
PLANNING ADVISORY COMMITTEE



The City of Saint John

November 20, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning
431 Millidge Avenue**

On October 21, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its November 19, 2019 meeting.

Cristian Parascan, the applicant, appeared before the Committee and indicated they were in agreement with the staff recommendation. The applicant explained that the additional rezoning was as a result of site conditions which and has resulted in the building being pushed further back onto the parcel.

Christine Comeau of DevelopSJ also spoke in support of the proposed application. She advised that DevelopSJ had been working with the applicant to facilitate discussions with the neighbours related to existing drainage issues.

Committee had no questions for the applicant on the proposal. No other persons appeared before the Committee regarding the application and staff noted the letter received at the time of the referral report (attached in the report), a letter of support and letter of concern received from nearby property owners.

After considering the report and the comments made by the applicant, the Committee adopted the staff recommendation contained in the report.

RECOMMENDATION:

1. That Common Council rezone a portion of a parcel of land having an area of 844 square metres, located at 431 Millidge Avenue, also identified as a portion of PID 00041483, from Residential – Two Unit (R2) to General

Commercial (CG).

2. That Common Council, pursuant to Section 59 of the *Community Planning Act*, the development and use of a portion of a parcel of land with an area of approximately 844 square metres, located at 431 Millidge Avenue, also identified as a portion of PID 00041483, be subject to the following conditions:
 - a. That the use of the property be restricted to a medical clinic or related uses;
 - b. That the maximum gross floor area of the proposed building not exceed 600 square metres;
 - c. That the gross floor area 600 square metres to a maximum of 750 square metres be approved, subject to further review and consideration by staff;
 - d. That all parking areas and driveways be paved with asphalt or concrete and enclosed by continuous cast-in-place concrete curbs to protect landscaping and facilitate proper drainage;
 - e. No parking shall be located between the building and the street;
 - f. That all disturbed areas of the site not occupied by buildings and vehicular areas must be landscaped;
 - g. That the applicant's consultant conduct a traffic impact study and submit it to the City's Chief Engineer, or his designate, for review and approval prior to the issuance of the building permit. The study must review the proposed location of the access and assess the risk of the proposed access, and provide potential mitigation measures. All required improvements identified in the report as necessary to enhance the safety of the site must be included in the design on the site plan and completed prior to the occupancy of the building for business purposes;
 - h. The stormwater drainage for the site must be developed and maintained in accordance with a detailed stormwater drainage plan and design brief prepared by the proponent and subject to approval by the Chief City Engineer or his designate;
 - i. The site shall not be developed except in accordance with a detailed site plan and building elevations, prepared by the

developer and subject to approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas, including location of planting materials and other site features;

- j. The approved plans mentioned in condition (f) and (g) must be attached to the application for building permit for the development; and
- k. All work shown on the site plan and drainage plan must be completed by the proponent within one year of the building permit being issued.

Respectfully submitted,



Rick Stephen
Vice Chair

Attachments



The City of Saint John

Date: November 15, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Tuesday, November 19, 2019**

SUBJECT

Applicant: Cristian Parascan

Owner: 680707 N.B. Ltd.

Location: 431 Millidge Avenue

PID: 00041483

Plan Designation: Low to Medium Density Residential

Existing Zoning: Two-Unit Residential (R2)

Proposed Zoning: General Commercial (CG)

Application Type: Rezoning

Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, December 2, 2019**.

SUMMARY

The proposal is to rezone an approximate 844 square metre portion of the site from Two-Unit Residential (R2) to General Commercial (CG) in order to accommodate a future commercial building that will consist of a medical and dental clinic. This rezoning is required due to the discovery of boggy conditions in the front of the parcel – which is not suitable for situating the building. As a result, the building has been pushed further from the street, causing a rear parking area to intrude into the residentially zoned area. A rezoning for a small portion of the residential lands to the CG zone is required to correct this issue.

RECOMMENDATION

1. That Common Council rezone a portion of a parcel of land having an area of 844 square metres, located at 431 Millidge Avenue, also identified as a portion of PID 00041483, from Residential – Two Unit (R2) to General Commercial (CG).
2. That Common Council, pursuant to Section 59 of the *Community Planning Act*, the development and use of a portion of a parcel of land with an area of approximately 844 square metres, located at 431 Millidge Avenue, also identified as a portion of PID 00041483, be subject to the following conditions:
 - a. That the use of the property be restricted to a medical clinic or related uses;
 - b. That the maximum gross floor area of the proposed building not exceed 600 square metres;
 - c. That the gross floor area 600 square metres to a maximum of 750 square metres be approved, subject to further review and consideration by staff;
 - d. That all parking areas and driveways be paved with asphalt or concrete and enclosed by continuous cast-in-place concrete curbs to protect landscaping and facilitate proper drainage;
 - e. No parking shall be located between the building and the street;
 - f. That all disturbed areas of the site not occupied by buildings and vehicular areas must be landscaped;
 - g. That the applicant's consultant conduct a traffic impact study and submit it to the City's Chief Engineer, or his designate, for review and approval prior to the issuance of the building permit. The study must review the proposed location of the access and assess the risk of the proposed access, and provide potential mitigation measures. All required improvements identified in the report as necessary to enhance the safety of the site must be included in the design on the

site plan and completed prior to the occupancy of the building for business purposes;

