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# PLANNING ADVISORY COMMITTEE

March 27, 2019



The City of Saint John

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Proposed Rezoning and Section 59 Amendment  
175 Hilyard Street**

On February 25, 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 March 26, 2019 meeting.

Mr. Rod Adams, of the Northrup Group, representing Haldor (1972) Ltd., appeared before the Committee and was in agreement with the Staff Recommendation contained in the report.

Mr. Morgan Lanigan of Harbour Terrace, appeared before the Committee and expressed concerns with the application and conformance to the policies of the Municipal Plan, particularly with the external portion of the development. Mr. Lanigan questioned the introduction of self storage units as a permitted use in the Business Park Commercial zone as opposed to providing an approval for such facilities on a site-by-site basis. He suggested a potential compromise of eliminating the exterior storage units from the proposal.

In response to questions from the Committee, Staff provided an overview of the locations of Business Park Commercial (CBP) zoned areas within the City, noting these areas included areas that had Business Park or Restricted Industrial zoning under the former by-law including areas along Crown Street, the periphery of the Central Peninsula, Woodward Avenue, the Maritime Opportunity Centre on Sand Cove Road, the former Loch Lomond Mall and areas in the vicinity of Loch Lomond Road and Mark Drive. Staff noted self-storage is proposed for inclusion as a permitted use in the Business Park Commercial (CBP) zone as this land use is automobile oriented and has a larger land area and building floor area requirement, which conforms to the policies of the

Business Centre designation. Staff noted the employment density is expected to be lower in these areas compared to the Primary Centres (Uptown and UNBSJ/Regional Hospital) which have land uses with higher concentrations of employees. Staff noted while a variance is required for the one-storey height of the external units, they fit within the surrounding context as both Building D and the adjacent Tim Hortons building were single storey buildings and warehousing is a use that generally requires a single storey floor area.

Mr. Adams noted the internal and external storage units serve different segments of the market with the exterior units providing a higher degree of vehicle access where users can park a vehicle directly at the door of the storage unit for ease of loading. With respect to the proposed one storey height, he noted the portion of the site where the external units are proposed is lower and the single storey building will have less impact on views given the lower height. Mr. Adams noted the buildings could be stick-built or pre-engineered, both of which have different overall heights and exterior treatments. He noted they plan to conduct periodic audits of what clients are storing to ensure there are no hazardous or prohibited materials and that he expected the exterior buildings would be sprinklered.

Committee members expressed concern with the potential implications of allowing this as a permitted use with respect to impacts to adjacent properties in sensitive areas such as the area along Lower Cover Loop where the Business Park Commercial (CBP) zoning currently exists.

Staff noted the Central Peninsula Neighbourhood Plan is a draft plan, not yet adopted and has no applicability to the proposal and that if the Committee had concerns regarding the proposal they could impose an additional Section 59 condition or recommend that it be made a conditional use that would require the Committee's approval on a case by case basis.

No other persons appeared before the Committee and two letters were received regarding the application.

Upon considering the Staff report, comments made by the applicant and the area landowner and letters, the Committee adopted an amended the Staff Recommendation which recommends that the use of a "self-storage facility" added as a conditional use to the Business Park Commercial (CBP) and General Commercial (CG) zones instead of a permitted use. The amended recommendation is provided below for Common Council's consideration.

**RECOMMENDATION:**

1. That Common Council amend subsection 11.4(2) of The City of Saint John Zoning By-law by adding the following to the list of conditional uses in the Business Park Commercial (CBP) Zone:  
“-Self-Storage Facility;”
2. That Common Council amend subsection 11.7(2) of The City of Saint John Zoning By-law by adding the following to the list of conditional uses in the General Commercial (CG) Zone:  
“-Self-Storage Facility;”
3. That Common Council amend The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:
  - (k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:
    - (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
    - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
    - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.
4. That Common Council rescind the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.

5. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following condition upon the development and use of the parcel of land having an area of approximately 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
- a) All areas of the site not occupied by buildings, driveways, walkways, parking, storage or loading areas must be landscaped by the developer, in accordance with a detailed landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. This landscaping plan is to be prepared by the developer or their consultant and submitted for approval with the Building Permit application.
  - b) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

Respectfully submitted,



Rick Stephen  
Vice Chair

Attachments



The City of Saint John

**Date:** March 22, 2019

**To:** Planning Advisory Committee

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

**For:** **Meeting of Tuesday, March 26, 2019**

**SUBJECT**

**Applicant:** Haldor (1972) Ltd.

**Owner:** Haldor (1972) Ltd.

**Location:** 175 Hilyard Street

**PID:** 55228118

**Plan Designation:** Business Centre

**Existing Zoning:** Business Park Commercial (CBP)

**Application Type:** Zoning By-law Text Amendment and Section 59 Amendment

**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, April 8, 2019**.

**SUMMARY**

The applicant is seeking approval to redevelop a portion of the existing building and the eastern portion of the site into a self-storage facility. The Business Park Commercial (CBP) Zone does

not permit this use, so a text amendment to allow for the proposed self-storage facility as a permitted use is recommended. An amendment to the Section 59 conditions affecting the eastern portion of the site is also recommended to allow for the redevelopment.

As a result of the application, Staff has proactively undertaken a review of the applicability of self-storage facilities as a permitted use in other commercial zones and also recommends the addition of a self-storage facility as a permitted use to the General Commercial (CG) zone and an amendment to the landscaping requirements to require a treed buffer when these facilities are located adjacent to a residential area.

## **RECOMMENDATION**

1. That Common Council amend subsection 11.4(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:  
“-Self-Storage Facility;”
2. That Common Council amend subsection 11.7(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the General Commercial (CG) Zone:  
“-Self-Storage Facility;”
3. That Common Council amend The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:
  - (k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:
    - (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
    - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
    - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.

4. That Common Council rescind the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.
5. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19) the following condition upon the development and use of the parcel of land having an area of approximately 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
  - a) All areas of the site not occupied by buildings, driveways, walkways, parking, storage or loading areas must be landscaped by the developer, in accordance with a detailed landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. This landscaping plan is to be prepared by the developer or their consultant and submitted for approval with the Building Permit application.
  - b) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

## **DECISION HISTORY**

Common Council approved the Hilyard Place development in 1973 in accordance with the North End Renewal Scheme. The original concept included a mix of office, light industrial and warehousing uses in the four building complex. A 1991 Section 59 amendment to the Integrated Development (ID) zoning of the site approved the construction of a donut shop, auto repair shop and retail space for the western portion of the site and the adjacent parcel to the west and included requirements for signage and preparation of detailed building and elevation plans by the developer. The donut shop (Tim Horton's) was the only component of the 1991 proposal that was constructed and a portion of the lands subject to the 1991 Section 59 resolution have been incorporated into the subject Hilyard Place parcel.

Various other Section 59 amendments between 1973 and the adoption of the current zoning by-law in 2015 dealt with amendments to the signage scheme on the site. With the change in site zoning from Integrated Development (ID) to Business Park Commercial (CBP) with the adoption of the current by-law, the signage provisions are now governed by the Business Park Commercial (CBP) zone standards and not the 1973 proposal as amended.

