

304-BLD-24 Mandatory Regulatory Requirements and The Application of Sound Planning Principles

	Relevant Municipal Document	Details of Documented Requirements for Processing Applications for Commercial Development	Was the Requirement Satisfied?
1	Permit # 304-BLD-24	Condition # 7 , which clearly states that: “review against the Zoning and Development Bylaw was completed for the proposed drawings that have been submitted which consists of existing structures that are being moved to the lot. If the proposed plans change and/or alternative structures will be placed on the lot, a revision will be required, including a new complete set of plans , as per our requirements list to be reviewed against the Zoning and Development Bylaw as well as the Building Code Bylaws, and National Building Code.” (reference: see permit on page 35 of the record filed by the City of Charlottetown January 31, 2025)	NO: The detailed project description stated on this building and development application was to move 11existing cottages and an existing 6-unit motel onto PID #889873 from a neighboring property. All those structures were sold and moved to a field in Sleepy Hollow while the application was being reviewed by city planning staff. The plans did change and changed significantly; however, new plans for the site were never submitted for review. No application for a moving permit as required by Section 3.7.1 of the Zoning Bylaw was made to move the existing structures out the city, therefore planning staff were not alerted that the original project details were abandoned. That detailed project description, which appears in Section 4 of the Application for Development (see page 1 of the record submitted January 31st, 2024), was invalid when the “development officer” reviewed and approved the permit. However, the record submitted to IRAC by the City of Charlottetown repeatedly revealed that the “Development Officer” relied exclusively on the original project description contained in the June 7th application. For example, an 11:45 am email to the reviewer by city planning staff on Sept 26th, the same day that her name is typed on the permit, stated that: “There is an application for to move adjacent cottages from PID #388199 to #889873 and to construct foundations underneath cottages.” (page 193 of the record filed by the City of Charlottetown 31 January 2025). At that point, no review of the undisclosed new development plans was even possible. Therefore, a determination of whether the new development plans aligned with sound planning principles within the field of land use and urban planning and as enumerated in the Official Plan could not, and therefore did not, occur. I submit that the review and approval process was therefore substantively flawed and fails the second prong of the two-part test documented in IRAC Decision LA15010 and order LA 17-06. Acceptance of the lack of disclosure of information demonstrated here, both before and after approval of the permit, sets a very dangerous precedent for municipal development applications. The development permit ought to have been revoked and a complete new set of plans submitted for review against the Zoning and Development Bylaw as well as the Building Code Bylaws, and National Building Code.” I submit that failure to revoke this permit and demand a complete new set of plans after the city became aware that the commercial development project plans had changed was a procedural error that fails the first prong of the two-part test documented in IRAC Decision LA 15010 and order LA 17-06. That decision by planning increases the safety risks for Southview residents, impacts their daily neighborhood activities and social interactions, and negatively impacts the privacy of adjacent property owners.

