

Planning Board Agenda

May 19, 2021

AMENDED at meeting time

- 1) Call to Order 5:30pm
- 2) 33 and 34 Langille Ct – Discretionary Use
- 3) R4 Development standards – Zoning Bylaw (Text) Amendments
- 4) Mobile Sales Establishment – High on the Hog
- 5) Adjournment

May 19, 2021

Department/Committee: Planning Board

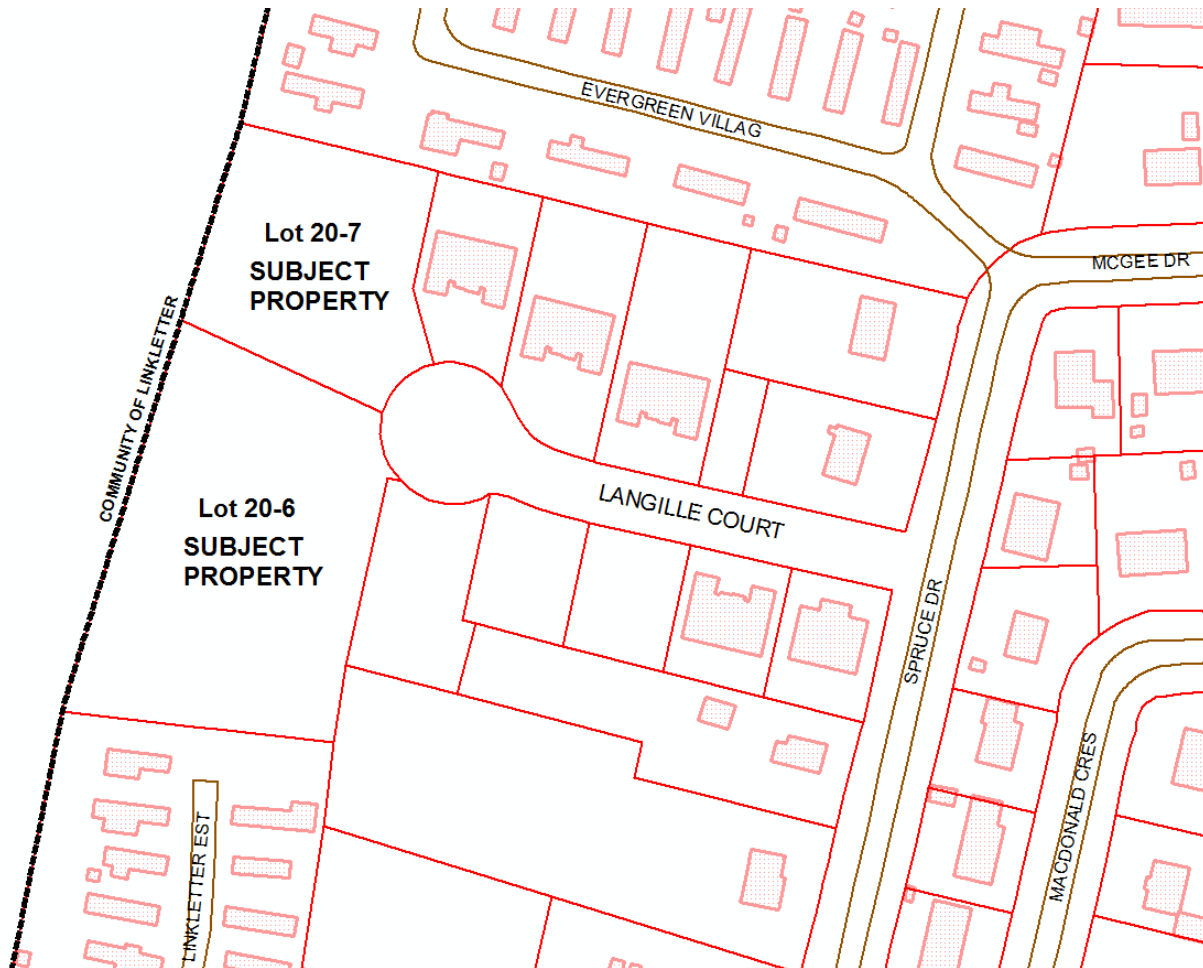
Subject: 33 & 34 Langille Ct – Discretionary Use

SUPPORTING EXPLANATION:

Purpose: The purpose of the (Discretionary Use) is to allow a “8 unit row house” on Lot 20-6 and a “8 unit row house” on Lot 20-7 in the Medium Density Residential (R3) zone.

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.

Background: An application was received from Abbott & Langille Plumbing, Heating & Electrical Inc. for 33 and 34 Langille Court (PID #70110, Lot 20-6 & 20-7). This application will require City Council approval to allow a “8 unit row house”, on each lot, as a Discretionary Use in the Medium Density Residential (R3) zone.



Report: Under section 5.7 of the zoning bylaw when Planning Board reviews a discretionary use, it shall consider the following general criteria, as applicable:

a. Conformity with all requirements of this Bylaw (Zoning Bylaw).

