

**PLANNING ADVISORY COMMITTEE
MINUTES OF REGULAR MEETING**

October 24th, 2017

The Planning Advisory Committee (PAC) met in the Arena Complex (Visitor Information Centre) with the following attendance:

Present: Chair Jill Stewart, Vice-Chair Jeff Cross, and Committee Members Esma Taylor and Kate Akagi. Also present were Chris Spear, Assistant Manager of Planning, and Nikki Mott, Receptionist.

Regrets: Committee Member Shannon-May Pringle, Hap Stelling, Manager of Planning, and Angela McLean, CAO/Clerk.

1. CALL TO ORDER

The meeting was called to order at 7:09 p.m. by the Chairperson, Jill Stewart

During the Chair's opening remarks, and in light of recent resignations, she wished to stress the importance of attendance. Ms. Stewart stressed that she understands that the Committee is volunteer based and appreciates all the time and dedication that the members have put in, but also stressed the difficulty that a smaller number of members will be to reach quorum. She also encouraged members to canvas friends, neighbours, or acquaintance to submit a written letter to council to volunteer to be part of the Committee. The mandate for the committee is **no less than five (5) and no more than nine (9) members**. We are currently at the minimum number of our members.

The Chair also reiterated that the committee does not set or enforce by-laws and that each applicant coming before us should be treated with openness and respect.

2. DECLARATIONS OF CONFLICT OF INTEREST, IF ANY
NONE

3. ADDITIONS TO AND/OR APPROVAL OF AGENDA

It was moved by Vice-Chair Jeff Cross, seconded by Esma Taylor and carried to approve the agenda as presented.

4. CONFIRMATION OF PREVIOUS MEETING'S MINUTES

4.1 Regular Meeting – August 16th, 2017

It was moved by Esma Taylor, seconded by Vice-Chair Jeff Cross and carried to approve the minutes for the Regular August 16, 2017 meeting as presented.

4.2 Regular Meeting – September 6th, 2017

It was moved by Kate Akagi, seconded by Esma Taylor and carried to approve the minutes for the Special September 6, 2017 meeting as presented.

5. BUSINESS ARISING FROM MINUTES

NONE

6. DISCUSSION

6.1 113 Queen Street – Yearly Review for Similar and/or Compatible Use Request

Background Information

During the September 21st, 2016 Regular PAC meeting Dean and Angela Secord, owners of 113 Queen Street, had requested that the PAC use their special powers to grant them a similar and/or compatible use request in order to permit daily and/or long term room rentals at PID 01318435. This request was granted with conditions that *“any parking needs which arise from these rentals are handled on-site and that the property owners will ensure that tenants respect the peaceful character of the neighbourhood...”* *“... on a yearly basis, the similar and compatible use permit will be reviewed until the property owners retire and move into the house.”*

Mr. Dean Secord, property owner at 113 Queen Street, was present to give an update on if there had been any complaints or concerns that they experienced over the past year. He canvased his neighbours to see if there were any complaints and none were noted. He also inquired with the Town, which Chris Spear, Assistant Manager of Planning confirmed that there were no complaints to the Town’s office regarding the property or the students living there.

Mr. Secord stated last year there was a gentleman from customs who moved in and helped his son watch over the property and this year he has an older gentleman, who is working at the Rossmount, watching over it. In the new year it is quite possible that Mr. Secord will be down more often and is hoping to put his house in the City up for sale so that they can move down sooner than later. Their goal is to be living here full time in the “very near future”.

Over the summer they tore down the old barn which was dilapidated and the goal is to use the old boards to re-build a new barn to help increase their property value. They consulted with the Heritage Board at that time as there had been some concerns that they were tearing down the house, which was not the case.

Chair Jill Stewart asked the Committee members if they would like to have a motion put on the table. Vice-Chair Jeff Cross made the motion that as long as there are no issues with the town, to allow the extension of the similar and/or compatible use permit until Mr. and Mrs. Secord permanently retire and move into the property to avoid the request coming back to the PAC year after year. The chair stated that she can write that suggestion into the letter to the Town on behalf of the PAC members. The final motion read as:

It was moved by Vice-Chair Jeff Cross, seconded by Kate Akagi, and carried to approve the extension on the similar and compatible use permit until the property owners have retired

and taken up permanent residency as opposed to reviewing the application year after year. The motion passed.

7. PRESENTATIONS / DELEGATIONS

- 7.1 130 Prince of Wales St. - Alex Henderson wishes to present a development proposal for a Municipal Plan Amendment submitted to Council by Timothy Henderson on behalf of owner, Lucinda Flemer. They wish to introduce additional policies to amend the Municipal Plan and also amend the Zoning of the property from Residential to Serviced Residential & Cultural at PID 01323252 & 15155047.

Alex Henderson, Planner, conducted a short presentation explaining the purpose of the Municipal Plan Amendment and the Re-zoning application for 130 Prince of Wales. Mr. A. Henderson suggested to both the applicant and the PAC that the two PID's be amalgamated into one PID. The property has two separate PID's with one that is around 6 acres in size and the other around 1 acre. He suggested the amalgamation so that the entire property is one PID since, if approved, the proposed MPA and Zoning changes would take effect on both PID's, meaning an amphitheater could be erected on the smaller PID, as well as the large property, if it is not joined together.

Below are the seven (7) proposed amendments being requested by the applicant which include explanations from the Planner on the purpose of those amendments. They are as follows:

- I. Add a policy to Section 2.8.2 of the Town of Saint Andrews Municipal Plan By-law (10-3) to permit cultural uses in residential areas; as follows:

Policies

Cultural Uses in Residential Areas

(4) Council may permit residential properties to be used for artistic or cultural uses by way of a rezoning of land where a proposal is determined to be compatible with the residential character of the area.

Note from Planner: To add this policy, council adopts 2 ideologies: (1) *any artistic or cultural uses must conform to the overall residential character of the neighbourhood and* (2) *only the zoning bylaw needs to be amended.*

- II. Add a Proposal Section 2.8.3 to the Town of Saint Andrews Municipal Plan By-law (10-3), as follows:

Proposal

2.8.3 Any amphitheatre permitted by way of rezoning requires Council to take into consideration site design, parking (including temporary parking for events), noise, traffic, hours of operation and any other matter deemed appropriate.

Note from Planner: By adding this proposal, council ensures that they consider a minimum set of criteria for terms and conditions upon review of any proposal to rezone property to the SRC Zone.

- III. Amend the Saint Andrews Zoning By-law (10-04) to define SRC Zone Permitted Uses, by adding sections 4.2.7 and 4.2.8, as follows:

4.2.7 SRC Zone Permitted Uses

Any land, *building* or *structure* may be used for the purposes of:

- a) One of the following *main uses*:
 - (i) One of the main uses prescribed in 4.2.1(a) above; or
 - (ii) An *Artist's Residence*
- b) One or more of the following *secondary uses*:
 - (i) One of the *secondary uses* prescribed in 4.2.1(b) above; and
 - (ii) In addition to (i), one or more of the following *secondary uses*:
 - A) Artist's Residences,
 - B) Art galleries, or
 - C) Art studios
- (c) One or more of the following *accessory uses*:
 - (i) One of the *accessory use* prescribed in 4.2.1(c) above, and
 - (ii) An amphitheater

4.2.8 Application of SR Zone to SRC Zone

Sections 4.2.2, 4.2.5, and 4.2.6 apply with the necessary modifications to the SRC Zone prescribed in 4.2.7. Section 4.2.3 applies with the modification to the maximum height for accessory buildings; in the SRC Zone it is 9.5 m (31ft).

Note from Planner: By adding 4.2.7 and 4.2.8, Council ensures that the residential requirements developed in the SR zone still apply to the proposed use.

- IV. Add a definition to the Town of Saint Andrews Zoning By-law (10-04) for *artist's residence* and *amphitheatre*:

"ARTIST'S RESIDENCE"

Means any *main* or *secondary use* prescribed in 4.2.7 serving as temporary accommodations for artists, musicians, writers, or other similar cultural professionals, but does not include an apartment, rental suite, garden suite, hotel, inn, hostel, group home, or bed and breakfast.

"AMPHITHEATRE"

Means a cultural performance stage with outdoor seating for an audience and may include accessory facilities, such as restrooms, change rooms, audio visual equipment, and storage.

- V. Table 2.1: Zone Classifications under Section 2.1(2) is amended by adding a row below the SR Zone, with the Short Form listed as "SRC Zone," with the Zone Designation listed as "Services Residential and Culture", and being classified under the Residential Zones Classification.
- VI. Section 2.1(3) is amended by striking out "SR, ER, and MR Zones, collectively, are referred to as Residential Zones" and substituting "SR, SRC, ER, and MR Zones, collectively, are referred to as a Residential Zones".
- VII. Amend the Saint Andrews Zoning By-law (10-04) Zoning Map to show 130 Prince of Wales Street (PID's: 15155047 & 01323252) as a new zone entitled SRC (Serviced Residential and Culture) Zone.

Section 39 Terms and Conditions for Municipal Plan Amendment & Zoning Application

- A) Any future temporary events held on the property with more than 50 guests in attendance shall provide the following:
 - i) Temporary signs to be set-up and removed at a minimum of two hours before and after the planned time of the event which clearly read on both sides: "*Temporary No Parking*," and be subject to section 8.12.2 of the Town of Saint Andrews Zoning By-law 10-04.
 - ii) A minimum of 32 total "*Temporary No Parking*" signs are to be placed in a landscaped portion of the public-right-of-way at a minimum of spacing of 20-meter intervals on both sides of Prince of Wales Street from the intersection at William Street to Elizabeth Street as well as on both sides of Edward Street from the intersection at Prince of Wales Street to Carleton Street.
 - iii) Sufficient temporary off-street parking is to be made available in the rear yard of 130 Prince of Wales Street. Any damage to lawns as a result of parking shall be repaired to the satisfaction of the Development Officer.
 - iv) Noise generated in association with temporary events shall not be permitted from 2100 hours of one day to 0700 hours of the next day (0900 on Sundays) and shall conform to the Town of Saint Andrews Noise By-law 06-04.
 - v) That sufficient permanent or temporary restroom facilities be provided on-site to accommodate all guests.
- B) That both properties involved in this development proposal must be joined through a deed consolidation or administrative consolidation (PID's: 15155047 & 01323252) by December 31, 2018.
- C) That vegetated earthen berms be constructed and maintained to the satisfaction of the development officer so as to direct sound emitted from any amplification systems associated with an outdoor amphitheater away from adjacent residential properties by September 30, 2018.

- D) That the rear yard of the property be screened from view by neighbouring residential properties by way of natural vegetation or landscaping by September 30, 2018.
- a) Council's request for the "views and recommendations" of the PAC regarding the proposed Municipal Plan Amendment and Re-Zoning application.

Mr. A. Henderson stressed to Council that the recommendations and proposals he has noted above will help the Town with control and to enforce this new SRC zone that is being proposed. With the proposed Section 39 conditions in place a resident would be required to go to Council to get approval. This means that no one can erect an artist studio, amphitheater, gallery, etc... in a residential zone without the proper approval first.

Mr. Tim Henderson, applicant, was present to answer some questions on the proposed design of the amphitheater. He stated that he held a meeting with some of the neighbours to outline their proposal and asked if they had any concerns. A couple of property owners expressed concerns about the future. What would happen to their property 25 to 30 years from now and inquired if any conditions could be put in place. Mr. T. Henderson stated that once he updated them with the proposal of the new SRC zone, they felt much more at ease knowing that other residents would be required to go through Council for proper permission.

Mr. T. Henderson spoke of the design which has been slightly modify since he was last before the committee. They have scaled the seating back to eight (8) rows with about six (6) feet of lawn to also use for seating. The berms and design of the amphitheater will help control the sound so that it will come out of the front. The back of the structure will house the greenroom/changing area for the performers, which will also act as a noise barrier. There will also be trees and landscaping around the area to be used as a buffer. He also mentioned that they are not opposed to a parking plan. Guests will be invited to go from Kingsbrae to KIRA, just like they did this summer where they had approximately 1,000 people attend the Symphony NB concert at the grounds. During that concert KIRA worked with the Town to have a section of Prince of Wales blocked off for parking, which was actually not used during the performance. Mrs. Flemer has no desire to have late night venues or loud rock concerts. The performers at KIRA would be groups like Symphony NB and the Youth Orchestra.

The "Artist in Residence" program was very successful this past season. They hosted 15 artist over a three month period from all over the world and the feedback that they were given back was very positive and also accelerated their applications for next year with over 150 people who have already applied.

