survey, at his or her own expense on or before 5 p.m. the 29 day of July 2019 (the "Property Subdivision Deadline) or this Agreement shall become null and void and the deposit shall be returned to the Buyer in full without interest or penalty.

2) Completion Date: This agreement shall be completed on or before 5 pm(AST) the 14th day of August 2019.....

3) Preclose Viewing: The Buyer shall have the right to conduct a pre-closing viewing of the Property at 330 Sherwood Road, Charlottetown on or before the 14th day of August 2019.....

Dated at Charlottetown

this 25 day of June

2019


Buyer

Witness

Witness

Dated at _____

this 25 day of June 2019

20


Seller

dotloop verified
06/25/19 8:16 AM ADT
F1JO-87RA-Z9ZG-4ENA

Witness

PID# P/O 390823

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PRINCE EDWARD ISLAND
REAL ESTATE ASSOCIATION
SCHEDULE B



ATTACHED TO AND FORMING PART OF AGREEMENT OF PURCHASE AND SALE

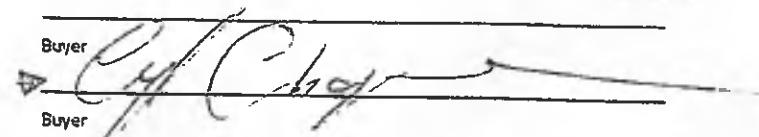
Dated the 14 day of March 2019
 Between Chapman Bros (the "Buyer")
 And Cavendish Farms Corporation (the "Seller")
 Property address 330 SHERWOOD Road Charlottetown C1E 2A3
 PID # P/O 390823

1) Sellers agree to sign all required documents and application forms, and allow access for required third parties, needed in order for the Buyers to satisfy the conditions of this agreement, including but not limited to: building permit application, entrance way / highway access application, access to complete a perc test etc.

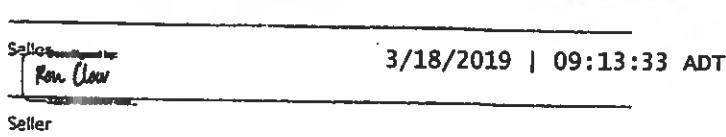
2) APPROVE PRELIMINARY SURVEY: This Agreement is conditional upon the Seller being satisfied with the contents of the Preliminary Survey on or before 5 p.m. the 22nd day of March 2019, (the "Preliminary Survey Satisfaction Deadline"). Unless the Seller provides written confirmation to the Buyer, in accordance with this Agreement and not later than the Preliminary Survey Satisfaction Deadline, that this condition has been fulfilled this Agreement shall become null and void and the deposit shall be returned to the Buyer in full without interest or penalty. This condition is inserted for the benefit of the Seller and may be waived at the Sellers sole option by notice in writing to the Buyer, as aforesaid, before the Preliminary Survey Satisfaction Deadline. Deleted
March 4/19

3) SUBDIVIDE PROPERTY: This Agreement is conditional upon the Buyer surveying and subdividing the subject property from the main parcel, as shown on the previously approved Preliminary Survey, at his or her own expense on or before 5 p.m. the 26 day of April 2019 (the "Property Subdivision Deadline") or this Agreement shall become null and void and the deposit shall be returned to the Buyer in full without interest or penalty. Amended
April 4/19

Dated at _____ this 14 day of March 2019

Witness 
 Buyer 

Dated at _____ this 18 day of March 2019

Witness 
 Seller 

PID# P/O 390823

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CHARLOTTETOWN

Mailing: 233 Queen St.
Charlottetown, PE, C1A 4B9
Email: planning@charlottetown.ca

Tel: 902-629-4158
Fax: 902-629-4156
Website: www.charlottetown.ca

For Office Use Only			
File #:	2019-043	Zone:	M2
Permit #:	-	Permit Fee:	200
PID #:	390823	Received:	JULY 25, 2019 / LT

SUBDIVISION & LOT CONSOLIDATION APPLICATION

1. TYPE OF WORK

Subdivision Lot Consolidation

2. CONTACT INFORMATION

APPLICANT Name: Chapman Bros (Jeffrey Chapman) Address: 31 Greenwink Rd
Phone: 902 687 2328 Cell: 902 969-0285
Email: _____ Postal Code: C0A 2B0

OWNER Name: Chapman Bros Cavendish Farms Address: 31 Greenwink Rd.
Phone: _____ Cell: _____
Email: _____ Postal Code: A0A 2B0

SURVEYOR Name: Derek French Address: Cornwall
Phone: _____ Cell: 902-394-2945
Email: _____ Postal Code: _____

3. PROJECT INFORMATION

Project Location: Showard Rd #330
Project Description: Split property into 2 sections, Chapman Bros buying 1st acres
Present Zoning: M2
Present Configuration (Number of Lots): _____ Proposed Configuration (Number of Lots): _____

4. RATIONALE (Please briefly explain the rationale for the request for subdivision/lot consolidation. Include attachments if necessary.)

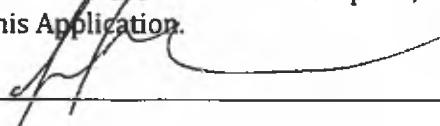
- subdividing property for purchase of 1st acres by Chapman Bros.

5. APPLICATION REQUIREMENTS

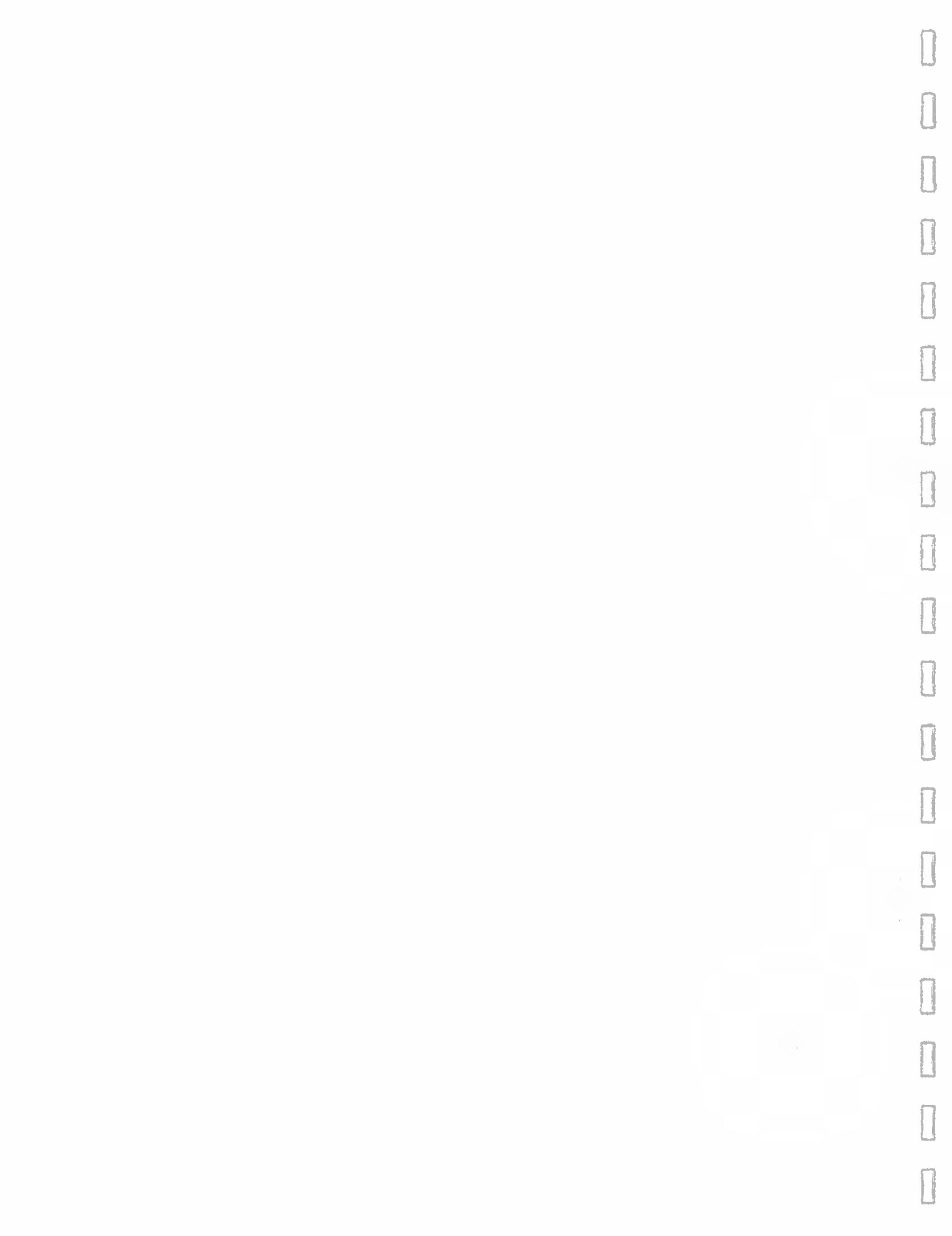
- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Application Form with Fees | <input checked="" type="checkbox"/> Eight (8) Copies of Survey | <input type="checkbox"/> Permission from Owner |
| <ul style="list-style-type: none"> • Subdivision: \$200 plus \$40 for all lots over three (3). • Lot Consolidation: \$100 • Subdivision Roads & Services Agreements: \$900 | <ul style="list-style-type: none"> • Current Survey Plan showing the proposed Subdivisions or lot consolidations. | <ul style="list-style-type: none"> • If Applicant is not the property Owner, Owner must grant permission to apply. |

6. DECLARATION & SIGNATURE

I do solemnly declare that I am the Authorized Agent of the Owner/the Owner named in the Application and certify that the statements contained are true and complete, and are made with full knowledge of the circumstances connected with this Application.

SIGNATURE OF APPLICANT: 

DATE: July 24/19



OFFICIAL RECEIPT


CHARLOTTETOWN

P.O. BOX 98, CHARLOTTETOWN, P.E.I., C1A 7K2
 PHONE (902) 566-5548 FAX (902) 566-4701

TO BE VALID THIS
 FORM MUST BE CASH
 REGISTER RECEIPTED

RECEIVED
FROM

ADDRESS

THE SUM OF

per July 25/19

IN PAYMENT OF ITEMS LISTED BELOW

S1d
fee
2 lots
330 Sherwood
Road

JSA

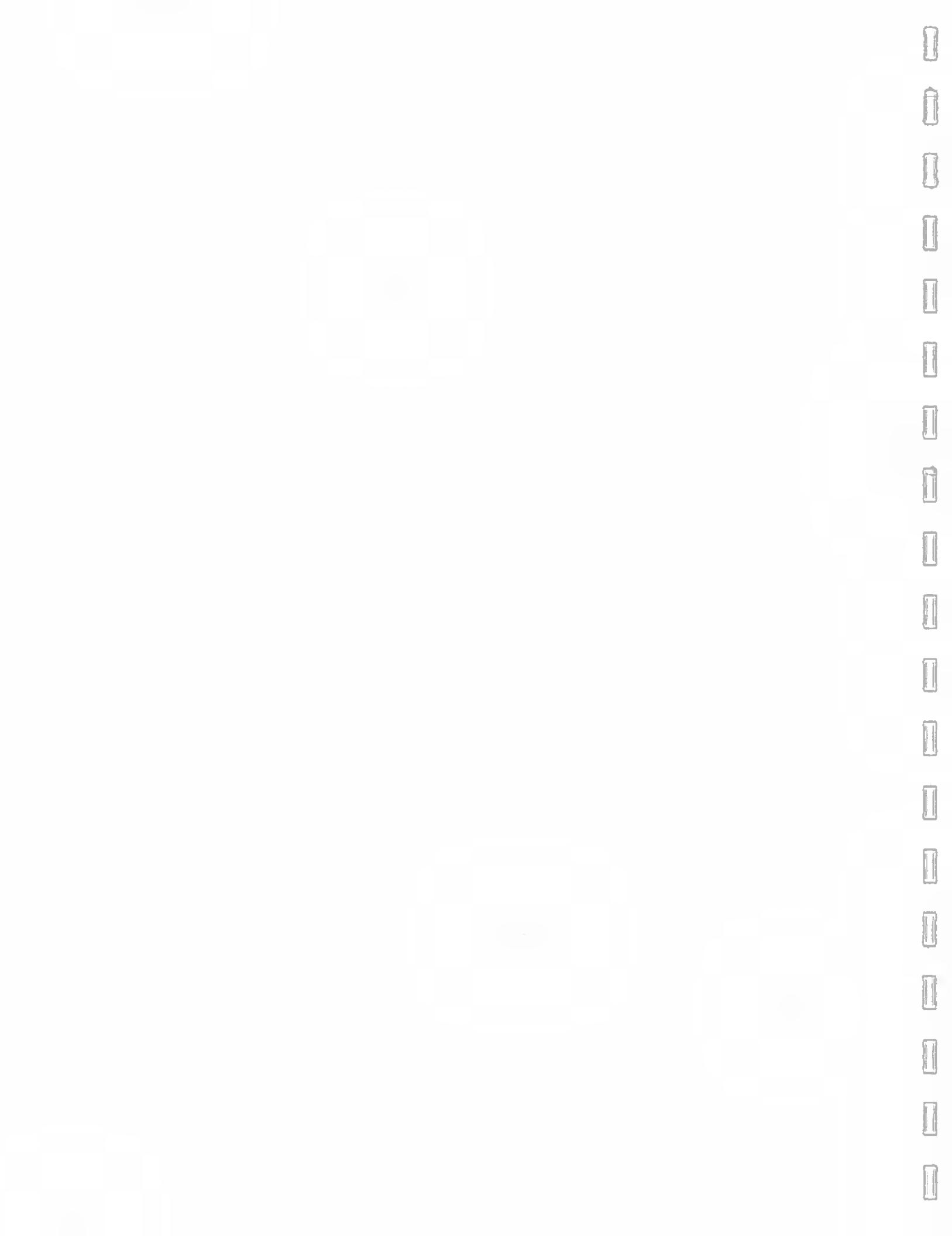
yj

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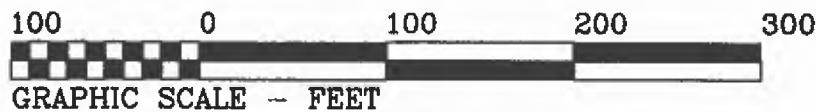
TOTAL ► 200 00

