



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, JUNE 19, 2012

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

PRESENT

Eric Falkjar	Chairman
Morgan Lanigan	
Anne McShane	
Dave Drinnan	
Gerry Lowe	
Andrew Miller	
Michael Whelton	

Mark Reade	Senior Planner
Sarah Herring	Planner
Stacey Forfar	Planner
Jill Flecknell	Recording Secretary

REGRETS

Donald Gillis
Erik Kraglund

Item 1: Minutes

It was MOVED and SECONDED that the minutes of the May 15, 2012 meeting be adopted as amended.

CARRIED

ML/AM

Item 2: City of Saint John
54 Loch Lomond Road

The Planning Advisory Committee, at its May 15, 2012 meeting considered an application to vest a portion of the subject site as part of a public street right-of-way to widen Loch Lomond Road as part of the One-Mile Interchange project. While the report indicated that a variance was necessary to reduce the minimum required depth of the remnant lot from 30 meters to an average depth of approximately 29 meters, this variance was omitted from the Staff Recommendation. Consequently, in adopting the Staff Recommendation, the reduced lot depth variance was not explicitly granted by the Committee.

In order for the Development Officer to approve the subdivision, Common Council must first assent to the proposed street vesting. The Community Planning Act requires that the Planning Advisory Committee provide a recommendation to Common Council on the proposed street vesting before assent can be given.

No one appeared before the Committee to speak in favour of or against the application. After considering the report, the Committee adopted the recommendation contained in the Staff Report. The recommendation also includes the typical wording with respect to any necessary public utility or municipal service easements.

It was MOVED and SECONDED that the Planning Advisory Committee grant a variance to reduce the minimum required depth of the remnant lot from 30 meters to an average depth of approximately 29 meters in order to facilitate the proposed street vesting.

CARRIED

ML/AMcS

Item 3: Kierstead Quigley & Roberts Ltd.
1450-1600 Sandy Point Road

Proposal: Subdivision of nine residential lots and to rezone a portion of the properties from “RS-2” One and Two Family Suburban Residential to “RM-2” High Rise Multiple Residential and “TH” Townhouse.

Type of Application: Rezoning, Subdivision and a Variance to:

- i. permit a subdivision plan, as per Section 21(4) of the Subdivision By-law, where the slope of land exceeds 20%.

Mark Reade advised that the application is for a Subdivision of nine residential lots and to rezone a portion of the properties from “RS-2” One and Two Family Suburban Residential to “RM-2” High Rise Multiple Residential and “TH” Townhouse. Staff is recommending approval of the rezoning, subject to several Section 39 conditions and it is recommended that PAC recommend that the

subdivision plan be tabled by Common Council with respect to the vesting of the proposed public streets and any required municipal services easements and public utility easements pending the completion of a Slope Stability Study.

Mr. Peter Kierstead of Kierstead Quigley & Roberts Ltd spoke of behalf of the applicant, Dr. Darrell Gallant of 504474 N.B Ltd., who both attended the meeting. Mr. Kierstead advised the Committee he had received the staff report and the letters submitted from area residents and he had concerns with staff recommendations 2(f) and 2(g). He expressed his concerns that 2 (f) which states *“Prior to any development of the site, no portion of the site shall be developed except in accordance with detailed plans including, but not limited to, a site plan, 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 and incorporated into a Development Agreement, as a statutory amendment to these conditions;”*

Mr. Kierstead explained that because detailed plans would be required prior to the commencement of any site prep it would hold up the development process even further. Mr. Kierstead indicated that he had not had to deal with time frames on developments in the past and he had concerns with condition 2(g) which states *“Construction of the “TH” Townhouse and “RM-2” High Rise Multiple Residential area of the site shall be completed within 5 years of the date of the rezoning coming into effect. Should this not occur, no further development of the “TH” Townhouse and “RM-2” High Rise Multiple Residential area of the site shall be permitted and Council shall take steps to immediately repeal the rezoning agreement and the rezoning pursuant to Sections 39(5) and 39(6) of the Community Planning Act and the land shall return to its previous zone;”* Mr. Kierstead noted the challenging topography of the site and the expectation for a high quality built form would make this 5 year time frame unattainable and that a 10-15 year time line would be more realistic.