## **ANALYSIS**

### **Proposal**

The applicant is proposing to convert part of Building D, which fronts onto Hilyard Street into a self-storage facility. The proposal will include additional exterior self-storage units in the

eastern portion of the property adjacent to the lot currently occupied by Tim Hortons. The site is zoned Business Park Commercial (CBP) which does not permit a self-storage facility. A text amendment is proposed to add self-storage facility a permitted use to the Business Park Commercial (CBP) zone.

In addition, Staff has reviewed the applicability of self-storage facilities in other commercial zones and determined that adding the use to the General Commercial (CG) Zone would be appropriate.

### Site and Neighbourhood

The 1.84 hectare site includes three two-storey buildings fronting on Main Street and a fourth Building, 175 Hilyard Street (Building D), located underneath the building at 600 Main Street and the parking area to the rear of this building. An office building is located southwest of the site at the intersection of Hilyard Street and Portland Street and a drive-thru restaurant is located east of the site along Hilyard Street. The site and surrounding properties along Main Street are zoned Business Park Commercial (CBP). Lands on the opposite side of Hilyard Street are zoned Corridor Commercial (CC) and include a railway corridor and warehouse.

### Municipal Plan

The site is designated as Business Centre in the Municipal Plan. These are areas of light industrial and commercial development generally located along arterial streets outside of the Primary or Regional Centres. Policies LU-64, LU-65 and LU-67 provide criteria to assess development proposals in the Business Centre designation. An evaluation of this application against these policies is provided below:

Criteria	Staff Comments
These areas are envisioned to accommodate land uses which are more automobile dependent, require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centres.	The proposed self-storage facility meets these criteria as it is an automobile oriented use not typically accessed by foot traffic and is a form of warehousing.
Consideration is given to urban design, landscaping, and restrictions on outdoor storage.	All storage will either be located within a building or screened by enhanced landscaping which is proposed along the Main Street and Hilyard Street frontages.
Site suitability including road access and servicing	Water and sanitary sewer servicing is available and access to the site will be from Hilyard Street via an existing driveway.
Recognize that in the future there may be an opportunity to redevelop the lands generally bounded by Main Street, Chesley Drive, and	Staff note this portion of the site where the exterior self-storage units are proposed is at a lower elevation than Main Street and thus



Hilyard Street to accommodate more urban forms of development. It is Council's intention to work with the proponents of any such redevelopment to prepare appropriate plans to redevelop this area with a more urban character, such as those found in the adjoining areas in the Uptown and the Old North End.	cannot be easily developed with uses that relate to an active pedestrian streetscape along Main Street. In addition, the existing floorplate of Building D provides limited visibility along the Hilyard Street corridor for an active frontage. Staff note that while external self-storage units are proposed, these can represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use.
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Based on the above assessment, the proposal conforms to the criteria established in the Plan for the Business Centre designation.

## Zoning

Currently self-storage facilities are only permitted in the Corridor Commercial (CC), Light Industrial (IL) and Medium Industrial (IM) zones. To accommodate the applicant's proposal, a text amendment to the Zoning By-law is required to add a self-storage facility as a permitted use in the Business Park Commercial (CBP) zone. As part of the application review, Staff have reviewed the applicability of adding this use to the list of permitted uses in the City's other commercial zones.

Existing self-storage facilities within Saint John were constructed under the former Zoning By-law. An overview of these sites, their current zoning and planning considerations of past approvals are presented below.

Location	Current Zoning	Past Approval Considerations
999 Fairville Boulevard	Corridor Commercial (CC)	A self-storage facility was considered as a permitted use in the former I-4 Heavy Industrial Zone, the former zoning of the site.
77-81 Golden Grove Road	Corridor Commercial (CC)	Site was rezoned to Special Zone 8 in 2002 which allowed for a self-storage facility as a permitted use along with other general business (former B-2 zone) uses. Section 39 conditions required a site plan showing landscaping and a

		variance was granted to reduce the required front yard landscaping to 3 metres.
651 Somerset Street	General Commercial (CG)	Permitted through a Section 39 Amendment in 1991 to the I-1 (Light Industrial) zoning which also permitted other Light Industrial uses. Section 39 conditions included the requirement for a landscaping plan as part of the required permit package with previous approvals requiring a 3 mere landscaped front yard.
1382 Hickey Road	Corridor Commercial (CC)	The site was rezoned to Special Zone 12 in 2002 which allowed for a self-storage facility as a conditional use along with other general business (former B-2 zone) uses as permitted uses.
70 Thorne Avenue	Corridor Commercial (CC)	The site was rezoned to Special Zone 12 in January 2006 and conditional use approval was granted by the Planning Advisory Committee.
101 Woodward Avenue	Business Park Commercial (CBP)	The conversion of building into self-storage facility (with internal access) was approved as a conditional use in 2015 under the former IR (Restricted Industrial) zoning. With the change of this site's zoning to Business Park Commercial (CBP) with the current zoning by-law it is considered a non-conforming use.

Staff are of the opinion that self-storage facilities are an appropriate use to be added as a permitted use in the Business Park Commercial (CBP) zone as the zone currently permits warehousing as a permitted use and these areas are generally located along major arterial and

collector streets. The General Commercial (CG) zone is also considered an appropriate zone for this additional permitted use as it is intended to accommodate medium scale commercial development that serves the broader community.

Within the Uptown Commercial (CU) and Campus Research Commercial (CRC) zones, self-storage facilities would not be considered appropriate as it would conflict with the underlying Primary Centre designation of the Municipal Plan which seeks to have more employment intensive land uses located in these zones. These uses would also potentially conflict with the existing and envisioned built form within the Uptown Commercial (CU) zone. While accommodating larger scale, automobile oriented development, the Regional Commercial (CR) zone is not considered an appropriate zone as it is also focused on providing more employment intensive land uses such as retail and service uses. The Mixed Commercial (CM), Local Commercial (CL) and Rural General Commercial (CRG) zones are also not considered appropriate for the addition of self-storage facilities as a permitted use as the intent of these zones is for smaller scale development that serves the daily commercial needs of surrounding residential areas.

Staff note that both the General Commercial (CG) and Business Park Commercial (CBP) zones require landscaped side and rear yards having a minimum depth of 7.5 metres which serves to mitigate the impact of future facilities on adjacent residential zones. Staff also proposes an amendment to the landscaping requirements found in Section 6.1(k) of the Zoning By-law that would require a treed buffer between self-storage facilities and adjacent residential areas.

Staff believe that the inclusion of self-storage within the Business Park Commercial (CBP) and General Commercial (CG) zones will support an additional avenue for future self-storage developers to identify an applicable zone to suit the scale of the development and the neighborhood context the use is intended. Staff believe this proactive approach is well-warranted with the expected growing demand for self-storage in the coming years.

## **Section 59 Conditions**

The eastern portion of the site at 175 Hilyard Street is subject to existing Section 59 conditions which limit this portion of the site to a specific development including a donut shop, auto repair shop and retail space. This condition will have to be rescinded to provide for the development of the external self-storage units in this portion of the site.

The applicant has provided plans detailing additional landscaping to be introduced around the street frontages in conjunction with the development of the external self-storage units. Staff has proposed Zoning By-law amendments to formalize landscaping requirements to be similar to outdoor storage, as part of this application. A Section 59 condition requiring a formalized landscaping plan at the time of permit application has also been proposed to ensure additional landscaping is provided as this site does not abut a residential zone and is visible from two adjacent streets.

