
PLANNING ADVISORY COMMITTEE



The City of Saint John

January 15, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning
3700 King William Road**

On December 17, 2018 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its January 15, 2019 meeting.

Stephen Perry of Brunswick Engineering appeared before the Committee on behalf of the property owner, Simpco Development Ltd. Mr. Perry was in agreement with the staff recommendation. No other persons appeared before the Committee regarding the application and no letters were received regarding the application.

The Committee noted the applicant's intention to replant the required tree buffer along the north, west and south property lines but also suggested examining on each permit review the amount of regrowth, as the natural regrowth of trees may outgrow and damage potentially damaging new trees planted for the buffer.

The Committee was concerned about the potential level of truck traffic the pit and quarry operation would generate and appreciated Mr. Perry's explanation that at peak operation the operation would have likely 50 trucks per day going to and from the site. He also noted that given the industrial nature of the area, King William Road should be able to handle this traffic without creating a capacity concern.

The Committee also reminded the applicant of the importance of obtaining all appropriate permits from the Province related to watercourses and environmental protection.

RECOMMENDATION:

1. That Common Council rezone a 31.1 hectare parcel of land located at 3700 King William Road, also identified as PID No. 55218754, from Medium Industrial (IM) Zone to Pit and Quarry (PQ) Zone.
2. That, pursuant to the provisions of Section 59 of the *Community Planning Act*, the use of the parcel of land with an area of 31.1 hectares, located at 3700 King William Road, also identified as PID No. 55218754, for the use of a Pit and for the use of a Quarry, be subject to the following conditions:
 - a. An engineered storm drainage submission must be provided for excavation and rehabilitation activities. No storm drainage to the roadway or adjacent lands is allowed.
 - b. Notwithstanding the provisions of 12.4 (6) (a) of the Zoning By-law, the existing treed buffer along the portions of the property along King William Road shall be maintained. If the existing treed buffer along King William Road is damaged or further reduced, the owner must replant the buffer to meet the requirements of 12.4 (6) (a) of the Zoning By-law.

Respectfully submitted,



Eric Falkjar
Chair

Attachments



The City of Saint John

Date: January 11, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Tuesday, January 15, 2019**

SUBJECT

Applicant: F. Andrew Simpson Contracting Limited

Owner: Simpco Development Ltd.

Location: 3700 King William Road

PID: 55218754

Plan Designation: Heavy Industrial and Rural Resource

Existing Zoning: Medium Industrial (IM)

Proposed Zoning: **Pit and Quarry (PQ)**

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, January 28, 2019**.

SUMMARY

F. Andrew Simpson Contracting Limited (Applicant) has submitted an application on behalf of Simpco Development Ltd. (Owner), which is seeking to rezone the site (PID 55218754) located at 3700 King William Road from Medium Industrial (IM) Zone to a Pit and Quarry (PQ) Zone. The Applicant is proposing to undertake a pit and quarry operation.

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DECISION HISTORY

On July 13, 2010, the Planning Advisory Committee granted a conditional use approval for temporary excavation for up to five years to prepare the site for future industrial development on the subject site. This application made no provision for treed buffers along the north, south and western edges of the site.

ANALYSIS**Proposal**

The applicant is seeking to rezone the subject property at 3700 King William Road from Medium Industrial (IM) Zone to a Pit and Quarry (PQ) Zone in order to allow for the operation of a pit and quarry on the subject property.

Site and Neighbourhood

The subject site is approximately 31 hectares and was previously used as a pit and quarry. The site is located north east of the Coleson Cove Generating Station and south west of the Community of Lorneville. The surrounding development is generally undeveloped land with a former quarry to the east. The closest residential development is located to the east along Lorneville Road and is approximately 550 metres (0.5 km) from the subject site.

The site is located just outside of the Primary Development Area (PDA), with the boundary being located approximately 470 metres north along King William Road.

Municipal Plan and Rezoning

The Municipal Plan future land use map indicates the site has two designations: Heavy Industrial and Rural Resource. A small part of the north east corner of the site is within the Heavy Industrial Designation while the remainder is the Rural Resource designation.

The Heavy Industrial Designation of the Municipal Plan is silent regarding the operation of a Pit or Quarry. The Plan recognizes that Heavy Industrial Lands tend to contain "...industrial operations which may have a significant detrimental effect on the safety, use, amenity or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods"¹. These typically are things such as refineries, major manufacturing facilities and other similar significant industrial manufacturing, operations or processing.

From a sound planning perspective, a Pit or Quarry operation is very similar to these types of heavy industrial uses since noise, vibration and appearance may impact adjacent development. From this perspective the proposed rezoning is reasonable for the Heavy Industrial designation portion of the site. The remaining area of the site is subject to the Rural Resource Designation. Policy LU-96 provides specific guidelines for the consideration of a rezoning to the Pit and Quarry (PQ) zone:

Municipal Plan – Policy LU-96	
Guideline	Response
Compatibility with and/or minimal impact on existing adjacent land uses.	Operations will have minimal impact to adjacent uses as the lands are either in a natural state or of an industrial nature. The site is more than the minimum required distance from residential development.
An appropriate location and acceptable hours of operation.	The proposal is appropriately located and exceeds the minimum setback requirements for both Pit and Quarry Uses. Hours of operation are limited from 7:00 a.m. to 8:00 p.m. as per the PQ Zoning standards.

