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# PLANNING ADVISORY COMMITTEE



The City of Saint John

December 12, 2018

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Subdivision (Money-in-Lieu of Land for Public Purposes)  
944 Fairville Boulevard**

The Committee considered the attached report at its December 11, 2018 meeting.

The Committee heard a presentation from staff regarding the proposed subdivision at 944 Fairville Boulevard. Staff indicated that the proposed subdivision is required to facilitate a long-term lease agreement and the continued commercial-retail development of the site. Staff indicated that the proposal is aligned with the intent of both the Municipal Plan and the Zoning Bylaw.

The Committee called on anyone to speak for or against the application. Andrew Toole of Don-Moore Surveys and Engineering Ltd., the applicant, noted he was in agreement with the staff report. No one else appeared before the Committee to speak in favour or against the application.

After considering the report and the comments made by the applicant, the Committee recommended that Council accept money-in-lieu of Land for Public Purposes.

**RECOMMENDATION:**

That Common Council authorize the acceptance of money-in-lieu of the required land for public purposes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Falkjar".

Eric Falkjar  
Chair

Attachments - Staff Report to PAC dated December 7, 2018



The City of Saint John

**Date:** December 7, 2018

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Tuesday, December 11, 2018**

**SUBJECT**

**Applicant:** Don-More Surveys and Engineering Ltd.

**Owner:** Plazacorp Property Holdings Inc.

**Location:** 944 Fairville Boulevard

**PID:** 00397059

**Plan Designation:** Regional Retail Centre

**Existing Zoning:** Regional Commercial (CR)

**Application Type:** Subdivision (Money-in-Lieu of LPP)

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to advise Common Council concerning the vesting of a public street and or land for public purposes in conjunction with the subdivision of land.

**SUMMARY**

The applicant is seeking to subdivide the property which contains two quick service restaurants, Starbucks and Mary Brown's Chicken and Taters and create a new lot to facilitate the construction of a future commercial building on the site. The creation of a new lot requires the assent of Common Council regarding Lands for Public Purposes, or money-in-lieu of Lands for

Public Purposes. Assent to money-in-lieu of Lands for Public Purposes is supported by staff. The submitted tentative subdivision plan illustrating the location and dimension of the proposed lot meets the standards of the Subdivision Bylaw. The proposed frontage does not meet the standards of the zoning bylaw; however, given the nature of the development, staff is proposing to process this as a Development Officer's variance.

## **RECOMMENDATION**

That Common Council authorize the acceptance of money-in-lieu of the required land for public purposes (LPP) for the proposed subdivision plan for 944 Fairville Boulevard (PID 00397059).

## **DECISION HISTORY**

Our files indicate that there have been no previous decisions relating to the subject property.

## **ANALYSIS**

### **Proposal**

The applicant is proposing to subdivide the parcel to create a new lot for a long term lease agreement for a new commercial building on the site. The creation of a new lot requires the dedication of Lands for Public Purposes (LPP), or money-in-lieu of LPP. Given the oversupply of LPP that the City has acquired over the years from subdivision applications, the City's Subdivision Bylaw, adopted in 2016, directs Council to accept money-in-lieu of land whenever possible calculated on the basis of eight percent of the of the market value of the land being subdivided

### **Site and Neighbourhood**

The area surrounding the subject site is comprised predominantly of large scale commercial developments that have a regional draw, particularly servicing the communities west of the St. John River. The proposed lot will continue to be owned by the applicant and the subdivision is legislatively required to support a long term lease agreement. The proposed lot has an area of approximately 2944 square metres and a lot frontage of 16.2 metres.

### **Municipal Plan and Zoning**

The subject property is located in the Fairville Boulevard Regional Retail Centre, which is a more community-based Regional Retail Centre intended for less intensive, commercial retail and service-based uses intended to primarily service residents west of the St. John River. The proposed subdivision will facilitate future site development that is consistent with Municipal Plan policy. The subject property is zoned regional commercial. The proposed will require

variances for lot frontage and lot area which staff will process through the Development Officer variance process.

### **Subdivision**

The proposed subdivision at 944 Fairville Boulevard satisfies the standards of the Subdivision By-law, and is within the area projected by the Municipal Plan for future commercial development. The *Community Planning Act* states that the creation of a new lot must include a dedication of land for public purposes, or money-in-lieu of land, which requires the Committee and Council to consider accepting. Given the direction of the City's Subdivision Bylaw, staff recommends that Council receive money-in-lieu of LPP.

