PLANNING ADVISORY COMMITTEE

OCTOBER 20, 2015

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

PRESENT

Eric Falkjar, Chair
Andrew Miller, First Vice-Chair
Councillor Gerry Lowe
Keith Brideau
Rick Stephen
Anne McShane
Derrick Mitchell

Mark Reade, Senior Planner
Jody Kliffer, Planner
Kristen Flood, Planner
Patrick Foran, Planning Officer
Lynda Lockhart, Recording Secretary

REGRETS

Patrick Beamish

Item 1: Agenda and Minutes

It was MOVED and SECONDED that the October 20, 2015 Agenda be amended as follows:

   a) Move Item 6 (Paul Daeres 211-213 Union Street) to Item 10.

CARRIED RS/AM

It was MOVED and SECONDED that the minutes of the September 15, 2015 meeting be approved as circulated.

CARRIED AMcS/RS
Item 2: Saint John Free Public Library  
55 McDonald Street

Application Type: Section 39 Amendment & Zoning By-law Text Amendment

Mark Reade provided a brief overview, via a Power Point Presentation, of the Section 39 Amendment & Zoning By-law Text Amendment application to permit a public library in a portion of the Saint John Transit building. The east branch of the library is proposed to be relocated to the building. Staff are recommending approval as it is supported by the Municipal Plan and will not impact the surrounding neighbourhood. In addition, a public facing component such as a customer service centre is often a part of permitted uses and existing developments in the Utility Service (US) zone.

Joanne Hamilton-Barry, the applicant, appeared before the Committee and indicated she was in agreement with the recommendations as contained in the staff report. Ms. Hamilton-Barry responded to questions from the Committee pertaining to the installation of a pedestrian walkway.

No one else appeared before the Committee.

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

It was MOVED and SECONDED

1. That Common Council amend subsection 12.6(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the Utility Service (US) Zone:

   “-Library;”

2. That Common Council amend the Section 39 conditions imposed on April 14, 2008 rezoning of the property located at 55 McDonald Street, also identified as PID numbers 00319939, 55188825, 55189948 and 55189955, be deleting condition (a) and replacing it with the following:

   (a) The use of the rezoned area is limited to the following uses: an operations complex for Saint John Transit and/or a public library.

CARRIED KB/AM

Item 3: Greenstar Industrial Castings Ltd. & Ten D Holdings Ltd.  
85 Whitebone Way

Application Type: Section 39 Amendment

Kristen Flood provided a brief overview, via Power Point Presentation, of the Section 39 Amendment application to permit a change of use from a recycling facility to a scrap or salvage yard. A scrap or salvage yard is a permitted use in the Medium Industrial (IM) zone and is compatible with the Municipal Plan’s Heavy Industrial
designation of the site. While metal recycling is permitted on the site, the Section 39 condition does not permit the use of the site for auto wrecking and salvage. The Section 39 condition was intended to prevent the establishment of heavy industrial uses on the site. Many of the uses permitted under the site’s previous Heavy Industrial zone are no longer permitted under its current zoning making the condition no longer relevant. Staff are recommending approval.

Ted Baxter, the applicant appeared before the Committee and indicated he was in agreement with the conditions as contained in the staff report and responded to questions from the Committee indicating there would be no changes to the nature of the operation as the Section 39 Amendment was necessary to comply with Province of New Brunswick regulations.

No one else appeared before the Committee.

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

It was MOVED and SECONDED

1. That, pursuant to Section 39 of the Community Planning Act, the conditions governing the development and use of the parcel of land with an area of approximately 28,881 square metres, located at 85 Whitebone Way, also identified as PID's 00287805, 55162762 & 55162770, imposed by Common Council on November 8, 2010 be repealed and replaced with the following:

   a) Any changes to the site shall be 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, freestanding signs, exterior lighting, landscaped areas, fencing, and other site features. The approved site plan must be submitted with any building permit or change of use permit for the proposed development.

