



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, AUGUST 21, 2012

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

PRESENT

Eric Falkjar	Chairman
Erik Kraglund	
Morgan Lanigan	
Anne McShane	
Dave Drinnan	
Gerry Lowe	
Andrew Miller	
Michael Whelton	
Mark Reade	Senior Planner
Jody Kliffer	Planner
Stacey Forfar	Planner
Patrick Foran	Planning Officer
Lynda Lockhart	Recording Secretary

REGRETS

Donald Gillis

Item 1: Minutes

It was MOVED and SECONDED that the minutes of the July 17, 2012 meeting be adopted as circulated.

CARRIED

AMcS/ML

Item 2: Sunstar Ltd.
80 Kierstead Road

Proposal: To establish a group care facility for 14 residents

Type of Application: Rezoning

Four letters opposed and/or expressing concerns with the application were received.

Jody Kliffer advised the application is to rezone the subject site from “I-3” Light Industrial Park to “IL-1” Neighbourhood Institutional to establish a group care facility for up to 14 residents. Staff is recommending approval.

Ian McCoy was in attendance at the meeting on behalf of the purchaser, and was in favour of staff’s recommendation. Mr. McCoy stated that the proposed group care facility addresses an existing need in the community, and reinforces the goals established by PlanSJ with regards to building “complete communities”. Mr. McCoy indicated that rezoning the subject property was required prior to initiating the application with the provincial Department of Social Development. In speaking of the proposed group care facility, Mr. McCoy explained that the residents of the facility would be young adults with mental health issues. Although the residents are in need of special care, they have reached a stage in their development where they are able to live in a regular community setting. Some residents will have part time jobs during the day, while others will be involved in off-site programming facilitated by the operators. The group care facility would require one staff member for every three residents. Mr. McCoy added that the care provided would be 24 hours a day, seven days a week.

The Committee asked Mr. McCoy if the residents would be supervised even when leaving the property, and whether the site had adequate parking for the proposed facility. Mr. McCoy responded that the residents would always be supervised and that the site has ample off-street parking.

Tabatha Hearn, the manager of the proposed group care facility, appeared before the Committee to speak to the recreational programming for the residents. Ms. Hearn commented that the building has two large open areas on the main floor that will be used for several purposes, including training purposes, games room and a general living space.

Gary Vincent, the applicant’s realtor, appeared before the Committee and added that the building has been sitting vacant for a while, and suggested that the proposed facility would be a good re-use of the property. He added that the building has plenty of space on the second floor to house 14 residents.

Yang Fu, the current owner of the property, appeared before the Committee and reiterated that there is ample amount of space in the building to accommodate the proposed use.

George Callow, an area resident of the neighbourhood, appeared before the Committee and expressed concerns regarding staff of the facility transporting residents of the proposed facility in their personal vehicles. He also expressed concern with the lack of access to public transit in the immediate area, and the lack of sidewalks along Kierstead Road.

Ron Hooper, an area resident of the neighbourhood, appeared before the Committee to express his opposition to the proposed rezoning and indicated that the site had drainage problems, the building would be overcrowded, and that the building is quite damaged from the lack of maintenance over the past five years.

Ron Lease, an area resident of the neighbourhood, appeared before the Committee to express his concerns with the application. Mr. Lease noted a lack of pedestrian infrastructure in the area.

Ian McCoy re-appeared before the Committee and responded that the provincial requirements regulating group care facilities are stringent and would result in satisfying any concerns expressed by the community with regard to the size of the building, the number of residents and the suitability of the site. He also stated that the operators of the proposed facility intend on addressing the drainage problem on the site by installing the required curbing.