CUSTOMER'S COPY/WHITE OFFICE COPY/YELLOW FILE COPY/PINK

34209



SCALE 1" = 100'



GRAPHIC SCALE - FEET

Prepared by:
Derek A. French Professional Services Inc.
DEREK A. FRENCH, P.E.I.L.S.
379 TCH, PO Box 580, CORNWALL, PEI, C0A 1HO
t: 902-394-2945
f: 902-569-2944
dfrenchservices@gmail.com

PLAN OF SURVEY SHOWING
LOT 19-1 & 19-2
BEING A SUBDIVISION OF LANDS OF
PID No. 390823

CHARLOTTETOWN
QUEENS COUNTY

P.E.I.

DRAWN BY: DAF
DRAWING No. 1939

P.I.D. No. 390823

I, DEREK A. FRENCH, PRINCE EDWARD ISLAND LAND SURVEYOR, DO
HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY
DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND
CORRECT REPRESENTATION OF SAID SURVEY.



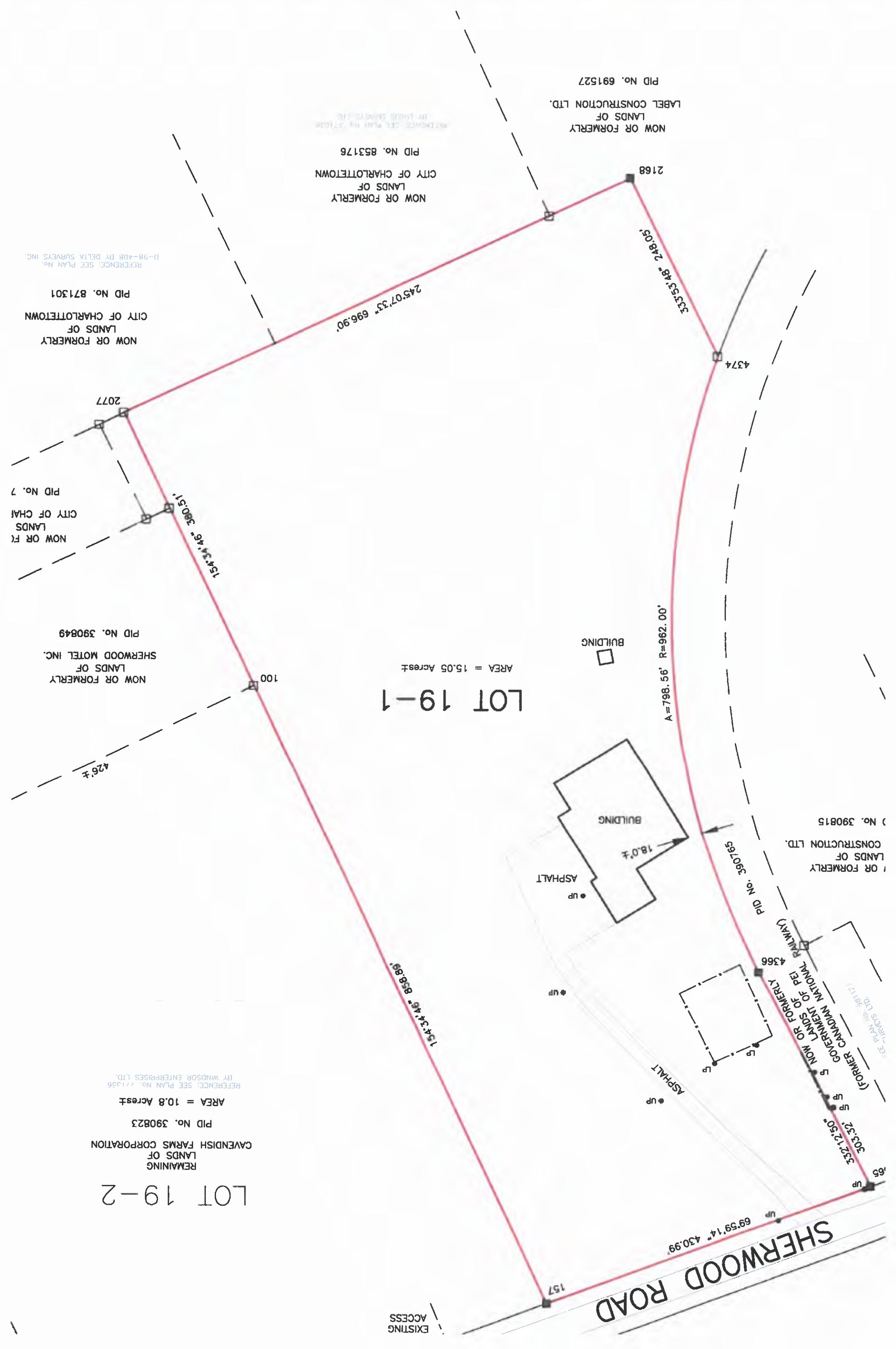
COPYRIGHT

DEREK A. FRENCH P.E.I. LAND SURVEYOR

JULY 26, 2019

DATE







July 31, 2019

REGISTRAR OF DEEDS
PO BOX 2000
Charlottetown, PE
C1A 7N8

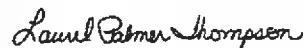
To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

Sincerely,



Laurel Palmer Thompson
Planner II

/efg

Enclosures





July 31, 2019

ISLAND TEL
c/o Rick Campbell
PO Box 820
Charlottetown, PE
C1A 7M1

To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

Sincerely,

Laurel Palmer Thompson

Laurel Palmer Thompson
Planner II

/efg

Enclosures



July 31, 2019

CITY OF CHARLOTTETOWN
Utilities Division
Richard MacEwen
199 Queen Street, PO Box 98
Charlottetown, PE
C1A 7K2

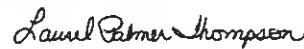
To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

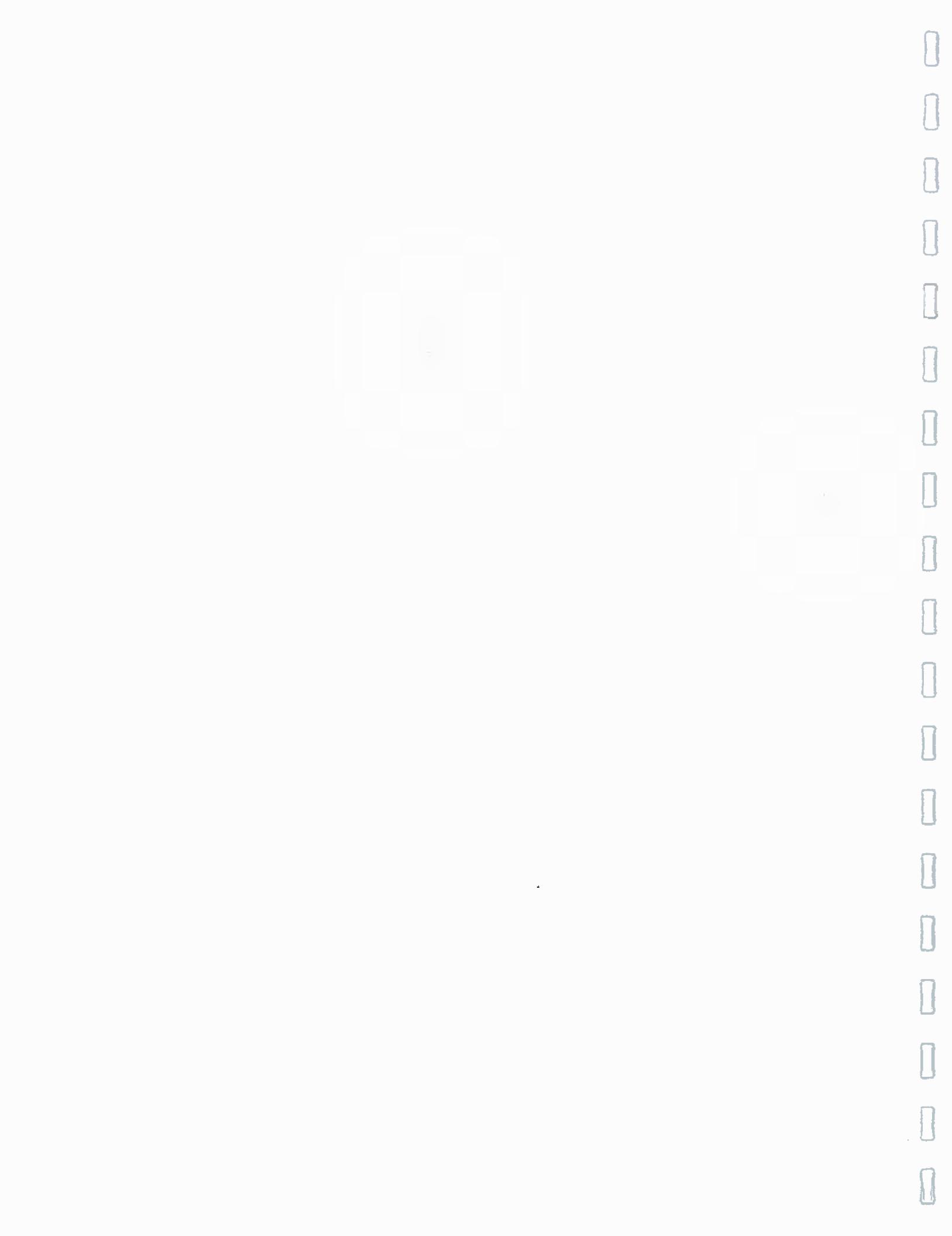
Sincerely,



Laurel Palmer Thompson
Planner II

/efg

Enclosures





July 31, 2019

Maritime Electric Co Ltd.
ATTENTION: Construction Services
PO Box 1328
Charlottetown, PE
C1A 7N2

To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

Sincerely,

Laurel Palmer Thompson

Laurel Palmer Thompson
Planner II

/efg

Enclosures



July 31, 2019

Derek A. French Professional Services Inc.
379 TCH, PO Box 580
Cornwall, PE
C0A 1H0