- h. The stormwater drainage for the site must be developed and maintained in accordance with a detailed stormwater drainage plan and design brief prepared by the proponent and subject to approval by the Chief City Engineer or his designate;
- i. The site shall not be developed except in accordance with a detailed site plan and building elevations, prepared by the developer and subject to approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas, including location of planting materials and other site features;
- j. The approved plans mentioned in condition (f) and (g) must be attached to the application for building permit for the development; and
- k. All work shown on the site plan and drainage plan must be completed by the proponent within one year of the building permit being issued.

DECISION HISTORY

At the November 4, 2019 meeting, Common Council gave accent for Money-in-lieu of Land for Public Purposes for the proposed subdivision of 431 Millidge Avenue, which will create the new parcel for the future commercial building. This subdivision recognizes site conditions and the building placement being adjusted. Registration of the Subdivision to create the new larger lot is pending the outcome of this rezoning application.

At the September 15, 2014 meeting of Common Council, third reading was given to a Zoning By-law amendment and associated Section 39 (now 59) conditions to rezone a portion of 431 Millidge Avenue to General Business (B2) Zone (the predecessor to the CG Zone). Those conditions are proposed for this rezoning in order to ensure consistency of application to the overall commercial site.

ANALYSIS

Proposal

The proposal is to rezone a portion of 431 Millidge Avenue (approximately 844 square metres) from Two-Unit Residential (R-2) to General Commercial (CG) to enable site plan changes for the construction of a commercial building. The building will contain a medical and dental clinic.

The original site plan from the 2014 application indicated the future building being located closer to Millidge Avenue than the current proposal. As site analysis for the required permits and

associated documents occurred, it was determined that the front area of the site is not appropriate for the future building as there is significantly boggy areas that would not support a building. The applicant has since revised their proposed site design, however due to parking requirements – a small portion of the parking area for the building ended up outside of the area zoned CG. This rezoning has been necessitated due to these site plan changes and in order to ensure parking for commercial uses, remained in the CG zoned lands.

The proposed building remains generally the same size as was proposed in the 2014 rezoning and is limited in gross floor area as per the section 59 conditions imposed during the rezoning (Appendix 2). Those conditions are proposed for this rezoning to ensure consistent application of conditions to the overall commercially zoned area. These conditions will require (among other things) a stormwater management plan to ensure that all drainage is retained on the site and control released into the City's sewer/stormwater system – reducing impacts of drainage on adjacent parcels. These conditions were imposed prior to the adoption of the City's current Drainage By-law, which now regulates stormwater management for new developments.

Site and Neighbourhood

The site is located in the Millidgeville Area of the City. The lot is located on the western side of Millidge Avenue where the road intersects with Somerset Street. The lot is currently undeveloped with significant tree cover at the rear of the lot.

The surrounding residential properties on Millidge Avenue consists of a variety of residential dwellings, as well as various commercial developments (strip mall and car lot). The area is well serviced by public transit and active transportation.

Municipal Plan and Rezoning

The subject property is located in the *Low to Medium Density Residential* future land use designation on Schedule B of the City's Municipal Plan. This designation recognizes the compatibility that small-scale commercial land uses have with residential communities.

The intent of the Plan is to help encourage the development of 'complete communities' over time by allowing land uses that are complimentary to residential neighbourhoods, such as commercial sites which can include medical and dental clinics. A complete community offers convenient access for its residents to a mix of local services, housing, employment, recreation, transit and active transportation.

This area has been slowly developing out a natural commercial node, with a variety of different services to support area residents. The proposed rezoning will facilitate the original intent of the 2014 rezoning by providing additional services for local residents.

Variances

A preliminary review of the proposed site plan that has been submitted with this rezoning application has been completed. Staff have identified the possibility of a side yard variance and variance to parking area distances to residential properties may be needed at the permitting

stage. Should these variances be needed, they will be processed by the Development Officer.

Subdivision

A subdivision application was review by Committee at the October 16, 2019 where money-in-lieu of Lands for Public Purposes (LPP) was recommended for approval. Committee endorsed this recommendation, which was approved by Common Council at their meeting of November 4, 2019. In that report, it was noted that a rezoning for the additional lands (currently zoned R2) would be required.

The Development Officer will approve the subdivision once monies for LPP are paid. Registration of the subdivision with Service New Brunswick for registration and creation of the new lot will occur following the outcome of this rezoning application.