There is an existing municipal water main through the site located in the parking area east of Building D. The City currently does not have an easement for this infrastructure. Staff recommend an additional Section 59 condition requiring the landowner to enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

## **Conclusion**

The proposal for 175 Hilyard Street is in keeping with plans of the Municipal Development Plan and is a reasonable interim project until such time that the overall parcel can be redeveloped. The proposed Zoning By-law amendments to add self-storage facility to the Business Park Commercial (CBP) and General Commercial (CG) Zones is a logical evolution of these zones and the proposed landscaping requirements should adequately screen any self-storage facility when in proximity to a residential zone.

## **ALTERNATIVES AND OTHER CONSIDERATIONS**

### **Alternatives**

None.

### **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 goals for Common Council. This application would help fulfill Council's priority of Growth & Prosperity by supporting the retention of businesses that create job opportunities.

## **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 March 15, 2019. The public hearing for the rezoning was advertised on the City's website beginning on March 18, 2019.

## **SIGNATURES AND CONTACT**

### **Prepared:**



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

### **Reviewed:**



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

### **Approved:**

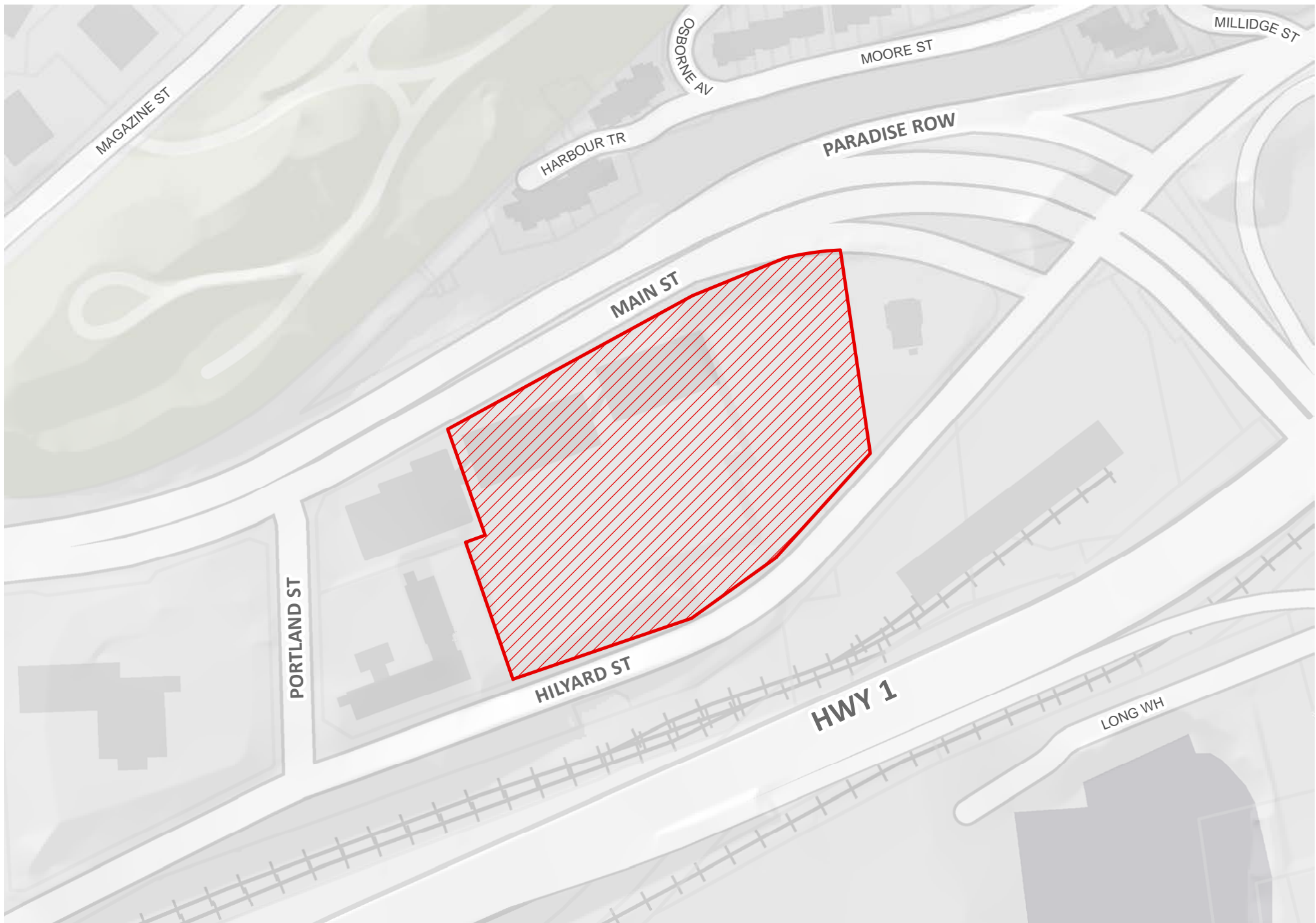


Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Mark Reade  
**Phone:** (506) 721-0736  
**E-mail:** mark.reade@saintjohn.ca  
**Project:** 19-29

## **APPENDIX**

Map 1: **Site Location**  
Map 2: **Municipal Plan**  
Map 3: **Zoning**  
Map 4: **Aerial Photography**  
Map 5: **Site Photography**  
Submission 1: **Site Plan**  
Submission 2: **Floor Plan**



