



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, JULY 17, 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	
Donald Gillis	
Anne McShane	
Dave Drinnan	
Gerry Lowe	
Andrew Miller	
Michael Whelton	
Mark Reade	Senior Planner
Sarah Herring	Planner
Lynda Lockhart	Recording Secretary

Item 1: Minutes

It was MOVED and SECONDED that the minutes of the June 19, 2012 meeting be adopted as circulated.

CARRIED *ML/AM*

(As Don Gillis and Erik Kraglund were not present at the June 19, 2012 meeting in which Items 2 and 3 were considered and subsequently tabled. They both stepped down from the meeting.)

**Item 2: Kierstead Quigley and Roberts
(for 504474 NB Ltd.)
1450-1600 Sandy Point Road**

Mark Reade advised that on June 4, 2012 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee tabled the matter at its June 19, 2012 meeting pending a report from Staff regarding:

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

Mr. Reade further advised that Common Council held the Public Hearing for the rezoning application at their meeting of July 3, 2012 but tabled first and second reading of the application pending a report and recommendation from the Planning Advisory Committee on the above-noted matters. With that Mr. Reade proceeded to provide an overview of the report noting 390 units (excluding Fundy Quay) have been approved by the Committee since the adoption of the Municipal Plan and 212 of these units are outside of the Intensification Areas established in the Plan. He indicated that staff have completed a more detailed review of existing residential densities in the areas surrounding the proposed development and they range from 0.55 units per net hectare to 9 units per net hectare, which are slightly lower than the values provided in the July 13 staff report. Mr. Reade also provided an overview of the City's future maintenance costs that would result from the development and the fiscal impact on a revenue and expenditure basis.

It was MOVED and SECONDED that Item 2 be lifted from the table.

CARRIED

ML/GL

Two letters expressing concerns about the proposal following the June meeting were received.

Mr. Reade responded to questions from the Committee related to drainage, tree clearing, the fiscal impact review of the development, and what affect approval of this development will have on future development in the intensification areas as outlined in PlanSJ. He indicated staff is recommending the preparation of a site drainage plan to be reviewed by the Chief City Engineer or their designate. The Committee could impose a condition that specific attention be made in the City/Developer Subdivision Agreement with respect to site drainage from the development and its impact on adjacent properties. Mr. Reade responded the current Zoning By-law is silent with respect to tree clearing on a site, however the Committee could impose a condition that limits clear cutting to existing areas to be constructed. Mr. Reade advised this is a challenging site from a topography perspective and most likely will require blasting and significant earthwork.

Mr. Reade responded with respect to PlanSJ Growth Strategy, staff will need to consider this development on a ‘go-forward’ basis and as such are recommending the project be completed within a five year time frame.

The Chair advised at the June 19, 2012 meeting the Committee approved the requested variances required for this development, however they neglected to consider the first phase of the subdivision and asked the Committee to consider same.

After considering the report, the Committee resolved to adopt the portion of the recommendation regarding the 9 lot single family residential portion of the application based on the reasons as outlined in the staff report.

It was MOVED and SECONDED that Common Council table consideration of the submitted Eagles Nest Estates Subdivision – Phase 1, Tentative Plan of Subdivision, located at 1450-1600 Sandy Point Road, and being part of PID Numbers 55145544, 55151609, and 55145551, with respect to the vesting of the proposed public streets and any required municipal services easements and public utility easements, until such time as a Slope Stability Study has been completed to the satisfaction of the Chief Building Inspector, or their designate.

CARRIED

MW/DD

“NAY” ML

Committee members expressed significant concern regarding the appropriateness of the high-rise, multiple residential component of the development when taking into context developments in the surrounding areas and questioned to staff if the high rises were not constructed, would that negatively impact the net revenue to the City. Mr. Reade responded the net revenues would still be positive.

Discussion ensued with respect to removing the request to rezone a portion of the site to “RM-2” High Rise Multiple Residential, to which Mr. Lowe cautioned the Committee that the developer had indicated that the high rises were crucial to the project’s viability.

Mr. Philip Kierstead, the Developer’s consultant appeared before the Committee to address questions from the Committee regarding the necessity of the rezoning of the area from “RS-2” One and Two Family Suburban Residential to “RM-2” High Rise Multiple Residential. Mr. Keirstead indicated that the area to be rezoned to “RM-2” High Rise Multiple Residential is crucial for the overall financial feasibility of the project from the developer’s perspective. Although the quantity of units required in this portion of the development is uncertain at this time.

