

COUNCIL REPORT

M&C No.	2019-146
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: 1007-1019 Millidge Avenue – Supplementary Report

OPEN OR CLOSED SESSION

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

AUTHORIZATION

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

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, and that the subject lands 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. (i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
(ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and
(iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

REPORT

Subsequent to the public hearing held on June 3, 2019, the City Solicitor suggested that condition 5 (b) should include more explicit language to ensure enforceability of this condition so that in the event the boatyard changes

ownership, this condition is clearly to remain in place for as long as the boatyard is operating. The following suggested condition change is proposed:

- (b) i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
- (ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and
- (iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

Staff conveyed the proposed change to the applicant at the public hearing and they are in agreement with the proposed change. In all other respects, the recommendation before Council for third reading is unchanged.

PREVIOUS RESOLUTION

On June 3, 2019, Common Council gave first and second reading to a Municipal Plan, Rezoning and Section 59 Application for this site.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

This report has been reviewed by the City Solicitor's Department

ATTACHMENTS

- 1 – PAC Recommendation Report dated May 23, 2019
- 2 – Staff Report dated May 22, 2019