### **Conclusion**

The applicant is seeking to subdivide a parcel of land in the Fairville Boulevard Regional Retail Centre of the City's west side. The proposed subdivision is located in an area of the City where the Municipal Plan facilitates concentrated commercial retail development. Staff recommends that Council accept money-in-lieu of LPP.

### **ALTERNATIVES AND OTHER CONSIDERATIONS**

There are no alternate considerations for this application.

### **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 29, 2018.

### **SIGNATURES AND CONTACT**

#### **Prepared:**



Stephen Stone, MPI.

Planner, Dillon Consulting Limited, on behalf of the City of Saint John

**Reviewed:**



Mark Reade, P.Eng., MCIP, RPP  
Senior Planner

**Approved:**



Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Stephen Stone  
**Phone:** (506) 633-5000  
**E-mail:** sstone@dillon.ca  
**Project:** 18-0229

## **APPENDIX**

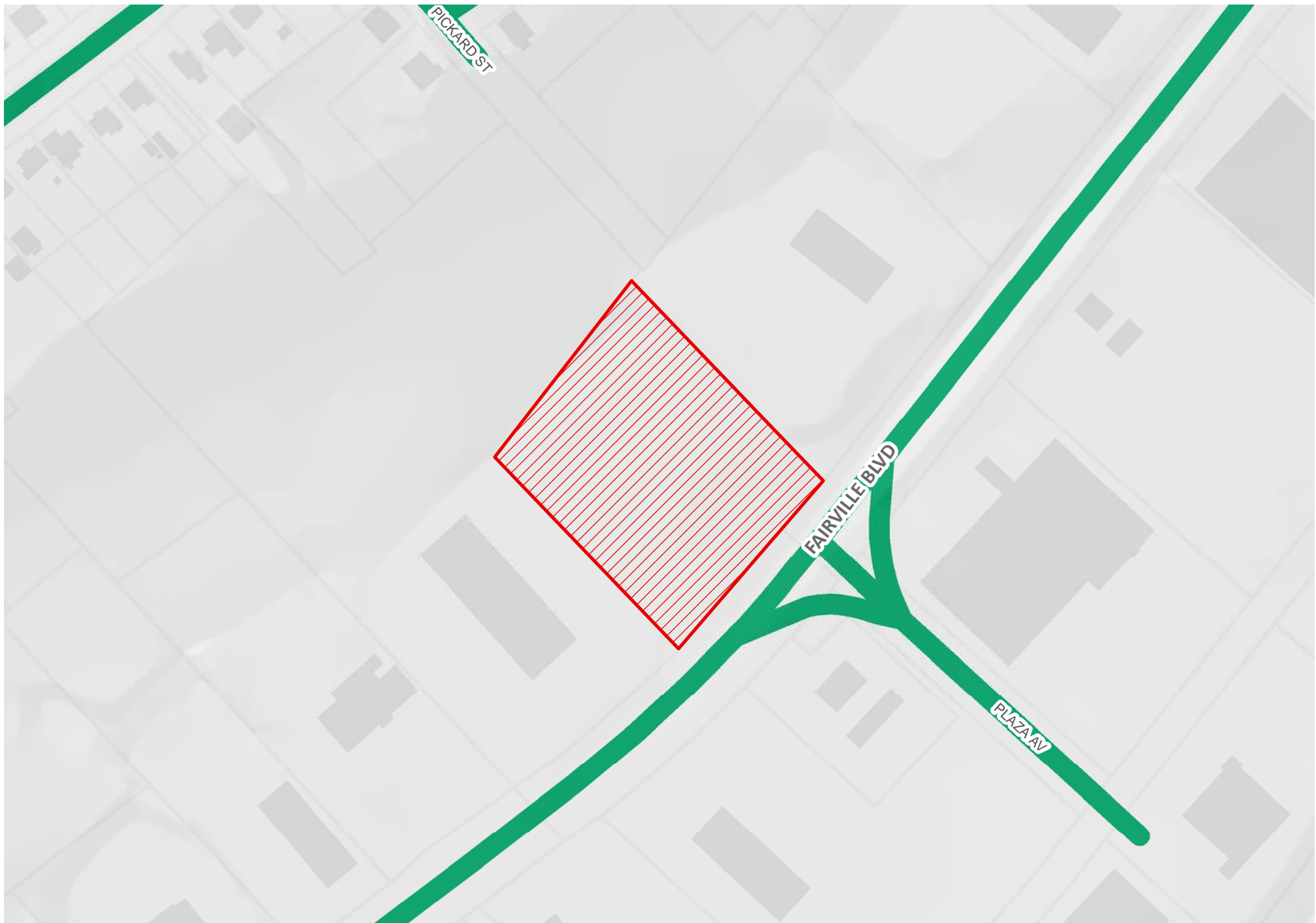
Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