Conclusion

Staff are supportive of the proposed rezoning as this would adjust the boundary of the CG area to take into account the revised proposal. The building size is limited through pre-existing Section 59 conditions, which will continue to apply even with the new proposal. Additional pre-existing conditions requiring stormwater management plans and a traffic impact analysis will be required at the permitting stage in order to satisfy the City that impacts to adjacent properties and the street network are mitigated.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

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 7, 2019. The public hearing for the rezoning was advertised on the City website on November 8, 2019.

Adjacent Resident Comments – referral report

A letter from an adjacent resident was received by Common Council on October 21, 2019 as Council initiated the review process of this application. The comments provided in that letter were considered as part of this application. That letter is found as Appendix 1 to this report.

Staff have reviewed the concerns raised by the neighbour from both the letter and PAC meeting of October 16, 2019. Much of the drainage issue does appear to be a result of pre-existing site conditions and is civil matter between landowners. The applicant has reached out to neighbours to discuss this issue and those conversations are being facilitated with the help of DevelopSJ. The pre-existing conditions for the original commercial zoned lands (proposed for the additional lands) includes a condition requiring a stormwater management plan be submitted with the Building Permit when development proceeds. This will ensure that all drainage of the

lands once the new building is constructed is managed and should not impact adjacent parcels. Noise related issues are regulated through the City's Noise By-law and the uses would likely operate normal business hours with some limited instances of evening operations.

APPROVALS AND CONTACT

Primary Author	Senior Planner/Manager	Commissioner/Dept. Heads
Kenneth Melanson, RPP, MCIP	Mark Reade, RPP, P. Eng.	Jacqueline Hamilton, RPP, MCIP

Contact: Kenneth Melanson
Phone: (506) 721-8694
E-mail: ken.melanson@saintjohn.ca
Project: 19-0217

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

Map 5: **Site Photography**

Appendix 1 – letter from adjacent neighbour received by Common Council

Appendix 2 – Original Section 39 (now 59) conditions from 2012 rezoning

Submission 1 – Site Plan

Appendix 1 – letter received by Common Council October 21, 2019 (with referral report)

To whom it may concern ;

My name is Chrystal Yeomans I live at 451 Millidge Ave in saint John New Brunswick! I am against 431 Millidge ave being rezoned to commercial as in 2015 it was approved for a medical and dental office and now they are wanting to rezone the rest of the property they own to commercial. We already have water damage from the clearing of trees and filling in of natural spring. I was at the PAC meeting and spoke with the owner whom was supposed to call us and talk to us about our property having water damage. We have not heard from him. I am not against growth, but I am against growth that destroyed my personal property. I was very disappointed as my questions were not addressed at the PAC I was repeatedly told it was a civil matter. If that is the case then why is it when I met with Mr Patrick Beamish he did not inform me ? A few questions I would like answers for are as follows

Exactly what is going to be places at 431 Millidge ave if rezoned to commercial ?

When is my property going to be fixed due to water damage of clearing trees and filling in of natural spring ?

Is more water damage going to occur ?

How noisy will it be as I work shift work ?

Is our property tax going to increase during to new construction?

Is the work going to cause disturbance to our cliff in the back yard?

How much increase of the traffic flow as the Millidge ave and summerset intersection as it is already busy and frequent horn blowing with near misses and accident?

How noisy will the neighbor hood be with it all commercial?