¹ Policy LU-76 of the Municipal Plan.

A stormwater management plan.	A stormwater drainage submission will be required through a Section 59 condition before a Development Permit is issued. The applicant will also be required to obtain all proper Provincial Permitting related to potential impacts to disturbances within 30 metres of a regulated watercourse.
Incorporation of site development measures which will assist in the control of smoke, dust, odour, toxic materials, vibration and noise.	These measures will be incorporated into plans which form part of a Development Permit and must be followed once issued.
Compliance with required setback, yard and separation distances from existing roads or uses.	The proposal is able to meet and exceed all setback requirements of the PQ Zone which is outlined on page 5 of this report.
The provision of visual screening.	The site currently would be unable to meet screening requirements. However the applicant has proposed to replant screening along certain property lines and retain the existing tree buffer along King William Road; which Staff deems sufficient provided no further removal occurs. Discussion of this is found on page 6 of the report.
Acceptable location for buildings and equipment.	The proposal can meet the requirements of the PQ Zone.
Inclusion of necessary safety and protective measures.	The operator of the proposed Pit and Quarry uses is required to adhere to all appropriate Provincial and Federal workplace regulations and Laws. Access to the site is limited by a gate.
Acceptable location of entrances and exits, and the designation of acceptable hauling routes.	All access to the site will be from the existing access onto King William Road
Demonstrated compliance with signage and landscaping provisions.	The proposal is capable of meeting the signage and landscaping provisions of the Zoning By-Law (with the exception of the screening provisions noted above).
Measures to ensure future rehabilitation of the site.	The operator will be required to post a security as per the rules of the PQ Zone prior to ensure the City is protected against failure to comply with the PQ Zone requirements for rehabilitation of the site.

Zoning Review

The Pit and Quarry (PQ) Zone provides rules for the operation of Pit and Quarry uses which include (but is not limited to):

- hours of operation;
- maximum size of a pit (5 hectares);
- setback requirements to other zones or uses of land (such as residential uses or residentially zoned properties);
- site rehabilitation;
- screening of sensitive uses; and
- enforcement powers to ensure compliance with Zoning rules.

Should Common Council approve the proposed Rezoning; the applicant will be required to submit a Development Permit application which will be subject to all of the rules of the PQ Zone. A future application to approve the Pit and Quarry operation will be required; which will include a site plan showing the exact operational plan – which must be followed as part of the yearly excavation approval.

Setbacks

The PQ Zone requires differing setback requirements for both a Pit and a Quarry. Since both uses will operate on this site, both sets of requirements have been reviewed and in both cases, these setbacks are more than exceeded:

	Minimum distance from a Quarry	Minimum distance from a Pit	Distance provided
Public Water Supply	600 metres	150 metres	Greater than 600 metres
Residentially zoned lot or dwelling present at the time of the application to rezone for a pit or quarry	200 metres	150 metres	525 metres
Public Street	30 metres	30 metres	105 metres
Lot line of the excavation site	30 metres	30 metres	Greater than 30 metres
Other zones	50 metres	30 metres	Greater than 50 metres

Screening

Screening of uses is a typical method in a Zoning By-law to help reduce the impact of one use from another – particularly if there may be the potential of negative effects such as dust, noise of appearance.

The PQ Zone requires that a treed buffer of a minimum of thirty metres in depth and a minimum of four metres height or a topographic feature of a minimum of four metres in height be provided around the site excavation site with the exception of an area of approved access. If trees are not planted, the applicant is be required to construct a landscaped berm of at least 4 metres in height to visually screen the excavation site and associated activities.

In reviewing the 2010 approval; the previous Pit and Quarry was allowed to clear cut to the property lines along the north, west and south. Along King William Road some vegetative screening and a high rockface are present.

The applicant has agreed to replant the required screening along the north, west and south property lines, which will comply with Zoning By-law standards. The applicant has requested that the existing treed screening and topographic features along King William Road be retained as screening to the residential development to the east. Staff is supportive of this approach as it will restore the required vegetation and the existing screening along King William Road (in addition to distance) should be more than sufficient to screen the use from nearby residential (over 500m away).

Staff is proposing a screening condition that will require the existing treed buffer along King William Road to be maintained (thus preventing further loss of this buffer from occurring). A site plan indicating these conditions are to be met will be necessary for the future pit and quarry permit application.

Access

Existing access is from King William Road and shown on the plans submitted for this Rezoning application. No additional access points will be allowed from King William Road. The PQ Zone requires that the access driveway be paved for the first thirty metres from the intersection with a public street (section 12.4 (4) (a)).

Conclusion

The proposed rezoning can be supported as it meets the intent of the policies contained in both the Rural Resource and Heavy Industrial designations of the Municipal Plan. The proposal can generally meet the Zone Standards of the PQ Zone (with the exception of some screening requirements which are addressed with Section 59 conditions). The PQ Zone provides sufficient rules and standards to limit the impacts of the proposal and ensure compliance with applicable Municipal and Provincial regulations and ensure rehabilitation of the lands will occur.

