



The City of Saint John

**Date:** November 14, 2024  
**To:** Planning Advisory Committee  
**From:** Growth & Community Services  
**Meeting:** November 19, 2024

**SUBJECT**

**Applicant:** Brad Kierstead  
**Landowner:** East Point Properties Ltd.  
**Location:** 24-32 East Point Way  
**PID:** 55230445  
**Plan Designation:** Regional Retail Centre  
**Zoning:** Regional Commercial Residential (CR)  
**Application Type:** Subdivision and Variance  
**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to grant reasonable variances from certain requirements of the Subdivision By-law. Terms and conditions can be imposed.

**EXECUTIVE SUMMARY**

The applicant is proposing to subdivide a portion of the existing development site to temporarily create a lot for construction financing. The applicant is seeking variances from the Subdivision By-Law to vary the requirement to provide Lands for Public Purpose (LPP) dedication, on the premise that the created lot will be amalgamated back into the parent parcel within two years and to create a lot that does not abut a public street. Approval of the application is recommended subject to conditions.

**RECOMMENDATION**

That the Planning Advisory Committee grant variances from the requirements of the Subdivision By-law permitting:

- The creation of a new lot not abutting a public street; and
- Relieve the applicant from Land for Public Purposes dedication or Money-in-Lieu dedication for the creation of Lot 24-1 on the following conditions:
  - That Lot 24-1 be amalgamated with the parent parcel, Lot 16-1, within a period of three years from the date of approval or be subject to the requirements of the Subdivision By-law's Land for Public Purposes.

**ANALYSIS****Proposal**

The applicant is proposing to subdivide Lot 24-1 from the parent parcel, Lot 16-1. Lot 24-1 is intended to exist temporarily, in order to facilitate construction financing. The lot is to be amalgamated back into the parent parcel within two years of the approval date. Lot 24-1 will not abut a public street, but will be accessed by East Point Way, which is a private street,

**Site and Neighbourhood**

The site is located in East Saint John in the East Point Shopping Centre. The lot fronts on the west side of Retail Drive and East Point Way, which is a private street. The East Point Shopping Centre is generally bounded to the north by retail development and a manufactured housing development and to the south by a mix of commercial and residential development, an electrical substation and undeveloped land.

**Subdivision By-law**

The Subdivision By-law requires that any newly created lot that does not abut a public street receive approval from the Planning Advisory Committee. East Point Way, which the parent parcel, Lot 16-1, and the proposed parcel, Lot 24-1 abut, is built to the standards of a public street. It is one of many private roads within the East Point Shopping Centre that is characteristic of this type of retail format.

The Subdivision By-law also requires that either land representing ten percent of the area of the proposed subdivision, or a sum of money representing eight percent of the market value of the land of the proposed subdivision be dedicated to the City.

The LPP dedication requirement applies to all lands being subdivided regardless of the zoning. Over the course of developing the East Point site, many subdivision applications have been submitted and approved by the City, however these were under the previous by-law in effect from 1995 to 2016 which did not require a Land for Public Purposes dedication.

The approach taken by the current by-law of requiring either a land or money-in-lieu of public purposes dedication for all subdivisions, regardless of zoning classification, is in line with the approach taken by other larger New Brunswick municipalities. This approach serves as an important tool in leveraging resources for community improvements to the City's open space network. The applicant is seeking relief from the requirement to provide money in-lieu of land for public purposes for the proposed subdivision due to the temporary nature of Lot 24-1 through a variance from the requirement.

### **Lands for Public Purposes and Money-in-lieu Dedications**

The amount of money in-lieu is determined based on the assessed value of similar lands in the vicinity of the development and covers only the land portion of the assessment, not buildings and structures.

Given the temporary nature of Lot 24-1, a variance from the Subdivision By-law's requirements for LPP is recommended by Staff. This recommendation is contingent upon the condition that Lot 24-1 be consolidated with the parent parcel, Lot 16-1, within two years of the approval. If the consolidation fails to occur within the timeframe, the subdivision will be subject to the requirements of the Subdivision By-law's Land for Public Purposes.

