

## PLANNING STAFF REPORT

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### SUBJECT:

- Pursuant to **Section 53(2)(i)** of the NB Community Planning Act, and **Section 2.9.4 (2)** of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) may authorize, for a temporary period not exceeding **one (1) year**, a development otherwise prohibited by the City of Miramichi Zoning By-law.

A request for a "**Temporary Use**" approval has been received regarding a portion (5220m<sup>2</sup>) of the subject Property described as 40409112, located at (no civic address), General Manson Way in the City of Miramichi. This approval is required for the Applicant to construct a 10-unit (single storey) building.

- 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 regarding the Property described as 40409112, located at (no civic address), General Manson Way in the City of Miramichi, to **amend**:
  1. **Schedule A:** Future Land use Map of the City of Miramichi's Municipal Plan (By-law No. 109) to change the designation from "Industrial" to "Residential";
  2. **Schedule A:** Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Airport-Compatible Business (ACB)" to "Medium Density A (R-3)" for a portion (5220m<sup>2</sup>) of the subject property and "Medium Density B (R-4)" for the balance of the (24.2 ha) subject property ;

To allow the construction of a 10-unit apartment building.

MEETING DATE: March 19th, 2024

AGENDA ITEM: 2024-2-3

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# I. APPLICATION OVERVIEW



A "Temporary Use" application has been submitted to Planning Services by Housing New Brunswick regarding a portion of the Property described as PID 40409112, located at General Manson Way in the City of Miramichi.

Pursuant to Section 53(2)(i) of the NB Community Planning Act, and Section 2.9.4 (2) of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) may authorize, for a temporary period not exceeding one (1) year, a development otherwise prohibited by the City of Miramichi Zoning By-law.

The subject property is also subject to a Municipal Plan and Zoning By-law amendments application. The Applicant, NB Housing, needs the temporary use approval in order to permit the development of the use on a portion of the subject property prior to any potential approval of the requested Municipal Plan and Zoning By-law amendments.

A Municipal Plan and Zoning By-law amendments are required in order to permit the proposed use beyond the one-year period allowed by a Temporary Use approval. There is some level of risk to this approval route considering that, if the temporary use application is approved by the PRAC allowing the applicant to proceed with the development and the rezoning is subsequently denied by City Council, the use would have to be discontinued (or otherwise changed to a use permitted in the "Airport-Compatible Business (ACB)" zone at the end of the one-year authorization period.

The Municipal Plan and Zoning By-law amendments application requests to change the municipal plan designation from "Industrial" to "Residential" and the zoning designation from "Airport-Compatible Business (ACB)" to "Medium Density A (R-3)" in order to allow construction of a 10-unit (single storey) building featuring 1-bedroom units with a focus of housing seniors (public housing owned and operated by Housing New Brunswick).



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

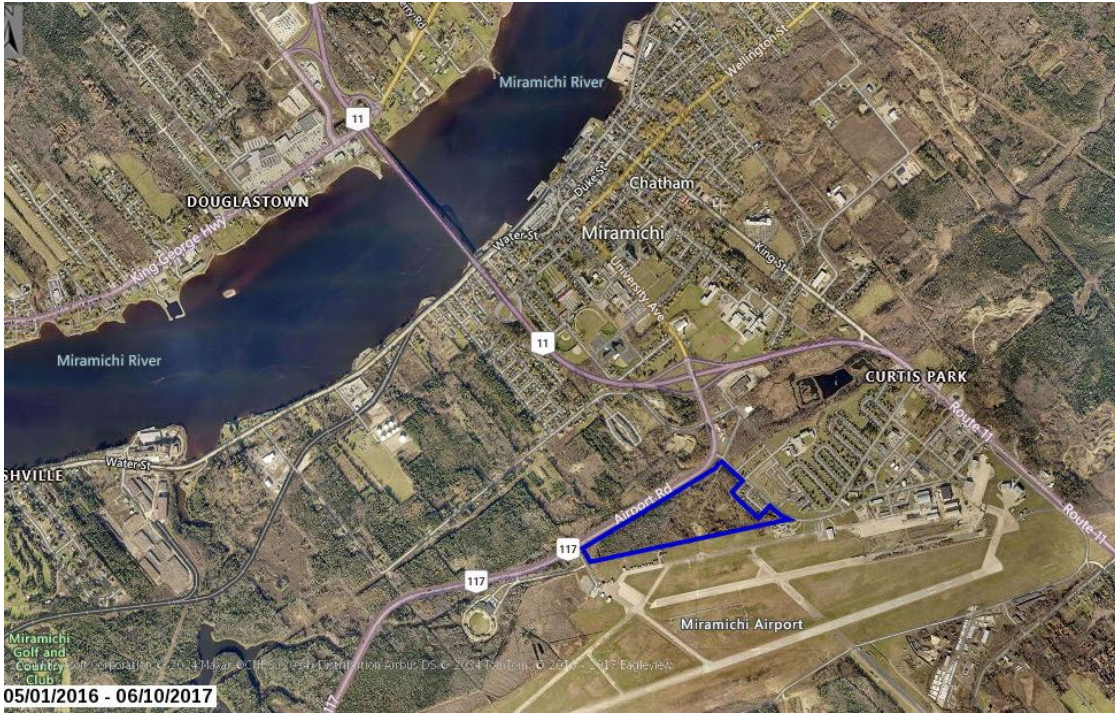


Figure 2: Aerial Image locating the property and the subject portion (outlined in blue and yellow)