Committee member, Anne McShane questioned whether the grade of 10% on portions of some streets shown on the plan is acceptable in terms of fire safety as the Fire Dept recommends a grade of 8%. Mark Reade responded that a grade of 10% for short segments of the streets is acceptable under the City’s Subdivision by-law.

There were a total of eight letters in opposition to this proposal and one letter in support that were received. There were five residents in attendance that spoke in opposition to the application. The first area resident to speak was Mr. David Weyman whom advised the Committee that he felt without the assessment information for this proposed subdivision there was not enough information to understand the impact on the tax base. He raised some questions for the applicant including the potential built form and the impact this will have on the tax base. He also expressed reservation with the high density being proposed on the site.

The second resident to speak was Mr. Bruce Harrigan. His main concern was the anticipated increase in traffic on Sandy Point Road and that there was no exit from this subdivision onto Kennebecasis Drive. He also spoke of the steep grades on the site and the risks this presented regarding access. Ms. Atsko Nose spoke

following Mr. Harrigan and advised the Committee that she does not have an objection to the general idea of development on this site however she has concerns with the proposal for high density residential uses on the property. Ms. Nose also identified an increase in traffic on Sandy Point Road as a concern and identified existing undeveloped sites in this area that have been cleared and then not built.

Ms. Joan Pearce then spoke in opposition to the proposal raising concerns with storm water runoff and pesticide use that affects Harrigan Lake in Rockwood Park. Ms. Pearce also advised that without additional information she could not support the rezoning to multi-unit buildings. Mr. Stephen Horgan was the last resident to address the Committee and advised that his main concern was with the storm water runoff from the site having a negative impact on residents living adjacent to the property on Kennebecasis Drive. He also advised that he wanted to see the wording in recommendations 2(c) and 2(d) changed by removing "Building Permit(s)" and replacing it with "development" and the addition of a condition to prevent the developer from clear-cutting the site prior to the issuance of building permits for development.

Mr. Kierstead and Dr. Gallant then addressed the PAC members once again responding to the issues raised by residents. Dr. Gallant advised that due to the challenging site, the development is not viable without the higher density multi-unit buildings and townhouse component. The developer also advised that he would like to work with the City to design and construct a storm water management system on Sandy Point Road that would address these concerns and that he would be looking to cost share this part of the development.

PAC requested clarification regarding the intent for development in the Stable Residential Area in the Plan. Staff advised that this was one of the larger undeveloped areas of the City that was designated Stable Residential because it has been pre-serviced with the required municipal infrastructure. From a planning perspective, this site offered a blank slate in terms of built form and thus the flexibility to introduce new and innovative forms of development. The Committee also asked for a density measure for the proposal in which staff advised that without an understanding as to the unit count for the multi-unit residential component, it was very difficult to provide an estimate.

The Committee then chose to consider the matter in private for 15 minutes, when the Committee returned, they advised they could not reach a consensus.

It was MOVED and SECONDED to approve the requested variance as per staff recommendation, table the requested rezoning and directed staff to provide clarification to the Committee regarding:

- *the number of units currently committed to date in each classification area;*
- *the cost per kilometre to service public roads, and*
- *the definition of appropriate infill in stable residential areas.*

A recommendation to Common Council regarding the vesting of the proposed public streets and any required municipal services easements and public utility easements was not provided

CARRIED

DD/ML

**Item 4: Matthew Munro for PricewaterhouseCoopers Inc.
5-11 Hawthorne Avenue**

Proposal: To recognize the existing seven dwelling units as a permitted use

Type of Application: Rezoning and variances to:

- a) Reduce the minimum required number of parking spaces from 9 spaces to 6 spaces;
- b) Permit two parking spaces to be developed in the required 7.5 metres of front yard landscaping;
- c) Permit two access driveways on a lot with less than 75 metres of frontage and with less than 20 metres between the centre line of each access; and
- d) Permit two parking spaces in the front yard with no provision made for the turning of vehicles.

