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

**PRESENT**

Morgan Lanigan  
Anne McShane  
Dave Drinnan  
Gerry Lowe  
Keith Brideau  
Jen Parker  
Philip Hovey  
Michael Whelton

Mark Reade  
Jeff Cyr  
Jill Flecknell  
Senior Planner  
Planner  
Recording Secretary

**REGRETS**

Andrew Miller

**Item 1: Minutes**

*It was MOVED and SECONDED that the minutes of the June 18, 2013 meeting be tabled until the August 20, 2013 meeting.*

*CARRIED*  
*PH/AMc*
Item 2: City of Saint John

608 Millidge Avenue

Proposal: To create a separate lot for the existing fire station.

Type of Application: Subdivision and variance to increase the maximum permitted lot occupancy from 20% to approximately 23%.

Mark Reade advised the application is for a subdivision and variance to create a separate lot for the Fire Station at the corner of Millidge Avenue. The applicant is proposing a variance to increase the maximum permitted lot occupancy from 20% to approximately 23%. Staff is recommending approval and that Common Council assent to the attached photo-reduced City of Saint John Subdivision Plan and that the Planning Advisory Committee grant the variance to increase the maximum permitted lot occupancy as outlined.

Dan LeBlanc, City of Saint John Fire Department, appeared before the Committee on behalf of the applicant and indicated they were in agreement with the recommendations as contained in the staff report.

No one else appeared before the Committee to speak in favour or against the application and no letters were received.

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

It was MOVED and SECONDED:

1. That Common Council assent to the attached photo-reduced City of Saint John Subdivision (Millidge Avenue) plan with respect to the vesting of a parcel of land with an area of approximately 83 square metres as part of the Millidge Avenue / University Avenue public street right-of-way as well as any required municipal services easements.

2. That the Planning Advisory Committee grant a variance from the requirements of the Zoning By-law that would increase the maximum permitted lot occupancy from 20% to approximately 23%.

CARRIED MW/PH
Item 3: Integrated Pneumatics Ltd. c/o Paul Akerman
22 Rocky Terrace

Proposal: To establish a home office with associated parts storage in the garage.

Type of Application: Similar and/or Compatible Use

Jeff Cyr advised the application is for a similar and/or compatible use to establish a home office with associated parts storage in the garage. He advised that the business does meet the majority of requirements necessary for a home occupation with the exception of the parts storage. Staff is recommending approval subject to conditions.

Paul Akerman, Integrated Pneumatics Ltd., appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report.

Anne McShane questioned if there would be anticipated walk-in traffic, to which Mr. Akerman responded that there would be none. Keith Brideau questioned if the applicant has a vehicle with a commercial sign, as the bylaw does not allow for it, Mr. Akerman advised that he did not have a company vehicle.

No one else appeared before the Committee to speak in favour or against the application and one letter was received in favour.

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

It was MOVED and SECONDED that the Planning Advisory Committee approve the proposed home office with associated parts storage in the attached garage as a use that is similar to and compatible with a permitted home occupation, subject to the following conditions:

a) not more than two persons are engaged in the home occupation other than members of the family resident in the dwelling unit in which the home occupation is located;

b) no part of the activity is located in accessory buildings or structures;

c) the floor area devoted to the home occupation does not exceed 25% of the dwelling unit floor area;

d) except for a sign as permitted by the Zoning By-Law, no change shall be made in the exterior appearance of the building which would indicate that a home occupation is located in the building;

e) all equipment or material is kept exclusively in the dwelling unit;

f) no commercial vehicle or equipment and no vehicle bearing a sign with respect to the home occupation shall be parked on the lot except in a wholly enclosed garage; and
g) two off-street parking spaces are provided for the purposes of the home occupation in addition to those required for the uses on the lot.

**CARRIED**

**GL/KB**

**Item 4: Hughes Surveys & Consultants Inc.**

1490 Manawagonish Road

Proposal: To establish an office and associated garage/storage area for the New Brunswick Department of Natural Resources.