**Table 1: NB Housing - Plan amendment and Rezoning Application Overview**

Property Owner/Applicant Details	
Property Owner	Department of Transportation and Infrastructure
Applicant	Housing New Brunswick
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40409112
Shape	Irregular
Area	24.2 ha; subject portion: 5220m2
Access	General Manson Way
Services	Water, sewer and storm services available to be extended as needed
Zoning Details	
Current Zoning	"Airport-Compatible Business (ACB)"
Future Land Use Designation	"Industrial"
Land Use	
Existing	Vacant
Proposed Use	5220m2 portion of PID 40409112: construction of a 10-unit (single storey) building featuring 1-bedroom units with a focus of housing seniors. It would be public housing owned and operated by Housing New Brunswick

A site plan is included in the attachments to this report. The reader is directed to review the plan 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 26th, 2024.



## II. PROPOSED USE

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

- 10 unit building, single storey;
- Each unit would be 575sqft, with an approx. 20m x 50m building footprint;
- Modular construction will be used for this building;
- There will be surface parking for approximately 12-13 stalls and an access driveway from General Manson Way;
- The applicant will maintain as much natural barrier as possible between the mini-home park and the proposed development.
- The tree depth at the property lines and the required setbacks will be maximized wherever possible.

Any potential development would still be subject to the “Medium Density A (R-3)” and the “Medium Density B (R-4)” along with other zoning regulations (for setback, lot coverage, parking, screening, etc. (along with any potential conditions that Council wishes to impose).