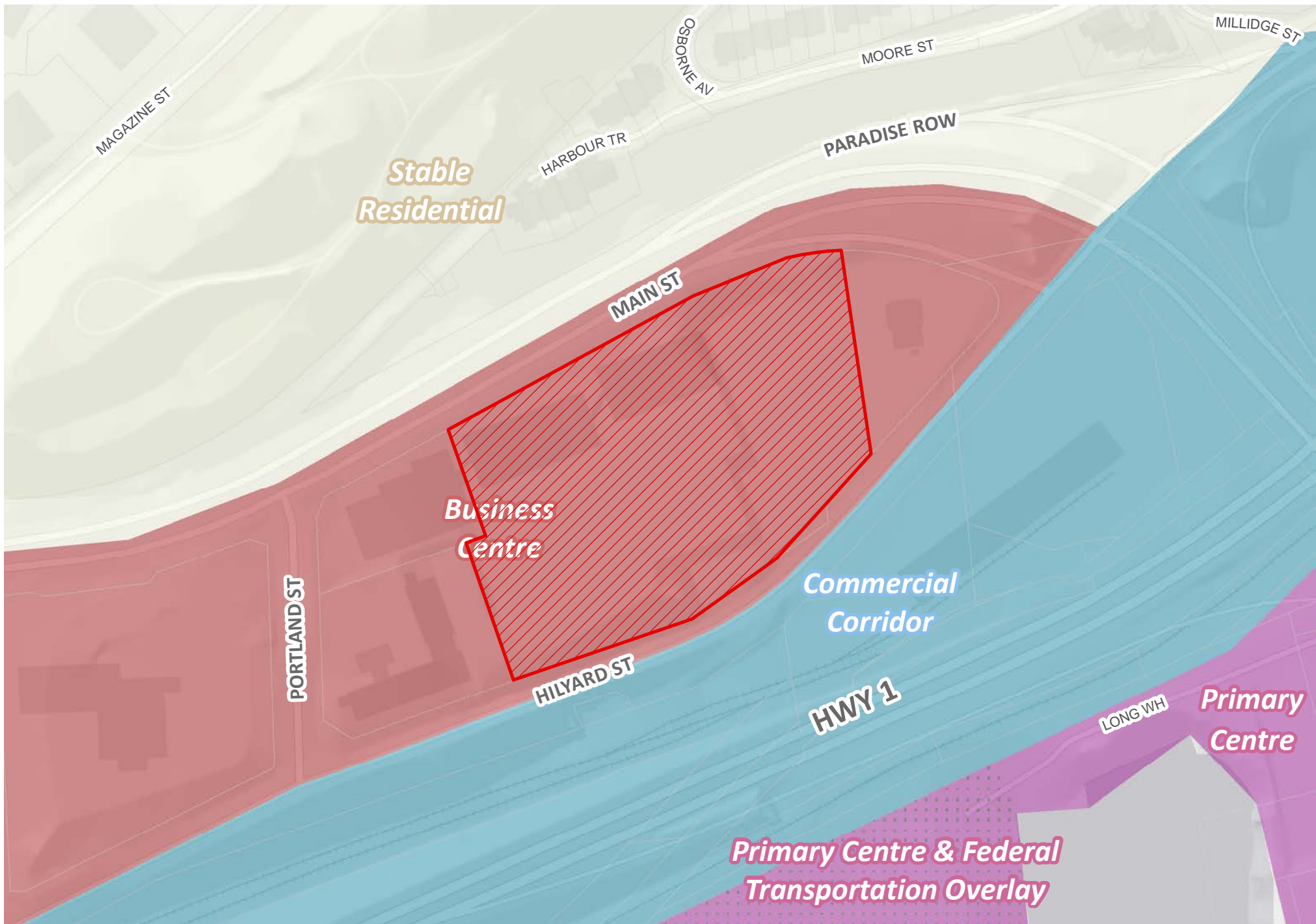
# Map 1 - Site Location

Haldor (1972) Ltd. - 175 Hilyard Street

The City of Saint John  
Date: March-06-19

0 50





## Map 2 - Future Land Use

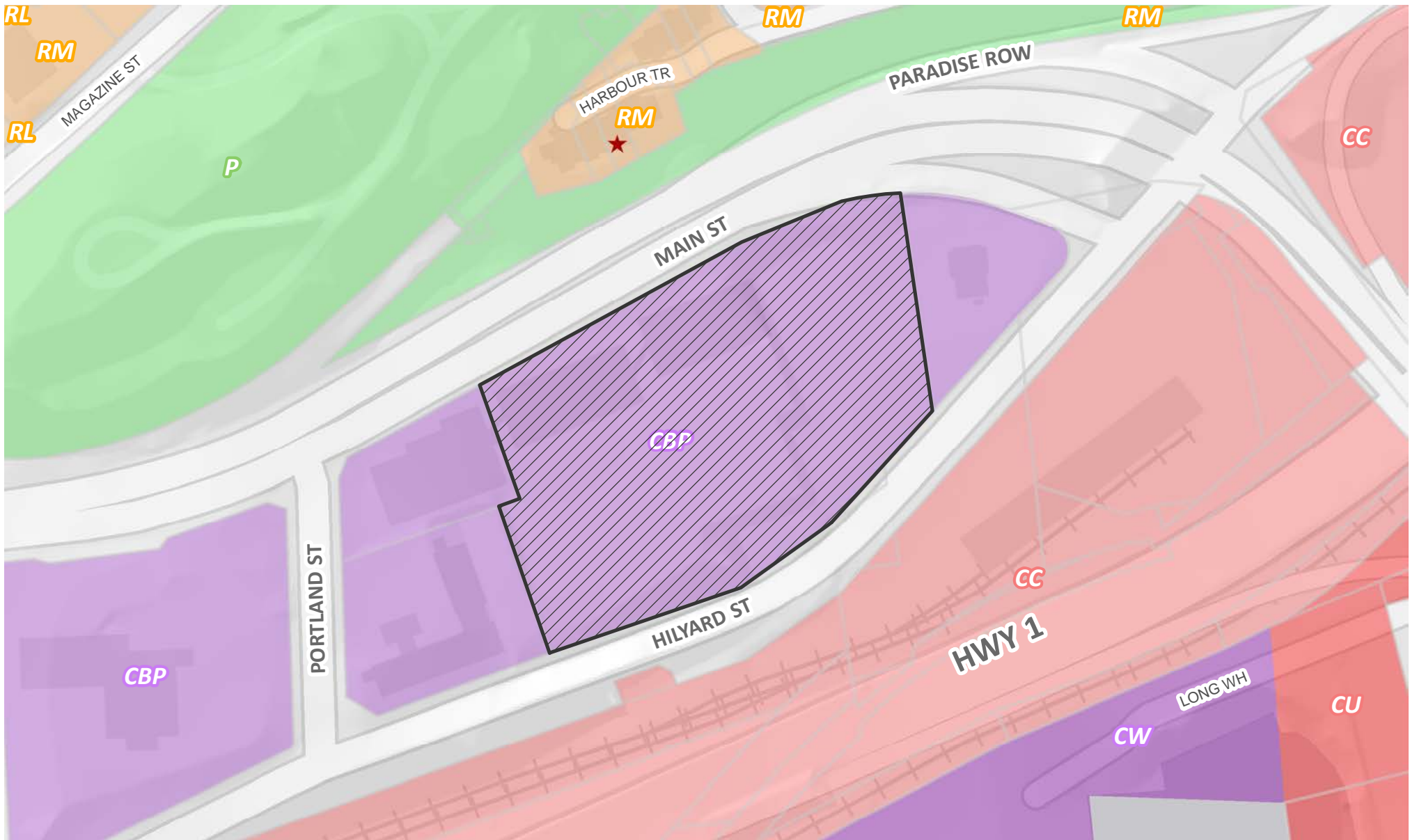
Haldor (1972) Ltd. - 175 Hilyard Street

The City of Saint John  
Date: March-06-19

0 50 m







(CBP) Business Park Commercial (RL) Low-Rise Residential  
 (CC) Corridor Commercial (RM) Mid-Rise Residential  
 (CU) Uptown Commercial  
 (CW) Waterfront Commercial  
 (P) Park