2	Street Access Bylaw (2023-SA-01)	Section 8.1. states that: “No Street Access Change shall be permitted unless a completed application form is first submitted to, and is approved by, the Manager of the Public Works Department.” Section 5.2 states that: “Access Change(s)” includes...any change or modification to the design, location, configuration, use or intensity of use of an existing street access.”	NO: Section 5.2 clearly specifies that the permit application and approval was required. This was a change of use (residential to commercial), and a change in intensity of use (increased at least 1700%) from the historical single private residential driveway. It also involved a change in “access design and configuration” because it changed from a single driveway that was on an angle in the corner to a much wider roadway that appears as an actual extension of Katie Drive. Therefore, the Section 8.1 requirement was not met and the driveway access proposed in the application as per the submitted site plan was not permitted and did not conform to this bylaw. That is a condition that demands rejection of the development application as specified in Section 3.3.8.a of the Zoning and Development Bylaw. (see reference in row 6 of this table) Ignoring the bylaw requirement was a procedural error that circumvents the public safety measures the bylaw requirement was intended to mitigate. That procedural error inherently compromises safety protocols and the safety of residents and tourists. Planner Stephanie MacDonald was aware of this requirement as noted in her September 10th, 2024 email to the developer (see page 189 of city record filed January 31st) wherein she stated, “I’ve reached out to Scott regarding this, and he says there has not been a Driveway Approval Request in for this lot”. The reference here was to Scott Adams, manager of Public Works. In the same email she stated that” Even though the structures are existing and being moved to this lot, we would treat the application as a new development since the previous use on the lot was a single-family dwelling and the intensity of use is increasing.” Also, on Sept 26th 2024 , the date of her approval of this permit as ‘development officer’ Stephanie MacDonald noted in an email to the developer that “I completed the development review of your permit and have passed it along to our building regulations team for review against the building code as well as a pending driveway approval with Public Works”. (ref: page 198 of the city record filed 31 January 2025)
3	Street Access Bylaw, and Official Plan 1999 approved by the minister 2005 and updated June 2024	Section 8.3. states that: “Where the application relates to or is associated with an application to the Planning Department, the application <u>shall</u> include a plan detailing the current access and any requested Access Change.”	NO: This was an application to the Planning Department; however, the developer never submitted the required application for review, to Public Works, therefore there was no review, and no plan was submitted detailing the “current access” and any requested “access change”. Failure to meet this regulatory requirement (a procedural error) was key to approval of the development permit because the “access change” aspect of the development application was not adequately considered against the long-term implications of the planning decision on the adjacent low-density residential neighborhood. Under the as-of-right doctrine and given the incompatible “permitted uses” allowed in a C-2 Highway Commercial Zone, the long-term implications of the decision represent considerable safety concerns and significantly change the character of a low-density residential neighborhood. I submit that is at odds with the objective to “preserve existing residential neighborhoods” articulated in section 1.3 of our Official Plan. I submit that the decision to approve the development permit therefore fails the second prong of the two-part test used by IRAC in land use decisions.

4	Street Access Bylaw	Section 9.4. states that: “No work shall commence on the Access Change prior to the issuance of a Permit by the City.”	NO: No permit was applied for, and no permit was issued. Despite documented resident objections to the City of Charlottetown requesting a stop work order immediately after the posting of this permit, the access change and excavation work was allowed to proceed without the required permit authorizing an “access change”. Failure to meet this regulatory requirement (a procedural error) was key to approval of the development permit because the “access change” aspect of the development application was not adequately considered from a regulatory standpoint, or against the long-term implications of the planning decision as advocated in IRAC Decision 15010 and order LA 17-06 . The long-term implication concerns for residents’ mirror those outlined above in row #3 of this table.
5	Street Access Bylaw	Section 10.2. states that: “In determining if a proposed Access Change be approved, the following factors shall be considered: ... (e) The distance to adjacent intersections or accesses... (f) The anticipated additional volume of traffic on the Street, as well as volumes anticipated using the access to the subject property and using accesses to adjacent properties... (i) Alternate property accesses possible... (j) The impact on public safety and convenience for the subject property and for the general public in providing optimal traffic flows overall on the City's Street Network. Driveway Width.”	NO: The required application for an access change permit was never made, and there is no indication in the city record that planning staff even recognized that the proposed access changes clearly met the “access change” definition in the Street Access Bylaws. The term “Access Change” is important because it triggered the requirement for the developer to submit an application that is intended to initiate and track the driveway-specific review and approval/ rejection process for the new access. Failing to ensure compliance with that requirement was a procedural error. Any one of the criteria noted within Section 10.2 (e),(f),(i), and (j) could well have been considered fatal to an application for an “access change”, meaning that the development did not have an approved “safe and efficient access to a public street” as required by Section 3.3.8 (c) of the Zoning Bylaw. Failure to consider “alternate property accesses possible” as required by this section, also impacted the Section 3.3.8 Zoning Bylaw review. Absence of such approval provides no assurance that the implications of the decision on resident safety, convenience, and residential neighborhood activities were ever considered as part of a sound planning principles review as contemplated in the second prong of the two-part test documented in IRAC Decision LA15010 and order LA 17-06.