Type of Application: Similar and/or Compatible Use

Mark Reade advised this is a similar and/or compatible use application to establish an office and associated garage/storage area for the New Brunswick Department of Natural Resources. Staff is recommending approval subject to conditions.

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

Anne McShane requested that Mr. Turner address the concerns that were received in a two letters from area residents concerning the garage doors and the potential for noise. Mr. Turner explained that the garage doors installed on the facades of the building will not face a Public Street and that the building will be used to house only motor vehicles, snowmobiles, and all-terrain vehicles, there will be no maintenance of vehicles on site.

No one appeared before the Committee to speak in favour or against the application and two letters were received.

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

*It was MOVED and SECONDED that the Planning Advisory Committee allow the establishment and operation of an office and associated garage / storage area for the New Brunswick Department of Natural Resources at 1490 Manawagonish Road as a similar and/or compatible use to a business office subject to the following conditions:*

(a) That development of the site be in accordance with a detailed site plan, prepared by the developer and subject to the approval of the Development Officer, illustrating the location of all buildings, structures, parking areas, vehicular manoeuvring areas, driveways, loading areas, signs, exterior lighting, waste receptacles and other site features, and that this approved plan be attached to the required building permit for the development; and
(b) That the exterior design and materials of the building facades be subject to the approval of the Development Officer, and that the approved elevation plan(s) also be attached to the required building permit for the development.

(c) That all activities other than employee and client parking occur within the building.

(d) That any garage doors installed on the facades of the building do not face a Public Street.

CARRIED PH/JP

Item 5: East Point Inc.
360 Westmorland Road (35 Depot Court)

Proposal: To construct a service station in the East Point shopping area.

Type of Application: Conditional Use and Variances

Mark Reade advised the application is for a Conditional Use and Variances to construct a service station in the East Point shopping area. Staff are recommending approval and that no other Section 39 Conditions be imposed upon the use, as there are currently conditions in place from when the site was originally rezoned.

John Wheatley of East Point Inc., appeared before the Committee and indicated they were in agreement with the recommendation as contained in the staff report.

Anne McShane questioned if the Section 39 Conditions would change depending on the owner of the property, which Mark Reade explained that the conditions would remain with the property and are not dependent upon the owner.

No one appeared before the Committee to speak in favour or against the application and no letters were received.

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

It was MOVED and SECONDED

1. That the Planning Advisory Committee grant the following variances from the requirements of the Zoning By-law with regards to the proposed service station development adjacent to Depot Court that would:
a) Reduce the minimum front yard requirement of 15 metres to approximately 9 metres for the proposed building; and

b) Increase the maximum lot occupancy standard of 25 percent to approximately 32 percent for the subject property.

2. That the Planning Advisory Committee not impose any further terms and conditions upon the establishment and operation of the proposed service station.

CARRIED KB/MW

Item 6: Hughes Surveys & Consultants Inc.
143 Waterloo Street

Proposal: To construct two buildings containing a total of 25 stacked townhouse units.

Type of Application: Variance

Mark Reade advised the application is for avariances to construct two buildings containing a total of 25 stacked townhouse units. He indicated that there are a total of five variances required for the project which were outlined in the report as follows:

1. reduce the minimum required front yard setback from 1.5 metres to 0 metres;
2. reduce the minimum landscaping requirement from 20% to 13%;
3. reduce the amenity space requirement from 20% to 3%;
4. reduce the required lot area from 1565 square metres to 1406 square metres; and
5. reduce the minimum off-street parking space requirement by 21 spaces, from 25 spaces to 4 spaces.

Staff are recommending approval of variances 1, 2 and 3 subject to the conditions outlined in the report and denial of variances 4 and 5.