Staff Comment: The discretionary use conforms to the zoning bylaw subject to Council's approval. If Council approves the discretionary use for a 8-unit row house on Lot 20-6 and a 8-unit rowhouse on Lot 20-7, the applicant will be permitted to construct the row houses subject to the R3 development standards.

b. Conformity with the Official Plan.

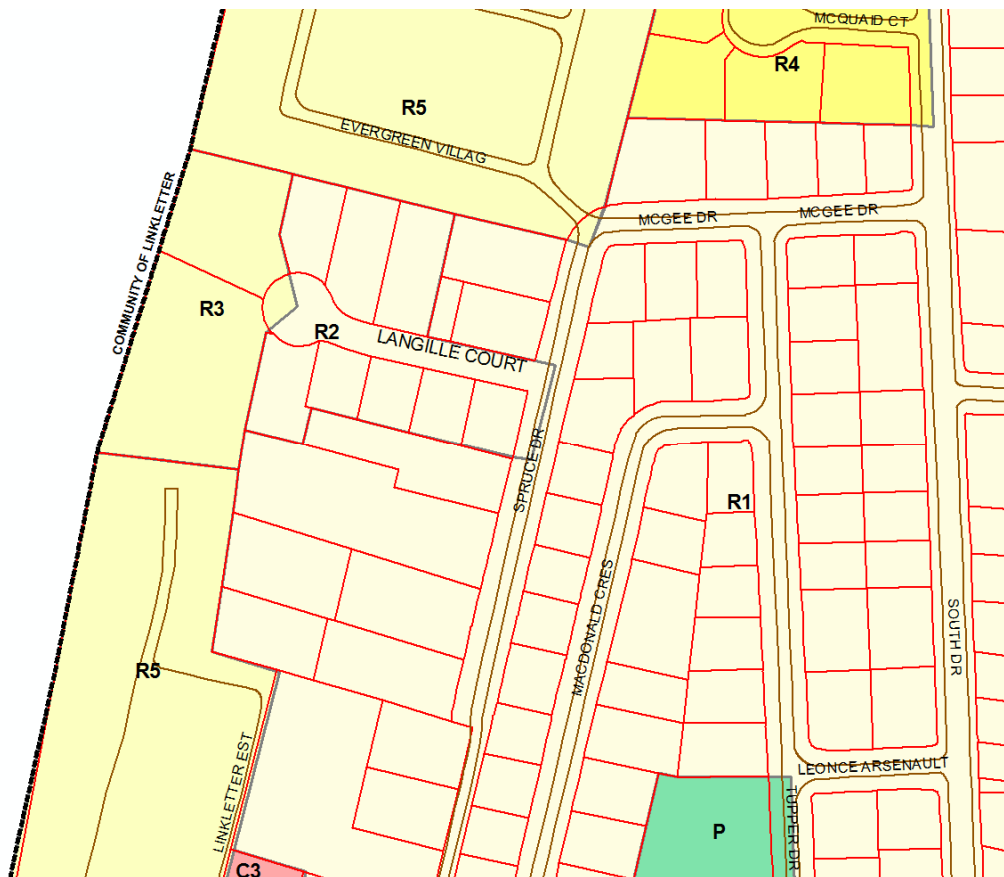
Staff Comment: The discretionary use conforms to the Official Plan.

c. Suitability of the site for the proposed development.

Staff Comment: This site is suitable for a medium density residential land use. A public street 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 proposed development (row housing) is compatible with the existing uses. The properties to the north and south are zoned Manufactured Home Park Residential (R5). The properties to the east are zoned Low Density Mixed Residential (R2). The property to the west is located within the boundaries of the Community of Linkletter and is currently being farmed.



e. Any comments from residents or other interested persons.

A public meeting was held on May 12, 2021. The public meeting notice was advertised in the April 28th, edition of the Guardian. Eleven (1) letters were mailed to nine (9) property owners. Trevor Abbott spoke at the public meeting providing an overview of the intent for the row housing development.

Staff Comment: No written comments were received, prior to the public meeting, regarding this application. The Development Officer received a phone call from Paul Kelly of 55 MacDonald Crescent. Mr. Kelly wanted to verify his understanding of the request from the applicant. No one, other than the applicant, spoke at the public meeting, regarding the application.

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 has adequate water supply and sewage capacity to service the lots for the Discretionary Use (8 unit row house). The storm water will be directed to the storm drainage system on Langille Court. Lot drainage plans are designed for these lots and the contractor will develop accordingly. There is a City park (Centennial Park) located within 600m of the property. Electrical services are provided by Maritime Electric.

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

Staff Comment: The proposed development does not impact on pedestrian/vehicular access and safety. Langille Court is a 8.8m local street with shoulders wide enough to accommodate pedestrian traffic.

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

Staff Comment: The development is compatible with environmental, scenic and heritage resources.

i. *Impacts on City finances and budgets.*

Staff Comment:

j. *Other matters as specified in this Bylaw.*

k. *Other matters as considered relevant.*

Staff Comment: Both of these lots were granted a Discretionary Use approval for 8 unit row houses in October 22, 2018 (expired on October 22, 2019) under the previous land owners (McQuaids).