6	Zoning Bylaw 2018 Update: 09/10/2019	Section 3.3.8. states that: “An application for a Development and/or Building Permit shall be rejected if: a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation; ... c. There is not a safe and efficient access to the Public Street... e. The proposed Development would be detrimental to the convenience, health or safety of the occupants or residents in the vicinity or the general public.”	No: (Reference: pages 193-199 of the record filed by the city on 31 January 2025 apply to these criteria) This application should have been rejected under Section 3.3.8.a. because it did not conform with multiple Street Access Bylaws identified in this appeal and listed in this table. That is true even without any additional consideration of the Zoning Bylaws. Furthermore, there is no indication in the city record that the required considerations in paragraphs “c” and “e” ever occurred either. A key observation here is the revelation of “no city trees, all clear” communicated by Donovan Neelin in an email at 7:58 AM on October 1st, 2024. (see page 195 of the submitted January 31 city record). Within minutes, that email declaration was communicated internally by planning staff as a “driveway approval” and the task was immediately changed from “pending’ to “completed” (page 194 of the city record) in the LAMA task management system. That status change then allowed Planner Stephanie MacDonald to move the application to the “building regulations team” for review. Note however, that she had already purportedly approved the development permit as the “Development Officer” (page 33 and 34 of city record) and advised the developer that “I have completed the development review”- that was five days before Mr. Neelin declared “no city trees”, even though she noted (at page 198 of the city record) that the required driveway approval had not been satisfied. There is no indication in the record that the requirement was ever satisfied. Arbitrarily ignoring the planning principles provided in Section 3.3.8 is not the type of professional land use planning review against sound planning principles referenced in IRAC Decision 15010 and order LA 17-06. The second prong of the two-part test articulated in LA Order 17-06 was violated and permit #304-BLD-24 must therefore be quashed.
7	Zoning Bylaw	Section 3.3.13 states that: “The Development Officer shall give consideration to the disposition of a Development and/or Building Permit application having regard to the following Development principles: ...Compatibility and interrelationship of the proposed uses of the Building(s); ...The convenience, adequacy and safety of the street and pedestrian connections including parking spaces, driveways, and access points;”	All these listed “development principles” in Section 3.3.13 and 3.3.14 contrast with the realities that existed if any consideration was given as required under this section. These are planning “development principles” reflecting sound planning principles and must be considered by the Development Officer as part of a development application review. My observations regarding compliance appear below adjacent to each required consideration. No: This development permits the injection of C-2 Highway Commercial use into the heart of an existing incompatible residential low-density neighborhood;

