



The City of Saint John

**Date:** January 14, 2022  
**To:** Planning Advisory Committee  
**From:** Growth & Community Services  
**Meeting:** January 18, 2022

**SUBJECT**

**Applicant:** Michael Goldenberg & Paul Mangion  
**Landowner:** 651413 NB Limited  
**Location:** 1429 Loch Lomond Road  
**PID:** 00312900 (portion)  
**Plan Designation:** Stable Residential  
**Existing Zoning:** Two-Unit Residential (R2)  
**Proposed Zoning:** Low-Rise Residential (RL) and Mid-Rise Residential (RM)  
**Application Type:** Rezoning, Variance and Subdivision  
**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee's recommendation at a public hearing on **Monday, February 7, 2022**.  
  
The *Community Planning Act* authorizes the Planning Advisory Committee to advise Common Council concerning the acceptance of money in-lieu of Land for Public Purposes dedications.

The *Community Planning Act* authorizes the Planning Advisory Committee to grant reasonable variances from certain requirements of the Zoning By-law and Subdivision By-law. Terms and conditions can be imposed.

### **EXECUTIVE SUMMARY**

The applicant has applied to rezone a portion of the parcel at 1429 Loch Lomond Road to accommodate a multiple-unit residential development. The applicant's current proposal involves a total of seven buildings ranging in size from 4 units to 30 units and providing a total of 82 dwelling units.

A proposal involving a total of 105 dwelling units (five, 4-unit buildings and five, 17-unit buildings) was recommended for denial by the Committee at their November 2021 meeting. Prior to the scheduled Public Hearing, the applicant requested the Public Hearing scheduled for December 13, 2021, be cancelled, and rescheduled to allow them to revise the proposal. Common Council granted the request and referred the revised proposal to the Committee for its consideration.

Approval of the rezoning is recommended as the proposed density and building forms integrate with the surrounding neighbourhood and conform to the policies established in the Municipal Plan.

Approval of the required variances and assent for money-in-lieu of Lands for Public Purposes and Local Government Services Easements for the proposed subdivision are also recommended.

### **RECOMMENDATION**

1. That Common Council rezone a parcel of land having an area of approximately 0.97 hectares, located at 1429 Loch Lomond Road, also identified as a portion of PID Number 00312900, from **Two-Unit Residential (R2)** to **Mid-Rise Residential (RM)**.
2. That Common Council rezone a parcel of land having an area of approximately 0.95 hectares, located at 1429 Loch Lomond Road, also identified as a portion of PID Number 00312900, from **Two-Unit Residential (R2)** to **Low-Rise Residential (RL)**.
3. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, impose the following conditions on the parcel of land having an area of approximately 1.92 hectares, located at 1429 Loch Lomond Road, also identified as a portion of PID Number 00312900:
  - (a) That the development be limited to a maximum of 82 dwelling units. Within the portion of the site zoned Low-Rise Residential (RL), development is limited to four buildings having a maximum height of two stories and a maximum of four units per building, and one building having a maximum of six dwelling units and a

height of two stories. Within the portion of the site zoned Mid-Rise Residential (RM), development is limited to two buildings having a maximum height of three stories and a maximum of thirty units per building.

- (b) That a landscaping plan be prepared for the site, for the approval of the Development Officer, demonstrating the following elements:
  - Landscaping along the Loch Lomond Road frontage of the site which includes the planting of a minimum of one tree or shrub for every 45 square metres of required front yard, provided at least 50 percent of the required plants are trees.
  - Landscaping along the eastern boundary of the site, adjacent to the existing dwellings along Lakefield Court.
- (c) That the final design of the site incorporates the following pedestrian connections to be maintained by the developer:
  - A sidewalk along the private access.
  - A pedestrian connection between the private access sidewalk and the current terminus of Norman Drive.
- (d) That the final design of the private access for the site incorporate a minimum width of 7.2 as recommended by the Traffic Impact Study prepared for the development.
- (e) That signage and pavement markings be installed and maintained to prevent vehicles from parking on or blocking any required turnaround area for fire fighting access on the proposed private access.
- (f) Exterior elevations of buildings within the development are to have a cohesive design incorporating elements including but not limited to similar colours, siding materials and door and window proportions and trim.
- (g) The development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle, and bicycle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and
- (h) The above elevation, landscaping, and site plans be attached to the permit application for the development of the parcel of land.
- (i) That any proposed changes to the development that would result in an increased sanitary sewage flow be reviewed by Saint John Water to determine that the sanitary sewer has adequate capacity to accommodate any proposed change.

