

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 "Medium Density A (R-3)" to "Medium Density B (R-4)";

For the Subject Property described as 40552937, located at Creaghan Ave in the City of Miramichi, to allow a 14 unit apartment building.

MEETING DATE: March 19th, 2024

AGENDA ITEM: 2024-2-5

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I. APPLICATION OVERVIEW



A Municipal Plan and Zoning By-law Amendment application has been submitted to Planning Services by Brent Baisley regarding the Subject Property described as PID 40552937, located at Creaghan Ave in the City of Miramichi.

The application is to change the zoning designation from "Medium Density A (R-3)" to "Medium Density B (R-4)" and to allow a 14 unit apartment building.

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



Figure 2: Oblique aerial Image locating subject property (outlined in blue)



Table 1: Brent Baisley- Rezoning Application Overview

Property Owner/Applicant Details	
Property Owner	709578 NB
Applicant	Brent Baisley
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40552937
Shape	Rectangular
Area	1685m ²
Access	Creaghan Ave
Services	Municipal water, storm and sanitary services available.
Zoning Details	
Current Zoning	"Medium Density A (R-3)"
Future Land Use Designation	"Residential"
Land Use	
Existing	Vacant
Proposed Use	PID 40552937: a 14 unit apartment building

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 26th, 2024.



II. PROPOSED USE

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

- 14 unit apartment building;
- The building will have a footprint of 40' x 164';
- There will be 6 surface parking spaces (including one barrier-free space) on the same lot and 9 surface parking spaces on the adjacent lot (PID: 40551582).
- The access driveway will be via Creaghan Ave;

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).