No other persons appeared before the Committee regarding the application.

After considering the report, the presentations and discussions, and further to address the concern with respect to tree clearing the Committee resolved to amend the staff recommendation as follows:

It was MOVED and SECONDED

1. *That Common Council rezone a parcel of land having an area of approximately 8.9 hectares, located at 1450-1600 Sandy Point Road, also identified as PID Numbers 55117071 and part of 55145544, 00050823, 55153332, 55151609, and 55145551, from "RS-2" One and Two Family Suburban Residential to "RM-2" High Rise Multiple Residential and "TH" Townhouse.*
2. *That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of the parcel of land with an area of approximately 8.9 hectares, located at 1450-1600 Sandy Point Road, also identified as PID Numbers 55117071 and part of 55145544, 00050823, 55153332, 55151609, and 55145551, be subject to a detailed agreement including the following conditions:*
 - a. *Prior to any development of the site, the developer be required to complete a Slope Stability Study to assess the suitability of the land for construction of the proposed development, subject to approval by the Chief Building Inspector or their designate;*
 - b. *Prior to any development of the site, the developer be required to complete a Traffic Impact Study to determine if any improvements to Sandy Point Road and/or the intersection of Sandy Point Road and any future streets or any access points connecting the proposed development to a public street will be required to facilitate full-build out of the proposed development. The review must include slope and topographic considerations and is subject to the approval by the Chief City Engineer or his designate;*
 - c. *Any development of the site be in accordance with a detailed engineering water and sewer analysis determining the impact of the development on the existing infrastructure, and a detailed engineering servicing plan for the approval of the Chief City Engineer or his designate, prior to approval of any Building Permit(s);*
 - d. *Any development of the site be in accordance with a detailed drainage plan / report, prepared by the developer and subject to the approval of the Chief City Engineer or his designate, prior to issuance of any Building Permit(s). This report must also determine the impact this development will have on the existing storm sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing storm system;*

- e. *The developer must provide all utilities underground, including power and telephone from the existing overhead facilities, as required in the City of Saint John Subdivision Bylaw and that any costs to extend or improve off-site infrastructure to serve the development be completed at the developer's expense;*
- f. *Prior to any development or deforestation of the site, no portion of the site shall be developed except in accordance with detailed plans including, but not limited to, a site plan, building elevations, a landscape plan and a grading plan, all of which are to be prepared by the proponent of the development and subject to the approval of Common Council and incorporated into a Development Agreement, as a statutory amendment to these conditions;*
- g. *Construction of the "TH" Townhouse and "RM-2" High Rise Multiple Residential area of the site shall be completed within 5 years of the date of the rezoning coming into effect. Should this not occur, no further development of the "TH" Townhouse and "RM-2" High Rise Multiple Residential area of the site shall be permitted and Council shall take steps to immediately repeal the rezoning agreement and the rezoning pursuant to Sections 39(5) and 39(6) of the Community Planning Act and the land shall return to its previous zone; and*
- h. *In accordance with Section 39(8) of the Community Planning Act, the applicant shall provide a certified cheque in the amount of one thousand dollars (\$1,000.00) to cover expenses related to the cancellation of the conditional rezoning agreement and/or repeal of the rezoning in the event that the conditions attached to the rezoning cannot be met, as per policy I-5 in the Municipal Plan. The certified cheque shall be repayable on the substantial completion of the development for which the rezoning is granted.*

CARRIED

ML/MW

"NAY" DD/AMcS

It was MOVED and SECONDED that Item 3 a subdivision application for Kierstead Quigley and Roberts (for A. E. McKay Builders Ltd.) at 23-37 and 24-40 Linda Court be lifted from the table.

CARRIED

ML/AMcS

(Gerry Lowe stepped down for Item 3 due to potential conflict of interest.)