Submission 1: **Tentative Subdivision Plan**



# Map 1 - Site Location

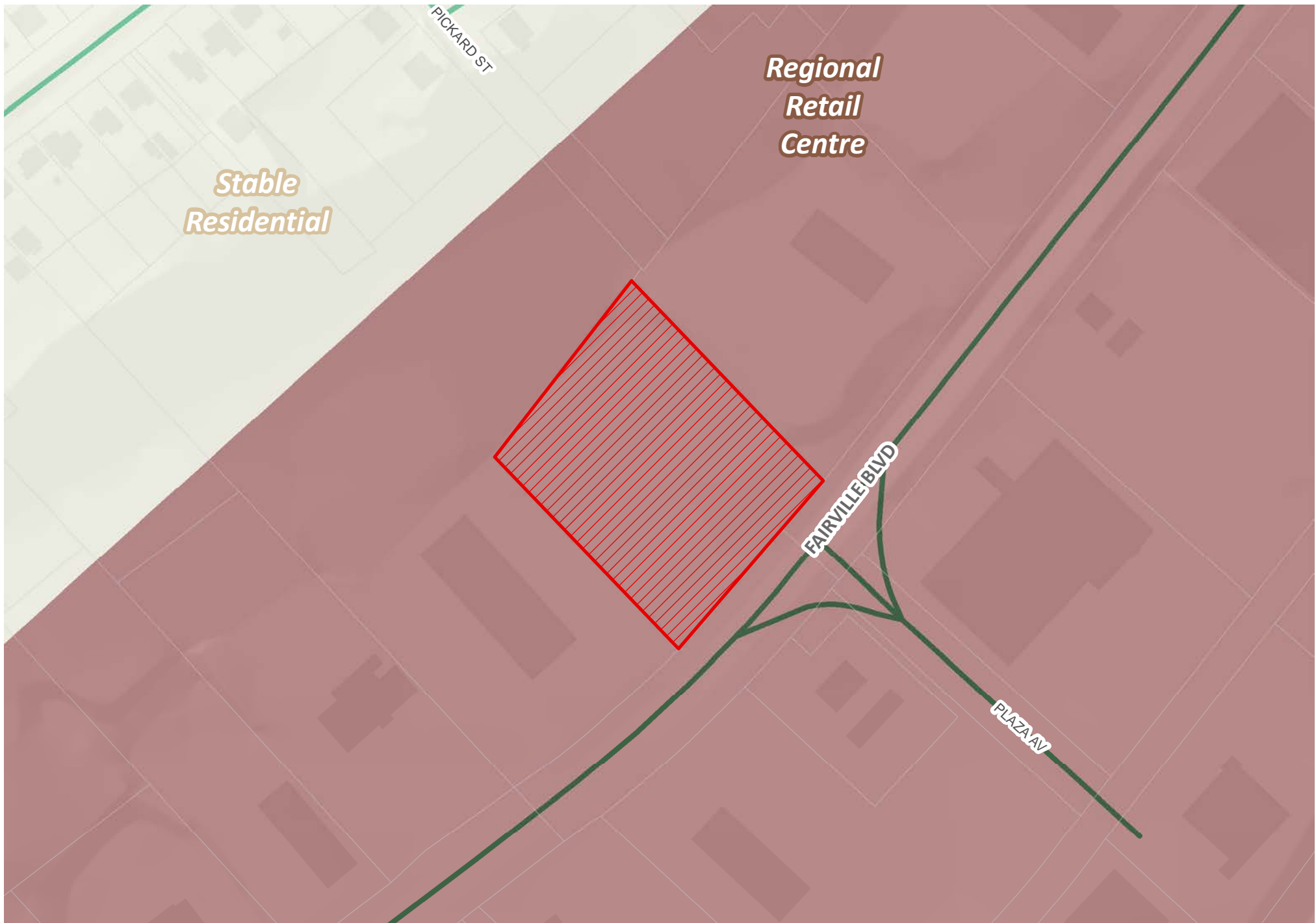
Don-More Surveys and Engineering Ltd. - 944 Fairville Boulevard