To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

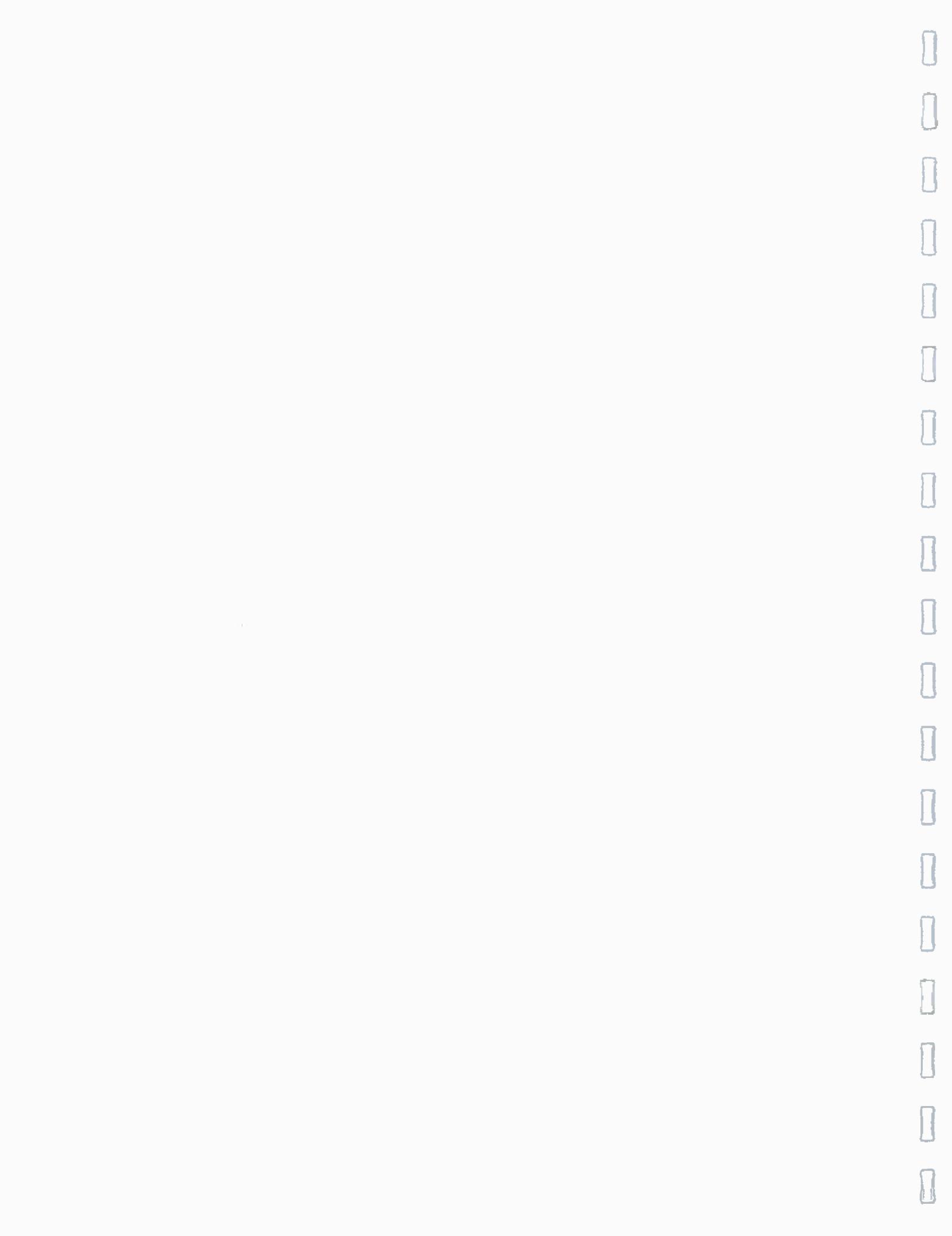
Sincerely,

Laurel Palmer Thompson

Laurel Palmer Thompson
Planner II

/efg

Enclosures



July 31, 2019

Jeff Chapman
Chapman Brothers
31 Greenvale Road
Souris, PE
C0A 2B0

To Whom It May Concern:

Enclosed for your information and retention is a copy of the lot subdivision/consolidation approved as follows:

APPLICANT	LOT SUBDIVISION/ CONSOLIDATION DETAILS	APPROVAL DATE
Jeff Chapman Chapman Bros.	Lot subdivision for Lot 19-1 and 19-2 (PID #390823) Derek French Dwg # 1939	July 29, 2019

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

Sincerely,



Laurel Palmer Thompson
Planner II

/efg

Enclosures





Received Date:

PLANNING

Rec'd JULY 22, 2013 msp

Mailing Address:
P.O. Box 98
233 Queen Street
Charlottetown, PE
C1A 7K2

Tel: 902-629-4158
Fax: 902-629-4156
Email: planning@charlottetown.ca
Website: www.charlottetown.ca

For Office Use Only	Permit #: 487-BLD-19 File #: 19-394 PID #: 390823 Zone: N-2 Permit Fee: \$350.00
------------------------------	--

Application Date:

BUILDING & DEVELOPMENT PERMIT APPLICATION

1. TYPE OF WORK

- New Building Renovate Existing Addition Change Use Other: Install Asphalt Plant

2. CONTACT INFORMATION

Name: Jeffrey Chapman Address: 31 Greenridge Rd
APPLICANT Phone: 902 969 0285 Cell: 902 969 0285 Rte 16 East
Email: cbsl.jeffrey@bellaliant.com Postal Code: B0B 2B0

Name: Chapman Bus. Park, Ltd. Address: 31 Greenvale Rd
OWNER Phone: 902 687 2328 Cell: 87616 East
Email: cbrl.office@bellaliant.com Postal Code: B0B 2B0

**CONTRACTOR,
ARCHITECT,
OR ENGINEER** Name: John Doe Address: _____
Phone: _____ Cell: _____
Email: _____ Postal Code: _____

3. PROJECT INFORMATION

Project Location: Sherway Rd (330 Sherwood Rd)

Proposed Occupancy: Maintenance Facility and Asphalt plant

Current Occupancy: _____
(if Existing Building on Lot) Freezer - (cold storage) building

Estimated Value of Construction: \$ 50,000

Corner Lot: Yes: No: Other Buildings on Lot? Yes: No: If yes, identify use: detached building

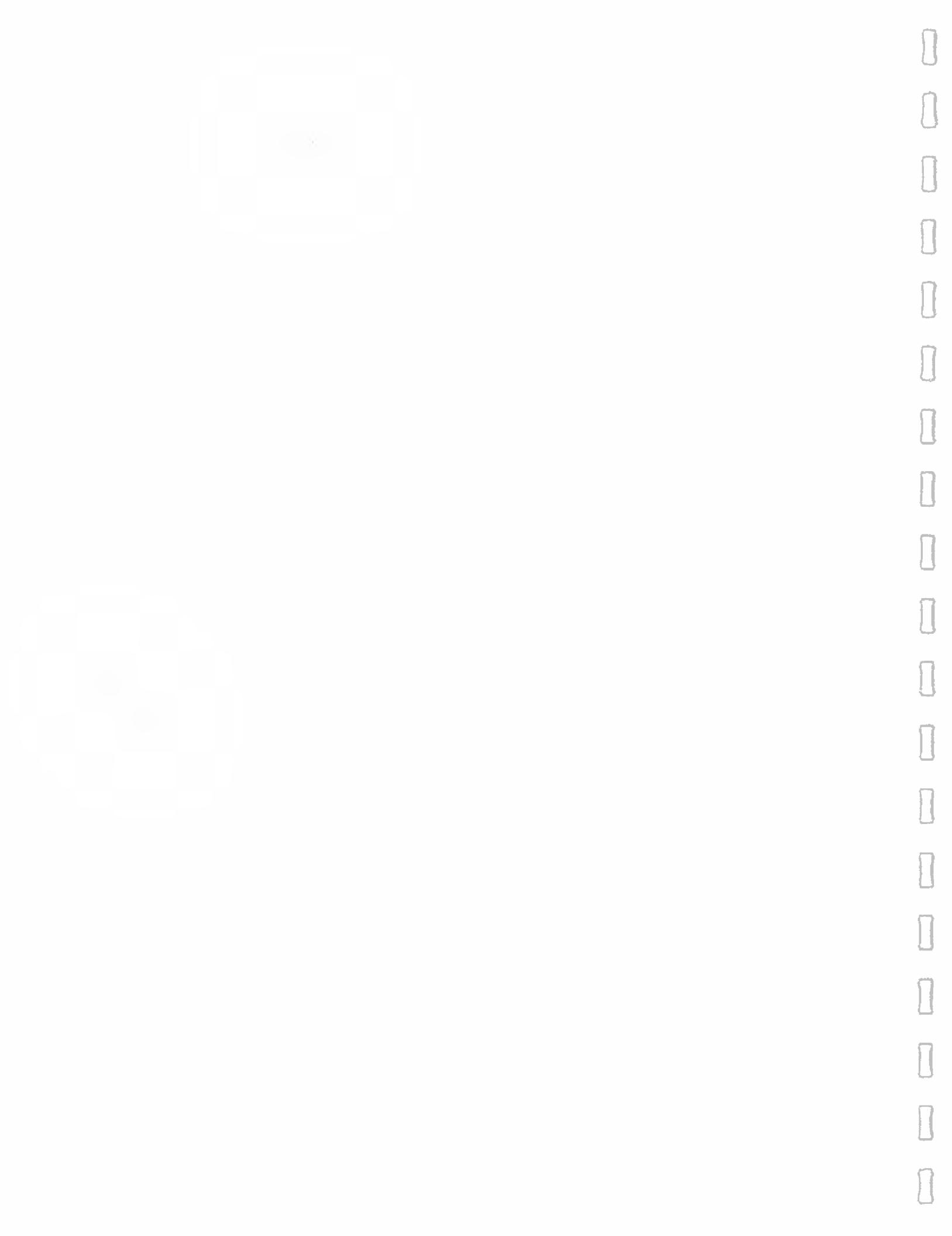
4. DETAILED PROJECT DESCRIPTION

To install an ^{portable} asphalt plant on the property,
attached is a drawing.

THIS IS NOT A BUILDING PERMIT

Page 1 of 2

See Reverse for Additional Information

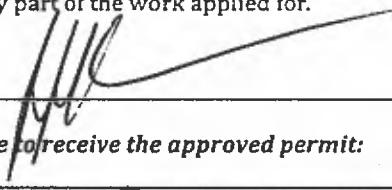


5. DECLARATION & SIGNATURE

I DO SOLEMNLY DECLARE & CERTIFY:

- 1) That I am the Authorized Agent of the Owner/the Owner named in the Application for a permit hereto attached.
- 2) That the statements contained in this Application are true and complete, and are made with full knowledge of the circumstances connected with this Application.
- 3) That the plans and specifications submitted with this Application are prepared for the construction or alteration for the building or buildings described, and the building or development will be constructed or carried out in accordance with the plans and specifications as submitted.
- 4) That to the best of my knowledge, information and belief, the plot plans submitted correctly set out the dimensions and the area of the lands described in the Application, and the relation of the location of the proposed building to the street and property line.
- 5) That I know of no reason why the permit should not be granted in pursuance of the Application, and I make this declaration conscientiously believing it to be true.
- 6) Provided that the City, its officers, agents and/or employees are acting in good faith in the administration of the City's Bylaws, I waive all rights or action against the City of Charlottetown and/or its officers, agents, or employees in respect of any damages which may be caused through the operation of any provision(s) in any of the Bylaws or for the refusal of a permit or for any cause or irregularity or nonconformity with the Bylaws or regulations adopted by the City of Charlottetown.
- 7) I assume responsibility for damage to any City property including: sidewalks, curbs, gutters, etc. and I irrevocably agree to bear the cost of remediation repair or replacement of any City property damaged by myself or by any contractors, agents or employees working on the property which is the subject of this Application to the complete satisfaction of the City of Charlottetown.
- 8) I acknowledge that I am aware of any relevant incentive programs offered by the City and that Applications for such programs are to accompany a Building Permit Application.
- 9) The City of Charlottetown reserves the right to determine the applicable estimated construction cost of all types of building or development. See Section 6 below.
- 10) I agree to comply with all laws of Canada, Province of Prince Edward Island, pertaining to the construction/and use of the development applied for herein.

Further, I realize that the payment of monies for this application does not constitute approval of a permit nor approval to commence any part of the work applied for.

SIGNATURE OF APPLICANT: 

DATE: July 22/19

Please indicate how you would like to receive the approved permit: Post Email Pick-Up at Planning Dept

6. DETERMINING BUILDING PERMIT FEE BASED UPON ESTIMATED COST OF CONSTRUCTION

- 1) Permit Fees are based upon project valuation on the determined valuation of a project
- 2) Valuation means the estimated total cost of building construction, including all electric, mechanical, plumbing and permanently fixed equipment. It is not meant to determine the market value of the structure.
- 3) Values provided by the applicant that appear to be significantly lower or higher than experience has shown with similar projects will be determined by researching recent similar permits or commercial valuation tools to determine an approximate average square foot value of the work.
- 4) Total valuation includes design fees, but does not include land price.