ALTERNATIVES AND OTHER CONSIDERATIONS

Alternatives

No alternatives considered.

Other Considerations

As part of the 2016-2022 term of Common Council, four key priorities have been identified:

1. Growth & Prosperity;
2. Vibrant and Safe City;
3. Valued Service Delivery; and
4. Fiscal Responsibility.

These priorities, although not Planning Policies, are considerations of this application. This application would help fulfill Council's priority of Growth & Prosperity by allowing development that would support creation of a competitive business environment (encouraging investment), retention and creation of job opportunities in Saint John.

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 January 4, 2019. The public hearing for the rezoning was advertised on the City's website on December 21, 2018.

SIGNATURES AND CONTACT

Prepared:



Kenneth Melanson, BA, RPP, MCIP
Manager, Community Planning

Reviewed:



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

Approved:



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Kenneth Melanson
Phone: (506) 721-8694
E-mail: ken.melanson@saintjohn.ca
Project: 18-253

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

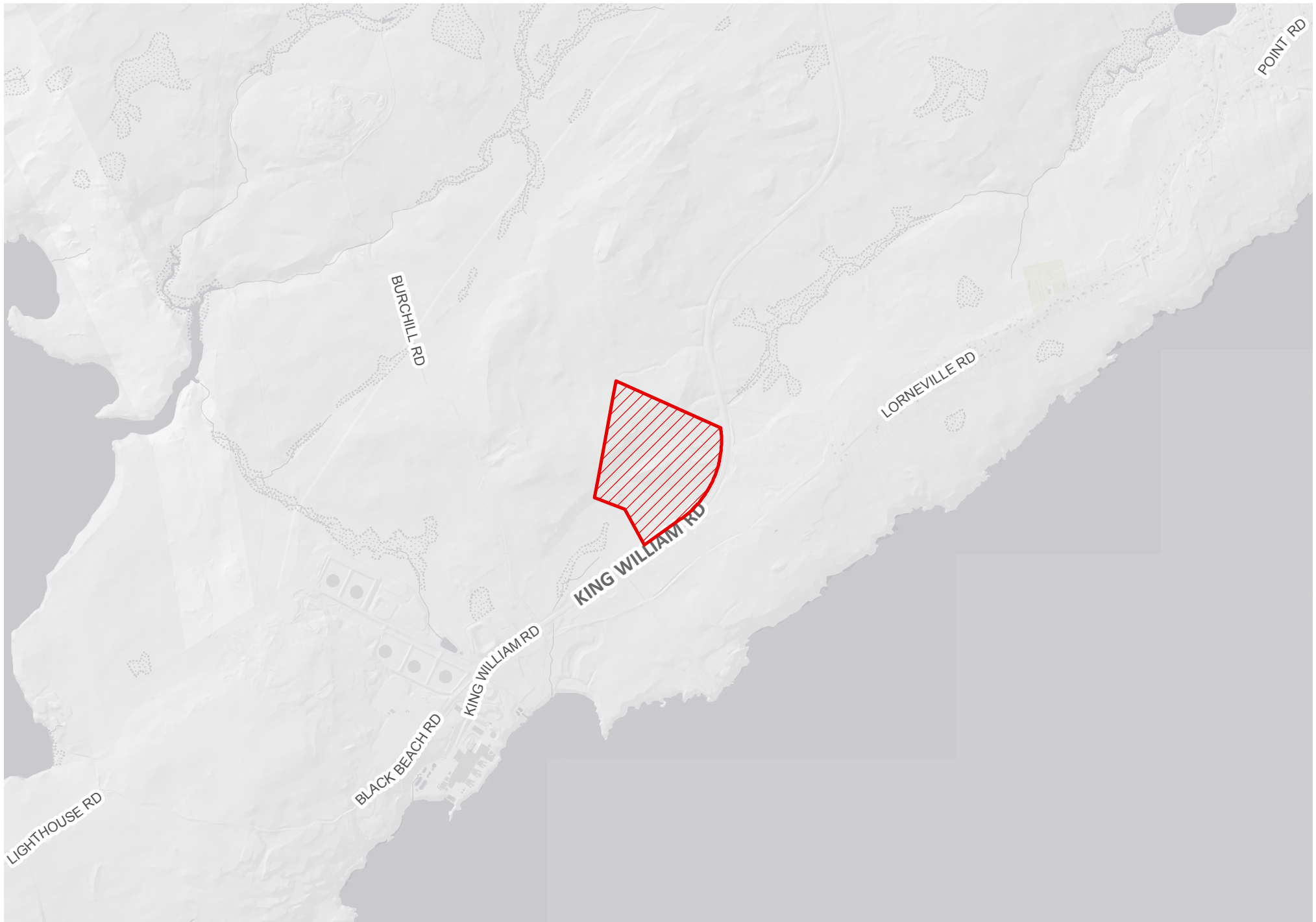
Map 3: **Zoning**

Map 4: **Aerial Photography**

Map 5: **Site Photography**

Map 6: **Lidar Map**

Submission 1: **Site Plan**



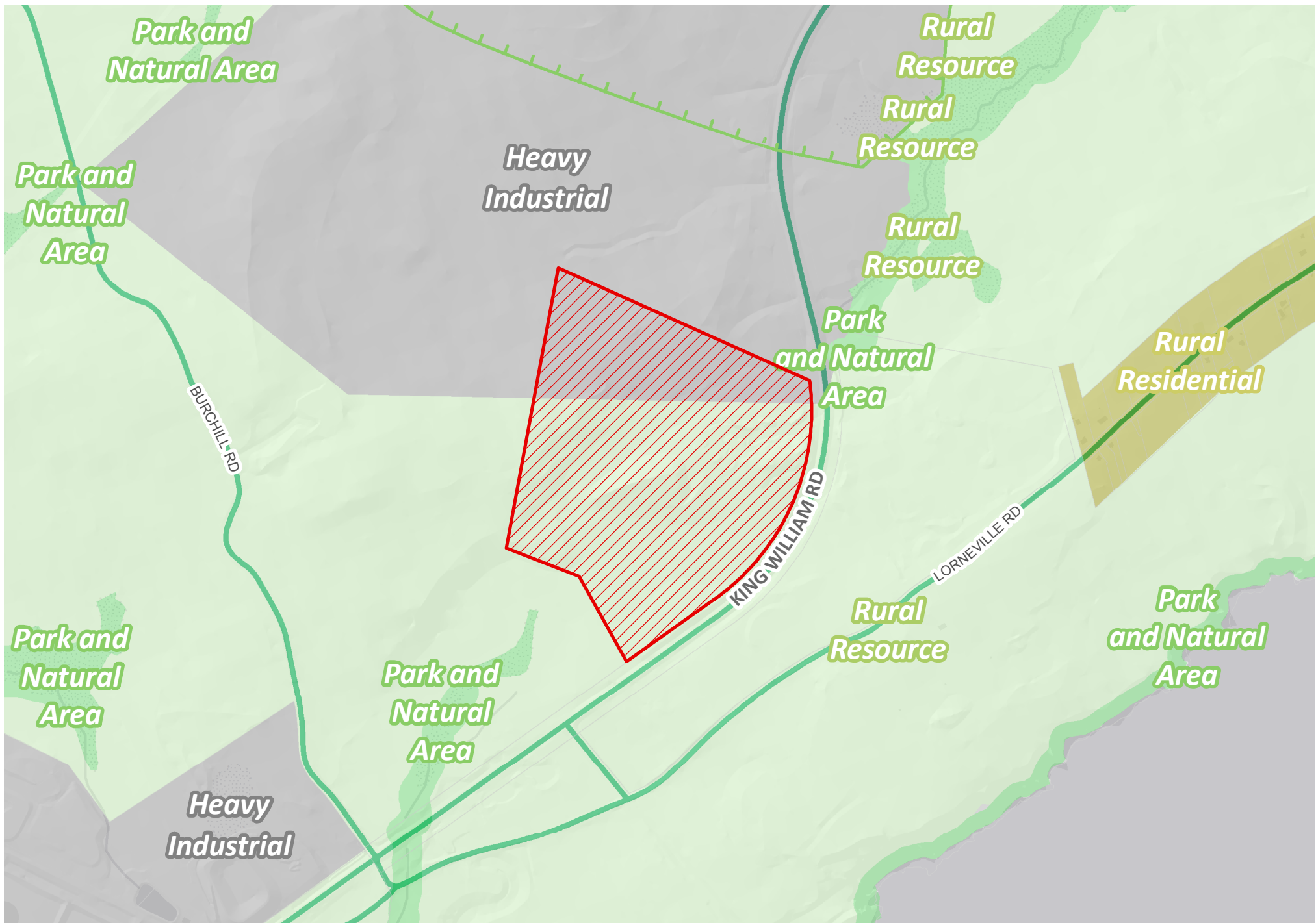
Map 1 - Site Location

