



The City of Saint John

Date: May 17, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Wednesday, May 22, 2019**

SUBJECT

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 By-law. 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 Kennebecasis 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 Kennebecasis 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 Kennebecasis 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 intent of the Municipal Plan and further advances in the City Structure;	The proposed change of designation recognizes the commercial nature of vehicle 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 of supply of quality land already designated in the Municipal Plan to accommodate the development;	This site-specific amendment is required to facilitate the expansion of a repair activities associated with the Recreational Vehicle 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 quality of life offered to residents of the City;	The use has existed for a long period and has offered boat storage and repair services for some time.
The proposal efficiently uses available infrastructure;	Municipal Water and sewer services are available.
The proposal does not negatively impact the use and enjoyment of adjacent lands and neighbourhoods;	The applicant has proposed retention of an existing vegetation screen. The enforcement process will address any future issues of noise or unsightly premises.
The proposal is an appropriate use within the land use designation being sought for the	In order to proceed with a commercial rezoning, redesignation of the site is required

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 redesignation is below.
The proposal adequately addresses and mitigates any significant environmental impacts.	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:

The proposal does not detract from the City's intention to direct the majority of new commercial development to the Primary Centres, Regional Retail Centres, Business Centres, Commercial Corridors, Local Centres and Mixed Use Areas;	This 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 – adjacent to water.
The proposed land use is desirable and contributes positively to the neighbourhood;	Millidgeville is a community situated adjacent to the Saint John and Kennebecasis Rivers – this use provides adjacent residents the opportunity to store recreational vehicles (boats) and is directly adjacent to a river launch point (Royal Kennebecasis Yacht Club) – enhancing the quality of the community for recreational opportunities.
The proposal is compatible with surrounding land uses;	This use has existed on the site for sometime and become a part of the surrounding community. The use will continue, regardless of the rezoning as the legally non-conforming status allow the use to remain in perpetuity – however the use would be limited to their

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

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 Melanson
Phone: (506) 721-8694
E-mail: Ken.Melanson@saintjohn.ca
Project: 19-33

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

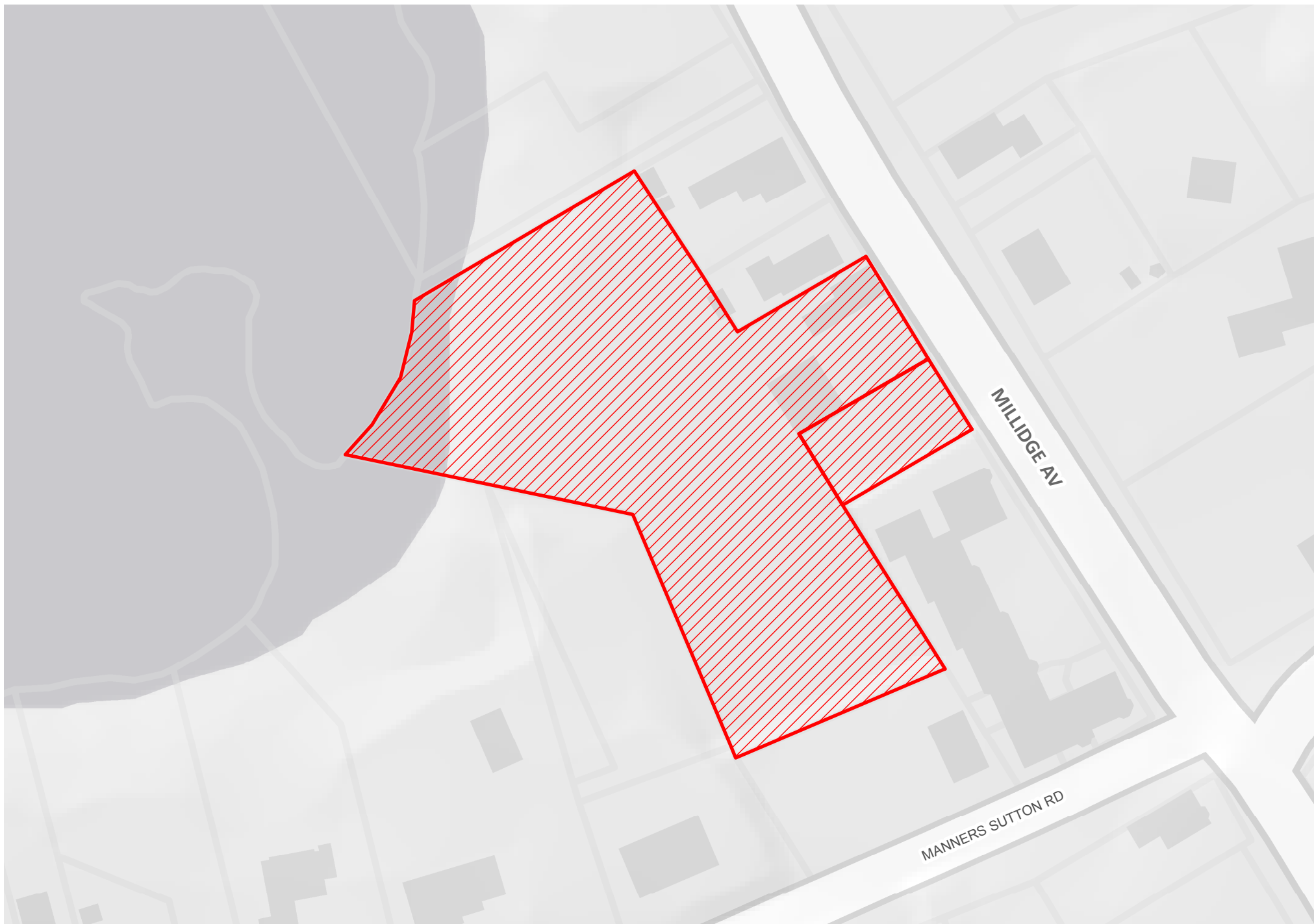
Map 4: **Aerial Photography**

Map 5: **Site Photography**

Submission 1: **Site Plan**

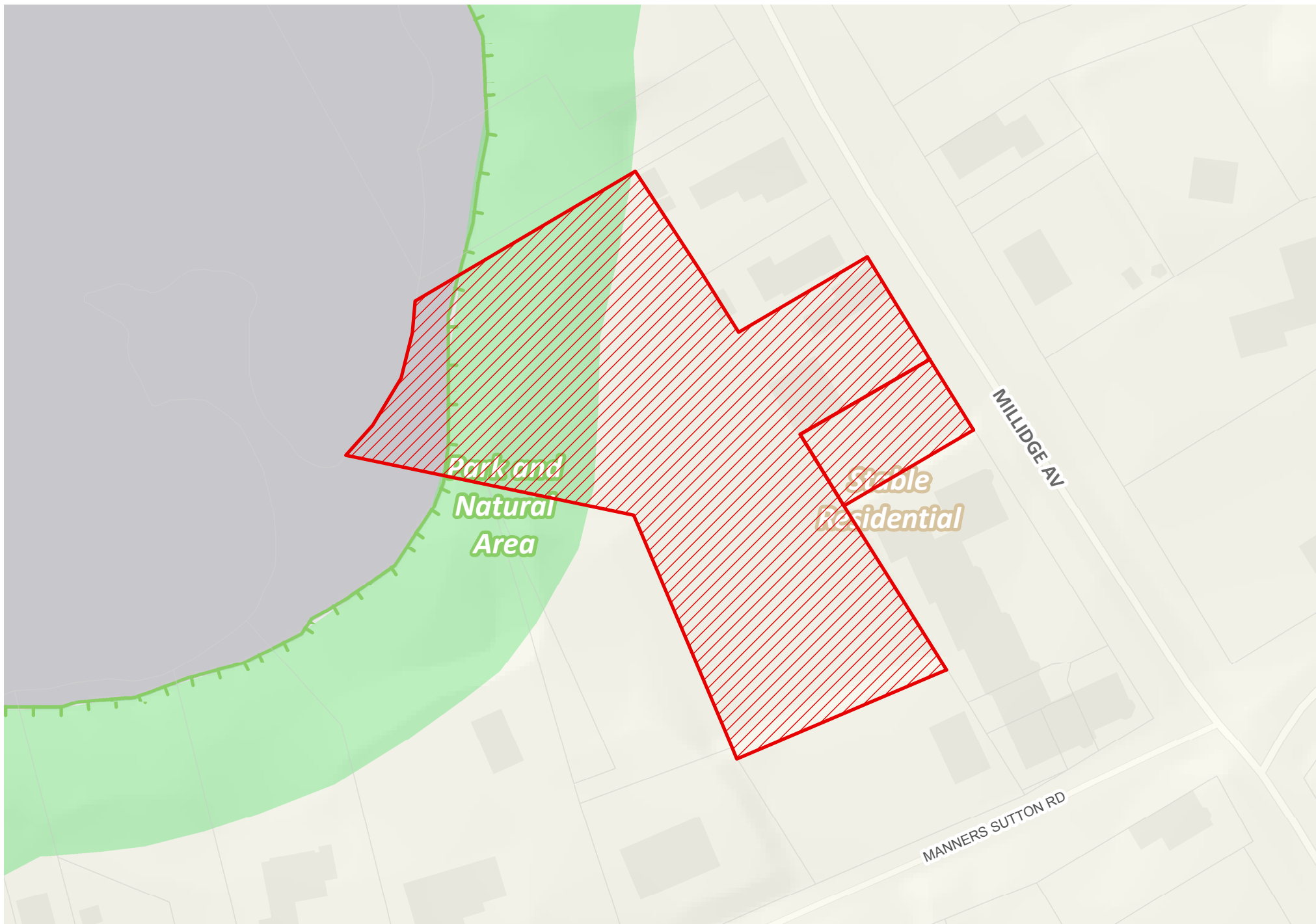
Submission 2: **Elevations**

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



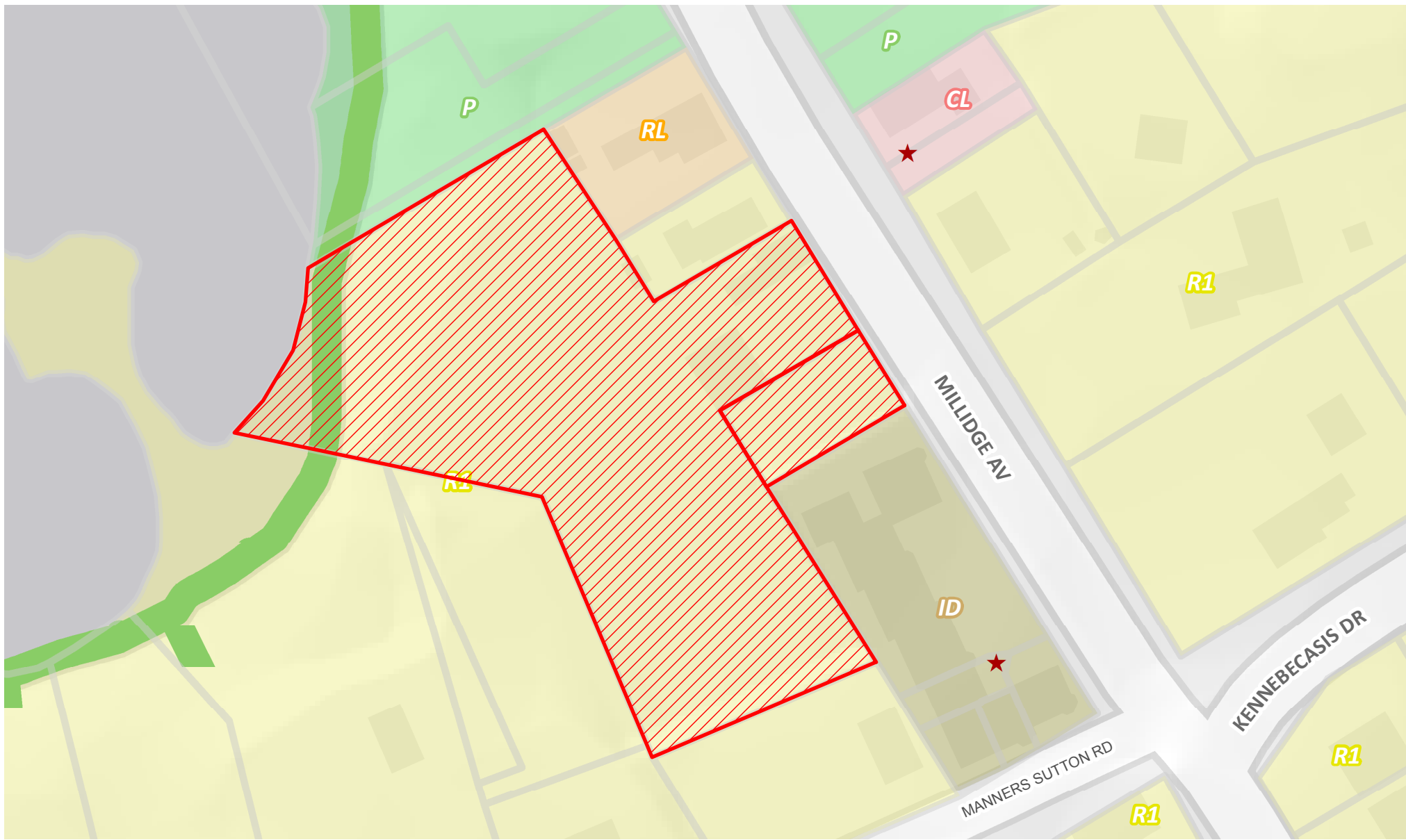
Map 1 - Site Location
Geordie Ring - 1007-1019 Millidge Avenue





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





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

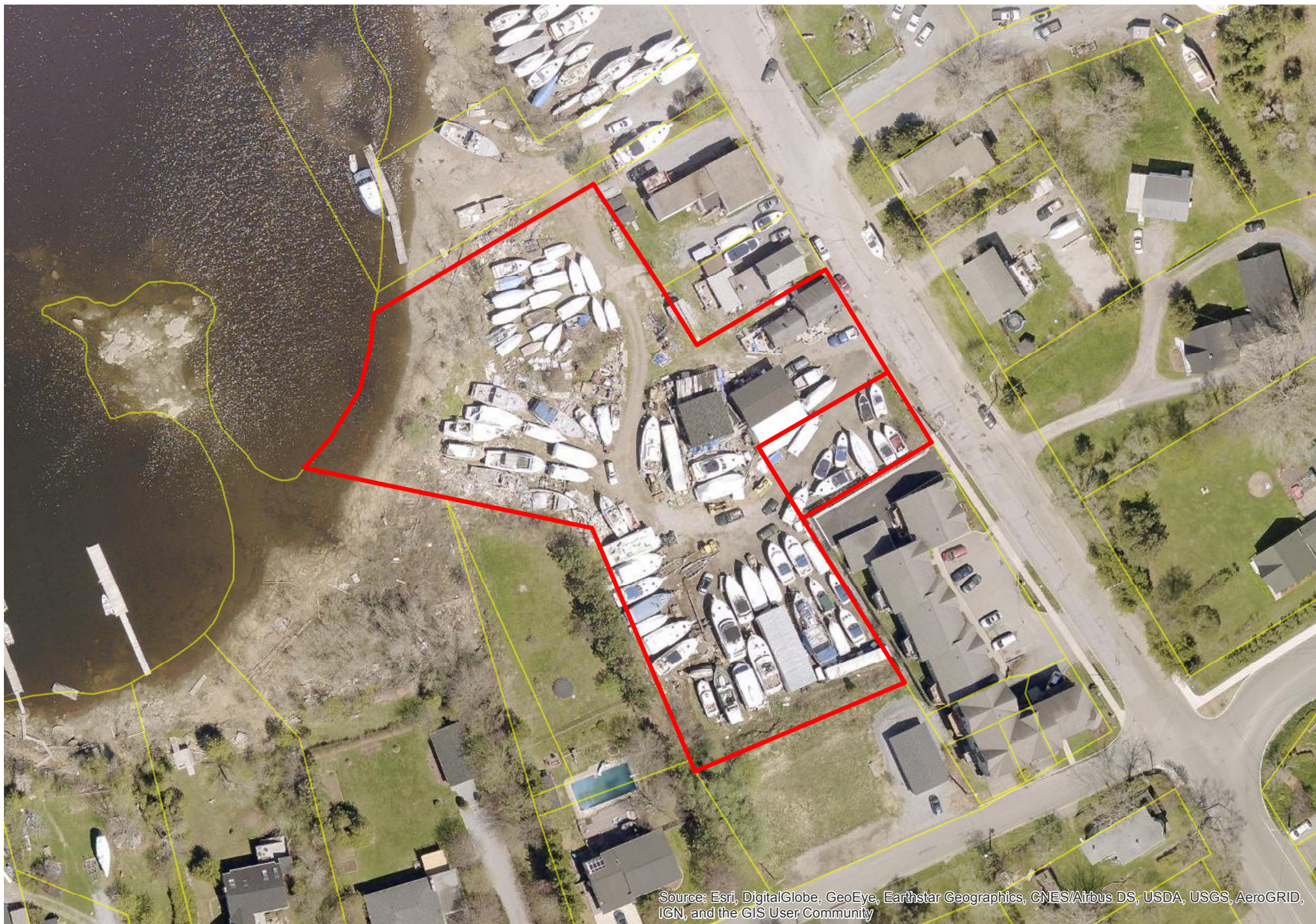
★ Section 59 Conditions

Map 3 - Zoning

Geordie Ring - 1007-1019 Millidge Avenue

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





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map 4 - Aerial Photography

Geordie Ring - 1007-1019 Millidge Avenue

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

0 25 m





Site from Millidge Ave



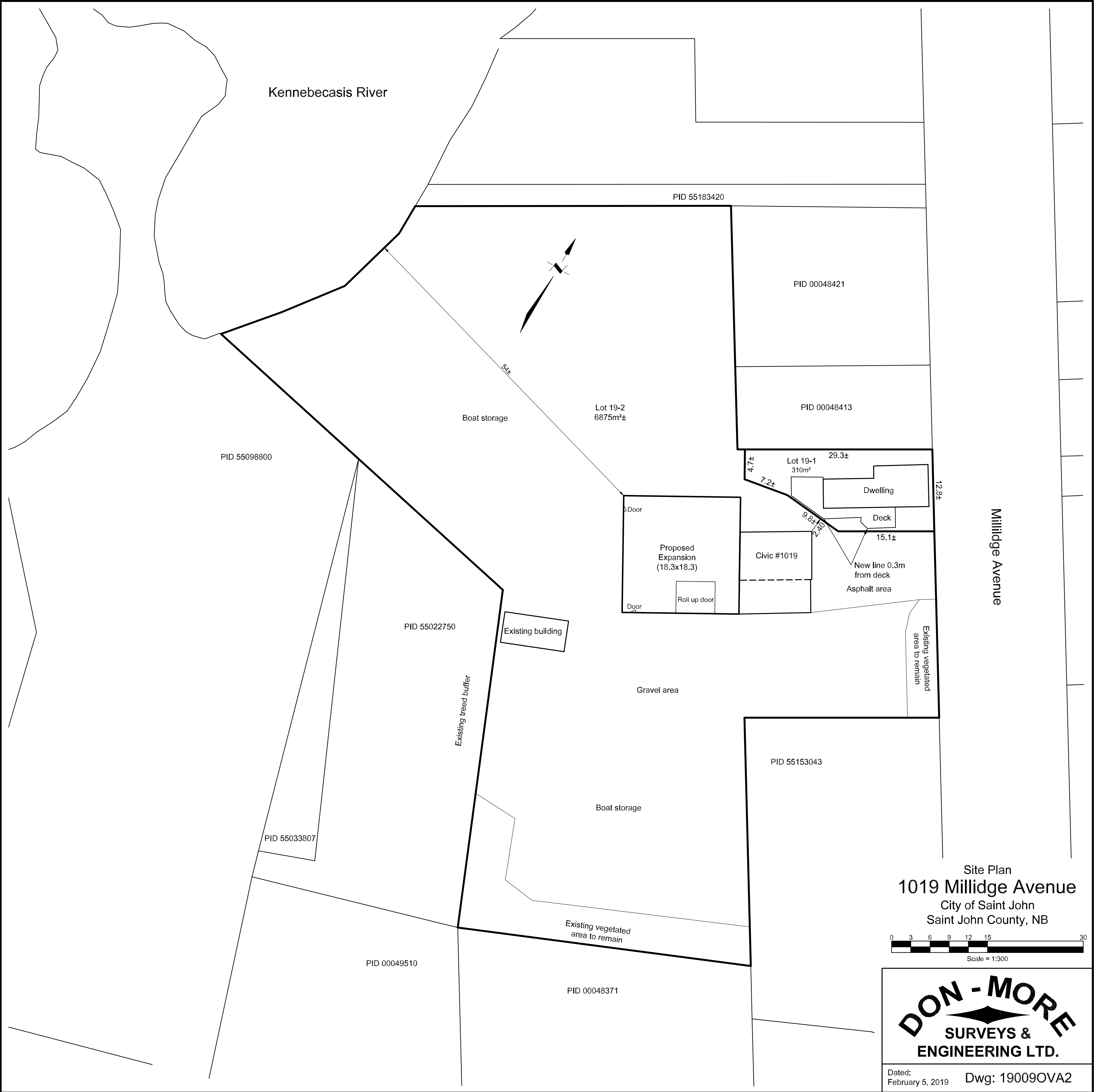
Looking towards Manner Sutton Rd



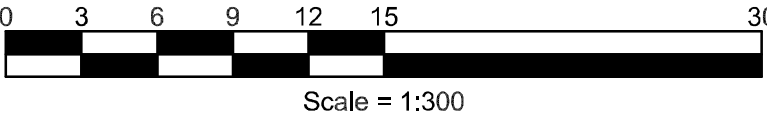
Adjacent Multi-residential near Manner Sutton Rd



Existing dwelling adjacent to boatyard



Site Plan
1019 Millidge Avenue
City of Saint John
Saint John County, NB

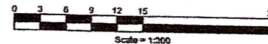


DON - MORE
SURVEYS &
ENGINEERING LTD.

Dated:
February 5, 2019 Dwg: 19009OVA2



Site Plan
1019 Millidge Avenue
City of Saint John
Saint John County, NB

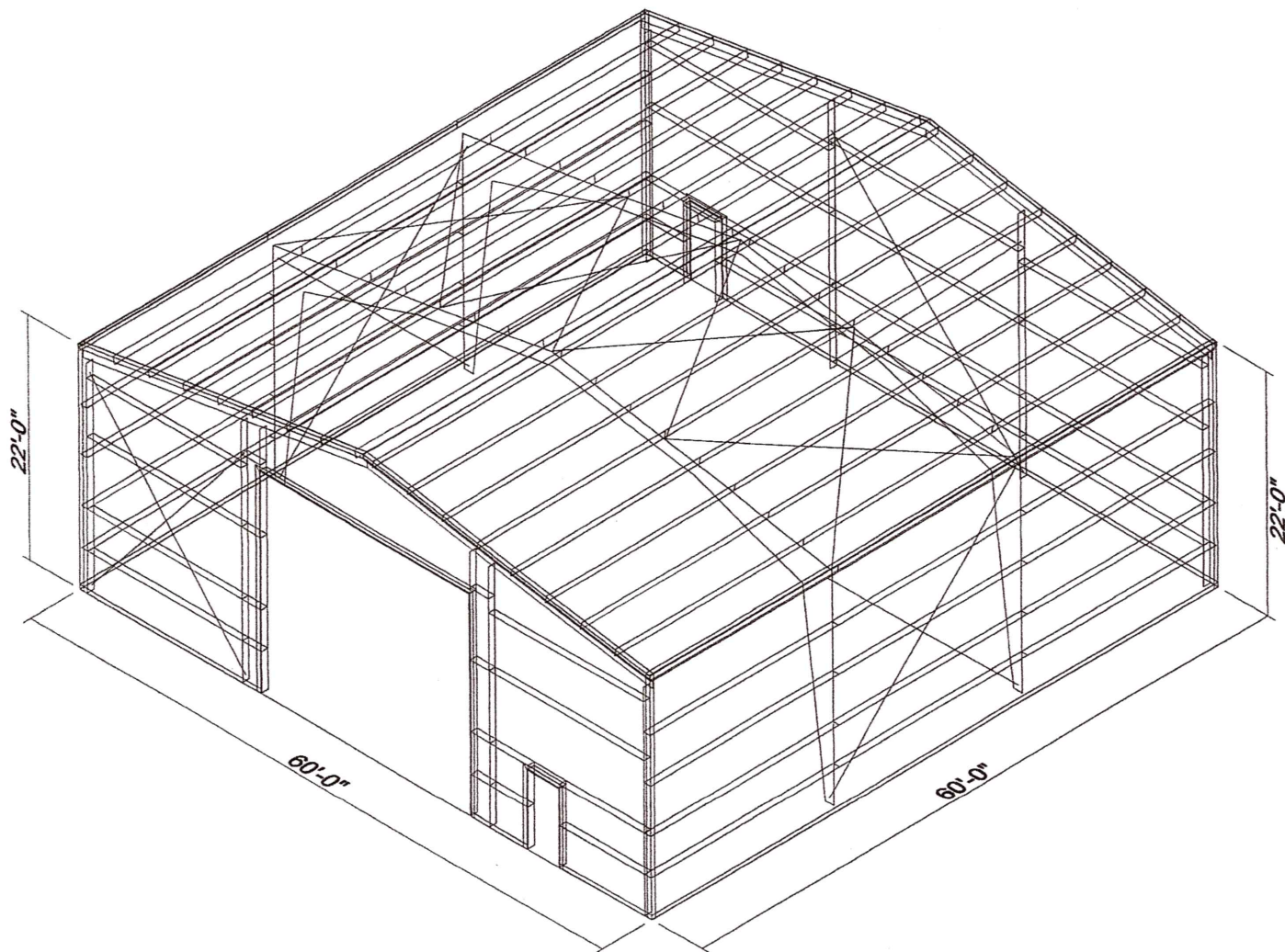


Scale = 1:200

DON - MORE
SURVEYS &
ENGINEERING LTD.

Dated:
January 30, 2019 Dwg: 19009OVA2







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: 

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.

Sincerely:

A handwritten signature in black ink, appearing to read "George A Ring", written over a horizontal line.

George (Geodie) Ring

President, Brothers Cove Ventures Ltd.

I support the application

Name (Please Print)	Address	Signature	Date
BRIAN & Sandra McKENNEY	1022 Millidge Ave	[Signature]	Jan 24/19
CHRIS JOHNSON	1014 MILLIDGE AVE	[Signature]	JAN 24/19
Shane Collins	15 Kennebecasis Dr	[Signature]	Jan 24/19
Bob Guyhine Bossé	977 Millidge Ave	[Signature]	Jan 24/19
FRANK	976 Millidge Ave	Jim Butler	Jan 24/19
Ben DeLong	28 Kennebecasis Dr	Ben DeLong	Jan 24/19
Kim Brown	35 Kennebecasis Dr.	Kim Brown	Jan 24/19
DAVID PARLEE	25 KENNEBECASIS DR	David Parlee	Jan 24/19
CHARLES WALLACE	71 MANNERS SUTTON	Charles Wallace	Jan 24/19
Beth Wallace	71 Manners Sutton Rd	Beth Wallace	Jan 24/19
Maledon Stoney	73 Manners Sutton Rd	Maledon Stoney	Jan 24/19
JOAN B. STONEY	73 MANNERS SUTTON RD.	Joan B. Stoney	Jan 24/19
ELWOOD JOHNSTON	65 MANNERS SUTTON ROAD	Elwood Johnston	Jan 24/19
Mark Saulnier	28 Manners Sutton	Mark Saulnier	Jan 24/19
Teri Emrich	26 Manners Sutton	Teri Emrich	Jan 24/19
Kim Brown	995 Millidge Ave	all S	Jan 25/19
Susan O'Dell-Ring	1023 Millidge Ave	SND	Jan 25/19
[Signature]	1031 Millidge Ave	[Signature]	Jan 25/19
NORMAN HAUBURG	141 MANNERS SUTTON RD	Norman Hauburg	01/27/19
MARK HOVEY	131 MANNERS SUTTON RD.	Mark Hovey	01/30/19
Robert Barnes	995 Millidge Ave	Robert Barnes	
Jim O'Connell	61 Manners Sutton	Jim O'Connell	
PETER KENNEDY	93 MANNERS SUTTON RD	Peter Kennedy	01/30/19

I support the application

Name (Please Print)	Address	Signature	Date
PATRICIA Bastarache	51 Manners Sutton Rd	P. Bastarache	Jan 30/19
Michael Banks	33 Manners Sutton Rd	Michael Banks	Feb 1/19
Jenny McKim	971 Millidge Ave 1ST	Jenny McKim	Feb 1/19
Brian & Marie Lachrie	989 Millidge Ave	Brian Lachrie	Feb 1/19
Brian Williams	987 Millidge Ave	Brian Williams	Feb 1/19
John MacNeil	985 Millidge Ave	John MacNeil	Feb 1/19
Cathy MacNeil	985 Millidge Ave	Cathy MacNeil	Feb 1/19
Jenny DeGasper	981 Millidge Ave	Jenny DeGasper	Feb 1 st /19
Capt Robert W. Dwyer	1019 Millidge Ave	Capt Robert W. Dwyer	Feb 1/19
Betty Ryan	1019 Millidge Ave	Betty Ryan	Feb 4/2019
Jean Celeste	983 Millidge Ave	Jean Celeste	Feb 4/2019
Wherson Wright	1031 Millidge Ave	Wherson Wright	Feb 4/2019
Robert H. H.	1042 Millidge Ave	Robert H. H.	Feb 7, 2019
↳ MGR. - RKYC			



Title:



Scale/Échelle: 1:2,457

Date: 1/31/2019

Printed by/Imprimé par:

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