### **Conclusion**

Staff recommend the granting of the requested variance to create a lot not abutting a public street and the exemption from Lands for Public Purposes requirement on the condition that Lot 24-1 is consolidated with the parent parcel Lot 16-1 within a period of two years following approval.

### **ENGAGEMENT**

#### **Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on November 4, 2024.

### **APPROVALS AND CONTACT**

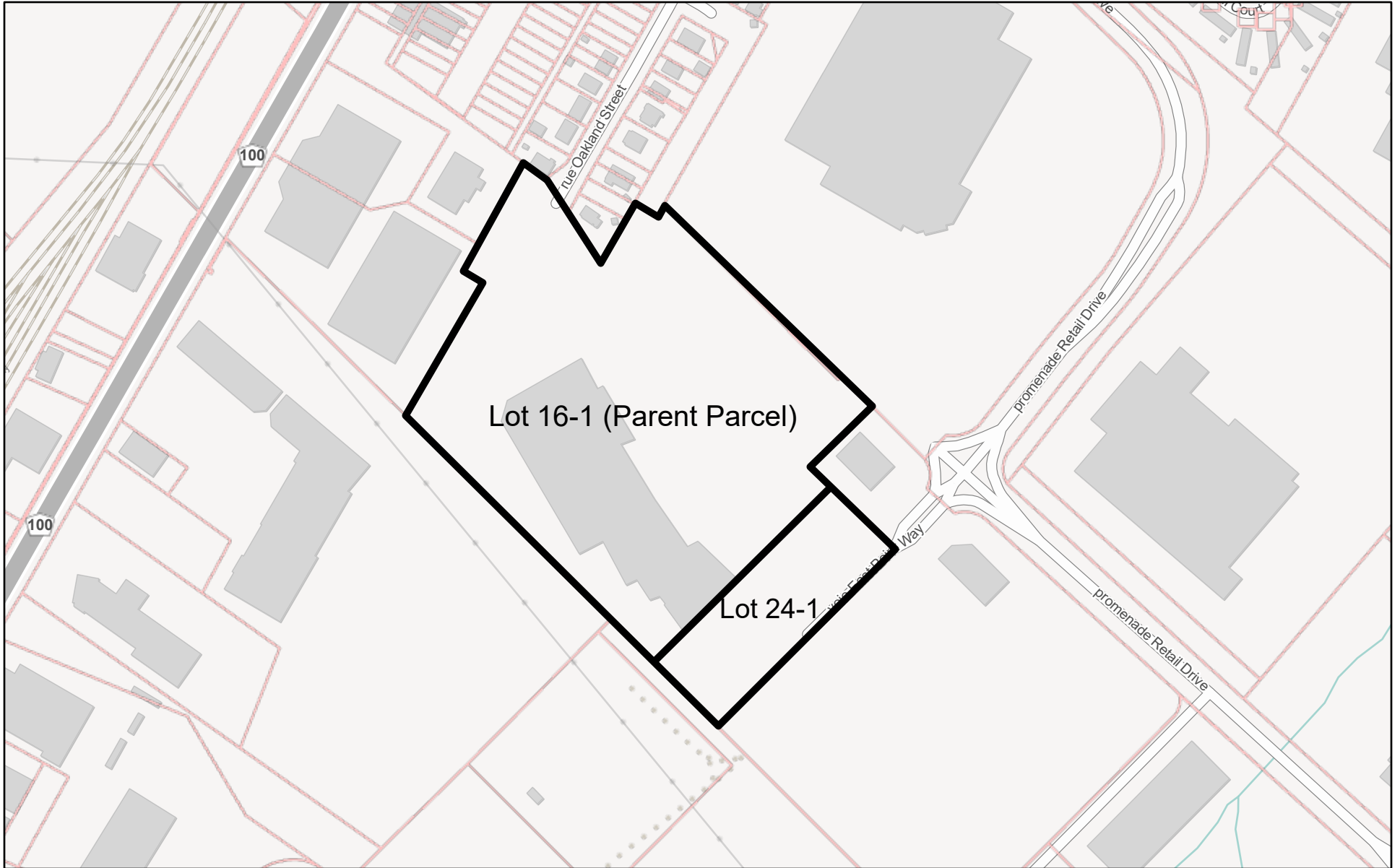
Author	Manager	Director
<b>Thomas Lewallen</b>	<b>Jennifer Kirchner</b> MCIP, RPP	<b>Pankaj Nalavde</b> MCIP, RPP