Thank you

Chrystal Yeomans

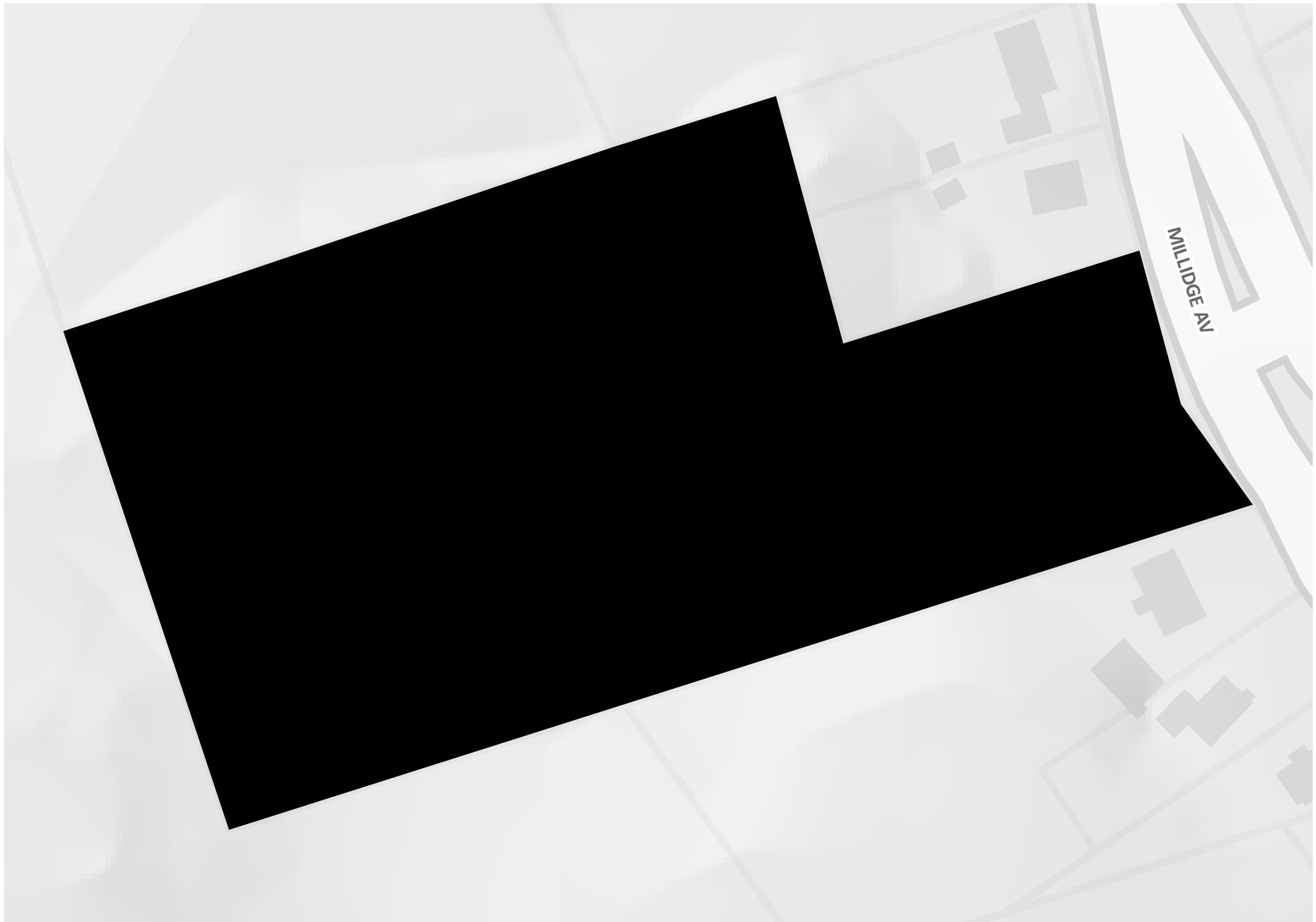
451 Millidge Ave Saint John New Brunswick

Appendix 2 – Original Section 39 (now 59) conditions from 2014 rezoning

Pursuant to Section 39 of the *Community Planning Act*, the development and use of the parcel of land with an area of approximately 3,250 square metres, located at 431 Millidge Avenue, also identified as being a portion of PID Number 00041483, being subject to the following conditions:

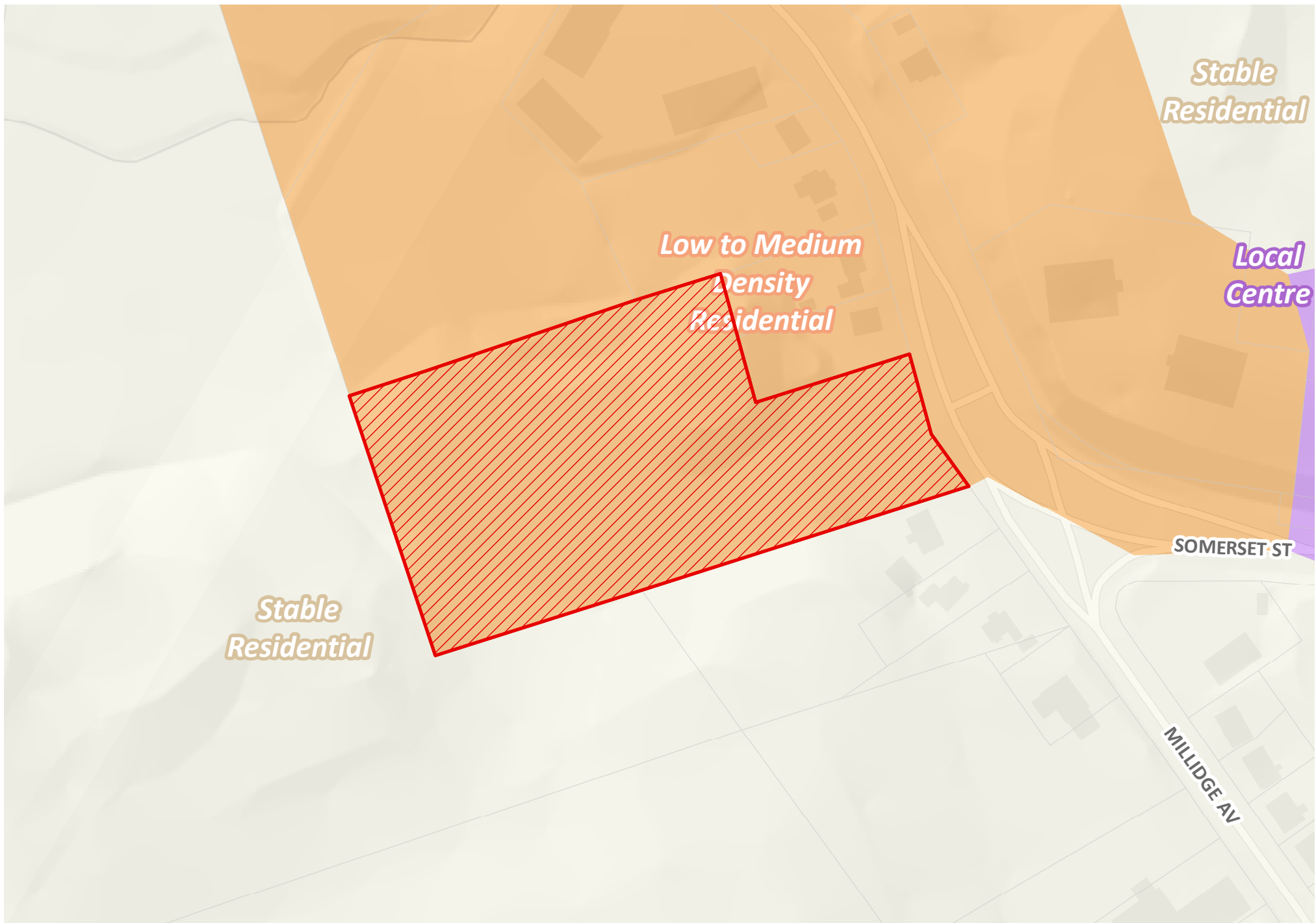
- a. That the use of the property be restricted to a medical clinic or related uses;
- b. That the maximum gross floor area of the proposed building not exceed 600 square metres;
- c. That the gross floor area 600 square metres to a maximum of 750 square metres be approved, subject to further review and consideration by staff;
- d. That all parking areas and driveways be paved with asphalt or concrete and enclosed by continuous cast-in-place concrete curbs to protect landscaping and facilitate proper drainage;
- e. No parking shall be located between the building and the street;
- f. That all disturbed areas of the site not occupied by buildings and vehicular areas must be landscaped;
- g. That the applicant's consultant conduct a traffic impact study and submit it to the City's Chief Engineer, or his designate, for review and approval prior to the issuance of the building permit. The study must review the proposed location of the access and assess the risk of the proposed access, and provide potential mitigation measures. All required improvements identified in the report as necessary to enhance the safety of the site must be included in the design on the site plan and completed prior to the occupancy of the building for business purposes.
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- i. The site shall not be developed except in accordance with a detailed site plan and building elevations, prepared by the developer and subject to approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas, including location of planting materials and other site features;

- j. The approved plans mentioned in condition (f) and (g) must be attached to the application for building permit for the development; and
- k. All work shown on the site plan and drainage plan must be completed by the proponent within one year of the building permit being issued.



