PLANNING ADVISORY COMMITTEE



The City of Saint John

May 23, 2019

His Worship Mayor Don Darling and Members of Common Council

Your Worship and Councillors:

SUBJECT: Municipal Plan Amendment and Rezoning 1007-1019 Millidge Avenue

On April 8, 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 May 22, 2019 meeting.

Mr. Geordie Ring, the applicant, appeared before the Committee and was in agreement with the Staff recommendation. Responding to questions from the Committee, Mr. Ring noted that chemicals used in the proposed operation such as fibreglass resins have a limited shelf life and as a result there will be limited quantities of chemicals stored on site.

Staff responded to questions from the Committee members related to the change in Municipal Plan Designation for the portion of the site designated Parks and Natural Area, noting that the Staff recommendation limits the use to the applicant's proposal for the boat repair facility and any change to a different land use will require a planning application and a reassessment of the Municipal Plan designation and zoning of the site.

Mr. Bill Gandy, the applicant's lawyer, appeared before the Committee and expressed agreement with the Staff Recommendation.

No other persons appeared before the Committee and no letters were received regarding the application. Upon considering the Staff report, comments made by the applicant and his solicitor, the Committee adopted the Staff Recommendation.

RECOMMENDATION:

- That Common Council redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area.
- That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from Stable Residential and Park and Natural Area to Stable Commercial.
- 3. That Common Council rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from One-Unit Residential (R1) to Corridor Commercial (CC).
- 4. 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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:
 - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
 - Recreational Vehicle Sales and Service, Large;
 - Recreational Vehicle Sales and Service, Small;
 - Service and Repair, Household;
 - The existing use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.
- That Common Council pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c. 19), here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b. The applicant will supply plans with the required Building Permit showing that the storage of hazardous or dangerous chemicals and all electrical panels are located at least 2.0 metres above the floor of the proposed new building, subject to the approval of the Development Officer prior to the issuance of a Building Permit.

Respectfully submitted,

and lost

Eric Falkjar Chair

Attachments



The City of Saint John

Date:	May 17, 2019		
То:	Planning Advisory Committee		
From:	Growth & Community Planning Growth & Community Development Services		
For:	Meeting of Wednesday, May 22, 2019		
<u>SUBJECT</u>			
Applicant:	Geordie Ring		
Owners:	Brothers Cove Ventures and Biscayne Holdings Ltd.		
Location:	1007-1019 Millidge Avenue		
PID:	00048389 and 00048397		
Plan Designation:	Stable Residential and Park and Natural Area		
Proposed Designation:	Stable Commerical		
Existing Zoning:	One-Unit Residential (R1)		
Proposed Zoning:	Corridor Commercial (CC)		

- Application Type: Municipal Plan Amendment and Rezoning
- Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Municipal Plan or the Zoning Bylaw. Common Council will consider the Committee recommendation at a public hearing on **Monday**, **June 3**, **2019**. Committee can impose conditions on the rezoning.

SUMMARY

The applicant is seeking to change the Municipal Plan designation and rezone the site in order to facilitate the expansion of an existing non-conforming use (which would become conforming) by constructing a new building.

RECOMMENDATION

- 1. That Common Council redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *Stable Area* and *Park and Natural Area* to *Employment Area*.
- 2. That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from Stable Residential and Park and Natural Area to Stable Commercial.
- 3. That Common Council rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from One-Unit Residential (R1) to Corridor Commercial (CC).
- 4. 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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:
 - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
 - Recreational Vehicle Sales and Service, Large;
 - Recreational Vehicle Sales and Service, Small;
 - Service and Repair, Household;
 - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.
- 5. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b. The applicant will supply plans with the required Building Permit showing that the storage of hazardous or dangerous chemicals and all electrical panels are located at least 2.0 metres above the floor of the proposed new building, subject to the approval of the Development Officer prior to the issuance of a Building Permit.

DECISION HISTORY

A review of Municipal records show that the site has been legally non-conforming dating as far back as the 1950's. As each new Municipal Plan and Zoning By-law have come into effect, plan designations for the site have been focused on a residential community and used zoning to this effect. Recent enforcement efforts, along with a desire by the property owner to broaden the business have brought this issue to light, necessitating this application.