**Contact:** Thomas Lewallen  
**Telephone:** (506) 977-0274  
**Email:** thomas.lewallen@saintjohn.ca  
**Application:** 24-0258 & 24-0234

### **APPENDIX**

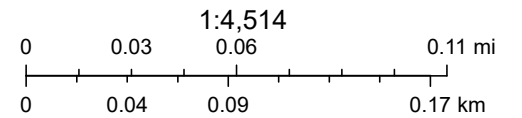
Map 1: **Aerial Photography**  
Attachment 1: **Site Photography**  
Submission 1: **Tentative Plan of Subdivision**

# Subject Site - 24-32 East Point Way



 Subject Property

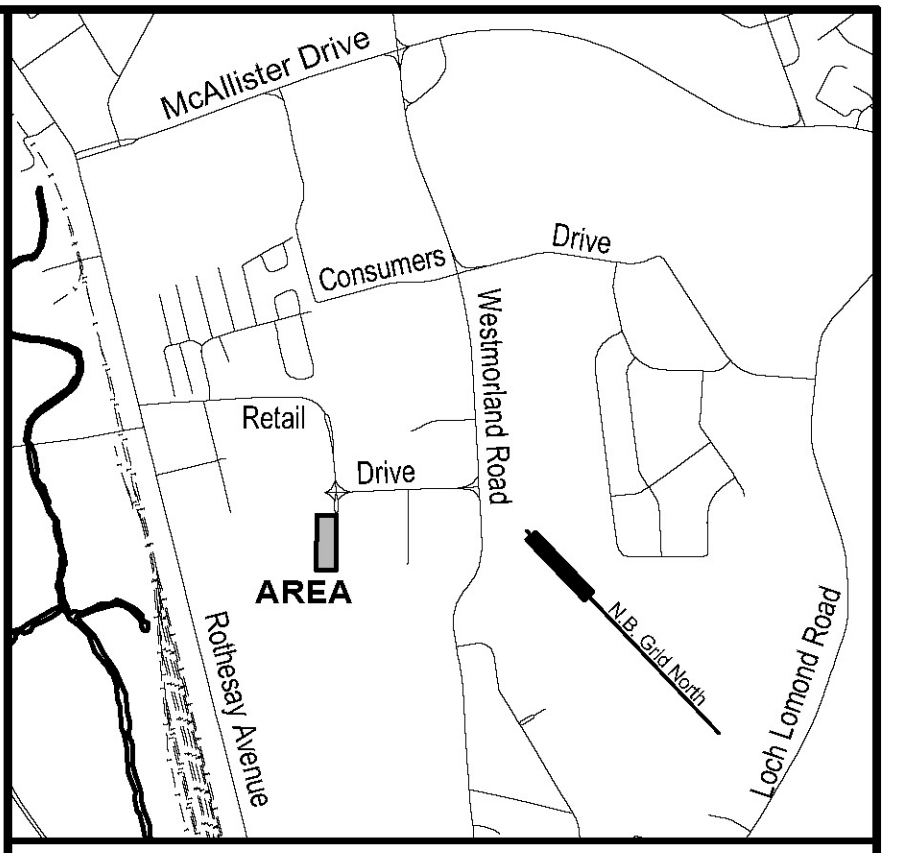