STAFF REVIEW: City Staff supports the application from Abbott & Langille Plumbing, Heating & Electrical Inc. for PID #70110 (Lot 20-6 & 20-7) to allow a "8 unit row house" as a discretionary use at 33 and 34 Langille Court.

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 from Abbott & Langille Plumbing, Heating & Electrical Inc. for 33 and 34 Langille Court, PID #70110 (Lot 20-6 & 20-7) requesting a "8 unit row house" on each lot as a Discretionary Use in Medium Density (R3) zone, be recommended to be approved by Council.

Moved by: _____ Seconded by: _____

Motion:

Carried	
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For	
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Defeated	
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Against	
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May 19, 2021

Department/Committee:	Planning Board
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Subject:	Zoning Bylaw Text Amendments
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SUPPORTING EXPLANATION:

Purpose: The City has initiated bylaw text amendments to R4 development standards to allow the opportunity of higher density developments in the High Density Residential R4 zone. Also, the definition of a duplex will be amended to allow the option of a Duplex dwelling to be divided either horizontally or vertically. Presently, the current definition only allows the option of dividing horizontally.

Background: Regarding the proposed R4 development standard amendments, the past number of years staff have heard comments from developers indicating they can develop more apartment units per acre in Charlottetown versus Summerside. Considering the developers comments and based on the recent demand for High Density Housing with more than 18 units, staff completed a high density housing planning review. High Density Housing was researched on National, Regional and Provincial levels. Staff based comparisons among cities of comparable size across all three levels. It was determined that Summerside fell short on the allowable density/acre when comparing. Regarding the duplex definition amendment, a few property owners wishing to build two units, one behind the other, applied for building permits. The current definition of a duplex did not allow for duplex units to be located, one unit behind the other. Staff recognize the definition was not intended to exclude a duplex where the units are located one behind the other, the revised definition clarifies that the units may be divided horizontally or vertically into two dwelling units.

Report: Staff focused the comparisons of Charlottetown and Summerside, being as both are considered urban areas and both having the majority of the high density housing on PEI. It was determined that Summerside does require more land per unit than Charlottetown. Staff applied the density comparisons (Summerside vs Charlottetown) to recent R4 developments over the past few years. The comparisons are based on assuming each unit is 93 sq. m (1000 sq. ft.), see on the table below.