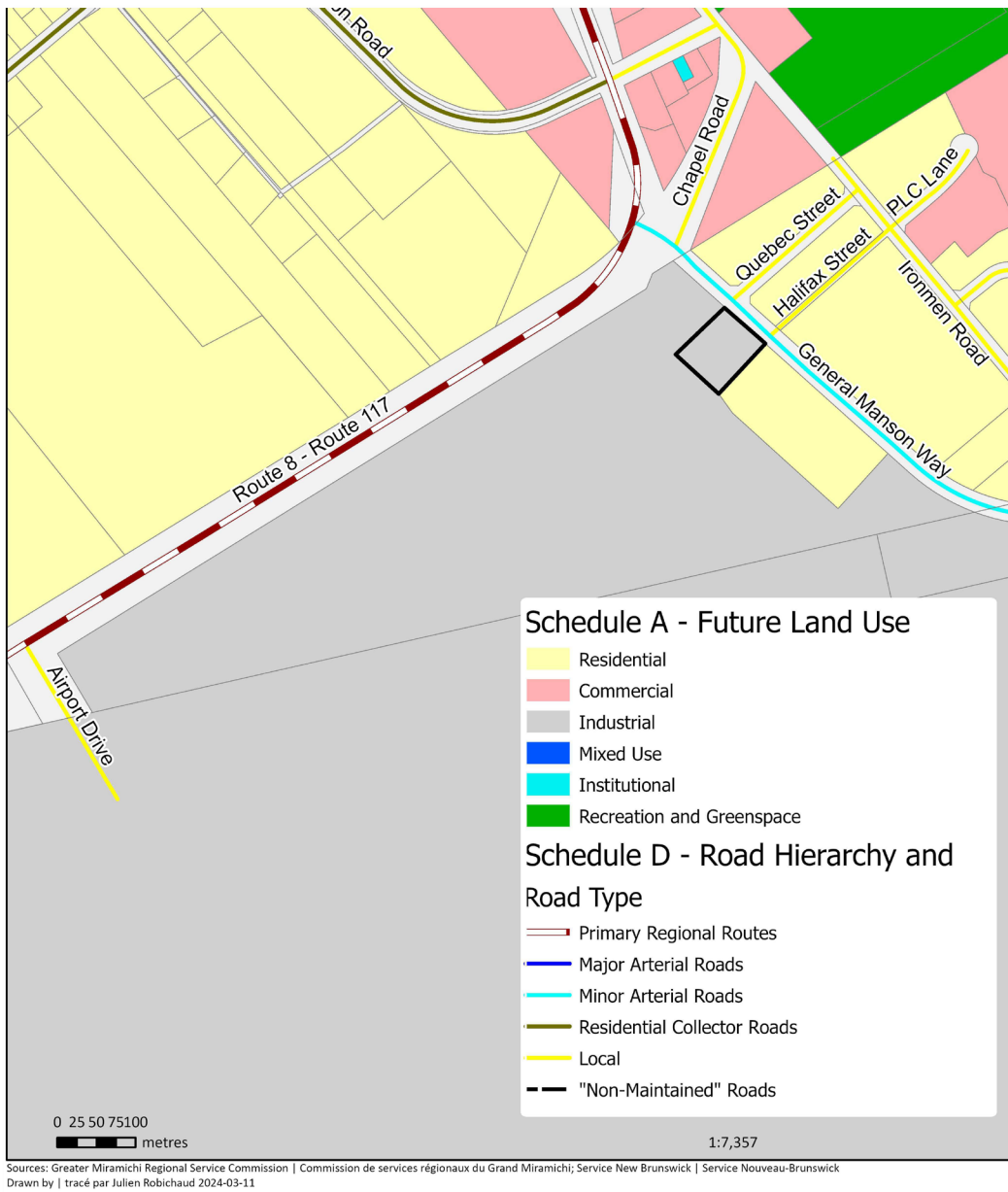
# III. PLANNING CONSIDERATIONS



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





The subject portion of the property (outlined in black) is designated as:

- Under Schedule A (Future Land Use Map of the Municipal Plan (By-law No. 109)): "Industrial"
- Under Schedule B (Residential Hierarchy and Designations): No designations;
- Under Schedule C (Commercial Hierarchy & Designations): No designations;
- Under Schedule D (Road Hierarchy & Designations): General Manson Way is designated as a "Minor arterial road";
- Route 8/117 is designated as a "Primary regional route";
- Halifax street, Quebec street, Chapel road and Airport Dr are designated as "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><b>Adequate and diverse housing:</b></p> <p>The proposed development will add to the housing supply and offer more options. It caters to the needs of various demographics and most importantly the needs of seniors.</p>	<p><b>Section 4(B): Residential</b></p> <p>It is a goal of the Plan:</p> <p>"To have an adequate supply of residential land designated [...] to meet the diverse needs of the present and future population."</p> <p><b>Section 2(D):</b></p> <p><b>Goal 3:</b></p> <p>"To sustain the community at its current (and eventually higher) levels of population and skilled workforce [...]."</p> <p><b>Section 2(D): Growth strategy</b></p> <p>"7. Encourage more diversity in housing types to retain and attract newcomers, young families, working people, and people participating in education and training programs, as well as</p>

	<p>providing for the expanding population of retired, seniors, and aged residents.”</p> <p><b>Section 4(F): Medium and High-Density Residential</b></p> <p><b>Proposal:</b></p> <p>“1. To encourage and support developers in providing alternatives to traditional single-family development including various types of medium and high-density dwellings, in order to achieve a variety in housing mix and price, to better meet the needs of seniors, [...].”</p>
<p><b>Diversity and density:</b></p> <p>Furthermore, the proposed building will promote housing diversity in the area and offer low density/low rise residential options by offering on the same portion of the lot, a building with 10 units for seniors.</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, [...] will extend the offer of the local housing market [...].”</p>
<p><b>Sustainable development and efficient land use:</b></p> <p>The proposed development aims to maintain as much natural barrier between the mini-home park and the new building. It will maximize the setbacks required and the tree depth at the property lines at every opportunity. Also, the use of modular construction is very eco-conscious and results in reduced waste with more recycled materials. Therefore, it aligns with sustainability goals.</p>	<p><b>Section 13(B):</b></p> <p>“[...] that prevents residential sprawl outside of the City’s urban areas.”</p> <p><b>Section 13(B):</b></p> <p><b>Policy 2:</b></p> <p>“Encourage sustainable development practices.”</p>
<p><b>Strategic economic development:</b></p>	<p><b>Section 7(A): General</b></p> <p><b>-Goals:</b></p>