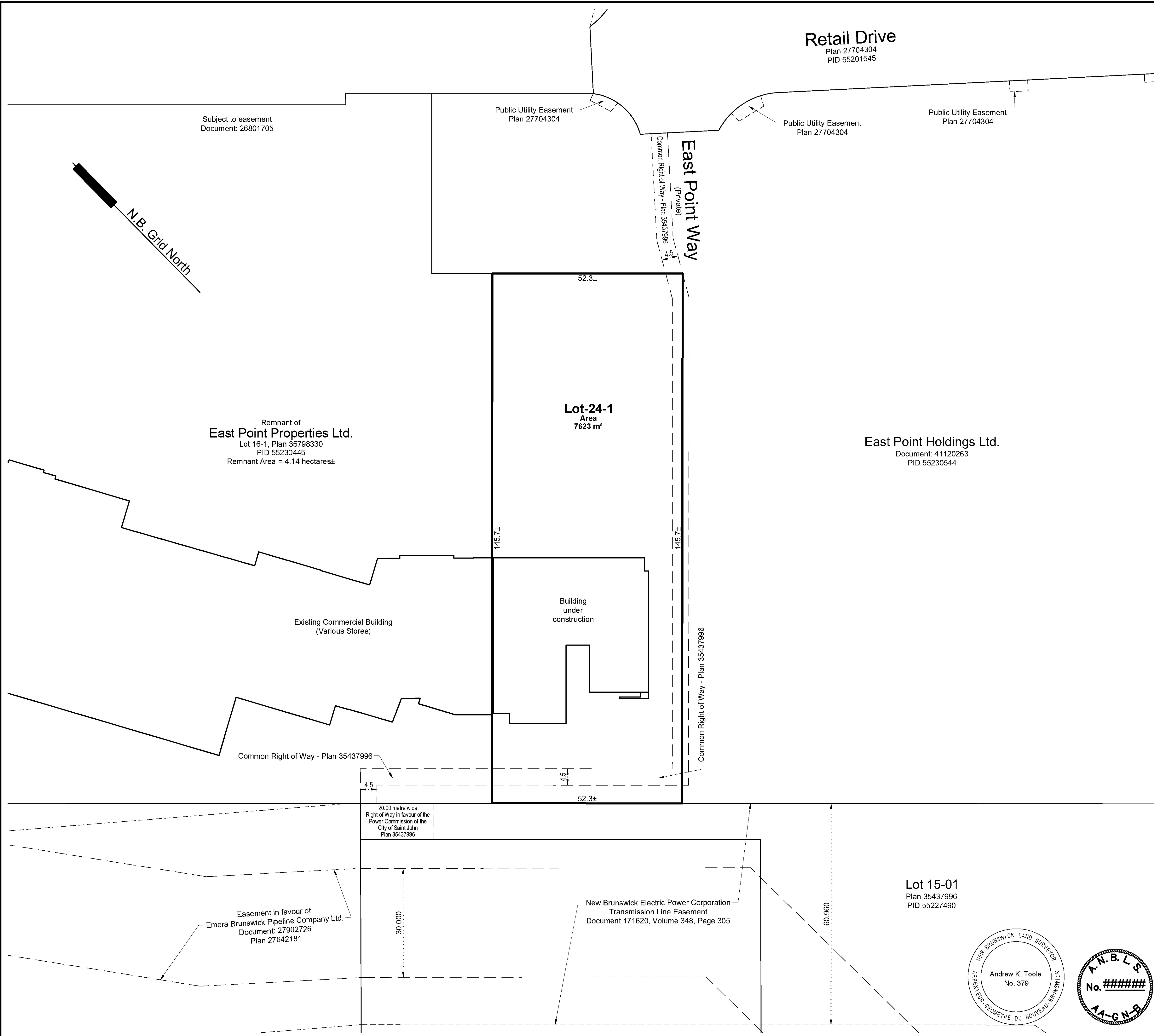
 Property Parcels





***Building Under Construction – 24-32 East Point Way (PID 55230445)***

Approvals



**Key Plan**  
Scale = 1:20,000

**Legend**

- SMF - Standard survey marker found
- ⊙ SMS - Standard survey marker set
- RIBF - Round iron bar found
- IBF - Square iron bar found
- IPF - Iron pipe found
- CALC - Calculated point
- ▲ NBCM - N.B. Co-ordinate Monument
- ⑩ - Tabulated co-ordinate reference