After considering the report, the presentations, discussions, and further in an attempt to appease the above-mentioned concerns, the Committee resolved to amend the recommendation as follows:

It was MOVED and SECONDED

- 1. That Common Council rezone a parcel of land with an area of approximately 1636 square metres, located at 80 Kierstead Road, also identified as PID NO. 00413799, from “I-3” Light Industrial Park 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 1636 square metres, located at 80 Kierstead Road, also identified as PID NO. 00413799, be subject to the following conditions:*
 - a. The proposed group care facility is limited to a maximum of 14 residents; and*
 - b. The required concrete curbing be installed and verification provided by the owner’s engineering consultant that the catch basin and drainage swales have been constructed as per the approved plans.*

- c. *The zoning of the property be reverted to the previous zoning should the application for the proposed group care facility be denied by the provincial Department of Social Development.*

CARRIED

MW/ML

Item 3: Serge Ethier
317 City Line

Proposal: Rezone the subject site to “RM-1” Three Storey Multiple

Type of Application: Rezone the subject site to “RM-1” Three Storey Multiple Residential and approve variances to:

- i. Reduce the minimum off-street parking requirement of eight spaces to six;
- ii. Reduce the minimum lot width requirement from 22 metres to approximately 17.5 metres; and
- iii. Reduce the minimum bachelor unit size, for the units located on the first and second floor, from 32 square metres to approximately 24 square metres.

Stacey Forfar advised the application is to rezone the property from “R-2” One and Two Family Residential to “RM-1” Three Storey Multiple Residential and variances to permit an 8-room boarding house and 3 bachelor units. Staff is recommending that the application be denied.

Serge Ethier, the applicant appeared before the Committee and indicated that based on the opposition to the proposal from his neighbours, he would agree to withdraw the application and work with staff to explore other opportunities with his property.

As a result of the applicant’s decision to withdraw the application, the Committee did not make a recommendation with respect to the proposed rezoning.

Item 4: Enovex Technology Ltd.
107 Germain Street

Proposal: To permit a small-scale testing laboratory as being similar to or compatible with a business office in the “B-3” Central Business zone.

Type of Application: Similar and/or Compatible Use

One letter opposed to the application was received.

Mark Reade advised the application is to subdivide and vest three parcels of land as public street right-of-way to provide for roadway widening and future installation of traffic signals. Staff is recommending approval.

Rick Turner, of Hughes Surveys & Consultants Inc. appeared before the Committee and indicated he was generally in agreement with the recommendations as contained in the staff report however suggested a modification to add the work “approximately” before the land area to be vested.

Staff were in agreement with this and suggested an additional modification which referenced the drawings submitted with the application.

Edie Donovan, representing the land owner at 423 Loch Lomond Road appeared before the Committee and expressed concerns regarding access to property, drainage, devaluing property values, distance from the property at 423 Loch Lomond Road and the intersection improvements.

Mr. Turner reappeared before the Committee and responded to Ms. Donovan’s concerns noting that the limits of the proposed work would be approximately 150 to 200 feet from the property in question and that the signals would improve traffic safety and access to the properties along Loch Lomond Road and in his opinion would not devalue surrounding property values.

After considering the report, the presentations, and discussions and further to address the concern as indicated by the applicant, the Committee resolved to amend the recommendation as follows:

It was MOVED and SECONDED that Common Council assent to the submitted Highlands Operations Limited, Irving Oil Operations General Partner Limited, Irving Oil Operations G.P. and Irving Oil Operations Limited and Atlantic Land Dealers Ltd. tentative subdivision plans that would vest an approximate total of 761 square metres from PID Numbers 00313791, 00313734 and 55155964 as part of the Loch Lomond Road public street right-of-way.

CARRIED

ML/AM

The Committee recessed.

(Andrew Miller stepped down for Item 6 due to potential conflict of interest.)

Item 6: Bell Mobility
248 Milford Road

Proposal: To construct a 50 metre high telecommunications tower

Type of Application: Conditional Use, Subdivision and Variances to:

- 1) Increase the maximum permitted height of a main building or structure from 9 metres to approximately 50 metres;
- 2) Reduce the minimum required amount of Land for Public Purposes from approximately 125.4 square metres to nil;
- 3) Eliminate the requirement for landscaping within the fenced compound;
- 4) Increase the maximum permitted height of a fence from 2 metres to approximately 2.44 metres; and
- 5) Allow barbed wire to be placed along the top of the fence.

