



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, OCTOBER 16, 2012

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

PRESENT

Morgan Lanigan	Vice Chairman
Anne McShane	
Dave Drinnan	
Gerry Lowe	
Andrew Miller	
Michael Whelton	
Patrick Beamish	
Donald Gillis	
Mark Reade	Senior Planner
Jody Kliffer	Planner
Lynda Lockhart	Recording Secretary

REGRETS

Eric Falkjar	Chairman
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Item 1: Minutes

It was MOVED and SECONDED that the minutes of the September 18, 2012 meeting be adopted as circulated.

CARRIED

AMcS/PB

Item 2: Serge Ethier
317 City Line

Proposal: To convert the existing two-family dwelling to a four-family dwelling

Type of Application: Rezoning

One letter opposed to the application was received.

Mark Reade advised the application is to rezone the subject site from “R-2” One and Two Family Residential to “R-4” Four Family Residential to convert the existing two-family dwelling to a four-family dwelling. Staff is recommending approval of the application.

Serge Ethier, the applicant appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report and noted he would be landscaping the rear yard of the property around the parking area in addition to curbing, paving and painting designated parking lines. Mr. Ethier commented in his opinion the improvements to the building, and the ongoing cleaning and/or maintenance of the site would complement the neighbourhood. In response to individuals renting the two larger apartments, Mr. Ethier noted that he had contacted the Rentalsman Office and they indicated this was acceptable.

Don Gillis entered the meeting.

Beth Janes of 315 City Line appeared before the Committee and expressed concerns regarding the proposal indicating that the applicant continues to advertise rooms for rent and in her opinion, continues to operate the property as a boarding/rooming house. Ms. Janes further expressed concerns that the parking area faces their rear yard and interferes with their privacy, a greater number of tenants/cars will increase noise levels and the dynamics of the family orientated neighbourhood will change, and could potentially decrease property values.

Staff responded from questions from the Committee regarding landscaping requirements around the parking area and the definitions of a rooming house, apartment unit and family. Staff confirmed the operations of the dwelling units, as described by the applicant, are functioning as a multiple unit building and not a rooming house.

Mr. Ethier responded that the renovations would comply with all national building codes and fire safety regulations and was of the opinion the number of tenants' vehicles would not increase as the transit system is greatly utilized. In response to the advertisement for a room to rent, Mr. Ethier noted he had done so at the request of the current tenant's desire to rent the remaining vacant bedroom.

After considering the report, the presentations, staff recommendations and deliberation by the Committee, the Committee resolved to amend the recommendation as follows:

It was MOVED and SECONDED

1. *That Common Council rezone a parcel of land having an area of approximately 912 square metres, located at 317 City Line, also identified as being PID No. 00386193, from "R-2" One and Two Family Residential to "R-4" Four Family Residential.*
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 912 square metres, located at 317 City Line, also identified as being PID No. 00386193 be subject to the following condition:*
 - a. *Appropriate landscaping be provided around the parking area at the rear of the property to visually screen the parking area and prevent headlight trespass onto adjacent properties.*

CARRIED

AMcS/DG

Item 3: 664638 NB Ltd.
290 Ludlow Street

Proposal: To permit the use of the former legion as a facility for corporate meetings, professional gatherings, seminars, weddings and bingo, including on-site catering with a liquor license and to rezone the adjacent parking area in order to align it with the zoning of the rest of the property.

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

Jody Kliffer advised the subject site was rezoned in 1964 to accommodate the needs and operation of the Royal Canadian Legion. The building itself was built in 1970 and the addition was added in 1985 which was subject to the Section 39 conditions limiting it the operations of the legion. The proponent is requesting that that the existing condition be deleted so that they can continue to operate under similar conditions as that of the legion but not under their ownership. Staff is recommending approval subject to conditions as outlined in the report.

Dwight Allaby appeared before the Committee to speak on behalf of the applicant, 664638 NB Ltd. Mr. Allaby expressed concern with some of the Section 39 conditions proposed by staff in their report. Specifically, condition (b), which proposes limiting the type of liquor licence permitted for the subject site to a "Special Facility" licence, Mr. Allaby drew attention to the fact that the Province is currently reviewing regulations associated with liquor licences, which

could change the title and/or description of the Special Facility licence. Mr. Allaby was satisfied with the condition, but recommended the wording be broadened to include any potential new liquor licence that would replace the Special Facility licence.