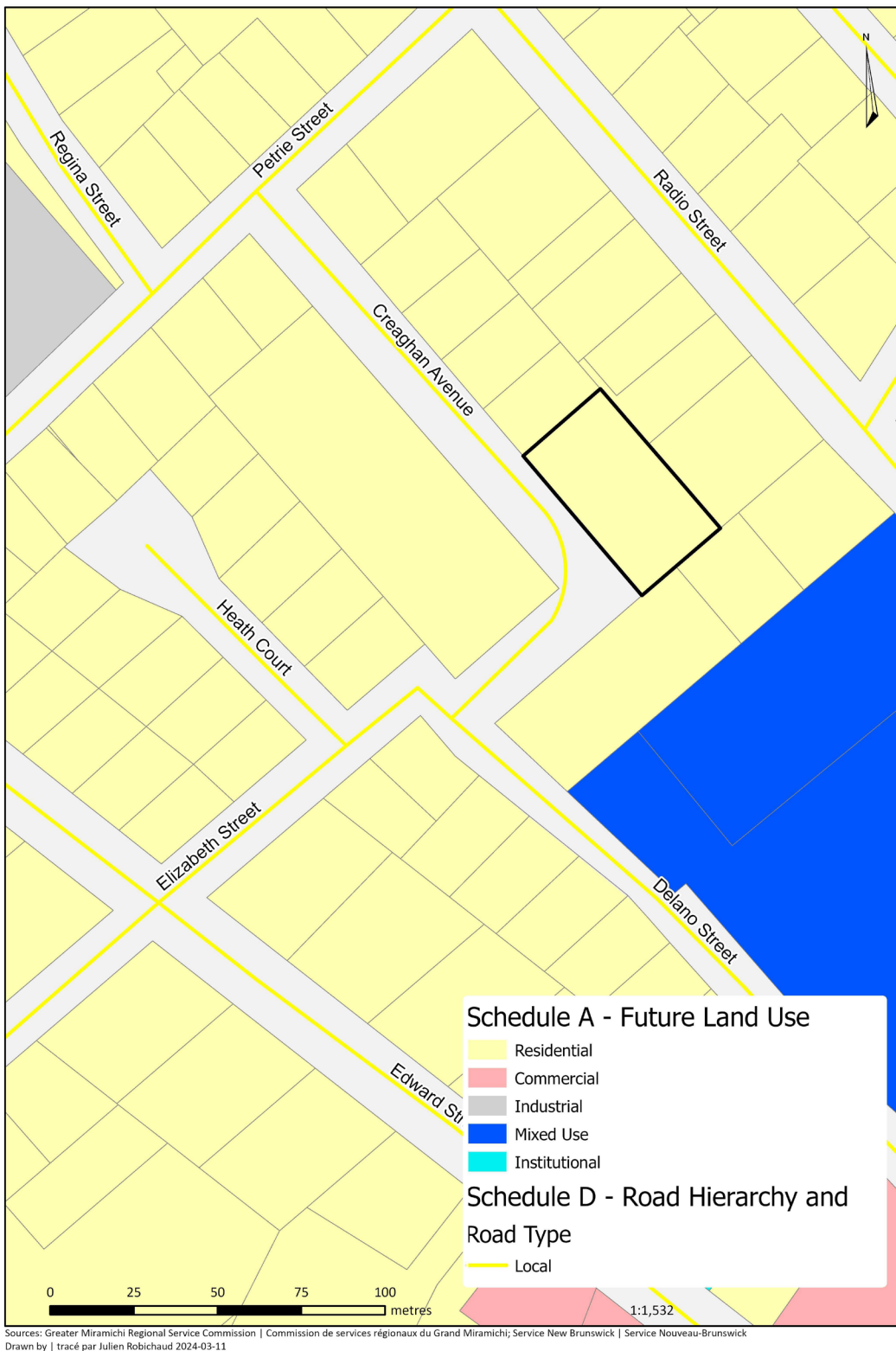
III. PLANNING CONSIDERATIONS



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



The subject 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): Creaghan Ave, Petrie Street, Delano Av 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, a 14-unit apartment building.</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>