The City of Saint John  
Date: December-06-18

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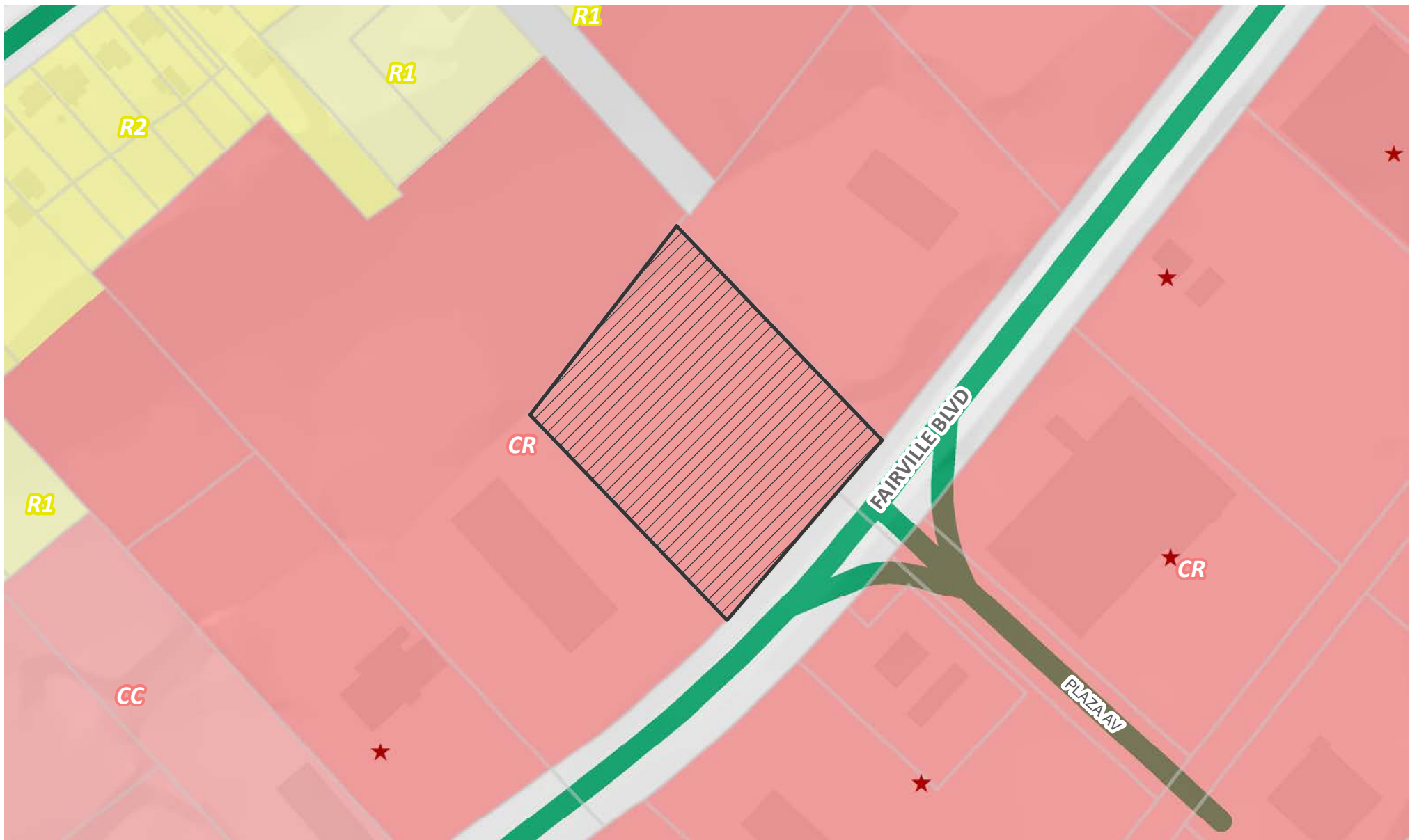
## Map 2 - Future Land Use

