



## SAINT JOHN

### PLANNING ADVISORY COMMITTEE TUESDAY, APRIL 17, 2012

The regular meeting of the Planning Advisory Committee was held in the Council Chamber, Lobby Level.

#### **PRESENT**

Eric Falkjar	Chairman
Erik Kraglund	
Gerry Lowe	
Morgan Lanigan	
Donald Gillis	
Anne McShane	
Andrew Miller	
Michael Whelton	
Dave Drinnan	
Mark Reade	Senior Planner
Sarah Herring	Planner
Jody Kliffer	Planner
Stacey Forfar	Planner
Lynda Lockhart	Recording Secretary

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#### **Item 1: Minutes**

*It was MOVED and SECONDED that the minutes of the March 20, 2012 meeting be adopted as circulated.*

**CARRIED**

**EK/ML**

**Item 2: Hughes Surveys & Consultants Inc.  
(on behalf of the Saint John YMCA-YWCA)  
191 Churchill Boulevard**

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Proposal: To rezone land to “IL-2” Major Institutional to accommodate a YMCA-YWCA

Type of Application: Rezoning

Stacey Forfar advised the application is to rezone a 1.75 hectare vacant site which originally contained about 44 units of subsidized housing which was demolished in 2008-2009. There are 4 parcels that the YMCA-YWCA is currently negotiating with the City of Saint John and the Province of New Brunswick for purchase.

Rick Turner of Hughes Surveys & Consultants Inc. appeared before the Committee on behalf of the applicant and indicated they agreed with the recommendations as contained in the staff report.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

No one appeared before the Committee opposed to the application.

*It was MOVED and SECONDED*

1. *That Common Council rezone a parcel of land having an area of approximately 1.75 hectares, located at 191 Churchill Boulevard, also identified as PID Numbers 55160410, 55160691, 55217145 and 55217137, from “RM-1” Three Storey Multiple Residential to “IL-2” Major Institutional.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of the parcel of land with an area of approximately 1.75 hectares, located at 191 Churchill Boulevard, also identified as PID Numbers 55160410, 55160691, 55217145 and 55217137, be subject to the following conditions:*
  - a. *The use of the area to be rezoned to “IL-2” Major Institutional be limited to the use of a YMCA-YWCA only;*
  - b. *Any development of the site be in accordance with a detailed site plan and building elevations, to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, landscaped areas, other site features and relevant site statistics including coverage;*

- c. *Any development of the site be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all proposed landscaping features on the site;*
- d. *That the approved plans mentioned in conditions (b) and (c) above must be attached to the application for a building permit for the development and that no permits, other than site preparation permits, be issued until the Development Officer has approved the Plans;*
- e. *The developer provide an engineering water and sewer analysis determining the impact of the development on the existing infrastructure, and a detailed engineering servicing plan for the approval of the Chief City Engineer or his designate;*
- f. *The developer provides adequate site drainage facilities in accordance with a detailed drainage plan / report, prepared by the developer and subject to the approval of the Chief City Engineer or his designate. This report must also determine the impact this development will have on the existing storm sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing storm system;*
- g. *That any costs to extend or improve off-site infrastructure to serve the development be completed at the developer's expense;*
- h. *The developer must provide all utilities underground, including power and telephone from the existing overhead facilities;*
- i. *That access to the site and infrastructure improvements to facilitate vehicular and pedestrian access to the site be determined through the site plan process and subject to the approval of the Chief City Engineer or his designate and the Development Officer, upon receipt of further information regarding this proposal; and*
- j. *All site improvements shown on the approved plans for the development, except for landscaping, must be completed prior to the opening of the Facility for business, and the landscaping must be completed within one year of the building permit approval.*

**CARRIED**

**ML/AMcS**

**Item 3: Saint John Development Corporation**  
**3 Water Street (Fundy Quay)**

Proposal: To permit the redevelopment of the site with a mixture of residential, retail, commercial/office and hospitality uses.