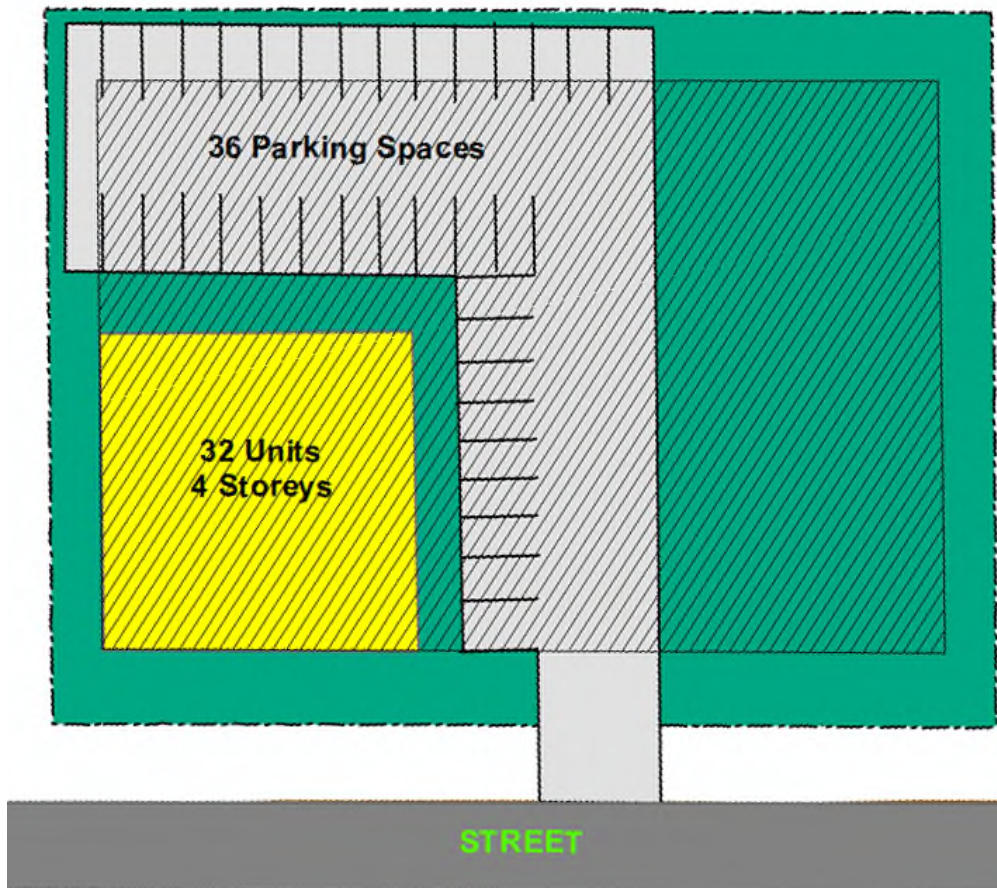
HIGH DENSITY COMPARISONS TABLE



Location Development Name	# of storeys	# ha (acres)	Total # du	NET DENSITY du/ per ha (acre)	* S'side FAR 0.6 # du	Ch'town Lot Area = 1,238 sq ft per du # du	* S'side FAR 0.8 # du	Former Town S'side # du	Bonus density 20% on parking min 75% indoors
20 MacKenzie Dr (The Tides)	4	0.72 (1.8)	64	90 (36)	47	63	63	67	13 extra
516 MacEwen Road (Sea-Isle Suites)	3	0.5 (1.3)	24	48 (19)	34	45	45	46	5 extra
324/326 Pope Rd (Malpeque Suites)	3	1.06 (2.6)	52	49 (20)	68	91	91	80	n/a
55 Russell St	2	0.3 (0.78)	16	32 (12)	20	27	27	23	n/a

CURRENT HIGH DENSITY R4 - 1 Acre (43,560 sq. ft.) Lot Required for example below

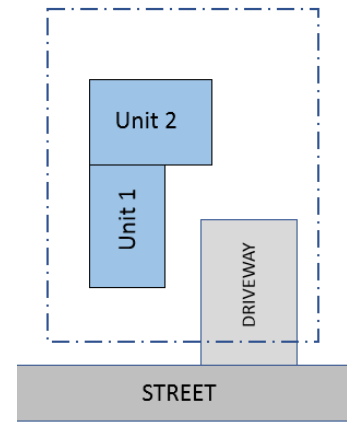
Lot Coverage allowed (0.3) – 13,068 sq. ft. Proposed Lot Coverage Area – 6,400 sq. ft.
 FAR (0.6) allowed – 26,136 sq. ft Proposed FAR (0.6) allowed – 26,080 sq. ft
 32 Units @ 815 sq. ft. per unit (4 storeys, 8 units per floor)



The revised definition of a duplex would allow 2 units to be located, one beside the other, one over the other or one behind the other. The units may share common municipal services and cannot be subdivided into individual ownership.

EXAMPLE OF DUPLEX

One Unit Behind the Other



A public meeting was held on May 12, 2021. The public meeting notice and the amendments were advertised in the April 28th, edition of the Guardian, as well as, the City’s social media platforms (City website, City face book page and on City twitter account). Hard copies of the amendments were available at the public meeting. Barry Ford (539 Sheen St) spoke at the meeting. Mr. Ford inquired about the notification process and wanted to know why letters were not sent out to individual neighbours and why the public meeting Ad was not published in the Journal Pioneer. Mr. Ford had a question regarding the difference of square footage in regards to lot coverage area being increased from 30% to 35% but could not locate his calculations for specific questions. Staff advised the notification process for a Zoning Bylaw text amendment was different than that for a Zoning Bylaw map amendment. Text amendments are not property specific, therefore, notification is satisfied by means of a media ad in our local newspaper. The Guardian newspaper is a daily local newspaper, whereas, the Journal Pioneer is a weekly newspaper. The Guardian newspaper is utilized to insure consistency for public meeting notifications. Kim Gallant-Chiheb (23 Greenwood Dr.) also spoke at the meeting, she inquired as to how the proposed text amendments, specifically how the proposed R4 amendments, would impact a property near her that was recently rezoned to R4. Staff indicated that the proposed amendments would apply to any R4 property, effective the day of the amendments being approved by the Province. Mayor and Council also asked questions and their questions are addressed throughout the report.

STAFF REVIEW: City Staff supports the proposed text amendments to the R4 Development standards and the revision of the definition of a duplex (amendments attached).

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 proposed text amendments to the City of Summerside Zoning Bylaw, for the R4 development standards and the revision of the definition of a duplex (amendments attached) be recommended to be approved by Council:

Moved by: _____ Seconded by: _____

Motion:

Carried	
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For	
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Defeated	
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Against	
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Zoning Bylaw Text Amendments

Proposed Amendments to section 19.5 b (Development Standards), High Density Residential R4 zone

The purpose of the amendments is to allow the opportunity of higher density developments in the High Density Residential R4 zone.

- **Amendment #1**
Floor Area Ratio – ~~Delete: 0.6 and with a bonus of up to 0.25 for every enclosed parking space below the main building or within an attached garage, as long as its roof is landscaped and is accessible to residents and;~~
Insert: 0.8
- **Amendment #2**
Lot Coverage – ~~Delete: 30% and;~~ Insert: 35%
- **Amendment #3**
New Density Bonus - Insert: Density Bonus of 20% on total number of units, provided a minimum of 75% of the required parking is located underground or at grade within the main building footprint.