ANALYSIS

Proposal

The applicant is proposing to expand an existing non-conforming use (Recreational Vehicles Sales and Service (boatyard)) with the addition of a new building and rezoning and adjacent lot (under separate ownership) used by the boatyard for boat storage. The use has existed for some time for the storage of recreational vehicles with some minor repair activities occurring. The owners wish to expand this repair and sales activity and increase the size of the facility to offer repair services that are not readily available in the Saint John area.

The *Community Planning Act* limits the ability of a non-conforming use to expand – in this case, the only way to expand would be to bring the use into conformance. A Municipal Plan amendment and rezoning is required in order to allow the use to become conforming and allow the proposed expansion.

Site and Neighbourhood

The site has direct access to Millidge Avenue and is adjacent to the Kennebeccasis River, in Brothers Cove. The site consists of a large open area for storage of boats, with a limited number of buildings where repair activities can occur and a single detached dwelling (on the same lot as the boatyard). The site also includes a lot adjacent to the main driveway access, which is used by the boatyard for storage (but is owned by Biscayne Holdings). The surrounding neighbourhood is generally zoned R1 except for a multi-unit building directly south east of the building (which is zoned ID). To the west is the Royal Kennebeccasis Yacht club (zoned Park (P)) and to the north and south are single detached dwellings. Transit stops are located along Millidge Avenue to the east of Manner Sutton Road.

This site was subject of enforcement action for unsightly premises concerns. The owners of the site undertook work to bring the site into compliance, action closed in 2018, and all documents removed from the title. While compliance considerations are not part of the review of this application, it should be noted that the applicant undertook their own engagement of adjacent properties and indicated a commitment to ensure the site will be maintained to a high standard to avoid unsightly conditions in the future. Details of this engagement are included in the attached applicant package.

Municipal Plan and Rezoning Municipal Plan

The Stable Residential designation is applicable to the bulk of the site, except for a portion along the Kennebeccasis River, which is in the Parks and Natural Areas designation. In order to consider a change to the Municipal Plan, policy LU-4 provides criteria to consider a designation change. Analysis of this application to policy LU-4 is below:

Is the proposal consistent with the general	The proposed change of designation		
intent of the Municipal Plan and further	recognizes the commercial nature of vehicle		
advances in the City Structure;	•		
	storage and repair facilities. The use has		
	existed on the site for a significant period and		
	has been an integrated part of the		
	neighbourhood.		
Is the proposal necessary by virtue of a lack	This site-specific amendment is required to		
of supply of quality land already designated in	facilitate the expansion of a repair activities		
the Municipal Plan to accommodate the	associated with the Recreational Vehicle		
development;	Sales and Repair (Large) use into a larger		
	building and greater floor space. These uses		
	require water access for easy ability to launch		
	vessels.		
The proposal enhances the community and	The use has existed for a long period and		
the quality of life offered to residents of the	has offered boat storage and repair services		
City;	for some time.		
The proposal efficiently uses available	Municipal Water and sewer services are		
infrastructure;	available.		
Infrastructure; The proposal does not negatively impact the	available. The applicant has proposed retention of an		
The proposal does not negatively impact the	The applicant has proposed retention of an		
The proposal does not negatively impact the use and enjoyment of adjacent lands and	The applicant has proposed retention of an existing vegetation screen. The enforcement		
The proposal does not negatively impact the use and enjoyment of adjacent lands and	The applicant has proposed retention of an existing vegetation screen. The enforcement process will address any future issues of		

property, and the proposal is consistent with the specific policies regulating development in the designation; and	to stable commercial. All of the rules of the Commercial Corridor Zone will govern the expansion of the existing use. A separate analysis of the compatibility of the proposed
The proposal adequately addresses and mitigates any significant environmental impacts.	redesignation is below. The Building Code will regulate the storage of any hazardous materials in the building. The site is prone to flooding, but is not in an established flood plain. In order to minimize the impact of the repair operation expansion, a condition has been added requiring that all chemical storage and electrical panels be at least 2.0m above the floor of the building – this is based upon most recent flood data showing the worst level of flooding adjacent to the building location was 1.5 metres. The recommendations deliberately scope the use of the site to the proposed operation and do not include residential uses to limit public safety impacts due to future flooding.