The Chair expressed concerns about the parking. There has been a lot of indication of where the audience/participants cannot park but no recommendations on where they can park. So she is suggesting that the Committee, who may see fit, to add that in to their recommendations to Council. She strongly feels that a parking study should be done, especially with the Town having significant parking issues already.

There concerns expressed about the maximum height of 31 feet being proposed for this new zone. The concern could mean that the 27 feet, already in place in a residential zone could potentially become moot. Mr. A. Henderson stated that if the PAC were to suggest to Council to implement very specific terms and conditions, those conditions would help control any approval to the SRC zone. Perhaps set a term that the applicant would be required to apply for a variance after "X" height and so on. Any new SRC zone that would be created would have to come to a "reasonable standard" with their surrounding residential properties. It could be potentially problematic unless there is very close scrutiny to every proposal. We could apply these terms to the SRC in general to help with control, as per Mr. A. Henderson's suggestion.

After all questions were answered the Chair inquired to the committee if they would like to place a vote to support sending a letter to council. The motions were as follows:

Municipal Plan Amendment

It was moved by Kate Akagi, seconded by Vice-Chair Jeff Cross and carried to send a letter of support to Council with the PAC's views and recommendations on the Municipal Plan Amendment for KIRA - 130 Prince of Wales from Residential to Serviced Residential & Cultural.

Re-zoning Application

It was moved by Vice-Chair Jeff Cross, seconded by Kate Akagi and carried to send a letter of support to Council with the PAC's views and recommendations on the Re-zoning Application for KIRA - 130 Prince of Wales from Residential to Services Residential & Cultural.

The vote was unanimous in favour to write the letters of support but for the members to go home and think over the recommendations and conditions they would like to have added to those letters. Once the Chair has received all of their input she will circulate a draft for their approval and then submit the final letters to Council.

- b) Request for a 1-year extension on the *Temporary Use* permit for the five (5) artist studios.

It was moved by Esma Taylor, seconded by Vice-Chair Jeff Cross and carried to approve the 1-year extension on the temporary use permit to allow the five (5) artist studios. This extension will start as of October 23rd, 2017 and will expire in October 23rd, 2018 or once the MPA and Re-zoning applications have been approved, whichever comes first. With no one opposed the request was granted.

8. SIMILAR AND/OR COMPATIBLE USE REQUESTS

NONE

9. ZONING APPLICATIONS

NONE

10. MUNICIPAL PLAN AMENDMENT APPLICATIONS

NONE

11. APPLICATIONS FOR VARIANCES / APPROVALS

~~11.1 89 Joes Point Road Chris Evans and Ann McCain have applied for relief from the ordinary high watermark to construct a building within 9.41 meters (30.9 feet) at PID 15203011. APPLICATION WITHDRAWN~~

The application was postponed due to a clerical error. The wrong PID # was provided and referenced on the polling letter so the Town submitted a new polling letter to rectify the error. This item will go before the PAC at the November regular meeting.

12. SIGN APPLICATIONS

NONE

13. SUBDIVISION APPLICATIONS

NONE

14. APPLICATIONS FOR TEMPORARY USE APPROVAL

NONE

15. ORGANIZATIONAL MATTERS

Kate Akagi wanted to put on record that she is sorry that the Committee has lost 3 good members. She asked Mr. Spear and the Chair if there was anything being done to get more members on the Committee. Especially with how difficult it is now to meet quorum. Mr. Spear confirmed that Council is working to fill the vacancies.

The Chair stressed that she would like to see at least 3 more members join. The Chair even suggested writing a letter to council to ask them to place their concerns as a priority.

Mr. Spear suggested that if any members have anyone in mind they should talk to Mr. Stelling about it. A letter needs to be submitted to council with what type of skill sets would best suit them for this committee. You have to have also be a resident of the Town and there is a certain amount of time the member are required to reside in Town before they have voting rights.

16. OTHER BUSINESS

NONE

17. QUESTION PERIOD

Lindy Townsend, a citizen of the Town and has property that is located in close proximity to the KIRA development has concerns of the proposal. She asked the Committee to be careful and expressed concerns about the noise and height being proposed for the new SRC zone.

18. MOTION FOR ADJOURNMENT

It was moved by Kate Akagi to adjourn the meeting at 8:35 p.m.

Next Regular Meeting will be held Wednesday, November 15th 2017.



Jill Stewart, Chairperson