Sarah Herring advised that the application is to recognize the existing seven dwelling units as a permitted use, through a rezoning to RM-1 three storey multiple residential and is accompanied by a variance application for the proposed parking plan which establishes parking for 7 spaces. One letter expressing concerns was received.

Mr. Matthew Munro of PricewaterhouseCoopers Inc. appeared to speak in support of the application. Mr. Munro indicated that he was acting as a Trustee in Bankruptcy for the subject property, and that the requested recognition of the dwelling units currently in the building as permitted was necessary to facilitate the sale of the property. He noted that, if a variance were granted to permit two parking spaces in the front yard of the property, the site could satisfy all the requirements of the "RM-1" Three Storey Multiple Residential zone for a seven unit dwelling.

However, Mr. Munro did concede that if the Planning Advisory Committee were to agree with the staff recommendation for denial of the requested rezoning, he could be satisfied with the five dwelling units that would be permitted under Section 810(6) of the Zoning Bylaw.

After considering Mr. Munro's presentation and the attached staff report, the Committee adopted the staff recommendation as set out in the report. The motion was then rescinded as a member of the public who had requested to speak in opposition to the application had been overlooked during the process.

Mr. Bob Horncastle of 3 Crow's Nest Lane then appeared to speak in opposition to the application. He noted that the neighbourhood is low density in character and that he felt seven dwelling units were inappropriate in this context. He also raised concerns about having tenants parking on the street and how proper snow plowing could be accommodated with a reduced parking area.

Mr. Munro explained that there have been tenants at the subject property for over 60 years and that nothing will change in terms of traffic or snow removal. Committee members commented that this will be an improvement to the area, will address recent safety concerns such as squatters and that this application will provide Mr. Horncastle with some expectation for the future of this property.

It was MOVED and SECONDED

1. *That Common Council deny the requested rezoning; and*
2. *That the Planning Advisory Committee deny the requested variances.*

CARRIED

AMcS/MW

**Item 5: Peter Roche (Community Living Options Inc.)
34-36 Westmorland Road**

Proposal: To use lower apartment for the office of a non-profit organization, with the upstairs unit remaining a residential rental unit

Type of Application: Rezoning and Conditional Use

Mark Reade advised that the application was to rezone the property to B-1 to allow for an office in the basement of the building and as well as the several conditions outlined in the report, of which staff is recommending approval.

Peter Roche appeared before the Committee on behalf of the applicant, Community Living options Inc., and was in favour of staff's recommendation. Mr. Roche noted that the exterior of the building is in need of repairs and those will be completed very soon and the building is located on the City Transit route and is a perfect fit for their clients. Sister Elizabeth Williams a member of the Community Living Options Board, spoke in favour of 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 630 square metres, located at 34-36 Westmorland Road, also identified as PID Nos. 55152508 and 00322412, from "R-2" One and Two Family Residential to "B-1" Local Business.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the use of a parcel of land with an area of approximately 630 square metres, located at 34-36 Westmorland Road, also identified as being PID Nos. 55152508 and 00322412, be subject to the following conditions:*
 - a) *The non-residential use of the property is limited to a business office on the ground floor of the building;*
 - b) *There shall be no driveway access on Westmorland Road; and*
 - c) *Any modifications to the site development shall be in accordance with a detailed site plan, prepared by the proponent and subject to the approval of the Development Officer.*

CARRIED

MW/GL

Item 6: F. Andrew Storr (Andy's Auto)
101 Kennedy Street

Proposal: To permit a repair garage within the existing building

Type of Application: Section 39 Amendment

Sarah Herring advised that the subject site at 101 Kennedy Street is zoned "I-1" light industrial with conditions, limiting the use of the site to only a hydraulic repair shop or a marina. It has been used as a hydraulic repair shop since Applied Pressure Inc began operating from this location a few years ago. Since then the premises has been leased to Mr. Storr of Andy's Auto which is an auto repair and MVI inspection facility, which is not a permitted use. The purpose of the application is to amend the Section 39 conditions to allow for the repair garage. One letter against and seven letters in support of the application were received.

