



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, SEPTEMBER 18, 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	
Patrick Beamish	
Donald Gillis	
Mark Reade	Senior Planner
Jody Kliffer	Planner
Lynda Lockhart	Recording Secretary

Vice Chairman

The Chair called for nominations for the position of Vice Chairman. Morgan Lanigan was nominated. Nominations were called for three times. There being no further nominations, the nominations ceased.

CARRIED

GL/DG

It was MOVED and SECONDED that Item 9 be considered as the second item following approval of the minutes.

CARRIED

DD/ML

(Don Gillis stepped down for Item 1 due to his absence at the August 21, 2012 meeting.)

Item 1: Minutes

It was MOVED and SECONDED that the minutes of the August 21, 2012 meeting be adopted as amended.

CARRIED **AMcS/ML**

(Don Gillis re-entered the meeting.)

Item 9: 1515 Loch Lomond Road – Street Name

Mark Reade advised that since the subdivision application at 1515 Loch Lomond Road was considered by the Planning Advisory Committee, an acceptable name for the proposed Public Street has been proposed by the developer. This street will form the stub street off of Mosaic Drive as shown on the attached plan. The developer has proposed the name “Picasso Drive” for the Public Street.

The name has been reviewed by the GIS Division for possible conflicts from a Civic Addressing / Emergency Dispatch perspective and for phonetics and is acceptable.

No one appeared before the Committee opposed to the application.

It was MOVED and SECONDED that the Planning Advisory Committee approve the street name “Picasso Drive” for this proposed subdivision development.

CARRIED **DG/AM**

(Don Gillis and Patrick Beamish stepped down for Item 2 due to their absence at the August 21, 2012 meeting and Andrew Miller stepped down for Item 2 due to potential conflict of interest.)

**Item 2: Bell Mobility
248 Milford Road**

Proposal: To construct a 50 metre high telecommunications tower

Type of Application: Conditional Use, Subdivision and Variances

It was MOVED and SECONDED that an application for a conditional use, subdivision and variances by Bell Mobility at 248 Milford Road be lifted from the table.

CARRIED **ML/GL**

One letter opposed to the application was received.

Mark Reade advised at its August 21 meeting, the Planning Advisory Committee considered a subdivision and variance application pertaining to a proposal to construct a 50-metre high telecommunications tower on the subject site. In response to concerns raised by area residents, as well as questions raised by the Committee, the application was tabled until the September meeting in order to allow Bell Mobility the opportunity to meet with the residents and the landowner in an attempt to determine if an alternate location suitable to all parties could be ascertained. He indicated that based on discussions with the applicant, it is Staff's understanding that Bell Mobility is still in the process of performing the technical analysis to determine the suitability of alternate locations on the site from an operational standpoint and are not, at the present time, in a position to provide any additional information to the Committee to address its concerns. Given the circumstances that no new information is available, staff is recommending that the item be tabled until such time as further information concerning the suitability of alternate locations for the tower on the site has been provided and that the applicant has met and discussed this new information with the area residents.

Pam Kennedy of Bell Mobility appeared before the Committee and indicated they were in agreement with staff recommendation indicating that until such time as the Community Centre hosts another public meeting with the residents, which will allow Bell Mobility the opportunity to address the concerns of the residents. She further indicated that although the subject site is the preferred location for the communication tower, she will however continue to work with the survey team in an effort to relocate the tower on the parcel. In response to the concern expressed by the Committee that the application does meet the requirements of Industry Canada and if municipal approval is not obtained within 120 days, the application can then be filed with Industry Canada for their approval, Ms. Kennedy indicated this is a default program, however staff are encouraged to work with land use authorities in all locations. When choosing sites in an urban environment, Ms. Kennedy indicated they look for tree buffers, look for the tower to be a minimum of 1-2 times the height of tower away from the properties and preferably 3 times, look toward churches, community centres, etc. that could benefit from a revenue stream for 20 ± years, soil conditions, etc. The finished footprint is 30' x 30' with approximately 6-10 weeks of construction followed by a very calm environment with a technician conducting on-site inspections every 6 weeks or so. The area does require a tower as it is forecasting a capacity situation in approximately 7 months. Without a tower in the area will result in dropped calls, emails and text messages will not be delivered. Approximately 50% of 911 calls are made using mobile devices and Bell Mobility is not prepared to take the risk that EMS will not receive a call if needed.

