



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, FEBRUARY 21, 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	

Mark Reade	Senior Planner
Patrick Foran	Planning Officer
Lynda Lockhart	Recording Secretary

The Chair informed those in attendance that Rockwood Avenue application had been withdrawn.

In addition, the Committee determined that Items 3 and 6 were similar in nature to Items 8 and 9, that these items be grouped together and considered consecutively at the end of the agenda.

It was MOVED and SECONDED

- 1) Item 3 City of Saint John, 121 Kennedy Street and Item 6 City of Saint John, 250 Bayside Drive be moved to the end of the agenda; and further*
- 2) Add Item 10 Zoning By-law presentation.*

CARRIED

EK/MW

Item 1: Minutes

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

CARRIED

DG/EK

**Item 2: 616462 N. B. Inc.
548-550 Milford Road**

Proposal: To rezone the property in order to enable the continued use of a pawn shop in the existing building.

Type of Application: Rezoning & Conditional Use

Three letters opposed to the application were received.

Mark Reade advised the application is to rezone the subject site from “B-1” Local Business to “B-2” General Business to enable the continued use of a pawn shop.

Gordon Hunt and Blaine Beddow, the owners and operators of the “Canadian Junkies” pawn shop located at 548-550 Milford Road appeared before the Committee and indicated they were not in favour of the recommendation as outlined in the staff report. They argued that the pawn shop offers a desired service to the local community and should therefore not be forced to relocate.

Dae Youl Kang, the applicant, was in attendance at the meeting and was opposed to staff’s recommendation. Mr. Kang stated that he purchased the property seven years ago and was unaware that the zoning did not permit the establishment of a pawn shop. He argued that the property should be rezoned to enable the existing pawn shop to continue to exist at the current location because a second hand store had previously been located in the same space.

Staff responded that if there was a second hand store located at the subject property in the past, it was operating illegally and did not seek the proper zoning to enable the operation of such a business.

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 application be denied.

CARRIED

ML/DG

“NAY” EK/EF/GL

Item 4: Kierstead Quigley & Roberts Ltd.
1120 Loch Lomond Road

Proposal: To construct two strip malls

Type of Application: Amendment to Section 39 conditions, subdivision
and Variances

One letter in opposition to the application was received.

Patrick Foran advised the application is to amend Section 39 conditions, as well as a subdivision and variance application. Mr. Foran further indicated that he has been working with the applicant to come up with a revised proposal that better fits the intent and the requirements of the Zoning By-law, and therefore staff is recommending that Section 39 conditions be amended to accommodate a revised plan, more specifically because Section 39 changes will need to be readvertized if not considered at this meeting at the owner's expense.

Gerry Roberts of Kierstead Quigley & Roberts appeared before the Committee on behalf of the applicant and indicated he was generally in agreement with the recommendation as contained in the staff report and further indicated that he would be working closely with staff to revise the plan.

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 amend the Section 39 conditions imposed on the December 17, 1979, July 28, 1980 and December 22, 1986 rezonings of the property located at 1120 Loch Lomond Road, also identified as PID No. 55146120, as amended on May 7, 1990, October 25, 1993 and November 1998 by replacing them with the following:*
 - a) *All parking areas, loading areas, vehicle maneuvering areas and driveways must be paved with asphalt.*
 - b) *All paved areas must be enclosed with continuous cast-in-place concrete curbs in order to protect the landscaped areas and to facilitate proper drainage.*
 - c) *Adequate site drainage facilities, including necessary catch basins, must be provided by the Developer in accordance with a detailed drainage plan, prepared by the proponent and subject to the approval of the Chief City Engineer or his designate.*

- d) *All developed areas of the site not occupied by buildings, driveways, walkways, parking or loading areas must be landscaped by the Developer. The landscaping must extend onto the City street right-of-way to the edge of the street curb/sidewalk.*
 - e) *Electrical and telecommunications services be provided underground.*
 - f) *Exterior light standards must direct light down onto the parking area and not toward adjacent properties.*
 - g) *Any areas utilized for the storage of refuse or composting, including areas for the location or commercial waster bins, shall be fully screened by an opaque fence at least 2 metres in height. Further, waste is not to be piled higher than the required screening.*
 - h) *The site shall not be developed except in accordance with a detailed site plan, landscaping plan and building elevation plans, prepared by the Developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, exterior building materials and finishes, landscaped areas, refuse / solid waste containers and other site features.*
 - i) *The approved plans referred to in conditions (c) and (h) above must be attached to the application for building permit for the development, except that such plans are not required for permit applications for site preparation and/or foundation only;*
 - j) *All site improvements shown on the approved site and drainage plans (other than landscaping) shall be completed prior to the issuance of an occupancy permit for any part of the building; and the landscaping must be completed within one year of building permit approval.*
- 2) *That Common Council not assent to one or more subdivision plans, in one or more phases, in general accordance with the submitted Scott Bros. Limited Tentative Plan located at 1120 Loch Lomond Road, with respect to any required municipal services easements and public utility easements;*

3) *That the Planning Advisory Committee:*

- a) *not approve the creation of Lots 11-2 and 11-3 abutting an access other than a public street; and*
- b) *deny the requested variances.*

CARRIED

MW/EK

(Michael Whelton declared a potential conflict of interest with Item 5 and withdrew from the meeting.)