★ Section 59 Conditions

# Map 3 - Zoning

Haldor (1972) Ltd. - 175 Hilyard Street





# Map 4 - Aerial Photography

Haldor (1972) Ltd. - 175 Hilyard Street

The City of Saint John  
Date: March-05-19

0 50 m







# Map 4A - Aerial Photography

Haldor (1972) Ltd. - 175 Hilyard Street

The City of Saint John  
Date: March-05-19

0 25 m







View of site from north



View from north showing Buildings A,B and C



View of Building D from Hilyard Street

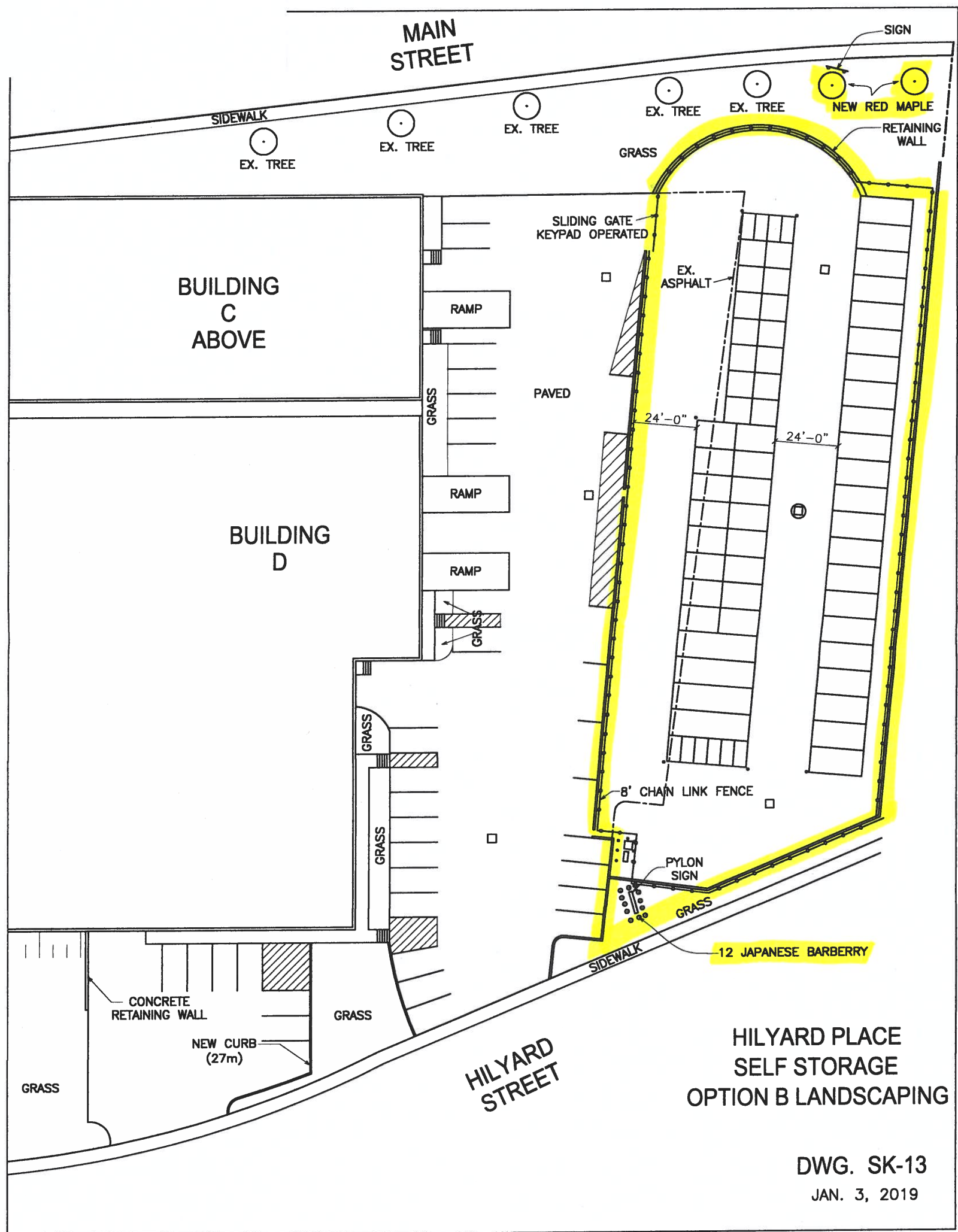


View of area proposed for external storage units

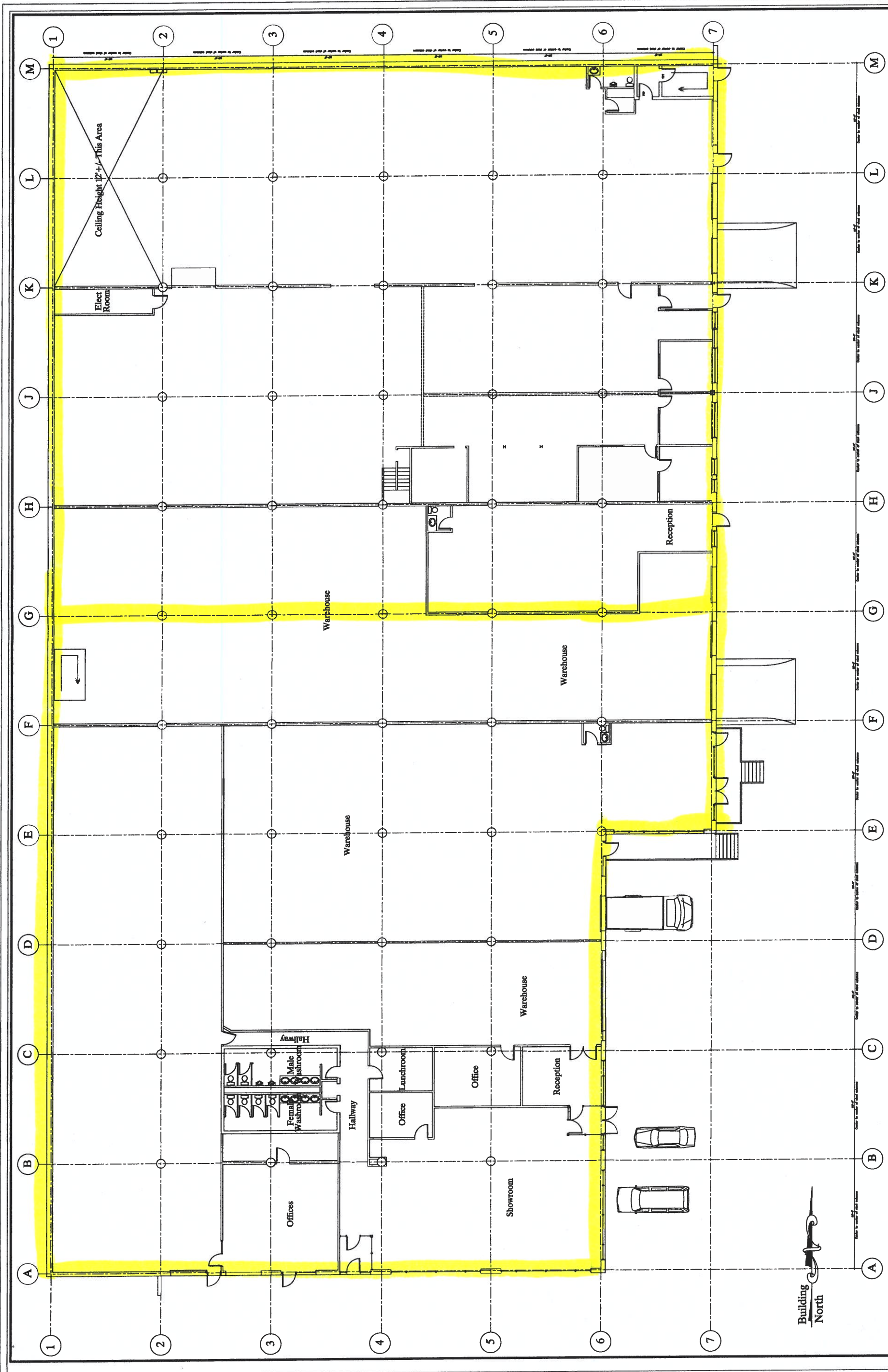
# Map 5 - Site Photography

Haldor (1972) Ltd. - 175 Hilyard Street









**NORTHROP PROPERTIES  
HILYARD PLACE BUILDING D**

**EXISTING CONDITIONS  
AS BUILT DRAWING**

Project Name

NOV. 4, 1989

Client: Northrup Properties (Gr./HLD/HLD-EXPLB)

Scale: 1/8" = 1'-0"

Drawing Number: HILD-EXPL1B

By: JIM BUCKLEY  
Fundy Drafting Services  
(833-1118)

Checkered and Doublechecked

March 20, 2019

Planning Advisory Committee:

**RE: Proposed Zoning By-Law Amendment and Section 59 Amendment 175 Hilyard Street.**

While applauding the developer for proposing to make use of this small “sliver” of land that will add financial value to the company business plan, as well as a wise business decision, most anyone would agree and find little objection to the proposal.