F. Andrew Simpson Contracting Limited - 3700 King William Road

The City of Saint John
Date: January-08-19

0 600





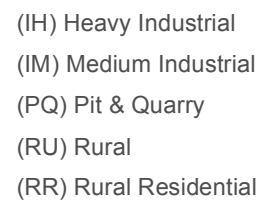
Map 2 - Future Land Use

F. Andrew Simpson Contracting Limited - 3700 King William Road

The City of Saint John
Date: January-08-19

0 250 m





Map 3 - Zoning

The City of Saint John
Date: January-08-19





Map 4 - Aerial Photography

F. Andrew Simpson Contracting Limited - 3700 King William Road

The City of Saint John
Date: January 08-19

0 275 m





Site access & tree buffer from King William Road



Existing treed buffer along King William Road



Tree buffer west side King William Road



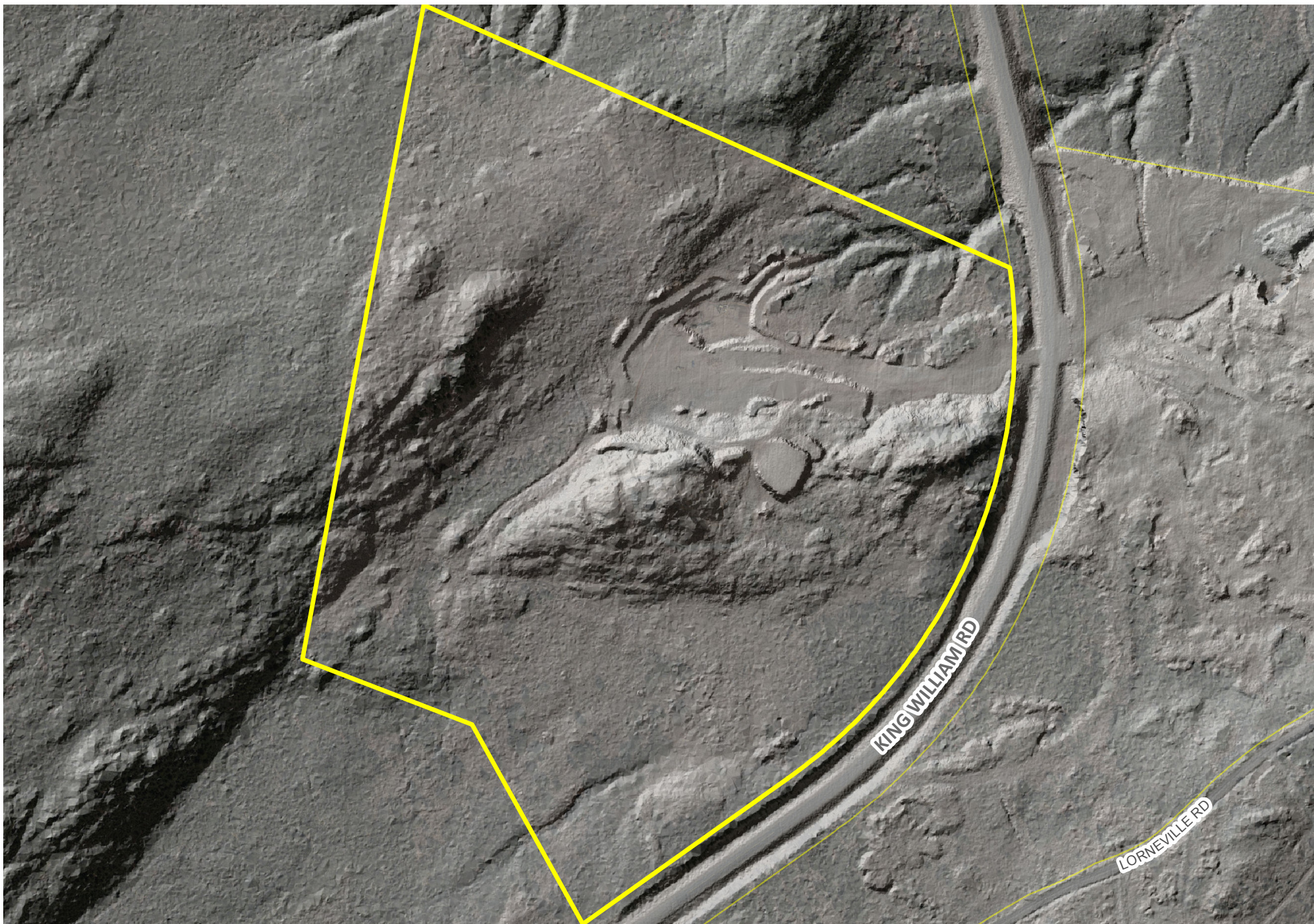
Tree buffer on east side King William Road