Map 1 - Site Location
Christian Parascan - 431 Millidge Avenue



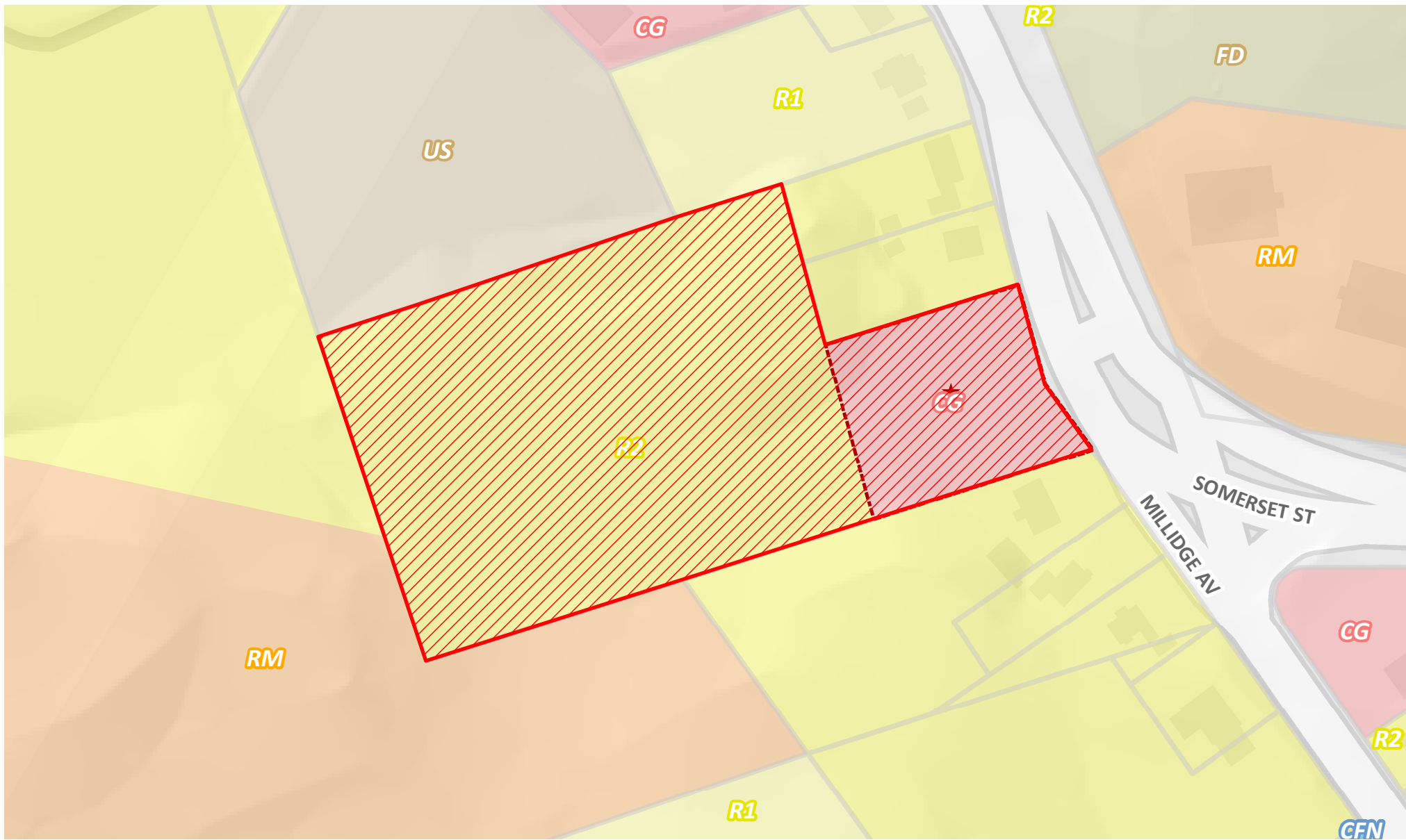


Map 2 - Future Land Use
Christian Parascan - 431 Millidge Avenue

The City of Saint John
Date: November 15, 2019

0 50 m





- (CFN) Neighbourhood Community Facility (RM) Mid-Rise Residential
- (CG) General Commercial (US) Utility Service
- (FD) Future Development
- (R1) One-Unit Residential
- (R2) Two-Unit Residential