THIS IS NOT A BUILDING PERMIT

Page 2 of 2

See Reverse for Additional Information

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Section 2B - "PLANT LAYOUT"

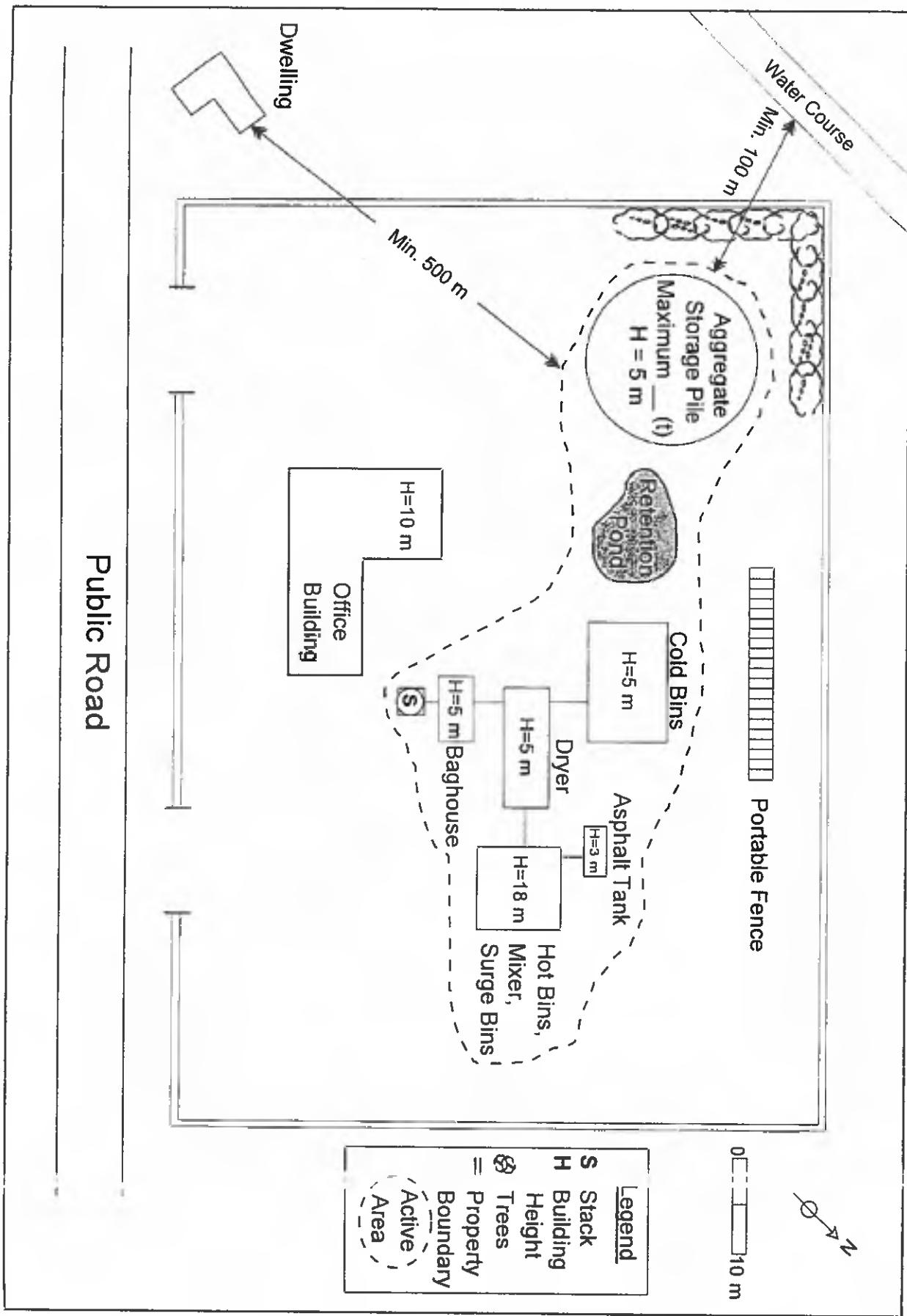


FIGURE 1 PLANT LAYOUT EXAMPLE

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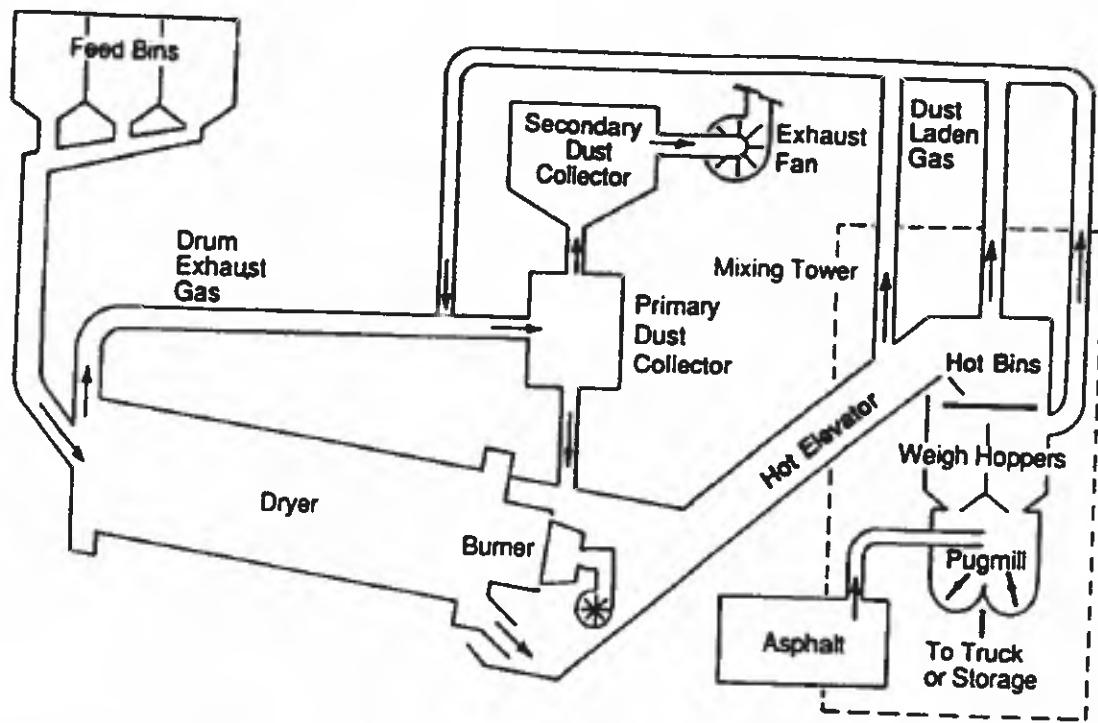
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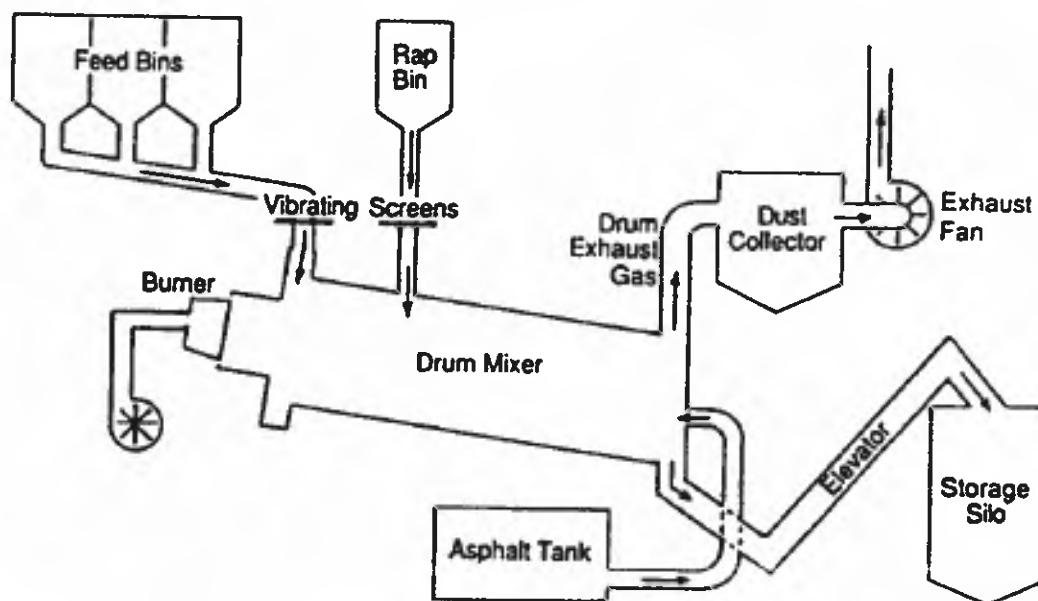
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FIGURE 2 FLOW DIAGRAM EXAMPLES



Batch Mix Process Facility



Parallel-Flow Mix Process

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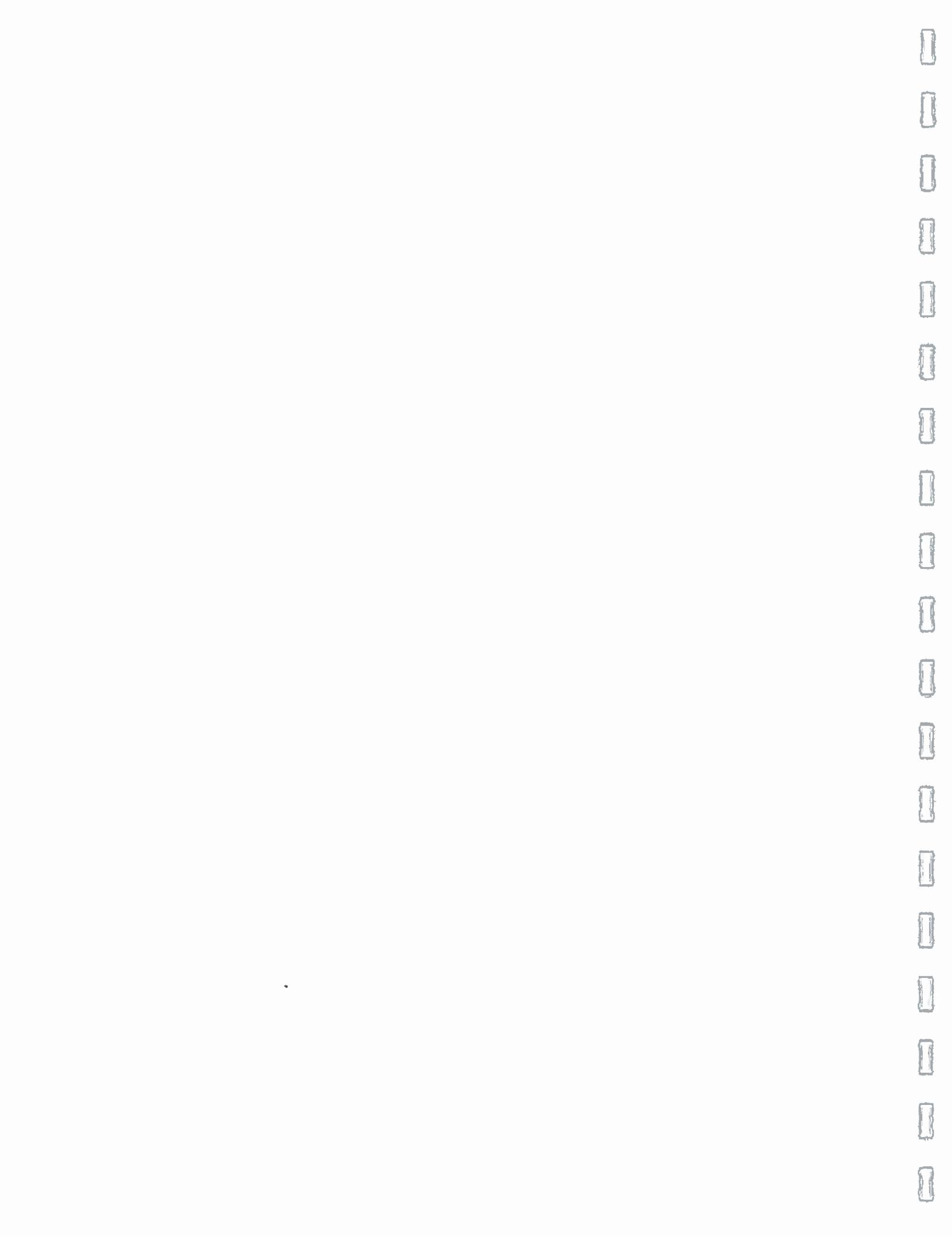
330 Sherwood Road

Write a description for your map.

Google Earth

Legend
330 Sherwood Rd

Sherwood
Copy
Attached



330 Sherwood Road

Write a description for your map.