John Rocca, Atlantic Real Properties Developments Inc, appeared before the Committee and indicated they were in agreement with the recommendation for approval of variances 1, 2 and 3 and not in favour of the recommendation for variances 4 and 5 as contained in the staff report. Mr Rocca provided a revised calculation on the lot area, he explained that the site plan had indicated three bedroom units when in fact they are really two bedroom units plus a den. The resulting correction means that the variance to reduce the required lot area is revised from 1445 square meters to 1406 square meters.
In response to the staff recommendation for denial of the variance to reduce the minimum off-street parking space requirement from 25 to 4 spaces he expressed his concerns that such a strong emphasis on parking from staff would stifle development. He explained that he has been in the development industry for over forty years and that each project is unique and the needs of one might not meet the needs of another and having parking does not guarantee a project success. He questioned if the recommendation was founded on fact and analysis. He requested that the Committee allow him to take on the potential risk of not being able to rent out his units, and cited that the new Municipal Plan places great emphasis on active transportation and reducing the role of the automobile. He indicated that he simply wishes to be able to offer options to his tenants, if they want to enter into long term parking arrangements he can do so by negotiating with private lot owners. Mr. Rocca explained to the Committee that it has been 40 years and 3 months since the last apartment building was built by the private sector in the uptown area.

Anne McShane questioned what the potential risk would be to the community should the Committee approve the variance to reduce the parking. Mark Reade explained that there is the potential for increased illegal parking resulting in increased enforcement resources and that there is a potential for the building to remain vacant and fall into disrepair.

Rick Turner, Hughes Surveys & Consultants appeared before the Committee and reiterated the concerns of Mr. Rocca. He explained that there was a miscommunication between the applicant and the Parking Commission when discussions originally took place it was to see if parking spaces could be made available along the street, not as full time dedicated spaces to the units, but general parking which would be convenient for visitors.

Mr. Rocca responded to the letter received from the Diocese and indicated that he has drawn inspiration for the proposed design and colors from the Cathedral. He advised the Committee that upon construction and landscape planning he will communicate with them.

No one appeared before the Committee to speak in favour or against the application and one letter was received.

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

*It was MOVED and SECONDED*

1. *That the Planning Advisory Committee grant the following variances to:*

   i. *reduce the minimum required front yard setback from 1.5 metres to 0 metres;*

   ii. *reduce the minimum landscaping requirement from 20% to 13%;*
iii. reduce the amenity space requirement from 20% to 3%;

and that any development that is in accordance with the approved variances is 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 (including treatment thereof), exterior building material list, and other site features and relevant site statistics including coverage. All landscaping work on the site plan must be completed within one year of occupancy of the building;

b. Any development of the site be in accordance with a detailed engineering servicing plan prepared by the Developer and approved by the Chief City Engineer or his designate prior to issuance of a Building Permit;

c. 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;

d. The developer must provide all utilities underground, including power and telephone from the existing overhead facilities, and any costs to extend or improve off-site infrastructure to serve the development be completed at the developer’s expense.

e. The developer applies for and receives approval of the appropriate stop-up and closure of the necessary street right-of-ways, and is responsible for any associated costs.

2. That the Planning Advisory Committee approve the variance with the amendment to reduce the required lot area from 1445 square metres to 1406 square metres.

3. That the Planning Advisory Committee approve the variance to reduce the minimum off-street parking space requirement by 21 spaces, from 25 spaces to 4 spaces.

CARRIED KB/GL
Item 7: City of Saint John
1954 Manawagonish Road

Proposal: To establish a municipal works depot

Type of Application: Section 39 Amendment and Conditional Use

Mark Reade advised that the application is a Section 39 Amendment and Conditional Use to permit the establishment of a municipal works depot. Staff are recommending approval and amendment of the Section 39 Conditions as outlined in the report. Mr. Reade also indicated that an amendment be made to condition 2 j) that privacy slats be installed in the fencing along the front and all sides of the property with the exception of the rear.

Kevin Rice, Deputy Commissioner of the City of Saint John Transportation & Environment Department, appeared before the Committee and indicated he was in agreement with the recommendation as contained in the staff report. Mr. Rice provided an overview of how the proposed site was selected.

No one appeared before the Committee to speak in favour or against the application and one letter was received.

After considering the report and the presentation the Committee resolved to adopt the recommendations 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 April 5, 1988 and November 16, 1998 rezoning of the property located at 1954 Manawagonish Road, also identified as PID No. 55125330, to read as follows:
   
a) The development be limited to a municipal works depot.

