

Planning Board Committee Meeting Minutes

May 31, 2022

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron (via Zoom)
Councillor Barb Ramsay, Co-Chair
Councillor Cory Snow
Councillor Greg Campbell
Councillor Brian McFeely, Chair
Rob Philpott, Chief Administrative Officer
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Aaron MacDonald, Director of Technical Services
Linda Stevenson, Development Officer
Brian Hawrylak, HR Officer

Call to Order

The meeting was called to order 12 noon

Councillor McFeely stated that the agenda item for 658 Water Street east has been deferred to tentatively June 7.

Agenda was approved

433, 437 & 447 Water Street Official Plan and Zoning amendments

SUPPORTING EXPLANATION:

Purpose: The purpose of the zoning amendment is to allow row house/townhouse development. The applicant is proposing a 10 unit row house/townhouse development.

Row House means a *building* that is divided into three or more vertically adjacent, joined dwelling units, separated by a vertical wall with each unit being constructed directly on grade. Row houses do not require individual public utilities for each unit, street frontage and cannot be subdivided.

Town House means a building that is divided into three or more vertically adjacent dwelling units, separated by a vertical concrete or masonry fire-wall, with each unit being constructed directly on

grade. Town houses require individual public utilities and street frontage for each dwelling unit and can be further subdivided as per Section 8.15.

Background: An application was received from Tyler MacDonald (agent for property owner G Morris Caseley Ltd.) for PID #301259 (433 & 437 Water St) to amend the *City Official Plan* from Commercial land use to Residential land use and to amend the *Zoning Bylaw* from Neighbourhood Commercial (C3) zone to High Density Residential (R4) zone and for PID #301234 (447 Water St) to amend the *Zoning Bylaw* from Medium Density (R3) zone to High Density Residential (R4) zone. A public meeting was held on May 24, 2022 and Council gave first reading on the same date.

Report: Under section 5.7 of the zoning bylaw when Planning Board reviews a zoning bylaw amendment, it considers the following general criteria, as applicable. Under Section 8.4 of the Parks and Green Space Plan, the criteria of b,c,e,g and h must be considered:

a. *Conformity with all requirements of this Bylaw.*

Staff Comment: The proposed use row house / town house conform with this bylaw, the development would have to comply with the R4 development standards for row house/townhouse as noted below (R3 standards apply in the case of row house/town house in the R4 zone).

R3 zone		Lot area	Lot depth	Frontage	Front yard	Side yards	Rear yard	Max. height
Interior Lot								
Single-family dwelling	m	480	30	16	6	1.5	5	10.5
	ft	5,166.7	98.4	52.5	19.7	4.9	16.4	34.4
Individual semi-detached dwelling	m	390	30	13	6	1.5	5	10.5
	ft	4,198	98.4	42.6	19.7	4.9 (end of building)	16.4	34.4
Duplex dwelling	m	750	30	25	6	2.5	5	10.5
	ft	8,073.4	98.4	82.0	19.7	8.2	16.4	34.4
Townhouse/Row house (interior zero lot line)	m	180	30	6	6	0	5	10.5
	ft	1,937.5	98.4	19.7	19.7	0	16.4	34.4
Townhouse/Row house (end lot of building)	m	255	30	9	6	3	5	10.5
	ft	2,744.8	98.4	29.5	19.7	9.8	16.4	34.4

b. *Conformity with the Official Plan.*

Staff Comment: The rezoning for PID #301234 conforms to the Official Plan as the property is designated as residential land use on the future land use plan. The Official Plan amendment for PID #301259 has to consider Section 5.2.2 (Location of High Density Housing). The amendments have no impact on the Parks and Green Space Plan.

5.2.2 Location of High Density Housing

Council intentions about locating high density housing are important to residents concerned about potential location of row houses and apartment buildings into their predominantly low density neighbourhoods. To help allay these concerns, Council lays out specific policies below on where they may allow future high

density housing, some of which elaborate on their foregoing policies for special planning and development areas.