Policy LU-70 provides direction on any redevelopment of areas designated Stable Commercial. A review of this application in the context of policy LU-70 is below:

his site specific rezoning is to allow an	
existing legally non-conforming use to	
become conforming and to allow its	
expansion. There would no impact on any	
other primary commercial locations in the City	
and this use requires a specific site -	
djacent to water.	
fillidgeville is a community situated adjacent	
to the Saint John and Kennebeccasis Rivers	
this use provides adjacent residents the	
pportunity to store recreational vehicles	
poats) and is directly adjacent to a river	
aunch point (Royal Kennebeccasis Yacht	
lub) – enhancing the quality of the	
ommunity for recreational opportunities.	
his use has existed on the site for sometime	
and become a part of the surrounding	
ommunity. The use will continue, regardless	
f the rezoning as the legally non-conforming	
tatus allow the use to remain in perpetuity -	
owever the use would be limited to their	
The strong of th	

	current. The proposed expansion of the use shows a desire and need for the use to expand.	
The development proposal is in a location where all necessary water and wastewater services, protective services and appropriate transportation infrastructure, including public transit, are provided;	The proposal is in a location where Municipal services and public transit are available.	
Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated; and	A buffer along the southern property line adjacent to residential development is proposed. No changes to site grading or access is proposed.	
A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan.	Most existing structures will remain on site, unchanged. The proposed new building is consistent with commercial buildings for this type of use.	

Urban Design Principles

Policy UD-9 provides guidance for new developments, which are in various designations of the plan. For those that fall into Employment Areas, policy UD-15 should apply. Policy UD-15 provides a number of criteria for consideration with this proposal:

Ensure new development and significant redevelopment in Employment Areas is designed to:

Allow for a variety of lot sizes and building	Major redevelopments or significant additions		
sizes to accommodate a wide range of	to major employment type uses are the focus		
employment uses;	of these policies (additions to office type		
Maximize the placement of buildings along	buildings). The proposal is to bring a use into		
the frontage of lots facing public streets and	conforming status and allow an addition. The		
provide appropriate landscaping; and	location of the new building, the proposed		
Designing buildings, streetscapes and	setbacks of that building from adjacent		
lighting at a human scale.	residential and landscaping buffer limit the		
	impacts to adjacent uses.		
	No changes to the adjacent streetscape are		
	going to occur with this proposal.		

Rezoning

The proposed rezoning with this application would take the site to the Corridor Commercial (CC) Zone. Normally used along major commercial corridors, the description of the zone notes that "land in other designations could be zoned CC".

The CC Zone has occurred on a stand-alone basis, in some locations across the city, which are not necessarily commercial corridors. This is due to the development form or uses occurring corresponded with the CC zone. In this case, the use (Recreational Vehicle Sales and Service) can occur only in the CC Zone. The proposed use is similar to that seen along some of the

City's commercial corridors where there would be recreational vehicle sales and services lots. This site-specific circumstance is not sufficient reason to use a special zone and so the CC zone is proposed.

The rezoning will allow a currently non-conforming use to become conforming and facilitate the construction of a new building. The impact of this building to surrounding properties will be minimal given the distance of the building to adjacent lots and a proposed landscaped buffer adjacent to the eastern property line. The use has been occurring on the site for a number of years and so is a well-established part of this area.

Given the unique nature of this use, the site is in a location adjacent to the river, which has been subject to flooding on a semi-regular basis. The most recent flooding shows that the location of the proposed shop had flooding that was approximately 1.5 metres. The site does not fall into any municipally designated flood plain. The location of the building is also greater than 30 metres from the normal high water mark, thus not requiring a Watercourse Alteration Permit (see attached site plan). In the interest of public safety and environmental protection, a section 59 condition is proposed to require that any chemical storage and electrical panel be at least 2.0 metres above the floor level of the building. This ensures that based on recent historic information on the site, that floodwaters would not affect electrical systems or cause contamination issues. Proposed uses have been limited and do not include residential uses to limit the impacts of future flooding.