**Item 5: Hughes Surveys & Consultants Ltd.
 (for Simpco Development Ltd.)
 125 Gault Road**

Proposal: To develop a one and two family residential subdivision and a large lot for general commercial use

Type of Application: Subdivision and Variance

Mark Reade advised the application is for a subdivision. The site was recently rezoned to a mixture of commercial and residential uses to permit the proposed development. There are also variances required and staff is recommending approval.

Rick Turner of Hughes Surveys & Consultants Ltd. appeared before the Committee on behalf of the applicant and indicated he was in generally in agreement with the recommendations as contained in the staff report with the exception that the Lands for Public Purposes access relocation from Dantes Drive parcel be relocated to between Lot 42 and 51 could present storm water drainage problems and suggested realigning individual driveway locations for proposed lots 16, 42, 51 and 52. Staff indicated they would be in agreement with the proposed changes.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and discussions, and in order to address the applicant's concern with storm water drainage, 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, in general accordance with the submitted "Scotneygate at Ticehurst Circle" tentative subdivision plan, with respect to the vesting of the proposed public streets, any required municipal services and public*

utility easements and Land for Public Purposes with the following modifications:

- a. *Scotneygate Way be reduced to a maximum width of 20 metres, with no landscaped median, and aligned with Hitachi Crescent;*
 - b. *A 1 metre wide Land for Public Purposes strip be added to Lot 4 and Lot 5 to prevent driveway access to Gault Road;*
 - c. *The access from Ticehurst Circle to the southern Land for Public Purposes parcel be reduced in width to approximately 3 metres; and*
 - d. *The location of driveways for lots adjacent to the Dantes Drive / Ticehurst Circle intersection, proposed Lots 16, 42, 51 and 52, be noted on the engineering design drawings for the subdivision and are subject to the approval of the Municipal Operations and Engineering; and*
 - e. *A note be placed on the subdivision plan indicating the proximity of the City of Saint John water mains and notifying potential residents that they will be with the Emera Brunswick "Emergency Planning Zone" for the natural gas pipeline.*
2. *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:*
- a. *Detailed site, drainage, water and sewerage plans for the approval of the Chief City Engineer or his designate;*
 - b. *A fence constructed by the developer along the property line separating the southern Land for Public Purposes parcel over the City of Saint John water easement from adjacent residential lots; and*
 - c. *The installation of curb and sidewalk by the developer on the west side of Gault Road for the length of the development.*
3. *That the Planning Advisory Committee grant the requested variance to reduce the minimum required rear yard for Lot 17 from 7.5 metres to approximately 5.6 metres.*
4. *That the Planning Advisory Committee approve the proposed street names Scotneygate Way, Ticehurst Circle and Flimwell Place.*

CARRIED

ML/GL

(Michael Whelton returned and Don Gillis left the meeting.)

Item 7: SAW Designs Inc. (c/o Raygene Adams)
72-74 Summit Drive

Proposal: To construct two rear decks, each measuring 3 metres x 3.66 metres

Type of Application: Variance

One letter opposed to the application was received.

Patrick Foran advised the application is for a variance to reduce the minimum required rear yard setback from 7.5 metres to 4.5 metres. The application is as a result of a site visit from the Building Inspection Department who noted the decks were not constructed in accordance with the approved site plan.

Chelsea Smith and Raygean Adams of appeared before the Committee and indicated they were not in agreement with staff recommendation to deny the variance and indicated this was their first attempt at building construction and felt they may have erred when the foundation was being poured. They had received three different recommendations from foundation experts to change their plans resulting in two 8' walls and two 4' knee walls which would allow the purchasers to finish the basements. The result was that the building was elevated and the decks needed to be raised. The applicants felt they had worked very closely with all City staff and further indicated the contractor had advised them if the decks were not fixed and attached to the building they would be permitted. They had not 'willfully ignored the development requirements' as stated by staff but rather erred in not checking with staff that in fact the decks would be in compliance. The applicants displayed photographs of the decks stating in their opinion they are not disrupting their neighbours' privacy. In closing, the applicants indicated that their first knowledge that the decks did not meet the development requirements, was after both units had been constructed and sold.