Two letters opposed and one in support of the application were received.

Patrick Foran advised the application is to construct a telecommunications tower and variances in addition to creation of a lot. Staff is recommending approval.

Morteza Alabaf and John Comfort of Altus Group appeared before the Committee on behalf of the applicant and indicated they were in favour of staff recommendations as contained in the report and responded to questions from the Committee that the tower height was 50 metres and the requirement for barbed wire on the fence enclosure which was requested by the Community Centre.

Nancy Lecasse-Mason, President of Milford Memorial Community Centre appeared before the Committee in support of the application and provided a brief history of the events which have led to the possibility of a communications tower on lands leased to the Altus Group. Ms. Lecasse-Mason stated they did not treat this request lightly and carefully reviewed the contract and met with representatives from Bell Mobility to clarify questions regarding safety, the effect it might have on the centre and most importantly the health issues. Following the meeting, Ms. Lecasse-Mason indicated that she and the Board of Directors were confident with the information received and were reassured emissions would need to comply with federal guidelines, they then presented the project to the Community. Approximately 450 notices were hand delivered advising residents of the upcoming meeting on May 10, 2012 at the Community Centre, in addition to advertising in the West Tides and local flea markets. Approximately 50 members of the community attended the information meeting in addition to representatives from Bell Mobility, City of Saint John Leisure Services, and the Milford Community Centre Board of Directors and the Executive. Based on the information presented, it was voted unanimously in support of the project. In response to concerns expressed with barbed wire, Ms. Lecasse-Mason indicated they did not object to removing this requirement, and further responded to questions from the Committee indicating they would not be opposed to an alternate location on the property.

Lisa Stout of 231 Milford Road and Kerry Andrews of 211 Milford Road appeared before the Committee opposed to the application citing the tower would devalue surrounding property values, is visually disturbing and the possible health risks. Ms. Stout also indicated she had obtained the signatures of 18 residents in the area opposed to the proposal.

Messrs Alabaf and Comfort reappeared before the Committee and responded to questions from the Committee indicating if it was their intent to remove the requirement for barbed wire, they could install anti-climbing apparatus. They further responded that Bell Mobility surveyed the area and identified the proposed site which would achieve the necessary engineering coverage objectives for its network at the least expense. 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; however this option is hardly exercised and prefers to work with the community. In conclusion, Messrs Alabaf and Comfort commented that they had sent out ample notifications and had not received any comments or questions from the residents.

After considerable discussion the Committee resolved to table the application and further to request that a Bell Mobility engineer also attend the next meeting.

It was MOVED and SECONDED that the application be tabled until the next meeting 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.

CARRIED

ML/GL

(Andrew Miller returned to the meeting.)

Item 7: Michael and Catherine Long
210 Lawrence Long Road

Proposal: To develop a nine-lot subdivision

Type of Application: Subdivision and variances to:

- 1) allow the proposed street to be constructed to the “rural road” standard, whereas it is required to the “local street” standard;
- 2) reduce the minimum required width of the proposed public street right-of-way from 23.1 metres to approximately 20.1 metres;
- 3) reduce the minimum required amount of Land for Public Purposes from 2,919 square metres to approximately 452 metres;
- 4) allow the placement of “front-overhead” electrical utility lines whereas they are required

- to be placed underground at the front of the proposed lots;
- 5) reduce the minimum required lot area from 5,350 square metres to lot areas varying between 4,603 square metres and 5,064 square metres for lots 08-01 to 08-05 and lots 08-07 to 09 (inclusive); and
 - 6) reduce the minimum required lot width from 59 metres to approximately 20 metres (Lot 08-06), approximately 56 metres (Lot 08-03) and approximately 58 metres (Lot 08-02).

