



Planning Advisory Committee

Date: September 21, 2021
 Time: 6:00 p.m.
 Location: 2nd Floor Common Council Chamber, City Hall

Members Present Brad Mitchell, 1st Vice Chair
 Anne McShane, 3rd Executive Member
 Gerry Lowe, Councillor
 Gary Sullivan, Councillor
 Lourdes Clancy
 Peter Pappas

Members Absent Alex Weaver Crawford, Chair
 Susan Baxter
 Neil Clements

Staff Present Jennifer Kirchner, Community Planning Manager
 Mark Reade, Senior Planner
 Joel Landers, Municipal Engineer
 Andrew Reid, Planner
 Mark O'Hearn, Planner
 Aimee Burgess, Recording Secretary

1. Approval of the Agenda

It was *MOVED* and *SECONDED* to amend the agenda section 4. Applications to be:

Item 4.1: 1300 King William Road

Item 4.2: 110-128 Waterloo Street

Item 4.3: 196 Clark Road East

Item 4.4: 110 Drury Cove Road

Item 4.5: 15 Broadway Avenue

Item 4.6: 31 Cliff Street

CARRIED GS/AMcS

2. Roll Call

The Vice Chair, Brad Mitchell stated that Alex Weaver Crawford, Susan Baxter, and Neil Clements were absent.

3. Approval of the Minutes

3.1 July 20, 2021

It was *MOVED* and *SECONDED* to approve the minutes of the July 20, 2021 meeting.

CARRIED GS/AMcS

3.2 August 17, 2021

It was *MOVED* and *SECONDED* to approve the minutes of the August 17, 2021 meeting.

CARRIED GS/AMcS

4. Applications

4.1 1300 King William Road - Subdivision

Mark Reade provided a brief description via PowerPoint Presentation. The applicant is proposing to subdivide a parcel of land from a large parent property to create a separate lot for an electrical substation. The electrical substation is a component of the Burchill Wind Energy Project. The application requires the

assent of Common Council to provide money in lieu of land for public purposes. Approval of the application is recommended.

No letters were received for this application.

Jacob Delisle, of Saint John Energy, appeared before the Committee and spoke in favor of the staff recommendation.

It was *MOVED* and *SECONDED*:

That Common Council accept a money in-lieu of Land for Public Purposes dedication for the proposed Saint John Energy Subdivision at 1300 King William Road.

CARRIED GS/GL

4.2 110-128 Waterloo Street - Rezoning & Similar and Compatible Use

Jennifer Kirchner provided a brief description via PowerPoint Presentation. The application is to rezone property at 110-128 Waterloo Street from Neighbourhood Community Facility (CFN) to General Commercial (CG) to facilitate the development of a mixed-use commercial and supported housing building. The applicant is in support of the proposed recommendation. In addition, the proposed CG zone allows for supportive housing. However, the applicant's intended use does not fulfill all the requirements of the supportive housing definition within the Zoning Bylaw, which is why the applicant has sought a similar and compatible use approval for the proposed facility. Staff recommend approval of the application subject to a condition limiting the number of occupants to twelve.

One (1) letter was received with a concern.

Seth Asimakos, of the Saint John Community Loan Fund, the applicant, appeared before the Committee and spoke in favor of staff recommendation.

It was *MOVED* and *SECONDED*:

1. *That Common Council rezone a parcel of land having an area of approximately 716 square metres, located at 110-128 Waterloo Street, also identified as PID Numbers 00013714, 00013722, 00013730, 00013748, 55039879, and 55039887 from Neighbourhood Community Facility (CFN) to General Commercial (CG).*

2. *That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, hereby discharges the resolution adopted on November 1, 1999, imposed on the rezoning of a parcel of land located at 124 Waterloo Street also identified as being PID Numbers 00013706; 00013144; 00013136; 00013128 and which was made pursuant to the provisions of Section 39 of the Community Planning Act in effect at the time (RSNB 1973 as amended).*
3. *That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, hereby discharges the resolution adopted on June 27, 2016, imposed on the rezoning of a parcel of land located at 112-122 Waterloo Street also identified as being PID Numbers 00013714; 00013722; 00013730; 00013748; 55039879; and 55039887 and which was made pursuant to the provisions of Section 39 of the Community Planning Act in effect at the time (RSNB 1973 as amended).*
4. *That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on the parcel of land having an area of approximately 0.2306 hectares, located at 110-128 Waterloo Street, also identified as being PID Numbers 00013706; 00013144; 00013714; 00013128; 00013136; 00013722; 00013730; 00013748; 55039879; and 55039887:*
 - a. *The applicant to submit flow calculations, completed by an Engineer, to facilitate the modelling of the water usage and sewer flows. The developer shall not proceed until they have first obtained the City's written opinion that its municipal infrastructure, storm and sanitary services as well as water services, has adequate capacity to accommodate the proposed development. Toss 110-128 Waterloo Street September 21, 2021*
 - b. *That the development and use of the parcel of land be in accordance with a detailed site plan, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle parking, loading areas, landscaping, signs, exterior lighting, and other such site features.*
5. *That the Planning Advisory Committee approve a supported housing facility, as a similar and compatible use to supportive housing, at 110-128 Waterloo Street, (PIDs 00013706; 00013144; 00013714; 00013128; 00013136;*

00013722; 00013730; 00013748; 55039879; and 55039887), subject to the condition that the occupancy of the facility be limited to a maximum of twelve.

CARRIED AMcS/LC

4.3 196 Clark Road East - Subdivision

Andrew Reid provided a brief description via PowerPoint Presentation. The applicant was proposing to subdivide the property at 196 Clark Road East into two parcels. One parcel is to accommodate an existing dwelling unit, located at 196 Clark Road East. The applicant is seeking to sell the Remainder Lot, which has approximately 50 metres of frontage on an unbuilt public right-of-way. Variances are required to provide access to the Remainder Lot and reduce minimum frontage requirements. With the creation of a new lot, assent of Common Council to accept money in-lieu of land for public purposes is also required. Approval of the application is recommended, conditional on any development of the Remainder Lot requiring the construction of the unbuilt public right-of-way to City standard.

No letters were received in regard to this application.

Gerry Roberts, of Kierstead, Quigly, & Roberts, representing the owner, appeared before the Committee and spoke in favor of staff recommendation.

It was *MOVED* and *SECONDED*:

1. *That Common Council accept a money in-lieu of Land for Public Purposes dedication for the proposed Brown Subdivision at 196 Clark Road East.*
2. *That the Planning Advisory Committee grant a variance for the Lot marked "Remainder of PID 3311043 – Over 2 hectares" from Section 15(2) of the Subdivision By-law conditional upon any future development of the lot requiring the following improvements to the abutting unbuilt public right-of-way marked "Clark Road East":*
 - a. *That the unbuilt public right-of-way be extended to provide access in accordance with the City's General Specifications,*
 - b. *That the unbuilt public right-of-way is to terminate in a cul-de-sac, also in accordance with the General Specifications; and,*
 - c. *That the cost and responsibility of extending the unbuilt public right-of-way and cul-de-sac is the developer's to bear.*

3. *That the Planning Advisory Committee grant variances from the standards of the Zoning By-law that would:*
 - a. *Reduce the minimum lot frontage requirement for Lot 21-1 from 60 metres to approximately 20.61 metres as proposed; and,*
 - b. *Reduce the minimum lot frontage requirement for the Remainder Lot from 120 metres to 50 metres.*

CARRIED LC/GS

4.4 110 Drury Cove Road - Variance

Mark O'Hearn provided a brief description via PowerPoint Presentation. The application involves creating two residential lots that were originally approved as part of a condominium corporation in The Highlands of Drury Cove Subdivision. One of the proposed lots, Lot 21-1, abuts a public street and can be approved by the Development Officer. The other lot, Lot 21-2, abuts Upper Deck Lane, a private street that serves the adjacent condominium corporation. The Subdivision By-law requires the approval of the Planning Advisory Committee to create a lot not abutting a public street. Development of Lot 21-2 is considered advisable for the reasons stated in this report, provided the recommended conditions are imposed by the Committee. These conditions ensure that vehicular access and servicing for Lot 21-2 is provided indefinitely, and that development is restricted to a one-unit dwelling. The applicant has no objection to these conditions.

Two (2) Letters were received with concerns about the application.

Gerry Roberts, of Keirstead, Quigley, and Roberts, representing the applicant, appeared before the Committee and spoke in favor of staff recommendation.

As questioned by the Committee, Katherine Morris and Jane Hanlon, representing Captains Quarters Condominium Corporation 8 noted that the development plan expired in 2020 and that any restrictions were expired. They clarified that the condo corporation owned the land and that any road maintenance would be part of the common expenses. They also noted that there will be covenants on the property and that they currently assume the lot will be for a single family dwelling and that the condo corporation has no guidelines on height restriction.

Nahid Jolani, a neighbouring landowner, appeared before the Committee and spoke against the application. She stated that this lot is adjacent to their lot that

they are building a home on, and she summarized the history of an agreement with the previous developer. They are concerned about privacy and their view.

As questioned by the committee, Ms. Hanlon stated that there is nothing registered with the Province of New Brunswick stating any agreements about the proposed parcel of land.

Staff stated that the City's legal department reviewed the application and found nothing that would prevent the lots from being developed.

It was *MOVED* and *SECONDED*:

That the Planning Advisory Committee approve Upper Deck Lane as being a suitable access for the development of Lot 21-2, on the following conditions:

- 1. That a right-of-way easement granting unrestricted vehicular access over Upper Deck Lane (private) to Drury Cove Road (public) be provided to the property owner of Lot 21-2 and their successors and assigns.*
- 2. That an easement, acceptable to the public utility companies, be granted to provide underground public utilities to Lot 21-2.*
- 3. That development on Lot 21-2 be restricted to the construction of a one-unit dwelling.*
- 4. That easement documents, acceptable to the Development Officer, be registered at the same time that the final subdivision plan for Lot 21-2 is registered.*

CARRIED GS/GL

4.5 15 Broadway Street - Municipal Plan Amendment & Rezoning

Mark O'Hearn provided a brief description via PowerPoint Presentation. The application involves a request to change the non-conforming use of an existing business at 15 Broadway Avenue to a permitted use in order that a similar business can be established. This request involves incorporating the subject property into the Rothesay Avenue Commercial Corridor, a reasonable change supported by the Municipal Plan. Section 59 conditions are recommended to address neighbourhood compatibility.

No letters were received for this application.

Dick Hickey, the applicant, appeared before the Committee, and spoke in favor of staff recommendation.

It was *MOVED* and *SECONDED*:

1. *That Common Council redesignate on Schedule A of the Municipal Development Plan, land having an approximate area of 0.29 hectares, located at 15 Broadway Avenue, also identified as PID 00299248, PID 00300814, and an undeveloped portion of a public street, from Stable Area to Employment Area.*
2. *That Common Council redesignate on Schedule B of the Municipal Development Plan, land having an approximate area of 0.29 hectares, located at 15 Broadway Avenue, also identified as PID 00299248, PID 00300814, and an undeveloped portion of a public street, from Stable Residential to Commercial Corridor.*
3. *That Common Council rezone a parcel of land having an approximate area of 0.25 hectares, located at 15 Broadway Avenue, also identified as PID 00299248 and PID 00300814, from One-Unit Residential (R1) to Corridor Commercial (CC).*
4. *That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on the parcel of land having an area of approximately 0.25 hectares, located at 15 Broadway Avenue, also identified as PID 00299248 and PID 00300814:*
 - a. *That the following land uses be prohibited:*
 - i. *Bar, Lounge, or Nightclub*
 - ii. *Small Recreational Vehicle Sales and Service*
 - iii. *Large Recreational Vehicle Sales and Service*
 - iv. *Redemption Centre*
 - v. *Model Home Sales Centre*
 - vi. *Service Station*
 - vii. *Vehicle Repair Garage*
 - viii. *Vehicle Sales and Leasing*
 - b. *That the development and use of the parcel of land be in accordance with a detailed site plan, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location*

of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle parking, loading areas, landscaping, signs, exterior lighting, and other such site features, and that such site plan incorporate the following:

- i. That there be no outdoor storage in the front yard;*
 - ii. That the front yard be landscaped where a fenced outdoor storage is or was located, and such landscaping be completed no later than October 30, 2022; and*
 - iii. That the storage of garbage in the front yard be enclosed in accordance with section 5.4 of the Zoning By-law.*
- c. That the above site plan in paragraph (b) be attached to the permit application for the change of use of the parcel of land.*

CARRIED GS/GL

4.6 31 Cliff Street - Rezoning & Temporary Use

Mark Reade provided a brief description via PowerPoint Presentation. The applicant is proposing to construct a mixed-use building with 56 dwelling units and a day care with two licenses. It is intended that the dwelling units in the building will be split evenly between market rent and subsidized units. The application requires a portion of the development site to be rezoned from Major Community Facility (CFM) to Urban Centre Residential (RC). The applicant has also requested approval of a Temporary Use to allow for excavation to begin in advance of the rezoning approval to provide efficient use of the remaining construction season. Variances and subdivision, all within the jurisdiction of the Development Officer's approval, are also required. Approval of the proposed application is supported by Staff as it conforms to the Municipal Plan and implements the vision for the area as established in the Central Peninsula Secondary Plan. Appropriate conditions related to servicing, traffic and site development are also recommended in conjunction with the rezoning.

Nine (9) letters were received in favor of the application.

Rick Turner, of Hughes Surveys & Consultants Inc., representing the applicant, appeared before the Committee and generally spoke in favor of staff recommendation. He noted other members of the project team were in attendance. He noted there were some additional details to work out with City Staff related to the Section 59 condition proposed in 2. c) of the staff

recommendation in regard to three catch basins at the rear of the Cathedral by the Roman Catholic Bishop of Saint John. Mr. Turner explained that more discussion is required with the City, prior to the public hearing at Common Council, related to the complexity of infrastructure in the ground. Mr. Turner stated that the existing trees on the Waterloo frontage would remain.

As questioned by the Committee, Staff noted there is time for discussions with Mr. Turner and the development team about condition 2. c) as the conditioning would not be imposed until after third reading of the rezoning which is scheduled for October 18, 2021. Staff also noted that the standards of the Urban Centre Residential zone specify certain cladding materials to be used on the front and flankage building facades.

It was *MOVED* and *SECONDED*:

1. *That Common Council rezone a parcel of land having an area of approximately 0.39 hectares, located at 31 Cliff Street, also identified as PID Number 55221071 and a portion of PID Number 00014621, from Major Community Facility (CFM) to Urban Centre Residential (RC).*
2. *That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on the parcel of land having an area of approximately 0.48 hectares, located at 31 Cliff Street, also identified as PID Number 55221071, a portion of PID Number 55226724, and a portion of PID Number 00014621:*
 - a. *That there be no net increase in the discharge of combined post development stormwater and sanitary sewer flows from the site for both minor and major storm events beyond the combined stormwater and sanitary sewer flow which currently is discharged from the site during both minor and major storm events.*
 - b. *That the design of the site prepared by the developer's engineering consultant and implementation of the site servicing by the developer include the engineered design and installation of a separated sanitary and storm sewer for three catch basins located on the former St. Vincent's High School site (PID 55226724). These catch basins are Object IDs 225134, 225135, and 225136 as noted in the City's GIS system.*
 - c. *That the landowner of the Cathedral site, the Roman Catholic Bishop of Saint John, undertake an engineered stormwater design and separation on the site of the existing Cathedral (PID 0014621), to eliminate 3 existing*

catch basins (at the rear of the Cathedral) from contributing flows to the existing the sanitary sewer. These catch basins are Object IDs 225131, 225132, and 225133 in the City's GIS system. Staff recommend that this work be completed prior to occupancy of the proposed mixed-use building or 5 years, whichever is greater. There may be an opportunity to coordinate a flow reduction strategy in conjunction with the proposed development.

- d. *That a Traffic Impact Statement be completed to assess the traffic impacts of the proposed development, including the proposed driveway to the site from Cliff Street, the impacts of the development on the adjacent intersection of Cliff Street and Waterloo Street, and the drop off/pick up operations for the proposed daycare. If any traffic or transportation system improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete.*
- e. *If any municipal infrastructure improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete. Prior to determining this, detailed engineering plans and a design brief must be submitted by the owner/developer's engineering consultant to the City for review and approval by the City.*
- f. *That the development and use of the parcel of land be in accordance with a detailed landscaping plan prepared and implemented by the developer that incorporates the following in addition to the requirements of the Zoning By-Law:*
 - *the planting of a minimum of one tree or shrub for every 45 square metres of required front yard along the Waterloo Street frontage provided at least 50 percent of the required plants are trees, and that the landscaping plan include the retention of existing trees along the Waterloo Street frontage of the site, dependant on the condition of the existing trees.*
- g. *The development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle, and bicycle parking, loading areas,*

landscaping, amenity spaces, signs, exterior lighting, and other such site features; and

- h. *The above elevation, landscaping, and site plans be attached to the permit application for the development of the parcel of land.*
- 3. *That the Planning Advisory Committee grant temporary approval to permit the excavation for the proposed development on the parcel of land having an area of approximately 0.48 hectares, located at 31 Cliff Street, also identified as PID Number 55221071, a portion of PID Number 00014621, and a portion of PID Number 00014621, and that this approval be subject to the following conditions:*
 - a. *A Development Permit be obtained by the Developer prior to the commencement of the excavation, with the developer required to provide the following information with the application for the Development Permit for the excavation:*
 - *drawing(s) showing the extent of the excavation*
 - *a Stormwater Management Letter from a Professional Engineer detailing how the stormwater impacts of the proposed excavation will be managed;*
 - *an Erosion and Sedimentation Control Plan; and*
 - *a Traffic Management/Truck Routing Plan detailing the route trucks will use to access and exit the development and area of the subject site and any necessary traffic management measures.*
 - b. *The Developer will also be required to provide fencing or hoarding around the site during the excavation and during the time the excavation is open prior to construction commencing to prevent unauthorized entry into the site.*
 - c. *Should the rezoning not be approved, or construction of the development not begin within one year of approval of the rezoning, the excavation must be filled in and topsoiled and hydroseeded in accordance with Section 9.7 of the Zoning By-Law.*

CARRIED GS/LC

5. New Business

No new business was discussed.

6. Next Meeting

The next meeting of the Planning Advisory Committee will be held on October 19, 2021.

7. Adjournment

It was *MOVED* and *SECONDED* to *adjourn the meeting at 7:30pm*.

CARRIED GL/GS