Map 5 - Site Photography

F. Andrew Simpson Contracting Limited - 3700 King William Road

The City of Saint John
Date: January-08-19





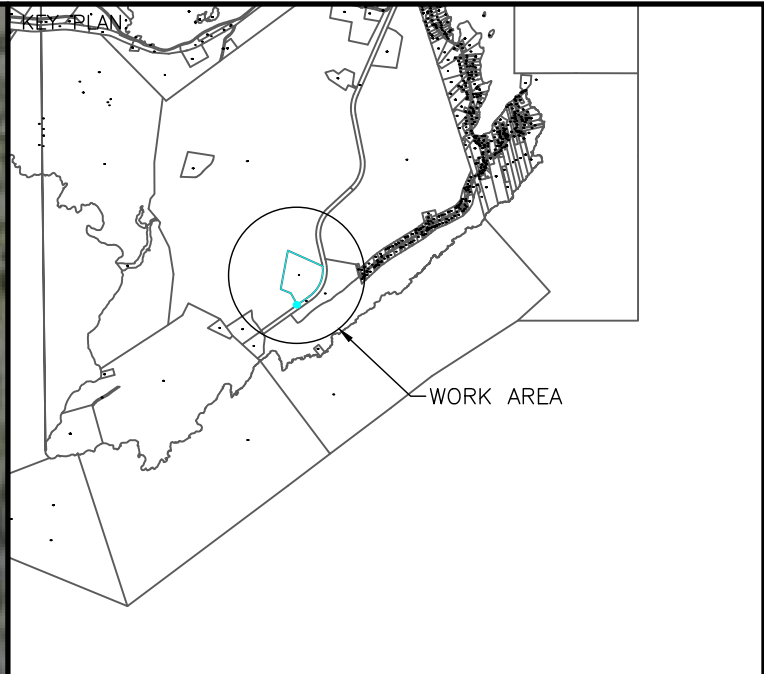
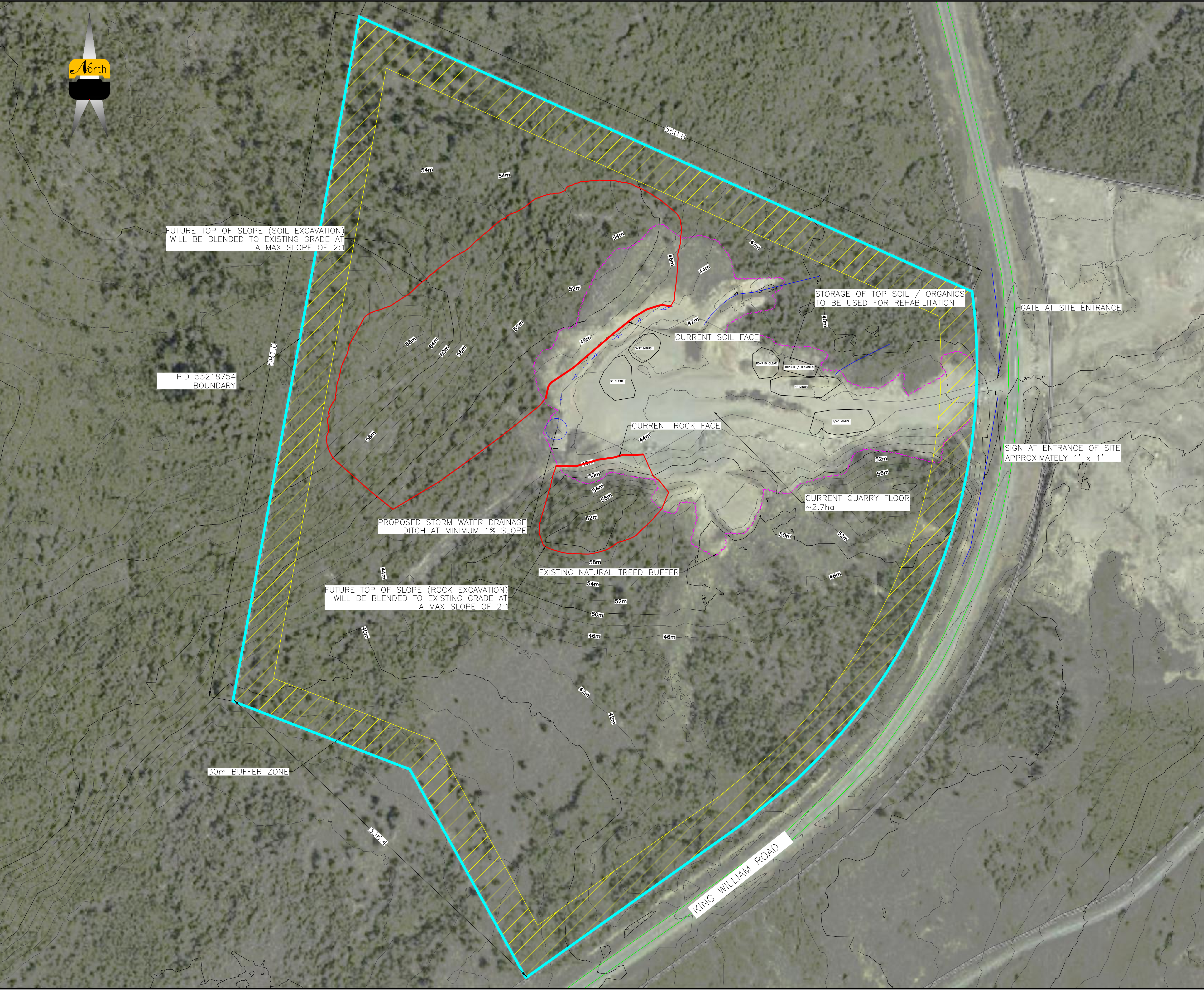
Map 6 - LiDAR Hillshade (50 cm)

F. Andrew Simpson Contracting Limited - 3700 King William Road

The City of Saint John
Date: January-08-19

0 100 m





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REVISION:

NO.	DATE	DESCRIPTION

STATUS

NO.	DATE	DESCRIPTION

0 2018/11/27 SUBMISSION TO CLIENT

NO. DATE YYYY/MM/DD DESCRIPTION

CLIENT:

SIMPCO DEVELOPMENT LTD

CLIENT REF. # 2230

PROJECT:

ZONING BY-LAW AMENDMENT APPLICATION

3700 KING WILLIAM ROAD

EXISTING CONTOURS AND SITE PLAN

BRUNSWICK
Engineering & Consulting Inc.
40 Ashburn Lake Road, PO Box 1045, Saint John, NB E2L 4E3
tel: 506.696.9155 fax: 506.696.9158

SEAL:

DESIGNED BY: AWJB	DRAWN BY: BLH	CHECKED BY: SRP
PROJECT NO: 2230.01	DATE: (YYYY/MM/DD) 2018/11/19	IF THIS BAR IS NOT 25mm LONG, ADJUST YOUR PLOTTING SCALE.
ORIGINAL SCALE: HORIZONTAL: 1:1500	VERTICAL: N/A	25mm

