

## PLANNING STAFF REPORT

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**SUBJECT:** Pursuant to Section 55(1)(b) of the Community Planning Act (C-19), an application has been submitted by Ron Lord - Cedar Camp, to allow:

1. A Density variance to the primarily zoned "Highway Commercial (HC)" zoning of the Subject Property described as PID 40106403 located at 10 Douglastown Boulevard in the City of Miramichi to enable the development of an additional multi-unit residential 63-unit (5 storeys) apartment building as a second phase to the existing 55-unit building on site (118 units total).

A Density variance is requested when a project proposes to "vary" a density requirement in a zoning by-law, in this case, the requirement being the maximum number of dwelling units permitted in the primarily zoned "Highway Commercial (HC)" and partially zoned "Flood Overlay (FO)" zone of the City of Miramichi Zoning By-law (By-law No. 110).

This development has previously been approved for 110-units. Pursuant to Section 55(3) of the Community Planning Act, "If an advisory committee or a regional service commission has made a determination with respect to a request for a variance under paragraph (1)(b), a request with respect to the same variance shall not be made to a development officer."

MEETING DATE: March 19th, 2024

AGENDA ITEM: 2024-2-1

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# I. APPLICATION OVERVIEW



A Density variance request has been submitted by Ron Lord - Cedar Camp to Planning Services regarding the Subject Property described as PID 40106403 located at 10 Douglastown Boulevard in the City of Miramichi to enable the development of an additional multi-unit residential 63-unit (5 storeys) apartment building to have on the same lot, 2 buildings with a total of 118 apartment units on the Subject Property which is zoned primarily zoned "Highway Commercial (HC)" and partially zoned "Flood Overlay (FO)".

Considering that this project was originally approved for two, 55-unit apartment buildings (totaling 110-units), by PRAC Resolution 2022-3-1, passed at the regular meeting held May 18<sup>th</sup>, 2022, a variance is required to enable the development of an additional multi-unit residential 63-unit (5 storeys) apartment building to have on the same lot, 2 buildings with a total of 118 apartment units. The first building of 55 units, including the podium and parking indoor parking are partially finished (ongoing construction). The Applicant has modified the layout for the units of the proposed building (see attachment 2 for updated site plans and floor plans).

**Figure 1: Oblique aerial Image locating subject property outlined in blue**



Sections 55(3) of the *Community Planning Act* requires the PRAC to consider further variance requests to any previous decision by the PRAC (i.e., this decision cannot be made at the Development Officer/staff level).

When considering this application (see overview in table 1 below), PRAC may approve, approve with conditions, or deny the requested variance; however, the previous approval (110 units, with conditions) will still be valid, pursuant to PRAC Resolution 2022-3-1.

**Table 1: Ron Lord - Density variance Application Overview**

Property Owner/Applicant Details	
Property Owner	Ron Lord
Applicant	Ron Lord - Cedar Camp
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40106403
Shape	Irregular
Area	1.73ha (4.27 acres)
Width	~253m
Depth	~56m-107m (varies)
Lot frontage	68.35m
Access	Douglastown Blvd
Services	Municipal water, sewer, and storm services available
Zoning Details	
Current Zoning	"Highway Commercial (HC)" "Flood Overlay (FO)"
Future Land Use Designation	Commercial
Land Use	
Existing	Vacant portion of the lot next to the existing multi-unit residential (1 – 55-unit 5 storeys) apartment building, including parking lot
Proposed Use	PID 40106403: an additional multi-unit residential 63-unit (5 storeys) apartment building to have on the same lot, 2 buildings with a total of 118 apartment units

A selection of 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 the Subject Property, should the Density variance be approved:

- Access to the proposed development is via Douglastown Boulevard;
- The proposed building is for the phase 2 of the project on the west side of the Subject Property;
- The Applicant's site plan shows a 63-unit, 5 storeys, apartment building;
- Proposed building size:
  - Overall building footprint: 1 671m<sup>2</sup>;
  - Height: 154'-4" (16.98 m) per building;
- Parking:
  - Surface parking: 30 spots;
  - Main floor (indoor) parking: 42 spots.
- Units:
  - Each unit will vary in area (max ~809 sq. ft);
  - Types of units include:
    - 2 beds, 2 bath, living and dining areas, a kitchen and 1 den;
    - 2 beds, 2 bath, living and dining areas, a kitchen and 1 office;
    - 2 beds, 2 bath, living and dining areas and a kitchen;
    - 1 master bed, 2 baths, living and dining areas, a kitchen and 1 office;
    - 1 bed with living and dining areas within and 1 bath.
- The Applicant's floor plans show amenities which will be available in the building:
  - A fitness room;
  - A co-working space;
  - A common room for events;
  - A BBQ common space;
- The Applicant's site plan and exterior renderings show several on-site amenities including sidewalks, landscaping, and a walking trail.

Any potential development would still be subject to the "Highway Commercial (HC)" regulations and other zoning regulations (for setback, lot coverage, parking, screening, etc. (along with any potential conditions that PRAC wishes to impose).

# III. PLANNING CONSIDERATIONS



## A. Legislative authority under Community Planning Act (C-19)

The Community Planning Act (C-19) provides legislative authority that allows for the consideration of a 'density variance'.

### **Section 55(1)(b) of the Community Planning Act (C-19) states:**

"subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit: (b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law if it is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the by-law and any plan under this Act affecting the development."

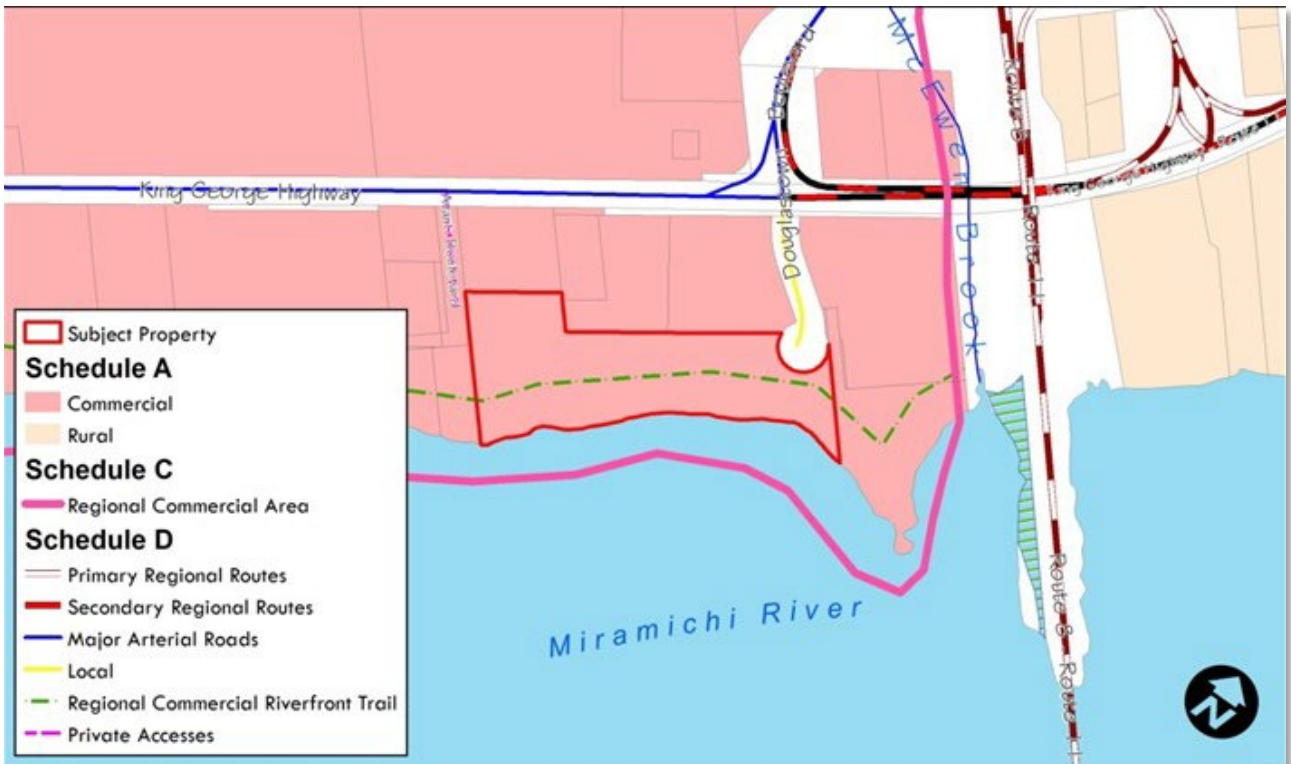
### **Section 53(2)(ii) of the Community Planning Act (C-19) states that:**

"For greater certainty and without limiting subsection (1), a zoning by-law shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in a zone may be used and prohibit the use of land, buildings and structures for any other purpose, and may (a) with respect to a zone, regulate... (ii) the maximum density of population".