- (j) The developer shall provide interconnectivity for the water distribution system (from Norman Drive to the proposed development site) prior to the final phase of this proposal and shall provide the required Local Government Services Easement. The width of the easement is subject to the review and acceptance by Saint John Water. The cost and responsibility for the interconnectivity of the water system shall be of the developer and shall be acceptable to the City.
  - (k) The developer shall provide the required Local Government Services Easements for the water main and sanitary sewer mains within the proposed development to provide for City ownership of this buried infrastructure. This requirement also extends to the water main connection to Norman Drive. The acceptance of these easements will be subject to review by Saint John Water. Acceptance of the watermain and associated easement by the City will not occur until the entirety of the watermain and associated interconnection between Loch Lomond Road and Norman Drive is constructed.
  - (l) If the developer does not provide watermain interconnectivity to Norman Drive and/or does not provide all required municipal services easements, the developer shall be responsible to provide premise isolation at Loch Lomond Road (at the developer's cost and responsibility) and all infrastructure piping on site shall remain private.
  - (m) If any municipal infrastructure improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete. Prior to determining this, detailed engineering plans and a design brief must be submitted by the owner/developer's engineering consultant to the City for review and approval by the City.
  - (n) That the developer provides a Wetland and Watercourse Alteration Permit, should one be required by the Province, or written confirmation that one is not required, to the Development Officer at the time of Building Permit application for portions of the project that are within 30 metres of a watercourse or wetland.
4. That the Planning Advisory Committee approve the following variances from the standards of the Zoning By-law:
- (a) A variance to permit parking within 3 meters of the side lot line for the proposed four-unit buildings.
  - (b) A variance to increase the maximum front yard building setbacks from 9 metres to:
    - i. between 13.7 metres and 18.42 metres for the five buildings in the area proposed to be zoned RL, and
    - ii. between 11.3 metres and 29.3 metres for the two buildings in the area

proposed to be zoned RM.

- (c) A variance to reduce the minimum rear yard from 6 metres to 3.25 metres for the proposed six-unit building.
- (d) A variance to permit parking in the required front yard of the proposed four-unit and six-unit buildings.
- (e) A variance to increase the access width from 30% of the lot frontage to 88% (approximately 23.5 metres) for the lots accommodating the 4-unit and 6-unit buildings.

These variances are conditional on Common Council approving the rezoning and only come into effect should Common Council give Third Reading to the proposed rezoning.

- 5. That the Planning Advisory Committee approve the access to all proposed lots from the proposed private street network, suitable for the passage of motor vehicles, as being advisable for the proposed development of land. This approval only comes into effect should Common Council give Third Reading to the proposed rezoning.
- 6. That the Planning Advisory Committee grant the following variances from the Subdivision By-law:
  - (a) A variance to permit a Private Street serving a form of development other than a Cluster Townhouse Dwelling subject to the condition that the Final Plans of Subdivision for the proposed development incorporate a notation stating the City of Saint John is not responsible for any maintenance of the Private Access;
  - (b) A variance from the requirements from subsections 14(8)(b)(i) and 22(1)(f) of the Subdivision By-law to allow for dwelling units in the proposed subdivision to be serviced by a storm sewer system other than a Municipal Storm Sewer System.

These variances only come into effect should Common Council give Third Reading to the proposed rezoning.

- 7. That Common Council assent to one or more subdivision plans, in one or more phases in general accordance with the site design and Tentative Plan of Subdivision for the proposed development with respect to the vesting of any Local Government Services Easements to be determined during detailed design.
- 8. That Common Council accept money-in-lieu of Land for Public Purposes for the proposed subdivision.
- 9. That Common Council amend the list of Official Street Names and approve the following change:

- Add the name "voie Blue Jay Way".

### **DECISION HISTORY**

In July 1993, the Planning Advisory Committee considered an application from Thomas Construction Limited and Paul Folkins to subdivide a large area of land situated at 1429-1433 Loch Lomond Road. This subdivision application involved the creation of approximately thirty-three (33) serviced residential lots and two new public streets.

In August 1993, Common Council assented to the overall subdivision plan, and authorized the preparation and execution of a City/Developer Subdivision Agreement to ensure provision of the required work and facilities. In addition, Common Council authorized the preparation and execution of a Section 101 Agreement to regulate the substantial excavation of the subject lands, which involved the regrading of the large site with the removal of approximately 100,000 cubic yards of gravel prior to subdivision development.

Since this time, the Committee has favourably considered additional phases of the adjoining Folkins Estates Incorporated subdivision at 1433 Loch Lomond Road. The 1993 applications involved a residential subdivision for single unit homes on the area where Lakefield Court currently exists and the area of PID 00312900 that is the subject of the current application. The proposed residential development on the portion of the subject site did not occur.

On June 27, 2000, the Committee considered an application to create three serviced residential lots along Loch Lomond Road from the subject parcel at 1429 Loch Lomond Road. The Committee recommended in favour of the application and Common Council assented to the tentative subdivision plan on July 4, 2000, however the lots were never created.

On June 17, 2011, the Committee considered an application to rezone the subject lands to "R-2" One and Two Family Residential and subdivide the subject site for the creation of 76 serviced lots. Considering the staff recommendation to approve the proposal, the Committee recommended denial to Common Council. Common Council agreed with the Committee and denied the application.

In December 2011, the Committee considered an application to develop a residential subdivision on the site in accordance with the standards of the "RS-2" One and Two Family Suburban Residential zoning of the site which existed at the time. Consistent with Staff Recommendation, the Committee recommended that Council provide the necessary assents to the proposed subdivision. These assents were given by Common Council on January 3, 2012; however, the proposed subdivision was not developed.

### **ANALYSIS**

#### **Proposal**

The applicant is proposing to construct a multiple-unit development including 82 dwelling units in 7 multiple-unit buildings. Two 30-unit buildings would be located on the western portion of the property, with these buildings being three stories in height and envisioned to contain a mix of 1,

and 2-bedroom units. Four four-unit buildings and 1 six-unit building will be located on the eastern portion of the site and will contain 3-bedroom units. The development will be accessed via a private access.

The developer has also initiated discussions with the Provincial Department of Social Development and has applied to have 9 units in the development included in the Federal/Provincial Affordable Rental Housing Initiative which funds affordable housing.

An earlier design concept developed for the site and presented at Public Open House held in the neighbourhood on September 23, 2021, proposed eight, 17-unit buildings with an additional private access connection to Norman Drive. The earlier design concept is provided in Submission 3: Comparison with Previous Proposals.

The current concept reduces the overall site density to 82 units, representing an overall net density of 43 units per hectare and does not provide a vehicular connection between Loch Lomond Road and Norman Drive. The four- and six-unit dwellings, which are two stories in height, are located in the eastern portion of the site and provide a transition between the two three story, 30-unit buildings and the adjacent area of existing development along Lakefield Court. In addition to the revised building topology, a 20-metre open area is provided as a buffer between the four-unit and six-unit dwellings and the eastern property line of the site.

Staff note the proposal is substantially different than that considered by the Committee in November 2021 given the following changes:

- A reduction in the total number of dwelling units from 105 to 82.
- A reduction in the number of buildings from 10 to 7.
- Avoidance of the watercourse and associated setback in the northern portion of the site.
- Removal of a 17-unit, 3 story building in the eastern portion of the site and replacing it with a 6-unit two storey building.
- Removal of four, 3 storey, 17-unit buildings in the eastern portion of the site and replacing these with two, three storey 30-unit buildings.
- Provision of a 7.2-metre-wide access width and pedestrian walkway in accordance with the recommendations of the earlier Traffic Impact Study.