Kevin Fairbrother, speaking on behalf of himself and Lindsey Grant of 72 Summit Drive and the Maguire family were in support of keeping the decks. He indicated they had polled the neighbours asking for their support in keeping the rear decks. He pointed out that the 4th name on the petition was the neighbour most affected by the deck and indicated they had no issues with the deck as constructed. He displayed several photographs taken from and around his deck.

Aubrie Teague of 79 Lakeview Drive and Mary Beth Heighton of 87 Lakeview Drive appeared before the Committee and opposed the decks as constructed stating that the line of sight intruded on their privacy.

In response to a question from the Committee, Mr. Foran responded while the Building Inspector had not indicated if the decks as constructed were in compliance with National Building Code, in order to complete his analysis, the Building Inspector needed to determine if the Zoning By-law permits the decks on the subject site.

The applicants reappeared before the Committee and offered to plant a few trees in an attempt to appease the neighbours' concerns. Ms. Smith reiterated the oversight was a mistake, and felt there should be a level of forgiveness as the new homeowners will have to bear the added expense to lower the decks, which in her opinion will not alleviate the neighbours' concerns.

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 application be denied.

CARRIED

**ML/AMcS
"NAY" EK/EF**

(Erik Kraglund left the meeting.)

**Item 8: City of Saint John
 450 Falls View Drive**

Proposal: To create a separate lot for the existing restaurant to facilitate a long-term lease

Type of Application: Subdivision and Variance

Patrick Foran advised the business at the subject site is in the process of being sold and in order for the Purchaser to finalize the acquisition of the premises they need a long term lease which necessitates the creation of a lot and therefore a subdivision is being proposed as well as some variances as outlined in the staff report. The subject site will continue to be owned by The City of Saint John and function as part of the integrated development.

Brian Irving, Manager of Real Estate for the City of Saint John 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* that the Planning Advisory Committee grant the requested variances to:

- 1) *reduce the minimum required area of Lot 12-01 from 10,700 square metres to approximately 1,101 square metres;*
- 2) *reduce the minimum required width of the proposed Lot 12-01 from 118 metres to approximately 49 metres;*
- 3) *reduce the minimum required depth of the proposed Lot 12-01 from 38 metres to approximately 19 metres;*
- 4) *reduce the minimum required side yard setback from 7.2 metres to nil; and*
- 5) *reduce the minimum required rear yard setback from 7.5 metres to approximately 5.5 metres*

in order to facilitate the proposed subdivision of a lot for the existing Reversing Falls Split Rock Café restaurant.

CARRIED

GL/AMcS

Item 9: City of Saint John
165 Elliott Row

Proposal: To construct a sanitary lift station on a vacant municipal property

Type of Application: Conditional Use and Variance

One letter with questions concerning the construction phase of the application was received.

Mark Reade advised the application is to construct a lift station in conjunction with the City's Harbour Clean-up Project. Staff is recommending the conditional use and the variances as outlined in the staff report be approved.

Paul Wilson, Real Estate Officer with the City of Saint John appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report. In response to the above-mentioned letter, Mr. Wilson advised he discussed the concerns with the Engineering Department who had indicated they would remediate and/or replace the retaining wall, that access to the basement apartment would be maintained throughout the construction period, and that the neighbor would be advised of the construction schedule once it has been determined.

Mr. Lowe requested the authors of the above mentioned letter be advised of the above in writing.

James Jackson of 149 Elliott Row appeared before the Committee and displayed photographs of the deteriorating retaining wall which has been sliding onto their property for a number of years. While he was pleased to hear that the City will undertake to repair or replace the wall, he questioned if the existing granite slabs might be reused in the reconstruction of the wall as it would be in keeping with the character of the neighbourhood. Mr. Jackson further indicated he is planning to rebuild his existing garage and would like to be kept abreast of the lift station construction schedule so as to coordinate his work.

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.

Mr. Wilson reappeared before the Committee and indicated he would need to inquire if the granite slabs can be reused.

