Date: May 15, 2020

To: Planning Advisory Committee

From: Growth & Community Planning
       Growth & Community Development Services

Meeting: May 20, 2020

SUBJECT

Applicant: Sandor Torok Landowner: Sandor Torok

Location: 191 Red Head Road

PID: 00344929

Plan Designation: Rural Residential

Existing Zoning: Rural Residential (RR)

Proposed Zoning: Rural General Commercial (CRG)

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, June 8, 2020.
EXECUTIVE SUMMARY

Sandor Torok (the applicant) is seeking to establish a small car sales lot on the subject property. Mr. Torok has lived at the site for several years. The proposed car sales business, if approved, would be secondary to the ongoing residential use of the lot. The applicant has illustrated a nine-metre area adjacent to the dwelling where the proposed vehicles would be located. He has also identified a small area at the rear of the existing dwelling that he would dedicate as office space for the proposed business.

The City’s Municipal Plan contemplates limited small-scale commercial uses in the rural residential areas of the City, providing the residential character of these areas is preserved. Staff recommend approval for the proposed rezoning as the intended use will be secondary to the primary residential function of the property, and will be located at approximately 50 metres from Red Head Road. Further, Section 59 conditions have been proposed that will restrict the use of the lot to a list of uses identified in the Rural General Commercial (CRG) zone that would have no apparent negative impact on the surrounding community.

RECOMMENDATION

1. That Common Council rezone a parcel of land having an area of approximately 6574 square metres, located at 191 Red Head Road, also identified as PID Number 00344929, from Rural Residential (RR) to Rural General Commercial (CRG).

2. That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act impose the following condition upon the development and use of the parcel of land having an area of approximately 6574 square metres, located at 191 Red Head Road, also identified as PID Number 00344929:

   (a) the parcel of land will be restricted to the following uses as identified in the Rural General Commercial (CRG) Zone of the City of Saint John Zoning By-law:

   - An artist or craftsperson studio;
   - Bed and breakfast;
   - Dwelling unit, subject to paragraph 11.11(3)(b) of the Zoning By-law;
   - Home occupation, subject to section 9.9 of the Zoning By-law;
   - Secondary suite, subject to section 9.13 of the Zoning By-law;
   - Supportive housing, subject to section 9.14 of the Zoning By-law;
   - Vehicles sales, incidental, with a maximum of five vehicles on the lot at any one time;

   (b) only one of the above land uses mentioned in 2(a) can be established on the site, in addition to a residential dwelling, at any one time.
DECISION HISTORY

The City’s property files, which date back to 1979, do not contain any information concerning the subject property.

ANALYSIS

Proposal
The applicant is seeking to rezone the subject site at 191 Red Head Road from Rural Residential (RR) to Rural General Commercial (CRG) in order to facilitate the establishment of a used car sales operation for up to five vehicles as a secondary use to the existing use of the lot as a single-unit dwelling.

The applicant has lived at the subject property for several years and is now seeking to establish a used car sales lot on a portion of the property, while retaining the residential component of the property as the primary function. The proposed zone, Rural General Commercial (CRG), permits “vehicle sales, incidental” for up to five vehicles. The submitted site plan illustrates an approximate nine-metre space between the dwelling and garage (Submission 1) that, if approved, would be dedicated to the sale of vehicles. The vehicles would be parked on a paved surface facing Red Head Road, which is approximately 50 metres from this area of the property.

The applicant has indicated that he plans to dedicate a small area in the rear of the existing dwelling as an ‘office space’ for the proposed business (Submission 2). This area would be an approximate nine square-metre space accessed from the rear entrance of the dwelling. Finally, the applicant is proposing to place a small sign in the front yard area to promote the business.

Site and Neighbourhood
There is a mixture of land uses in this part of the City, including residential, commercial, industrial, public utilities, and a provincially designated wetland area. The block of Red Head Road containing the subject site is characterized by low-density residential development with some dwellings dating back to the beginning of last century. Mid-sized to large lots are typical in this area, with most dwellings overlooking Courtenay Bay. The site is approximately 600 metres from the Bayside Drive and Red Head Road intersection.

The context for a small-scale vehicle sales business has been established previously in this area of Red Head Road. In 1992 the lot at 89 Red Head Road was rezoned to a local commercial zone to permit the establishment of a motorcycle sales and repair business. Originally established as a local convenience store in the mid-1970s, the property at 119 Red Head Road is also located in a commercial zone. Staff have no record of complaints submitted regarding the commercial operations of businesses at these properties in the past.