Mr. Allaby also expressed concern with condition (d) in the report, which recommended the parking area containing the eight parking spaces abutting St. John Street be removed. He stated the parking spaces are on the roof of a portion of the building which contains a furnace/maintenance room, kitchen area and a meeting room. Mr. Allaby indicated that the barbed wire fencing on the roof of the building, a previously approved Section 39 condition, has been there for several years and serves as a necessary barrier. Mr. Allaby further expressed concern with condition (c) in the report, which recommended that no physical additions to the existing building be permitted. Mr. Allaby stated that if the business were to be successful, the applicant would like to retain the option to expand the building in the future to include office space or other similar uses.

The Committee requested that staff clarify the justification for this proposed condition; whereupon staff indicated that the proposed condition was intended to limit the proposed uses of the building to those currently operating in the building. Any growth of the business could potentially infringe on the existing character of the surrounding neighbourhood and compromise the stability of the residential fabric of the area.

Julie Baribault, resident of an adjacent property at 106 St. George Street, appeared before the Committee and expressed concerns with the application. Ms. Baribault stated that she was not necessarily opposed to the rezoning of the property or the proposed operations of the applicant; however, Ms. Baribault drew the Committee's attention to the condition of the retaining wall abutting her property. Ms. Baribault expressed a desire to include the installation of a new retaining wall as part of the Section 39 conditions recommended by the Committee. She also indicated that she would like to see a privacy fence installed along the perimeter of the subject property where it abuts her property line.

Blaire Reid, of 102 St. George Street appeared before the Committee and also expressed his concern with the condition of the retaining wall. Mr. Reid was also in favour of the proposal to establish a privacy fence along the rear property line.

Mr. Allaby returned to the podium and indicated that he would be in favour of a privacy fence, but a new retaining wall would create a financial obligation that could deter his client, the applicant and purchaser of the subject property, from going through with the sale.

After considering the attached report, the letters received from two neighbours, the applicant's presentation, and deliberations with staff, the Committee decided to recommend approval of the proposed Section 39 amendment and rezoning, subject to the revised Section 39 conditions as set out as follows:

It was MOVED and SECONDED

1. *That Common Council amend the Section 39 conditions imposed on the March 25, 1985 rezoning of a parcel of land with an area of approximately 1272 square metres, located at 290 Ludlow Street, also identified as PID No. 00365106 by deleting the existing condition limiting the use to the activities of the Royal Canadian Legion, and replacing it with the following:*
 - a. *The use of the property be limited to a facility for banquets, weddings, meetings, seminars, bingo games, and other related uses;*
 - b. *Any liquor licence on the property be limited to a "Special Facility" liquor licence, or a similar class of licence should a "Special Facility" licence be changed as a result of the Province's licence review process;*
 - c. *No physical additions to the building shall be permitted;*
 - d. *The barbed wire located on the perimeter of the roof be removed and replaced by a more suitable barrier;*
 - e. *All required off-street parking be provided on site or on a property within a 100 metres radius of the subject site;*
 - f. *No mobile signs are permitted;*
 - g. *A wooden privacy fence be installed along the perimeter of the parking area in the rear yard where it abuts neighbouring properties; and*
 - h. *That the condition of the retaining wall along the property line abutting the adjacent properties along St. George Street be reviewed, and repaired if required, to the satisfaction of a professional Engineer.*
2. *That Common Council rezone a parcel of land with an area of approximately 426 square metres, located at 290 Ludlow Street, also identified as PID No. 00365098, from "R-1B" One Family Residential to "B-2" General Business.*
3. *That, pursuant to Section 39 of the Community Planning Act, the use of the parcel of land with an area of approximately 426 square metres, located at 29 Ludlow Street, also identified as PID No. 00365098, be limited to a parking area developed in conjunction with the adjacent PID 00365106 and in accordance with a detailed site plan, subject to the approval of the Development Officer.*

CARRIED

DG/AMcS

Item 4: Michael & Catherine Long
210 Lawrence Long Road

Mark Reade indicated that the Planning Advisory Committee, at its August 21, 2012 meeting, favourably considered a subdivision application proposing the creation of 9 unserviced residential lots having access via an extension of Lawrence Long Road, which was also to connect with Arthurs Road to the north. While Common Council has given its assent to the proposed street extension, tentative approval cannot be given to the proposed subdivision until assent has also been given to the vesting of the privately owned portion of Lawrence Long Road, which was not part of the previous application.