SHEET NUMBER: 1

SHEET #: 1 OF 3



FUTURE SITE CONTOURS FOR SOIL EXCAVATION
FUTURE SITE WILL HAVE MAX SLOPE OF 2:1
FUTURE TOP OF SLOPE WILL BLEND WITH EXISTING GRADE

PID 55218754
BOUNDARY

PROPOSED STORM WATER DRAINAGE
DITCH AT MINIMUM 1% SLOPE

ELEVATIONS OF ORIGINAL GROUND (m)

FUTURE SITE CONTOURS FOR ROCK EXCAVATION
FUTURE SITE WILL HAVE MAX SLOPE OF 2:1
FUTURE TOP OF SLOPE WILL BLEND WITH EXISTING GRADE

EXISTING NATURAL TREED BUFFER

KING WILLIAM ROAD

STORAGE OF TOP SOIL / ORGANICS
TO BE USED FOR REHABILITATION

CURRENT SOIL FACE

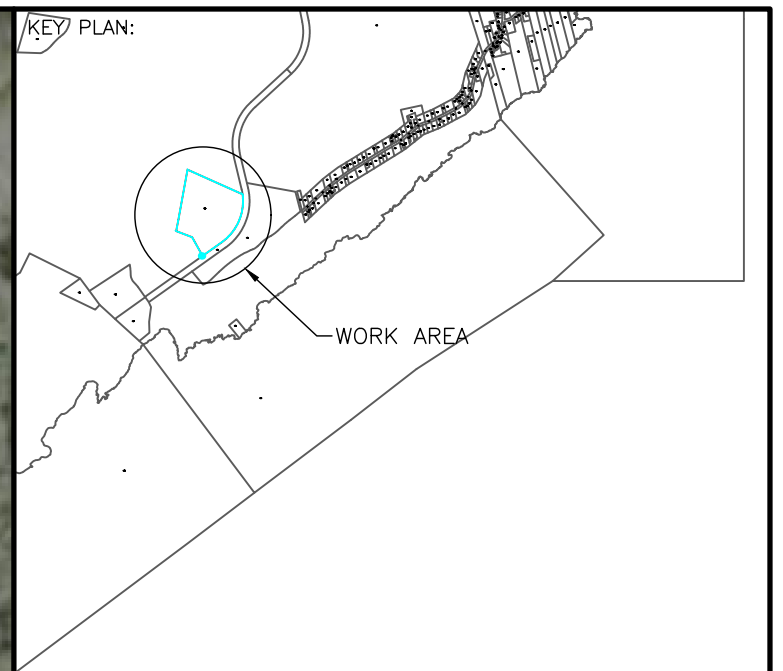
CURRENT ROCK FACE

GATE AT SITE ENTRANCE

SIGN AT ENTRANCE OF SITE
APPROXIMATELY 1' x 1'

GENERAL NOTES:

- TOPSOIL WILL BE PLACED ON AREAS WHERE THERE IS A 3:1 SLOPE OR LESS.
- CONIFEROUS TREES WILL BE PLANTED WITHIN THE 30m BUFFER ZONE IF NECESSARY.
- NO OVERHANGING ROCKS WILL BE LEFT ON THE QUARRY'S FACE.
- ANY FLAT AREAS WILL BE RE-GRADED TO ELIMINATE PONDING WATER.
- ALL EQUIPMENT WILL BE REMOVED.