Variances

The proposed new building, based upon the submitted site plan, should be compliant with the Zoning By-law and not require any variances.

A future subdivision will occur in order to adjust lot boundaries and place the existing house (located on the same parcel as the boatyard) on its own lot. This future lot will require variances through the subdivision process.

Future Subdivision

A future subdivision will be proposed to adjust lot boundaries (incorporating the Biscayne Holdings Lot) and allow for the dwelling (currently on the same parcel as the boatyard) to be on its own parcel. The dwelling remained on the same lot as the boatyard as the owner of the boatyard resided in the dwelling. The same family will retain ownership of the boatyard but would like the house deeded to a different family member. Ownership is not a relevant planning consideration; however, the proposed subdivision is reasonable to separate commercial and residential uses.

The proposed site plan included with this application shows an approximate property line (which will be confirmed during the subdivision process). The proposed future lot will not need Land for Public Purposes (LPP) as the net number of lots will not increase.

The proposed future lot; based upon the site plan; will require variances to several requirements including lot area, lot depth, lot occupancy, and setbacks requirements. Staff is of the opinion that the variances are reasonable, given the fact that site operated as one lot and essentially had a rear and side yard with a commercial use. This would remain unchanged, only a new lot line would be created. The applicant is aware of the building code considerations and has had detailed discussions and a pre-application with Staff. Staff will process these variances during the eventual subdivision application.

Conclusion

Staff support this proposal as it allows for the continued operation and limited expansion of a longstanding use that is dependent upon a waterfront location in a manner that is compatible with the neighbourhood and on balance achieves the intent of the Municipal Development Plan. Conditions proposed will help address any potential visual impacts or flooding concerns of the proposed expansion.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives considered.

ENGAGEMENT

Proponent

The applicant undertook engagement with property owners around the subject site (Submission 3). Their letter, provided to property owners, is also included. A number of signatures and a location map of those in support are included with the materials package in order to demonstrate community support of the application.

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, 2019. The public hearing for the rezoning was advertised on the City's website on May 10, 2019.

SIGNATURES AND CONTACT

Prepared and reviewed by:

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

Approved:

Jacqueline Hamilton, MURP, MCIP, RPP Commissioner

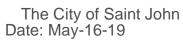
Contact:Kenneth MelansonPhone:(506) 721-8694E-mail:Ken.Melanson@saintjohn.caProject:19-33

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: Elevations Submission 3: Letter seeking support of application, map and signatures