Lands dealt with by this plan are bounded thus           

**Notes**

1. All computations performed and coordinates shown are based on the New Brunswick stereographic double projection and the NAD83(CSR) ellipsoid as realized by Service New Brunswick's Active Control System.
2. All distances shown are in metres and are grid distances calculated using a combined scale factor utilizing geoid model CGG2013a.
3. All directions are New Brunswick grid azimuths established using GNSS.
4. Document and plan numbers referred to are those of the land titles or county registry office.
5. Certification is not made as to legal title, being the domain of a lawyer, nor to the zoning & setback bylaws or regulations, being the domain of a Development Officer.
6. Certification is not made as to covenants set out in the document(s) and the location of any underground services and/or fixtures permanent or otherwise.
7. Peripheral information and adjacent owner information was derived from Service New Brunswick records unless otherwise noted.
8. Field survey was completed in Month, 2023.
9. Survey markers not set at road deflections to avoid landowner confusion.
10. This plan amends "Subdivision Plan - East Point Centre Subdivision", plan dated March 23, 2016 and filed on 30 March 2016 as number 35798330.

**Purpose of Plan**

- To create Lot 24-1, a commercial lot. The new property line is intended to fall along the center of the common wall.

Amending Subdivision Plan  
**East Point Centre Subdivision**  
**Lot 24-1**  
East Point Way  
City of Saint John  
Saint John County, NB

Scale = 1:500

**DON - MORE**  
SURVEYS & ENGINEERING LTD.

Dated: August 06, 2024  
**TENTATIVE**  
ANDREW K. TOOLE, N.B.S.#379

Dwg: 15199SDT4

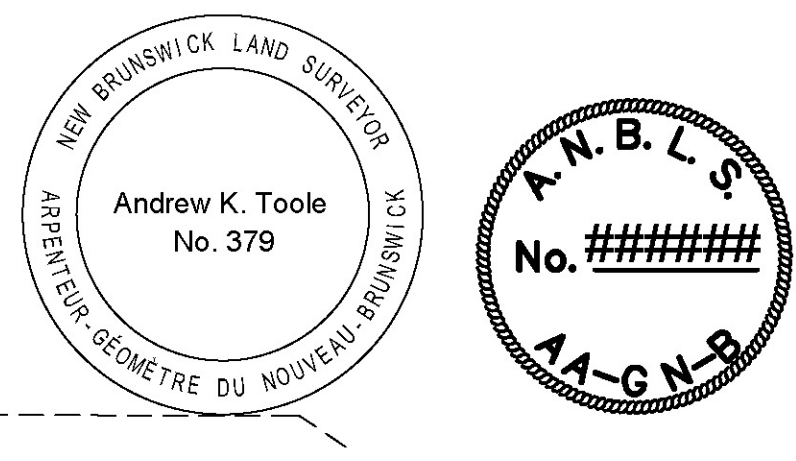
**NB Grid Coordinate Values**

Point	Easting	Northing	Remarks

**Title Data**  
PID 55230445  
Owner: East Point Properties Ltd.  
Document: 40847023  
Registered: 2020-12-31  
*Corporate Affairs Change of Name*  
Document: 40941297  
Registered: 2021-02-01

**Signature of Owners**

Troy Northrup, President  
East Point Properties Ltd.