The site is accessed by a long, winding driveway that terminates at a large three-car garage. The house is situated in the middle of the large lot, setback approximately 33 metres from the
front property line, and elevated approximately 15 metres above sea level. The property includes a small shed adjacent to the garage, as well as several wooden pallets stored at the rear of the lot. In addition to the vehicles on the lot owned and used by the applicant, various other vehicles in differing states of repair are also located on the property.

**Municipal Development Plan and Rezoning**

The subject site is located in the Rural Residential (RR) zone, approximately 55 metres from the boundary of the Primary Development Area (PDA). The land use designation established by the City’s Municipal Plan is *Rural Residential* as the property is an existing residential lot located outside the PDA. The Plan contemplates commercial land uses in the *Rural Residential* land use designation where they are able to complement the residential character of the neighbourhood.

The Plan directs Council to consider the need to protect the character of the rural residential areas of the City when new land uses are proposed. Introducing land uses that are fundamentally incompatible in the rural residential context can contribute to the slow deterioration of the residential fabric of these areas over time. Conversely, the inclusion of some commercial land uses can help strengthen a rural neighbourhood by introducing appropriate commercial options that are accessible to rural residents to serve their needs, or provide small-scale employment for residents. In this spirit, the Rural General Commercial (CRG) zone identifies several land uses that are able to complement an existing residential neighbourhood. The zone is designed to offer commercial opportunities in the rural neighbourhoods of the City without compromising the strength and sustainability of the commercial and mixed-use areas within in the PDA, which are identified as the focused areas for growth over the lifespan of the Plan.

Among the commercial uses in the zone, the establishment of a vehicle sales lot for up to five automobiles is listed as a permitted use. Limiting the number to five or fewer allows the principal use of the lot, which in this case would remain residential, to continue as the dominant use. At this scale, staff believe that the proposed business would have minimal impact on the quality of life for neighbouring residents.

The proposed area for the sale of vehicles is located at the top of the driveway, approximately 50 metres from Red Head Road. This part of the site is elevated approximately 15 metres from sea level and situated behind some natural features of the site. Locating the car sales operation to this area of the property further mitigates any potential visual impacts of the proposed use. The aesthetics of the property would remain residential in nature and would not lend an appearance of commercial encroachment into the neighbourhood.

The applicant has indicated that he intends on installing a free standing sign at the front of the property to promote the presence of the proposed car sales business. The Zoning By-law requires a minimum three-metre front yard setback for a free-standing sign in the Rural General Commercial (CRG) zone.
Staff recommend that Section 59 conditions be adopted that restrict use of the lot to an appropriate list of uses identified in the Rural General Commercial (CRG) zone. These uses, if established at some time in the future, would have no apparent negative impact on the surrounding neighbourhood.

Finally, staff are aware that there are some items on the property that should be removed to ensure the aesthetics of the site are reflective of the community standard, and in keeping with the surrounding context of a residential neighbourhood. Staff have been in discussions with the applicant regarding the need to remove some items from the lot prior to the establishment of the proposed vehicle sales operation, to which the applicant has indicated he is willing to comply. Historic aerial photos of the property suggest that the property has not been unsightly in the past, nor does there appear to have been vehicles stored on the site during these times. There is no record of complaints being issued against the property.

**Conclusion**

The Municipal Plan supports limited commercial land uses in the *Rural Residential* areas of the City, based on the ability of the proposed use to preserve the existing residential character of the neighbourhood. Staff believe that the scale of the proposed use, which is limited to a maximum of five cars for sale on the lot at any one time, would be non-disruptive to the surrounding area. The existing context of the area, with pre-established commercial uses in close proximity to the site also supports this proposal. Staff recommend conditions that limit the use of the site to a list of uses identified in the Rural General Commercial (CRG) zone that are in keeping with the residential context of the surrounding community.

**ALTERNATIVES AND OTHER CONSIDERATIONS**

That Common Council not give third reading to the rezoning until confirmation is received from staff that any unsightly items have been removed from the lot.

**ENGAGEMENT**

**Proponent**

The applicant visited residents living in the immediate area of the subject site in mid-February to advise them of his proposed rezoning application. As a result, staff have received three letters of support from neighbouring residents (Submission 3).