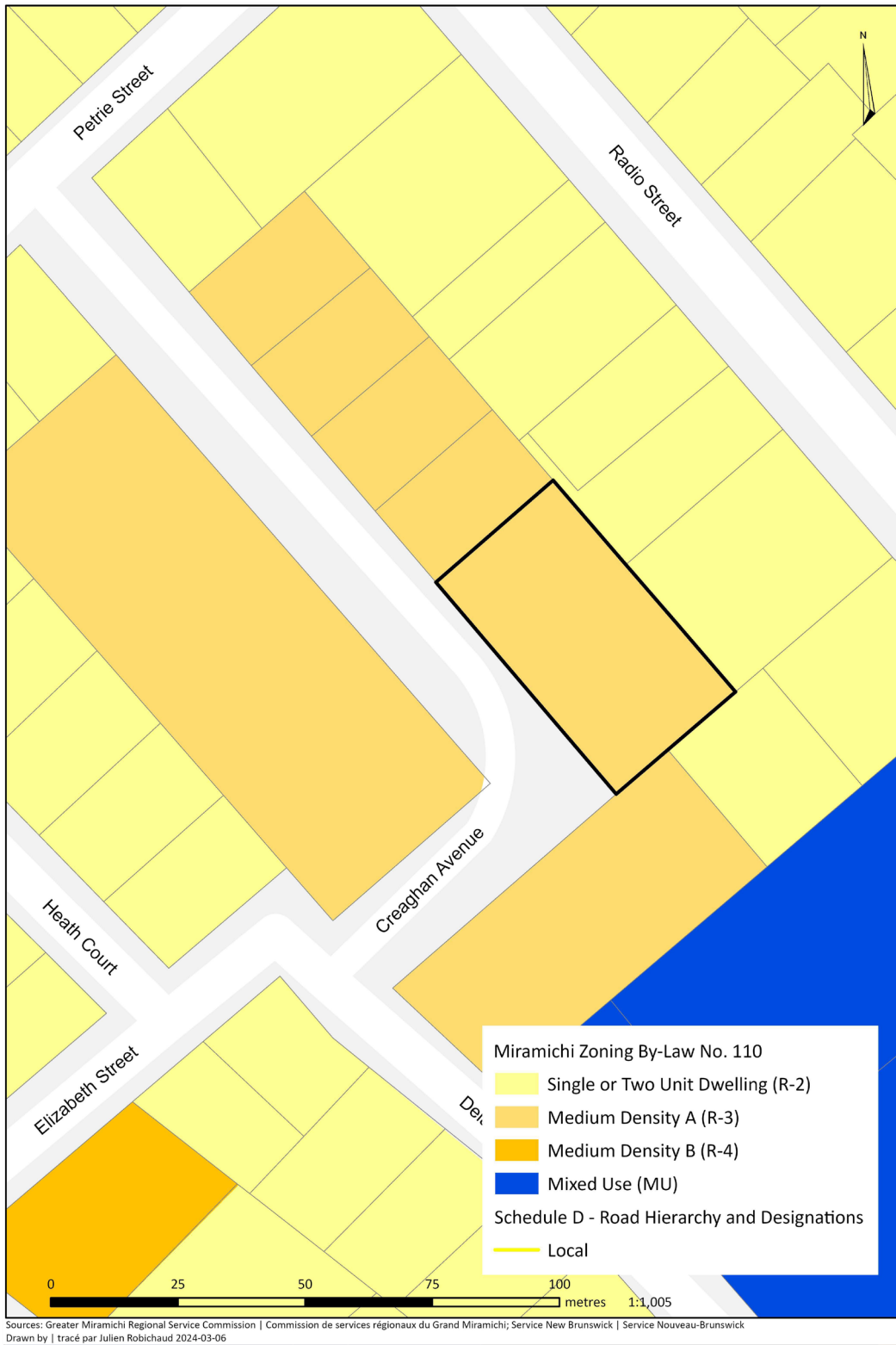
	provide medium and high-density residential options."
<p>Infill development: Also, allowing the construction of a 14-unit apartment building on the same portion of the subject property will allow a compact form development thus maximizing land use within existing infrastructure and aligning with sustainability 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 14 apartment units on the same portion of the subject lot allows for a more efficient land use and</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>helps reduce urban sprawl. Therefore, it aligns with sustainability goals.</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> <ul style="list-style-type: none"> a. Encouraging concentration of new growth in areas that are adequately serviced and properly planned; 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>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 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 is designated as: "Residential";

The proposed residential use is not permitted under the current "Medium Density A (R-3)" zoning of the subject property, which limits development to 10 units. 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, these main uses:

- 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

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 Subject Property is located within a low-density residential 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 more than 10 units 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 a 14 unit apartment building.

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)”		Proposed use	Meets requirements
Minimum front yard	In accordance with section 3.1.4 (7.6m)	10.59m	✓
Minimum side yard	3.0m	2.43m	✗
Minimum rear yard	9.2m	4.99m	✗
Maximum lot coverage	40%	~36%	✓
Maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area	~29%	✗
Maximum driveway access width (excluding approved curb cuts, at the street line)	7.3m	6.09m	✓
Parking spaces	1 per unit	15 parking spaces (divided over 2 lots, 6 on PID 40552937 and 9 on PID 40551582)	✓
Minimum Aisle Width for 90° angle parking	6.4m	7.07m	✓
Minimum distance between a driveway access and intersecting street line	6.1m	6.65m	✓
Landscaped open space including screening	3m	Min 3m	✗

As per the zoning regulations in section 4.2 for parking dimensions, the details on the site plan for surface parking width and length are compliant with the requirements.

The 6 parking spaces within the front yard of the building and the 3 parking spaces on PID 40551582 and over the side lot line for PID 40552937 are not compliant as per the regulations in section 4.2.5, as well as the landscaped open space requirements, but they are subject to a variance granted on the 18th of September 2023.

Regarding the parking lot design requirements, compliance will be verified further in the permitting process.