CARRIED   KB/AM

Item 4:  Greg Harris  
145 Loch Lomond Road

Application Type:  Rezoning & Section 39 Amendment

Kristen Flood provided a brief overview, via Power Point Presentation of the Rezoning & Section 39 Amendment application to allow for the use of the existing building on the subject site to change from a business office with a basement apartment to a two-unit dwelling which was the original use, and to construct a 2 car garage. In 2008, the subject site was rezoned from “R-2” One and Two Family Residential to “B-1” Local Business subject to Section 39 conditions restricting the use of the existing building. The Applicant has also applied to rezone the site from Local Commercial (CL) to Two-Unit Residential (R2) to limit the potential for future commercial development on the site. The proposed rezoning is compatible with the surrounding residential neighbourhood and would ensure that the future development of the site will be consistent with the Municipal Plan’s Stable Residential designation. Staff are
recommending approval subject to a condition requiring additional front yard landscaping and the driveway be reduced.

Greg Harris, the applicant appeared before the Committee indicating he was in agreement with the recommendations as contained in the staff report and responded to questions from the Committee pertaining to the requirement to reduce the driveway.

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

It was MOVED and SECONDED

1. That Common Council rezone a parcel of land having an area of approximately 1528 square metres, located at 145 Loch Lomond Road, also identified by PID No. 00320440, from Local Commercial (CL) to Two-Unit Residential (R2).

2. That, pursuant to Section 39 of the Community Planning Act, the conditions governing the development and use of the parcel of land with an area of approximately 1528 square metres, located at 145 Loch Lomond Road, also identified by PID No. 00320440, imposed by Common Council on March 17, 2008 be amended as follows:

   a) By repealing conditions a), c), and f) related to the zoning of the site for a business office with a basement apartment; and

   b) Adding the following as a new condition a):

      a) that the driveway be reduced in width to 13 metres or less within the required front yard, and that the portion of the front yard not occupied by the driveway be landscaped within one year of the date of issuance of the change of use permit for the proposed residential use.

CARRIED             DM/GL

Item 5:  Altus Geomatics
476 Lancaster Avenue

Application Type: Subdivision

Mark Reade provided a brief overview, via Power Point Presentation of the subdivision application. The applicant is proposing to create a 37 square metre unserviced lot, accessed via a private right-of-way, for a telecommunications tower. Staff are recommending approval on the condition that a notation is placed on the final plan of subdivision limiting the use of Lot 15-01 to a telecommunications tower.

One letter in support and one letter opposed to the application were received.

Jaret Guimond of Altus Geomatics appeared before the Committee on behalf of the applicant indicating he was in agreement with the recommendations as contained in the staff report.

The Committee commended the applicant for such a clever approach to conceal a cell tower within a church steeple.

No one else appeared before the Committee.
After considering the report, the presentation and discussion the Committee resolved to adopt the recommendation based on the reasons outlined in the staff report.

*It was MOVED and SECONDED that the Planning Advisory Committee:*

  a) approve the creation of the proposed Lot 15-01 having access by means other than a public street, as generally illustrated on the submitted tentative subdivision application;
  b) permit 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.

*CARRIED AM/AMcS*

**Item 6: Forest Hills United Baptist Church**

**36 Mountain Road**

Application Type: Variance

Two letters expressing concerns were received.

Kristen Flood provided a brief overview, via Power Point Presentation of the Variance application to allow for the development of a ground sign with a total sign face area of 6.69 square metres on the subject site, and a second variance to allow for the sign to have a reduced front yard setback. Staff are recommending approval as the setback does not negatively impact drivers’ sightlines.

Alexander Cheprasov, Pastor for Forest Hills United Church appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as contained in the staff report. Pastor Cheprasov commented he had cleared up a misunderstanding with the author of one of the letters received regarding the application.

Staff responded to the concern expressed in the second letter with respect to the height of the sign, stating the height was within acceptable standards.