Development Standards

- 19.5 a. For each row house and/townhouse dwelling unit the standards in Section 17.5 shall apply.
b. For apartment buildings and nursing care facilities, the following standards shall apply:

R4 zone	Lot area	Lot Depth	Floor Area Ratio – FAR %	Lot Coverage - LC	Frontage	Front Yard	Side Yards	Rear Yard	Max Height	Flankage Yard
m	930	30	--	--	30	6	4	5	14	5
ft	10,010 .5	98.4	--	--	98.4	19.7	13.1	16.4	45.9	16.4
Floor Area Ratio	Maximum of 0.60 0.8 Main buildings, with a bonus of up to 0.25 for every enclosed parking space below the main building or within an attached garage, as long as its roof is landscaped and is accessible to residents									
Lot Coverage	Maximum of 30% 35% Main buildings, not counting any attached garage as long as its top surface is landscaped and is accessible to building residents									
Maximum building height	May be higher than 14m (46 ft) at Council's discretion									
Density Bonus	Bonus of 20% on total number of units, provided a minimum of 75% of the required parking is located underground or at grade within the main building footprint.									

Proposed Amendment Section 2 Bylaw Definitions (Duplex)

The purpose of the amendment is to allow the option of a Duplex dwelling to be divided either horizontally or vertically.

Proposed new definition to replace current definition:

- **Amendment #4**
Duplex means a *building* that is divided either horizontally or vertically into two dwelling units. The units may share common municipal services and shall not be subdivided into individual ownership.

May 19, 2021

Department/Committee: Planning Board

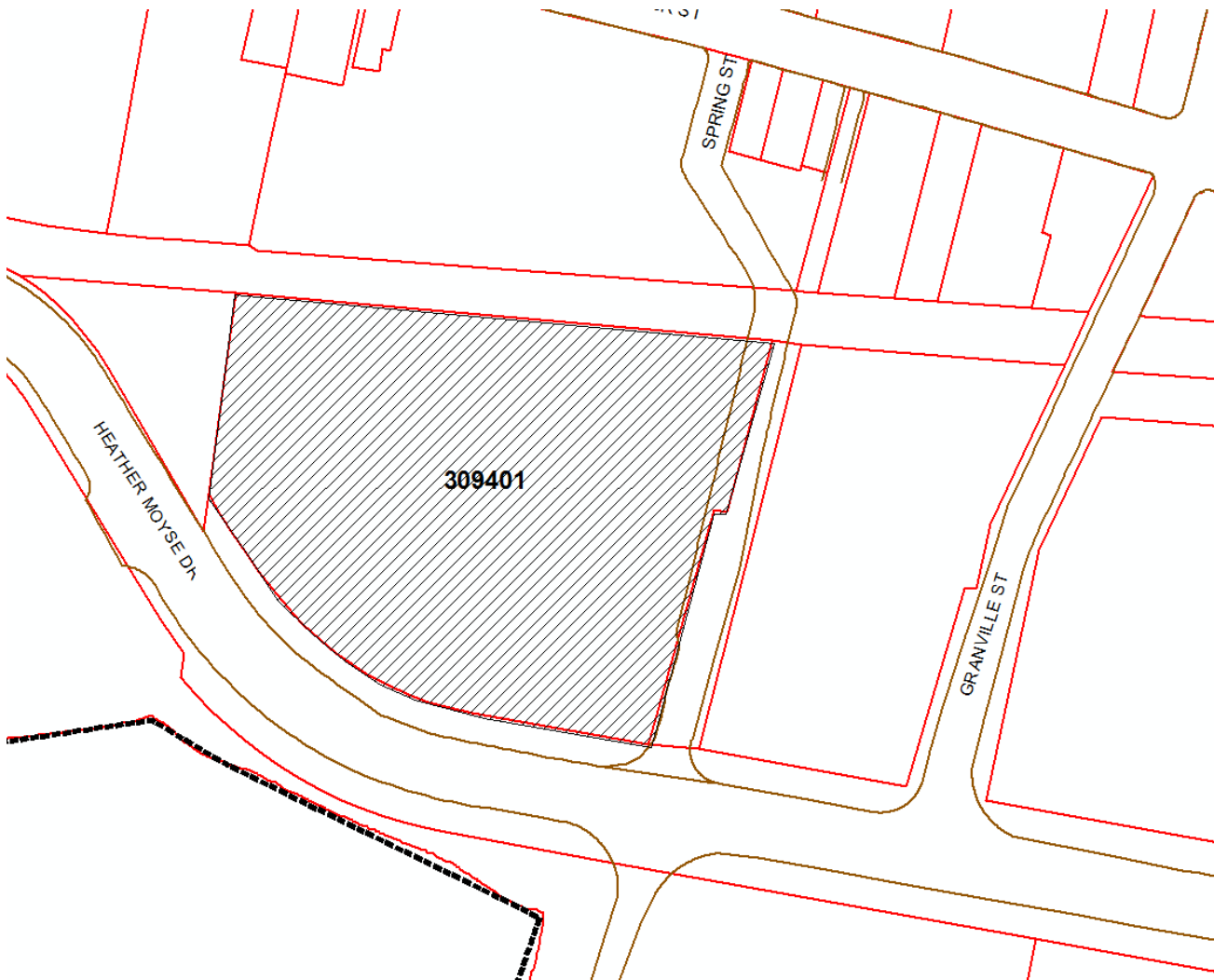
Subject: Mobile Sales Establishment – Tara Arsenault

SUPPORTING EXPLANATION:

Purpose: The purpose of the application is to allow a Mobile Sales Establishment, “High on the Hog”, to operate at 245 Heather Moyse Drive (Harbour Quay Site) from May to October, weather permitting. The proposed hours of operation are 11:00am to 9:00pm, Monday through Sunday.