	Section 3.3.14 states that “further to the above Development principles, for large commercial facilities the Development Officer shall give further consideration to the following factors: .. (c) the impact on the Public Street system and traffic flow; . ..(d) Safe and convenient access and egress between the site and the Public Street; ..(e) Building form and design that is compatible with... adjacent Building forms, architectural features and scale; ..(f) Appropriate...traffic controls” 4.9.2 states that “all buildings will be aligned with the street”	No: There are no sidewalks, there is no curbing, there are no traffic control devices, and the driveway is directly into the intersection of two uncontrolled residential streets accommodating frequent pedestrian and neighborhood activities. Furthermore, the required driveway access change review was not completed. No: The residential streets were not built or designed for C-2 Commercial Highway traffic – it is not a highway, collector, or arterial road – it’s designed to accomodate local residential traffic and neighborhood activities like pedestrian use and regular social interactions. No: It does not conform with the numerous mandatory Street Access Bylaw minimums articulated in this appeal and listed in rows 2-5 of this table; No: 17 tiny commercial tourism rental units, plus 17 parking spaces, a garbage collection area, and a private road, all crammed onto a 1.3 acre lot is incompatible in form and architectural design with the adjacent large single-detached residential homes complete with large open manicured back yards in a mature low-density residential subdivision; No: There are no sidewalks, there is no curbing, there are no crosswalks, and there are no traffic control devices of any kind at the intersection of the two local streets where the access point for this highway commercial zone driveway access is proposed; No: The proposed 6-unit motel with an attached cottage is on a 45-degree angle with Trainor Street. The end and the rear of those buildings face the street. Five of the other cottages have the rear aligned with the street and with the adjacent residential property’s side yard. The residential homes on the adjacent properties are all aligned and positioned near the front of the lots with the fronts
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			facing the street. Most of the commercial structures proposed on the site plan are positioned in the back yard of the lot along the adjacent properties side yard. (ref: page 6 of city record filed 31 January 2025) Consideration of these development principles requires the skills, knowledge, and experience of a professional land use planner to conduct an analysis of the implications of the development approval on our mature low-density residential neighbourhood, and to apply any mitigation measures deemed necessary. Failure to conduct that professional analysis of the implications of the decision advocated in IRAC order LA 17-02 amounts to failure of the second part of the two-part test documented in that IRAC decision. There is no indication in the record and submissions by the city to suggest that professional consultation and review was applied to the criteria listed in Section 3.13.3 of the Zoning and Development Bylaw. I submit that amounts to a substantive flaw in this permit approval process and that the permit should therefore be quashed.
8	Zoning Bylaw	Section 6.3.4 states that: “An access to a Corner Lot shall be placed no closer than 15.24 m (50 ft) to the Right-of-way of the intersection or may be permitted at the furthest possible distance from the street intersection.”	No: This driveway is positioned directly into the uncontrolled intersection of two low-density residential neighborhood streets. The proposed access now appears as a continuation of Katie Drive rather than a driveway off Trainor Street. I submit that ignoring this regulatory requirement of our Zoning and development bylaw was an arbitrary decision and a procedural error that inherently compromises the safety of our neighborhood families and the families of users of the commercial development. Commercial traffic travelling east on Katie Drive and looking towards the Motel and cottages see the new driveway as part of Katie Drive, and if they continue straight ahead, they will drive directly into the path of any vehicles rounding the corner off Trainor Street, because there are no traffic control devices at the intersection. The immediate and long-term implications of the decision to approve permit 304-BLD-24 without considering this regulation include increased and unacceptable risks to resident and tourist safety. I submit that the review and approval process was therefore procedurally flawed and fails the first prong of the two-part test documented in IRAC Decision LA15010 Order LA 17-06.
9	Zoning Bylaw	Section 6.3.10 states that: “All access locations and curb crossings shall require the approval of the City’s Public Works Department, ...”	No: The development aspect of this permit was completed Sept 26th (ref: pages 33-34 and pages 198-199 of city record filed 31 January 2025). Six weeks later, on Dec 16th, the public works reviewer informed me, two other residents, the Deputy Mayor, and Mr. Gundrum that he had just received the file and had not completed his review. The only confirmation in the city record from public works was an Oct 1st email stating that there were “no city trees”. That email was immediately circulated (within minutes) and specifically referenced as “the driveway approval” while the ‘flag status’ for driveway approval was changed from “pending” to “completed”(ref: page 194-195 of city record filed 31 Jan 2025) It is the only document in support of this fundamental requirement. That does not meet this bylaw requirement for street access approval. Such approval would also have to meet the requirements enunciated in Sections 8.1, 5.2, 8.3, and 10.2 of the street Access Bylaw. Those requirements were not met for reasons noted above in this table, therefore the mandatory requirements of this Section 6.3.10 were not satisfied either. That is a procedural flaw that inherently compromises the health and safety of Southview residents and the health and safety of guests using the commercial development. Furthermore, absence of such approval provides no assurance that the implications of the decision on resident safety