## B. 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 2: Municipal Plan (By-law No. 109) - Designations Map



- Under Schedule A (Future Land Use Map of the Municipal Plan (By-law No. 109)): The subject property is designated as "Commercial"
- Under Schedule C (Commercial Hierarchy & Designations): "Regional Commercial"
- Under Schedule D (Road Hierarchy & Designations): Douglastown is a "Local road"; King George Hwy is an "Arterial road" and there is a river front walk trail which goes through the lot.

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

Table 2: Ron Lord - Project's alignment with the Municipal Plan

Section 2: VISION, GUIDING PRINCIPLES, AND DEVELOPMENT STRATEGY	
Project's alignments :	Municipal plan (By-law NO 109) excerpts:



<p>One of the key themes outlined in the municipal plan is the promotion of housing diversity and affordability. The proposed development addresses this theme by providing a range of housing options: 2-bedroom, 1-bedroom, and studio unit types. Furthermore, the project plans to have 2 buildings with 51 units each, thus providing high density residential options.</p>	<p><b>Section 2(C): Key themes</b></p> <p><b>3.Housing diversity and affordability:</b></p> <p>“...the city will promote and encourage increasing the diversity of housing options to allow for a wider range of dwelling types and living situations, such as apartments, [...] will extend the offer of the local housing market to provide medium and high-density residential options.”</p>
<p>The subject property is located in a commercial area and promotes mixed-use by combining residential units with the nearby commercial spaces thus fostering a vibrant environment. The design features two 5-storey apartment buildings, enabling efficient land use as it reduces urban sprawl. Located in an already developed urban area, it qualifies as infill development, maximizing land use within existing infrastructure and aligning with sustainability goals. Additionally, the development includes a riverfront trail which by allowing street connectivity and pedestrian pathways, enhances accessibility and walkability. It also gives recreational and aesthetic benefits to residents and the broader community.</p>	<p><b>Section 2(D): Growth strategy</b></p> <p>“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>The inclusion of studios, 1-bedroom, and 2-bedroom units in the buildings represents a multi-unit housing form. This aligns with the policy's consideration for designs that incorporate small, multi-unit housing forms.</p>	<p><b>Section 2(D): Growth strategy</b>          “-The city will focus on achieving build-out of the city's under-occupied residential subdivisions, [...] but with options for designs that incorporate small, multi-unit housing forms and good quality design.”</p>
<p>By having the parkade, storage, and utility uses on the first floor and by elevating the residential units, the building design shows a proactive approach to addressing the challenges associated with a riverfront development. It aligns with the goal of adapting to potential environmental risks while also mitigating impacts and enhancing the overall quality of life and sustainability for the riverfront community.</p>	<p><b>Section 2(D): Growth strategy</b>          “-New development and redevelopment along the city's riverfront will include appropriate adaptation and mitigation measures to maintain a high quality of life and community sustainability. Residential development below the 4.6m geodetic (CGVD28) elevation will be required to incorporate climate change adaptation measures like floodproofing.”</p>
<p>The proposed development offers different housing unit options (studios, 1- or 2-bedroom units) which cater to the needs of various demographics, such as young families, students and more.</p>	<p><b>Section 2(D): Growth strategy</b>          “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>The proposed development is a compact and infill type of development. It reduces urban sprawl, allows for a more efficient land use by using the existing infrastructure and thus aligns with sustainability goals.</p>	<p><b>Section 2(E): Efficient and compatible development</b></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> <ul style="list-style-type: none"> <li>a. Encouraging concentration of new growth in areas that are adequately serviced and properly planned;</li> <li>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;"</li> </ul>
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**Section 5: HEALTH AND COMMUNITY DESIGN**

<p>Project's alignments :</p>	<p>Municipal plan (By-law N0 109) excerpts:</p>
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<p>The inclusion, in the development, of a riverfront trail which connects to the proposed regional riverfront trail contributes to a better walkability and connectivity in the area.</p>	<p><b>Section 5(C):</b></p> <p>"3. Encourage public and private development of sidewalks, trails, and pedestrian paths to enhance the safety of pedestrians and non-motorized transportation (e.g., bicycles, strollers, scooters) to schools and shopping and to expand access to recreation and exploration of the city."</p>
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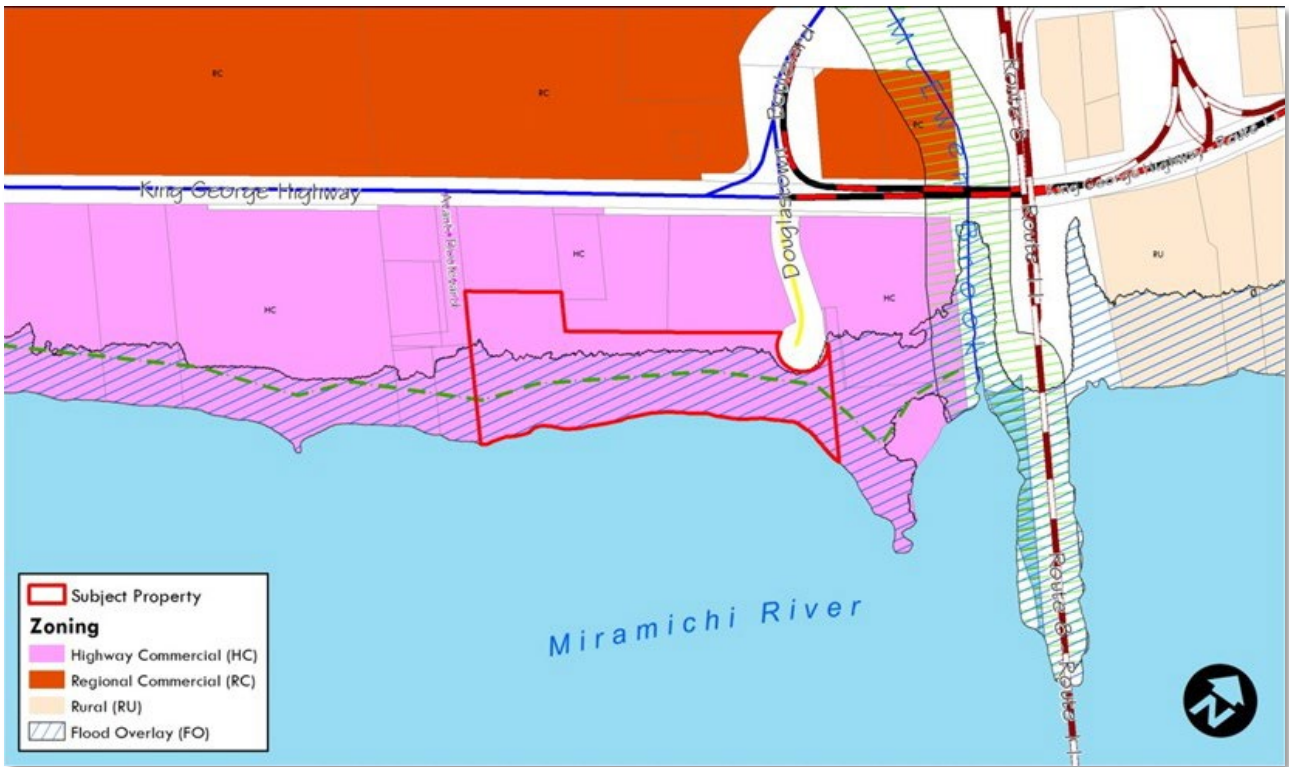
**Section 7: ECONOMIC DEVELOPMENT**

Project's alignments :	Municipal plan (By-law N0 109) excerpts:
<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><b>Section 7(A): General</b></p> <p><b>-Goals:</b></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><b>-Objectives:</b></p> <p>“4. To pursue a comprehensive economic development strategy for the city.”</p>

### C. 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 3: 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 primarily zoned "Highway Commercial (HC)" and partially zoned "Flood Overlay (FO)".

The proposed residential use is permitted under the current "Highway Commercial (HC)" zoning of the Subject Property.

**Table 3: City of Miramichi Residential Zones - Maximum Number of Units Permitted**

Residential Zone		Maximum Number of Units Permitted
Single Unit Dwelling	R-1	One (1)
Single- or Two-Unit Dwelling	R-2	Two (2)
Residential Mixed Low Density	RML	Four (4)
Medium Density A	R-3	Ten (10)
Medium Density B	R-4	Twenty-Four (24) per apartment building; Sixteen (16) per rowhouse dwelling
High Density A	R-5	No maximum
High Density B	R-6	No maximum
Mobile/Mini Home Park.	RP	One (1)

Mobile/Mini Home RM		One (1)
Residential Retirement Community	RR	Twenty-four (24) per building
Neighbourhood Commercial	NC	N/A
General Commercial	GC	Twenty-four (24) per apartment building
Highway Commercial	HC	Twenty-four (24) per apartment building
Regional Commercial	RC	N/A

The “Highway Commercial (HC)” zone allows a maximum of Twenty-four (24) per apartment building. The number of units for the proposed building is not permitted for the current zoning. Apartment buildings with more than 24 units are only permitted in the “High Density A (R-5)” and “High Density B (R-6)” residential zones (also the City’s Downtown District (DT) zones). Therefore, a density variance is required to allow the construction of a building apartment with 63 units for phase 2 of the development.

It is to note that the applicant made some changes to the design/layout of the units:

- For one of the corner units from phase 1 (East tower building) on the level 2 as per plan (A103.2, sections t-u-v), instead of an apartment unit, it will be a fitness room and a common room.
- For phase 2, level 2 instead of the 2 corner units on each side of the building (west tower), it will be 3 units (smaller than the initial corner units) on the west side of the building and 2 units with a co-working on the side of building which is close to the east tower.

Even with the increase in the number of units, the maximum height of the building is unchanged.

The Table below compares the proposed phase 2 building with the required zoning regulations of the “Highway Commercial (HC)” zone.

**Table 4: Compliance of the proposed use with the “Highway Commercial (HC)” zoning regulations**

Regulations	Required	Proposed use	Meets requirements
Minimum front yard	In accordance with section 3.1.4 (7.6m)	Min 7.6	✓
Minimum side yard	6.1m	8.08m	✓
Minimum rear yard	6.1m	~30m	✓
Maximum lot coverage	40%	10.35%	✓
Maximum height	17m	16.98m	✓
Maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area	~16.5%	✓
Landscaped open space of a minimum width of 3.0m along all lot lines	Min. 3.0m	North side: min 7.30m East: min 6.10m South: min 6.10m West: min 6.10m	✓

The subject property is also partially zoned “FO” and is subject to these regulations:

- a. All habitable rooms in a new building shall be floodproofed to the 4.6m geodetic (CGVD28) elevation. When to the mutual satisfaction of the Development Officer and City Engineer, floodproofing may include constructing a dike or berm so that the site is designed to avoid floodwater inundation.
- b. As a condition of Development Permit approval, all new and existing buildings that require flood proofing to the 4.6m geodetic (CGVD28) elevation shall be required to submit:
  - i. A plan demonstrating the elevation of the habitable part of the building and floodproofing of all applicable electrical, mechanical, and plumbing by design or elevation.

**The applicant provided:**

1. Site plans which demonstrate an elevation of the habitable part of the building (units start from level 2) and the level 1 will be used for indoor parking, storage lockers and other utilities. The level 1 elevation is 3m.

2. A signed disclaimer (by property owner) acknowledging the risks associated with development in the Flood Overlay (FO) Zone.

The subject property is bounded on all sides by easements of varying widths (public utilities at north side and west side, municipal services at all other sides). The surface parking lots for the phase 2 of the proposed development will not be over the municipal services easement at the south side of the property.

Overall, with the actual characteristics of the proposed development, it complies with the “HC” and “FO” zoning regulations. The applicant will just need the density variance regarding the total number of units for the proposed building in phase 2.

## **D. Neighbourhood Character and Impact**

The following points summarize land use activities in the area:

- There are lots zoned “Highway Commercial (HC)” in the immediate surrounding of the Subject Property. Of these lots, the ones that are along the riverfront are also partially zoned “Flood Overlay (FO)”.
- The businesses in the surrounding zones include Cannabis NB, Big Rigs Tackle, Big Wheels, Riverside Pub, Cineplex Cinemas, and Swiss Chalet.
- The Miramichi River is to the south of the Subject Property.
- To the east of the Subject Property is the Centennial Bridge (Route 8 – Route 11).
- To the north of the Subject Property is King George Highway.
- To the north of the Subject Property and north of King George Highway there are lots zoned “Regional Commercial (RC)” including Tim Hortons, Burger King, Sobeys, Giant Tiger, Winners, Canadian Tire, Subway, PetSmart, and CIBC.
- To the east and north of the Subject Property there are lots that have both “Flood Overlay (FO)” and “WAWA Overlay (WW)”.
- Further east of the Subject Property is land zoned “Rural (RU)”.
- To the northwest of the Subject Property there are a variety of lots that are zoned “Single Unit Dwelling (R-1)”, “Single-or Two-Unit Dwelling (R-2)”, “Medium Density B (R-4)”, “Mobile/Mini Home Park (RP)”, and “General Commercial (GC)”.



Considering the surrounding areas described above and the existing patterns of zoning and land use, the proposed development will increase (if not more than double) the actual level of activity on the subject property and its surroundings) and will also increase the volume of traffic in the area. Even though the proposed land use may not result in an unacceptable level of change or land use impact in this area, with the phase 1 of the project already approved and built, the residents of the surrounding residential properties may view the addition of a second building in proximity to the Miramichi River as a visual nuisance. The addition of the proposed riverfront trail for public use will create a positive ongoing impact of the proposed development.

### **E. Views of the public**

A notification sign was posted and neighbours within 30m of the subject property were notified of the variance and the Plan amendment/rezoning request by mail, along with details of the PRAC meeting. To date, no comments have been received from adjacent or other property owners.

### **F. Departmental and Agency Comments**

The City of Miramichi Departments of Engineering and Public Works were notified of this application and asked to provide comment. Previously, these departments provided detailed comments on the previous application relating to access, servicing, and drainage, which will likely still apply to this modified application.

These are the initial comments provided:

1. Services – Developer to pay the City \$100,000.00. This fee is payable to a previous developer's installation of services. Detailed plans on sizing required, and a fee for installation will be forwarded when plans are approved. Public works to connect to the watermain, developer to evacuate and install all piping and sanitary connections.

2. Access – The department will need additional details on slope, etc. in the future when more detailed drawings are available. There may be additional requirements such as guiderail, signage due to the location off the cul-de-sac.
3. *Drainage* – A drainage plan is required, however, due to the proximity of the river, net zero is not required.

This is the comment provided:

1. The developer to pay for the cost of the watermain connection, \$ 5,000.

## IV. STAFF RECOMMENDATION



It is recommended that the Planning Review and Adjustment Committee, pursuant to Section 55(1)(b) of the *Community Planning Act*, approve the density variance to the Zoning By-law (By-law No. 110) for the Subject Property described as PID 40106403, located at 10 Douglastown Boulevard in the City of Miramichi, to allow an additional multi-unit residential 63-unit (5 storeys) apartment building to have on the same lot, 2 buildings with a total of 118 apartment units, and further, that such density variance be conditional upon and subject to the following terms and conditions:

1. That the proposed development shall be limited to two buildings, with a maximum total of 118 units;
2. Technical documentation, such as a traffic impact statement and drainage/stormwater management plan, prepared by a qualified professional as deemed necessary by the City Engineer or the Development Officer, may be required before the issuance of a Building/Development Permit;
3. That the developer complies with the regulations for the "Flood Overlay (FO)" zoning, including the signing of a Flood Risk Disclaimer (Schedule C of the City of Miramichi Zoning By-law);
4. That the proposed development includes a trail that crosses the edge of the proposed parking lot from east to west on the Subject Property (connecting to the proposed Regional Commercial Riverfront trail), in general accordance with the Applicant's Site Plan drawing (AS101) dated Oct. 23<sup>rd</sup>, 2023, and subject to Development Officer approval;
5. That municipal water, sewer collection, stormwater collection, and driveway access (including development over any Municipal Services easement) be provided to the Subject property to the satisfaction of the City Engineer;
6. That the exterior appearance of the proposed development be in general accordance with the rendering prepared by Powers Brown Architecture, shown on the cover page of plans submitted by the Applicant (February 5<sup>th</sup>, 2024), to the satisfaction of the development officer."

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

Nic O'Dette, RPP, MCIP  
Planning Services Manager

*Nic O'Dette*  
Signed on: March 14 2024

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Nahyssa Rose Rabé Harou, B.Sc.  
Planner

Signed on: March 14th 2024  
*Nahyssa Rose Rabé Harou*

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Report Reviewed and Approved By:

Wilson Bell, RPP, MCIP  
CEO/Planning Director

Signed on: March 14th 2024  
*Wilson Bell*

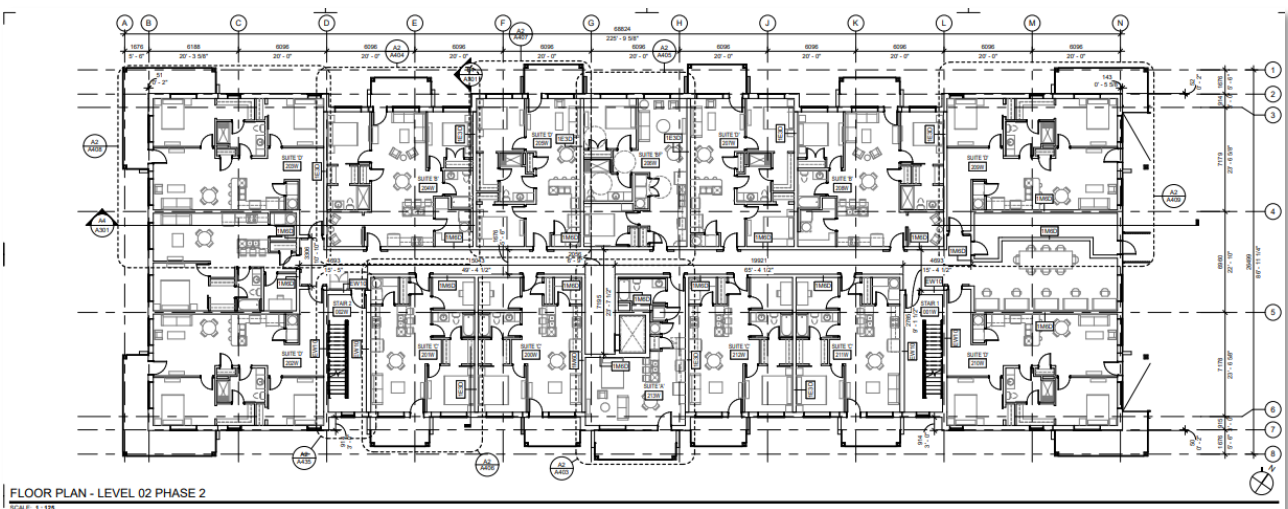
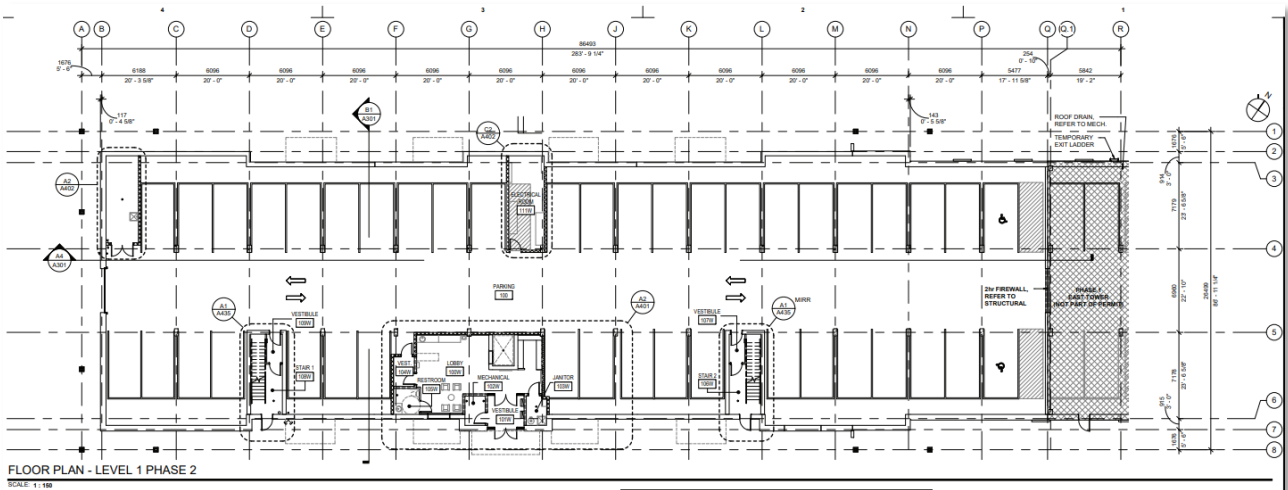
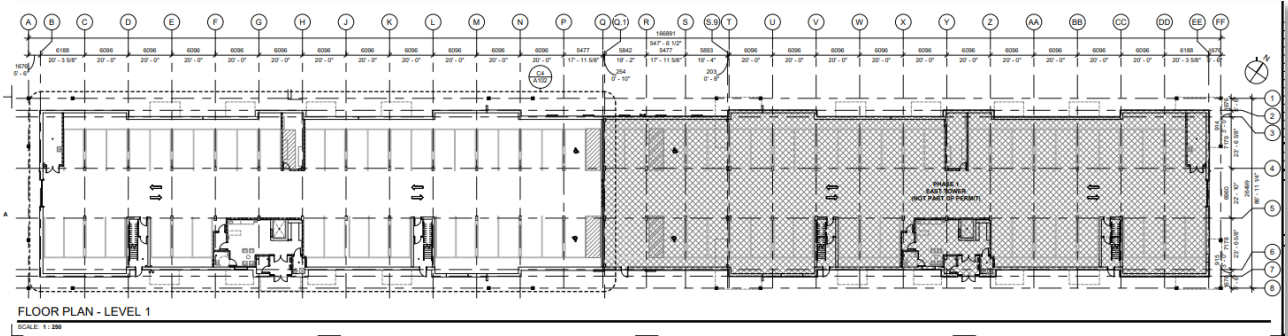
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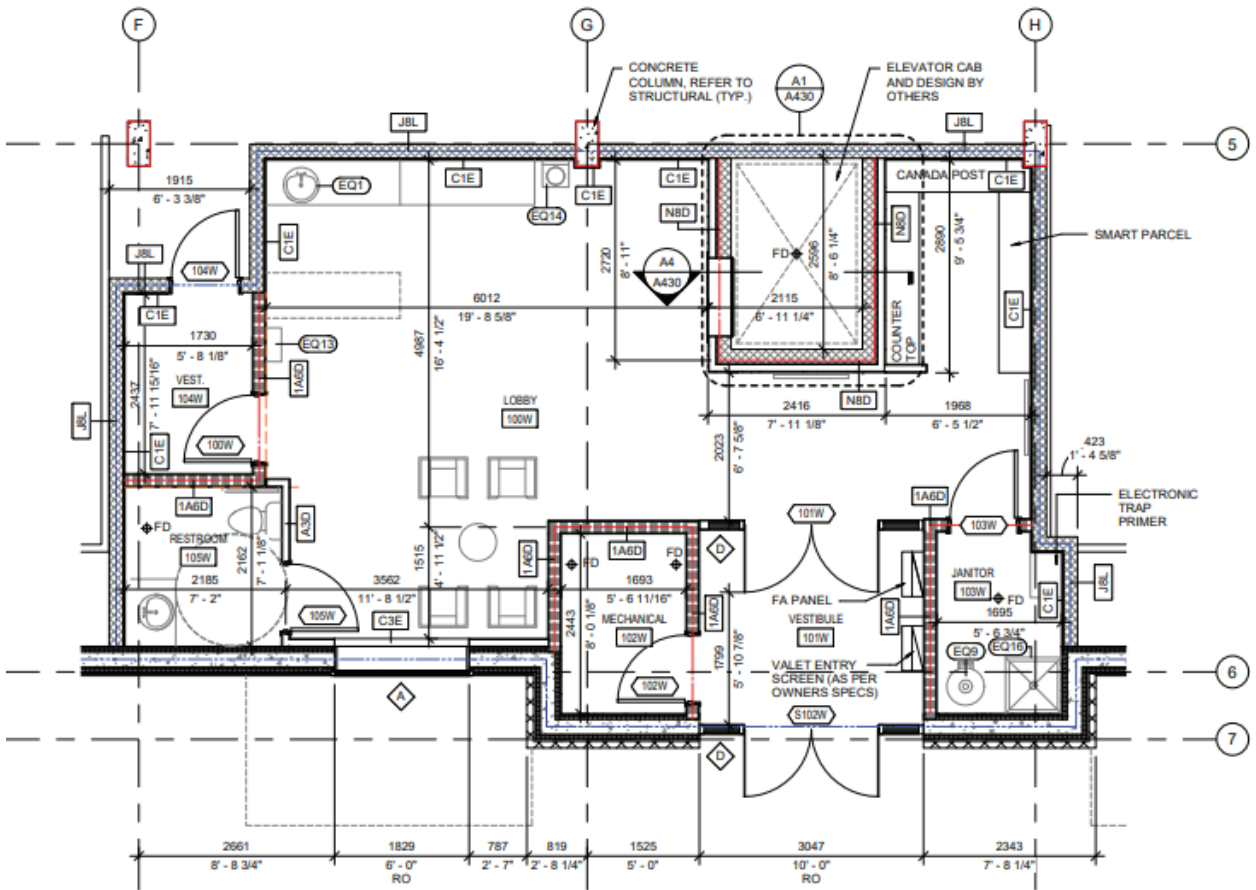
# I. ATTACHMENTS



## 1. Applicant's Submission Documents

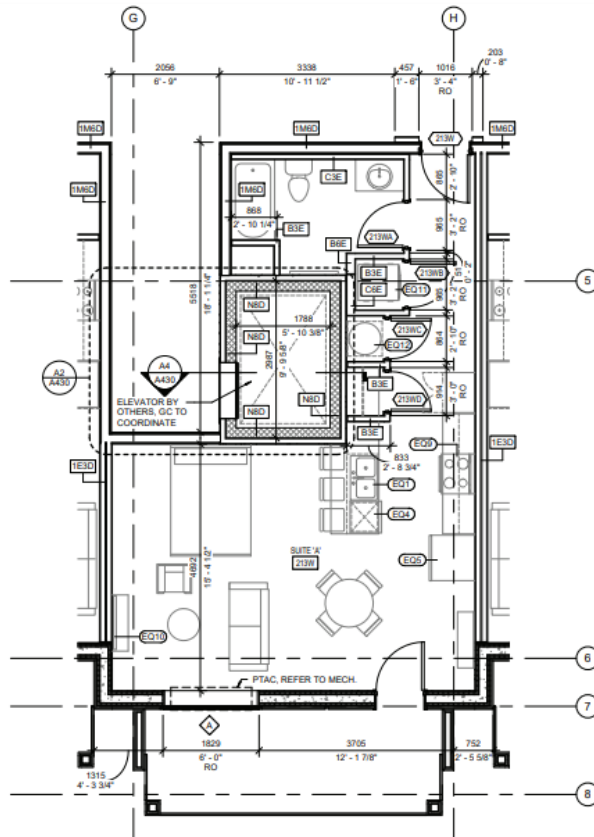
### a. Floor plans





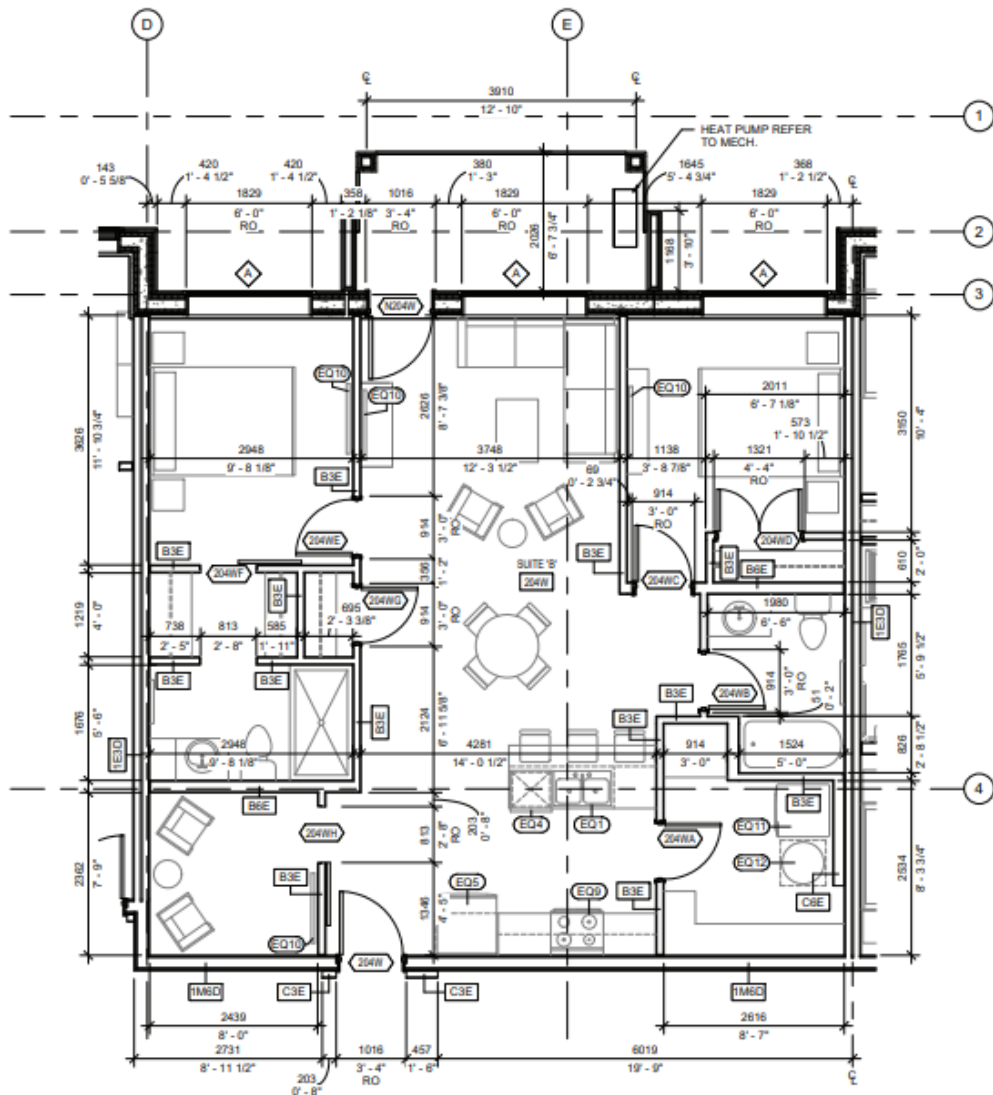
**ENLARGED FLOOR PLAN - LOBBY - PHASE 2**

SCALE: 1 : 50

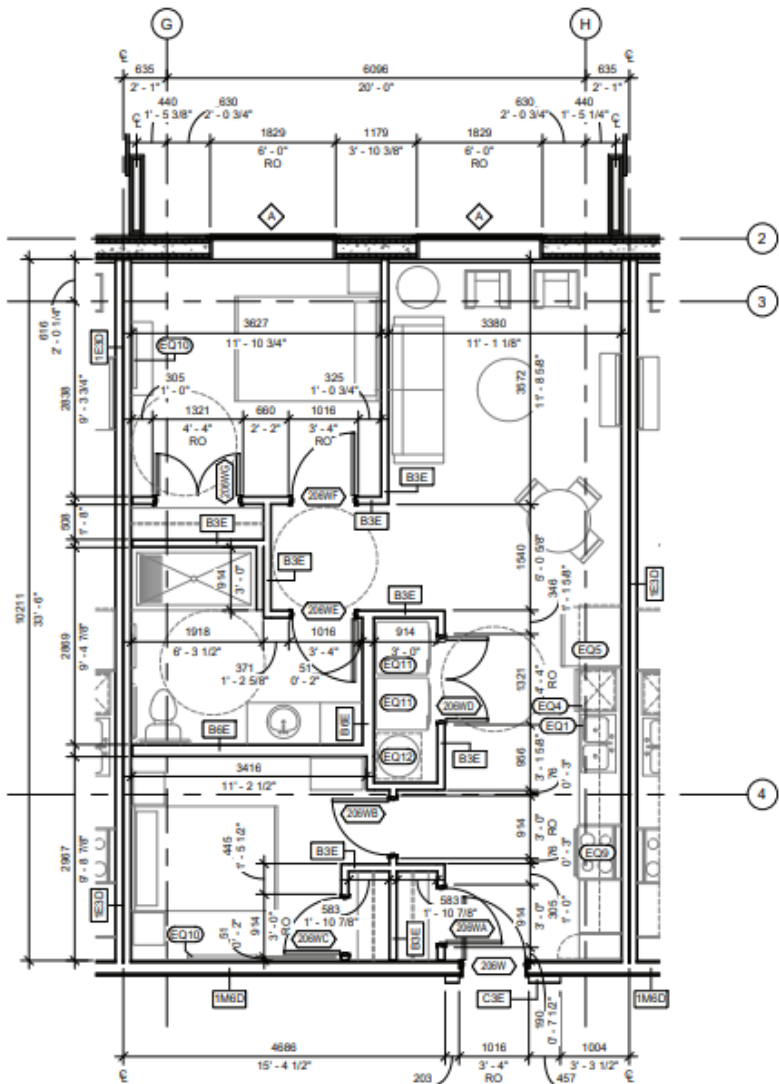


**ENLARGED FLOOR PLAN - SUITE 'A' - PHASE 2**

SCALE: 1 : 50



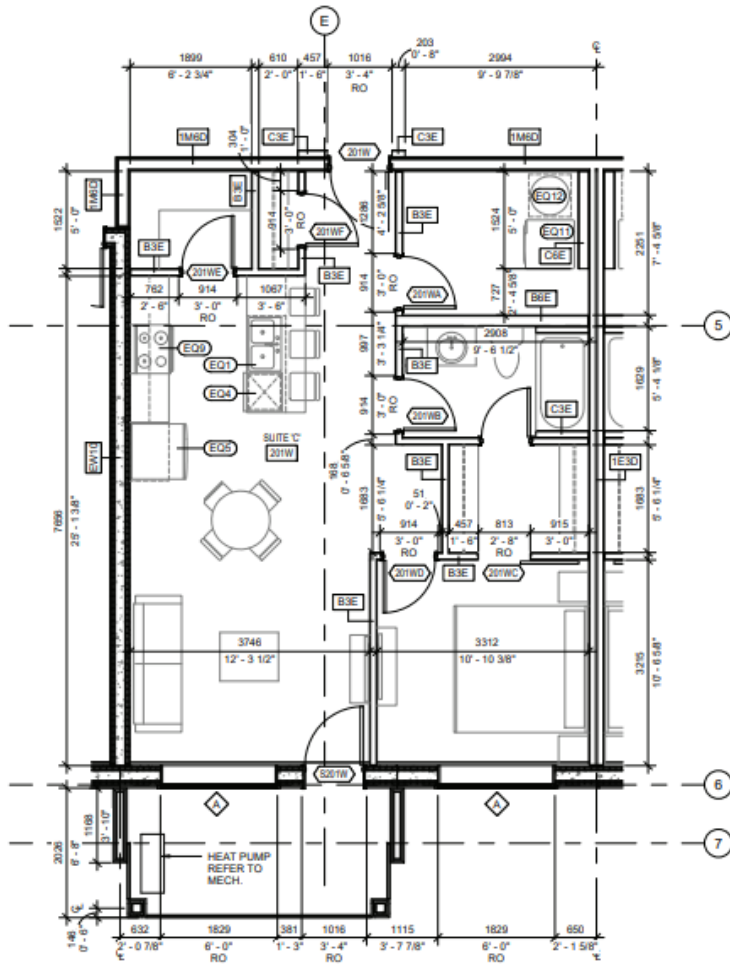
ENLARGED FLOOR PLAN - SUITE 'B' - PHASE 2  
SCALE: 1:50



**ENLARGED FLOOR PLAN - SUITE 'BF' - PHASE 2**

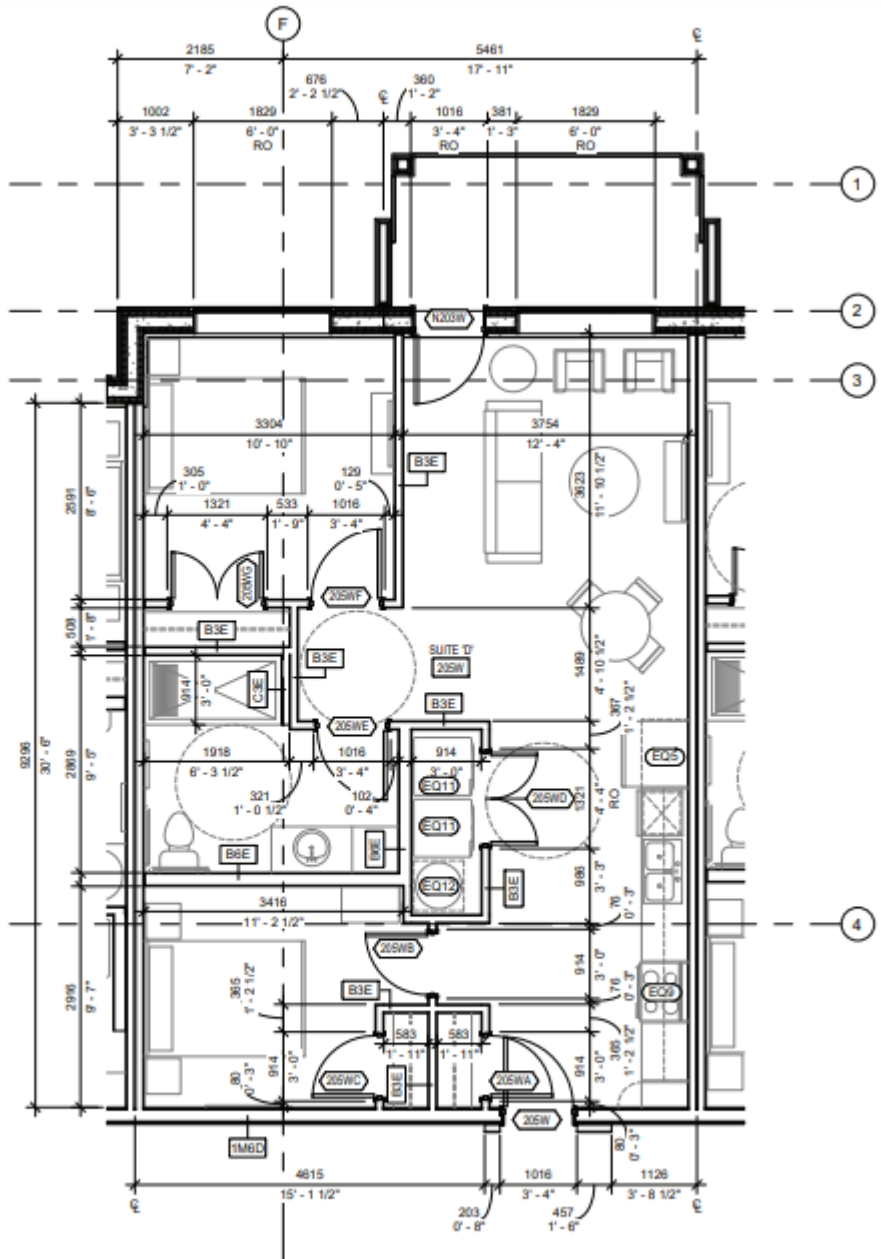
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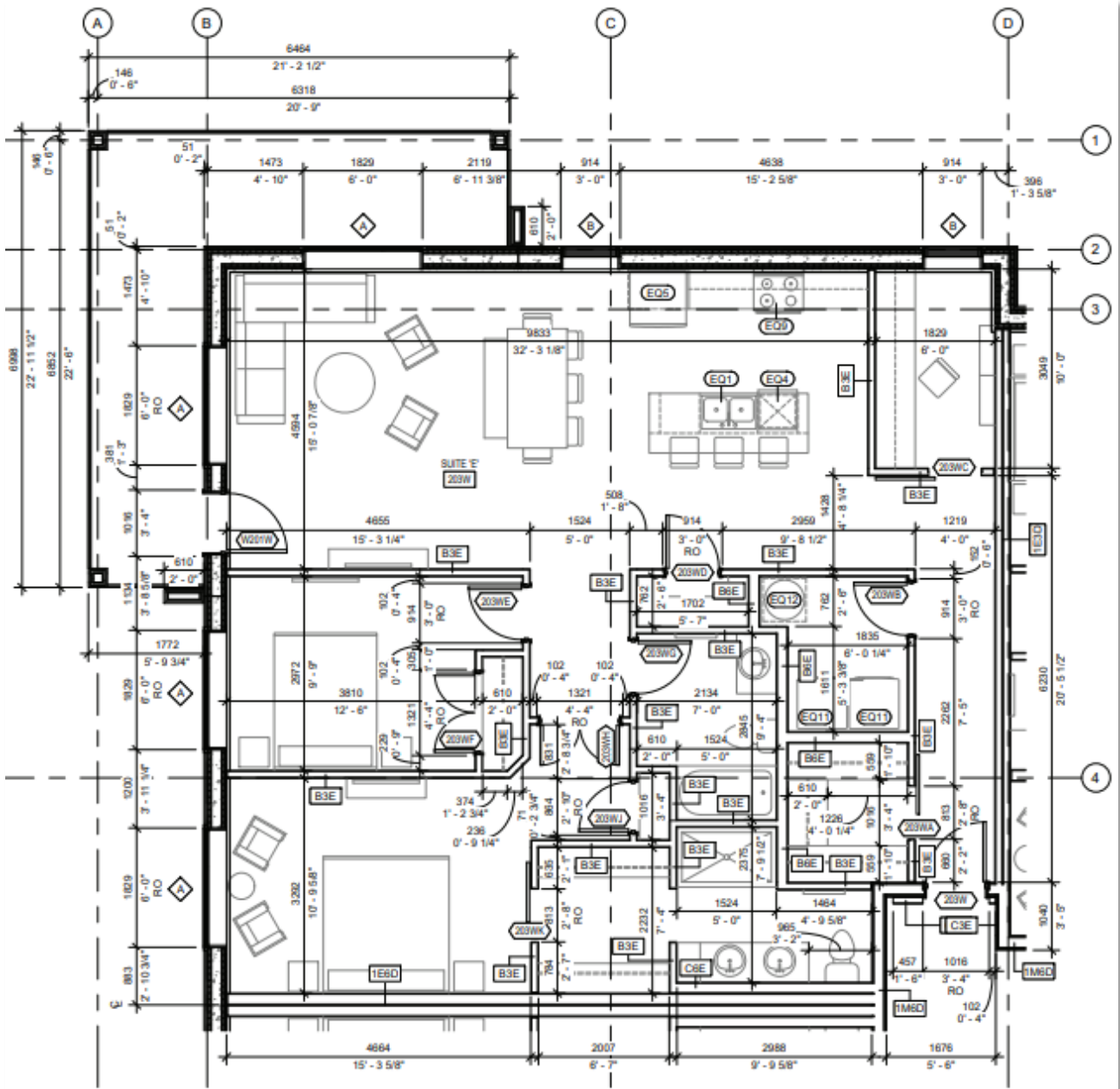
**ENLARGED FLOOR PLAN - SUITE 'C' - PHASE 2**

SCALE: 1:50



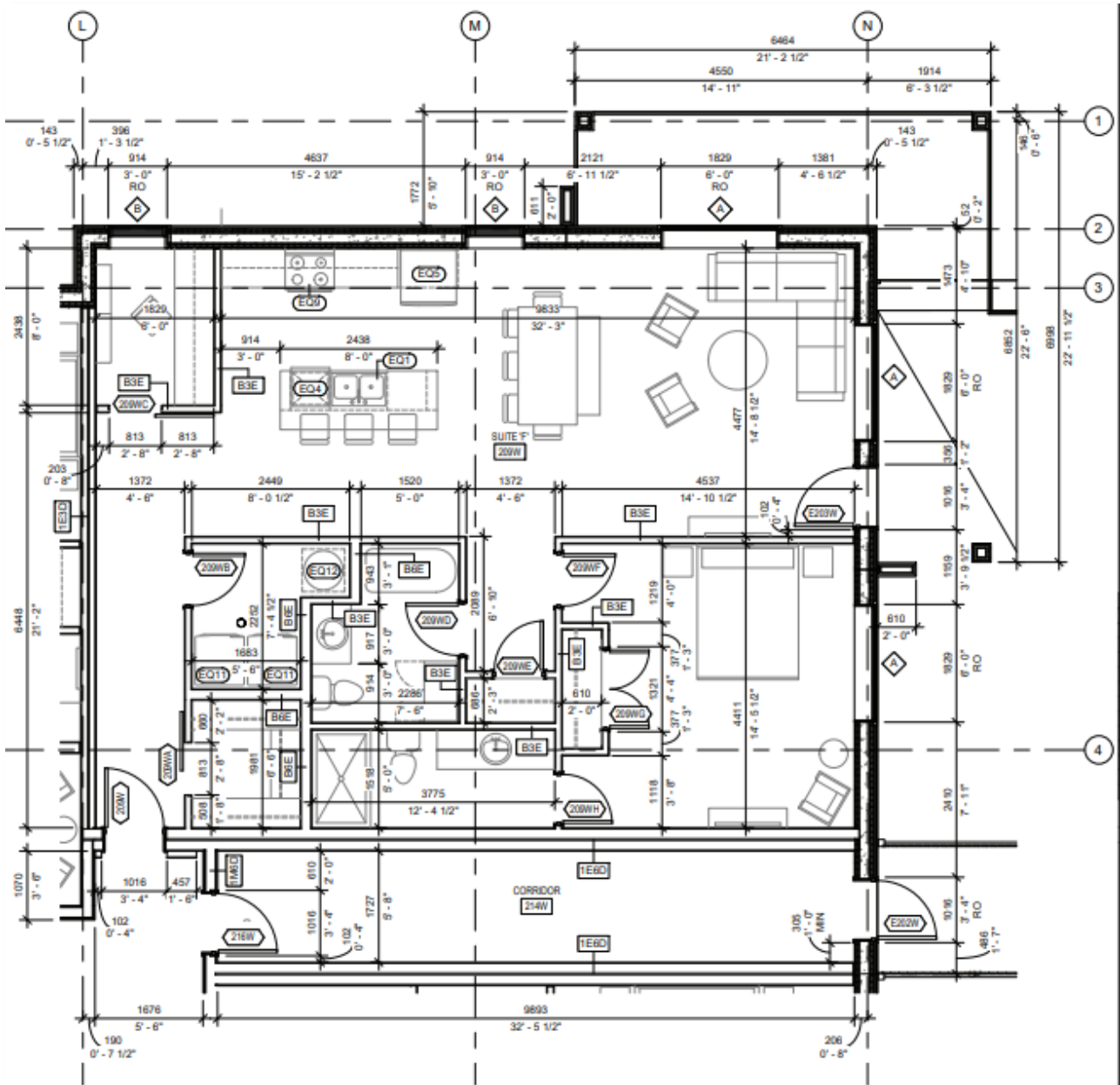
**ENLARGED FLOOR PLAN - SUITE 'D' - PHASE 2**

SCALE: 1:50



**ENLARGED FLOOR PLAN - SUITE 'E' - PHASE 2**

SCALE: 1/8\"/>



2) ENLARGED FLOOR PLAN - SUITE 'F' - PHASE 2  
SCALE: 1:50

**b. Building front elevations**

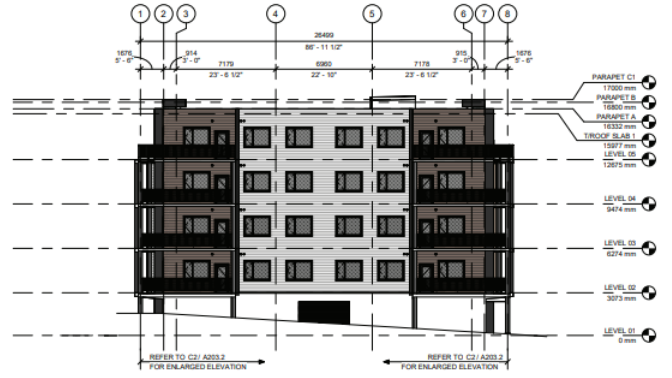


BUILDING ELEVATION - SOUTH - PHASE 2  
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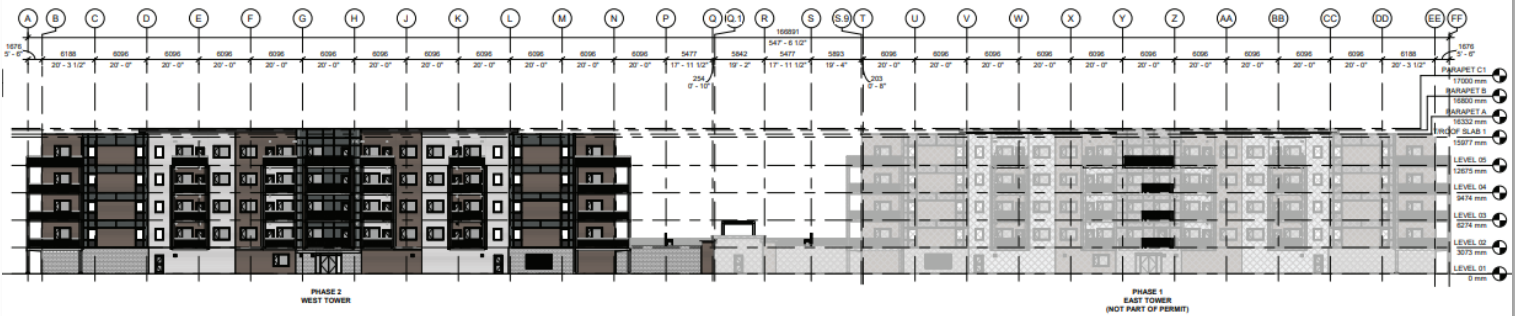
PERSPECTIVE @ SOUTHWEST

SCALE:



BUILDING ELEVATION - WEST - PHASE 2

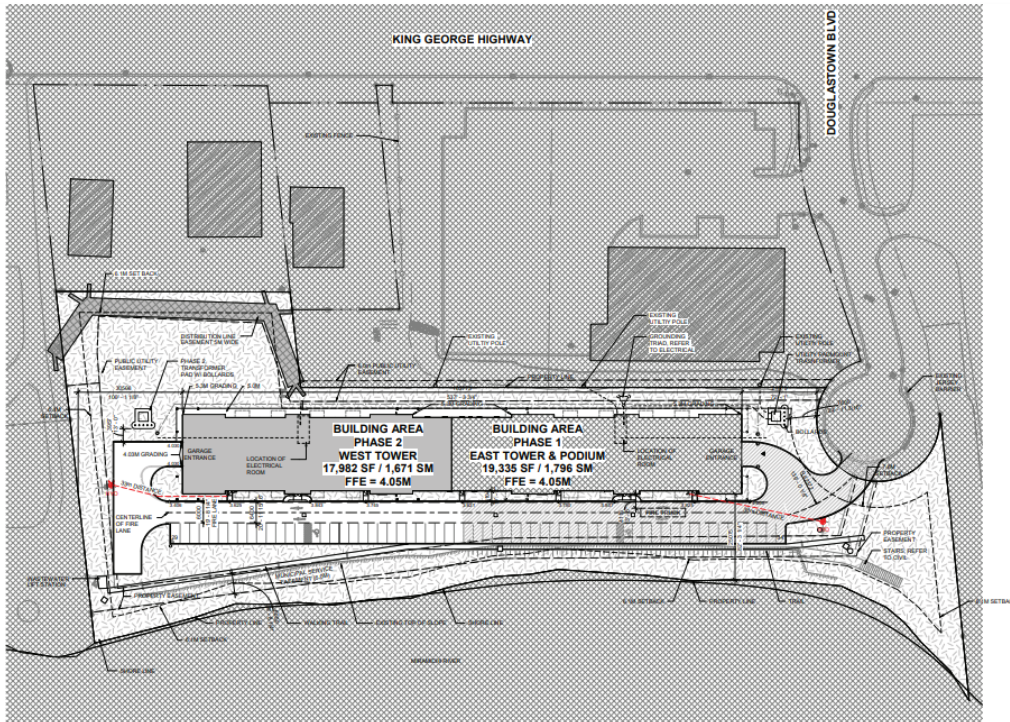
SCALE: 1:150



OVERALL SOUTH ELEVATION

SCALE: 1:200

### C. Site plan (setbacks)



OVERALL SITE PLAN

SCALE: 1:500

## 2. Site Photos

### a. Photo 1: view from the entrance, of the existing building (phase 1)



### b. Photo 2: view of vacant portion of the property



**c. Photo 3: view of the Miramichi river, from the main entrance of the building**



**d. Photo 4: view of the existing building (phase 1), looking north-east.**



e. Photo 5: exterior view of the main floor and podium (in construction)