Nancy Lecasse-Mason, President of Milford Community Centre appeared before the Committee and indicated she and the engineer, a surveyor, MLA Dorothy Shephard as well as a City staff representative walked the entire property for over 2 hours and looked at several possible scenarios for relocating the tower. Ms. Lecasse-Mason indicated they have carried out a significant amount of work in the short time-frame; they have not as yet concluded their findings. In the meantime they have conducted a poll of the neighbourhood and to date there are

102 residents in favour and 13 opposed to the installation of the tower, and have scheduled a community meeting with Bell Aliant and area residents for October 11, 2012.

Ken Palmer, a lifetime resident of Milford appeared before the Committee in support of the application. He indicated the Milford Community Board of Directors was contacted by Bell Mobility in April of this year with respect to the proposal. He indicated there were 400 flyers hand-delivered to all Milford residents advising them of the proposal and further advising that a meeting would be held in the Community Centre in May and that Bell representatives would be on hand to answer any questions/concerns the residents might have. The suggestion made that the Community Centre should be closed by a few residents opposed to the tower is ludicrous. The Board of Directors should be commended for the time and effort they devote to the betterment of the community. Mr. Palmer concluded his presentation commenting that residents in the area have complained there is very poor cellular service in areas of Milford and that the tower is a necessity.

No one appeared before the Committee opposed to the application.

Ms. Kennedy reappeared before the Committee and reiterated it was their intent to meet with the Community on October 11th followed by reconsideration of the application by the Planning Advisory Committee at a future meeting. The towers at 50 metres high are very safe meeting all Industry Canada's requirements.

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 table the application until such time as the proponent has provided further information concerning the suitability of alternate locations for the tower on the site and that the proponent has met and discussed this information with area residents.

CARRIED

ML/GL

(Andrew Miller, Don Gillis and Patrick Beamish re-entered the meeting.)

Item 3: City of Saint John
3795 Loch Lomond Road, 2377 Loch Lomond Road
and 356 Eldersley Avenue

Proposal: Municipal Plan Amendments to recognize three approved subdivisions

Mark Reade advised the application is primarily a housekeeping amendment initiated by The City of Saint John to change the mapping associated with the Municipal Plan to allow for 3 rural residential developments that had received

approval prior to and/or concurrent with the approval of the revised Municipal Plan.

No one appeared before the Committee opposed to the application.

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 Common Council approve the proposed Municipal Plan amendments and amend Schedules A and B in the Municipal Plan as follows:

- 1. Redesignate, on Schedule A of the Municipal Plan, those portions of the parcels of land located at 3795 Loch Lomond Road, Abigail Place (2377 Loch Lomond Road) and 356 Eldersley Avenue and currently designated Rural Resource Area, being portions of PID Nos. 55214910, 00329144, 55196588 and 00330159, from Rural Resource Area to Stable Area; and*
- 2. Redesignate, on Schedule B of the Plan, the same portions of the parcels of land, from Rural Resource to Rural Residential.*

CARRIED

AMcS/DG

Item 4: Patricia Hay
416 Sandy Point Road

Proposal: To rezone the property to an institutional zoning that allows for more than six adults in a group care facility

Type of Application: Rezoning

Jody Kliffer advised the application is to rezone the property to “IL-1” Neighborhood Institutional to facilitate the establishment of a group care facility for up to ten residents.

Patricia Hay appeared before the Committee and indicated she was in favour with the recommendations as contained in the staff report. In response to questions from the Committee, Ms. Hay indicated they have been operating for several years and have received no complaints from any of the neighbouring property owners, nor does she have any intent to increase the number of residents.

No one appeared before the Committee opposed to the application.