Mr. Barry Vincent of Applied Pressure Inc., the owner of 101 Kennedy Street, appeared to speak in support of the application. He indicated that he was in agreement with the recommendations set out in the staff report, and that Andy's Auto would be a well-run business.

Mr. Jerry Butler also appeared to speak in favour of the application and indicated that he felt Mr. Storr's maintenance of the site and installation of surveillance cameras would be an improvement for the neighbourhood.

Mr. Doug Hickman, of 85 Kennedy Street, appeared to speak with concerns regarding the application. He pointed out that he has concerns regarding potential contamination from vehicles and petroleum products being stored on the site as it

is within the St. John River floodplain. He also indicated that the neighbourhood is at risk and that the proposed repair garage might lower his property values even more.

Committee members expressed concerns that the tenant would be burdened with a big expense to follow through the with conditions set out on the property and that Applied Pressure Inc. should be held responsible for the site improvements that were not completed when the application was first submitted in April of 2008 for a Change of Use permit. Mr. Vincent responded to the concerns, indicating that he understood that the improvements to the site must be completed and that his company, Applied Pressure Inc. would bare the expenses of the development and maintenance of the site.

The Committee asked several questions of staff and the applicant regarding the Section 39 conditions and what site improvements the security would need to cover. After Mr. Vincent indicated that he was concerned about coordinating their efforts with the City's construction of the lift station at 121 Kennedy Street, the Committee adopted an amended recommendation

It was MOVED and SECONDED

- 1. That Common Council amend the Section 39 conditions pertaining to 101 Kennedy Street, also identified as PID Number 00377150, to read as follows:*
 - a) The development be limited to a boat repair facility and a marina, or a repair garage within the existing building;*
 - b) The development shall not include any facilities for the consumption of alcoholic beverages;*
 - c) The applicant provide a detailed site plan to be approved by the Development Officer prior to any permit being issued; such site plan would include, among other details, the location and details of buffering, landscaping, fencing, parking, storm drainage and vehicular and pedestrian access;*
 - d) The site be developed in accordance with the site plan approved by the Development Officer in (c) within one year of approval of being given by the Development in coordination with the site work at 121 Kennedy Street;*
 - e) The applicant provide security prior to approval of the proposed Section 39 amendment, in an amount to be determined by the Development Officer, to ensure that the site is developed in accordance with the site plan approved in (c);*

- f) *The existing debris presently located on the site be removed within one year of approval in coordination with the site work at 121 Kennedy Street;*
 - g) *No development occur or permits be issued by the City until all necessary approvals are received from the various Federal and Provincial jurisdictions dealing with the development of a marina.*
2. *That Common Council **withhold** approval of the aforementioned Section 39 amendment until such time as security has been provided as noted in condition 1(e)*

CARRIED

ML/AM

(Morgan Lanigan declared conflict for Item #7)

Item 7: Elias Management Group Inc.
190 Churchill Boulevard

Proposal: To develop a four-storey senior citizens apartment building

- Type of Application: Variances to:
- a. increase the maximum building height from 14 metres to approximately 16 metres;
 - b. reduce the rear yard setback from 16 metres to 7.5 metres;
 - c. reduce the drive aisle width in the underground parking lot from 7.5 metres to 6.1 metres.

Stacey Forfar advised the Committee that the application for the subject site 190 Churchill Boulevard was for several variances, to develop a four-storey mixed income senior citizens apartment building located in the Crescent Valley intensification area, staff recommended approval of the application if the stop-up-and-close of Freedom Court can be secured.

David Elias appeared before the Committee on behalf of Elias Management Group Inc. and indicated that he was in favour of the application.