Don-More Surveys and Engineering Ltd. - 944 Fairville Boulevard

The City of Saint John  
Date: December-06-18

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(CC) Corridor Commercial  
(CR) Regional Commercial  
(R1) One-Unit Residential  
(R2) Two-Unit Residential

★ Section 39 Conditions

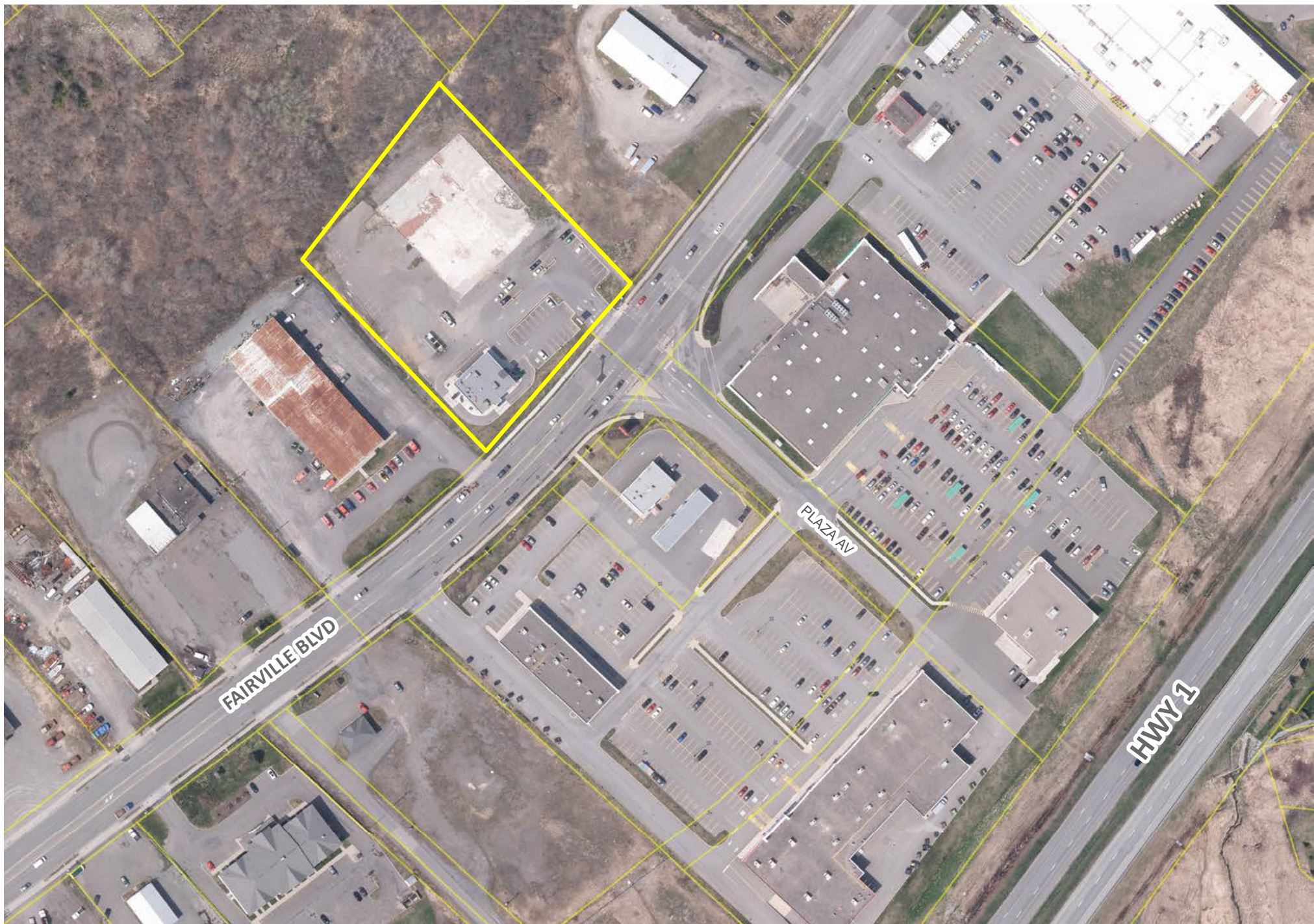