Therefore I wish to be clear we do not “strongly” object to the proposal but prefer to use this opportunity to offer another suggestion for the use of this property. May we suggest this property be turned into small green space with trees, shrubs, grass, pathways and a few benches? Simply put, turn this space into a beautiful public small park right in the middle of the commercial area of our city.

Why do we make this suggestion? We already have a long warehouse located across the street from this proposal and a short distance beyond is the “Long Wharf” property and proposing another warehouse type building at the “Front Door” of our city, simply seems to us the wrong direction to develop our city, “akin” to parking wrecked and derelict automobiles on the front lawn of your home that results in a very negative impression on those travelling by.

We are aware if the proposal offered by the company does not move ahead our city does lose much needed tax dollars, however we believe developing this small “sliver” of land into a green space would produce positive benefits for the company and the city with the added benefit to us, “the citizens” of our beautiful city.

This could be the catalyst needed to cause the other commercial property owners in this area rethink their situation at our city’s front door ...

John & Sylvia Watson  
55 Moore Street,  
Saint John, NB  
E2K 5N1  
657-3760

## Burgess, Aimee

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**From:** onestop  
**Sent:** March-25-19 8:47 AM  
**To:** Burgess, Aimee; Reade, Mark  
**Subject:** FW: 175 Hilyard Street comment letter  
**Attachments:** 175 Hilyard Street By-Law Amendment.pdf



Paula Hawkins  
One Stop Development Shop  
Permitting & Inspection Services  
10<sup>th</sup> floor – City Hall  
Saint John, NB E2L 4L1  
(506)658-2911  
[paula.hawkins@saintjohn.ca](mailto:paula.hawkins@saintjohn.ca)  
[onestop@saintjohn.ca](mailto:onestop@saintjohn.ca)

**From:** Morgan Lanigan [<mailto:morgan.lanigan@ft2group.com>]  
**Sent:** March-24-19 11:27 PM  
**To:** onestop  
**Subject:** Fwd: 175 Hilyard Street comment letter

----- Forwarded message -----

**From:** **Morgan Lanigan** <[morgan.lanigan@ft2group.com](mailto:morgan.lanigan@ft2group.com)>  
**Date:** Sun, 24 Mar 2019 at 23:22  
**Subject:** 175 Hilyard Street comment letter  
**To:** Mark Reade <[mark.reade@saintjohn.ca](mailto:mark.reade@saintjohn.ca)>, Kelly Lanigan <[kellamont@hotmail.com](mailto:kellamont@hotmail.com)>

Hi Mark --

Attached for PAC's consideration are comments from my wife and I with respect to the proposed Zoning Bylaw Amendment and Section 59 Amendments at 175 Hilyard Street for the meeting on March 26th, 2019.

...and it's a doozy.

Our letter is 9 pages in total and, unfortunately, it's quite critical of the staff report. We don't mean anything personal by it and, perhaps, you've contemplated the answers to the questions we've asked but we didn't see any mention to them in the staff report to our satisfaction.

We're happy to answer questions or provide clarification to anything contained herein if it's necessary. We intend to attend the PAC and Council meetings to elaborate further on the 6 main points of our cover letter. We also believe that there is a credible and successful compromise that can be worked out; I'll elaborate on that in person at the PAC meeting rather than making this beast any longer.

Cheers,





March 24, 2019

Attention: Planning Advisory Committee  
% Erik Falkjar, Chairman

Re: Proposed Zoning By-Law Amendment and Section 59 Amendment  
**175 Hilyard Street**

Committee Members:

We are writing this letter to express our concerns and objections related to the above noted application. Generally, they are as follows:

1. The staff report has failed to provide full analysis and advice to you on a number of critical items from the Municipal Plan and Zoning By-Law in contravention of Policy I-1 of the Municipal Plan.
2. This application and staff report does not consider the site-specific impacts of the high elevation of adjacent residential properties with respect to appropriate screening and noise.
3. The Zoning By-Law amendments should not be considered in the context of this site-specific application but should instead be reviewed and analyzed separately on its own merits; the staff report frequently conflates the two.
4. It is our opinion that the Municipal Plan and Zoning By-Law reflect the accepted minimum community standard and are not optional; applications should be approached from the perspective of "why they *cannot meet* the *minimum* community standard" rather than seen as "*opting out* of a *voluntary* standard."
5. The proposed use is inappropriate given the substantial amendments required to the municipal plan and zoning bylaw in order to justify its proposed location; it appears that future additional variances from the zone standards will also be required to execute the submitted application.
6. This application is premature given the South Central Peninsula Neighbourhood Plan is underway, encompassing this site, and its draft direction -- the result of extensive public feedback and which is required to support the municipal plan -- does not support this application.

Of course, the above items are only a summary of the points that, in our opinion, are required to be addressed before deciding the merits of this application. We intend to be present at the PAC and Council meetings to elaborate on these points. In the event of our absence at these public meetings, you will find on the attached pages more focused commentary for your consideration.

Sincerely,

**Morgan and Kelly Lanigan**  
7 Harbour Terrace, Saint John, NB

Encl. (9 pages total)

Proposed Zoning By-Law Amendment and Section 59 Amendment  
**175 Hilyard Street**

The items included herein represent additional commentary, concerns, observations, and questions to compliment letter from Morgan and Kelly Lanigan of 7 Harbour Terrace dated March 24, 2019 with respect to the above noted application. We have included a number of questions that we believe should be directed to staff and the applicant and for which we would appreciate answers, however, we leave this to your discretion given the quantity and breadth of the questions.

**1. DEVELOPMENT APPROVALS CONSISTENT WITH MUNICIPAL PLAN**

Section 12.1 of the Municipal Plan is firm that *"[The City shall] ensure all future planning, regulation and decision making by the City is aligned with the policies of the Municipal Plan."* Policy I-1 further clarifies that *"all forms of development approval including zoning amendments [...] shall be consistent with this Municipal Plan"* and *"[...] All neighbourhood plans [...] shall be in alignment with the Municipal Plan."*

○ COMMENTARY:

Section 12.1 and Policy I-1 are of the utmost importance with respect to this application. The words "ensure" and "shall" convey very rigid requirements that differ from softer words, such as "consider" or "should." The questions below, particularly #4, 5, and 6 relating to Employment Areas, Business Centres, and Primary Corridors, strongly suggest that the application is not consistent with the Municipal Plan in very substantial ways. The staff report indicates the development is "compliant with municipal plan criteria" but omits substantial relevant criteria as illustrated herein.

In addition, the South Central Neighbourhood Plan is still in development but a draft has been released. Preliminary reviews further suggest that this application is inconsistent from its intended direction which *shall be in alignment with the Municipal Plan*.

○ QUESTIONS TO STAFF:

- i. Is this application consistent with the Employment Areas, Business Centres, and Primary Corridors provisions of the Municipal Plan?
- ii. Are the zoning amendments consistent with the Municipal Plan for all CBP-zoned areas?
- iii. Is the draft South Central Neighbourhood Plan released to the public consistent with the Municipal Plan? What is said regarding the subject site, specifically, and, generally, for other CBP-zoned sites within the Neighbourhood Plan area?

## 2. HIERARCHY, INTENSITY, COMPACT DEVELOPMENT, AND BUILT FORM

The Municipal Plan makes a number of statements, such as:

- *"Creating a hierarchy of development with the highest intensity of uses in the Primary Centres and the lowest intensity in the Stable Areas and Rural Areas"*
- *"Supports the concept that smart cities grow up not out"*
- *"Revitalizes existing communities through compact development and infill within the existing developed areas"*
- *"Develops a built form that supports efficient, convenient and viable alternative choices for transportation including walking, cycling, and transit that support healthy lifestyles"*
- *"Supports the long term health of the urban core city centre by making choices that strengthen the urban core and saying "no" to choices that weaken the urban core"*

- COMMENTARY:

The staff report does not make mention of these topics, does not indicate how this site-specific application meets those intent or indicate how these criteria apply to CBP-zoned sites throughout the City. In light of Item 2 above and the presumption of 1-storey exterior storage buildings for this application, the application does not appear to support any of the statements above.

- QUESTIONS TO STAFF:

- i. Is self-storage considered to be high intensity? Immediately adjacent to the most intense development area of the City, the Uptown, does this application represent the evolution of the hierarchy intended by the Municipal Plan?
- ii. How is the intended hierarchy met in CBP-zoned areas elsewhere through the City?
- iii. The CBP Zone supports buildings up to 24m in height. Does this application and future self-storage applications support the notion of "grow up, not out"?
- iv. Does this application and the addition of self-storage areas throughout the CBP-zoned lands "revitalize existing communities through compact development"?
- v. How does this application and future self-storage applications in CBP zones support "efficient, convenient and viable alternative choices for transportation including walking, cycling, and transit"?
- vi. The staff recommendation is that this "is a reasonable *interim* project until such time that the overall parcel can be redeveloped." The municipal plan states that developments "support the *long-term* health of the urban core." How does the Municipal Plan. How does the Municipal Plan or Zoning By-Law define between "interim" and "long term" projects? What provisions should be added to this application to ensure it is only for the interim and not the long term?

### 3. **MINIMUM HEIGHT AND CONTEXT APPROPRIATE INFILL**

Item 11.4(4)j of the CBP Zone Standards requires a minimum building height of 2 storeys. Policy UD-7 of the Municipal Plan aims to “establish a height and built form framework in the Zoning Bylaw to ensure the intent for design excellence as part of the future City Structure is implemented.” City Structure Goal #2 in Section 2.1 of the Municipal Plan further requires “compact development, and context appropriate infill.”

- COMMENTARY:

Few details of the proposed external storage buildings are provided, however, the plans provided appear to illustrate typical 1-storey structures with individual roll-up doors. The staff report, however, does not discuss changes to the building height requirements as part of the By-Law Amendment. Further, the Zoning Bylaw has interpreted the Municipal plan to require a minimum of 2-storeys to be considered “context appropriate”. Buildings up to 24m (~7 storeys) are permitted in this zone.

- QUESTIONS TO THE APPLICANT:

- i. How do you propose to meet the minimum height requirements?

- QUESTIONS TO STAFF:

- i. Should the proposed building be 1-storey, is a building 50% less than the minimum considered context-appropriate at this location?
  - ii. Is a 1-storey building in CBP zones throughout the city considered context-appropriate to promote design excellence as part of the future city structure?

### 4. **EMPLOYMENT AREAS**

Per the Municipal Plan Structure Map, the CBP-zoned lands are identified as “Employment Areas.” Page 74 of the Municipal Plan states that *“The City’s Employment Areas are a foundational component of the Municipal Plan. A critical element to the creation of a successful urban area is the provision of an adequate supply of well located, high quality employment lands to accommodate the needs of business and industry. The City’s ability to retain existing employment uses and create new employment activity will largely dictate the degree of growth and development that will take place over the planning period.”* Furthermore, Policy UD-9 indicates that in Employment Areas, *“[...] uses will be located and organized [...] to provide functional buildings that foster alternative transportation modes and limit any impacts on nearby Stable Areas.”*

- COMMENTARY:

The staff report does not discuss the Employment Area designation as it relates to this application or to CBP zones in general. Noteworthy are the Municipal Plan’s reference to Employment Areas as both “foundational” and “critical” to the “degree of growth and development” over the next 25 years, however, most self-storage businesses are designed to be unstaffed or minimally staffed. This application and self-storage uses generally appear to

be low intensity and low employment uses that do not foster alternative transportation modes or best use of these critical and limited lands.

○ QUESTIONS TO THE APPLICATION:

- i. How many people are projected to be employed by this development after the completion of construction?

○ QUESTIONS TO STAFF:

- i. How does the addition of self-storage uses to this site affect the Employment Area designation?
- ii. How does the addition of self-storage uses to the CBP zone in general affect the degree of growth anticipated by the municipal plan?
- iii. Per Policy I-7 that states that Council shall *"have regard for the fiscal implications of all planning applications that require Council approval,"* how does low-intensity self-storage uses impact City finances and projections? What financial implications can be anticipated if the degree of growth anticipated is diminished by adding low-intensity uses to all CBP zones throughout the City?
- iv. Does this application or addition of self-storage uses to the CBP zone foster alternative transportation modes and limit impacts on Stable Areas?

5. **BUSINESS CENTRES**

The Municipal Plan designates these lands as "Business Centre." Page 78 of the Municipal Plan describes these Business Centres as "generally contain[ing] significant employment [...] and include the Main Street Commercial Area." Furthermore, Policy LU-66 specifically requires that "Specific redevelopment [...] of a Business Centre, if approved, will demonstrate enhanced connectivity to the streetscape."

The staff report goes on extensively that self-storage is not appropriate in many other zones because the *"Municipal Plan [...] seeks to have more employment intensive land uses located in those zones."* Yet, the municipal plan also calls this particular site an Employment Area and a Business Centre that shall *"generally contain significant employment but are not located in one of the Primary or Regional Centres and include the Main Street Commercial Area."*

○ COMMENTARY:

The Municipal Plan designates these lands as "Business Centre." The staff report does not discuss the Business Area designation as it relates to this application or to CBP zones in general. Noteworthy are the Municipal Plan's reference to Business Areas as containing "significant employment," however, most self-storage businesses are designed to be unstaffed or minimally staffed. This application does not appear to comply with this direction.

The adjacent Tim Hortons property addresses Main Street and a site review



shows that the slopes from Main Street are very gradual and likely do not exceed 1 to 2m from street elevation. There are many precedents throughout the City that have successfully conquered substantially more difficult site conditions, such as the Costco site where a mountain was essentially folded onto itself and took many, many months to prepare. There are no provisions anywhere in any regulation that we could find that considers the elevation of the land as an acceptable reason for not adhering to the requirements of the Municipal Plan.