Brian Marks, from the Province of New Brunswick's Department of Social Development appeared before the Committee and indicated that the Province was in support of the application and they have been working alongside the applicant developing this project. Mr. Marks indicated that there have been high standards set for this project by the Province, which have been met through working together to develop the application. He added that seniors housing such as the

proposed building will be a great fit for the community of Crescent Valley and its revitalization.

No one appeared before the Committee opposed to the application. Three letters of support for the application were received.

After considering the report 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 grant variances to increase the maximum building height from 14 metres to approximately 16 metres; reduce the rear yard setback from 16 metres to approximately 7.5 metres; reduce the parking stall length from 5.5 metres to 5 metres; and reduce the drive-aisle width in the underground parking lot from 7.5 metres to approximately 7.1 metres, subject to the following conditions:

- a. 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 prior to issuance of a Building Permit, indicating the location and treatment 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;*
- b. Any development of the site be in accordance with a detailed landscaping and amenity space plan, to be prepared by the proponent and subject to the approval of the Development Officer prior to issuance of a Building Permit, indicating the location of all proposed landscaping features on the site and amenity areas, as per the standards in the City of Saint John Zoning Bylaw. All work on the Plan must be completed within one year of occupancy of the building;*
- c. Any development of the site be in accordance with a detailed 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 prior to approval of a Building Permit;*
- d. Any development of the site be 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, prior to issuance of a Building Permit. 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;*
- e. The developer must provide all utilities underground, including power and telephone from the existing overhead facilities, as required in the City of Saint John Subdivision Bylaw;*

- f. That any costs to extend or improve off-site infrastructure to serve the development be completed at the developer's expense and/or through a negotiated agreement with the City, subject to Council approval; and
- g. Site access be aligned with the main access proposed for the YMCA-YWCA, located at 191 Churchill Boulevard, which at present the City understands to be at the approximate location of Freedom Court.

CARRIED

GL/MW

(Morgan Lanigan rejoined the meeting)

**Item 8: Boyle Real Estate Development Inc.
25 Bentley Street**

Proposal: To subdivide a property that will eventually be developed with an office building and three multiple residential buildings

Type of Application: Subdivision and Variance that would:

- (a) Reduce the minimum lot area requirement of 4,200 square metres to approximately 3,640 square metres;
- (b) Reduce the minimum rear yard requirement of 7.5 metres to varying setbacks between 1.5 metres to 4.5 metres; and
- (c) Reduce the minimum separation distance of 1.5 metres in order to allow access and parking over a proposed common property line.

Mark Reade advised that the application is for a subdivision and variance, to subdivide the property into two lots. One lot would be used for the existing office building and a lot at the rear for the existing and future residential buildings, he indicated that staff recommending this application for approval.

The applicant, Mike Boyle of Boyle Real Estate Development Inc. appeared before the Committee in support of the application and staff recommendation. There were no other presentations made at the meeting concerning this matter, and no letters were received from surrounding property owners.

No one appeared before the Committee opposed to the application.

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

The Committee also approved the private access with the recommended conditions and the requested variance.

It was MOVED and SECONDED

1. *That Common Council assent to the attached King George Court Subdivision with respect to any required public utility easements.*
2. *That the Planning Advisory Committee only approve the creation of proposed Lot 2 with a private right-of-way access, as generally shown on the submitted King George Court Subdivision tentative plan, on the following conditions:*
 - (a) *That the exact location and width of the private right-of-way and easements for underground infrastructure be approved by the Development Officer and shown on the final subdivision plan; and*
 - (b) *That an agreement, subject to the approval of the Development Officer, be registered with the final subdivision plan to ensure that the private right-of-way provides permanent vehicular access over proposed Lot 1 to Bentley Street for the benefit of the landowner(s) of proposed Lot 2.*
3. *That the Planning Advisory Committee grant the following variances concerning the King George Court Subdivision that would:*
 - (a) *Reduce the minimum lot area requirement of 4,200 square metres to approximately 3,640 square metres for proposed Lot 2;*
 - (b) *Reduce the minimum rear yard requirement of 7.5 metres to varying setbacks between 1.5 to 4.5 metres for the existing and proposed multiple residential buildings on proposed Lot 2; and*
 - (c) *Reduce the minimum separation distance of 1.5 metres in order to allow access and parking over the common property line of proposed Lots 1 & 2.*