## Map 3 - Zoning

Don-More Surveys and Engineering Ltd. - 944 Fairville Boulevard

The City of Saint John  
Date: December-06-18







**Map 4 - Aerial Photography**  
Don-More Surveys - 944 Fairville Boulevard

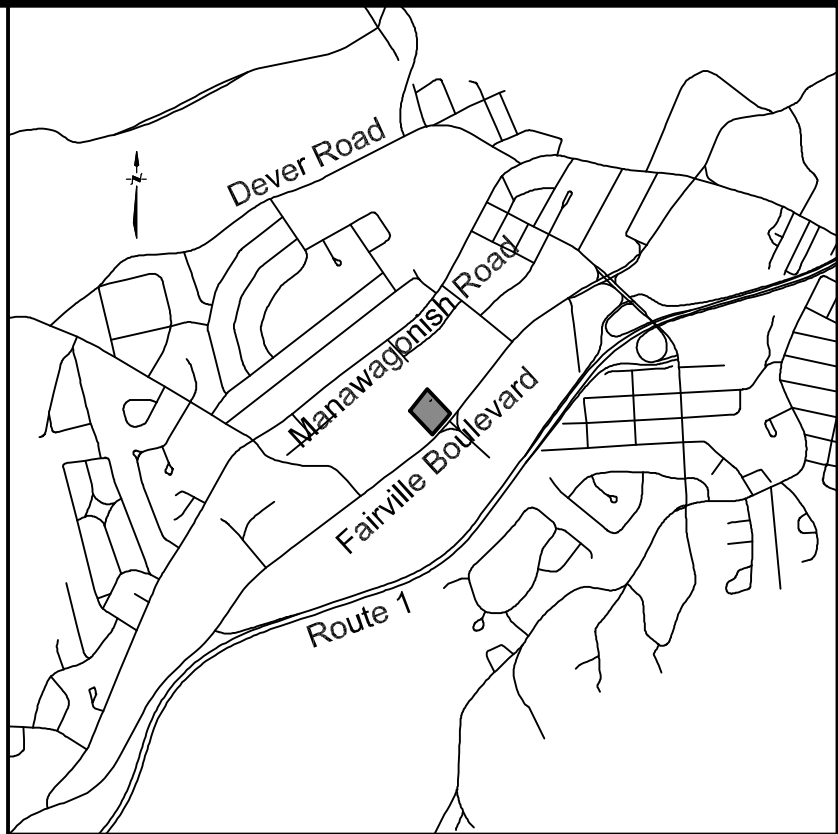
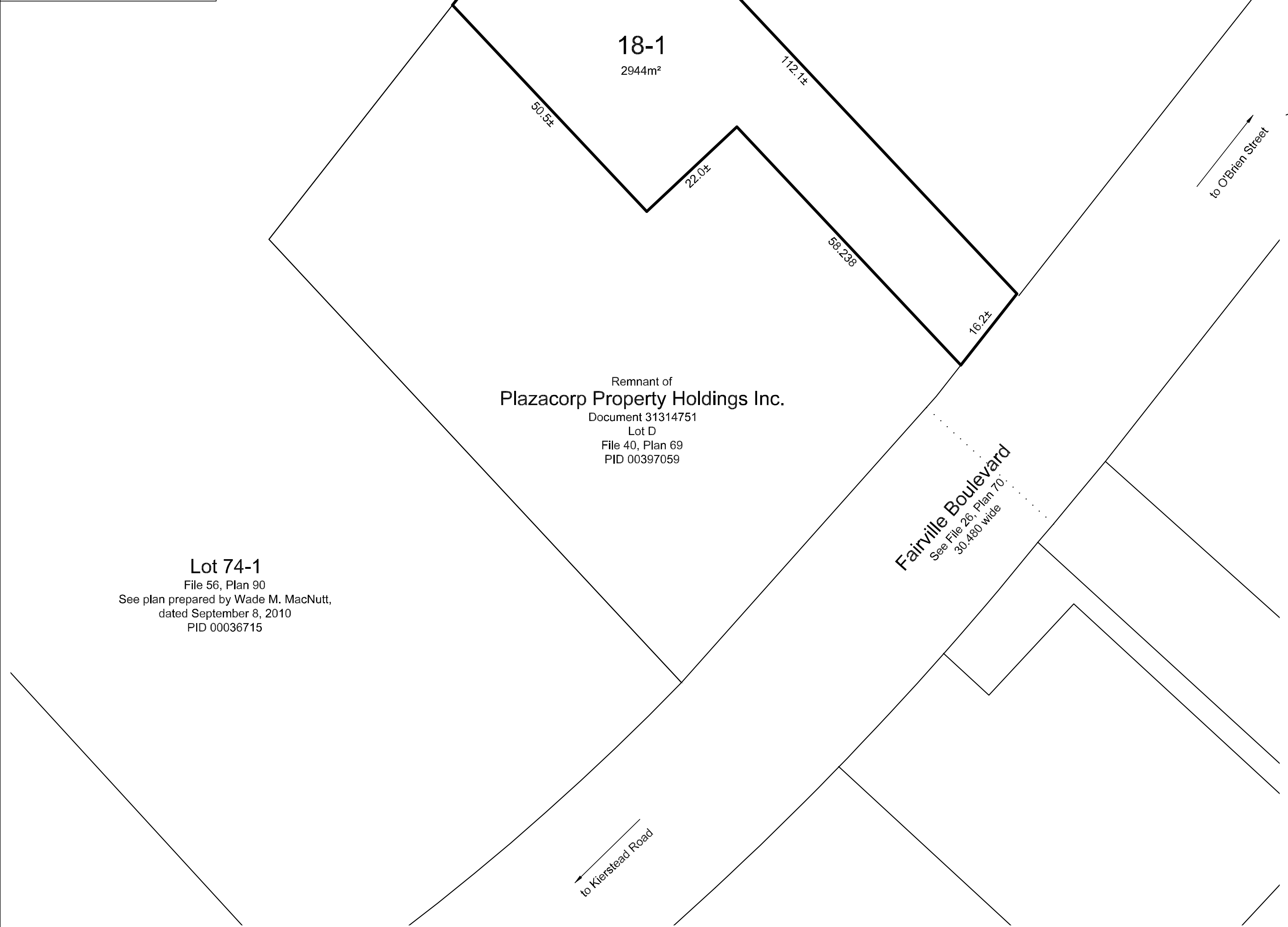
The City of Saint John  
Date: December-06-18