Background: This will be Ms. Arsenault’s second year operating in the City. The location being proposed is owned by the Summerside Port Corporation Inc.

SUMMERSIDE PORT LANDS BEING CONSIDERED FOR LOCATION (PID #309401)



“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. Ms. Arsenault will provide written permission from the Summerside Port Corporation Inc., prior to this license being issued.

STAFF REVIEW: City Staff support the application received from Tara Arsenault, to operate a mobile sales establishment (“High on the Hog”) at 245 Heather Moyse Dr., property owned by 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 Tara Arsenault to operate a Mobile Sales Establishment (“High on the Hog”) at 245 Heather Moyse Drive (property owned by the Summerside Port Authority Inc.), be recommended to be approved by Council:

Moved by: _____ Seconded by: _____

Motion:

Carried	
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For	
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Defeated	
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Against	
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Special Council Meeting Agenda

May 19, 2021

1. Call to Order 630pm
2. Approval of the Agenda

PUBLIC MEETING #1

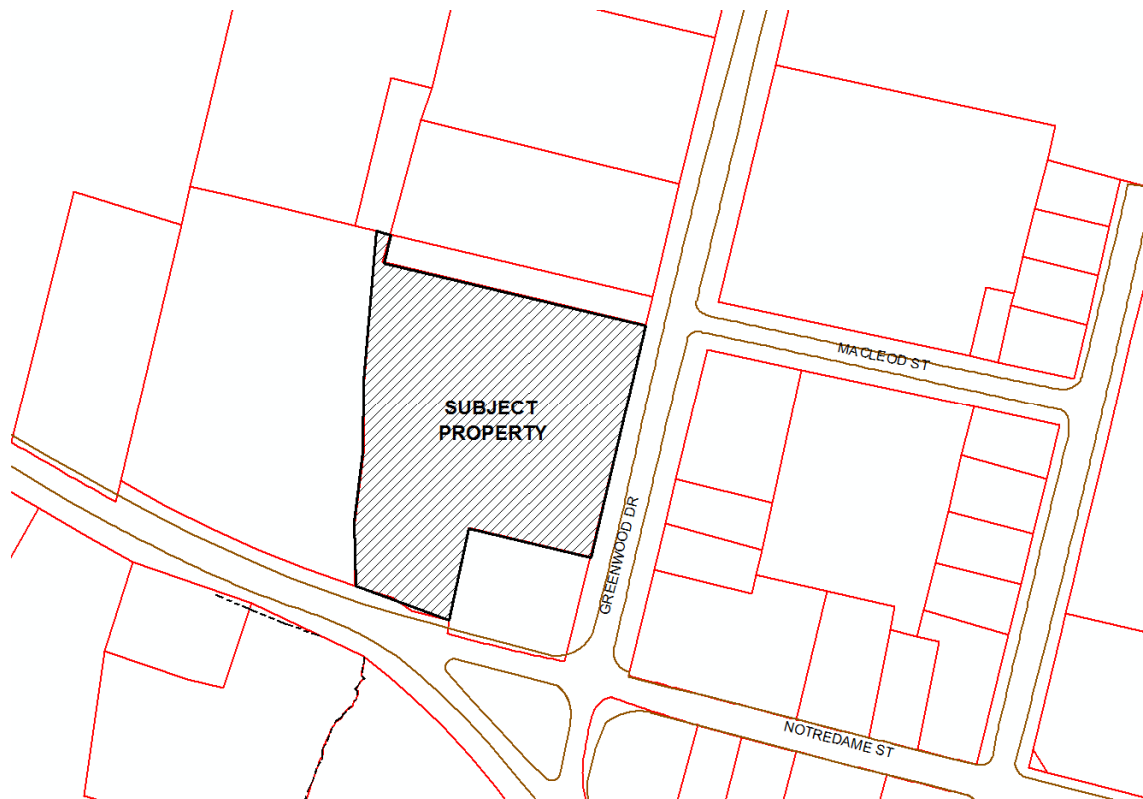
3. **30 Greenwood Drive - Zoning Amendment**
(Councillor Brian McFeely)

Background

An application was received from Amalgamated Holdings Ltd. (PID #553875). The purpose of the zoning amendment is to allow retail store(s) and office space in the proposed Service Commercial (C2) zone as follows:

Proposed Zoning Bylaw Amendment:

- Change the zoning from Industrial (M1) zone to Service Commercial (C2) zone.



The application was advertised in the May 1st, edition of the Guardian and letters were mailed to property owners within 60m or 200 ft of the subject properties.