After considering the report, presentation 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 3980 square metres, located at 416 Sandy Point Road, also identified as PID NO. 55115968, from "RM-1" Three Storey Multiple Residential to "IL-1" Neighbourhood Institutional.
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 3980 square metres, located at 416 Sandy Point Road, also identified as being PID No. 55115968, be limited to a group care facility with a maximum of ten residents.

CARRIED

GL/MW

Item 5: Yvonne Steeves
688 Rothesay Avenue

Proposal: To establish a pet grooming, daycare and boarding facility.

Type of Application: Conditional Use, and Variance to reduce the minimum front yard landscaping from 6 metres to approximately 2 metres

Mark Reade advised the application is for a conditional use and variance to establish a pet grooming, daycare and boarding facility. Staff is recommending approval of the application subject to conditions.

Yvonne Steeves appeared before the Committee and indicated she was generally in favour with the recommendations as outlined in the staff report, however indicated that the front parking lot was paved four years ago and does contain a catch basin. The only area that is not paved, is the area to the side of the property where they plan to create a fenced in play area for the dogs.

Harold Coughlan appeared before the Committee in support of the application indicating that the entire parking lot is paved and more recently top-coated and confirmed there is a catch basin on the site, as well as a culvert and curbing.

No one appeared before the Committee opposed to the application.

Staff responded to questions from the Committee indicating that staff would still require review from the applicant's consultant that the catch basin is adequate to serve the paved area in addition to the site plan which shows the quality of landscaping.

After considering the report, the presentation 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 establishment and operation of a “kennel” at 688 Rothesay Avenue:*
 - a) *All parking, loading, vehicle manoeuvring areas and driveways must be paved with asphalt and enclosed with continuous cast-in-place concrete curbs where necessary to protect landscaping and facilitate proper drainage;*
 - b) *Adequate site drainage facilities, including a catch basin in the parking area, must be provided by the developer in accordance with a detailed drainage plan, prepared by the developer and subject to the approval of the Chief City Engineer or his designate;*
 - c) *The site shall not be developed except in accordance with a detailed site and landscaping plan, prepared by the developer and subject to the approval of the Development Officer, illustration and the location and details of the driveway accesses, parking area, landscaping, fencing for outdoor play area and other site features;*
 - d) *All disturbed areas of the site not occupied by buildings, driveways, parking or loading areas must be landscaped by the developer and the landscaping must extend onto the public street right-of-way to the edge of the public street;*
 - e) *Approved site, landscaping and detailed drainage plans must be attached to any application for a required Building or Change of Use Permit, and all site improvements shown on the approved plans must be completed within one year of the issuance of the required Building or Change of Use Permit.*
2. *That the Planning Advisory Committee grant the requested variance to reduce the minimum front yard landscaping from 6 metres to approximately 2 metres.*

CARRIED

ML/PB

Item 6: Sajac Developments Inc.
144 Bayside Drive

Proposal: To subdivide a lot to facilitate the development of a Subway restaurant and a carwash operation

Type of Application: Variance

Jody Kliffer advised the application is to subdivide the subject site which results in three minor variances to facilitate the establishment of a carwash facility for up to five bays adjacent to a proposed Subway Restaurant on Bayside Drive.

Rick Turner of Hughes Surveys & Consultants Inc. appeared before the Committee on behalf of the applicant, and indicated that John Fifield of Sajac Developments Inc. was also in attendance. Mr. Turner indicated he was generally in agreement with the recommendations as contained in the staff report however the wording with respect to landscaping was vague and requested clarification.

Staff responded the required landscaping for the side yard did not require variance because it was part of a shared access; however Mr. Reade responded that a variance to the required side yard landscaping could be considered.

Don Gillis expressed concern whereby students of Bayside Middle School might attempt to cross four lanes of traffic to visit the proposed Subway Restaurant.