LOCATION CRITERIA:

Council’s criteria for locating high density housing in the City of Summerside include:

- the desirability of infilling properties which are already partly developed for higher density housing;
- the desirability of locating high density housing close to jobs, community facilities and services, and of promoting pedestrian access;
- avoidance of negative economic and physical impacts on surrounding land uses, whether existing or proposed;

Objective	To encourage high density housing in specific areas
Policies	<p>The following are Council’s statements of policy</p> <p>1. Promote high density housing on properties already partly developed for high density housing.</p> <hr/> <p>5. re-zonings in areas presently designated for medium density R3 zone residential use:</p> <p>6. areas immediately north of the Downtown, (defined as: Notre Dame Street to the North, Granville Street to the East, Heather Moyses Drive to the South and Duke Street to the West) subject to no harmful impacts on local heritage housing;</p> <p>d.) within residential/ commercial buildings</p> <hr/> <p>8. City arterial or collector roads as referenced in Section 7.1 and Figure 7-1.</p>

7.1 1

City Arterials

- Water Street East
- South Drive/Water Street
- Heather Moyses Drive

c. Suitability of the site for the proposed development.

Staff Comment: This site is made up of three land parcels (approximately 0.66 acres in total) and is suitable for high density residential land use. Existing public street network and municipal services are available for this development.

d. Compatibility of the proposed development with surrounding land uses, including both existing and projected uses.

Staff Comment: The subject properties abuts two land uses, the land use to the immediate south is Conservation (board walk) and the land to the west, east and south are residential. There are other commercial land uses nearby. The existing land uses of the subject properties is a mix of residential and neighbourhood commercial (retail). There is an existing town house development (R4) to the west of the subject properties.

The rezoning from C3 to R4 and R3 to R4 would be compatible with the existing and proposed surrounding land uses.

e. *Any comments from residents or other interested persons.*

Staff Comment: A public meeting was held on May 24, 2022. The public meeting notice was advertised in the March 9th, edition of the Guardian. Thirty-six (36) letters were mailed to thirty-six (36) property owners. Tyler MacDonald provided an overview of the intended 10 unit Town House development, intended to start construction this year. Bob Oullahan (438 North Market St.) called the Development Officer (May 10) and requested clarity on the proposed development and setbacks from his rear yard property line. Carol Thompson (451 Water Street) had questions regarding the amount of greenspace required for the development, net zero, garbage bin storage, and fencing between her property and the subject property. She requested clarity on town house vs row house. Terrance Payne (429 Water Street representing his parents Jack & Heather Payne) had questions about the proximity of the development to their property. The relevant concerns raised by the public are addressed throughout this report.

f. *Adequacy of existing water, sewer, road, storm water and electrical services, city parking and parklands for accommodating the development, and any projected infrastructure requirements.*

Staff Comment: The City's water supply and sewer treatment systems can handle the additional loading created by the change in zoning. Rezoning this development from R3 to R4 increases the loading on the lift station by less than 1% of the calculated future loading for the entire drainage basin. The City does not see this as a significant load change, therefore there is no expectation of the Developer contributing to an upgrading of a new lift station. Water Street has a 100mm distribution main on the north side of Water Street that can handle the water requirements for this change in zoning. The Developer is responsible to have water service sized and connected to the City water distribution system. The City's sewer main infrastructure for this development is a 200 mm gravity collection main on the north side of Water Street. The developer is responsible to have the sewer service sized and connected to the City's sewer collection system. All costs associated with this development into the City's infrastructure is a cost to the Developer. This development fronts on Water Street, which is a city collector street built to City Standards and runs east to west across the City. Although it is one of the larger volume streets, the volume on this section of Water Street is considerably lower (8000-9000 VPD) versus Water St East with a volume of 18,000-20,000 VPD. The proposed development's parking and roof surfaces will accumulate storm drainage. There is an existing storm system fronting this property which can be utilized to collect the drainage from the property. As per the Site Development & Subdivision Bylaw SS-19, the developer's civil designer will need to develop a storm water plan/strategy to limit the flow of storm water from this site in a means so the site drainage does not overwhelm the existing city storm system. There is existing power on Water Street to service this development. The zoning bylaw requires one parking space per unit. The developer is proposing 2 spaces (1 in garage & 1 in driveway). There is ample existing parkland nearby (Billy Bridges Park – 2.6 acres) located within 420m of the subject development, and Credit Union Place facility located

within 300m of the subject development and the City boardwalk located directly across the street from the subject development, all are accessible by street/walkway network.

g. Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.