It was MOVED and SECONDED

1. *That the Planning Advisory Committee impose the following conditions on the proposed sanitary lift station at 165 Elliott Row:*
 - (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 drainage plan approved by the Chief City Engineer or his designate.*

2. *That the Planning Advisory Committee grant the following variances from the requirements of the Zoning By-law with respect to the proposed sanitary lift station at 165 Elliott Row:*
 - (a) *Reduce the contextual height requirement to approximately 3.15 metres;*
 - (b) *Reduce the contextual front façade width requirement to approximately 2.5 metres;*
 - (c) *Increase the maximum width allowance for a driveway from 4.5 metres to approximately 11 metres; and*
 - (d) *Eliminate the 1.5 metre landscaping width requirement around a new main building.*

CARRIED

GL/ML

**Item 3: City of Saint John - 121 Kennedy Street
(formerly part of 101 Kennedy Street)**

Proposal: To permit the development of a wastewater lift station as part of the Harbour Clean-up Project

Type of Application: Amendment to Section 39 Conditions and Variance

Mark Reade advised the application is to construct a lift station as part of the City's Harbour Clean-up Project. The application is to amend the Section 39 conditions which are attached to the subject site and variance. Staff is recommending approval.

Paul Wilson, Real Estate Officer with the City of Saint John appeared before the Committee and indicated he was in agreement 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.

It was MOVED and SECONDED

1. *That Common Council amend the Section 39 conditions imposed at the time of the June 10, 1992 rezoning of the property located at 121 Kennedy Street (formerly part of 101 Kennedy Street), also identified as PID No. 55214738, by deleting the existing conditions and replacing them with the following:*
 - a. *The use of the site is restricted to a wastewater lift station;*
 - b. *That the proponent prepare building elevation drawings for all four facades of the building which are subject to the approval of the Development Officer, prior to issuance of a building permit for the lift station and all work shown on the plans must be completed within one year of issuance of the building permit; and*
 - c. *That a site stormwater management plan and a final lot grading plan for the proposed lift station site are prepared by the proponent, subject to the approval of the Chief City Engineer or his designate. These plans must be attached to the application for a building permit and all work shown on the plans must be completed within one year of issuance of the building permit.*

2. *That the Planning Advisory Committee grant the requested variance to reduce the minimum depth of landscaping along the front lot line from 6 metres to nil.*

CARRIED

ML/AM

Item 6: City of Saint John
250 Bayside Drive

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

Type of Application: Subdivision and Variance

Patrick Foran advised the application is to construct a lift station as part of the City's Harbour Clean-up Project. Staff is recommending approval of the application to subdivide and variance.

Paul Wilson, Real Estate Officer with the City of Saint John 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 that the Planning Advisory Committee:

- 1) *consider the proposed means of access as appropriate for the creation of a lot to accommodate the establishment and operation of utility service building (wastewater pumping station); and*
- 2) *grant a variance to reduce the minimum required depth of the front yard landscaping from 7.5 metres to nil*

in order to facilitate the establishment and operation of a wastewater pumping station.

CARRIED

ML/AMcS

Item 10: Other Business

Mark Reade reviewed the Zoning By-law Review and Work Plan via a Power Point presentation. Some of the key points were as follows:

- Zoning By-law is the key document of the Municipal Plan taking the vision as established in the Plan and translating it into construction on the ground, essentially how we “grow” our city;
- Undertaking strategic amendments to Subdivision By-law with respect to lot sizes in rural areas;
- Will be outsourcing some tasks but majority of review will be undertaken by in-house staff;
- Estimate an 18 month timeline setting adoption around Summer of 2013;
- Five Project Phases:
 - Phase 1: Scoping
 - Phase 2: Develop Zones & Standards (Aug 2012)
 - Phase 3: Develop General Provisions (Dec 2012)
 - Phase 4: Finalize Draft By-law (May 2013)
 - Phase 5: By-law Adoption (July 2013)
- Zoning By-law contains rules pertaining to: building setbacks, parking and driveways, landscaping, change in land levels that would impact drainage, etc.
- Public Engagement will be in 3 phases: Public Launch tentative date March 29th; Standards Development will be late spring/summer; and draft by-law anticipated to be late 2012 or early 2013.
- PAC would have 2 roles namely advise Common Council on proposed by-laws and also the adoption process.
- Project Specific Role would be citizens at large similar to PlanSJ Citizens Advisory Committee, Community Ambassadors encouraging public engagement and a sounding board with monthly presentations on various aspects.

Gerry Lowe commented there needs to be an Incentive Program to encourage a developer to build in the ‘preferred areas’ in the City, to which Mr. Reade responded the Incentive Program is separate from the Zoning By-law and given the drastic cuts to the budget this year was uncertain if in fact there would be an Incentive Program. Mr. Lowe suggested there are other ways to offer incentives that do not cost money i.e. using City workforce to run laterals into buildings, demolish and remove buildings. He feared if there are no incentives, development in the City will suffer.

There being no further business, the meeting adjourned at 9:21 p.m.

Eric Falkjar
Chairman

Lynda Lockhart
Recording Secretary