

## COUNCIL REPORT

M&C No.	2019-141
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Proposed Public Hearing Date – 149 Broad Street, 81 Bayside Drive and rescheduled hearing for 49 Noel Drive***

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Kenneth Melanson</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

### **RECOMMENDATION**

That Common Council schedule the public hearing for the rezoning applications of Jeremy Wayte (Lang Lee) (149 Broad Street), City of Saint John (Everett Erb) (81 Bayside Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

That Common Council reschedule the public hearing for the Section 59 amendment for Village View Suites (Steve Brittain) (49 Noel Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room and in acknowledgement of the error, refund to the applicant the full Section 59 amendment application fee in the amount of \$2,500.

### **EXECUTIVE SUMMARY**

The purpose of this report is to advise Common Council of the rezoning/condition update applications received and to recommend an appropriate public hearing date. The next available public hearing date is July 29, 2019. This report also to also request Common Council reschedule the Public Hearing for 49 Noel Avenue due to an error in the Public Notice.

### **PREVIOUS RESOLUTION**

At its meeting of August 3, 2004, Common Council resolved that:

1. *the Commissioner of Planning and Development receive all applications for amendments to the Zoning By-law and Section 39 [now referred as section*

59] resolutions/ agreements and proceed to prepare the required advertisements; and

2. when applications are received a report will be prepared recommending the appropriate resolution setting the time and place for public hearings and be referred to the Planning Advisory Committee as required by the Community Planning Act.

## REPORT

In response to the motion above, this report indicates the applications received and recommends an appropriate public hearing date. Details of the applications are available in the Common Clerk's office and will form part of the documentation at the public hearings. The following applications have been received:

Name of <u>Applicant</u>	Location	Existing <u>Zone</u>	Proposed <u>Zone</u>	Reason
Jeremy Wayte (Lang Lee)	149 Broad Street	Neighbourhood Community Facility (CFN)	Urban Centre Residential (RC)	To facilitate multi-residential uses within the existing building.
City of Saint John (Everett Erb)	81 Bayside Drive	Neighbourhood Community Facility (CFN)	General Commercial (CG)	To correct a technical mapping error in the transition of the zoning map during ZoneSJ.
Village View Suites (Steve Brittain)	49 Noel Avenue	Mid-Rise Residential (RM)	Section 59 Amendment	Due to an error in the public notice (incorrect hearing date), a new public hearing needs to be scheduled.

### 49 Noel Avenue

As noted above, due to an unfortunate error on the part of Staff – the public hearing notice was advertised with the incorrect hearing date. In order to meet legislative requirements for notice under the *Community Planning Act*, a new hearing must be scheduled with a minimum 21 days notice being given. Staff have worked with the City Solicitor to determine that July 29, 2019 can be achieved to meet this requirement.

Staff have offered an apology to the applicant and are taking every step to minimize any impact of the delay to the applicant's construction schedule. Growth & Community Development Services are committed to customer service excellence and as an acknowledgement of the customer service failing in this case, are recommending that Council refund the full Section 59 application fee of \$2,500. Staff have reviewed the circumstances surrounding the error and are establishing protocols to ensure this error should not occur in the future.

### ***STRATEGIC ALIGNMENT***

While the holding of public hearings is a legislative requirement of the *Community Planning Act*, it is also a key component of a clear and consistent land development process, which provides transparency and predictability to the development community and City residents.

The development approvals process helps fulfill Council's priorities of:

- ensuring Saint John has a competitive business environment for investment,
- supporting business retention and attraction; and
- driving development in accordance with PlanSJ which creates the density required for efficient infrastructure, services and economic growth.

### ***SERVICE AND FINANCIAL OUTCOMES***

The scheduling of the public hearing and referral to the Planning Advisory Committee satisfies the legislative and service requirements as mandated by the *Community Planning Act*.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Not Applicable

### ***ATTACHMENTS***

None