Reverend Roger Graham appeared before the Committee and noted the objective to having the 6’ high signage pillars was to provide clear sightlines entering/exiting the driveway.

After considering the report, the presentation and discussion the Committee resolved to adopt the recommendation based on the reasons outlined in the staff report.
It was MOVED and SECONDED that the Planning Advisory Committee grant two variances to increase the maximum cumulative sign face area for all ground signs on the subject property from 10 square metres to 22.05 square metres and decrease the minimum front yard setback from 3 metres to 0.3 metres from the Mountain Road public street right-of-way for the ground sign.

CARRIED RS/KB

Item 7: June Breau-Nason (on behalf of the Teen Resource Centre)
28-30 Richmond Street & 91-101 Prince Edward Street

Application Type: Rezoning, Conditional Use and Variances

Jody Kliffer provided a brief overview, via Power Point Presentation of Rezoning, Conditional Use and Variance applications to recognize the long-standing use of the subject site as a commercial parking lot. The site is used primarily for the parking requirements of staff and clients of the Teen Resource Centre, as well as other business located in the same building, but also includes spaces that are rented to the general public on a monthly basis. The applicant intends to carry out several improvements over the course of the next two years which will include new asphalt surface, enhanced landscaping and properly marked parking spaces. Staff are recommending approval.

June Breau-Nason appeared before the Committee on behalf of the applicant and indicated she was in agreement with the recommendations as contained in the staff report.

Staff responded to questions from the Committee as to whether the rezoning would open the property to any potential future land uses permitted in the requested target zone that would not be appropriate for the site. Staff responded that the proposed General Commercial (CG) zone is a broader commercial zone that identifies a wider range of permitted uses. Within the permitted uses, there were a few that would not be appropriate for the subject site, but these uses were highly unlikely to occur given the size and location of the lot. However, staff stated that the Committee could recommend that Council impose a Section 39 condition limiting the use of the site to the uses that the Committee deemed appropriate. The Committee asked staff to list the uses in the General Commercial (GC) zone that differ from the permitted uses in the existing zone to better understand any potential land use conflicts that may occur in the future as a result of the rezoning process. Staff provided the Committee with a list of the requested uses in General Commercial (GC) zone.

The Committee asked Ms. Breau-Nason to elaborate on the proposed site improvement work that the Teen Resource Centre is intending to do over the course of the next two years. Ms. Beau-Nason explained that the TRC is committed to resurfacing and levelling the parking area, as well as providing landscaping in the areas indicated on the site plan. Ms. Breau-Nason indicated that the objective of the proposed site improvements was to provide a better and safer parking area for their clients and staff, including any potential renters of the commercial parking spaces.

The Committee raised the “phasing” strategy of the proposed site work identified in the staff report, and asked if the lots subject to “phase 2” would be used for parking prior to
a “Change of Use” permit being issued. The applicant responded that the space would be used for staff parking only, and not for any commercially rented spaces.

Staff explained to the Committee that if the parking lot subject to “Phase Two” work has less than five spaces, it may remain in its current form. Once the applicant is issued a “Change of Use” acknowledging that the property is being used as a commercial parking lot, the approved site work must be finished within one year.

The Committee called for a brief recess to explore options.

Upon resuming the meeting and after considering the report, the presentation and the lengthy discussion concerning potential future uses of the subject site, the Committee resolved to adopt the recommendation based on the reasons outlined in the staff report, subject to the Section 39 condition outlined below:

It was MOVED and SECONDED

1. That Common Council rezone a parcel of land having an area of approximately 4,600 square metres, located at 28-30 Richmond Street and 91-101 Prince Edward Street, also identified as PID Nos. 00012799, 00012435, 00012443 and 00012427, from Mixed Commercial (CM) to General Commercial (CG);

2. That, pursuant to Section 39 of the Community Planning Act, the development and use of the parcel of land with an area of approximately 4,600 square metres, located at 28-30 Richmond Street and 91-101 Prince Edward Street, also identified as PID Nos. 00012799, 00012435, 00012443, 00012807 and 00012427, be subject to the condition that the use of the site be limited to the uses identified in the General Commercial (GC) zone, with the exception of the following: a bar, nightclub and/or lounge, a health service lab or a service station.