Type of Application: Rezoning

Jody Kliffer advised the application is to rezone a 2.5 acre site commonly referred to as the 'coast guard site' which includes three parcels of land currently zoned "T" Transportation and "I-D" Integrated Development. The proposal is to rezone the three parcels to "ID-W" Integrated Development – Waterfront so that Saint John Development Corporation can better market the site to potential developers with a zoning that better reflects the vision for the site as outlined in the City commissioned "Saint John Inner Harbour Land Use Plan and Implementation Strategy" and more recently "PlanSJ".

Kent McIntyre, General Manager of Saint John Development Corporation appeared before the Committee and indicated he agreed with the recommendations as contained in the staff report. He indicated that in discussions with external investors/developers, all express interest in the current zoning of the property. The rezoning will send a message to interested parties that we are 'builder and investment friendly'.

The Committee raised a concern regarding the potential impacts of development on the subject site might have on properties on Water Street, some of which were unsightly. They suggested the Saint John Development Corporation engage the property owners of this area on Water Street to ensure that community dialogue is included in the process as the project develops. Mr. McIntyre agreed with the suggestion and committed to talking with neighbouring property owners as plans for the Coast Guard Site develop.

Michael Richard, a property owner on Water Street appeared before the Committee and indicated while he was not opposed to development he did express concern regarding the lack of a specific proposal as part of the rezoning application. Mr. McIntyre stated that a detailed plan that included site design, architectural concept sketches and specific land uses would be prepared prior to development on site.

Staff responded that the current rezoning application was a necessary preliminary step to facilitate the process of marketing the subject site to potential developers. Staff further explained that Section 39 condition 2(b) in the application was designed to ensure that any future development plans for the site would be required to return to the Committee and Common Council for approval, which would involve ample opportunity for the public to offer any feedback or express any concerns.

Charles Swanton, Chairman of Saint John Development Corporation appeared before the Committee and indicated they had undertaken the task of having the Inner Harbour Land Use Plan developed which encompassed a number of public consultation sessions in which view planes were a topic of conversation, and more recently he and Mr. McIntyre had met with the Commissioner of Planning & Development and asked him what he felt would be an appropriate size of building for the site, to which the Commissioner had responded the building should be no larger than 12-14 stories high. Mr. Swanton concluded that it is their intent that before any building is constructed it will meet the needs and wants of the community.

Mr. McIntyre reappeared before the Committee and responded that the existing zoning of the properties has been a prominent concern expressed by developers/investors thus far. While developers/investors will have flexibility to develop on the site, they will be required to meet the City's by-laws, regulations, etc. and as Saint John Development Corporation acts on the City's behalf they have access to City staff expertise.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

1. *That Common Council rezone a parcel of land with an area of approximately 2.5 hectares, located at 3 Water Street, also identified as being PID Nos. 55011894, 55209159, 55209167, Ward Street and Peters Wharf, from "ID" Integrated Development and "T" Transportation to "ID-W" Integrated Development – Waterfront.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the development and use of the parcel of land with an area of approximately 2.5 hectares, located at 3 Water Street, also identified as being PID Nos. 55011894, 55209159, 55209167, Ward Street and Peters Wharf, be subject to the following conditions:*
  - a) *The use of the site shall consist of a mixture of residential, retail, commercial/office and/or hospitality uses as generally described in the submitted proposal of the Saint John Development Corporation, dated March 9, 2012 and entitled "Rezoning Application - Fundy Quay Development, City of Saint John, Saint John, New Brunswick"; and*
  - b) *No portion of the site shall be developed except in accordance with detailed plans including, but not limited to, a context plan, a site plan, typical building floor plans, building elevations, a landscape plan and a grading plan, all of which are to be prepared by the proponent of the development and subject to the approval of Common Council, as a statutory amendment to these conditions.*

**CARRIED**

**MW/AM**

(Don Gillis entered the meeting)

**Item 4: Michael Defazio**  
**4 Broadway Avenue**

Proposal: To permit the construction of a new building for an existing auto body shop

Type of Application: Rezoning

Mark Reade advised the application is to rezone the subject site to demolish two existing Quonset huts and construct a new garage to operate an auto body shop.