**Item 3: Kierstead Quigley and Roberts
(for A. E. McKay Builders Ltd.)
23-37 and 24-40 Linda Court**

Mark Reade advised that the Planning Advisory Committee, at their meeting of June 19, 2012 tabled the above application pending a supplemental report from a meeting with adjacent residents, the developer and Planning Staff regarding the completion of deficiencies from a previous development. These deficiencies relate to storm drainage, curbing and paving of the parking lots, landscaped screening and lighting / headlight trespass. All but two of the deficiencies have been addressed, namely the lighting and landscaping. He further commented Buildings and Inspection Services are aware of the violations and will be following up on the matter. Staff are of the opinion that the meeting between the developer and the adjacent residents provided for a better understanding between the parties regarding the issues with the past developments.

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, for the Allison Heights Subdivision, Phase 2, as generally illustrated on the submitted tentative plan dated March 18, 2009 as revised on May 1, 2009 and March 9, 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 cash-in-lieu payment instead of the required land dedication in order to satisfy the Land for Public Purposes requirement.*
4. *That Common Council authorize the release of the existing Land for Public Purposes dedication (PID 00467142) having an area of approximately 2,087 square metres, identified as the shaded area straddling the north-western boundary of Lot 12-6 on the attached photo-reduced tentative subdivision plan entitled Allison Heights Subdivision, Phase 2 (Sheet 2), once the cash-in-lieu payment has been paid to the City.*
5. *That the Planning Advisory Committee grant the following variances from the requirements of the Subdivision and Zoning By-laws to:*

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

CARRIED

ML/AM

(Don Gillis, Erik Kraglund and Gerry Lowe returned to the meeting.)

Item 4: Kendra Jones
14 McLaughlin Crescent

Proposal: To expand the range of permitted uses in the existing building and recognize the existing development of the site as permitted

Type of Application: Section 39 amendment to:

- a) Permit a wider range of commercial uses, including a business office, on the subject site;
- b) Remove the requirement that all parking areas be paved with asphalt and enclosed with cast-in-place concrete curbs; and
- c) Remove the requirement for a detailed drainage plan to be prepared by the applicant and subject to the approval of the Chief City Engineer.

Variances to:

- a) Reduce the minimum required landscaping in the front yard from 2 metres to approximately 0 metres;
- b) Reduce the minimum required landscaping between a parking area for more than 5 vehicles and an adjacent residential use from 2 metres with trees, shrubs, or hedges in a manner designed to interfere with vehicle headlights shining across property lines, to

approximately 0 metres without trees, shrubs or hedges;

- c) Increase the maximum permitted signage from one fascia sign with a total area of 0.6 square metres to three fascia signs with approximately 1.59 square metres of area;
- d) Increase the maximum permitted width of a commercial access from 9 metres to approximately 13 metres; and

Amendment to a Planning Advisory Committee condition upon a business office in a "B-1" Local Business Zone to:

- a) Increase the hours of operation to between 8:00 a.m. and 8:00 p.m. every day from Monday to Saturday.

Sarah Herring advised the application is an amendment to a Section 39 condition. In 2009, Common Council amended the Municipal Plan designation and zoning of the subject site to permit the establishment of the applicant's physiotherapy clinic in the former church building. The Section 39 conditions dealt with development of the site, paving, curbing, landscaping, drainage, etc. and further imposed a condition upon a business office use in terms of the hours of operation, as well as signage considerations. The applicant is now requesting that the on-site permitted uses be expanded in order to assist her to rent the vacant space in the building. During analysis of the application, staff discovered there were deficiencies with the site plan submitted and how the site has been developed and the variances are a result of same.

Kendra Jones appeared before the Committee to speak in support of her application and indicated that she was not in agreement with several of the staff recommendations. In particular, she noted that: she would like to expand the list of permitted uses to include a business office and others that might be compatible with the surrounding neighbourhood; she would like the staff parking area to remain as gravel and not be required to pave and curb the parking area due to cost of paving; she would like to refrain from installing a fence along the property line adjacent to 38 Barbara Crescent as the recently installed hedges would fill in to block headlights when they mature; and she would like to extend her hours of operation from 8:00 a.m. to 8:00 p.m. Monday to Saturday, although she noted that her office would not be open all 12 hours of those days.

Mr. Jeffrey Zambello of 38 Barbara Crescent appeared before the Committee to speak in support of the application and indicated that he would prefer to work with the applicant to install a thicker evergreen hedge on the shared property line rather than a fence as recommended by staff.

The Committee held an in depth discussion with the applicant and staff about the proposed uses, hours of operation, and the potential for impact on the surrounding neighbourhood.