3. That the Planning Advisory Committee impose the following terms and conditions upon the operation of a commercial parking lot:

   a) That enhanced landscaping be incorporated throughout the site, as generally illustrated on the attached site plan, to be submitted with the application for Change of Use permit, and subject to the approval of the Development Officer;

   b) That the landscaping illustrated on the approved site plan be completed no later than October 31, 2016; and

   c) Notwithstanding 2.b, that landscaping illustrated on the approved site plan for PID Nos. 00012443 and 00012435 be completed no later than October 31, 2017.

4. That the Planning Advisory Committee approve the following variances from the requirements of the Zoning By-law that would:

   a) Reduce the depth of landscaping along the side and rear property lines to nil, whereas the Zoning By-law requires a minimum depth ranging between 1.5 metres and three metres; and,

   b) Reduce the depth of landscaping along the front property lines ranging between nil and two metres, whereas the Zoning By-law requires a depth of three metres.
Item 8: Emery Whalen (on behalf of Commercial Properties)  
39 Sewell Street

Application Type: Conditional Use and Variances

One letter in support of the application was received.

Jody Kliffer provided a brief overview, via Power Point Presentation of the Conditional Use and Variance application to finalize the approval process for the use of the subject site as a commercial parking lot. The site was rezoned to a commercial zone in 2009 to facilitate the process of recognizing the existing use of the site as a commercial parking lot, which was a conditional use in the previous zone, as well as the current zone. The applicant was granted a Temporary Approval in 2010 to allow more time to negotiate site improvements. Temporary Approval for the use of the site as a commercial parking lot expired in 2011, after which the site became an illegal use because the imposition of terms and conditions had not been finalized. During the same time, the applicant invested in landscaping as well as other site improvements. Staff are recommending approval subject to conditions.

Emery Whalen, Operations Manager for Commercial Properties Ltd. appeared before the Committee on behalf of the applicant indicating he was in agreement with the recommendations as contained in the staff report. He responded to questions from the Committee pertaining to snow removal which is carried out by the Parking Commission.

There were concerns expressed with the unsightliness of the sloped embankment on the westerly side of the subject site. The Committee felt the request to extend the existing fence to Sewell Street was not necessary.

While the Committee agreed they would like to see improvements to the sloped embankment, not all were in agreement it should be a condition. As the applicant have already undertaken a number of site improvements perhaps the request could be left with the applicant for their consideration.

No one else appeared before the Committee.

After considering the report, the presentation and discussion, and to further address the unsightliness of the sloped embankment on the westerly side of the subject site, the Committee resolved to amend the recommendation as follows:
It was MOVED and SECONDED

1. That Planning Advisory Committee impose the following terms and conditions upon the establishment and operation of a commercial parking lot:

   a) That a row of a minimum of three trees be planted in the landscaped median, as generally illustrated on the submitted site plan;
   b) That landscaping enhancements along the sloped embankment on the westerly side of the parking area be pursued by the applicant;
   c) That the proposed location of the above trees, and the details of the landscaping enhancements along the sloped embankment be illustrated on a site plan submitted with a Change of Use permit, subject to the approval of the Development Officer;
   d) That the landscaping illustrated on the approved site plan be completed within one year of the issuance of the Change of Use permit.

2. That the Planning Advisory Committee approve the following variances from the requirements of the Zoning By-law that would:

   a) Reduce the depth of landscaping along the side and rear property lines to nil, whereas the Zoning By-law requires a minimum of 1.5 metres; and
   b) Reduce the minimum required width of a maneuvering aisle to 5.45 metres, whereas the Zoning By-law requires a minimum of six metres.