CARRIED

GL/MW

Item 9: Milad Debly
356 Eldersley Avenue

Proposal: To rename a proposed public street

Type of Application: Subdivision

Mark Reade advised the application is to rename a proposed public street. He explained that the developer is seeking permission to name the new public street Nadiana Way instead of Caterpillar Drive as was previously approved in 2003.

This new proposed street name has been reviewed by staff (Geographic Information Systems) and it has been determined that the name is acceptable. Therefore, this new street name is recommended for approval by the Planning Advisory Committee.

Applicant, Milad Debly appeared before the Committee in favour of the application. 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 the Planning Advisory Committee approve the name Nadiana Way for the public street related to the rural residential subdivision proposed to be undertaken on the subject property at 356 Eldersley Avenue.

CARRIED

ML/AM

**Item 10: Hughes Surveys & Consultants Inc.
1032 Hillcrest Road**

Proposal: To undertake a final phase of rural residential subdivision

Type of Application: Subdivision and Variance that would:

- a) reduce the minimum lot area requirement of 5,350 square metres to approximately 5,005 square metres; and
- b) reduce the minimum street right-of-way width standard of 23.1 metres to 20 metres

Mark Reade advised that the application is for a Subdivision and Variance that deals with the final phase of a rural residential subdivision and staff is recommending approval, subject to several outlined conditions.

The applicant, Richard Turner of Hughes Surveys & Consultants Inc., appeared before the Committee in support of the application and staff recommendation. There were no other presentations made at the meeting concerning this matter, and no letters were received from surrounding property owners.

After considering the presentation and report, the Committee resolved to adopt the staff recommendation. The Committee also granted the recommended lot area and street right-of-way width variances.

It was MOVED and SECONDED that the Planning Advisory Committee approve:

1. *That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the submitted Simpco*

Development Ltd. Subdivision, Phase 2 tentative plan with respect to the vesting of the proposed public and future streets, as well as to any required municipal services and/or public utility easements.

2. *That Common Council accept a money-in-lieu land for public purposes dedication for the Simpc Development Ltd. Subdivision, Phase 2.*
3. *That Common Council authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure provision of the required work and facilities, including the construction of a gravel walkway between Carthier Street to Nina Street through the future street rights-of-way, and detailed site and drainage plans for the approval of the Chief City Engineer (or his designate).*
4. *That the Planning Advisory Committee grant the following variances from the requirements of the Zoning and Subdivision By-laws that would:*
 - (a) *Reduce the minimum lot area requirement of 5,350 square metres to a varying area between 5,005 to 5,079 square metres for proposed Lots 11-11, 11-13 & 11-14; and*
 - (b) *Reduce the minimum street right-of-way width standard of 23.1 metres to 20 metres for the proposed public and future streets.*

CARRIED

GL/ML

**Item 11: Kierstead Quigley & Roberts Ltd.
23-37 & 24-40 Linda Court**

Proposal: To undertake a boundary adjustment and exchange of Land for Public Purposes (LPP) in order to facilitate the development of six eighteen-unit apartments

Type of Application: Subdivision, approval for the creation of a lot having access other than a public street and variances to:

- a) reduce the amount of LPP required for the detention pond (Parcel DP-1) from 269 square metres to nil; and
- b) eliminate the required screening vegetation at the rear of Lot 12-1 that is traversed by the municipal services easement.

Mark Reade advised the application is for a Subdivision that deals with a boundary adjustment and exchange of the Land for Public Purposes (LPP) in order to facilitate the development of six eighteen-unit apartment buildings. Also a request for the creation of a lot that has access other than a public street and the

required variances. Staff is recommending that Common Council assent to the subdivision plans including any necessary municipal services and public utility easements; to authorize the preparation and execution of a City/Developer Subdivision Agreement(s); to accept a cash-in-lieu payment instead of the required land dedication to satisfy the LPP requirement; to authorize the release of the existing LPP dedication once the cash-in-lieu payment has been paid to the City and approve the required variances. Three letters expressing concerns with the application were received.