In response to staff's rationale for not recommending that a general business office, Ms. Herring indicated there are currently high vacancy rates in some areas of the city, and continuing to dilute our employment cores and allow those uses to scatter into residential areas has impacts on both the residential areas and on the strength and viability of the uptown areas, as well as other employment centres.

After considering the report, the presentations and considerable discussions, and further to address the above mentioned concerns the Committee resolved to amend the staff recommendation as follows:

It was MOVED and SECONDED

1. *That Common Council amend the Section 39 conditions on the property located at 14 McLaughlin Crescent, also identified as PID Number 00322214, be amended to read as follows:*
 - a) *That the use of the site be restricted to a business office only for physiotherapy, massage therapy, athletic therapy and other health- and wellness-related professional services; a business office with a maximum floor area of 185 square metres; a bakery goods shop; a barber shop or beauty salon; a dwelling unit, subject to the condition that the number of dwelling units permitted in a building shall not exceed the maximum number of dwelling units permitted on a lot of the same area in the more restrictive adjoining zone on any street on which the lot abuts; a personal service shop; and a photographer's studio within the existing building.*
 - b) *That the site be developed 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, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, including those listed above. The site plan must be submitted to the Development Officer for approval within three months of Common Council approval of the Section 39 amendment;*
 - c) *The vehicular access to the site meet the requirements of the Zoning Bylaw and be acceptable to the Department of Municipal Operations and Engineering;*

- d) *That the developer pave all access, manoeuvring and parking areas with asphalt and that paved areas be enclosed with continuous cast-in-place concrete curbs where necessary to protect landscaped areas and to facilitate proper drainage;*
 - e) *That adequate site drainage facilities, including necessary catch basins, 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) *That all areas of the site not occupied by buildings, driveways, walkways, parking or loading areas be landscaped by the developer in accordance with the requirements of the Zoning Bylaw. The landscaping must extend onto the City street right-of-way to the edge of the street curb/sidewalk; and*
 - g) *That all site improvements shown on the approved site and drainage plans be complete within one year of Common Council approval of the Section 39 amendment.*
2. *That the Planning Advisory Committee approve the requested variances to:*
- a) *Reduce the minimum required landscaping in the front yard from 2 metres to approximately 0 metres for the existing paved parking lot on condition that a detailed landscaping plan showing the location and species of additional landscaping beds and plantings be submitted by the applicant within 2 weeks of Planning Advisory Committee approval, approved by the Development Officer, and installed within 3 months of approval;*
 - b) *Reduce the minimum required landscaping between the existing paved parking area and the property at 38 Barbara Crescent from 2 metres to approximately 1 metre on condition that additional coniferous shrubs be planted in a manner designed to interfere with vehicle headlights shining across the proeperty line in all seasons within three months of Planning Advisory Committee approval; and*
 - c) *Increase the maximum permitted signage from one facia sign with a total area of 0.6 square metres to three facia signs with approximately 1.59 square metres of area*
3. *That the Planning Advisory Committee deny the requested variances for the gravel parking area to the rear of the building to:*
- a) *Reduce the minimum required landscaping in the front yard from 2 metres to approximately 0 metres;*

- b) *Reduce the minimum required landscaping between a parking area for more than 5 vehicles and an adjacent residential use from 2 metres with trees, shrubs, or hedges in a manner designed to interfere with vehicle headlights shining across property lines, to approximately 0 metres without trees, shrubs or hedges; and*
 - c) *Increase the maximum permitted width of a commercial access from 9 metres to approximately 13 metres.*
4. *That the Planning Advisory Committee approve the requested amendment to the conditions placed upon a business office in the "B-1" Local Business Zone to:*
- a) *Increase the hours of operation Monday to Friday between 8:00 a.m. and 8:00 p.m. and Saturday from 8:00 a.m. to 5:00 p.m.*
5. *That the Planning Advisory Committee impose no additional terms and conditions upon the operation of the permitted health- and wellness-related business office uses.*

CARRIED

GL/MW

Item 5: Mark Kiervin
327 Lakeview Drive

Proposal: To establish and operate an athletic therapy business as a home occupation

Type of Application: Similar and/or Compatible Use

Mark Reade advised the applicant is requesting a conditional use approval to permit an athletic therapy business to be established as a similar and compatible use to a home occupation. Staff is recommending approval.