CARRIED DM/AMcs
NAY KB/RS

Item 9: Thomas Baker
29-31 Dorchester Street

Application Type: Conditional Use and Variance

One letter in support of the application was received.

Jody Kliffer provided a brief overview, via Power Point Presentation of the Conditional Use and Variance application to recognize a long standing use of the subject property as a commercial parking lot. The property has been used as a commercial parking area for more than 30 years, although proper approvals to operate a commercial parking lot have never been granted. Staff are recommending approval subject to conditions.

Howard Yeomans appeared before the Committee on behalf of the applicant and indicated that he was in agreement with the recommendation and responded to questions from the Committee pertaining to snow removal.

No one else appeared before the Committee.

After considering the report, the presentation and discussion the Committee resolved to adopt the recommendation based on the reasons outlined in the staff report.
It was MOVED and SECONDED

1. That the Planning Advisory Committee impose the following terms and conditions upon the establishment and operation of a commercial parking lot:

   a) That approval for the above variances be subject to the condition that 1.5 metres of landscaping be included along the front property line;
   b) That the required landscaped area in 1.a. include a mix of shrubs and/or trees;
   c) That the development of the site be in accordance with a detailed site plan, illustrating the proposed landscaped area, the location of any shrubs and/or trees, all parking areas, as well as any other significant site features; and,
   d) That the landscaping illustrated on the approved site plan be completed within one year of the issuance of the Change of Use permit.

2. That the Planning Advisory Committee approve the following variances from the requirements of the Zoning By-law that would:

   a) Reduce the depth of landscaping along the side and rear property lines to nil, whereas the Zoning By-law requires a minimum of 1.5 metres; and,
   b) Reduce the minimum required width of a maneuvering aisle to approximately 3.6 metres, whereas the Zoning By-law requires a minimum of six metres.

CARRIED  RS/GL

(Keith Brideau stepped down due to potential conflict of interest for Items 10, 11 & 12.)

Item 10:  Paul Daeres  
211-213 Union Street

Application Type:  Variance

Patrick Foran provided a brief overview, via Power Point Presentation of the variance application to reduce the minimum required depth of side and rear yard landscaping from 1.5 metres to nil. The applicant is seeking to recognize the existing use of the site as an incidental parking lot for his adjacent restaurant. Given the configuration of the site, the applicant is requesting a variance from the side and rear yard landscaping requirements, and as an alternative, is proposing to provide landscaping across the front of the property. Staff are recommending approval subject to a condition that the applicant provide documentation indicating that it is legally possible for him to access the site via an adjacent property.

Paul Daeres, the applicant appeared before the Committee and indicated he was in agreement with the recommendation as contained in the staff report.

No one else appeared before the Committee.

After considering the report, the presentation and discussion the Committee resolved to adopt the recommendation based on the reasons outlined in the staff report.
It was MOVED and SECONDED that the Planning Advisory Committee grant the requested variance to reduce the minimum required depth of side and rear yard landscaping from 1.5 metres to nil on condition that landscaping to a minimum depth of 1.5 metres be provided across the front of the subject property with a condition that the applicant be required to provide the Development Officer with documentation, such as a legal right-of-way agreement or written permission from the property owner, indicating that he can legally pass over the adjacent lands.

CARRIED    GL/AMcS

Item 11: Paul Daeres  
58-60 Princess Street

Application Type:  Conditional Use and Variance

Two letters opposed and/or expressing concerns were received.

Patrick Foran provided a brief overview, via Power Point Presentation of the Conditional Use and Variance in order to recognize the use of the site as a commercial parking area. The site plan submitted illustrates that parking would be provided for up to 19 vehicles and site improvements in the form of asphalt surfacing, continuous cast-in-place concrete curbing and landscaping. Mr. Foran indicated although a variance is necessary with regard to the location of the access, it has been at its present location for a number of years without appearing to be problematic, as confirmed by the City’s Infrastructure Development Service. This variance is considered reasonable and staff are recommending approval subject to conditions as outlined in the staff report.