Light Industrial (M1) Zone (Current Zoning)

25.1 The purpose of this zone is to accommodate light industrial and other compatible non-noxious industrial uses, together with some supporting and complementary commercial uses.

Permitted Uses

25.2 Subject to Bylaw requirements:

M1 Zone - Permitted Uses		
INDUSTRIAL		
heavy machinery sales/repairs	marine sales/repairs	truck driving school
industrial: light	manufactured home construction	trucking depot
food processor	accessory building	cannabis production facility
alcohol manufacturer: brew-pub and micro-brewery	storage facility: automobile towing facility	construction company: light
COMMERCIAL		
animal care facility: shelter and kennel	bakery	building supply outlet
automobile: body shop/repair shop/sales establishment	child care facility: small, medium and large	printing/publishing establishment
dry cleaner: processor and outlet	storage facility: automobile storage facility, outdoor storage area, self-storage and warehouse	parking lot
OTHER		
telecommunication tower		

Discretionary Uses

25.3 Subject to Council approval:

M1 Zone - Discretionary Uses		
INDUSTRIAL		
recycling facility	wind energy conversion system	solar energy collector system
COMMERCIAL		
business/professional office		

Service Commercial (C2) Zone (Proposed Zoning)

23.1 The purpose of this zone is to provide for large and medium-sized commercial uses which need road frontage for ready vehicular access and advertising exposure.

Permitted Uses

23.2 Subject to Bylaw requirements:

C2 Zone - Permitted Uses		
COMMERCIAL		
animal care facility: hospital and kennel	food store: convenience and grocery	private club
automobile establishment: body shop, repair shop, sales establishment, service station and washing establishment	funeral home	restaurant: dining room, take-out and drive-through
bakery	industry: office-style	retail store: small and large
bank/financial institution	liquor store	service centre
building supply outlet	tourism establishment: motel/hotel	shopping centre
bus terminal	accessory building	storage facility: automobile storage facility, outdoor storage area, self-storage and warehouse
office: business/professional and medical	parking lot	alcohol manufacturer: brew pub, ferment on premises and micro-brewery
commercial school	personal service shop	taxi station
child care facility: small, medium and large	plant nursery	fitness centre
dry cleaner: outlet	printing/publishing establishment	video arcade
farmers/fishers market	cannabis retail store	
RESIDENTIAL		
rowhouse	townhouse	residential dwellings lawfully existing prior to 1999
social services agency	commercial/residential building	ancillary residence
INSTITUTIONAL		
community centre	entertainment facility	public library, museum and gallery
emergency services facility	place of worship	office: government
college/university		

Discretionary Uses

23.3 Subject to Council approval:

C2 Zone - Discretionary Uses

COMMERCIAL

tavern/bar/lounge	flea market	tourism establishment: tourist home and inn,
crematorium - accessory use to a funeral home	pool hall	

INSTITUTIONAL

utility facility		
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Conditional Uses

23.4 Subject to a Development Officer approval:

C2 Zone - Conditional Uses

RESIDENTIAL

home based business	tourism establishment: B&B and vacation rental property	secondary suite
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4. Comments and Questions

- a. The applicant is invited to make comments. *(Chris Palmer)*
- b. The public is invited to make comments.
(The floor is opened to the public for questions and comments. Please state your name and civic address for the record.)

5. Explanation of the Process

In order to process a zoning bylaw amendment, the following steps are required:

- (1) The zoning bylaw amendment is read a first time and declared as read at a first Council meeting.
- (2) The zoning bylaw amendment is referred to Planning Board for review and recommendation.

(Steps 1 and 2 take place at the same meeting of Council and will take place this evening)

- (3) Planning Board reviews the application and prepares a recommendation to Council.

(Step 3 takes place at Planning Board Meeting scheduled for June 1st @ 5:00pm)

- (4) The zoning bylaw amendment is read a second time and declared as read at a second Council meeting.

- (5) The zoning bylaw amendment is read to be adopted by Council, the resolution will be either carried or defeated by vote of Council. If the zoning bylaw amendment, is adopted by Council, it is sent to the Minister of Communities, Land and Environment for signature and the amendment becomes official.

(Steps 4- 5 take place at Council's second meeting scheduled for June 17th @ 6:30pm)

Please note, that in accordance with section 5.20 of the *City Zoning Bylaw*, any person who is dissatisfied by a decision of Council in respect of the administration of this Bylaw, may appeal Council's decision within 21 days to the Island Regulatory & Appeals Commission [IRAC].