Michael Defazio appeared before the Committee and indicated he was in agreement with the recommendations as contained in staff report.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

1. *That Common Council rezone a parcel of land with an area of approximately 1,610 square metres, located at 4 Broadway Avenue, also identified as PID Nos. 55089072, 55089080, 55089098 & 55089106 from “B-2” General Business to “I-1” Light Industrial.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of the parcel of land with an area of approximately 1,610 square metres, located at 4 Broadway Avenue, also identified as PID Nos. 55089072, 55089080, 55089098 & 55089106, be subject to the following conditions:*
  - (a) *That the property be developed and maintained in accordance with a detailed site plan approved by the Development Officer;*
  - (b) *That the above approved site plan be attached to any building permit application for development on this property; and*
  - (c) *That all necessary site work and landscaping be completed in accordance with the approved site plan to the satisfaction of the Development Officer within one and a half years from the issuance of the building permit application.*

**CARRIED**

**AMcS/EK**

**Item 5:           Keri Lynn and Peter Mitchell**  
**661 Dever Road**

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Proposal:                To permit a day care centre in the existing building.

Type of Application:                Section 39 amendment

Sarah Herring advised the application is for a portion of the building located at 661 Dever Road. Section 39 conditions originally imposed on this property restrict the uses to a medical office, with subsequent approvals to permit a physiotherapy clinic with a gym/activity centre. The applicant is now seeking approval to operate a day care in the lower level of the existing building.

Keri Lynn Mitchell appeared before the Committee and indicated she was in agreement with the recommendations as contained in the staff report and responded to questions from the Committee concerning the number of children, parking spaces, and traffic. She further indicated that the owner is seeking quotes from paving contractors and will pave the parking areas.

Staff further responded that the City's Traffic Engineer did review the application and he was not of the opinion that the additional traffic would be dangerous or would it be detrimental to the traffic flow on Dever Road.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED that Common Council amend the Section 39 conditions imposed on the August 5, 1994 rezoning of the property located at 661 Dever Road, also identified as PID Number 55106819, to include a day care centre as a permitted use.*

**CARRIED**

**ML/DG**

**Item 6:           The City of Saint John**  
**203 Highland Road**

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Proposal:                To construct a utility service building (wastewater pumping station)

Type of Application:                Conditional Use and Variances

Mark Reade advised the application is to construct a wastewater pumping station as part of the Harbour Cleanup Project. The property is currently zoned "R-2" One and Two Family Residential and therefore a Conditional Use approval is required as well as variances.

Paul Wilson of Real Estate Services appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as contained in the staff report. Mr. Wilson responded to questions from the Committee concerning dialogue with the neighbouring property owner to ensure the structure would not negatively impact them.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

*1) That the Planning Advisory Committee impose the following conditions on the proposed sanitary lift station:*

- a) The lift station must be developed and maintained in accordance with detailed site and building elevation plans approved by the Development Officer; and*
- b) The stormwater drainage for the site must be developed and maintained in accordance with a detailed stormwater drainage plan and design brief approved by the Chief City Engineer or his designate.*

*2) That the Planning Advisory Committee grant the requested variances to:*

- a) reduce the minimum required lot area from 930 square metres to approximately 635 square metres;*
- b) reduce the minimum required lot width from 30 metres to approximately 28 metres ;*
- c) reduce the minimum required front yard setback from 7.5 metres to approximately 2 metres;*
- d) reduce the minimum required front yard landscaping to nil; and*
- e) reduce the minimum required width of landscaping around the building from 1.5 metres to nil.*

*in order to facilitate the establishment and operation of a utility service building (wastewater pumping station) on the subject site.*

**CARRIED**

**DG/MW**

**Item 7: Galbraith Equipment Co. Ltd./  
Galbraith Construction Ltd. (c/o Bob Ridgeway)  
2400 Ocean Westway**

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Proposal: To undertake selective tree harvesting as a permitted main use

Type of Application: Similar and/or Compatible Use

Mark Reade advised the application is to undertake selective tree harvesting on the site as a permitted main use. Staff have reviewed the application and are recommending approval subject to conditions. Mr. Reade further commented that since the time of writing the report, additional discussions have occurred and as a result, staff is recommending amendment to staff recommendation Number 4.

