

PLANNING STAFF REPORT

SUBJECT: Pursuant to Section 110(1) of the Community Planning Act (C-19), the City of Miramichi has requested the views of the Greater Miramichi Regional Service Commission – Planning Review and Adjustment Committee on an Application to **amend:**

1. **Schedule A:** Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Single or Two Unit Dwelling (R-2)" to "Medium Density B (R-4)";

For a portion (~4.24 acres) of the Subject Property described as PID 40386997, located off Percy Kelly Dr (no civic address assigned) in the City of Miramichi, to allow the construction of 5 (8-unit) rowhouses.

MEETING DATE: March 19th, 2024

AGENDA ITEM: 2024-2-2

CONTENTS

I.	APPLICATION OVERVIEW	3
II.	PROPOSED USE	6
III.	PLANNING CONSIDERATIONS	7
A.	Municipal Plan	7
B.	Zoning By-law - Site Development Regulations and Considerations	11
C.	Neighbourhood Character and Impact	16
D.	Departmental and Agency Comments	19
IV.	STAFF RECOMMENDATION	22
I.	ATTACHMENTS	25

I. APPLICATION OVERVIEW



A Municipal Plan and Zoning By-law Amendment application has been submitted to Planning Services by Elias Toulany - 647963 N.B. LTD. (C/O Eaglewood Estates) regarding a portion (~4.24 acres) of the Subject Property described as PID 40386997, located off Percy Kelly Dr (no civic address assigned) in the City of Miramichi.

The application is to change, for a portion (~4.24 acres) of the subject property, the zoning designation from "Single or Two Unit Dwelling (R-2)" to "Medium Density B (R-4)" and to allow the construction of 5 (8-unit) rowhouses.

Figure 1: Aerial Image locating subject property (outlined in blue)



Figure 2: Aerial Image locating subject portion of the property (outlined in yellow)

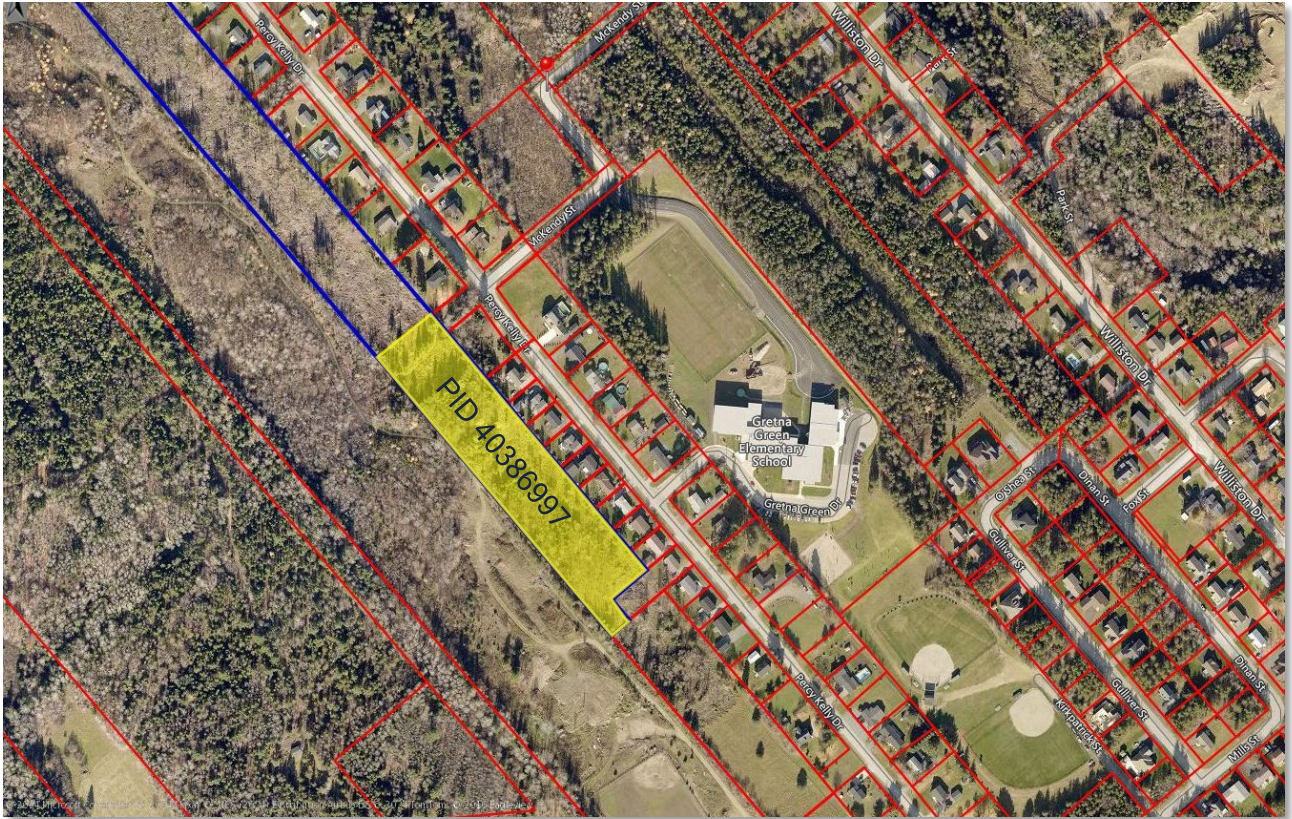


Figure 3: Oblique aerial Image locating subject portion of the property (outlined in yellow)



Table 1: Elias T - Plan amendment and Rezoning Application Overview

Property Owner/Applicant Details	
Property Owner	647963 N.B. LTD. (C/O Eaglewood Estates)
Applicant	Elias Toulany - 647963 N.B. LTD. (C/O Eaglewood Estates)
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40386997
Shape	Linear
Area	Full PID: 12.4 ha (30.64 acres); Portion of the subject property: ~4.24 acres
Access	A new private driveway accessed via a reserved street (off Percy Kelly Dr) and which is also connected to an existing driveway from PID 40545055 (same owner).
Services	Not serviced; services available to be extended
Zoning Details	
Current Zoning	"Single or Two Unit Dwelling (R-2)" and "WAWA Overlay (WW)"
Future Land Use Designation	Full PID: Residential and Rural; Portion of the subject property: Residential
Land Use	
Existing	Undevelopped
Proposed Use	Portion of the PID 40386997: the construction of 5 (8-unit) rowhouses

A site plan, elevation plans, and floor plans are included as attachments to this report. The reader is directed to review these plans in conjunction with the description of the proposed use that follows. Photos of the site and adjacent lands (see Attachment 2) included in this report were taken by Planning Services Staff on February 13th, 2024.



II. PROPOSED USE

The following list provides a summary of the proposed use of a portion of the Subject Property, should the Rezoning be approved:

- The Applicant is proposing: 5 rowhouses (1 storey) with 8 units of 859m² each ;
- 6 of the units are 40'x35'3" each;
- 2 of the units are 40'1" x 35'3" each;
- Each unit will have 3 bedrooms, a bathroom, a living/dining room, a kitchen and a private parking garage;
- The access to the units within the portion of the subject lot will be a new road accessed via a reserved street (off of Percy Kelly Dr) and which is also connected to an existing access from PID 40545055;
- Phasing and construction timeline of the project has not been indicated. The proposed development would be connected to municipal water (including hydrants), sewer, and storm services and is expected to be subject to a development agreement with the City. See Section (D) Departmental and Agency Comments for further details.

Any potential development would still be subject to the "Medium Density B (R-4)" and other zoning regulations (for setback, lot coverage, parking, screening, etc. (along with any potential conditions that Council wishes to impose).

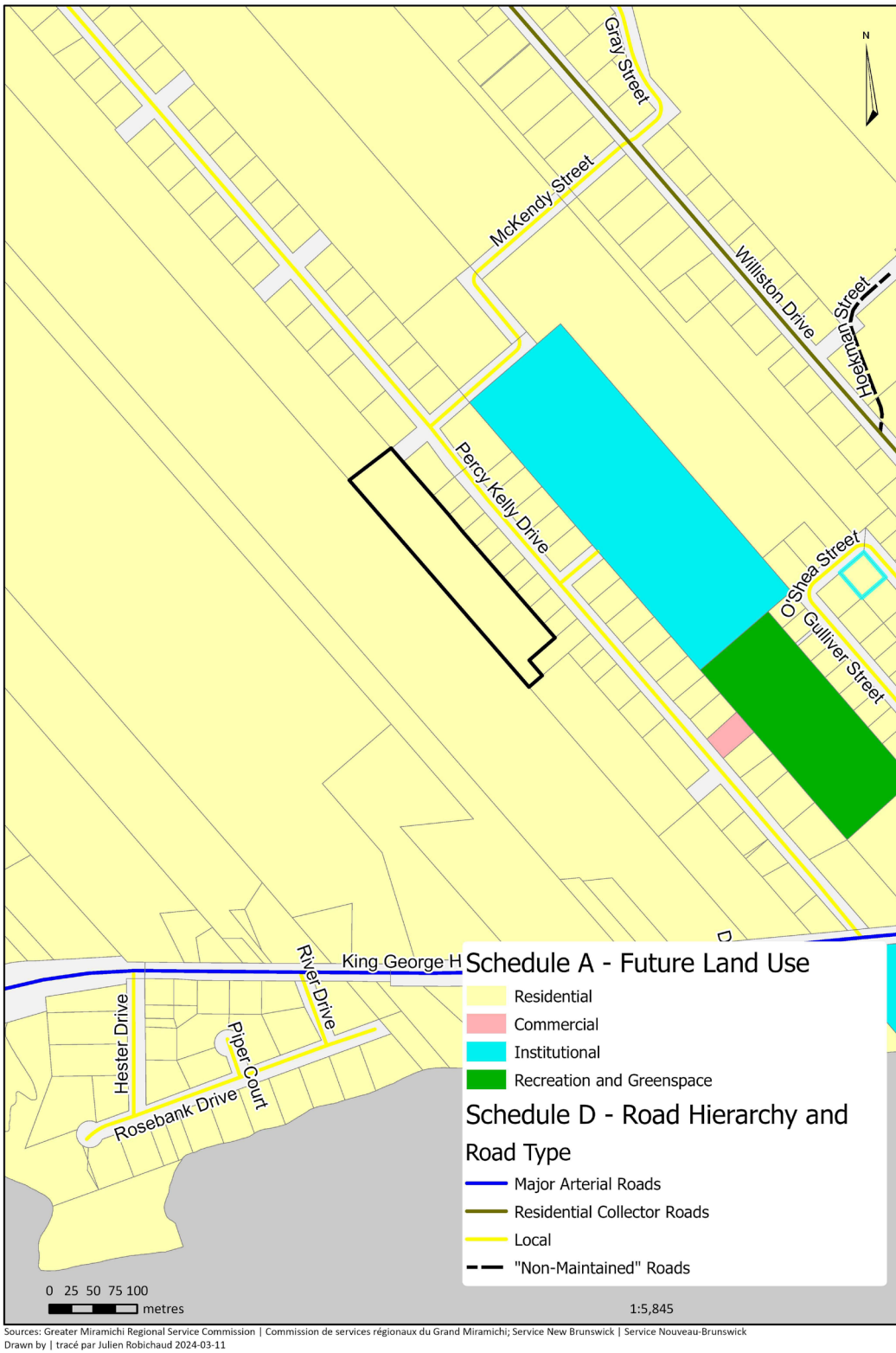
III. PLANNING CONSIDERATIONS



A. Municipal Plan

The Municipal Plan sets out Miramichi City Council's long-term policies and proposals to guide future land use and development within the Municipality. The Plan is intended to be used by Council, City Staff, GMRSC Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decisions affecting development.

Figure 4: Municipal Plan (By-law No. 109) - Designations Map



The subject portion of the property is designated as:

- Under Schedule A (Future Land Use Map of the Municipal Plan (By-law No. 109)): "Residential"
- Under Schedule B (Residential Hierarchy and Designations): "Mixed Residential Area"
- Under Schedule C (Commercial Hierarchy & Designations): No designations;
- Under Schedule D (Road Hierarchy & Designations): Percy Kelly Drive, Gretna Green Drive and Mckendy Street are local roads.

The Applicant's proposal aligns with the following goals, policies, and proposals from the Municipal Plan as per the table below:

Table 2: Analysis as per the Municipal Plan goals and policies

Proposed use:	Municipal plan (By-law N0 109) excerpts:
<p>Adequate and diverse housing: The proposed development will add to the housing supply and offer more options. It caters to the needs of various demographics, such as young families, students and addresses the needs of the growing population.</p>	<p>Section 4(B): Residential It is a goal of the Plan: "To have an adequate supply of residential land designated [...] to meet the diverse needs of the present and future population."</p> <p>Section 2(D): Goal 3: "To sustain the community at its current (and eventually higher) levels of population and skilled workforce including retention of young people, families, and newcomers."</p> <p>Section 2(D): Growth strategy "7. Encourage more diversity in housing types to retain and attract newcomers, young families, working people, and people participating in education and training programs, [...]."</p>
<p>Density: Furthermore, the proposed building will promote medium and high-density residential options by offering on the same portion of the lot, 5 rowhouses with 8 units each</p>	<p>Section 2(C): Key themes 3.Housing diversity and affordability: "...the city will promote and encourage increasing the diversity of housing options to allow for a wider range of dwelling types and living situations, [...] will extend the offer of the local housing market to</p>

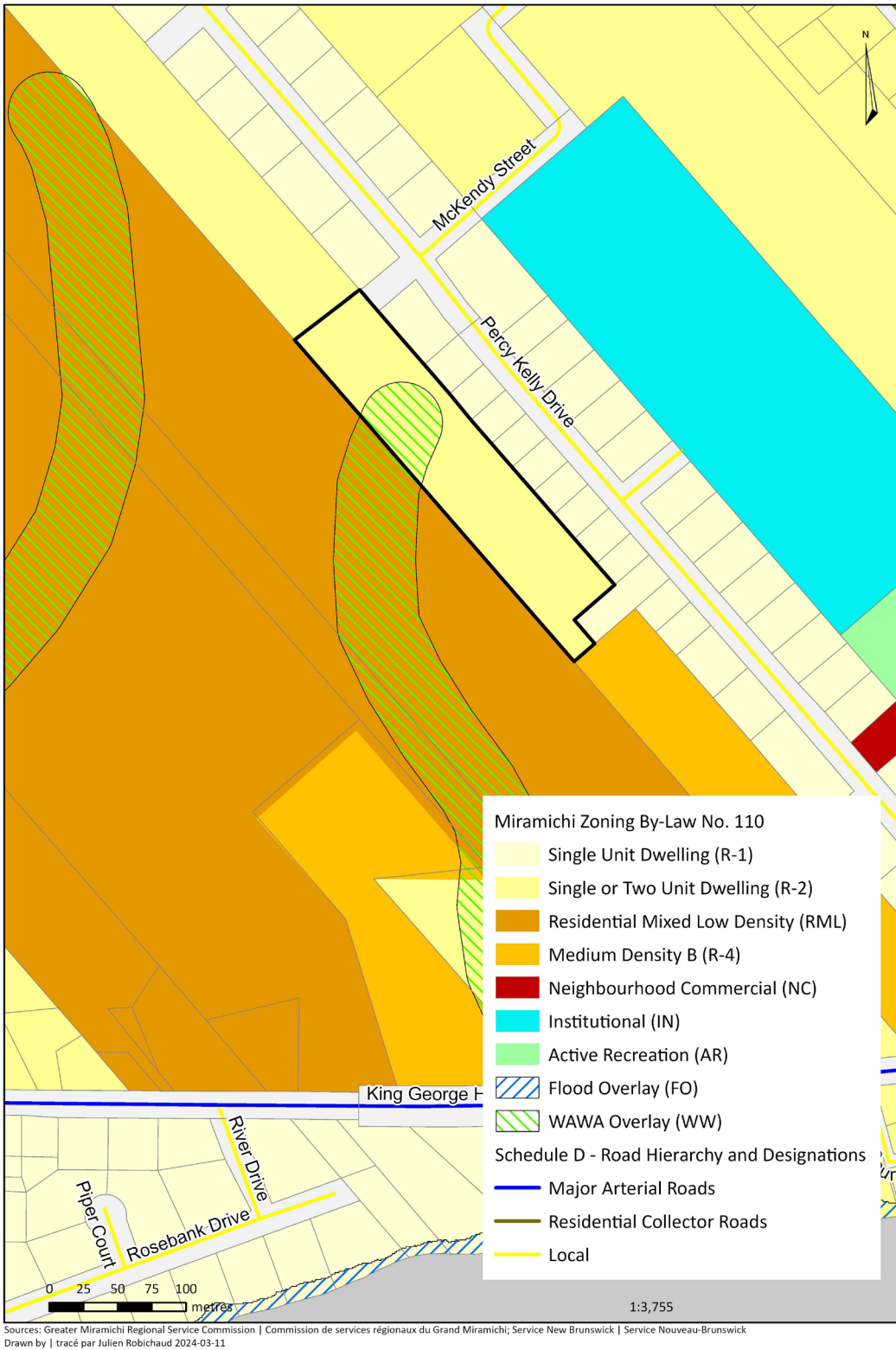
	provide medium and high-density residential options."
<p>Infill development: Also, allowing the construction of 5 (8-unit) rowhouses on the same portion of the subject property will allow a compact form development thus maximizing land use within existing infrastructure and aligning with sustainability goals.</p> <p>Multi-unit housing: The increase of number of units in an area with a majority of single- or 2-unit dwellings aligns with the policy's consideration for designs that incorporate small, multi-unit housing forms.</p>	<p>Section 2(D): Growth strategy "This Plan is intended to direct development through a planning strategy that promotes mixed use, compact form, infill development, street connectivity, and an enhanced public realm."</p> <p>Section 4(D): Residential Designation Classification and Land Use Zones Policy 2: "That Mixed Residential Areas be recognized as suitable locations for infill consisting of duplex, semi-detached, small multi-unit, and rowhouse dwellings."</p> <p>Section 2(D): Growth strategy "The City will focus on achieving build-out of the City's under-occupied residential subdivisions, primarily with single-detached dwelling developments, but with options for designs that incorporate small, multi-unit housing forms [...]."</p>
<p>Sustainable development and efficient land use: The area where the property is located is mainly residential with more single- or 2-unit dwellings. The addition of 5 new rowhouses on the same portion of the subject lot allows for a more efficient land use and helps reduce urban sprawl. Therefore, it aligns with sustainability goals.</p>	<p>Section 13(B): "[...] that prevents residential sprawl outside of the City's urban areas."</p> <p>Section 13(B): Policy 2: "Encourage sustainable development practices."</p>

	<p>Section 2(E): Efficient and compatible development</p> <p>“1. It is a policy of Council to ensure that general growth and development is cost effective, compatible, and environmentally sound by:</p> <p>a. Encouraging concentration of new growth in areas that are adequately serviced and properly planned;</p> <p>c. Encouraging higher density and more compact forms of development in the areas identified for more concentrated development and that can be supported by the existing servicing systems;”</p>
<p>Strategic economic development:</p> <p>The proposed development aligns with one of the Miramichi's municipal plan priorities (the economic development) by introducing additional housing options, which can attract newcomers, young families, students...</p> <p>By enhancing housing diversity and affordability, the project helps create a more attractive environment for prospective residents and investors.</p>	<p>Section 7(A): General</p> <p>-Goals:</p> <p>“6. Encourage new development in compact, sustainable built forms to minimize municipal service delivery cost, thereby maximizing the tax base and minimizing municipal expenditures.</p> <p>11. To retain and attract residents and businesses by providing and encouraging services, amenities, and an atmosphere that contributes to a good quality of life.”</p> <p>-Objectives:</p> <p>“4. To pursue a comprehensive economic development strategy for the city.”</p>

B. Zoning By-law - Site Development Regulations and Considerations

The applicable site development regulations are contained in the Zoning By-law (By-law No. 110), which includes several general provisions that apply to development in all areas of the City and provisions that are specific to the zoning of the Subject Property (e.g., permitted uses, setbacks, landscaping and screening requirements, size restrictions, etc.). The Zoning By-law also contains regulations that apply specifically to other site elements like driveway access, parking, loading, and signage.

Figure 5: Zoning By-law (By-law No. 110) - Zoning Map



As per the zoning (By-law No. 110) map, the subject portion of the Property is designated as:

"Single or Two Unit Dwelling (R-2)" and "WAWA Overlay (WW)"; The wetland limits on the subject portion of the property are not the same limits as the "WAWA Overlay (WW)" zone limits.

The proposed residential use is not permitted under the current "Single or Two Unit Dwelling (R-2)" and "WAWA Overlay (WW)" zoning of the portion of the subject property. The proposed use is permitted under the "Medium Density B (R-4)" zone.

The "Medium Density B (R-4)" zone allows for residential development per lot, one or more of these main uses:

- apartment dwelling containing not more than 24 dwelling units
- assisted living facility
- community placement residential facility, subject to section 3.4.1
- convenience store
- early learning and childcare centre, subject to section 3.3.1
- inn
- park
- rowhouse dwelling containing not more than 16 dwelling units subject to section 3.4.16

The proposed development offers several rowhouse dwellings for this subject property and thus will be subject to some conditions as per section 3.4.16.

As mentioned in the application overview section, the plans submitted by the applicant should be considered as "conceptual", and therefore, the final approved development could vary from that which is presented in this report. This is to allow for flexibility in the often-required revisions to development plans as they progress through the development process or to add missing elements (measurements, barrier-free parking) that would be required to complete a full site plan review during the permitting process.

The portion of the Subject Property is located within a low-density residential development area. The "Medium Density B (R-4)" is a zoning designation that is typically used throughout medium density areas of the City. The R-4 zone is the lowest-density residential zone that allows for the construction of multiple multi-unit rowhouses on the same property.

The R-4 zone also allows for home business, only in association with a dwelling unit and subject to section 3.2.2 as a secondary use.

If the Rezoning is approved, the Applicant will require a building permit from the GMRSC Planning Services Office, for the construction of 5 (8-unit) rowhouses.

The applicable zoning regulations of the “Medium Density B (R-4)” zone vary based on the residential use proposed. The table below compares the proposed use against the zoning regulations:

Table 3: Compliance of the proposed use with the “Medium Density B (R-4)” zoning regulations

“Medium density B (R-4)”	Requirements	Proposed use	Meets requirements
Minimum front yard	In accordance with section 3.1.4 (7.6m)	> 7.6m	✓
Minimum side yard	3.0m	9.14m	✓
Minimum rear yard	9.2m	Min 6.10 m	✓
Maximum lot coverage	40%	25%	✓
Maximum height	17m	Wall is 2.59m	✓
Maximum coverage by open parking areas, driveways, and vehicle movement areas	25% of the lot area	Less than 25%	✓
Maximum driveway access width (excluding approved curb cuts, at the street line)	7.3m	Unknown	✓
Row house wherein not more than two dwellings are served by the same driveway	1 per unit	1 per unit	✓
Minimum Aisle Width for 90° angle parking	6.4m	6.71m	✓

Notably, the Zoning By-law allows residential development in areas of the City that are not fully serviced (municipal water and sewer) as per regulations in subsection 3.1.2.

As per the zoning regulations in section 4.2 for parking dimensions, the details on the plans private garages for each unit in the proposed development is compliant with the requirements.

Overall, with the actual characteristics of the proposed development, it complies with most of the R-4 zoning regulations. However, the applicant will need some variances regarding the front/rear yard dimensions and the maximum coverage by open parking areas, driveways, and vehicle movement areas.

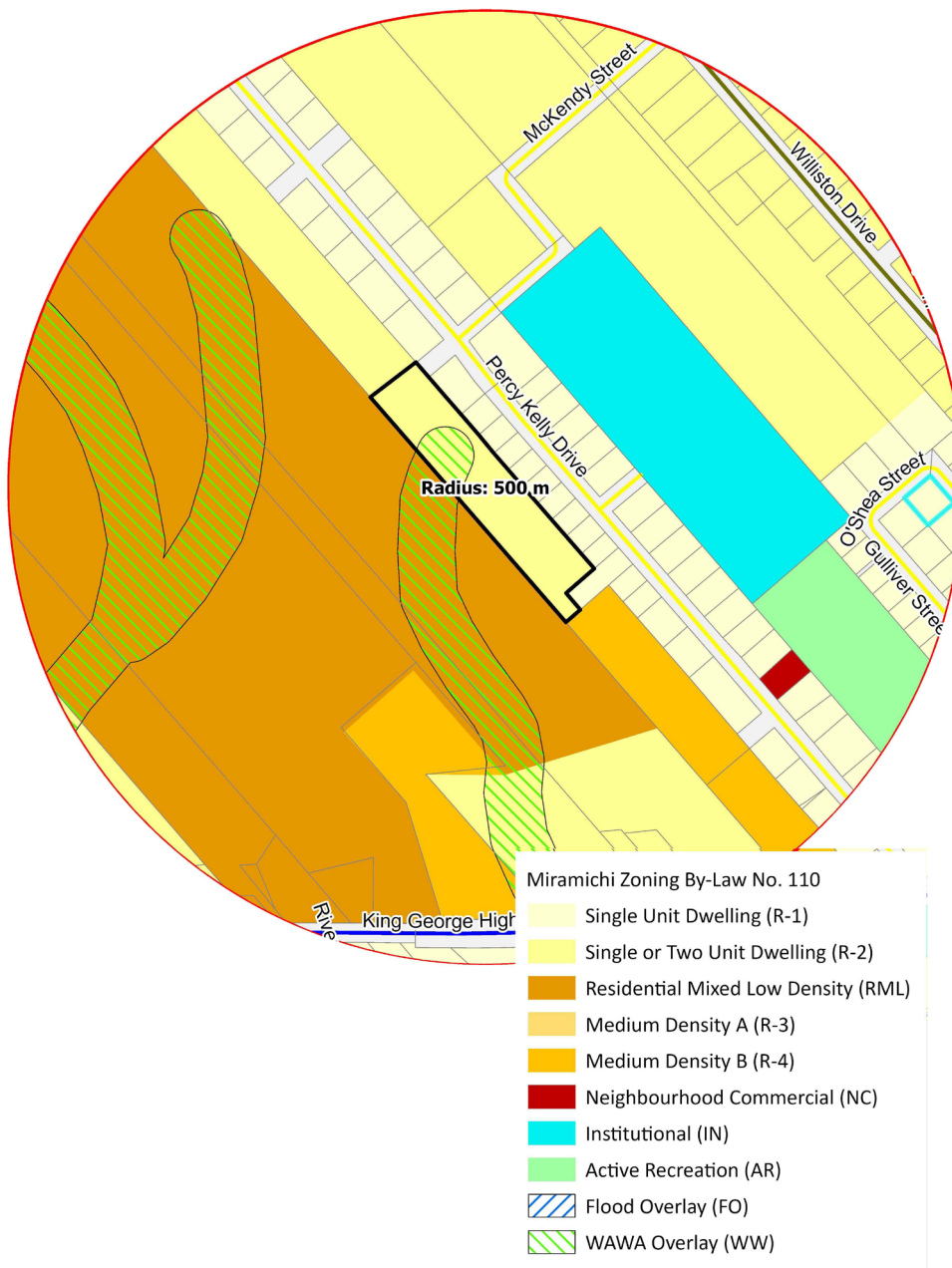
After the Rezoning Application is heard by City Council, there is no mechanism to add additional terms and conditions that are not regulated by the Zoning By-law. If PRAC or Council wishes to:

1. Provide more immediate and long-term certainty with regard to the proposed rezoning;
2. Address potential incompatibility with surrounding uses; or
3. Restrict or relax the R-4 development rules.

They should consider recommending/utilizing Section 59 of the Community Planning Act (C-19) to place additional terms and conditions on the use/development.

C. Neighbourhood Character and Impact

Figure 6: Land uses of the surrounding area



The following points summarize land use activities in the area:

- The subject property is located in the Nordin/Douglastown neighbourhood of the City.
- The surrounding area is primarily a low-density residential area;
- The property is located in an area with a mix of the following zones:
 - “WAWA Overlay (WW); Residential Mixed Low Density (RML); Single Unit Dwelling (R-1); Institutional (IN); Active Recreation (AR); Neighbourhood Commercial (NC)”;
- Only the area on the east side of the subject portion of the property is a built environment whilst the west side is undeveloped (even though the area is

zoned “Residential Mixed Low Density (RML)”, its development is surely limited by the “WAWA Overlay (WW)” zones in it);

- As we can see on the map below,

Figure 7: Uses in the surrounding area



The subject portion of the property is located in close proximity to:

- An institutional use: The Gretna Green School;
 - Some parks and recreational uses: Gretna Green playground;
 - Some commercial uses: Miramichi Smiles Family Dentistry (at the end of Percy Kelly Dr, ~750m towards north, from the subject portion of the property) and Abenaki Associates (~350m towards south from the subject portion of the property)
- The subject portion of the property is located in close proximity to local roads: Percy Kelly Dr, Gretna Green Dr and Mckendy Street.

Considering the Subject Property and the immediate area described above and the broader community context, the proposed development will increase the volume of traffic, the noise, and the overall activity (that would surpass the existing conditions and patterns of activity in the neighbourhood). It is possible that residents

and businesses in the area may object to the proposed development of the property.

Specific neighbourhood impacts of concerns may be identified as the application progresses through the planning process (i.e., notification of property owners within 100m, notice in the local paper, and a Public Hearing).

D. Departmental and Agency Comments

A portion of the subject portion of the full lot is located in a “(WAWA) Overlay” zone, therefore, as per the zoning regulations, before considering the rezoning application, comments were sought from the NB Department of Environment and Local Government (DELG) for review and approval under the Watercourse and Wetland Alteration Regulation and these comments were received:

- 1) The WAWA Reference Map indicates that a watercourse, wetland, and their respective 30-meter buffers are present on PID 40386997. However, this map is a reference tool only and it is possible that the presence or boundaries of regulated features could differ on the ground.
- 2) From a desktop review, there is potential for an unmapped forested wetland on the property.
- 3) Any alterations that are in/within 30 meters of a watercourse or wetland which meets the definitions will require a WAWA permit.
- 4) The property is located in an area mapped as Species at Risk habitat (i.e., Eastern whip-poor-will). Additional comments/conditions from DNRED would be required.

The applicant has obtained a Bird Survey Report from Aster Group, who determined a number of recommendations with regards to land clearing for the development area, in relation to the bird habitat.

Comments were sought from the planning staff and these comments were received from the City of Miramichi Engineering/Public Works Departments:

- A traffic study is required and shall review the entire 3 phases of the development.
 - The developer shall sign a developer's agreement with the City of Miramichi as per the following terms:
 1. City to have an easement over mainline water and sewer piping and to the curb stops. Exact location of curb stops to be agreed upon, anticipated that they will be at the limit of the theoretical roadway allowance;
 2. All pipe and services designed and constructed to the City of Miramichi Standards;
 3. Fulltime inspection of piping by an Engineering Consultant;
 4. Watermain to be 200 mm, required to be connected to the end of phase 1 and Percy Kelly Drive at the north limit;
 5. Each unit to be serviced with a curb stop and a water meter, meter supplied & installed by City of Miramichi;
 6. Road and hydrant snow removal shall be the responsibility of the developer;
 7. City will be responsible for pipe underneath the surface in the easement, the developer will be responsible for the surface treatment repair;
 8. City will be responsible for the replacement of the water and sewer mains at the end of the service life (minimum 80 years);
 9. Roadway and storm services to be owned and maintained by the Developer;
 10. Development shall have a net zero increase of stormwater;
 11. The developer will be allowed to construct their roadway on the portion designated as a future street. Developer responsible for maintenance on this portion as well;

12. City to install water from the main, on the east side to the west side of Percy Kelly. The fee for the installation is \$ 10,000;

13. All drawings to be approved by the Director of Engineering.

No additional comments have been received to date.

IV. STAFF RECOMMENDATION



Pursuant to Section 110(1) of the *Community Planning Act (C-19)*, it is the view of the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Regional Service Commission that the City of Miramichi amend:

1. Schedule A:

Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Single or Two Unit Dwelling (R-2)" to "Medium Density B (R-4)";

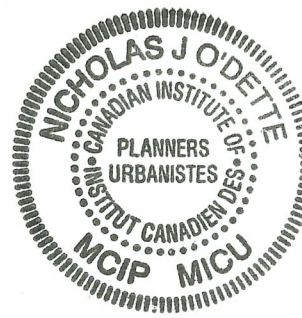
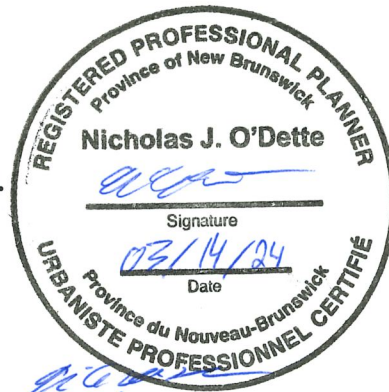
For a portion (~4.24 acres) of the Subject Property described as PID 40386997, located at (no civic address assigned) in the City of Miramichi, to allow the construction of 5 (8-unit) rowhouses;

Subject to the following terms and conditions pursuant to Section 59 of the *Community Planning Act (C-19)*:

- a. That main uses allowed on the portion of Subject Property be limited to one or more rowhouse dwelling containing not more than 16 dwelling;
- b. When the Applicant applies for a Building Permit, a detailed site plan shall be required by the Development Officer to fully assess zoning compliance with "Medium Density B" (R-4) and other applicable zoning regulations; if the Applicant requires any variances, they can be applied for and considered at that time;
- c. In furtherance of Municipal Plan proposals to implement policy related to Gathering Places & Trail Linkages (Section 5(C)(3) and (5)), a minimum 1m wide hard surfaced (brick, concrete, cement, or the like) pedestrian walkway shall run alongside the private driveway (either one or both sides) and connect to the street line of the abutting public street right-of-way (Percy Kelly Drive);
- d. Prior to the issuance of any building permit for any one or more rowhouse dwelling, that the Applicant/Property Owner enter into a development agreement with the City which may set out the terms and conditions for construction, acceptance, and warranty of all new public and private infrastructure;

- e. Notwithstanding condition **d**, that municipal water, sewer collection, stormwater services, and driveway access be provided to the Subject Property to the satisfaction of the Director of Engineering and/or Director of Public Works, City of Miramichi; and
- f. The completion of any required Environmental Impact Assessment and Watercourse and Wetland Alteration Permit review process to the satisfaction of the Department of Environment and Local Government.

- Report prepared on: **March 14th, 2024.**
- Report Prepared by:



Nic O'Dette, **RPP, MCIP**
Planning Services Manager

Signed on: March 14/24

Nahyssa Rose Rabé Harou, **B.Sc.**
Planner

Signed on: **March 14th 2024**

Nahyssa Rose Rabé Harou

Report Reviewed and Approved By:

Wilson Bell, **RPP, MCIP**
CEO/Planning Director

Signed on: **March 14th 2024**

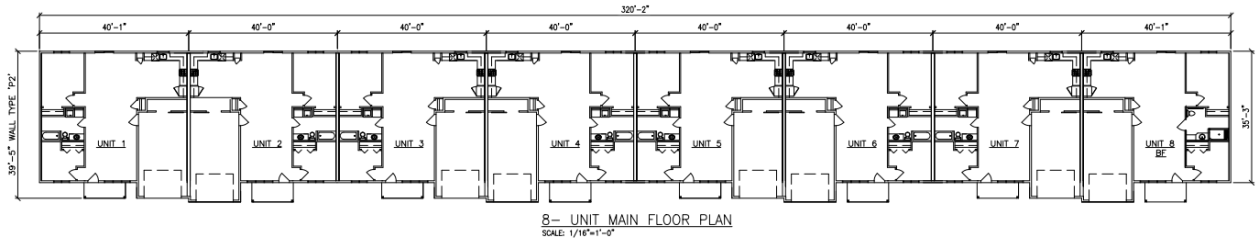
Wilson Bell



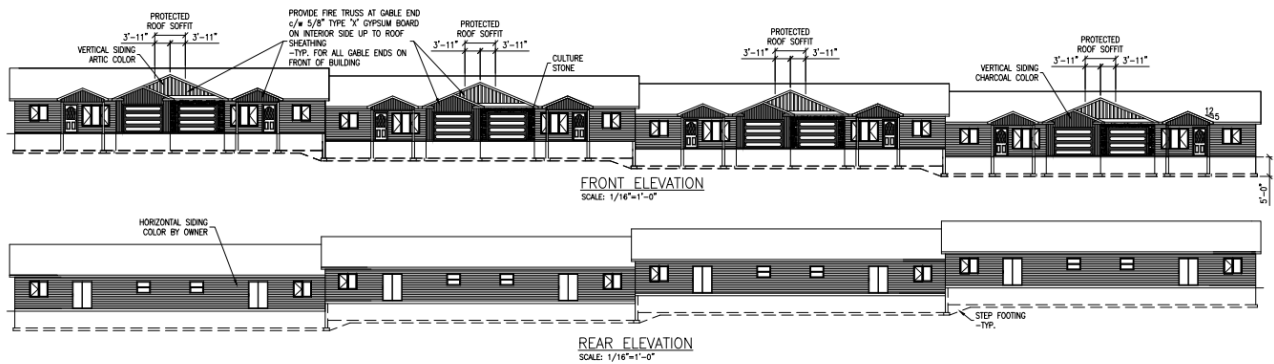
I. ATTACHMENTS

1. Applicant's Submission Documents

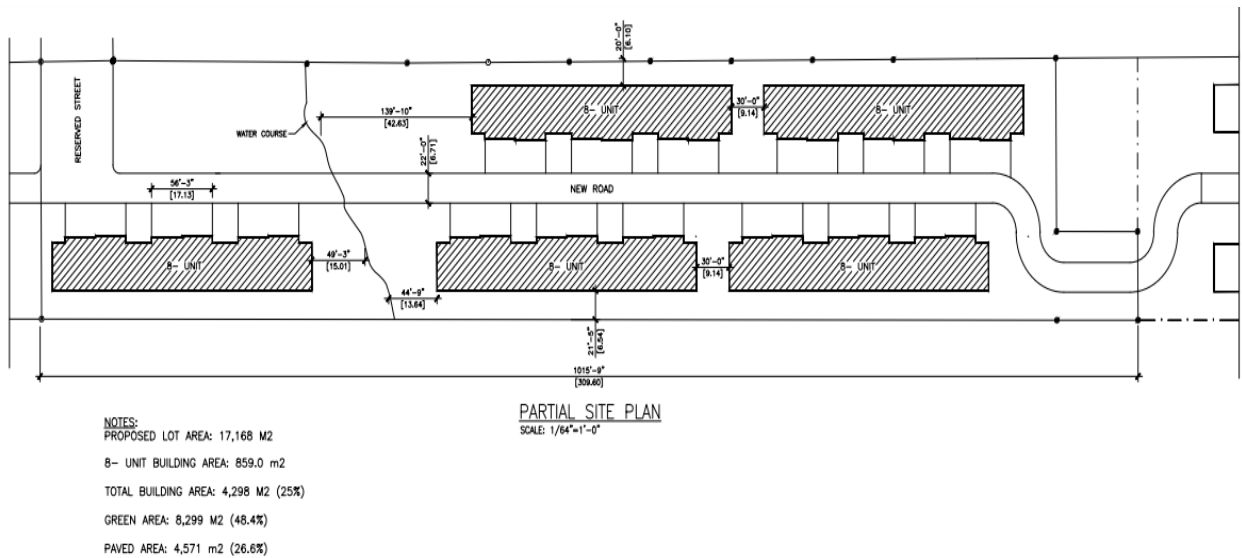
a. Floor plan



b. Building front elevation



c. Site plan (setbacks)



2. Site Photos

a. Photo 1: View of subject property looking north from Applicant's current development



b. Photo 2: Subject property looking north from Applicant's current development



c. Photo 3: View of subject property and residences looking northeast



d. Photo 4: view of subject property behind neighbouring property, looking west from Percy Kelly Dr



e. Photo 5: View on right of future street and access to subject property

