



**TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES**

**February 16, 2022, 7:00 p.m.
Electronic Meeting**

A. RECORD OF ATTENDANCE

At the Planning Advisory Committee Meeting on Wednesday, February 16, 2022, at 7:00 p.m. with the following members present:

PAC - Chair Chris Flemming, Vice-Chair Jill Stewart, Jenny Cook, Jeff Cross, Councillor Lee Heenan, Dwight Ingalls, Kevin Simmonds.

Staff: Paul Nopper, Clerk - Senior Administrator, Alex Henderson, Director of Planning, Alexander Gopen, Senior Planner, Qi Vivian Peng, Junior Planner.

Absent Kevin Simmonds

B. APPROVAL OF AGENDA

Motion: 011 - 02/22

Moved By Councillor Heenan

Seconded By PAC Stewart

That the Agenda be approved as presented.

5 – 0

Carried

C. DECLARATION OF CONFLICT OF INTEREST

D. CONFIRMATION OF MINUTES

- 1. Minutes of the 220105 Planning Advisory Committee Meeting on January 5, 2022, at 7:00 p.m.**

Motion: 012 - 02/22

Moved By Councillor Heenan

Seconded By PAC Cross

That the Minutes of the 220105 Planning Advisory Committee on January 5, 2022, at 7:00 p.m. be adopted.

5 – 0

Carried

E. AGENDA ITEMS

- 1. PRESENTATIONS/DELEGATIONS**

- 2. ZONING APPLICATIONS**

- 1. Obtain Views of PAC for a Municipal Plan Amendment MP20-04 and Rezoning Amendment Z21-01 – Kingsbrae Arms Inn, PAC220203**

Qi Vivien Peng, Junior Planner, provided a report on Amendment MP20-04 and Rezoning Amendment Z21-07 Kingsbrae Arms Inn, Cathy Diane Lewis owner of 219 King Street Saint Andrews. Currently zoned Serviced Residential with the proposal to move to Tourist Commercial to allow for a liquor licence as a secondary use for patrons of the Inn. There would also be a change to the Municipal Plan for a move from Residential to Commercial on the Generalized Future Land Use Map. Municipal Plan reference to sections 2.0 Overall Plan Goals, Section 2.5.2.1, and 2.5.2.9 Economy. The business has been in place for over 25 years and does not see an increase in land-use intensity. This rezoning is acting on a correction on the existing land use designation and reflects the use of the property. The property is in a Mixed-Use neighborhood.

PAC sought clarification if the PIDs for the property would be amalgamated or amalgamated already. Planner Peng noted they are separate PIDs and two PIDs are under the company name and one PID under Cathy Diane Lewis and the rezoning would apply to all three PIDs. PAC noted that they had a concern about seeing a proliferation of bars in residential zones and how that would affect adjacent properties, including parking and the potential for a restaurant. Planner Peng noted that this property had previously had a liquor licence and restaurant services and that the intent is for hotel guests only. PAC requested that care be taken regarding full-service bars to the public. PAC provided support for all motions.

Motion: 013 - 02/22

Moved By Councillor Heenan

Seconded By PAC Stewart

That the Planning Advisory Committee of the Town of Saint Andrews provides the following written views on the proposed Municipal Plan Amendment MP20-04 and Zoning By-Law Amendment Z21-07 as per Section 110 of the Community Planning Act:

The Planning Advisory Committee supports the amendments:

1. Amendment MP20-04 to the Municipal Plan MP20-01 for the Town of Saint Andrews regarding the rezoning and changes to the Generalized Future Land Use Map for Kingsbrae Arms Inn.

2. Amendment Z21-07 to the Zoning By-Law Z21-01 for the Town of Saint Andrews regarding the rezoning from Serviced Residential to Tourist Commercial for Kingsbrae Arms Inn.

The Planning Advisory Committee would provisionally support for these amendments that Council takes due care not to establish a precedent in the Tourist Commercial Zone for full-service (i.e. general public) bars.