Staff Comment: Based on the additional daily volume of approximately 40 Vehicles/day (VPD), the new development will add approximately 0.2% additional traffic flow to Water St. The total traffic volume of this development and the existing developments is approximately 35.2% of the street's available capacity, see calculations attached to this report. There is a sidewalk located on the north side of Water Street to serve this development. The access and traffic flow, within the development, will be reviewed prior to development.

h. Compatibility of the development with environmental, scenic and heritage resources.

Staff Comment: There are no compatibility issues regarding environmental, scenic or heritage resources.

i. Impacts on City finances and budgets.

Staff Comment: Not applicable

j. Other matters as specified in this Bylaw.

Staff Comment:

k. Other matters as considered relevant.

Staff Comment: The developer stated the development is not intended to be a net zero development but will equivalent to R2000 standards. Fencing between residential properties is not required under the zoning bylaw. The developer will be required to consolidate the 3 properties prior to development, to do so, the properties will be surveyed to determine the development boundaries. Mr. Payne's property has been previously surveyed and the common boundary will be confirmed when Mr. MacDonald has the survey carried out, the common boundary should be found to be the same. There is no specific greenspace area required for town houses, as each unit is required to have a front and rear yard (end units have side yards, as well) as noted in the R3 development standards in section a. of this report.

STAFF REVIEW: City Staff supports the proposed official plan and zoning amendments, from the Tyler MacDonald (agent for property owner G Morris Caseley Ltd.) to rezone from R3 to R4.

As per Section 5.10 (b, iii) of the Zoning Bylaw, the Planning Board shall make a recommendation to Council on this application before it is approved or denied.

The planning board recommendation whether carried or defeated will be brought forward for Council for a final decision.

PLANNING BOARD RECOMMENDATION: The application received from Tyler MacDonald (agent for property owner G Morris Caseley Ltd.) for PID #301259 (433 & 437 Water St) to amend the *City Official Plan* from Commercial land use to Residential land use and to amend the *Zoning Bylaw* from

Neighbourhood Commercial (C3) zone to High Density Residential (R4) zone and for PID #301234 (447 Water St) to amend the *Zoning Bylaw* from Medium Density (R3) zone to High Density Residential (R4) zone, be recommended to be approved by Council:

Moved by: Councillor Ramsay Seconded by: Mayor Stewart

Councillor Snow spoke to some neighbors near the property and inquired about the stormwater and was seeking clarity about affecting neighboring properties. Staff stated that if the general topography of the land goes in one direction it is to continue there, but the storm system is along Water Street and they should be connecting to the existing storm system on Water Street. Councillor Snow asked if it should be designed so the storm water from their property will drain to the street frontage. Staff stated all the properties to the north are draining onto this property, the natural topography of the land is to drain towards Water Street. The developing property will be accepting the water onto their property and bringing it toward Water Street.

Councillor Snow stated that the report mentions that fences are not required between residential properties and asked if the city can implement some requirements as the development has rear parking with vehicles coming into the back of the property. Staff stated that they are not aware of anything that would allow that requirement between residential properties, there is something if a commercial property abuts a residential property where a fence would be required.

Councillor MacDougall stated that it could be a request to the developer. Councillor Snow asked staff to have that discussion with the developer.

Councillor Campbell asked if there were any plans to bury the wiring in that area. Staff stated that there are other parties with wiring there, it has been discussed in previous years, but it would have a price tag of six figures.