Overall, with the actual characteristics of the proposed development, it complies with most of the R-4 zoning regulations. However, the applicant will need a variance for the side/rear yard dimensions.

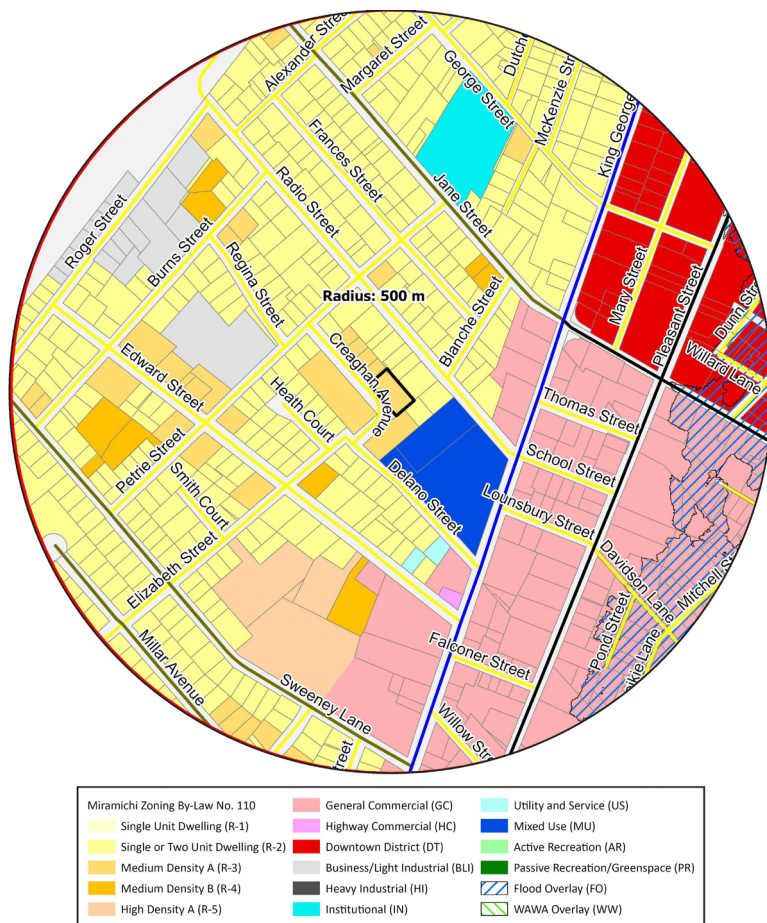
After the Rezoning Application is heard by City Council, there is no mechanism to add additional terms and conditions that are not regulated by the Zoning By-law. If PRAC or Council wishes to:

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

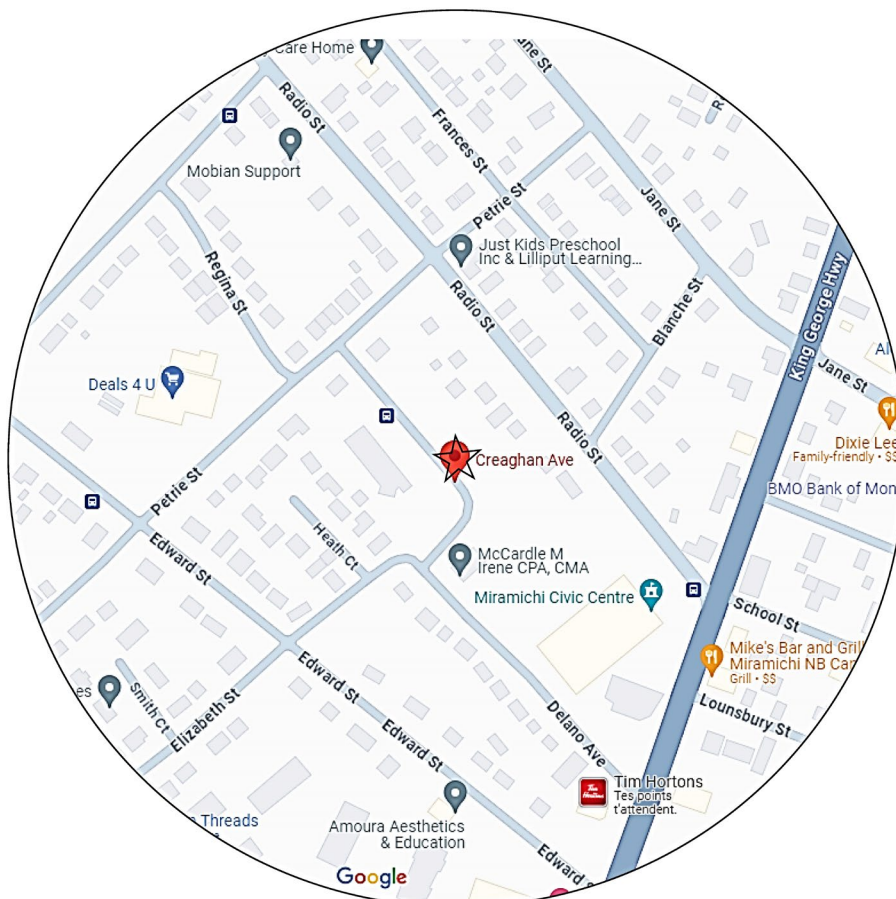
Figure 5: Land uses of the surrounding area



The following points summarize land use activities in the area:

- The subject property is located in the Newcastle neighbourhood of the City.
- The property is located in a built-up environment and the surrounding area is primarily a low-density residential area;
- The property is located in an area (radius of 500 m) with a mix of the following zones:
 - "Residential Low Density (R-2)";
 - "Mixed Use (MU)";
 - "High Density A (R-5)";
 - "Medium Density B (R-4)";
 - "Institutional (IN)";
 - "Business/Light Industrial (BLI)";
 - "Downtown District (DT)";
 - "General Commercial (GC)";
 - "Highway Commercial (HC)";
 - "Passive Recreation/Greenspace (PR)";
 - "Active Recreation (AR)";
- There is a variety of uses (businesses, institutions...) in a radius of 500 m from the subject property, as we can see on the map below:

Figure 6: Uses in the surrounding area



- The subject portion of the property is located in close proximity to local roads: Creaghan Ave, Petrie Street, Delano Ave.

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 will object to the proposed development of the property, especially considering the building under construction (same owner) on the adjacent property, with 8-units.

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

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

- The developer shall confirm the size of service laterals required and provide an updated drainage plan for the change in development.
- Once service laterals sizing has been confirmed, connection fees will be provided.

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 "Medium Density A (R-3)" to "Medium Density B (R-4)";

For the Subject Property described as PID 40552937, located at Creaghan Ave in the City of Miramichi, to allow a 14 unit apartment building;

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

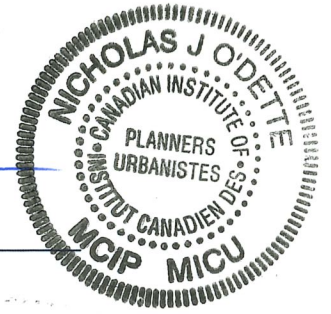
- a. That a 4.21m variance be granted to the rear yard requirement of the R-4 zone, a 0.57m variance to the side yard requirement of the R-4 zone (each side yard), and a 10% variance to requirement for Maximum coverage by open parking areas, driveways and vehicle movement areas of the R-4 zone.

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

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



Signed on: 3/14/24



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

2. Site Photos

a. Photo 1: view of the building under construction on adjacent PID 405515822



b. Photo 2: view of the building under construction on adjacent PID 4055158



c. Photo 3: view of surrounding neighbourhood (Petrie St)



d. Photo 4: view of subject property from Creaghan Ave



e. Photo 5: view of surrounding neighbourhood (Petrie St)