5 – 0

Carried

2. Obtain Views of PAC for Amendment Z21-08 – Short-Term Rentals in Multiple Residential 1 Zone, PAC220204

Alexander Gopen, Senior Planner provided a presentation on By-Law Z21-08 Short Term Rentals in a Multiple Residential 1 Zone (MR1). In May 2021, the Planning Regional Advisory Committee granted temporary use allowance for a Short-Term Rental (STR) in

a detached garage at 285 Parr Street, which is a single-family dwelling unit on a Multiple Residential 1 Zone. The temporary use expires in May of 2022. Single-family dwellings are allowed in the MR1 zones but the zone does not allow for STRs. This was to prevent apartment buildings from becoming STRs. In Serviced Residential Zones, STRs are permitted as secondary uses. It is recommended that secondary uses of STRs in the MR1 Zone be allowed for single-family dwellings but not for apartments. The Municipal Plan Section 2.8.2.7 Housing Policy was referenced.

PAC inquired if this was a change specific to a single property or be used across the whole Town. Planner Gopen noted that the change would be reflective across the Town. PAC was pleased to hear that apartments would still have a provision to not allow STRs. PAC asked if the Town regulates STRs through By-Law. Clerk Nopper stated that By-Law 19-06, Tourism Accommodation Levy uses a registration system to note the Short-Term Rentals in Town and to collect a levy fund used to support tourism promotion and development in the community. PAC supported By-Law Z21-08.

Motion: 014 - 02/22

Moved By PAC Cross

Seconded By Councillor Heenan

That the Planning Advisory Committee of the Town of Saint Andrews provides the following written views on the proposed Amendment Z21-08 to Z21-01 as per Section 110 of the Community Planning Act:

That the Planning Advisory Committee supports Amendment Z21-08 to the Zoning By-Law Z21-01 for Short-Term Rentals in a Multiple Residential 1 Zone.

5 – 0

Carried

3. VARIANCE APPLICATIONS

1. Application for Variance at 239 Water Street, Dominique Berlenger, PAC220205

Alexander Gopen, Senior Planner provided a presentation on the variance request for 239 Water Street to reduce parking requirements from 1.25 spaces per unit to 1 space per unit. The developer is proposing a 3-storey building with a main commercial use and 5 dwelling units, which will include 2 accessible units. There is an existing building on the lot with commercial use fronting onto Water Street. The current commercial building contains 3 dwelling units that will be removed with the construction of the new building. There are 3 existing parking spaces for each of the existing residential units. A map of the property was provided for PAC review. The Municipal Plan was referenced from Sections 2.1.2.2 and 2.1.2.8 Environment and Climate Change Policies, 2.5.1.1 Economic Policies, and 2.8.2.1 Housing Policies. The variance is related to parking and not the building itself. Multiple main buildings and uses are allowed in the zone. Residential uses are allowed as a secondary use as long as there is a main commercial use. The height allowed for the building can be the same as another on the block. Driveway requirements only apply to lots with 6 spaces or more. A geotechnical and drainage study or plans are mandatory under the Zoning By-

Law. A building with no residential use would require no parking. There is a need for accessible housing in walkable areas with the last rental units developed in 2020. It was noted that Council is reviewing the Zoning By-Law and requirements for parking for apartments from 1.25 spaces to 1 space. Apartments are the only residential use that requires more than 1 space per unit. The building is to be built on a slab on grade above the predicted 2100 1% anticipated storm.

PAC asked the Planner with the accessible parking spaces and two units are accessible, what are the regulations for the additional accessible parking. Planner Gopen noted that the National Building Code dictates the number of accessible parking spaces. Any building with 25 units or less is only required to have 1 accessible parking space. PAC asked if there would be a sidewalk built to protect the pedestrians that are walking to the building or if there are regulations to protect the safety of the pedestrians. Planner Gopen states that it is a shared driveway and that there are no requirements to install a sidewalk to the building. PAC inquired about emergency vehicles, specifically related to the fire department if there needs to be a turnaround built for access. Planner Gopen said that there are regulations based on the length of road that a cul-de-sac or turnaround would be needed but the length of this roadway does not hit the length threshold. Emergency vehicles can drive in and back out. PAC asked if there was a requirement to provide visitor parking spaces? Planner Gopen noted that there are no regulations for visitor parking and that when not in winter, on-street parking is allowed throughout Town. PAC enquired if the current commercial building would retain the 3 residential units or would be removed. Planner Gopen relayed that the developer would be removing the use of the 3 rental units in the current commercial building and would incorporate them into the new building.

Dominique Berlenger, the developer, was given the floor to the PAC to discuss the variance and development. Mr. Berlenger noted that they have no intention of keeping the apartments in the current commercial building and will be removing the units altogether. The variance would be for the 5 new units in the new building. This is the second project in Town, including 131 Water Street. We look forward to adding new units to the Town and answers to the need for new housing. We are pledging to make two of the units accessible. For economic feasibility purposes, anything lower than 4 units is not viable. We understand that 4 units would not require a variance but in order to make it economically viable, we need 5 units. We think our project answers the need for housing in the community.

PAC asked Mr. Berlenger about the shared driveway and multiple owners using the entry. Have the views been ascertained on the extra use on the driveway? Mr. Berlenger acknowledged he has spoken to some but not all the owners. The commercial units on the existing building do not need parking. There are already three spaces for the residential units and we would be needing two units. Adjacent property owners are interested in reviewing the plans, but with a right-of-way, we are only adding two additional units and two parking spaces. PAC asked if there would be any issues with snow clearing or usage of the right-of-way. Mr. Berlenger noted that there is already

an agreement in place to clear the snow and would continue this in the future. It is part of ownership and use of the driveway to have an agreement. When we have more information to provide to neighbours we will reach out to them, especially during the construction phase, and what is to come. PAC asked what the size of the rental units would be. Mr. Berlenger stated 85 square meters (850 square feet), they would be one-bedroom, and they are built large for accessible purposes and to build to the code.

Peter Mackenzie, Como Architecture in Saint John, and working with Mr. Berlenger on the project. Just wanted to make myself known to answer any questions from PAC. We have received a copy of the Planning Report and will follow all covenants identified.

Tom Sparling, the owner of 245 Water Street, sent a report of objections to the PAC in written form. Three specific concerns to be addressed. The first is parking and access to the roadway which is a concern by several adjacent property owners. The second is the current existing tree on the property. I have spoken to the Planners on this and the removal of trees in the 30-meter setback and concern from an environmental nature. The third is to see a proper representation of the placement of the building based on the high watermark.

Cindy Kohler, I share parking and the right-of-way with Mr. Berlenger. The right-of-way is 10 feet, 5 feet I have, and 5 feet he has. When speaking with Mr. Berlenger, I did not know the scope of the project and how it would impact the property. I have sent a written response in. I know the existing apartment, even if the back apartment is taken off, and the kitchen and washroom exist, it would still be an apartment. I understand the need for the development of apartments is important. Doing a building of this scale on a small lot, I just do not know how it can work.

PAC made a clarification that the variance is on parking and the discussion should be focused on this. The building is not the discussion topic at this point and can see this coming forward if there is a need for a variance for the building. PAC noted they have received several comments on this project not related to the parking variance.

Councillor Heenan put forward a motion to accept the variance with the deduction on parking spaces from 1.25 spaces per unit to 1 space per unit.

There was no seconder for the motion.

Vice-Chair Stewart put forward a motion to reject the application for variance as presented.

PAC Cook seconded the motion.

PAC further discussed the variance application regarding 239 Water Street noting that this area has increased traffic and added pressures on the corner of this street. It was noted that these units would be one-bedroom but could see multiple vehicles for one-bedroom units. It was advised that Council, when reviewing the parking requirements, should take this under consideration. PAC also discussed that parking is a landlord-tenant issue but is also a Town

issue, especially in relation to winter parking requirements. PAC noted that if parking requirements are reduced that there could be a more additional spillover of parking onto adjacent side streets of the downtown. PAC would encourage persons without vehicles to live downtown but we live in a reality that vehicles are needed to leave Saint Andrews and that there is a lack of transportation options available. PAC was informed of the Town of Saint Andrews declaration of climate emergency and the goals to reduce greenhouse gas emissions and increase density to reduce the need for use of vehicles. PAC wanted to inform Council that to take a hard look at parking requirements when reviewing the Zoning By-Law as parking is a necessity in the downtown with a growing senior population and continued increases in tourism traffic.

4-1 nay Councillor Heenan.

Motion: 015 - 02/22

Moved By Councillor Heenan

Seconded By _____

That the Planning Advisory Committee approve the following variance request for PID 15105687, 239 Water Street, Dominique Berlinger:

- 1. *A reduction in the required number of parking spaces for an apartment from 1.25 spaces per unit to 1 space per unit for a total of 5 spaces for 5 apartment units.*

Defeated – No Seconder

Motion: Motion: 016 - 02/22

Moved By PAC Stewart

Seconded By PAC Cook

That the Planning Advisory Committee reject the following variance request from PID 15105687, 239 Water Street, Dominique Berlinger:

- 1. *A reduction in the number of parking spaces for an apartment from 1.25 spaces per unit to 1 space per unit for a total of 5 spaces for 5 apartment units.*

4 – 1 Nay Councillor Heenan

Carried

2. Application for Variance at 539 Brady Cove Road, Patricia Ann Kiley and Alexander Allen MacLellan, PAC220206

Alexander Gopen, Senior Planner provided a presentation on the variance application for 539 Brandy Cove Road. The property is located west of Marine Science Drive on a part of Brandy Cove Road not maintained by the Town of Saint Andrews. The property is mostly cleared at a size of 1.9 acres and surrounded by mature trees. The property is surrounded by an industrial zone with the nearest building, a dormitory, being 150 meters away. The nearest private dwelling is 300 meters away. The proposed variance is for a single-family dwelling to be at 11.6 meters in height, 3.1 meters in height above the allowed 8.5 meters in the Estate Residential Zone. Maps of the property were provided to the Planning Advisory Committee for review. Most trees on the property are 13 meters tall. The

Municipal Plan was referenced with Section 2.4.2(a) General Land Use and Development. There is adequate buffering and screening from adjacent uses, there is continuity with the streetscape with respect to the use, scale, and design of buildings and other structures, and there is no concern of spillover effects that could negatively impact adjacent properties. The Town solicitor advised to have a Hold Harmless Agreement with the Town prior to a building permit issued as the Town does not maintain the section of Brandy Cove Road that is used to access the property.

PAC discussed the 539 Brandy Cove Road variance application. PAC brought forward concerns regarding the 2.5-meter buffer zone and noted that there was concern about cutting down the trees around the buffer zone and if they could cut the existing buffer to 2.5-meters. Planner Gopen indicated that the owner has plans to install a garage at a later point and that trees would be cut in the area for the garage. PAC noted that the request for a 37% variance, a 3.1-meter increase in height is a large ask. PAC discussed the option of having the tree canopy staked out by an arborist to ensure the tree line was kept in place. Planner Gopen noted that in this case no buffers around the property are required as it is surrounded by institutional use. Any Institutional Zone beside a Residential Zone would have to meet a standard of 2.5-meters for a buffer as per the Zoning By-Law. It was noted to the Planners that the owner does not want to cut down the trees as they provide a buffer.

Alexander MacLellan, the owner of 539 Brandy Cove Road, presented to the PAC and noted that he has no plans to cut down any trees but to remove the deadfall from the tree line. It was noted that the property is already cleared with an extensive tree buffer. Mr. MacLellan understands that the height variance is a big ask but with the variance, they would be able to see above the tree line and to get a view of the St. Croix River. They brought in a scissor lift to measure the height necessary to see the river and that was at 11.1 meters.

PAC asked Mr. MacLellan about the placement of the garage and if it was feasible to move the garage location so that trees would not be cut down. Mr. MacLellan indicated that the garage is a future project and has no issue moving it to not interfere with the tree buffer zone. PAC asked for clarification on the garage as there is already a garage being constructed in the housing plans for the main floor and if a separate garage would be built. Mr. MacLellan indicated that there would be the main garage attached to the house and that they are planning to build another garage in the future. CAO Spear indicated that the surrounding properties are institutional and that any builds would be allowed to be higher than the proposed build height of the structure in the discussion and that this is not a highly residential area.

PAC Ingalls asked for an amendment to the motion for condition 1 to state that the buffer zone is to be determined by a qualified arborist to be consisting of the existing drip line of the existing trees before a building permit is issued. The amendment was supported by Councillor Heenan and PAC Cross.

PAC asked about the access to the property and noted that there can be two access points. PAC had concerns about the owner

removing large sections of the tree buffer already in place to access the property. Planner Gopen noted that the property can have two accesses if there was wide enough frontage, but this was based on a percentage and that frontage of the property is on Brandy Cove Road. There can be two access to the property and trees would have to be cut for a second driveway access but only for the length of the access.

Motion: 017 - 02/22

Moved By Councillor Heenan

Seconded By PAC Cross

That the Planning Advisory Committee approve the following variance request for PID 01324946, 539 Brandy Cove Road, Patricia Ann Kiley, and Alexander Allen MacLellan:

- 1. That a 2.5 m buffer of the mature trees currently surrounding the property shall be retained with the exception of the portion of frontage providing access to the property.*
- 2. An 11.6m (38ft.) high single-family dwelling, an allowed main use in the Estate Residential Zone where the maximum height is 8.5m (28ft.) – a 3.1m(10ft.) or 36% variance.*
- 3. As a condition, if the variance, the owners enter into a "Hold Harmless" agreement with the Town of Saint Andrews.*

Amended

Motion: 018 - 02/22

Moved By Councillor Heenan

Seconded By PAC Cross

That the Planning Advisory Committee approve the following variance request for PID 01324946, 539 Brandy Cove Road, Patricia Ann Kiley, and Alexander Allen MacLellan:

- 1. That the buffer zone is to be determined by a qualified arborist to be consisting of the existing drip line of the existing trees before a building permit is issued.*
- 2. An 11.6m (38ft.) high single-family dwelling, an allowed main use in the Estate Residential Zone where the maximum height is 8.5m (28ft.) – a 3.1m(10ft.) or 36% variance.*
- 3. As a condition, if the variance, the owners enter into a "Hold Harmless" agreement with the Town of Saint Andrews.*

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Carried

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

F. NEW BUSINESS

Chair Flemming noted that the meeting has hit the 2-hour mark and that the PAC would like to further discuss development in Saint Andrews. An additional PAC Meeting will be scheduled to continue discussions on the agenda items of the 220216 Planning Advisory Committee Meeting.

G. PAC MEMBER COMMENTS

H. CLOSED ITEMS

I. ADJOURNMENT

Motion: 019 - 02/22

Moved By PAC Stewart

Seconded By Councillor Heenan

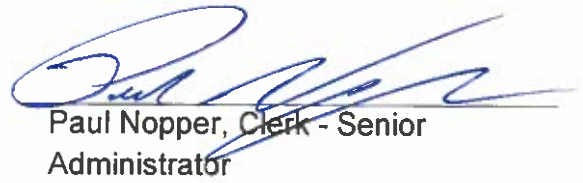
At 9:09 p.m. that the meeting be adjourned.

5 – 0

Carried



Chris Flemming, Chair



Paul Nopper, Clerk - Senior
Administrator