Map 1 - Site Location Geordie Ring - 1007-1019 Millidge Avenue







Map 2 - Future Land Use Geordie Ring - 1007-1019 Millidge Avenue

The City of Saint John Date: May-16-19



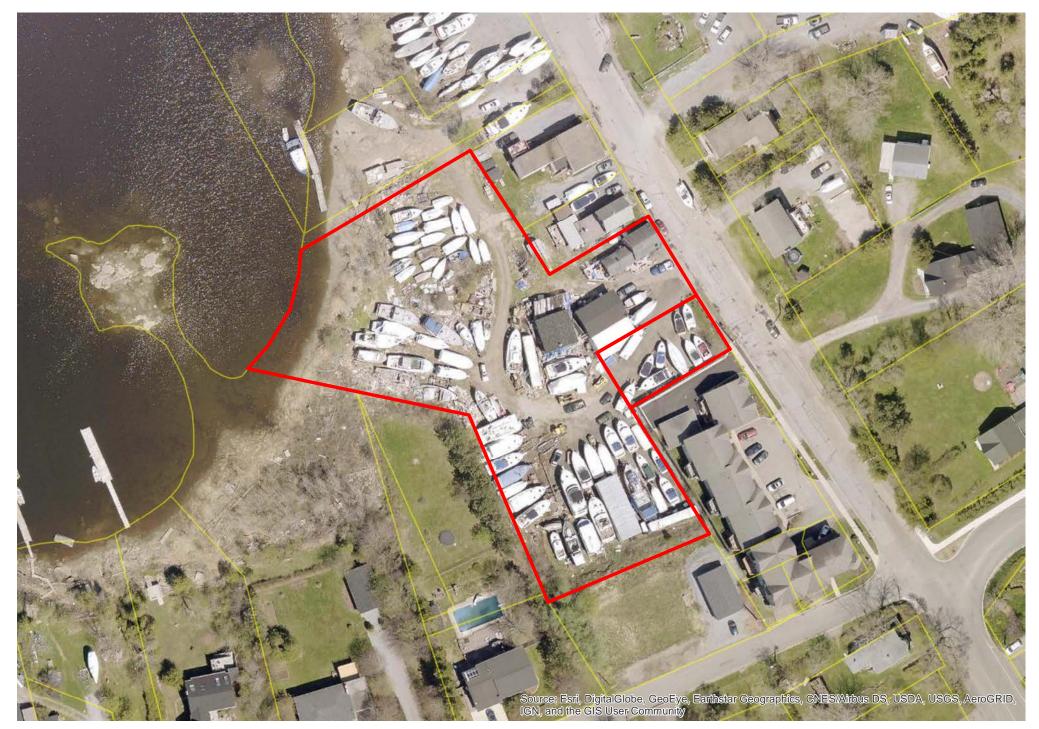


- (CL) Local Commercial
- (ID) Integrated Development
- (P) Park
- (R1) One-Unit Residential
- (RL) Low-Rise Residential

Map 3 - Zoning Geordie Ring - 1007-1019 Millidge Avenue ★ Section 59 Conditions

The City of Saint John Date: May-16-19





Map 4 - Aerial Photography Geordie Ring - 1007-1019 Millidge Avenue





Site from Millidge Ave



Adjacent Multi-residential near Manner Sutton Rd

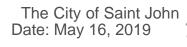
Map 5 - Site Photography Geordie Ring - 1007-1019 Millidge Avenue



Looking towards Manner Sutton Rd



Existing dwelling adjacent to boatyard

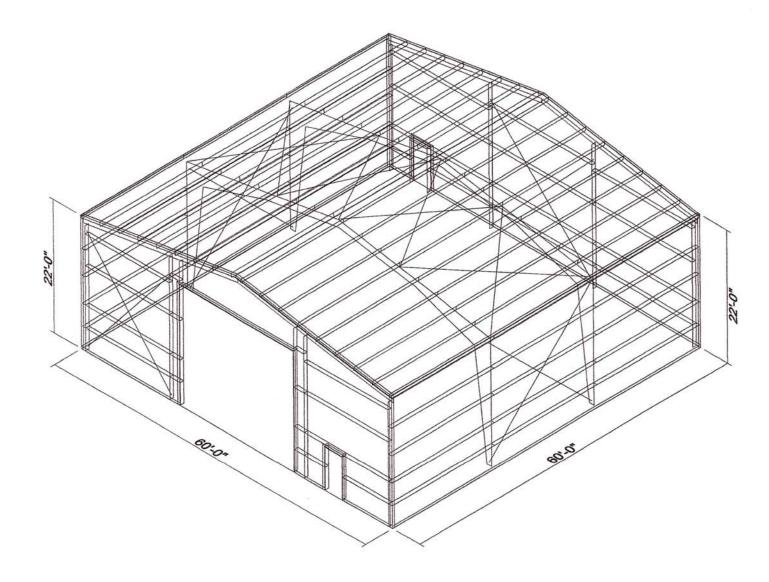














To Whom it may concern;

As the owner and operator of Brothers Cove Ventures Ltd located at 1019 Millidge Ave Saint John NB . I am the 3rd generation at this location as a boat yard boat building repair yard and storage. The Ring family is 6 generation strong in Saint John boating industry and the family pier in the harbour is still visible beside the Loyalist landing site.

I have been in business for myself since 1992 out of the family yard and employ as many as 14 workers in a season . We are looking to grow our business to a year round operation to keep a yearly employment for my workers and to expand into other marine areas.