Legend
♀ 330 Sherwood Rd

Google Earth

Rawlinson 2019

330 Sherwood Rd

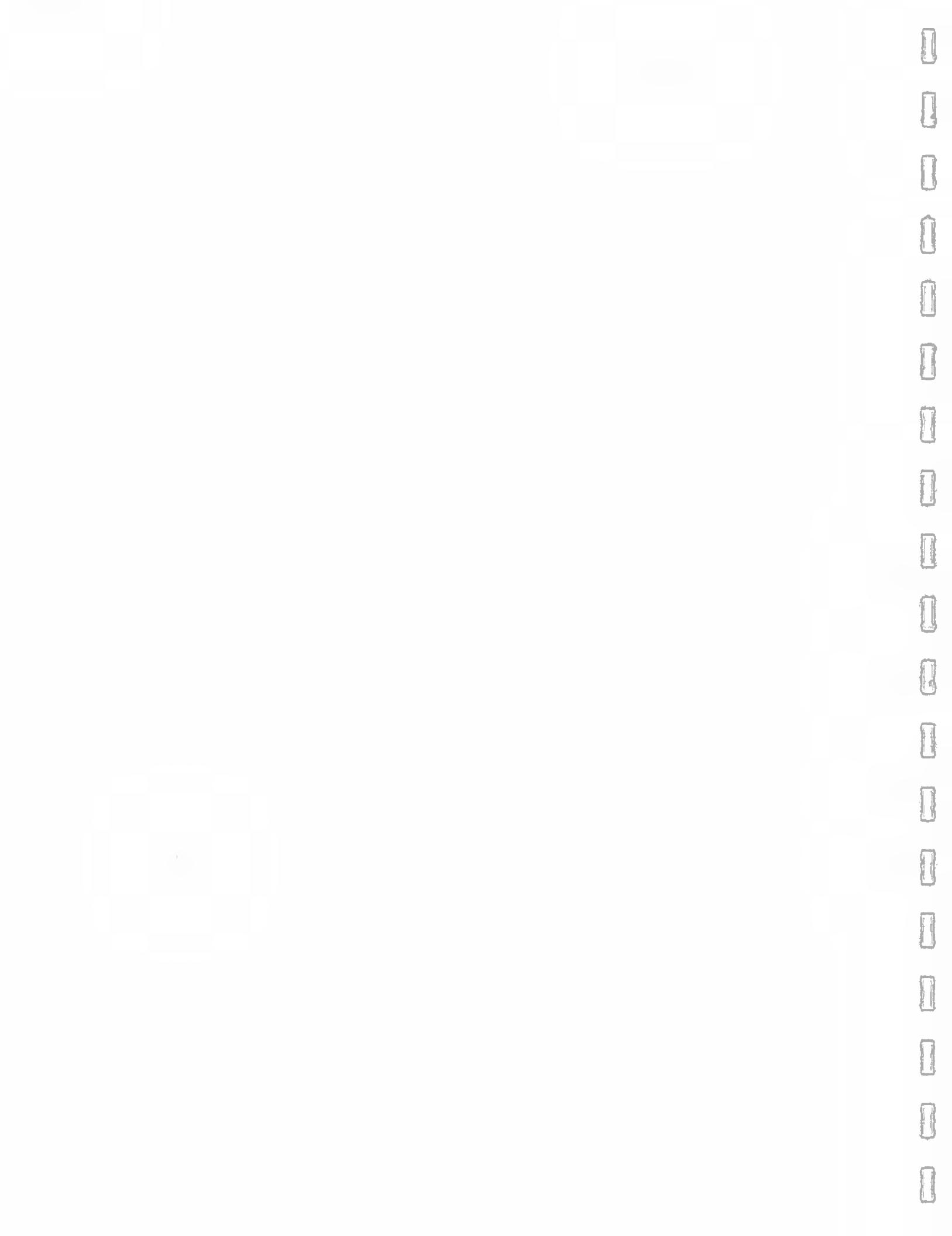
BBY

100 ft

Rawlinson 2019

30 m

N



330 Sherwood Rd

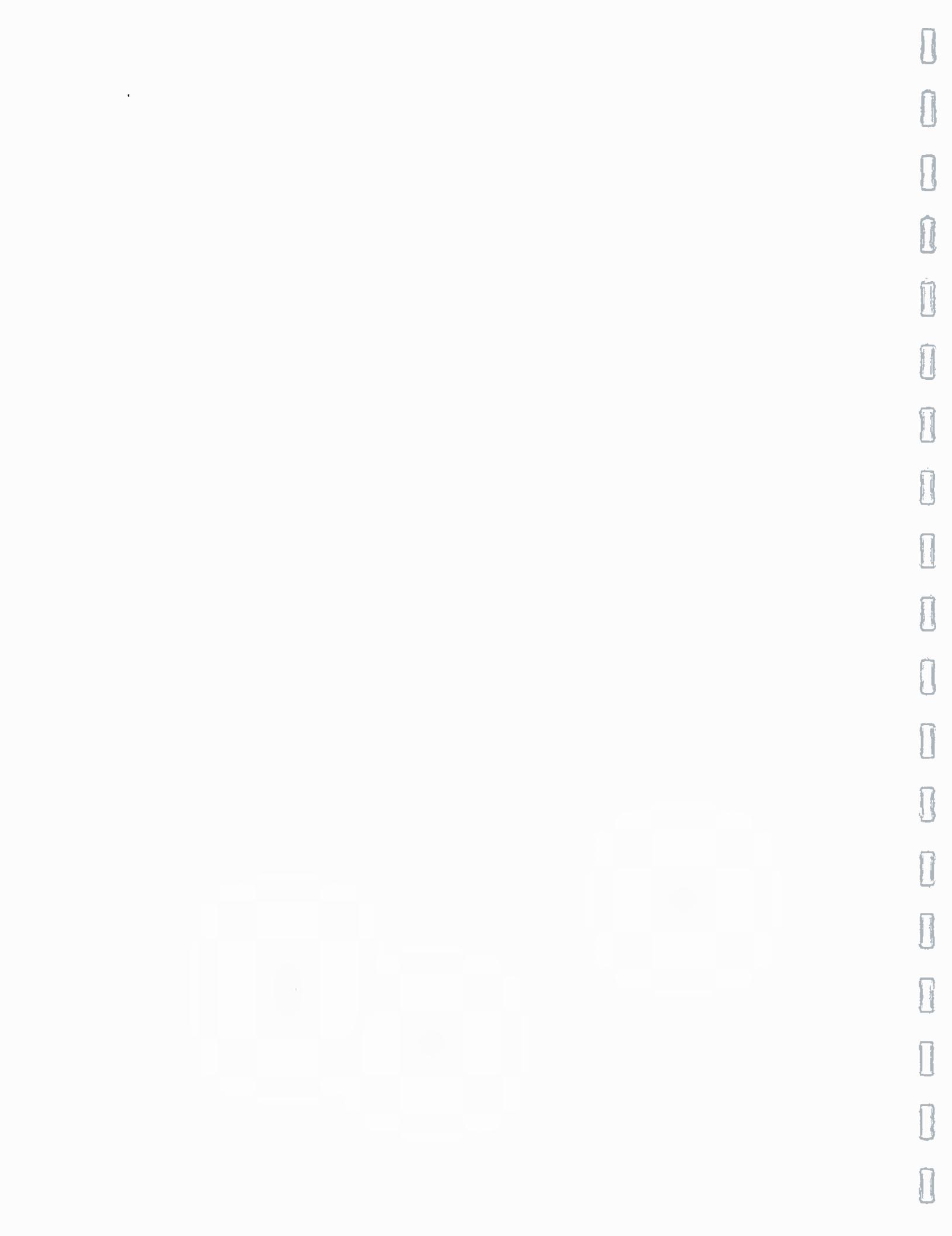
Legend
46.283708, -63.140972
Feature 1
Sherwood Motor Inn

46.283708, -63.140972

Google Earth

Next

N



Zilke, Robert

From: Zilke, Robert
Sent: Tuesday, July 30, 2019 9:11 AM
To: 'cbcl.jeffrey@bellaliант.com'
Cc: Forbes, Alex
Subject: Asphalt Plant permit req's

Hello Jeffery,

Our office received your permit application for a portable asphalt plant. The permit cannot be approved until the Province signs off on the zoning amendment that would permit an asphalt plant in the Heavy Industrial (M-2) Zone. Also, you will have to submit a written confirmation from the Provincial Department of Environment that this application went through their screening requirements.

I will need a landscape plan that provides a buffer of trees that will screen the proposed location of the asphalt plant from the Confederation Trail.

Take care,

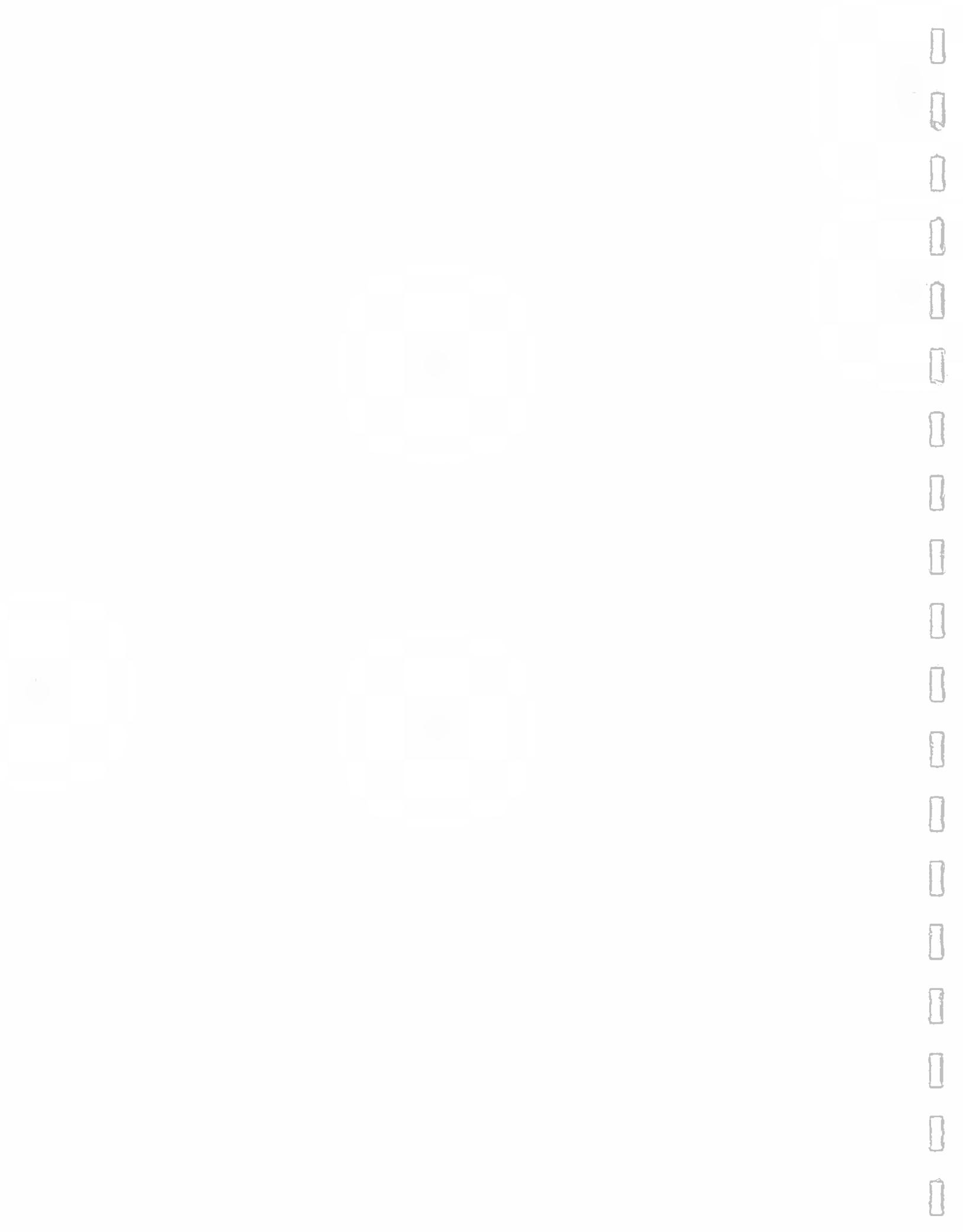
Robert Zilke, MCIP
Planner II

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

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Zilke, Robert

From: Zilke, Robert
Sent: Tuesday, July 30, 2019 9:54 AM
To: 'seledgerwood@gov.pe.ca'
Cc: 'gbwilson@gov.pe.ca'; Forbes, Alex
Subject: Portable Asphalt Plant Development

Hello Sean,

Our office recently received a development application for a portable asphalt plant at 330 Sherwood Road. Did the applicant submit for an environmental screening through your office?