After considering the report, the presentations, discussions and based on the reasons as outlined in the staff report, and further to address the concern expressed with respect to landscaping, the Committee resolved to amend the recommendation as follows:

It was MOVED and SECONDED that the Planning Advisory Committee grant the following variances to:

- 1) permit a landscaped front yard for proposed Lot 12-02 of two metres at its narrowest point, whereas the Zoning Bylaw requires a minimum of 7.5 metres of front yard landscaping;*
- 2) permit the southern-most access to the proposed car wash site to be located at the intersection with Edith Avenue, whereas the Zoning Bylaw requires a minimum separation distance of 30 metres from the intersection;*
- 3) permit the northern-most access to Lot 12-02 (shared with Lot 12-01) to have no setback from the common side lot line, whereas the Zoning Bylaw requires a minimum setback of 1.5 metres; and*
- 4) permit a reduction in the required separation distance of off-street parking from the rear property line on lot 12-01 to 0.5 metres, whereas the Zoning Bylaw requires a minimum distance of 1.5 metres.*

CARRIED

ML/AM

Item 7: Hughes Surveys & Consultants Inc.
461 Ellerdale Street

Proposal: To construct a 64 multi-unit building in two phases

Type of Application: Subdivision and Variances

Mark Reade advised the application is for a subdivision and variance to permit the construction of a 64 multi-unit building in two phases. Staff is recommending approval subject to conditions.

Rick Turner of Hughes Surveys & Consultants Inc. appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report. He responded to questions from the Committee with respect the unfinished façade material, distance from the power line and if such distance meets NB Power safety standards.

In response to question from the Committee, staff agreed to amend the wording of item (e) to provide clarification.

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

That the Planning Advisory Committee grant the following variances from the requirements of the Zoning and Subdivision By-laws for the proposed revised development at 461 Ellerdale Street, as illustrated on the submitted Woodhollow Park Subdivision tentative plan, that would:

- (a) Reduce the minimum front yard requirement of 7.5 metres to approximately 6 metres;*
- (b) Reduce the minimum rear yard requirement of 34.5 metres to approximately 9.4 metres;*
- (c) Reduce the minimum side yard requirement 6.9 metres to approximately 5.17 metres;*
- (d) Reduce the minimum landscaping depth requirement of 1.2 metres to no setback between the expanded parking area and the street line;*
- (e) Such other variances necessary to subdivide the proposed building in two phases with its parking on a third parcel of land as generally illustrated on the attached drawings; and*

That the above variances only be granted on the following conditions:

- (i) The subject property must be developed, maintained, and, if applicable, subdivided in the manner illustrated on the submitted tentative plan;*
- (ii) The relocated private access known as Woodhollow Park must be reconstructed in accordance with a detailed engineering plan approved by the Chief City Engineer or his designate;*
- (iii) The adjoining undeveloped turnabout area of the Ellerdale Street public right-of-way must be landscaped and maintained by the developer as part of the development site; and*
- (iv) Any unfinished façade associated with the construction of the initial phase of the proposed building must be completed within three years from the issuance of the building permit for such construction.*

CARRIED

ML/GL

Item 8: 512299 NB Inc. (c/o Richard Burbridge)
140 Coldbrook Crescent

Proposal: To create a separate lot for each of the two proposed sixteen-unit apartment buildings

Type of Application: Subdivision and Variances

Mr. Mark Reade advised the application is for a subdivision and variances to construct two multiple unit buildings. Staff is recommending approval.

Richard Burbridge, the applicant, appeared before the Committee and indicated he was in agreement with the recommendations as contained in the 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 assent to one or more subdivision plans, in one or more phases, with respect to the vesting of the proposed public street(s), as generally illustrated on the attached photo-reduced tentative*

subdivision plan entitled '512299 N.B. Inc. Subdivision' dated August 23, 2012, including any necessary municipal services, municipal drainage and public utility easements.

2. *That the Planning Advisory Committee grant the following variances from the requirements of the Subdivision and Zoning By-laws to:*
 - a) *reduce the minimum required lot area from 2,400 square metres to approximately 2,385 square metres (for Lot 12-1) and approximately 2,387 square metres (for Lot 12-2); and*
 - b) *reduce the minimum required front yard setback from 7.5 metres to approximately 5.18 metres for the proposed building on Lot 12-2.*

CARRIED

GL/PM

There being no further business, the meeting adjourned at 7:35 p.m.

Eric Falkjar
Chairman

Lynda Lockhart
Recording Secretary