6. Resolutions
 - a. COS 21- 094 First Reading, Zoning Bylaw Amendment 0135;
 - b. COS 21-095 Refer Zoning Amendment 0135 back to Planning Board for review and recommendation;

7. Mayor thanks the applicant and public for attending

8. Adjournment

May 19, 2021

Moved by Councillor _____

Seconded by Councillor _____

Resolution:

Carried	
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For	
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Defeated	
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Against	
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WHEREAS an application was received from Amalgamated Holdings Limited for a zoning amendment for PID # 553875 from Light Industrial (M1) zone to Service Commercial (C2) zone under the *City of Summerside Zoning Bylaw*;

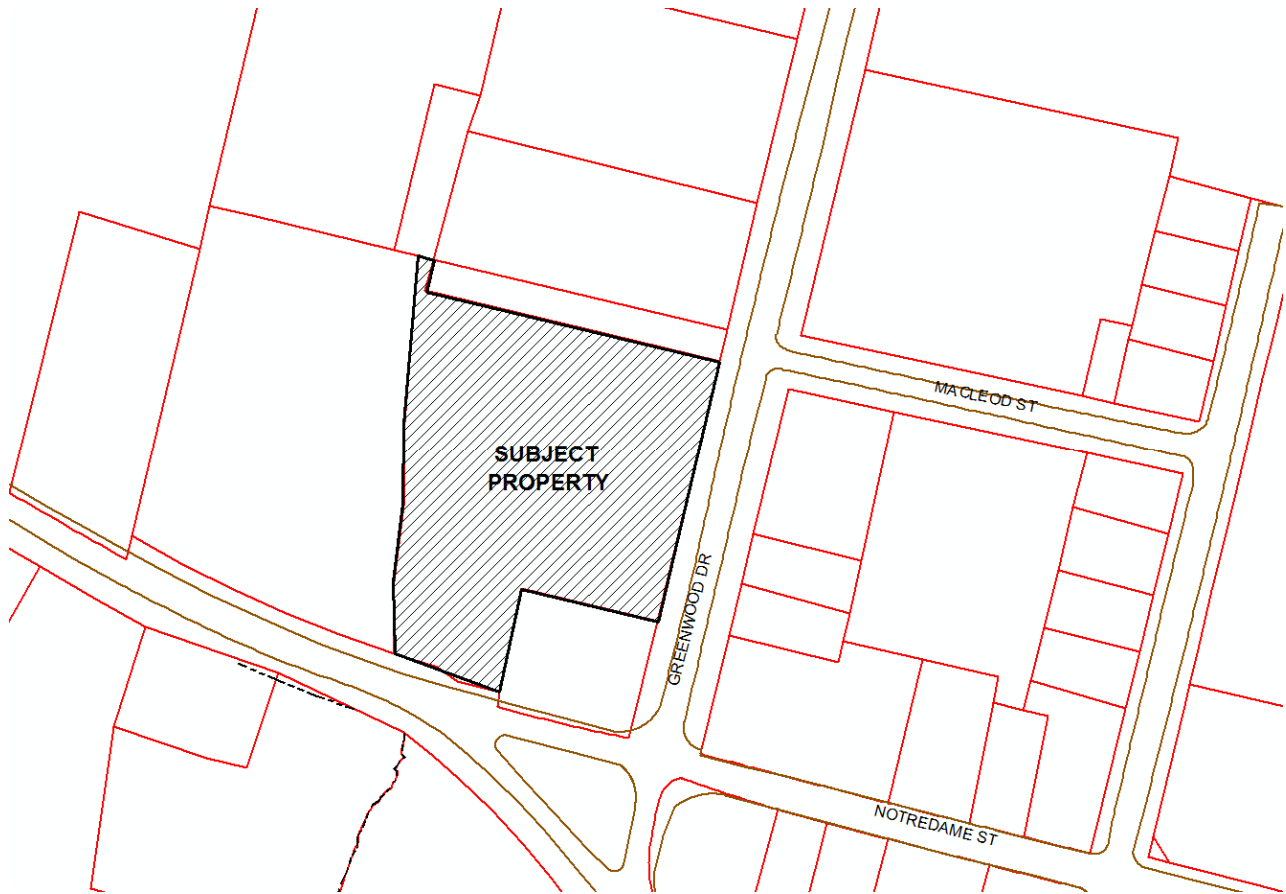
BE IT RESOLVED THAT zoning amendment 0135, be hereby declared as read a first time.

[schedule B is attached]

ZONING AMENDMENT 0135
A BYLAW TO AMEND THE CITY OF SUMMERSIDE ZONING BYLAW

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

- I. The zoning for PID # 553875 shown on Schedule B of the *City of Summerside Zoning Bylaw*, is designated as Service Commercial (C2) zone, hereby excluding it from its former designation of Light Industrial (M1) zone.



May 19, 2021

Moved by Councillor _____

Seconded by Councillor _____

Resolution:

Carried	
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For	
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Defeated	
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Against	
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WHEREAS an application was received from Amalgamated Holdings Limited for a zoning amendment for PID # 553875 from Light Industrial (M1) zone to Service Commercial (C2) zone under the *City of Summerside Zoning Bylaw*;

AND WHEREAS zoning bylaw amendment 0135, a bylaw to amend the *City of Summerside Zoning Bylaw*, was read and declared as read a first time at this Council meeting;

BE IT RESOLVED THAT zoning bylaw amendment 0135, a bylaw to amend the *City of Summerside Zoning Bylaw* be hereby referred back to the Planning Board for review and recommendation.