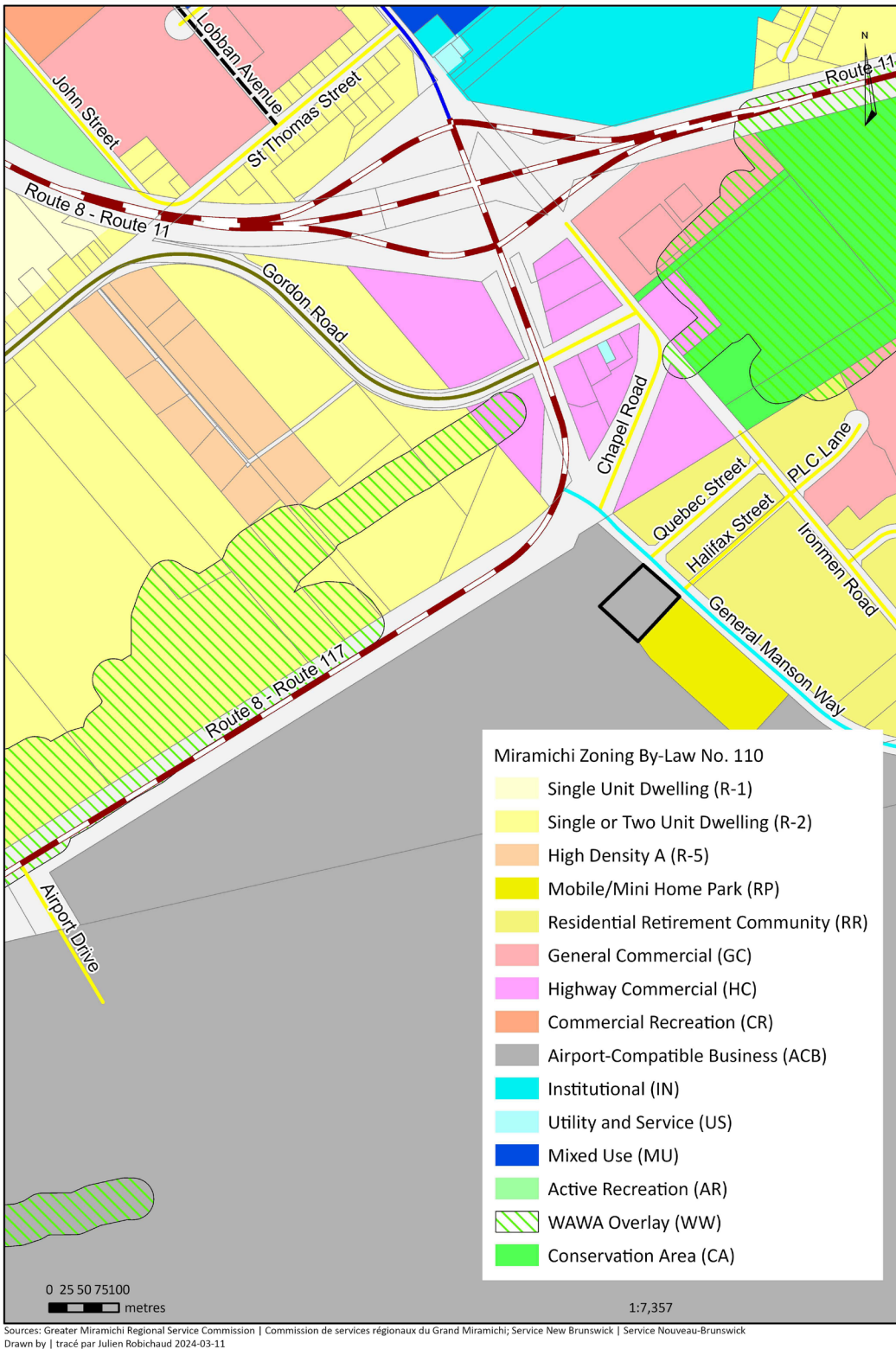
<p>The proposed development aligns with one of the Miramichi's municipal plan priorities (the economic development) by introducing additional housing options, which can attract newcomers, young families, students...</p> <p>By enhancing housing diversity and accessibility mainly for seniors, the project helps create a more attractive environment for residents and enhances the quality of life for seniors.</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>
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## 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 4: Zoning By-law (By-law No. 110) - Zoning Map**





As per the zoning (By-law No. 110) map, the subject portion of the Property (outlined in black) is designated as: "Airport-Compatible Business (ACB)".

The proposed residential use is not permitted under the current "Airport-Compatible Business (ACB)" zoning of the subject property. The proposed use for the subject portion of the property is permitted under the "Medium Density A (R-3)".

The applicant requested to have the subject portion of the property zoned as “Medium Density A (R-3)” and the remainder of the property as: “Medium Density B (R-4)”.

The permitted uses under the requested zones are:

- **“Medium Density B (R-4)”:**
  - This zone allows:
    - One or more of the following 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.
- **“Medium Density A (R-3)”:**
  - This zone allows:
    - One of the following main uses:
      - apartment building containing not more than 10 dwelling units
      - community placement residential facility, subject to section 3.4.1
      - early learning and childcare centre, subject to section 3.3.1
      - four-unit dwelling
      - inn
      - park
      - rowhouse dwelling containing not more than 10 dwelling units and subject to section 3.4.16
      - semi-detached dwelling, subject to section 3.4.16
      - single-unit dwelling
      - three-unit dwelling
      - two-unit dwelling

One of the following secondary uses and then only in association with a single-unit dwelling:

- accessory dwelling unit, subject to section 3.2.7
- early learning and childcare home, subject to section 3.2.3.
- garden suite, subject to section 3.2.4
- home-based tourist accommodation, subject to section 3.2.5

One of the following secondary uses and then only in association with a dwelling unit:

- home business, subject to section 3.2.2

One of the following conditional uses subject to such terms and conditions as the PRAC may impose:

- o convenience store, subject to section 3.3.2

For both the (R-3) and (R-4) zones, development in areas of the City that are not fully serviced (municipal water and sewer) is allowed by the Zoning By-law but residential development is restricted to four units maximum, per lot.

As mentioned in the application overview section, the plan 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 Subject portion of the Property is located within a primarily industrial area and close to low-density residential areas. The “Medium Density A (R-3)” is a zoning designation that is typically used throughout medium density areas of the City.

If the Plan amendment and Rezoning are approved, the Applicant will require a building permit from the GMRSC Planning Services Office, for construction of a 10-unit (single storey) building featuring 1-bedroom units with a focus of housing seniors. It would be public housing owned and operated by Housing New Brunswick.