In fact, the grades here could be considered an asset for a 2-storey building (as required by the Zone Standards): The full lower floor could be accessed via Hilyard Street while the upper floor would be sufficiently raised to properly meet Main Street and address the pedestrian connectivity required by LU-66 and LU-67 regarding the special urban opportunities afforded by this specific site.

○ QUESTIONS TO STAFF:

- i. Are self-storage uses considered to contain "significant employment?" How does the addition of self-storage uses to this site affect the Business Area designation?
- ii. Does this application or addition of self-storage uses to the CBP zone demonstrate enhanced connectivity to the streetscape?
- iii. The staff report recommends this application because the lot is "at a lower elevation than Main Street and thus cannot be easily developed with uses that relate to an active pedestrian streetscape along Main Street." Have other lots with similar or worse conditions been developed throughout the City? Are the conditions so extreme as to entirely prevent development or meeting the zone standards?
- iv. How do staff correlate the rejection of self-storage in other zones on the grounds of significant employment opportunities yet promote it on the subject site and all other CBP-zoned lands despite the Municipal Plan's clear direction that these lands are also to contain "significant employment?"

6. **PRIMARY CORRIDORS**

The Municipal Plan identifies Main Street as a "primary corridor." Section 2.3.3 of the Municipal Plan states *"Primary Corridors are locations for improved transit, active transportation, investments in streetscaping, public realm and urban design, and in some cases intensified land uses. [...] These Corridors serve the neighbourhoods they traverse with a broad range of uses at a scale and density suitable to support high levels of transit use. These are places where streetscaping improvements should be focused, and where urban design will be a priority."*

○ COMMENTARY:

Neither the staff nor the application describe how the establishment of low-intensity self-storage units will increase density to support transit, active

transportation, or produce investments in the streetscaping that makes urban design "a priority."

○ QUESTIONS TO STAFF:

- i. Does the scale and density of this proposed development support high levels of transit use?
- ii. What streetscaping improvements are necessary for this proposed development?
- iii. Does the development as proposed prioritize urban design?

**7. LOADING SPACES**

Per Policy 4.2.a of the Zoning By-Law, loading spaces are required for "[...] storage, warehouse, or any other purpose involving the frequent loading, shipping, or unloading [...]." Per Policy 4.3.e, loading spaces shall "have a minimum width of 3.5m [and] a minimum depth of 15m [...]"

○ COMMENTARY:

The application does not appear to address these points and the staff report makes no mention of how the applicant intends to meet these provisions. Per the submitted plans, with only 24' (7.3m) between buildings, it does not appear to be feasible to accommodate these requirements for the exterior storage buildings. Assuming loading doors on both sides, the buildings would need to be placed 4-times further apart than shown to meet this requirement.

○ QUESTIONS TO THE APPLICANT:

- i. How do you intend to meet the requirements of Policy 4.2.a and 4.3.e?

○ QUESTIONS TO STAFF:

- i. Do Policy 4.2.a and 4.3.e apply to this application?
- ii. How do Policy 4.2.a and 4.3.e apply to CBP-zoned properties throughout the City with respect to permitting self-storage facilities?

**8. RESIDENTIAL SCREENING**

The staff report suggests that self-storage areas should be screened from residential areas. The staff report does not, however, make mention of residential properties immediately adjacent to the subject site or any specific considerations for them and, therefore, does not fully measure the impacts.

○ COMMENTARY:

The adjacent residential properties are at a substantial elevation (nearly 50 feet) above the subject property. The proposed screening will be inconsequential to the impact that would be faced by these homeowners, particularly with respect to views and light spill.

The inadequate dimensions for the loading doors as outlined in Item 2 above will require substantial vehicle maneuvering, particularly for moving trucks and

cube vans equipped with noisy reverse beepers. Whereas many self-storage facility are open 24 hours a day, 7 days a week, the noise emanating from the exterior storage buildings could be considerable and disruptive. Because these elements cannot be adequately screened from residential properties, the exterior storage buildings should not be permitted.

- QUESTIONS TO THE APPLICANT:

- i. How do you propose to minimize or eliminate the noise, light, and visibility for adjacent residential properties that are at high elevations above the development?

- QUESTIONS TO STAFF:

- i. What measures should be added to sufficiently address noise, light, and visibility issues due to inadequate screening from adjacent residential properties that are at high elevations?
- ii. If sufficient remedies are not available, should the development be permitted to proceed regardless?

**9. SUFFICIENT LANDS PROPERLY ZONED**

The City has an obligation to ensure there are sufficient lands properly zoned for all uses. The staff report indicates that 3 zones currently allow self-storage uses. The staff report further looks at existing self-storage developments relevant to their current zoning; only one example was found to exist in a CBP zone and, presently, it is classified as a non-conforming use.

- QUESTIONS TO STAFF:

- i. Are there no other sites in the city that are appropriate for this development?
- ii. Is there not an adequate supply of properly zoned lots?
- iii. In light of an adequate supply of sufficiently zoned land, what further justification is there to require additional zones to carry self-storage as an approved use?
- iv. With only one similar self-storage non-conforming use found in a CBP zone, how does this one and only case justify acceptability across all CBP zones across the city?
- v. Is a non-conforming use not a recognition that the use is not considered appropriate against the current zoning by-law and that it's use is generally encouraged to be extinguished after it is abandoned or discontinued?

**10. PROJECTED GROWTH OF SELF-STORAGE DEMAND**

The staff report states that staff "believes this proactive approach [to adding self-storage to the CBP zone] is well warranted with the expected growing demand for self-storage in the coming years."



- COMMENTARY:

No relevant data has been provided by the staff report to support this claim or that the Municipal Plan has grossly miscalculated the available land for the reported growth of the self-storage market. Consequently, by permitting self-storage as a permitted use in the CBP zone, the Zoning By-Law could foresee all of Main Street, or the South End waterfront, or land next to the Ordnance Building filled exclusively with self-storage units. Is this what the Municipal Plan describes by Business Centre and Employment Areas? We vehemently disagree.

- QUESTIONS TO THE APPLICANT:

- i. Have you conducted any studies or have data to suggest that the growth and supply of self-storage units exceeds the projections and land supply provided in the Municipal Plan?

- QUESTIONS TO STAFF:

- i. How much demand and growth is anticipated in the self-storage market?
- ii. Was the projected growth in self-storage demand not considered in the Municipal Plan or changed substantially since it was written?

#### 11. **COUNCIL'S PRIORITY OF GROWTH & PROSPERITY**

The staff report claims that "this application would help fulfill Council's priority of Growth & Prosperity by supporting the retention of businesses that create job opportunities." As described extensively above, no data was provided in the staff report to support this conclusion.

- COMMENTARY:

Many self-storage businesses are designed to be unstaffed or minimally staffed and the proliferation of these uses within the CBP zone could, as a matter of fact, reduce the amount of land available for high density, high intensity uses that are envisioned by the Municipal Plan to support the compact development of the City, bring significant employment opportunities, and promote the efficient use of our existing urban core infrastructure.

- QUESTIONS TO STAFF:

- i. What data do you have to support the conclusion that this application and the proposed Zoning By-Law amendments will create substantial job opportunities as outlined by the Municipal Plan for Business Centres, Employment Areas, and Primary Corridors?