2. That the Planning Advisory Committee impose the following terms and conditions upon the establishment and operation of a municipal works depot at 1954 Manawagonish Road:

   (a) The site shall not be developed except in accordance with a detailed site plan, prepared by the Developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, outdoor storage areas driveways, signage, exterior lighting, landscaped areas, and other site features. The approved site plan must be attached to the application for building permit for the proposed development.

   (b) All site improvements shown on the approved site and drainage plans must be completed within one year of building permit approval.
(c) The site development must provide for a vehicle manoeuvring area that allows for heavy vehicles and equipment to turn around in the compound area to minimize the need for vehicles backing up.

(d) The expanded employee parking area at the front of the site must be paved and enclosed with continuous cast-in-place concrete curbing in order to protect the landscaped areas and to facilitate proper drainage.

(e) Adequate site drainage facilities, including necessary catch basins, 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.

(f) Exterior light standards must direct light down onto the site and not toward adjacent properties.

(g) Any overhead doors for large truck and equipment access are required to be placed along the rear of the building.

(h) That the site be reconfigured to eliminate the existing access across the adjacent property located to the west.

(i) That heavy equipment parking, plow storage, and cutting edge storage be implemented as shown on the site plan prepared by the proponent. Outdoor storage of items other than heavy equipment or plows is limited to the area to the rear of the existing building.

(j) That privacy slats be extended in the fencing located along the front eastern and western sides of the property. No privacy slats are required in the fence along the rear of the property.

3. That a variance be granted to reduce the required landscaping width from 2 metres to between 0 and 2 meters along a portion of the front lot line, between the street and the existing parking area on the condition that the area be landscaped as shown on the site plan with Emerald Cedars having a planted height of 1.2 metres.

CARRIED

GL/PH

Item 8: Cobalt Properties
2240 Red Head Road

Proposal: To erect a freestanding sign.

Type of Application: Rezoning
Jeff Cyr advised that the application is a rezoning from RFM Rural Mobile Home to I-2 Heavy Industrial to permit the erection of a freestanding sign and to rectify and existing non-conforming issue regarding the access road. Mr. Cyr advised the Committee that it was brought to staff’s attention that the freestanding sign has been constructed prior to obtaining the required approvals and that the setback requirements are not consistent with the Heavy Industrial Zone, the City’s Enforcement Department has been notified of this non-compliance. Mr. Cyr explained that he had been advised by the applicant that the sign was prematurely installed due to miscommunication and was not done so intentionally. He explained that the applicant has indicated that they will provide staff with a revised site plan which will illustrate the exact location of the sign and additional variances may be required.

Rick Turner, Hughes Surveys & Consultants appeared before the Committee on behalf of the applicant and indicated they were in agreement with the recommendation as contained in the staff report and apologized for the miscommunication resulting the in the early construction of the sign. Mr. Turner explained that some adjustments were made to the location of the sign on the site due to foliage. He explained that revisions to the application will be made to ensure that the correct setbacks are met.

Anne McShane questioned if staff would still recommend approval of the application. Jeff Cyr advised the Committee that the application for the rezoning of the site as outlined is still recommended for approval and that applicant will submit the revised site plan for the location of the sign to be reviewed by staff and would then return to the Committee at a later date should variances be required.

Michael Whelton questioned staff as to when and how they became aware of the installation of the freestanding sign, to which Jeff Cyr advised that an area resident had brought it to staff’s attention on Monday that the sign was constructed on Friday and it was confirmed upon a site visit to the location.

Various Committee members expressed their discontent with the applicant for not following the process properly.

Crystal Albert of Cobalt Properties appeared before the Committee representing the applicant to respond to questions. She reiterated that erecting the sign in advance of the approval of the rezoning was done so by accident and that they have yet to determine how it had occurred.