As per your guidelines they would require an environmental review to determine if additional screening is necessary. Our amendment to permit an asphalt plant in the Heavy Industrial (M-2) Zone is still pending approval from the Province and I will need confirmation through your office regarding any additional requirements for the portable asphalt plant prior to the issuance of a permit.

I look forward to your reply.

Cheers

Robert Zilke, MCIP

Planner II

City of Charlottetown

PO Box 98, 233 Queen Street
Charlottetown, Prince Edward Island

Canada C1A 7K2

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Zilke, Robert

From: Zilke, Robert
Sent: Monday, November 04, 2019 3:13 PM
To: cbcljeffrey@bellaliant.com
Cc: Forbes, Alex; Eisnor, Trevor
Subject: 330 Sherwood

Jeffrey,

Pursuant to your email regarding the hard surfacing of the site, as long as it is related to a permitted use in the Heavy Industrial (M-2) Zone then you would be able to proceed with hard surfacing.

Note that until IRAC renders a verdict on the Asphalt plant, this use cannot be established.

If you have any questions give me a call at your convenience.

**Robert Zilke, MCIP
Planner II**

City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, Prince Edward Island
Canada C1A 7K2
Office: 902-629-4108
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Section 2B - "PLANT LAYOUT"

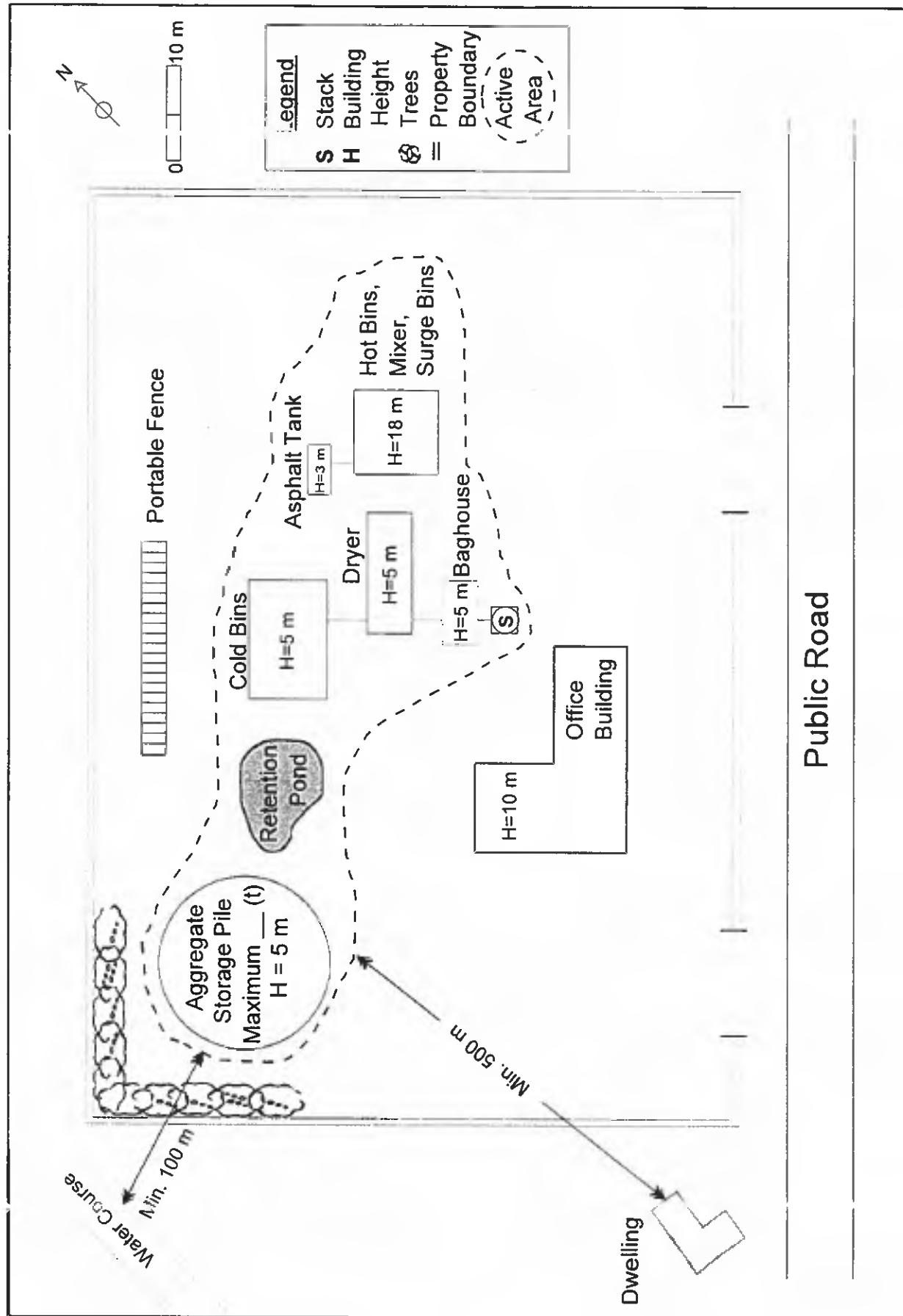


FIGURE 1 PLANT LAYOUT EXAMPLE

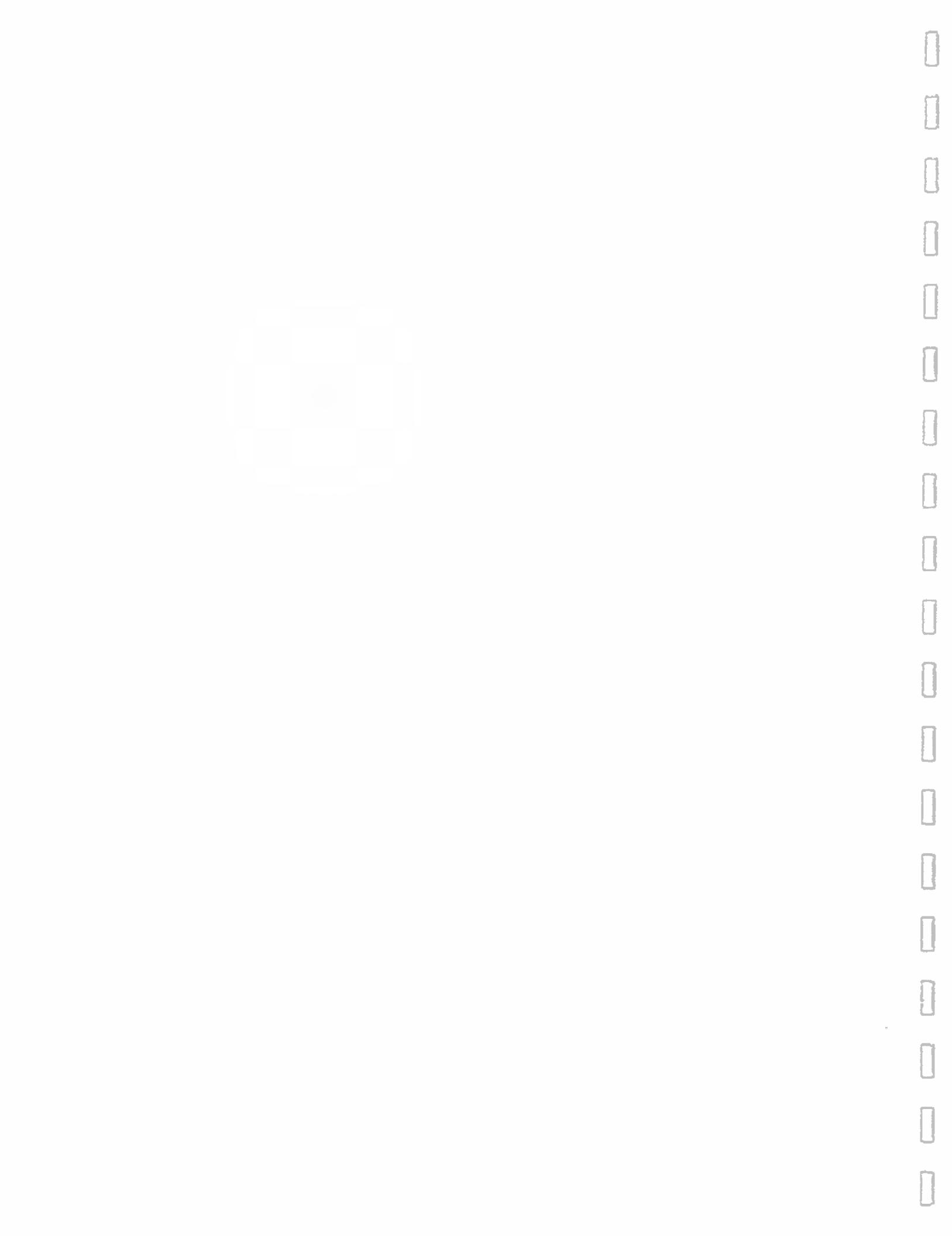
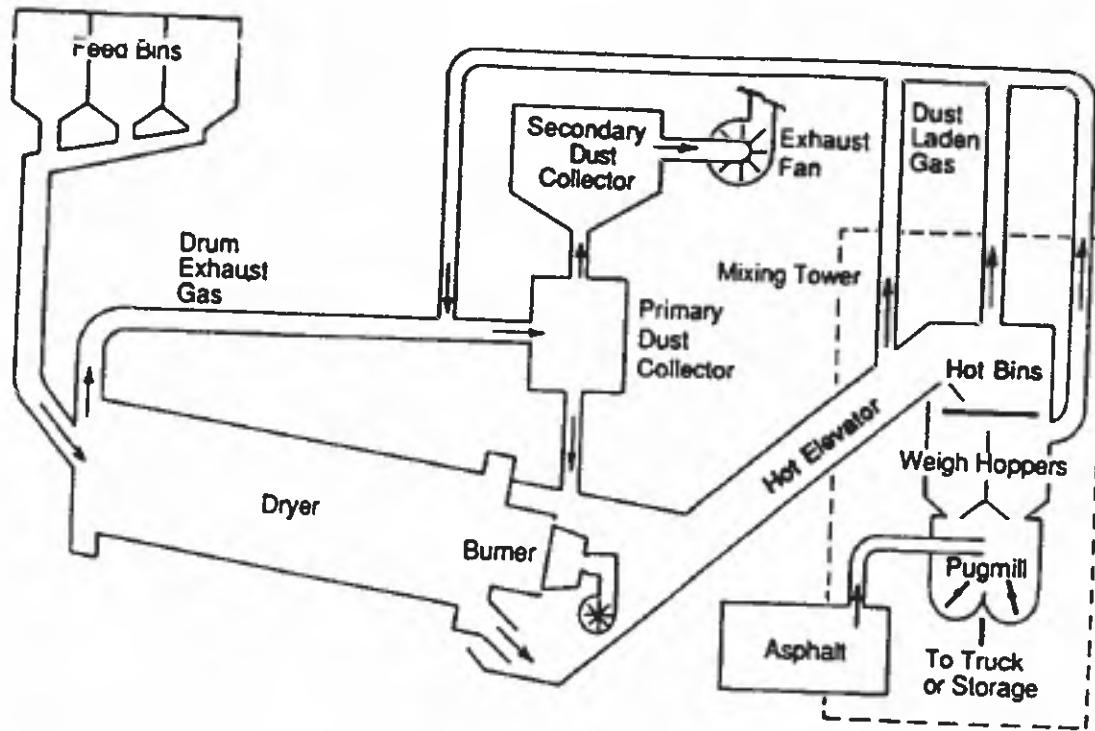
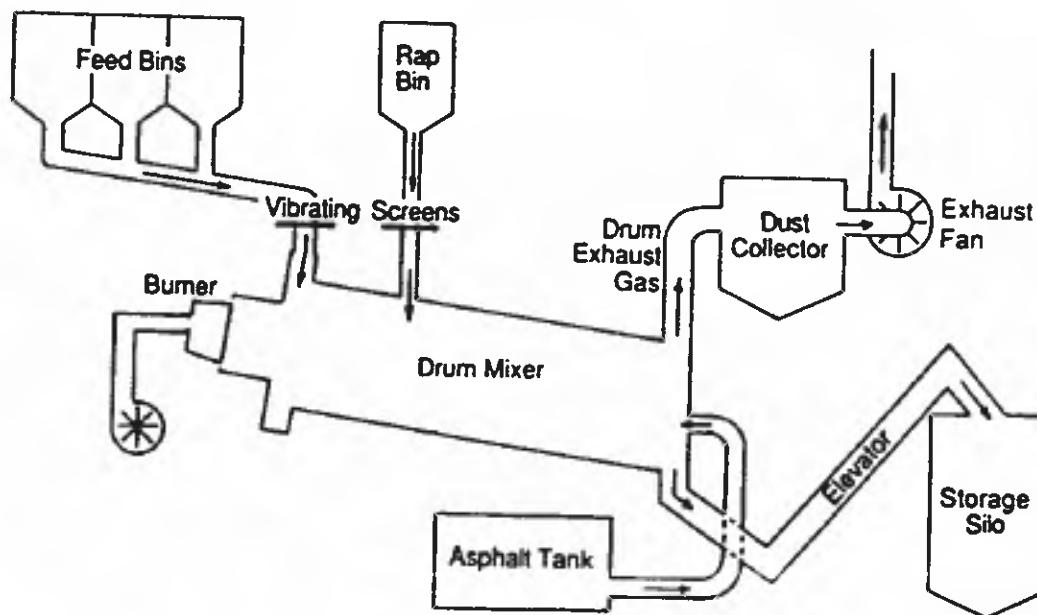