Gerry Roberts appeared before the Committee on behalf of Kierstead Quigley and Roberts Ltd. and indicated that in support of the application.

Michael Maher, of 42 Woodside Park addressed the Committee and spoke on behalf of a large group of Woodside Park residents that were in attendance. Mr. Marr advised that they were not in favour of the application and explained that the site plan lacked details such as; guardrails on the edge of the parking lot adjacent to Woodside Park; a proper storm water drainage system approved by the City's Engineering Department including catch basins which should comply with the Storm Water Design Criteria Manual specifically Article 294 "*prohibits the conveyance of any storm water on to adjacent properties without an agreement*"; that the parking area be paved and curbed with concrete to facilitate drainage; proper landscaping including a buffer; installation of proper exterior lighting. Mr. Maher added that while the residents of Woodside Park are aware that the property developed in 2007 has been sold, they requested that the City request the Developer be made to attend to the deficiencies of 2007 specifically lot 07-2 (drainage, landscaping & buffer) as this was promised at a 2009 meeting as well. The residents requested that the City of Saint John ensure that enforcement is taken seriously and it was suggested that the City obtain a lien on the properties, so as to prevent their sale and that it remain in place until such a time that the Building Inspections Department indicates compliance with the site plan.

Dave Drinnan questioned if it is within the PAC's authority to compel a developer to make changes to another property in order to get approval for a new development. Mark Reade responded that because the issues have not been resolved and the property has since been sold, there is no recourse to take. Morgan Lanigan questioned if a security or performance bond could be requested of the developer to ensure that the project is completed properly. Mark Reade replied that he was unsure if there was any authority to obtain a bond or security and the matter would have to be discussed with the City's Legal Department.

Craig Wood, of 17 Woodside Park shared his concerns for the potential of blasting in the development of the new apartment buildings, and the possible effects on neighboring properties. Chair, Eric Falkjar explained that if there was a blasting component to the application it would need to be included and studies performed, there will not be any blasting for this development. Pierre Corbeil, of Woodside Park questioned the minimum size of the buffer zone, the order of the construction of the 6 apartment buildings, the time line for paving of the parking lots. Mark Reade responded that there is a setback of 2 meters with

a requirement of vegetation to screen headlight glare and that there is a time line of one year from issuance of a building permit for the completion of paving.

Gerry Roberts responded that the developer AE McKay Builders Ltd., has good intentions for the subject property and can ensure that paving and concrete curbing will be completed, any storm water drainage plans have already been reviewed and approved by the City's Municipal Operations including the detention pond, the landscaping has been included on the detailed site plan although lighting is not included and guardrails could be considered however may not be needed until property elevations are reviewed.

Anne McShane and Dave Drinnan shared their concerns that they would be essentially bargaining in good faith with the developer and that the developers past practices at the neighboring development to not follow through with their obligations, makes the decision difficult. Mr. Drinnan added that PAC has an obligation to assess the risk to protect the neighbors and if the mechanism for a bond is available it should be one that the PAC considers to ensure enforcement is met. Mark Reade noted that this would need to be reviewed by staff in conjunction with the City's Legal department.

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

It was MOVED and SECONDED to table the application for a period of one month, that a meeting be scheduled to permit the Developer to meet with Planning staff and the residents to address the following concerns: curbed & paved parking lot, storm drainage plan, parking lot lighting, exterior yard lighting, guard rails and screening from headlights.

CARRIED

ML/MW

Item 12: A.M.H. Properties Ltd.
46-50 Technology Drive

Proposal: To subdivide the subject property into four lots, each to contain one building of a dwelling group.