★ Section 59 Conditions

Map 3 - Zoning

Christian Parascan - 431 Millidge Avenue

The City of Saint John
Date: November 15, 2019





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map 4 - Aerial Photography

Christian Parascan - 431 Millidge Avenue

The City of Saint John
Date: November 15, 2019

0 25 m





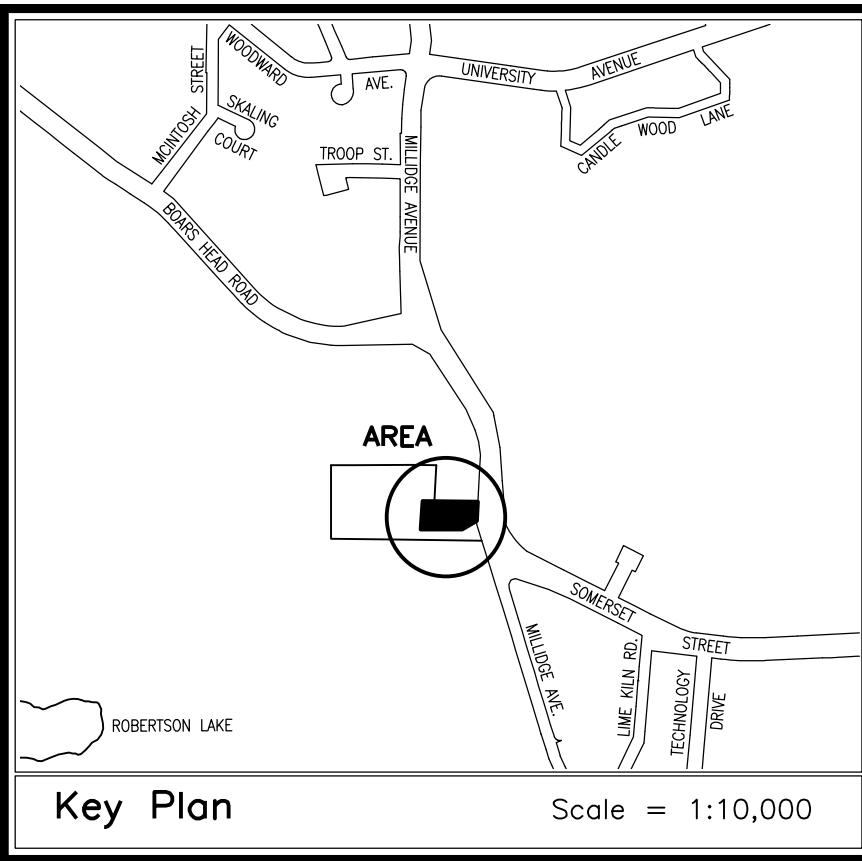
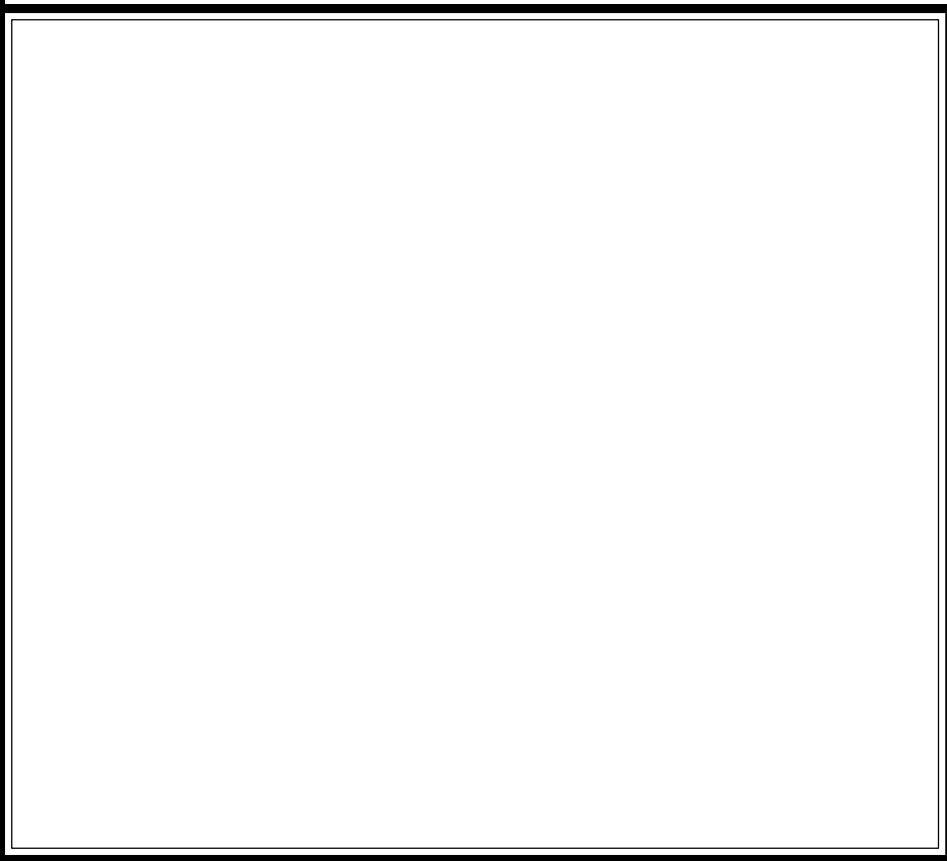
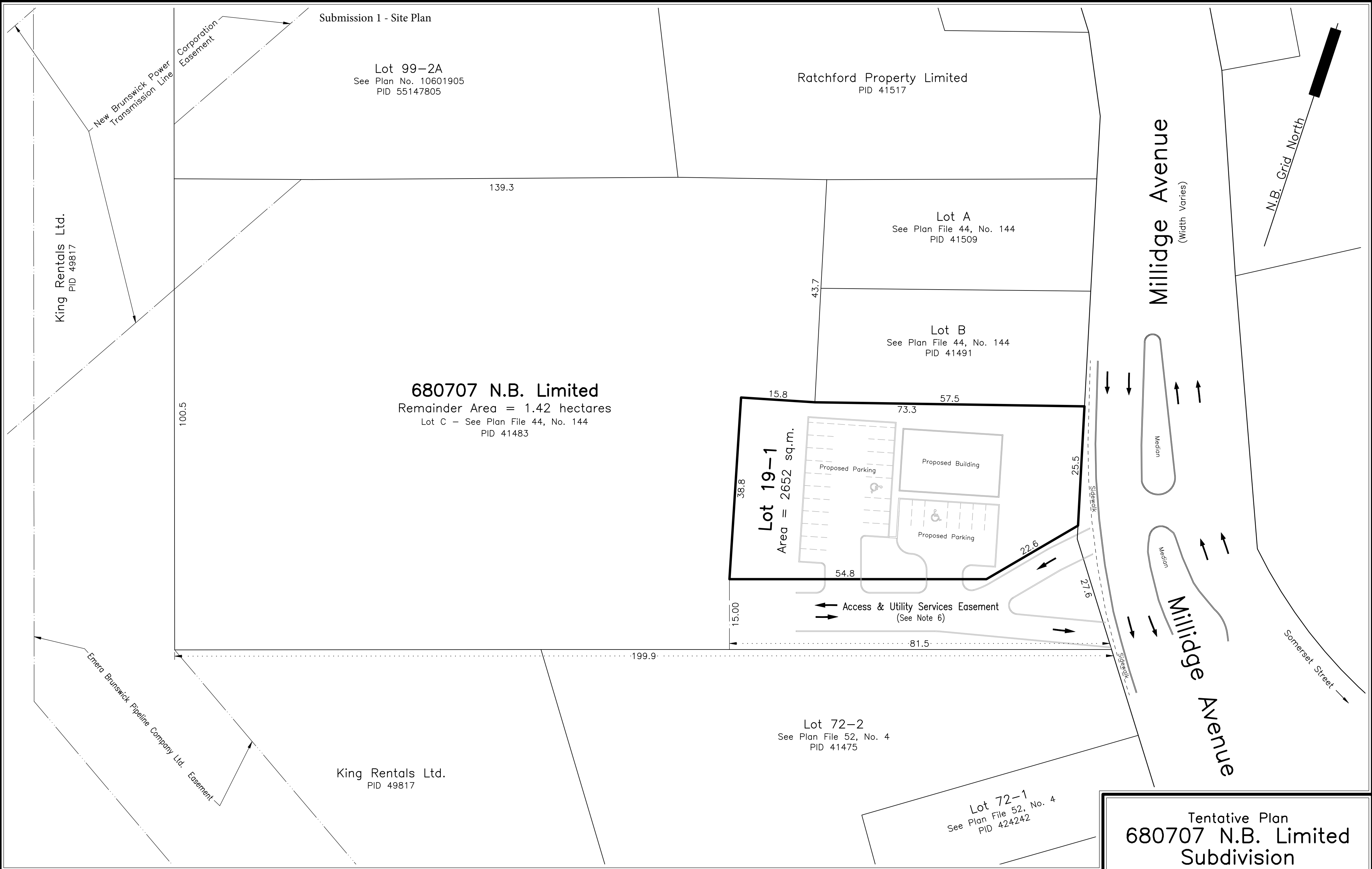
Site Access