Two letters expressing concerns and/or opposed to the application were received.

Patrick Foran advised there have been a number of legislative changes that have precipitated the number of variances. The application is to complete the subdivision on the remainder of the subject site into 9 lots which includes an extension of Lawrence Long Road. As the proposed LPP lands does not satisfy the minimum area required by the City and staff is suggesting a cash-in-lieu payment instead. It should be noted that the Staff Report indicates that Staff's support of the proposal is contingent on the privately-owned portion of Lawrence Long Road being conveyed to the City. Common Council has yet to review this matter, however consideration of the subject application is a preliminary step that must be undertaken prior to initiating the subsequent analysis and review process.

The applicants, Mr. Michael Long and Mrs. Catherine Long, appeared before the Committee to speak in support of their application and were in general agreement with the Staff Recommendation contained in the report, with the exception of Recommendations #3 and #6, which pertain to the Land for Public Purposes (LPP) dedication. The applicants had re-iterated their desire to convey a parcel with an approximate area of 452 square metres to the City as indicated on the subdivision plan. The applicants further indicated that they have additional land in the vicinity that could potentially be conveyed to the City in order to satisfy the requirement for the remaining 2,467 square metres of LPP. However, they also indicated that a cash-in-lieu payment for the balance (of the LPP requirement) could be acceptable, depending on the specific amount.

Mr. Foran responded to questions from the Committee if the benefit of street connectivity was greater than service costs in a 'rural residential' zone, indicating that Municipal Plan does recognize there are instances where this type of development can be accommodated in order to address the existing safety concerns or to improve street connectivity. With respect to the poor conditions of the road, its future maintenance, etc. Mr. Foran responded it is an opportunity for the City to acquire a private road for which it has inherited some maintenance responsibilities, but has faced significant challenges in being able to service properly given the ownership issue. Not only could future maintenance be facilitated, but until such time as the road is improved, an alternate access point would be provided via the Arthurs Road.

Mr. Michael Cobham, of 143 Lawrence Long Road appeared before the Committee and requested clarification on a number of By-law requirements. Further, he expressed concerns about the safety of the existing road and the potential impact that increased traffic resulting from the subdivision would have on the area.

Mr. Peter Campbell, of 241 Arthurs Road, appeared before the Committee and expressed disagreement with the Staff Recommendation as it pertains to the LPP dedication. Mr. Campbell expressed support for the applicants' proposal to convey the proposed LPP parcel to the City instead of requiring a cash-in-lieu payment.

Mr. & Mrs. Long reappeared before the Committee and indicated they have resided on Lawrence Long Road for over 30 years and have never witnessed any accidents and street connectivity will only help alleviate the above noted safety concerns.

After considering the report, the presentations and considerable discussions, and further based on the applicant's agreement to dedicate an approximate 452 square metre parcel of land with the balance of the LPP requirement to be comprised of a cash-in-lieu payment, the Committee resolved to amend the recommendation as follows:

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 'Pasture Hill Estates Subdivision' dated April 20, 2012, including any necessary municipal services and public utility easements.*
- 2. That Common Council authorize the preparation and execution of a City/Developer Subdivision Agreement(s) to ensure provision of the required work and facilities, including detailed site and drainage plans for the approval of the Chief City Engineer.*
- 3. That Common Council accept a Land for Public Purposes dedication comprised of a combination of land (being the proposed parcel with an approximate area of 452 square metres) and a cash-in-lieu payment based on the balance, in order to satisfy the Land for Public Purposes requirement.*
- 4. That the Planning Advisory Committee approve the proposed street name of "Pasture Hill Road".*
- 5. That the Planning Advisory Committee grant the following variances from the requirements of the Subdivision and Zoning By-laws to:*