Councillor Snow asked if the zoning is changed to R4 and the developer changes his plan and decides to build an apartment building what would happen. Staff stated that it would be allowed as long as it meets the standards of the R4 zone as it is an allowable use under R4. Staff stated that the city cannot hold the developer to a specific plan under the R4 zone. Councillor Snow asked if they should be asking themselves how big of an apartment building they would be okay with there. Staff stated that it is a 0.6 acre lot and are not sure how big of an apartment building could be put there. Councillor Snow asked if they could leave it as R3 and allow a variance for 10 units. Staff stated once the units move beyond 8, it is considered a higher density and would be classified as R4.

Motion:

Carried	X
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For	2
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Defeated	
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Against	0
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Traffic Impacts on Water Street (approximate)

Zone	Approx. units	vehicles per unit	trips per day	addition volume
R4	10	1	4	40 VPD
Existing AADT – Water Street traffic volume Approximately				7000 VPD
Based on recent Traffic counts			Total volume 7040 VPD	

Water street is a Collector City Street with a capacity of >than 20,000 Vehicles per Day.
Approximate % of volume from this development 0.2 %
Approximate % of volume from existing residents 35.0 %

658 Water Street east - Restricted use

This item is deferred to June 7, 2022

245 Heather Moyse Drive – Mobile Sales Establishment

SUPPORTING EXPLANATION:

Purpose: The City has received an application form Todd MacKinnon to operate/allow a Mobile Sales Establishment, “Hoss’s Fish Chips Express”, to operate at 245 Heather Moyse Drive (Harbour Quay site), weather permitting. The proposed hours of operation are 11:00am to 9:00pm, Monday through Sunday.

Background: This will be Todd MacKinnon’s first year operating in the City, however he has worked with Colin MacKinnon who operated in the City for seven years. The location being proposed is owned by the Summerside Port Corporation Inc.

“Mobile Sales Establishment” means a business located in a motorized vehicle or moveable structure that is towed or moved by a motorized vehicle and where all of the goods, wares or foodstuffs that are offered for sale are contained entirely within the motorized vehicle or moveable structure, but does not include a lunch truck.

Report: Under the Section 13 City of Summerside Licensing Bylaw CS-21, the bylaw states the following:

13. Mobile Sales Establishment License

- a. Any person or company seeking a license to operate a mobile sales establishment in the city shall make application therefore to the council.
- b. Licenses may be granted for a mobile sales establishment to conduct business on a maximum of two locations in the city and each application shall be accompanied by a letter of permission from the owner(s) of the property on which the mobile sales establishment will be located.

- c. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the city, public convenience and such other considerations as it deems appropriate.
- d. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - i. hours and days of operation.
 - ii. health code requirements.
 - iii. litter control.
 - iv. approved locations.
- e. The license for a mobile sales establishment shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year.
- f. No appeal shall lie from a decision of council respecting a mobile sales establishment license.

Staff Comments:

1. Mr. MacKinnon will provide written permission from the Summerside Port Corporation Inc., prior to his license being issued.

STAFF REVIEW: City Staff support the application received from Todd MacKinnon, to operate a mobile sales establishment (“Hoss’s Fish & Chips Express”) at 245 Heather Moyse Drive, property owned by the Summerside Port Corporation Inc.

As per Section 5.10 (b, iii) of the Zoning Bylaw, the Planning Board shall make a recommendation to Council on this application before it is approved or denied.

The planning board recommendation whether carried or defeated will be brought forward for Council for a final decision.

PLANNING BOARD RECOMMENDATION: The application received from Todd MacKinnon to operate a Mobile Sales Establishment (“Hoss’s Fish & Chips Express”) at 245 Heather Moyse Drive (property owned by the Summerside Port Authority Inc.), be recommended to be approved by Council:

Moved by: Mayor Stewart Seconded by: Councillor Ramsay

Councillor MacDougall asked if there has to be a health department inspection before a license is approved. Staff stated that it is their understanding that a letter of support from the city must be provided before a health inspection is completed. Councillor MacDougall stated that he thinks an inspection should be done before a letter of support. He stated that the City should inform the health department when a mobile sales establishment is approved by the City.

Motion:

Carried	X
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For	2
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Defeated	
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Against	0
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Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried