SECTION 59 APPLICATION 915 Red Head Road

Council Meeting - Dec 3, 2018

Growth and Community Development Services



Site Location





Project Description

Discharge of existing Section 39 agreement

- 1990 agreement made with rezoning from residential to industrial currently limits property to a dwelling and landscape business
- Property has since reverted to rural residential zone
- Future application for a home occupation is contemplated by applicant



THIS AGREEMENT made in triplicate this /5th

BY AND BETWEEN:

THE CITY OF SAINT JOHN, a body corporate, in the County of Saint John and Province of New Brunswick, hereinafter called the "CITY"

OF THE ONE PART

- and -

PETER J. SCHOLTEN, of the City of Saint John in the County of Saint John and Province of New Brunswick, aforesaid, hereinafter called the "DEVELOPER"

OF THE OTHER PART

WHEREAS the Developer has represented itself to be the owner in fee simple of property within the City of Saint John located at 915 Red Head Road and identified by the L.R.I.S. No. 338350, hereinafter called the Land, as shown on the plan annexed hereto and forming a part hereof as Schedule "A"; and

WHEREAS the Developer has submitted to the City a Specific Proposal to use the subject site for the purpose of a landscape construction and lawn maintenance business as well as a residential dwelling; and

WHEREAS the Developer in conjunction with the said Specific Proposal has applied to the City to have the Lands rezoned from "RS-2" One and Two Family Residential classification to "I-1" Light Industrial classification in order to accommodate the Specific Proposal; and

whereas the City by resolution of January 29, 1990 has expressed a preparedness to ascede to the Developer's rezoning request provided that this Agreement, pursuant to the provisions of Section 39 of the Community Planning Act, Chapter C-12, R.S.N.B. 1973 and amendments thereto is duly executed;



Zoning



(RU) Rural

(RR) Rural Residential ★ Section 39 Conditions



Future Land Use





Site Photography















Site Photography



COMMUNITY ENGAGEMENT

Community Engagement

- Nov 7, 2018 Neighbour Letters distributed
 - 13 letters received in response.
- Nov 8, 2018 Public Hearing advertised on City website
- One member of public in attendance at PAC meeting (opposed to potential future application as a result)



PROPOSED SECTION 59 AMENDMENT RE: 915 RED HEAD ROAD

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Council Chamber on Monday, December 3, 2018 at 6:30 p.m., by:

Amending the agreement dated May 15, 1990 and the Section 59 conditions imposed on the May 7, 1990 rezoning of the property located at 915 Red Head Road, also identified as PID No. 00338350.





PLANNING ADVISORY COMMITTEE RECOMMENDATION



1. Discharge the agreement made between Peter Scholten and the City of Saint John in 1990 pursuant to Section 39 of the Community Planning Act in existence at that time.

STAFF RECOMMENDATION



1. Discharge the agreement made between Peter Scholten and the City of Saint John in 1990 pursuant to Section 39 of the Community Planning Act in existence at that time.