- a) *allow the proposed street to be constructed to the “rural road” standard, whereas it is required to be constructed to the “local street” standard;*
- b) *reduce the minimum required width of the proposed public street right-of-way from 23.1 metres to approximately 20.1 metres;*
- c) *allow the placement of “front-overhead” electrical utility lines whereas they are required to be placed underground at the front of the proposed lots;*
- d) *reduce the minimum required lot area from 5,350 square metres to lot areas varying between 4,603 square metres and 5,064 square metres for lots 08-01 to 08-05 and lots 08-07 to 09 (inclusive); and*
- e) *reduce the minimum required lot width from 59 metres to approximately 20 metres (Lot 08-06), approximately 56 metres (Lot 08-03) and approximately 58 metres (Lot 08-02).*

CARRIED

**GL/DD
“NAY” ML**

It should be noted that a variance to reduce the minimum required amount of Land for Public Purposes from 2,919 square metres to approximately 452 square metres, while not explicitly denied, was not granted by the Committee, and further should be noted that Staff Report indicates that Staff’s support of the proposal is contingent on the privately-owned portion of Lawrence Long Road being conveyed to the City. Common Council has yet to review this matter; however consideration of the subject application is a preliminary step that must be undertaken prior to initiating the subsequent analysis and review process.

Other Business:

Item 8: 1450-1600 Sandy Point Road

Mark Reade advised that the Planning Advisory Committee considered an application for a 9-lot single family subdivision at its August 21, 2012 meeting. Common Council tabled the matter at their meeting pending receipt of a Slope Stability Study, completed to the satisfaction of the Chief Building Inspector or designate. Mr. Reade indicated a satisfactory report has been received and staff is recommending that Council remove the item from the table.

Mr. Phillip Kierstead, the developer’s consultant appeared before the Committee in support of the application.

After considering the report, the Committee resolved to adopt staff recommendations 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, in general accordance with the submitted Eagles Nest Estates Subdivision - Phase 1 tentative plan with respect to the vesting of the proposed public and future streets, as well as to any required municipal services, municipal drainage and/or public utility easements.*
2. *That Common Council accept a money-in-lieu land for public purposes dedication for the Eagles Nest Estates Subdivision - Phase 1.*
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 detailed site and drainage plans for the approval of the Chief City Engineer or his designate.*

CARRIED

AM/MW

Item 9: Rules of Procedure

Mark Reade advised at the meeting of July 17, 2012, the Planning Advisory Committee requested that Planning Staff develop an amendment to the Rules of Procedure regarding tabled items. These amendments are to focus on the role of Committee members who were not present for the discussion on the item prior to it being tabled and procedure around input from the applicant and members of the Public once the item is lifted from the table and is being deliberated by the Committee.

Mr. Reade indicated that staff have developed proposed amendments to the Committee's Rules of Procedure to clarify these matters taking into account the fundamental rule of natural justice, which follow that "he who decides must hear".

It was MOVED and SECONDED that the Committee amend the PAC Rules of Procedure by adding the following clauses:

VIII. Business Procedures

11. *Where member(s) of the Advisory Committee are absent at a meeting where an item is tabled following substantive discussions haven taken place before or by the Committee on the subject matter of the application, the members who were absent at the first instance cannot participate in deliberations and voting on the matter when the item is removed from the table at the subsequent meeting. However, if the item is tabled without any substantive discussion haven taken place before or by the Committee*

regarding the subject matter of the application, the absent members may participate in the consideration of the application at a subsequent meeting of the Committee where it is removed from the table. .

- 12. If an item is tabled for the purpose of the Committee receiving new information or receiving further advice from Staff relating to an application, the applicant and members of the gallery may make additional representations to the Committee when such item is removed from the table at a future meeting subject to the condition that the focus and ambit of such additional representations shall be limited to the new information received or advice received from Staff as the case may be.*

CARRIED

AMcS/GL

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

Eric Falkjar
Chairman

Lynda Lockhart
Recording Secretary