Mark Kiervin 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 considerable 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 consider the proposed home-based athletic therapy business as being similar to or compatible with the uses permitted as home occupations, subject to compliance with the provisions of Section 810(3)(b) to (g) of the Zoning By-law.

CARRIED

DG/EK

(Don Gillis stepped down for Item 6 due to potential conflict of interest.)

Item 6: A. J. Mallette & Sons (1985) Ltd.
2797 Loch Lomond Road

Proposal: To continue developing a rural residential subdivision as originally designed

Type of Application: Variances that would reduce the minimum lot area requirement of 5,350 square metres to varying areas between 5,000 to 5,340 square metres

Mark Reade advised the applicant is requesting variances to reduce the minimum lot area in a subdivision that had previously received a rezoning and tentative subdivision approval. Staff is recommending approval.

Gerry Roberts of Kierstead Quigley Roberts Ltd. appeared before the Committee and indicated he was in agreement with the staff recommendations as contained in the staff report and responded to questions from the Committee regarding as to why the variances were not considered at the time of the subdivision and rezoning approval indicating the variance was necessary as a result of a recent amendment to the Subdivision By-law now requiring rural roads to have minimum widths of 23.1 metres.

Mark Reade further advised that Department of Health have indicated they have no concerns with the lot sizes and should be sufficient for on-site servicing for this area. In addition, the Subdivision By-law requires a note to be placed on the plan advising purchasers of potential suitability concerns.

No one appeared before the Committee opposed to the application.

After considering the report, the presentations and considerable 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 variances from the requirements of the Zoning By-law that would reduce the minimum lot area requirement of 5,350 square metres to varying lot areas between 5,000 to 5,340 square metres for proposed Lots 12 & 13, 26 & 27, 30-37,

48-50, 53-55, 90, and 94-103 as generally illustrated on the submitted Bally Desmond Subdivision, Phase 3 tentative plan (dated July 5, 2012).

CARRIED

GL/AMcS

(Don Gillis returned to the meeting.)

Other Business

Mark Reade provided an update on the revisions to the Zoning By-law indicating that staff have been working on three areas, namely: community use, parks and industrial, as well as commercial and residential zones.

COMMUNITY USE:

Community Use (CF-M) – staff envision larger scale uses i.e. high school, post-secondary education, emergency service facility, correctional facility, places of worship. Typically these are responsive zones as a result of new facilities being built to support growth trends in an area.

Community Use Urban (CF-U) – will be for medium scaled uses within the PDA i.e. community centre, community day care, policing office, community transition house, elementary/middle school, emergency service facility, places of worship.

Community Use Rural (CF-R) – staff acknowledges there are community uses in the rural areas

PARK ZONES:

Environmental Protection (EP) – staff are looking at areas where we need to protect the environment near watercourses, wetlands, drinking water sheds, etc.

Park (P) – primarily for more active recreational uses i.e. sports fields, neighbourhood and community parks, etc.

INDUSTRIAL ZONES:

Light Industrial (I-1) – a combination of existing I-1 and I-3 zones;

Heavy Industrial (I-2) – a combination of Existing I-2 and I-4 zones.

Rural Industrial (RI) - rural industrial designation in the plan (with the exception of landfill). There are a limited range of uses which will only apply to existing industrial uses outside the PDA.

Utility and Service Landfill (US-L) – remains as it was specifically created for Crane Mountain.

Utility and Service (US) - which will primarily apply to existing uses. Staff are attempting to group major and minor utilities.

Pits and Quarries (PQ) – will remain.

Transportation (T) – will remain.

Business Park (BP) – will remain.

Commercial Zones – will be broken down into 6-7 rough zones staff are currently working on.

Residential Zones – staff are reviewing how the plan policy ties in with existing zones.

Landscaping – staff are working out details.

Definitions – staff are developing a list of definitions for the by-law.

Mark Reade responded to questions from Committee members regarding the relationship to the industrial zoning to port and airport lands and possible research and manufacturing uses on the UNBSJ plateau. Mr. Reade further advised they are planning to host another Open House in late September with a preliminary draft.

There being no further business, the meeting adjourned at 9:42 p.m.

Eric Falkjar
Chairman

Lynda Lockhart
Recording Secretary