**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 May 8, 2020. The rezoning was posted on the City of Saint John website on May 15, 2020.
APPROVALS AND CONTACT

<table>
<thead>
<tr>
<th>Author</th>
<th>Manager</th>
<th>Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jody Kliffer, MCIP, RPP</td>
<td>Ken Melanson, BA, MCIP, RPP</td>
<td>Jacqueline Hamilton, MCIP, RPP</td>
</tr>
</tbody>
</table>

Contact: Jody Kliffer  
Telephone: (506) 658-4528  
Email: Jody.Kliffer@saintjohn.ca  
Application: 20-015

APPENDIX

Map 1: Site Location  
Map 2: Future Land Use  
Map 3: Zoning  
Map 4: Aerial Photography  
Attachment 1: Site Photography  
Attachment 2: Municipal Plan Policy Review  
Submission 1: Site Plan  
Submission 2: Floor Plan  
Submission 3: Letters of Support
Map 2 - Future Land Use
Sandor Torok - 191 Red Head Road
Map 3 - Zoning

Sandor Torok - 191 Red Head Road

(CG) General Commercial  (RU) Rural
(CL) Local Commercial    (RR) Rural Residential
(IH) Heavy Industrial    (US) Utility Service
(IM) Medium Industrial
(R2) Two-Unit Residential
Map 4 - Aerial Photography
Sandor Torok - 191 Red Head Road

The City of Saint John
Date: February 24, 2020
Attachment 1: Site Photography
Sandor Torok - 191 Red Head Road

Date: March 9, 2020

The City of Saint John
Chelsea Furlotte
171 Red Head Road
Saint John, NB
E2P 1J3

Development Services

To Whom it may concern;

I Chelsea Furlotte am writing about Sandor Torok who resides at 191 Red Head Road Saint John, NB E2P 1J3. I reside beside Mr. Torok, and are supporting his application for a Used Car Sales License at 191 Red Head Road, Saint John, NB.

Sincerely,

Chelsea Furlotte  

Date: Jan 30/2020
Denise Daigle & Paul W Elson
215 Red Head Road
Saint John, NB
E2P 1J3

Development Services

To Whom it may concern;

We Denise Daigle and Paul W Elson are writing about Sandor Torok who resides at 191 Red Head Road Saint John, NB E2P 1J3. We reside beside Mr. Torok, and are supporting his application for a Used Car Sales License at 191 Red Head Road, Saint John, NB.

Sincerely,

Denise Daigle ___________________________ Date: 20/01/20

Paul W Elson ___________________________ Date: 20/01/20
Michael Hanson
177 Red Head Road
Saint John, NB
E2P 1J3

Development Services

To Whom it may concern;

I Michael Hanson am writing about Sandor Torok who resides at 191 Red Head Road Saint John, NB E2P 1J3. I reside beside Mr. Torok, and are supporting his application for a Used Car Sales License at 191 Red Head Road, Saint John, NB.

Sincerely,

Michael Hanson

Date: Jan 20th 2019
To Tody Kleffer:

In reply to your rezoning letter

on 191 Red Head Rd. Saint John N.B.

We are very much against this, we

have been living here for 20 years

and enjoy the quite neighborhood.

People are friendly and care about

the neighborhood. Keeping it clean.

At the time I was going to move

to Red Head Rd I owned a empty lot.

I applied to put a Mobile Home on it

was refused because it was not good

for Mobile Homes so I had to build

a new house. (Costing a lot more)

because this was zoned for Rural

Residential (R.R.) only.

I walked down the road the

other day and looked around where

this Car Lot would be. 191 Red Head Rd.

The entrance to the property is quite

steep making it hard to see traffic on

main road. The entrance is on an

angle to the main road also making

it dangerous to drivers on main Road.

Another thought is how many

Car lot have only 1-5 cars. I sure

you will agree with me, they will

want to grow their business making

more traffic to the area.

I called David Munrother 977-3854

and called Roy Strawbridge 977-2846

to date I have not received a reply, about

this application for rezoning Red

Head Rd.
As you see we are against this idea. Keep our small Rural Residential Area for the few people of Saint John N.B that live in their home and enjoy this area very much.

Thank you

Mary Nave

p.s. I live at 231 Red Head Road
my phone # is 214-2279
you can call me if you need more information