Catherine Long and her son Andrew appeared before the Committee and indicated they were confused by the follow-up report as presented as they were of the opinion the Committee had favorably considered their application at their previous meeting on August 21, 2012.

Staff clarified the recommendation with respect to the vesting of this portion of the private street as a public street was not included in the original report previously considered by the Committee.

Donna Henderson of 94 Lawrence Long Road appeared before the Committee and indicated they had no objections to the proposal; however she also was confused with the report and was unaware that the Lawrence Long Road was a private road. Its conveyance to the City caused her some concern if for fear that there may be future plans to widen the road which could encroach onto their property.

The Chair clarified the application is the first step to convey the Lawrence Long Road to the City so that it becomes a public street and the City would be responsible for its maintenance. Staff further clarified the challenge the City faced not 'owning' the road, limited their maintenance i.e. clearing culverts, chip sealing, etc.

After considering the report, the presentations and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

It was MOVED and SECONDED

- 1. That Common Council assent to one or more subdivision plans, in one or more phases, with respect to the vesting of the proposed public street(s), as generally illustrated on the attached photo-reduced tentative subdivision plan, including any necessary municipal services, municipal drainage and public utility easements; and*

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.*

CARRIED

DG/AM

Item 5: DKB Enterprises Inc.
418-424 & 419-421 Rothesay Avenue

Proposal: To vest small portions of two commercial properties in order to facilitate the construction of a signalized intersection

Type of Application: Subdivision and Variance that would increase the maximum access width standard of 11 metres to approximately 14 metres.

Two letters expressing concerns were received.

Mark Reade advised the application is to vest two small portions of land on either side of Rothesay Avenue to allow for the establishment of a traffic signal controlled intersection. Staff is recommending approval.

Peter Allaby of exp Services 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 and responded to questions from the Committee regarding potential traffic compound at the intersection, Mr. Allaby indicated the new lights have the latest technology and will be able to respond to traffic given their spacing. They do not anticipate any issues between the two signalized intersections.

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

It was MOVED and SECONDED

1. *That Common Council assent to one or more subdivision plans, in general accordance with the attached tentative subdivision plans prepared by exp Services Inc., that would vest an approximate 23-square metre portion of the property at 418-424 Rothesay Avenue and an approximate 13-square metre portion of the property at 419-421 Rothesay Avenue, as part of the Rothesay Avenue public street right of way, as well as to any necessary municipal services and public utility easements concerning the construction of a proposed signalized intersection at this location; and*

2. *That the Planning Advisory Committee grant a variance from the requirements of the Zoning By-law that would increase the maximum access width standard of 11 metres to approximately 14 metres in order to allow for the reconstruction of an existing access at 418-424 Rothesay Avenue, on condition that the final subdivision plan(s) above is not endorsed by the Development Officer for registration until such time that an Agreement regarding the installation of the signalized intersection has been executed between the City of Saint John and the DKB Enterprises Inc.*

CARRIED

AMcS/MW

Item 6: Al Williams
2086 Ocean Westway

Proposal: To place an office trailer for a temporary basis on a car sales lot

Type of Application: Conditional Use

Seven letters in favour of and two letters opposed to the application were received.

Jody Kliffer advised the subject property is zoned "B-2" General Business, which permits the use of a car sales lot, subject to the terms and conditions of the Planning Advisory Committee. The adjacent car sales lot is also owned by the applicant and has been in operation since 1994. The applicant wishes to extend the car sales lot to the front portion of the subject site. The rear portion of the property was rezoned to "B-2" in 2001, subject to the condition that the property be used only for the proposed garden centre (which was never established). However, the front portion of the property, which is the subject of the current application, was not rezoned at the time as it was already zoned "B-2". Therefore, the Section 39 conditions imposed in 2001 on the property do not pertain to this portion of the subject site. Staff is recommending approval.

Al Williams, the applicant appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report. He indicated originally it had been his intent to purchase 2 acres but that the property owner was not interested in subdividing and he subsequently purchased the entire 40 acre site.

Karen Connell, adjacent property owner appeared before the Committee indicating she was in favour of the application and further commented that she also resides at 2086 Ocean Westway and would like to place an office unit on the property to provide her with personal space.