The largest area for my business to expand is in fiberglass repairs to commercial fishing boats . There is a large demand as most of the work is being done in boat yards in Nova Scotia which there is a 3 -4 year waiting list. There are only 2 boat shops in the Bay of Fundy area that are doing this type of work and can only fit 1 boat at a time. This type of repair work is done in the between seasons of fishing in the months of July - September and I can fit 2-3 boats at that time frame.

The new shop will also allow us to work on boats in the off season to prep and ready for the summer season, and not hinder us from losing days off due to the weather. As an employer of a seasonal operation keeping a good employee is very difficult and attracting new skilled employees even harder. This is the largest reason for me to expand and build the large shop to fill a void in the boating industry and create year round employment and more economic spin off.

In addition, the new building will provide some inside storage space which will assist in maintaining cleanliness and order in the boat yard.

Sincerely: Jeorge 1, George (Geodie) Ring

President, Brothers Cove Ventures Ltd

January 23, 2019



To Whom it May Concern:

In May 2018, Brothers Cove Ventures Ltd. 1019 Millidge Ave was issued an Unsightly Premises Clean Up Order by the City of Saint John.

On January 17, 2019, the City of Saint John issued an Inspection letter (copy attached) confirming that all required clean up has been completed and we are now in full compliance with the city regarding this matter.

Part of this included the removal of a large shop and storage building that had started to collapse. Moving forward, we are in the process of applying to the city for rezoning and a building permit for a new building. This will allow for a lot of our work to be completed inside, as well as allowing for inside storage for the materials which have been stored around the yard and are required for our business.

I am committed to maintaining the cleanliness and order of the yard. The new building is instrumental to this. 3 Generations of Ring's have maintained this business location for 50+ years. I am looking for your support in this rezoning issue, so we can move forward with the new building. Your support is greatly welcomed and appreciated. Please sign attached to show your support.

Scorge 1 the Sincerely:

George (Geodie) Ring

President, Brothers Cove Ventures Ltd.

I support the application

Date Signature Address Name (Please Print) 1022 Millione Jan 24 MCKENNEY RIANVE Sand 014 MI HRIS DHINSON 24460 Jam Butle 9 In ennoblezsis 35 Kennebecosis Brown NM PARIFE CONCEBOCASISDR WALLACE THARLES MANMERS SYTTON 71 Beth Wallace 71 Manners Si Bedh Jan 2 Marrie 31 Ro M 10 029. 1000 en R Vannens Englaien 96 anners Sutton nou an.20 Emrich Pri 99 NII lidaa an m 1023 Millidge Ave 3 Dell-Rinc WADA 2 1031 MANNERS SUTTON HAMBURG PRMAN SUTTON NIEN 3 ANAKRS ARV 995 Mullidas obert Jarnes ameri onne! ci im 6 01/30 3 ANNERS SVERNY TIN

I support the application

3

Name (Please Print)	Address	Signature	Date
PATRICIA Bastara	iche 51 Manners Suttonk	d Bastarach	- Jan 30/19
Michael Banks	33 Manners Sutton	A Huchallmanhe	Feb 1/19
Jenny Mckim	971 Millidge Ave 1ST	Jenny Mokety	Fob 1 /19
Brian Maxine La	active 989 Millidge Hore	Brian Jacker	Feb 1/19
Bring Willin	~ 5 987 Millidg. M.	· Fathan	Feilly
John Mac Ne	il 985 millidg.	-pue GA	Sch 1/19
Cathy May	Neil 985 Millidge	Ave. 10 mic	Til Fell/19
Fina Dela	Caller 981 Millicker 1	the Mint	> Teh 15/19
Cust Roven	Hundrey 1019mil	uscit Rielery	Jul 114
Betty	ing 1019 Mi	Milar ave	Jel +/2019
Joan Ce	leste 983 Mil	licting for	Feb 4/249
Wherean pi	Jeght 1031 M11	idge Five	Jul 4/2017
Kabert AS	L 1042 Millid	FE AVE Mall	Feb 7,2019
Lo MGR RK	YC	,	<i>i j i</i>