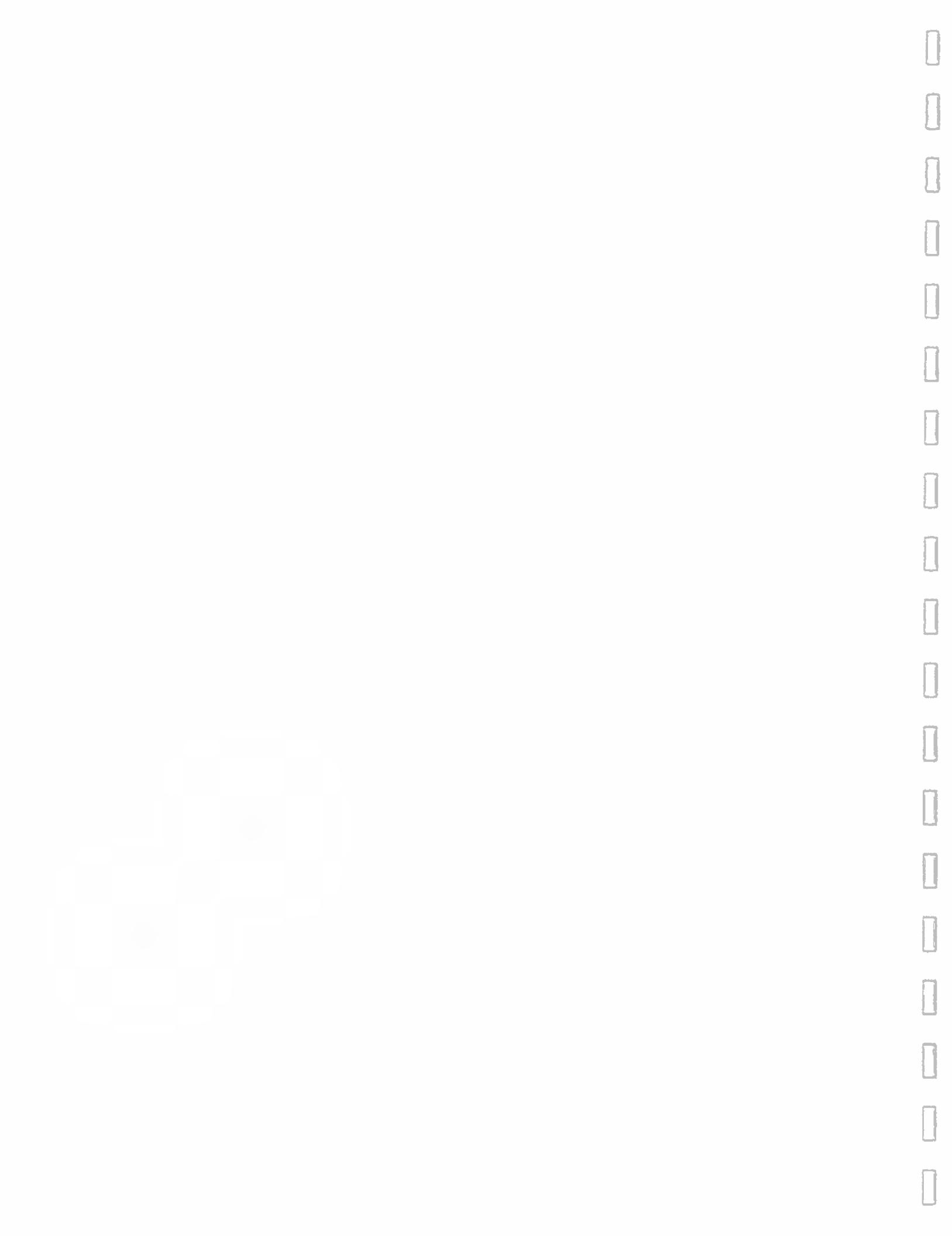
FIGURE 2 FLOW DIAGRAM EXAMPLES



Batch Mix Process Facility

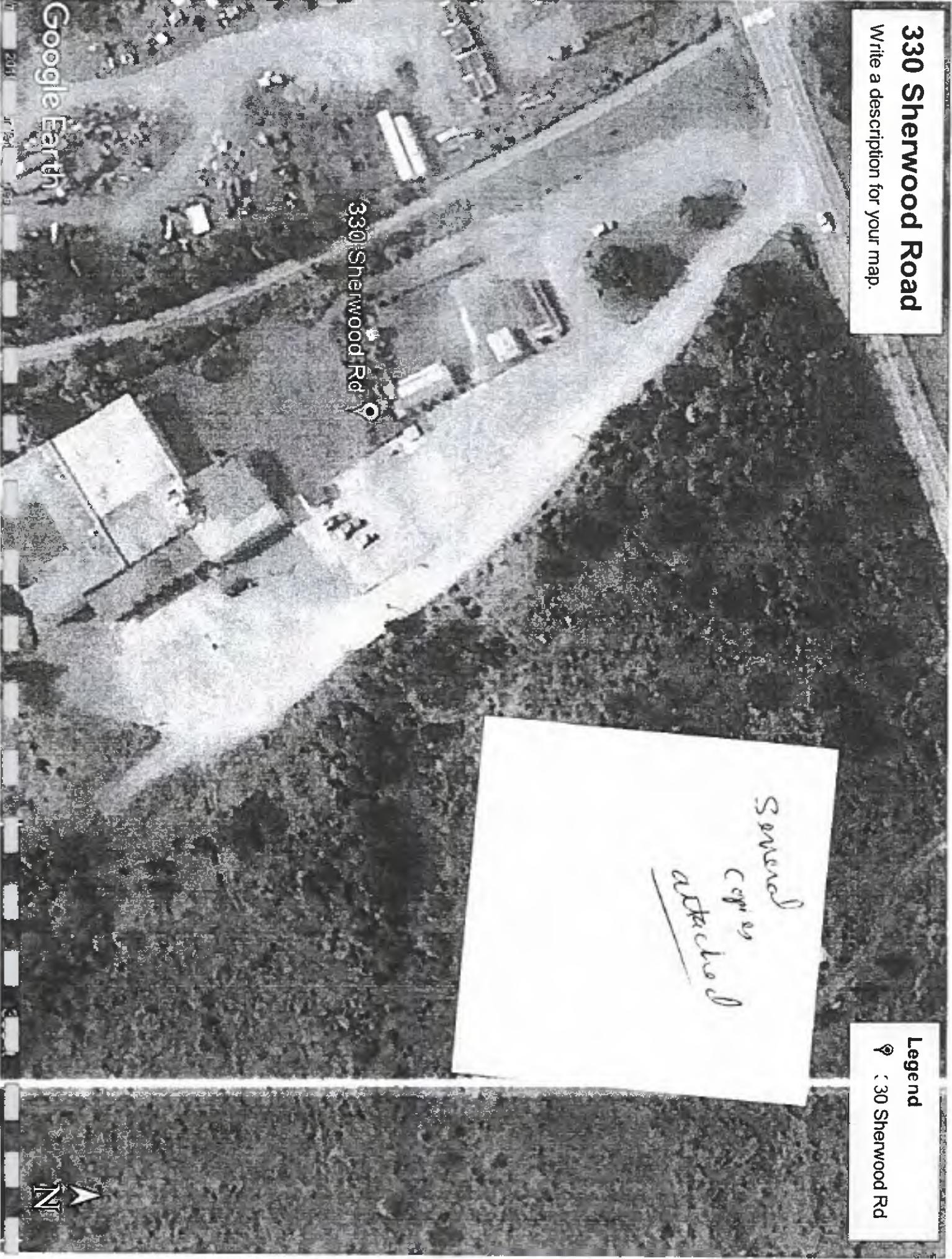


Parallel-Flow Mix Process



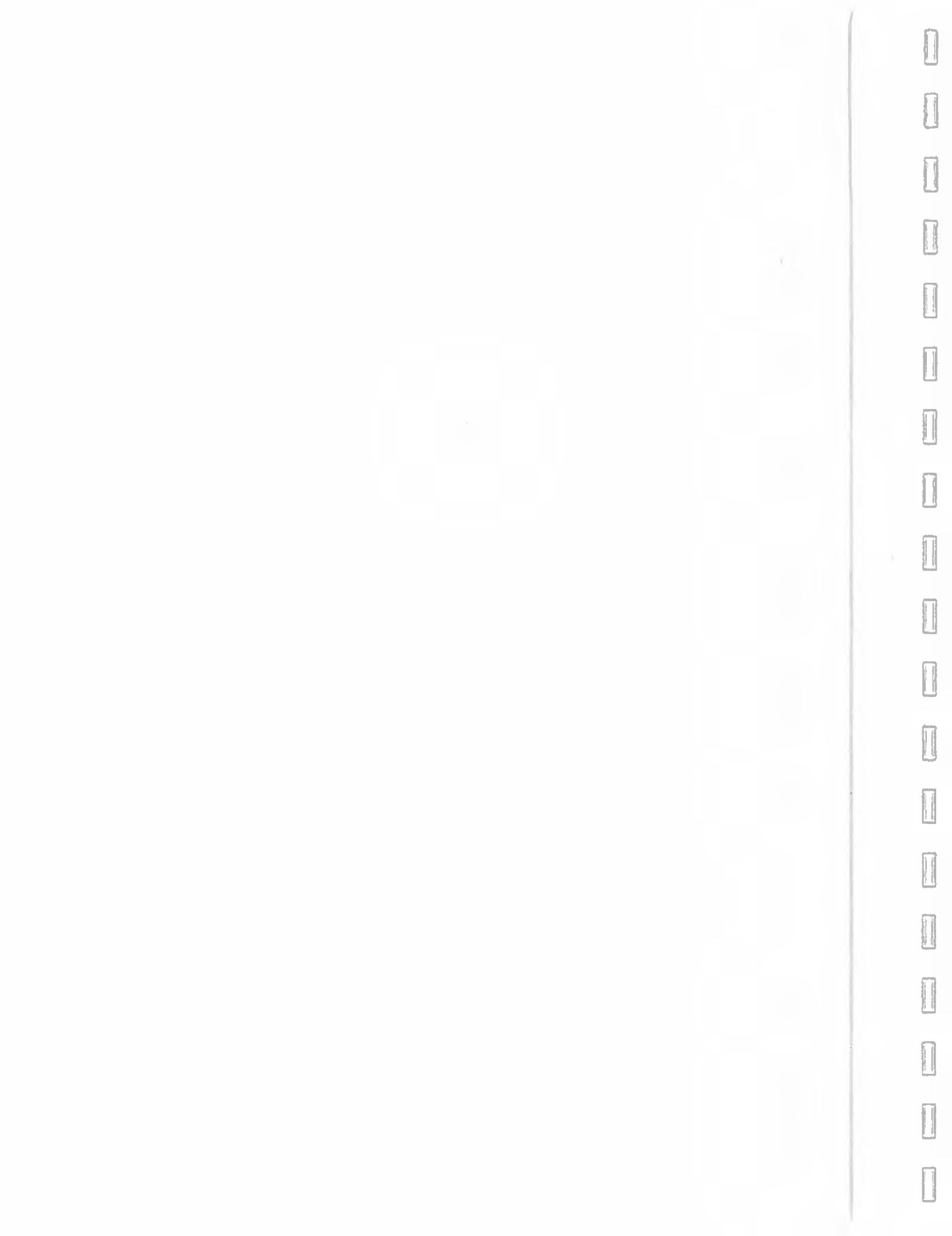
330 Sherwood Road

Write a description for your map.



Legend

330 Sherwood Rd



330 Sherwood Road

Write a description for your map.