			and residential neighborhood activities were ever considered as part of a sound planning principles review as contemplated in the second prong of the two-part test documented in IRAC Decision LA15010 and order LA 17-06.
10	Zoning Bylaw	Section 3.3.14 states that: “No Building and/or Development Permit shall be issued where the proposed Building or Structure, or its Alteration, repair, location or use would be detrimental to the convenience, health or safety of occupants or residents in the vicinity or the general public with regards to traffic access and circulation.	No: Planner Stephanie Macdonald put her review on hold on Sept 10 th (page 178 of the January 31city record), citing change in use and change in intensity of use concerns. Nothing in the city record provides any indication that any of the concerns that she identified on Sept 10 th were ever mitigated or considered further before she approved the development permit on Sept 26 th while acknowledging that same day that the required driveway approval had not been received (ref: pages 198-199 of city record filed January 31, 2025). IRAC Decision LA15010 LA Order17-06 at paragraph 64 states that: “Sound planning principles are a guard against arbitrary decision making especially where a regulatory checklist does not address a concern. Sound planning principles require the decision maker to take into consideration the broader implications of their decisions. In order to ensure that sound planning principles have been followed in anomalous applications a professional land use planner <u>must</u> be consulted.” Stephanie MacDonald is not a professional land use planner, and there is no evidence that such consultation and assessment of the implications of the decision to approve 304-BLD-24 using established sound planning principles was observed in this anomalous application. Consideration of the implications of the decision on the “ convenience, health or safety of occupants or residents in the vicinity or the general public with regards to traffic access and circulation.” requires more than following a regulatory checklist. Failure to include the Section 6.3.14 assessment by a land use planner led to arbitrary permit approval, making the process both procedurally and substantively flawed.
11	Zoning Bylaw	<i>Section 6.6.1 states that: “The provision and Maintenance of a Land Use Buffer between Commercial or Industrial Uses and adjoining Residential Uses shall be required for all new Development, and such a Land Use Buffer shall include one (1) or more of the following features: a berm; a natural area containing a Watercourse or trees; or a man-made feature such as a wall, Fence, or walkway.</i>	No: The development officer at no point in her review acknowledged any consideration of, or indicated any knowledge of, this Land Use Buffer requirement. Proof of this lack of awareness can be found on the site plan (see page 6 of city record filed with IRAC). The site plan does not have a Land Use Buffer plotted anywhere on the drawings. Furthermore, nothing in the record provided to IRAC in the city disclosure gives any indication that Section 6.6 was ever mentioned or considered at any point in the permit approval process. Any review of the city’s file on PID #889873 ought to have flagged the previously documented concerns of residents, Planning Board, and Council which included consideration of the Section 6.6 Land Use Buffer requirement. Plotting that Land Use Buffer on the site plan is a specific requirement under Section 6.6.2. It is impossible for a development officer to assess the sufficiency and details of that required Land Use Buffer when none are provided. However, the reviewer approved 304-BLD-24 while lacking that mandatory detail. I submit that approving this new commercial development without those mandatory details plotted on the site plan is procedurally flawed, and approving the new commercial development without the benefit of a detailed sound planning principles assessment concerning the merits of a land use buffer and the specific details of that buffer in an anomalous application involving incompatible uses is substantively flawed. There was no consideration of what specific design features would be required to mitigate obvious