Site view from Millidge Ave



Site view from Millidge Ave



NOTES:

1. Distances are in METRES.
2. Lands dealt with by this plan are bounded thus
3. Peripheral information and adjacent names were derived from various sources and should be verified.
4. All plans and documents referenced are recorded in the Saint John County Registry Office or in the Land Titles Office for the District of New Brunswick.
5. This plan is for conceptual purposes only. Final dimensions, areas and location of property lines may vary slightly following field survey and lot calculations.
6. This easement in favour of Lot 19-1 is for the purposes of access and utility services.

PURPOSE OF PLAN:

- ♦ To create Lot 19-1.

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
- sq.m. - Square metres
- A - Arc R - Radius
- Rad.Pt. - Radius point
- ⊖ Centreline
- Line not to scale
- x- Fence
- PID - Parcel identifier number
- Adj - Adjusted network
- ⊙(100) - Tabulated co-ordinate reference
- A.N.B.L.S. - Association of N.B. Land Surveyors

Tentative Plan
680707 N.B. Limited
Subdivision
Lot 19-1
Millidge Avenue
City of Saint John
Saint John County, N.B.

0 5 10 15 20 25 metres 50

Scale = 1:500

KIERSTEAD QUIGLEY
and **ROBERTS Ltd.**
Saint John, New Brunswick

Dated: July 31, 2019
Job No. 14-0034

Dwg. No. T-0740

From: gcl@nb.sympatico.ca
To: [onestop](#)
Cc: [Melanson, Ken](#)
Subject: Response to Rezoning Application - 431 Millidge Avenue
Date: November 14, 2019 2:14:02 PM
Attachments: [City of Saint John Rezoning Application 431 Milledge RESPONSE.pdf](#)

To whom it may concern:

Attached is the response from King Rentals Ltd., owner of PID 49817, regarding the rezoning application for 431 Millidge Avenue.

Regards,

Tim Colwell, EIT
660 Ready Street
Saint John, NB E2M 3S5
Phone - (506) 635-8855
Cell - (506) 651-4443
Fax - (506) 635-1944

King Rentals Ltd.
660 Ready Street
Saint John, NB E2M 3S5

November 13, 2019

Planning Advisory Committee
c/o City of Saint John
Growth & Community Development Services
P.O. Box 1971
Saint John, NB
E2L 4L1

Attention: Kenneth Melanson, BA, RPP, MCIP

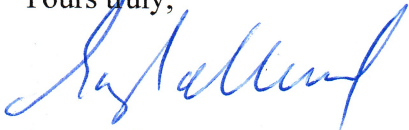
Reference: Rezoning Application – 431 Millidge Avenue

Dear Sir:

On the subject of rezoning 431 Millidge Avenue (PID 00041483), King Rentals Ltd., owner of PID 49817 is in favour of rezoning this property from two-unit residential (R2) to General Commercial (CG).

I trust that the above is satisfactory to your request, if you require anything further please advise.

Yours truly,



Gary Galbraith
King Rentals Ltd.