Cheryl Armstrong of 2257 Red Head Road, appeared before the Committee to speak against the rezoning of the subject site. She expressed concerns that the applicant was not respectful of the process and that the situation made her feel as though her concerns were not appreciated. Ms. Armstrong questioned why the specific PID 00337022 furthest from the access road and proposed sign was being rezoned to I-2. She expressed further concerns that the size of the freestanding sign detract from the rural and coastal character of the area, and that there is a potential for increase truck traffic to the area.
It was MOVED and SECONDED that the Committee take a 15 minute recess to discuss the application.

CARRIED          MW/DD

Morgan Lanigan requested that staff review the timelines for Common Council. Mark Reade advised that should the Planning Advisory Committee decide to table the application the public hearing would continue as scheduled on July 29, 2013. Under the Community Planning Act, Council does not have to vote on the proposal on that day and has a period of 6 months from the date the advertisement first appeared, in which case is July 2, 2013.

It was MOVED and SECONDED that Common Council hold the scheduled Public Hearing but not make a decision until the Committee has received additional information on the application which include sign design, location, analysis on the impact on neighboring properties and the creation of the new road and has submitted a recommendation on the proposed rezoning.

CARRIED          DD/GL

Item 9:           Bell Mobility (c/o Maria Medioli)
                  750-840 Somerset Street

Proposal:         To erect a 60 meter telecommunications tower with ancillary equipment

Type of Application:  Section 39 Amendment, Conditional Use and Variances

Jeff Cyr advised that the application is a Section 39 Amendment, Conditional Use and for Variances to erect a 60 meter telecommunications tower with ancillary equipment. Staff is recommending approval subject to conditions.

Maria Medioli of Bell Mobility appeared before the Committee on behalf of the applicant and indicated they were in agreement with the recommendation as contained in the staff report.

No one appeared before the Committee to speak in favour or against the application and no letters were received.

After considering the report and the presentation the Committee resolved to adopt the recommendations 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 August 13, 1984 rezoning of the property located at 750 Somerset Street, also identified as being a portion of PID No. 55123632, to permit an access road to a proposed telecommunications tower at 840 Somerset Street.

2. That the Planning Advisory Committee:

a) impose the following conditions on the establishment and operation of a telecommunications tower on the proposed Lot 13-1, being a portion of the property situated at 750 - 840 Somerset Street (PIDs 55123632 and 00049809):

i. that the proposed tower be self-supporting and constructed in accordance with an approved engineering plan acceptable to the Chief Building Inspector; and

ii. that a chain-link fence with a locked gate having a minimum height of 2 metres be constructed around the tower to prevent unauthorized access;

b) approve the creation of the proposed Lot 13-1 having access by means other than a public street, as generally illustrated on the submitted tentative subdivision application;

c) permit the creation of a non-serviced lot subject to the condition that the use of the property be limited to a telecommunications tower and that a note to this effect be placed on the final subdivision plan;

d) grant the following variances from the requirements of the Zoning By-Law to:

i. Permit a minimum lot area of approximately 612 square meters.

ii. increase the maximum permitted height of a main building or structure from 9 metres to approximately 60 metres;

iii. decrease the minimum required property line setback of the proposed tower from 7.5 metres to approximately 6.2 metres;

CARRIED GL/DD
Item 10: Other Business

Planning Advisory Committee Rules of Procedure

Mark Reade presented a report to the Committee as a follow up to the meeting of May 22, 2013 where the Planning Advisory Committee requested that Planning Staff develop amendments to the Rules of Procedure regarding the following:

- the use of email for notifications of internal committee communication,
- the new name of the department, and
- the addition of "or his / her designate" wherever the Commissioner of Planning is listed

Dave Drinnan requested that the public notification period be extended from 7 days to 10 days. Mark Reade requested that staff be given the time to review the internal process and understand what the potential effects may be should the notification period be extended.

*It was MOVED and SECONDED to table the proposed changes to the Planning Advisory Committee Rules of Procedure to allow time for staff to review the potential effects on the internal process for the public notification time.*

*CARRIED*  
*DD/GL*

There being no further business, the meeting adjourned at 8:19 p.m.

___________________________  ______________________________  
Morgan Lanigan  
Chairman  
Jill Flecknell  
Recording Secretary