		Section 6.6.2 states that: “Unless otherwise provided for in this by-law, a 4.0 m (13 ft) Land Use Buffer shall be shown on the site plan and constructed along any Lot Line of a Multi-unit Residential, Commercial, or Institutional Building where the said Lot Line abuts a R-1L... Zone.”	incompatible land use concerns – particularly along adjacent low-density residential property lines. Both prongs of the two-part test articulated in LA Order 17-06 were therefore violated. Permit 304-BLD-24 must therefore be quashed. (Please note for further reference that I have provided a detailed analysis of the Land Use Buffer requirement on pages 18-25 of my 21 February 2025 submission to IRAC)
12	Zoning Bylaw	Section 2.6.1 States that: “the City shall post notice on their website of the approval of any Permit and Subdivision and this shall be deemed to be notification under the by-law of a Permit being issued.” Section 3.15.2 states that “An aggrieved person or an applicant wishing to launch a reconsideration shall make known their intention to do so and the grounds or reasons within twenty-one (21) calendar days of the initial decision”.	No: These two sections of the bylaw are an integral part of the development permit approval process. The required public notice provides the only opportunity for aggrieved persons to seek redress with the municipality under the as-of-right doctrine. Public Notice was not posted until at least 14 days after the permit was issued and did not appear on the Nov 29th regular notice – it was posted 4 days later as the only revision to the regular public postings and with a stated appeal cut-off date of Dec 10th (reference: page 39 of January 31st city record filed with IRAC). The required notice of the initial decision regarding 304-BLD-24 was not provided. Southview Estates Residents brought the late posting error to the attention of the Manager of Planning, but remedial action was not taken. The rules of Natural Justice and Procedural Fairness were ignored by this lack of proper notice and the refusal to rectify the procedural error. The permit approval process for 304-BLG-24 was thereby flawed due to that procedural error: the first prong of the two-part test described in IRAC Decision LA15010 LA Order 17-06. As a direct result, the appellant and other aggrieved residents of Southview Estates were harmed by the procedural error because they were thereby denied their right to seek a Section 3.15.2 Reconsideration by Council of the approval of permit # 304-BLD-24. To illustrate that this a real harm to aggrieved persons, I will point out that on 6 January 2021 Southview residents were successful in having an 8 June 2020 permit approval involving PID #889873 rescinded by Council through that Section 3.15.2 Reconsideration process. Procedural error denied them that opportunity in this case. (Please note further detail concerning this public notice issue are provided on pages 2-4 of my 21 February 2025 submission to IRAC.)
13	Zoning Bylaw and PEI Planning Act	Section 2.1.1 states that: “The Council shall appoint a Development Officer who shall administer this by-law, and the Council may name a designate or designates to the Development Officer.”	No: Section 20 (2) of the PEI Planning Act states that: “A council may appoint a development officer to administer the bylaws for the council.” The City of Charlottetown uses a hybrid permitting system where Development and Building permits are included on one form. However, two distinct approvals are required. No Building Permit can be issued unless a Development Permit is first approved. The development permit must first authorize a specific type of land use for the property as provided for in the Official Plan, the Zoning and Development Bylaw, the Street Access Bylaw, and the Planning Act. Development approval involves regulatory considerations articulated in those documents. It also requires consideration of the application of sound planning principles by a professional land

		Section 2.1.2 states that: “Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny a Permit or a Subdivision application in accordance with this by-law, except for those applications that require Planning Board, Design Review Board and/or Council to be involved in the process as specified in this by-law”.	use planner. They must consider the long-term implications of the decision on residents and on the environment. Building Permits require an assessment and approval of the physical construction plans as measured against strict local and national build codes. A Building Inspector is not authorized to approve a Development Permit. Section 2.1.2 of the Zoning Bylaw designates that authority to the Development Officer who must be appointed by resolution of City Council as directed by Section 2.1.1. Permit # 304-BLD-24 was unsigned by a “Development Officer. The hybrid form was signed only by a “Building Inspector” following review and approval of the Development Officer. Stephanie MacDonald approved the development application and Shane Jones approved the construction drawings for the cement frost walls. Only the typed name “Stephanie M. MacDonald” appeared in the “Development Officer “space on the form. She was hired by the City of Charlottetown in August 2024 as a Planner I – the same month that she began this Development Application review. There is no indication in the record that Stephanie MacDonald is the Council-appointed “Development Officer”, or that she is a Council-named designate as provided for in Section 2.1.1. of the Zoning and development bylaw. It therefore appears that she had no authority to approve this development permit as provided for in Section 2.1.2 of the Zoning and Development Bylaw and no signature of the Development Officer appears on Permit 304-BLD-24. An unsigned permit is an invalid permit. The permit is invalid on its face because it does not bear the signature of an appointed “Development Officer” or a named designate. I submit that this is a procedurally flawed permit approval that fails to provide our residents with the sound planning practice assurances envisioned by Section 20 (2) of the Planning Act and Sections 2.1.1 and 2.1.2 of our Zoning and Development Bylaw. The implication of this procedural error is not insignificant. It has compromised the safety of our residents, our daily community activities and social interactions, the privacy of adjacent property owners, our property values, and our viability as a mature low-density residential neighborhood.
14	IRAC Decision LA15010 LA Order 17-06	Paragraph 64 of this IRAC ruling stated that: “Sound planning principles are a guard against arbitrary decision making especially where a regulatory checklist does not address a concern. Sound planning principles require the decision maker to take into consideration the broader	Stephanie MacDonald is a Planner I. She was a new staff hire when she was assigned this file in August 2024. She does not appear on the Atlantic or the PEI Registry of Professional Planners as a full member, or even as a candidate. While this certainly appears to be an “anomalous application”. There is no indication in any filing by the City of Charlottetown for this appeal that any consultation occurred where the project details of this application for new development were reviewed against any identified sound planning principles with a professional planner. All information in the record appeared focused solely on moving the application along as per the application “requirements list” – a regulatory checklist. Many “planning principle” considerations are outlined in Sections 3.3.8.(e), 3.3.13, 6.3.14, 6.6.1, and 6.6.2 of our Zoning Bylaw. All those mandatory considerations ought to have been explored as LA Order 17-06 suggests, and the long-term implications of the decision on our mature low-density residential neighborhood ought to have been evaluated by a professional planner. There is no indication in the record filed by the city that his occurred.