Legend
330 Sherwood Rd



GoogleEarth
Image ©2019 Terra Technologies
2009

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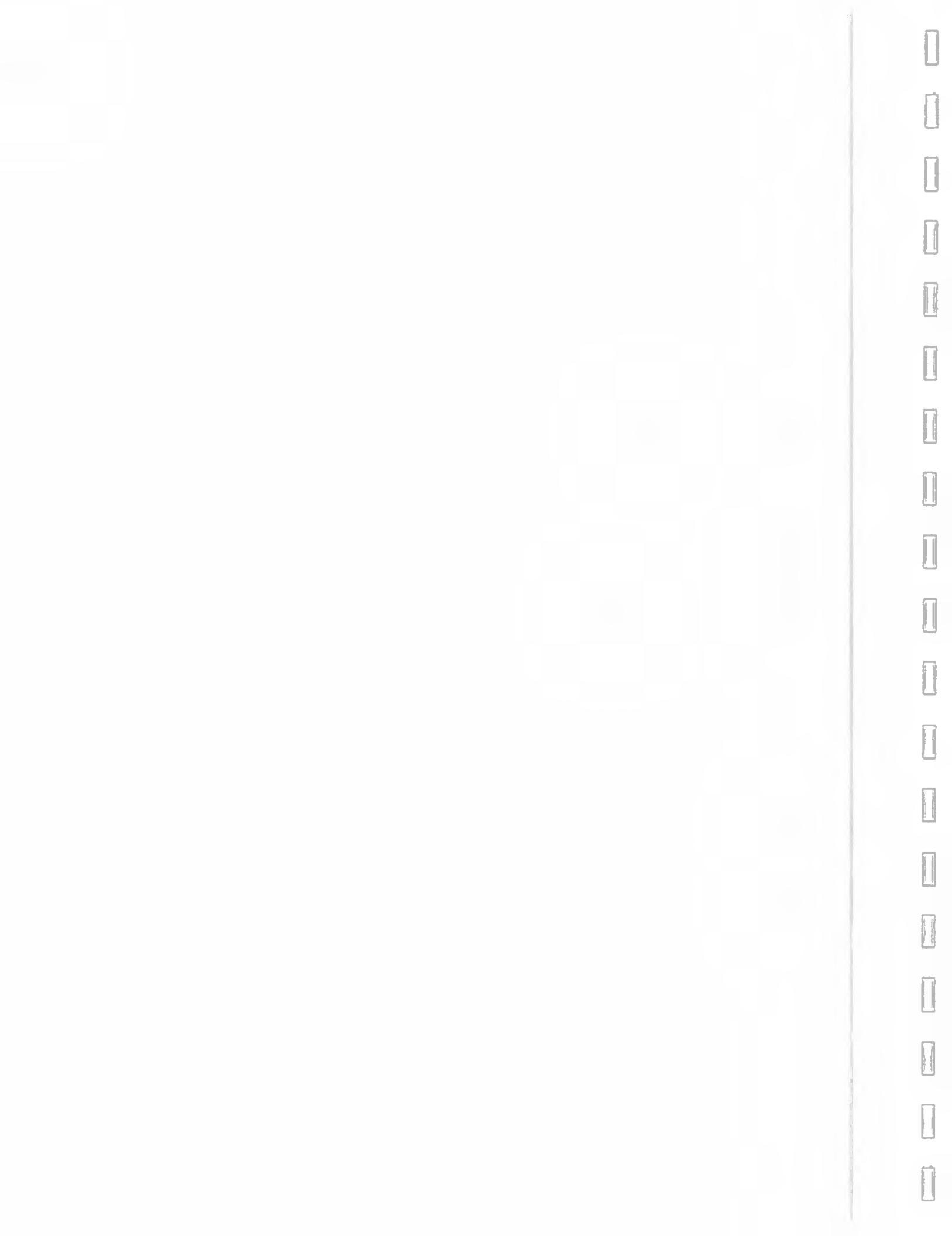
330 Sherwood Rd

Legend

46.281708, -63.140972
Feature 1
Sherwood Motor Inn

46.283708, -63.140972







Prepared by:
Derek A. French Professional Services Inc.
DEREK A. FRENCH, P.E.I.L.S.
379 TCH, PO Box 580, CORNWALL, PEI, C0A 1H0
t: 902-394-2945
f: 902-569-2944
dfrenchservices@gmail.com

SITE PLAN SHOWING
PROPOSED ASPHALT PLANT

SCALE 1: 1,000 metric



CHARLOTTETOWN
QUEENS COUNTY

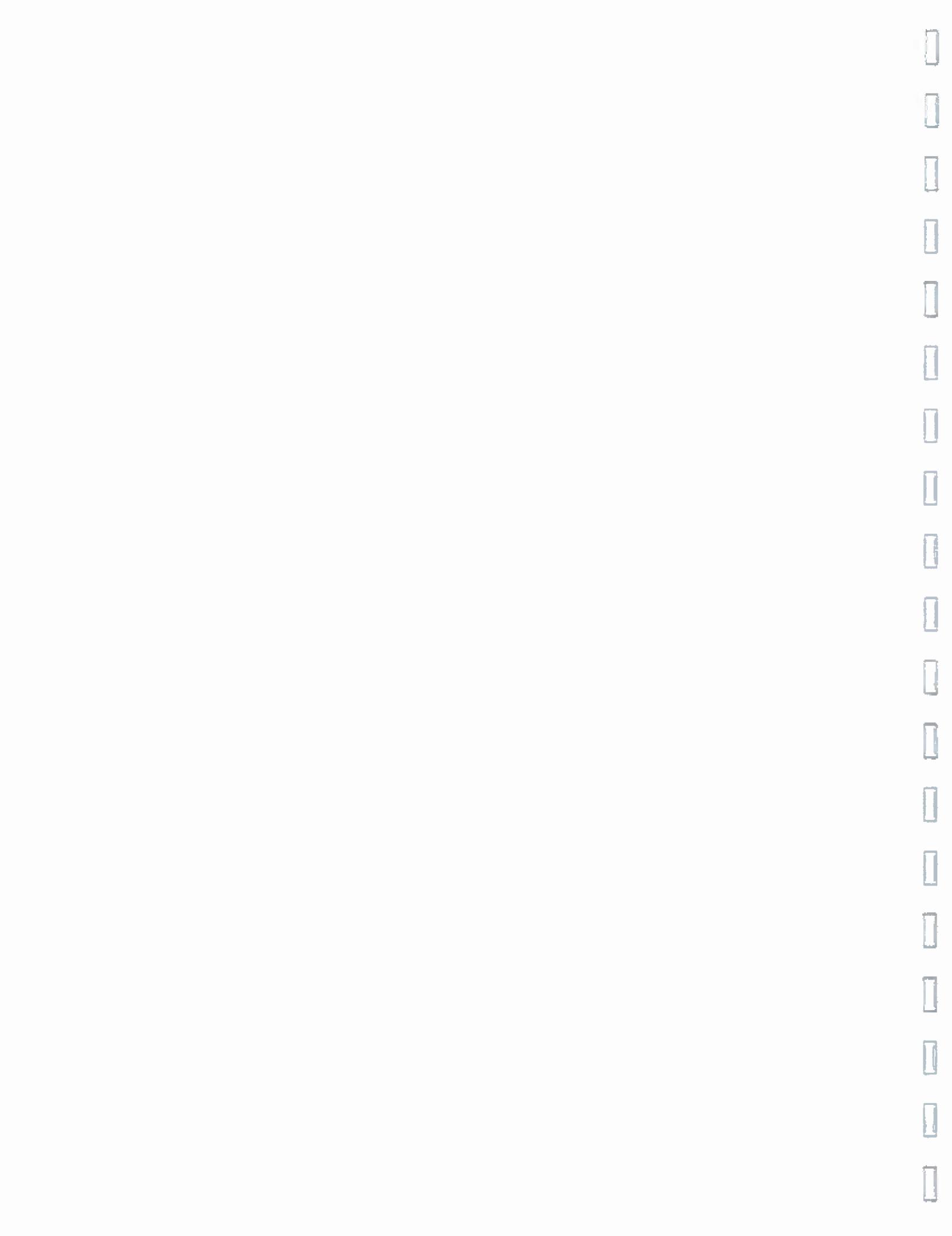
P.E.I.

DRAWN BY. JAS
DRAWING No. 1939-2 Portion of P.I.D. No. 390832

PREPARED BY:

PRELIMINARY

DEREK A. FRENCH P.E.I. LAND SURVEYOR JULY 23, 2019.
DATE



Zilke, Robert

From: Zilke, Robert
Sent: Tuesday, July 30, 2019 9:54 AM
To: 'seledgerwood@gov.pe.ca'
Cc: 'gbwilson@gov.pe.ca'; Forbes, Alex
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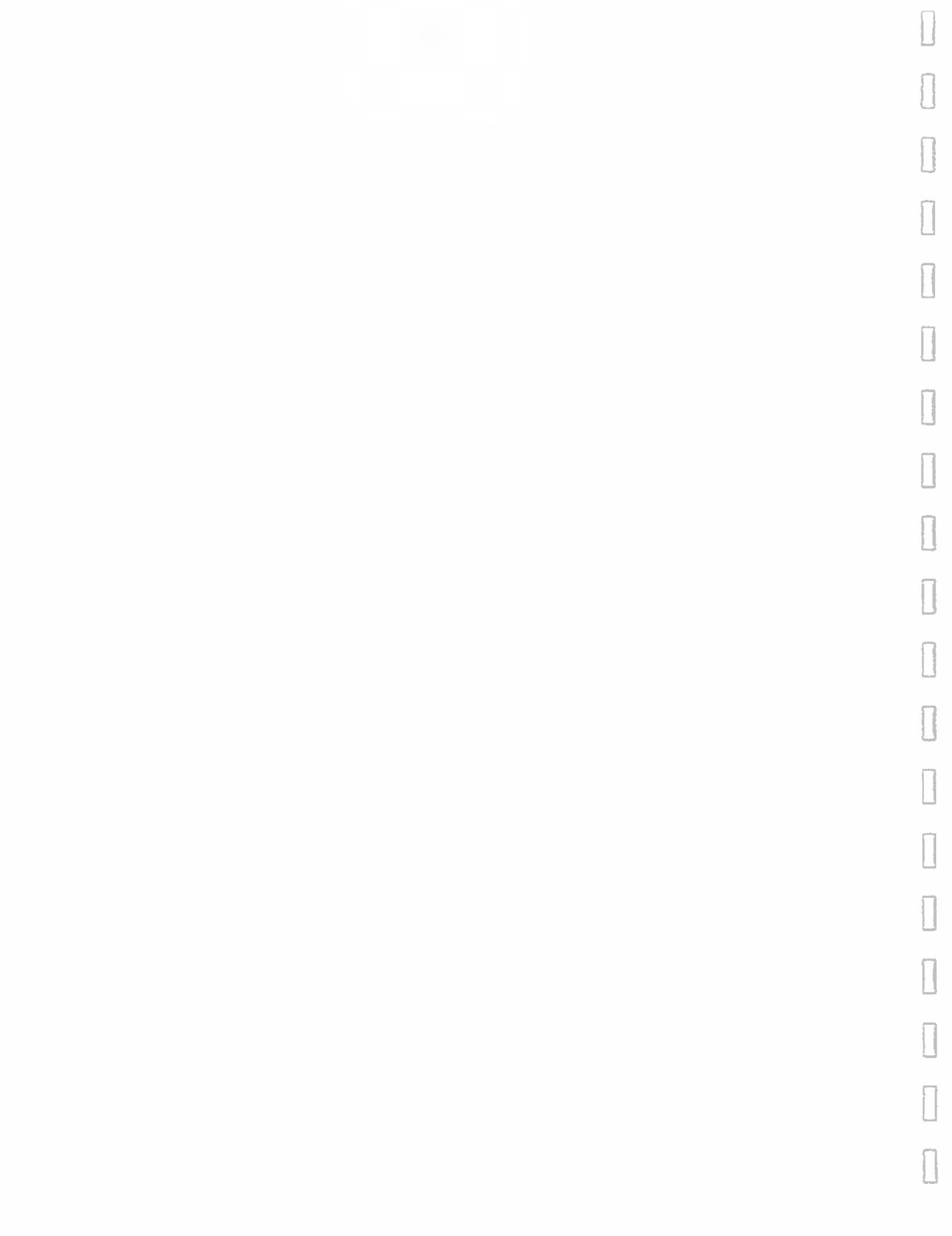
Cheers

Robert Zilke, MCIP
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Cc: Forbes, Alex; Eisnor,Trevor
Subject: 330 Sherwood

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