Bob Ridgeway, the applicant appeared before the Committee and indicated he was in agreement with the recommendation as contained in the staff report and responded to questions from the Committee with respect to how selective tree harvesting might affect water runoff, to which he responded one of the conditions is that they need to have a Forestry Management Plan prepared by a qualified professional. In response to a concern expressed in the above mentioned letter, Mr. Ridgeway responded he was not aware of any damage to any nearby property caused by blasting.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

*That the Planning Advisory Committee consider that the establishment and operation of a woodlot as a main use is similar to and compatible with the uses permitted in the "PQ" Pits and Quarries zone, subject to the following conditions:*

- 1) That the tree harvesting operation only be undertaken in conformity with a Forestry Management Plan, prepared by a qualified forestry professional and subject to the approval of the Development Officer and such other approval authorities necessary to determine conformity with City standards. This plan must also indicate the proposed manner of erosion and sedimentation control devices that would be utilized to prevent the siltation of any watercourses located on the property as well as which stormwater management methods will be employed to ensure that the proposed selective harvesting operation does not create any negative drainage impacts on adjacent properties.*
- 2) That the City's Municipal Operations and Engineering Department / Saint John Water be notified prior to any tree harvesting activity within the Spruce Lake Watershed.*

- 3) *That access to the site be restricted to the existing quarry access on Ocean Westway plus one additional access to Highway 7 as may be approved by the Provincial Department of Transportation.*
- 4) *That prior to undertaking any tree harvesting the applicant provide confirmation that the weight of the equipment used in conjunction with the forestry operation does not exceed the weight of the vehicles currently using the access for quarrying purposes.*
- 5) *That no tree harvesting be permitted within 30 metres of any wetlands or watercourse, unless any necessary Wetlands and Watercourse Alteration Permit is first obtained from the Provincial Department of the Environment*
- 6) *That no commercial tree harvesting be permitted within 30 metres of the property lines, to coincide with the reduced treed buffers approved by the Planning Advisory Committee in 2001.*
- 7) *That any trees felled as a result of the proposed use be removed from the property.*
- 8) *The tree harvesting activity only be undertaken between the hours of 7:00 a.m. and 8:00 p.m, except on holidays as defined in the Provincial Interpretation Act.*

**CARRIED**

**GL/AM**

**Item 8:           Abbey St. Andrew Inc.**  
**181 Charlotte Street**

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Proposal:           To permit parking spaces in an underground structure to be rented to non-residents of the building

Type of Application:           Amendment to Planning Advisory Committee conditions.

Sarah Herring advised the application is to amend a condition imposed by the Planning Advisory Committee that the underground parking structure be only used by residents of the building and members of the Church of St. Andrew & St. David. The applicant is requesting the condition be lifted so that parking spaces can be rented to non-residents as their experience to date is there are a significant number of spaces not being utilized by tenants. Ms. Herring commented that staff was reluctant to remove the condition and felt it would be more prudent to provide a pilot for this application in the form of 1 year temporary use approval.

Adam Dickinson of Abbey St. Andrew Inc. appeared before the Committee and indicated he was in agreement with the recommendation as outlined in the staff report and responded to questions from the Committee concerning daily parking, 24 hour parking and/or long term storage/parking.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED*

- 1. That the Planning Advisory Committee not amend the condition requiring that all parking spaces in the underground structure at 181 Charlotte Street be used exclusively for "The Abbey" development and not be leased, sold, or used for purposes external to the development except for the use of the Church of St. Andrew and St. David, but instead*
- 2. That the Planning Advisory Committee approve, for a temporary period of up to one year, a commercial parking lot in the underground parking structure at 181 Charlotte Street to rent parking spaces to non-residents of the building on condition that:*
  - a. Priority for parking space rental be given to residents of the building at all times, and that The Abbey St. Andrew reserve the right to terminate parking rentals to non-residents with one month's notice in order to provide parking spaces to residents on demand;*
  - b. A maximum of 45 parking spaces (75% of the underground parking structure) be rented to non-residents at any time; and*
  - c. The Planning Advisory Committee may reconsider the temporary use approval prior to one year after approval if issues arise with the rental of parking spaces to non-residents.*

**CARRIED**

**GL/EK**

There being no further business, the meeting adjourned at 7:37 p.m.

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Eric Falkjar  
Chairman

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Lynda Lockhart  
Recording Secretary