Paul Daeres, the applicant appeared before the Committee and indicated he was in agreement with the recommendation as contained in the staff report.

Staff responded to questions from the Committee pertaining to tree planting indicating that Engineering had expressed concerns keeping the access/exit sightlines clear, and further discourage tree planting as the root structure interferes with infrastructure. If it is the wish of the Committee that a number of trees/shrubs be planted, staff would request flexibility as to location, as deemed appropriate by Infrastructure Development, and species as deemed appropriate by Parks and Public Spaces.

Discussion ensued with respect to types of trees and/or shrubs to be planted.

No one else appeared before the Committee.

After considering the report, the presentation and the discussion regarding landscaping the Committee amended the recommendation as follows:

It was MOVED and SECONDED that the Planning Advisory Committee:

1) Impose as a condition that the commercial parking area be maintained in general accordance with the submitted site plan, to be submitted to the Development Officer for his approval, illustrating (but not limited to) asphalt paving, continuous cast-in-place concrete curbing and landscaping. More specifically, the landscaping treatment is to include shrubs spaced 2 metres apart along the area adjacent to the ‘vertical rock face’ identified on the
submitted site plan as well as the areas adjacent to the driveway access along the Princess Street frontage.

2) Grant the requested variance to reduce the minimum required distance between a commercial access and a street intersection from 10 metres to approximately 7.5 metres.

CARRIED DM/GL

Item 12: Paul Daeres
10 Dorchester Street, 1-11 Coburg Street & 157-161 Union Street

Application Type: Conditional Use and Variance

Patrick Foran provided a brief overview, via Power Point Presentation of the Conditional Use and Variance application to recognize the use of the site as a commercial parking area. The site plan illustrates that parking would be provided for up to 24 vehicles and site improvements in the form of asphaltsurfacing, continuous cast-in-place concrete curbing, enhanced landscaping and a hard-surfaced pedestrian walkway would be undertaken. The site improvements exceed the minimum requirements of the Zoning By-law and are intended to compensate for the variances necessary due to the challenging site configuration. Staff are recommending approval.

Paul Daeres appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report and further indicated he would be agreeable to a planting shrubs every two metres along Coburg Street as suggested by the Committee. In addition, Mr. Daeres agreed to install a safety barricade along the common property line at 151-155 Union Street.

After considering the report, the presentation and discussion regarding landscaping and safety barricade, the Committee amended the recommendation as follows:

It was MOVED and SECONDED that the Planning Advisory Committee:

1) With regard to the portions of the site addressed as 1-11 Coburg Street / 157-161 Union Street (PIDs 55058861, 00038232 and 00037267), amend the conditions imposed on August 23, 2005 regarding the establishment and operation of a parking area by replacing them with the following:

“The commercial parking area must be maintained in general accordance with the submitted site plan, to be submitted to the Development Officer for his approval, illustrating (but not limited to) asphalt paving, continuous cast-in-place concrete curbing, landscaping and a hard-surface pedestrian walkway connecting the parking area to the sidewalk along Coburg Street. More specifically, the landscaping treatment to include shrubs spaced 2 metres apart along Coburg Street frontage. In addition, a suitable safety barricade is required along the property line shared with the property to the south at 151-155 Union Street (PID 00037275).”
2) With regard to the portion of the site addressed as 10 Dorchester Street (PID 00038042), impose the same condition outlined above regarding the establishment and operation of a commercial parking area.

3) Grant the requested variances to:

   a. reduce the depth of landscaping along the side and rear property lines to nil; and  
   b. reduce the minimum required depth of a manoeuvring aisle from 6 metres to approximately 5.13 metres

CARRIED RS/AM

There being no further business, the meeting adjourned at 9:33 p.m.

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Eric Falkjar     Lynda Lockhart
Chair      Recording Secretary