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# Approvals



## Key Plan

Scale = 1:25,000

### Legend

- (S) SMS - Standard survey marker set  
 (SF) SMF - Standard survey marker found  
 (C) CALC - Calculated point  
 (R) RIB - Round iron bar found  
 (S) SQIB - Square iron bar found  
 (IP) IP - Iron pipe found  
 (N) Tabulated coordinate reference
- Lands dealt with by this plan

## Notes

1. All computations performed and coordinates shown are based on the NB stereographic double projection and the NAD83(CSRS) ellipsoid as realized by Service New Brunswick's Adjusted Grid Monument System.
2. All distances shown are grid distances calculated using a combined scale factor utilizing geoid model HT2.0.
3. All directions are NB 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 SNB records.
8. Field survey was completed in Month, 2018.

## Purpose of Plan

- To create lot 18-1.

**Title Data**  
PID 00397059  
 Owner: Plazacorp Property Holdings Inc  
 Document 31314751  
 Registered: 2012-04-02

PID 00397059

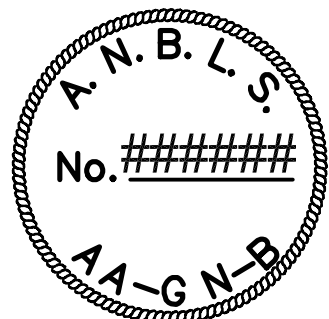
Owner: Plazacorp Property Holdings Inc.

Document 31314751

Registered: 2012-04-02

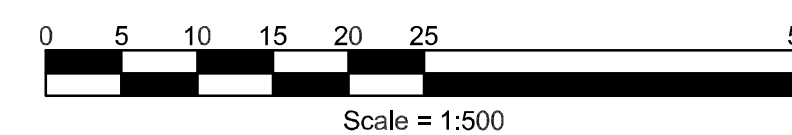
Signature of Owners

James Petrie, Executive Vice President and General Counsel  
for; Plazacorp Property Holdings Inc.



Subdivision Plan  
**Plazacorp Property  
Holdings Inc.  
Subdivision 18-1**

944 Fairville Boulevard  
City of Saint John  
Saint John County, NB



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

Dated:  
October 30, 2018

**TENTATIVE**

ANDREW K. TOOLE, NBLs # 379

Dwg: 18149SDT