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STATUS	

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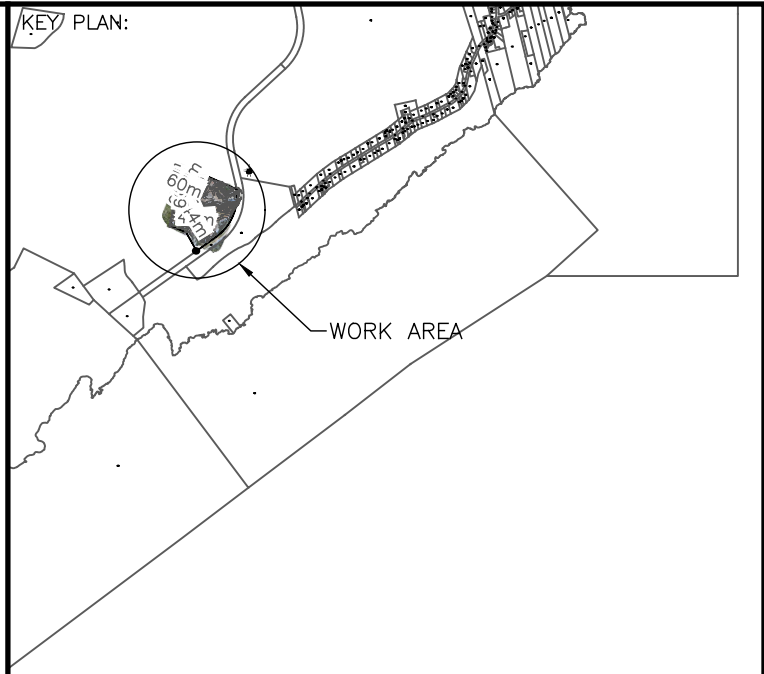
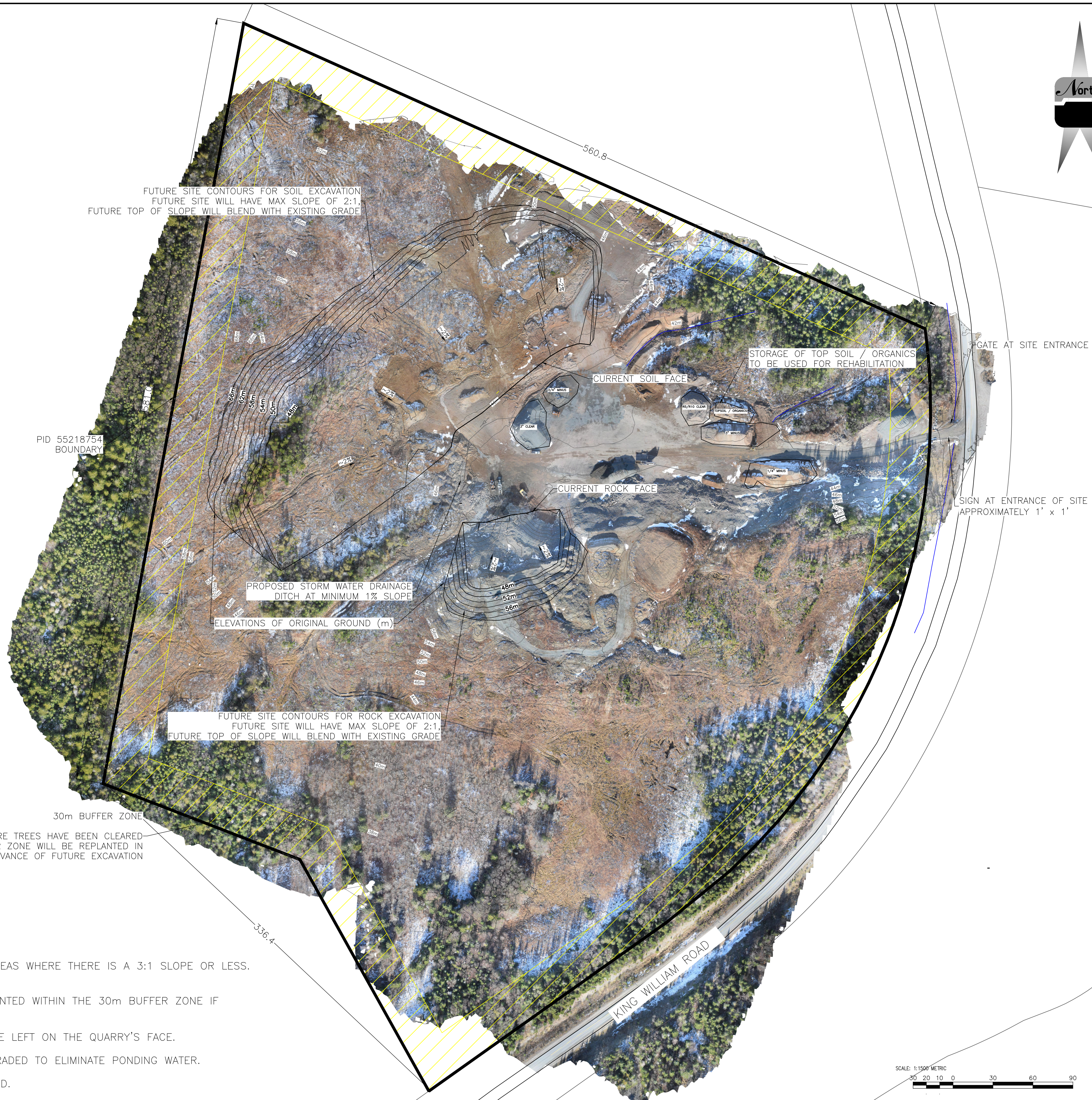
TITLE:
FUTURE SITE PLAN AND
RECLAMATION PLAN

BRUNSWICK
Engineering & Consulting Inc.
40 Ashburn Lake Road, PO Box 1045, Saint John, NB E2L 4E3
tel: 506.696.9155 fax: 506.696.9158

SEAL:

DESIGNED BY: AWJB	DRAWN BY: BLH	CHECKED BY: SRP
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ORIGINAL SCALE: HORIZONTAL: 1:1500	VERTICAL: N/A	

SHEET NUMBER:
3
SHEET #: 3 OF 3



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REVISION:		
0	2019/01/10 REVISED ORTHO SUBMISSION	
STATUS		
1	2019/01/10 SUBMITTED FOR REVIEW	
0	2018/11/27 SUBMISSION TO CLIENT	
NO.	DATE YYYY/MM/DD	DESCRIPTION

CLIENT:

SIMPCO DEVELOPMENT LTD

CLIENT REF. #: 2230
PROJECT:

**ZONING BY-LAW
AMENDMENT APPLICATION**

3700 KING WILLIAM ROAD

TITLE:

**FUTURE SITE PLAN AND
RECLAMATION PLAN**



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- ALL EQUIPMENT WILL BE REMOVED.

NOTE: ANY AREAS WHERE TREES HAVE BEEN CLEARED
WITHIN 30m BUFFER ZONE WILL BE REPLANTED IN
ADVANCE OF FUTURE EXCAVATION