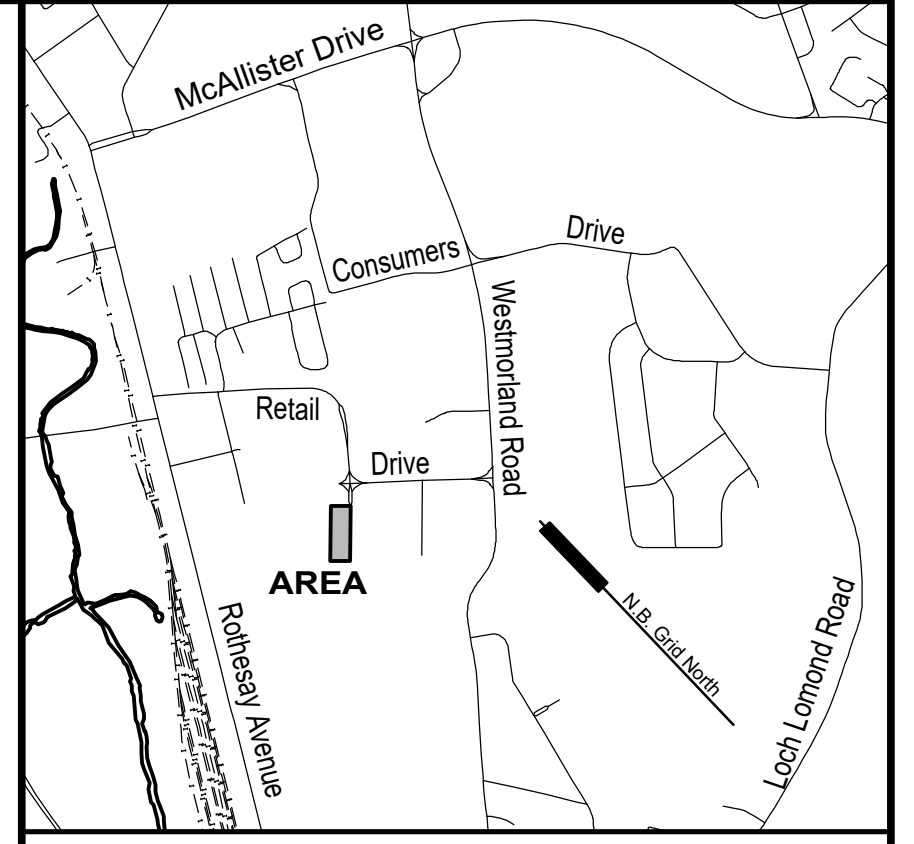
Approvals

NB Grid Coordinate Values			
Point	Easting	Northing	Remarks

**Title Data**  
 PID 55230445  
 Owner: East Point Properties Ltd.  
 Document: 40847023  
 Registered: 2020-12-31  
*Corporate Affairs Change of Name*  
 Document: 40941297  
 Registered: 2021-02-01

**Signature of Owners**

Troy Northrup, President  
 East Point Properties Ltd.



**Key Plan**  
 Scale = 1:20,000

**Legend**

- SMF - Standard survey marker found
- ⊙ SMS - Standard survey marker set
- RIBF - Round iron bar found
- IBF - Square iron bar found
- IPF - Iron pipe found
- CALC - Calculated point
- ▲ NBCM - N.B. Co-ordinate Monument
- (100) - Tabulated co-ordinate reference

Lands dealt with by this plan are bounded thus

- Notes**
- All computations performed and coordinates shown are based on the New Brunswick stereographic double projection and the NAD83(CSR) ellipsoid as realized by Service New Brunswick's Active Control System.
  - All distances shown are in metres and are grid distances calculated using a combined scale factor utilizing geoid model CGG2013a.
  - All directions are New Brunswick grid azimuths established using GNSS.
  - Document and plan numbers referred to are those of the land titles or county registry office.
  - Certification is not made as to legal title, being the domain of a lawyer, nor to the zoning & setback bylaws or regulations, being the domain of a Development Officer.
  - Certification is not made as to covenants set out in the document(s) and the location of any underground services and/or fixtures permanent or otherwise.
  - Peripheral information and adjacent owner information was derived from Service New Brunswick records unless otherwise noted.
  - Field survey was completed in Month, 2023.
  - Survey markers not set at road deflections to avoid landowner confusion.
  - This plan amends "Subdivision Plan - East Point Centre Subdivision", plan dated March 23, 2016 and filed on 30 March 2016 as number 35798330.

**Purpose of Plan**

- To create Lot 24-1, a commercial lot. The new property line is intended to fall along the center of the common wall.

Amending Subdivision Plan  
**East Point Centre Subdivision**  
**Lot 24-1**  
 East Point Way  
 City of Saint John  
 Saint John County, NB

0 5 10 15 20 25 30 35 40 45 50  
 Scale = 1:500

**DON - MORE**  
 SURVEYS &  
 ENGINEERING LTD.

Dated: August 06, 2024

**TENTATIVE**

ANDREW K. TOOLE, N.B.L.S. #379

Dwg: 15199SDT4