Type of Application: Subdivision, approval for the creation of lots having access other than a public street (Lots 2-4, inclusive) and variances as follows:

Mark Reade advised the Committee that the application was to subdivide the subject property into four lots, each to contain one building of a dwelling group. Two letters expressing concerns with the application were received. One citizen expressed that they were not properly notified of the application; staff responded that letters are sent to neighbours within a 100m radius of the subject property.

Matt Hughes appeared before the Committee and spoke on behalf of AMH Properties Ltd.; he indicated that he was in favour of staff recommendation.

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:

- 1) *approve the creation of proposed Lot 2, Lot 3 and Lot 4 having access by means other than a public street on condition that:*
 - a) *adequate provision for permanent shared access is included in the necessary cross agreements; and*
 - b) *the total number of driveway accesses permitted for the dwelling group to Technology Drive be restricted to a maximum of one.*
- 2) *approve the new street name of "Burlington Court"; grant the necessary variances to reduce the minimum required lot area, minimum required rear yard setbacks and minimum required parking area setbacks in order to permit the proposed subdivision of the site as generally illustrated on the attached plan, on condition that the developer prepare and execute the necessary cross agreements providing shared access, servicing and site amenities on a permanent basis, subject to the approval of the Development Officer. These agreements must outline the rights and responsibilities of the owners of the four properties and are to be registered concurrently with the final subdivision plan(s).*

CARRIED

GL/ML

**Item 13: Woodbury Homes Inc.
1967 Manawagonish Road**

Proposal: To name a proposed private street

Type of Application: Subdivision

Mark Reade advised that the application is to name a proposed private street. The Developer has proposed the name "Bent Anchor Court" which has been reviewed by the Geographic Information Systems staff and they have advised that this is an acceptable name for a new street.

The applicant was not present, no letters were received in favour or against and no one appeared before the Committee in favour or opposition.

After considering the report 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 approve the name Bent Anchor Court for the private street location illustrated on the attached Fundy View Gardens tentative subdivision plan.

CARRIED

AMcS/AM

Item 14: City of Saint John
211 Prince William Street

Proposal: To convey a parcel of a former public street right-of-way to an adjacent property and develop a pedestrian walkway on the remnant lot.

Type of Application: Similar / compatible use and variances to:

- a) reduce the minimum required lot area from 930 square metres to approximately 222 square metres; and
- b) reduce the minimum required lot width from 30 metres to approximately 7.85 metres.

Mark Read advised that this application is to convey a parcel of a former public street right-of-way to an adjacent property and develop a pedestrian walkway on the remnant lot.

Brian Irving appeared before the Committee on behalf the City of Saint John and indicated that he was in favour of the application. No letters were received.

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:

- 1) *consider the proposed park use (pedestrian walkway) as similar to / compatible with the uses permitted in the "T" Transportation zone; and*
- 2) *grant variances to:*
 - a) *reduce the minimum required lot area of the remnant lot from 930 square metres to approximately 222 square metres; and*
 - b) *reduce the minimum required lot width from 30 metres to approximately 7.85 metres*

in order to facilitate the development of the proposed pedestrian walkway at 211 Prince William Street and associated subdivision.

CARRIED

ML/GL

Item 15: Theodore Faltsetas
450 Falls View Drive

Proposal: To operate a restaurant on a year-round basis

Type of Application: Conditional Use

Mark Reade advised that the application was for a Conditional Use to allow the restaurant to operate on a year round basis, he indicated that staff was recommending approval of the application.

Theodore Faltsetas appeared before the Committee on behalf of 05675 NB Ltd. and indicated he was in agreement with the recommendations as contained in the staff report. Mr. Faltsetas advised that he will be selling this subject site to a prospective purchaser who wishes to operate year round.

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 amend the conditions imposed on July 16, 2002 upon the establishment and operation of a restaurant on the subject site, located at 450 Falls View Drive, by deleting the restriction concerning permitted months of operation.

CARRIED

GL/ML

There being no further business, the meeting adjourned at 11:20 p.m.

Eric Falkjar
Chairman

Jill Flecknell
Recording Secretary