		implications of their decisions. In order to ensure that sound planning principles have been followed in anomalous applications a professional land use planner <u>must</u> be consulted.”	Notwithstanding her lack of professional credentials, it was impossible for the “development officer” to conduct that sound planning principles evaluation. The original project details were long abandoned before she concluded her review, and no new plans were submitted. Therefore, the details of the new development plans were not available to the reviewer. I submit that approving the new commercial development without those details is procedurally flawed, and approving the new commercial development without the benefit of a detailed sound planning principles assessment against the new unknown plans in an anomalous application is substantively flawed. Both prongs of the two-part test articulated in LA Order 17-06 were violated. Permit 304-BLD-24 must therefore be quashed.
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Additional Considerations:

In addition to the unmet bylaw requirements for development permits identified in this summary table, many policies, objectives, and goals of the 1999 **City of Charlottetown Official Plan** (approved July 2005; updated June 2024) were ignored, including but not limited to:

- 1. The policy to preserve existing residential low-density neighbourhoods, and to protect and nourish the city’s rural neighbourhoods; (Section 1.3, page 9 of the Official Plan);
- 2. The goal to maintain the distinct character of Charlottetown’s neighbourhoods; (Section 3, page 16 of the Official Plan);
- 3. The objective to preserve the built form and density of Charlottetown’s existing neighborhoods, and to ensure that new development is harmonious with its surroundings; (Section 3, page 19) of the Official Plan;
- 4. The policy to ensure that the footprint, height, massing, and setbacks of new commercial development in existing neighbourhoods are physically related to its surroundings; (Section 3, page 19 of the Official Plan); and
- 5. The policy to ensure that a short-term rental operation in a residential area shall be restricted to the operator/hosts’ principal residence and be of a scale that is compatible with the character of the surrounding neighborhood. (Section 3, page 20 of the Official Plan)

I submit that these stated Official Plan policies, objectives, and goals are inherently based on sound planning principles. I also submit that the city’s bylaw requirements listed in the above table are fundamentally structured and rooted in sound planning principles. Therefore, can any decision to grant a **new** commercial development permit **that does not align** with those policies, objectives, and goals, or **does not comply** with the bylaws that regulate new commercial development be said to be based **on sound**

planning principles? Would ignoring our bylaw requirements and the guidance provided in our Official Plan not amount to the type of ‘**arbitrary**’ decision-making that must be avoided as identified in IRAC Decision LA15010 LA Order 17-06. I submit that is the case with permit #304-BLD-24 and that this approval was based on arbitrary decision-making **that is procedurally and substantively flawed. This permit approval must therefore be quashed and the proposed development prohibited.**



18 Trainor St

Charlottetown, Prince Edward Island

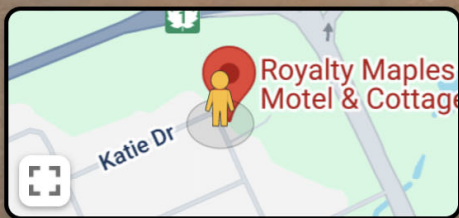


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