The applicable zoning regulations of the “Medium Density A (R-3)” zone vary based on the residential use proposed.

The Table below compares the proposed building with the required zoning regulations of the “Medium Density A (R-3)” zone.



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

“Medium density A (R-3)”		Proposed use	Meets requirements
Minimum front yard	In accordance with section 3.1.4 (7.6m)	10.59m	✓
Minimum side yard	2.4m	2.71m on one side and 4.05m on the other side	✓
Minimum rear yard	6.1m	~28m	✓
Maximum lot coverage	40%	~36%	✓
Maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area	~24%	✓
Maximum driveway access width (excluding approved curb cuts, at the street line)	7.3m	7.32m	✓
Parking spaces	1 per unit	10 parking spaces for 10 units	✓
Minimum Aisle Width for 90° angle parking	6.4m	6.02m	✓
Minimum distance between a driveway access and intersecting street line	6.1m	~12.16m	✓

As proposed the concept meets all the requirements for the R-3 zone.

The proposed development has a very reduced building footprint compared to the percentage of the lot area. That can be seen as a positive visual aspect for a better integration with the natural environment.

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.

It is to note that a temporary use variance has been requested by the applicant in order to permit the development of the use prior to any potential approval of the requested rezoning (to be considered by the Planning Review and Adjustment Committee at their March 19th meeting).

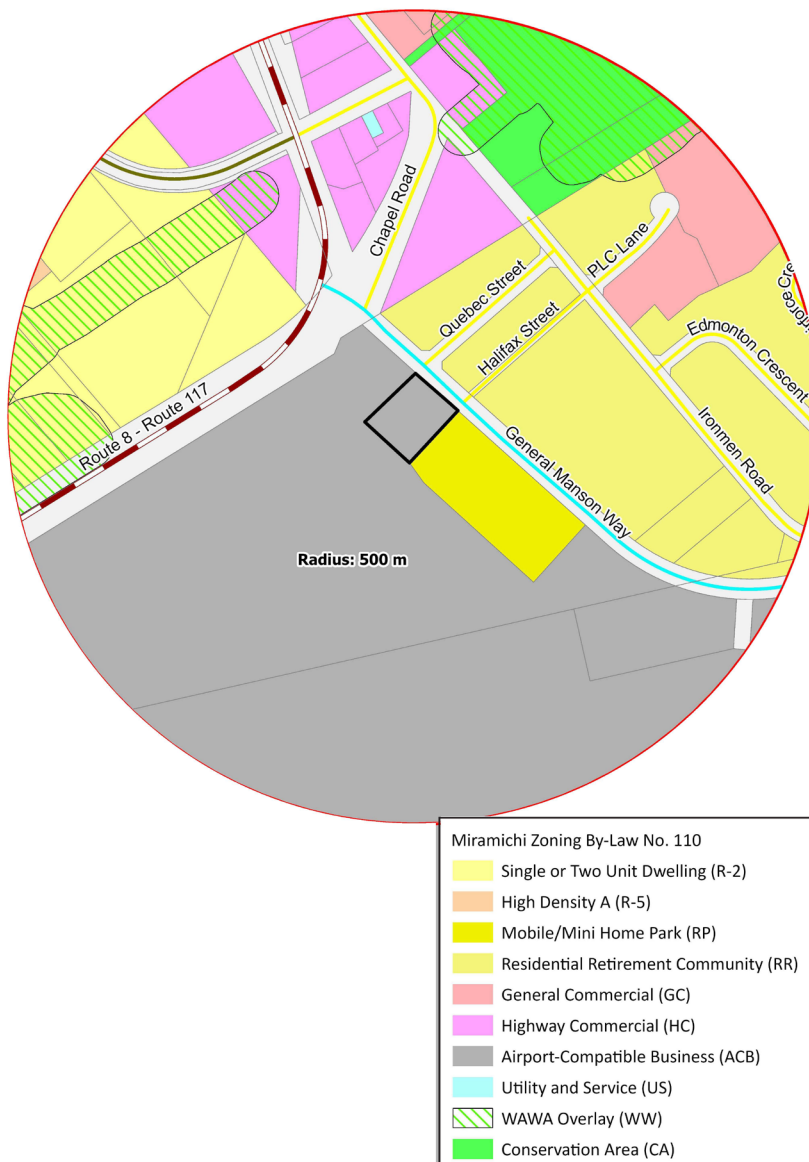
After the Plan amendment and Rezoning Application is heard by City Council, there is no mechanism to add additional terms and conditions that are not regulated by the Zoning By-law. If PRAC or Council wishes to:

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-3 and 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 5: Land uses of the surrounding area



The following points summarize land use activities within a radius of 500 m from the center of the subject portion of the property (outlined in black):

- The subject property is located in the Chatham neighbourhood of the City.
- The surrounding residential zones are low density areas;
- There is a mini-home park close to the subject portion of the property (on its south side);
- The property is located in an area with a mix of the following zones:
  - The area south of the subject property is primarily zoned "Airport-Compatible Business (ACB)";
  - The areas on the northeast side of the property:
    - Are primarily zoned "Residential Retirement Community (RR)"
    - A minority of the areas are zoned "High Density A (R-5)"; "General Commercial (GC)", "Institutional (IN)", Mixed Use (MU), Conservation Area (CA) and Highway Commercial (HC);
  - The areas on the northern side of the property:
    - Are primarily zoned "Residential Low Density (R-2)" with some wetland zones as "WAWA Overlay (WW)";
    - A minority of the areas are zoned "High Density A (R-5)", and Highway Commercial (HC);
- Uses within ~500 m radius from the subject portion of the property:

**Figure 6: Uses in the surrounding area**



- Residential uses: Retirement Miramichi Inc homes; Skyway Lodge (apartment building); mini home park;
  - Some businesses and commercial uses: Miramichi-Chatham Airport, Chatham Tirecraft Miramichi (auto repair shop), Hostopia by Deluxe (Web hosting company), Greenfield Construction (construction company), the Officers Quarters (hotel);
  - Some institutional uses: Miramichi River Tourism Association on the south and Skyway to Heaven Church on the east;
- The subject portion of the property is located in close proximity to local roads: Halifax Street, Quebec Street, Chapel Road and Airport Dr, a minor arterial road: General Manson Way and a primary regional route: Route 8/117.

Considering the Subject Property and the immediate area described above and the broader community context, the proposed development will not increase the volume of traffic, the noise and the overall activity (that would surpass the existing conditions and patterns of activity in the neighborhoods). It is unlikely that residents and businesses in the area will 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. 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.

#### **E. Departmental and Agency Comments**

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

- The Developer shall provide a plan and profile of the proposed sanitary and water main services to the development;
- Developer to pay for the cost of the services, which is to be confirmed once sizing and drawings have been completed;
- The developer shall provide a net zero increase in storm water drainage.

No other comments have been received to date.



## IV. STAFF RECOMMENDATION



A. Pursuant to Section 53(2)(i) of the NB Community Planning Act, and Section 2.9.4 (2) of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) approves authorization, to allow for the proposed development of a 10-unit (single storey) apartment building, for a temporary period not exceeding one (1) year, on the subject property described as PID 40409112, located at located at General Manson Way in the City of Miramichi.

B. 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 **amends:**

### 1. Schedule A:

Municipal Plan of the City of Miramichi (By-law No. 109) to change the designation from "Industrial" to "Residential";

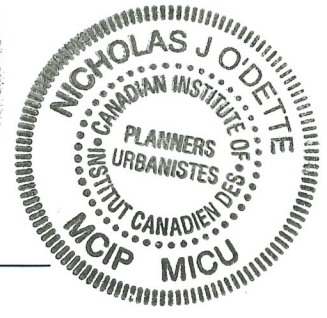
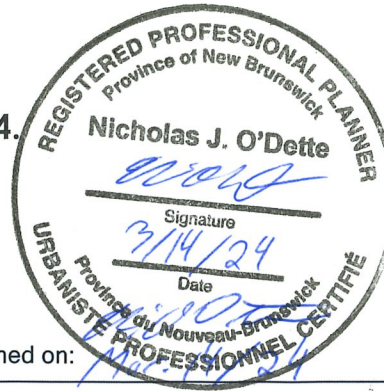
### 2. Schedule A:

Zoning By-law of the City of Miramichi (By-law No. 110) to change the zoning from "Airport-Compatible Business (ACB)" to "Medium Density A (R-3)" for a 5220m<sup>2</sup> portion of the subject portion of the property and to "Medium Density B (R-4)" for the remainder area of the property;

For the subject property described as PID 40409112, located at General Manson Way (no civic address), in the City of Miramichi, to allow the construction of a 10-unit (single storey) building featuring 1-bedroom units with a focus of housing seniors. It would be public housing owned and operated by Housing New Brunswick.

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

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



Signed on: \_\_\_\_\_

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

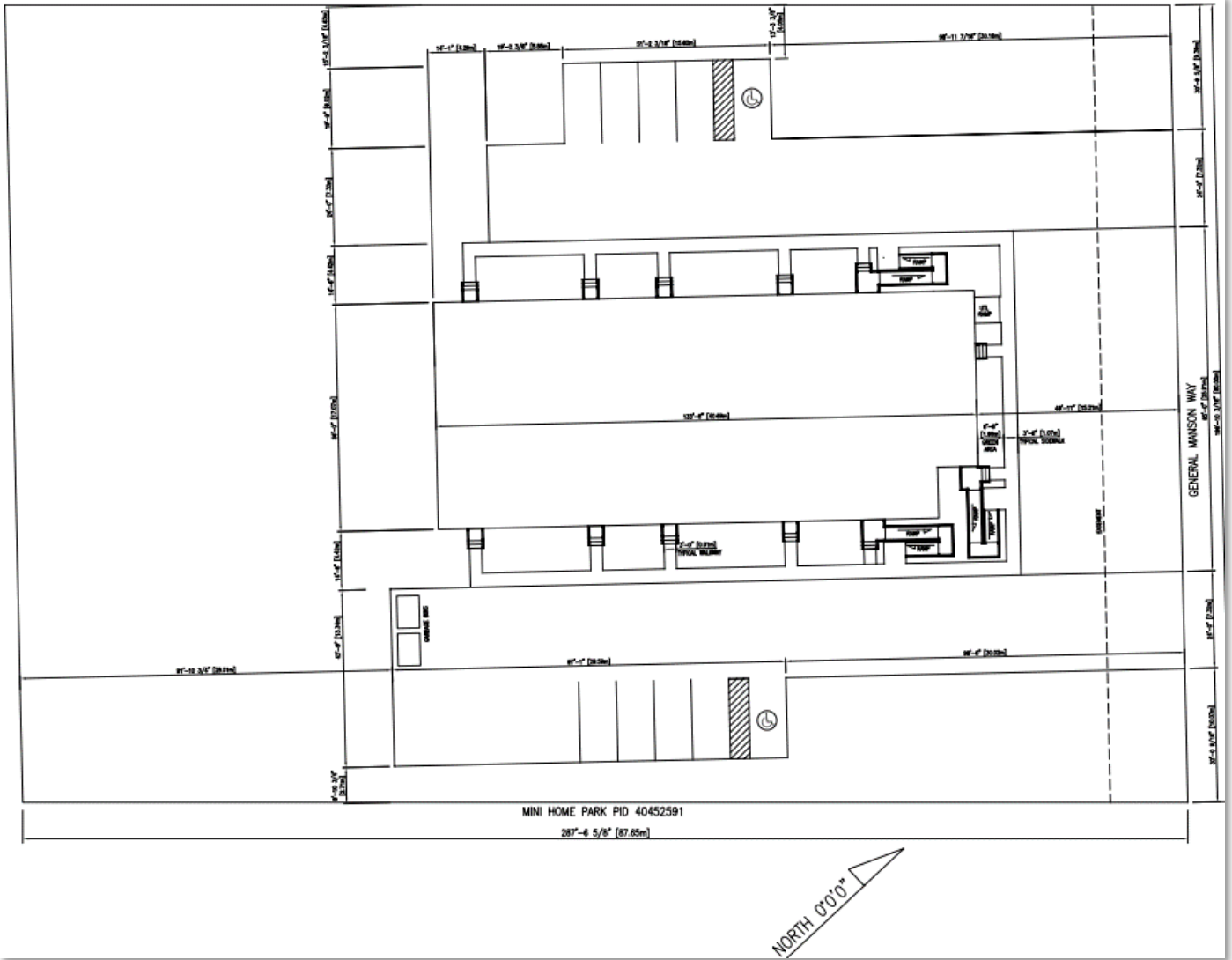
*Wilson Bell*

# V. ATTACHMENTS

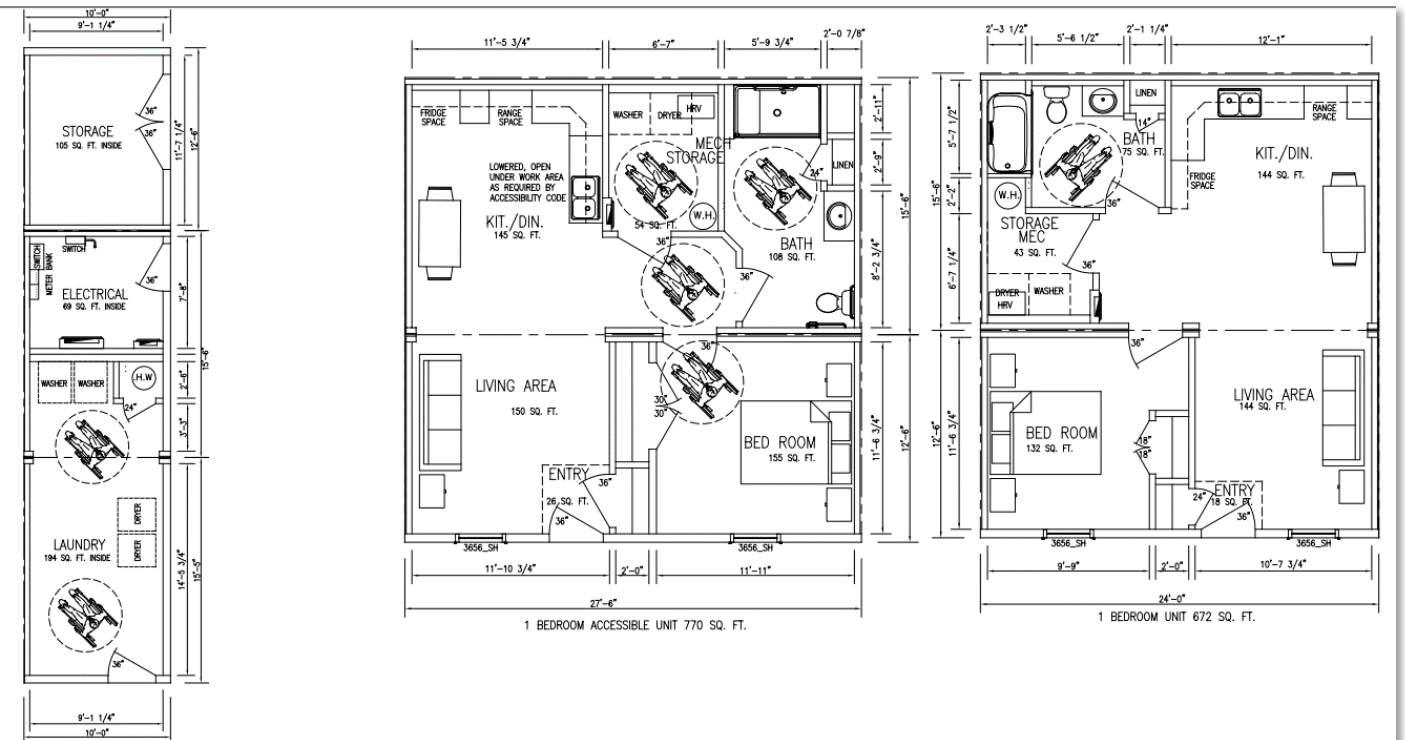
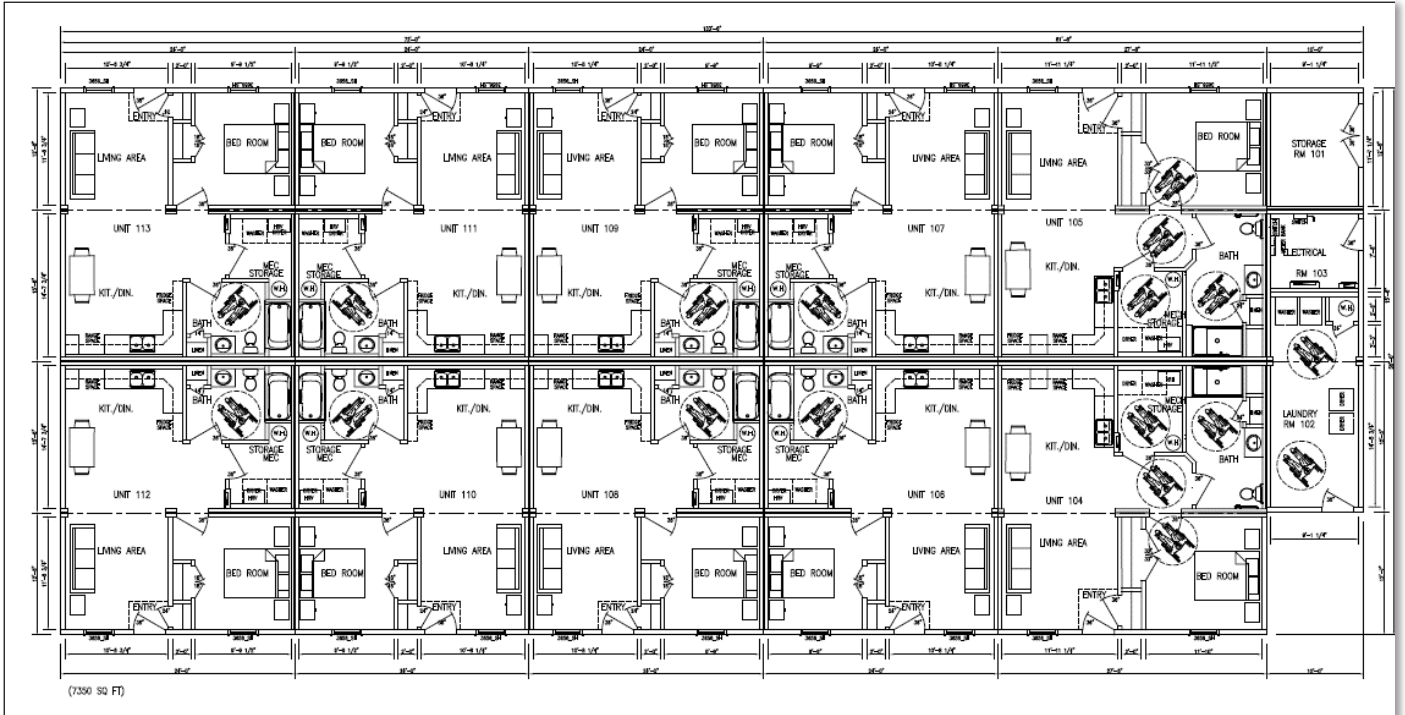


## 1. Applicant's Submission Documents

### a. Site plan



## b. Floor plans





## 2. Site Photos

### a. Photo 1: view of the subject property from General Manson Way



### b. Photo 2: view of General Manson Way looking north





**c. Photo 3: view of General Manson Way looking south.**



**d. Photo 4: view of Halifax St from General Manson Way**





e. Photo 5: view of apartments looking east from Halifax St/General Manson way