Glen Dow of 2085 Ocean Westway appeared before the Committee opposed to the application stating he is a lifelong resident of the area and while he did not object to the business, he did object to any future expansion. He indicated the site is intensely lit and has numerous cars frequenting the site all hours of the night including weekends. Mr. Dow concluded the business should be located in a commercial district as such an operation in a residential neighbourhood disrupts their quality of life.

The Chair clarified that the applicant is not seeking to expand the business but rather to formally approve what currently exists.

Jeff Cunningham of 2077 Ocean Westway appeared before the Committee indicating he was not opposed to the car sales lot business but rather opposed the other activities carried out on the site. He also expressed concern being exposed to 'continuous illumination'. Mr. Cunningham further indicated the property is unsightly and noisy due to unloading of vehicles after hours.

Staff responded to questions from the Committee regarding the terms and conditions imposed in 1994 noting the hours of operation were restricted from 8:00 a.m. to 6:00 p.m.

Mr. Williams reappeared before the Committee to address the above mentioned concerns from the neighbours. He responded that it is not his intent to expand the business but to relocate the trailer to the adjacent lot to offset traffic flow from their home. He indicated that he would contact Saint John Energy to see if they could readjust the lens of the light so that it does not shine on Mr. Cunningham's property. Mr. Williams further responded that the security gate around the compound is locked after hours although he sometimes opens the gate on Sunday while he is carrying out maintenance on the property; they are not open for business. Off-loading of vehicles after hours does occur occasionally as the trucks may be delayed due to unforeseen circumstances.

As a point of clarification, staff advised if it is the intent of the Committee to impose conditions, such conditions would only pertain to the current application for a conditional use.

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

It was MOVED and SECONDED that the Planning Advisory Committee impose the following terms and conditions on the establishment of a car sales lot at 2086 Ocean Westway:

- a. That the development of the site be in accordance with a detailed site plan, to be prepared by the applicant and subject to the approval of the Development Officer, showing the location of all buildings, structures, paved areas, landscaping and other site features; and*

- b. *That all improvements shown on the detailed site plan are completed within one year of approval of the building permit.*

CARRIED

GL/DD
"Nay" DG

Item 7: Galbraith Equipment Co. Ltd.
1200 King William Road

Proposal: To establish and operate a vehicle and scrap metal salvage yard

Type of Application: Conditional Use

Mark Reade advised the application is for a conditional use to establish and operate a vehicle and scrap metal salvage yard. Staff is recommending approval subject to conditions.

Bob Ridgeway of Galbraith Construction appeared before the Committee on behalf of the applicant and was confused by the recommendations as contained in the staff report. He indicated that in October 2011 they were granted approval for a subdivision and to establish and operate an asphalt plant on the subject site subject to conditions to provide a detailed storm water and site drainage plan to be submitted which was completed and submitted and questioned why yet another was being requested. Another condition was that a detailed site plan illustrating the location, type and height of screening for the salvage yard was necessary as there is currently a 10' buffer of berms.

Staff responded the detailed plan referred to by the applicant was somewhat different than what staff had observed in their site visit. It would appear that a larger portion of the subject site has been cleared and staff is of the opinion that given that a significant portion of the site has been cleared there are different drainage characteristics that will warrant a revised site drainage plan. With respect to the berm, staff responded the applicant is correct that the site is screened, the concern is the screening is provided by property that is not owned by the applicant and the intent of the by-law is that screening be provided on the same site as the use.

Mr. Ridgeway agreed to plant additional berm along the pipeline although not visible from King William Road.

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 approve a salvage yard at 1200 King William Road, also identified as PID Number 55213276, subject to the following conditions:

- a) *That the developer provide a detailed site plan, illustrating the location, type and height of screening for the salvage yard to the satisfaction of the Development Officer;*
- b) *That the developer provide a detailed stormwater and site drainage plan and report, subject to the approval of the Chief City Engineer or his designate, indicating how storm water collection and disposal will be handled;*
- c) *That a plan showing the location and width of access points to the site be prepared and be subject to the approval of the Chief City Engineer or his designate;*
- d) *That the approved site, stormwater, drainage, and access plans be attached to the required application for a Change of Use Permit.*


On the question, Don Gillis requested clarification with respect to the discrepancies as indicated by staff, to which Mr. Reade responded staff would conduct another site visit and work with the applicant to resolve the matter.

CARRIED

GL/DD

There being no further business, the meeting adjourned at 8:54 p.m.


Morgan Lanigan
Vice-Chairman


Lynda Lockhart
Recording Secretary