This provides for reconsideration of the application in accordance with Paragraph 2.10 (c) of the Zoning By-Law and Subsection 7(8) of the Subdivision By-Law.

Target markets for the proposed development are singles, couples, families, and seniors. Rent levels for the affordable units will be in accordance with negotiated Provincial funding agreements, with rent levels for the other units similar to current rent prices on newly constructed units.

Construction of the development is anticipated to occur over five years, with the buildings fronting onto Loch Lomond Road being constructed first and with development proceeding northward from Loch Lomond Road.

**Site and Neighbourhood**

The subject site has an area of approximately 1.9 hectares and is located on the north side of Loch Lomond Road, east of the Bon Accord subdivision. The vacant site has approximately 100 metres of frontage along Loch Lomond Road. The elevation of the site ranges from 59 metres in the northern portion of the site to 52 metres along Loch Lomond Road.

The current proposal only deals with the 1.91-hectare portion of the site fronting on Loch Lomond Road, generally located south of the existing watercourse. This area represents approximately 25% of the 7.59-hectare overall site which extends approximately 820 metres north of Loch Lomond Road. The majority of the site will retain its current Two-Unit Residential (R2) zoning, with no development currently planned for the 5.68-hectare rear portion of the site.

Staff note that while no development is currently planned for the rear portion of the site, the current Two-Unit Residential (R2) zoning does provide for single, two-unit and semi-detached dwellings to be constructed as-of-right. While there are as-of-right provisions related to land use and zoning, additional assents and/or approvals related to aspects related to subdivision or access could be required for the as-of-right use.

Lands in the vicinity of the site are largely zoned Two-Unit Residential (R2) with existing development including the Bon Accord subdivision to the northwest of the site and the Folkins Estates and Ganong Subdivisions to the east and northeast of the site. Development within these areas is mostly single-unit dwellings with some two-unit and semi-detached dwellings.

An area of multiple unit development, zoned Mid-Rise Residential (RM), is located in the Bon Accord subdivision northwest of the site along Inverness Place. The adjacent property to the west of the subject site is zoned Mid-Rise Residential (RM) with two, six-unit buildings. Staff note the multi-unit development along Inverness Place is immediately adjacent to lots containing single-unit dwellings, with the lot containing the two six-unit buildings west of the site located approximately 30 metres away from lots containing single and two-unit dwellings.

Commercial, Institutional, and higher density residential uses also exist along this section of Loch Lomond Road with a 39-unit building recently completed at the intersection of Loch Lomond Road and Eugene's Way for seniors housing located approximately 700 metres west of the subject site within an area zoned Mid-Rise Residential (RM). This segment of Loch Lomond Road also contains other non-residential uses including a convenience store and gas bar, churches, and a telephone switching facility.

**Municipal Plan****Municipal Plan**

The site is designated as Stable Residential in the Municipal Plan. An analysis of the proposal with respect to the relevant policies of the Municipal Plan is provided in Attachment 2. Key findings indicate that the built form and density is compatible with the surrounding neighbourhood and aligns with the policy direction provided in the Municipal Plan. Staff also note that the proposed development would be considered infill development of a vacant parcel



of land utilizing existing municipal services, which conforms to a key direction established in the Municipal Plan.

Staff note the area is designated as Stable Residential in the Municipal Plan. While a density target is not provided for Stable Residential areas, in this case the surrounding residential neighbourhoods have predominately lower density building types such as single and two-unit dwellings with higher density multiple unit dwellings also located in the surrounding neighbourhood. These areas of multiple unit development include two, 6-unit buildings located immediately west of the site at 1421 Loch Lomond Road, five buildings ranging between 12 and 30 units along Inverness Place, and a 39-unit building at the intersection of Loch Lomond Road and Eugene's Way. Of relevance is the mid-rise residential development located in Bon Accord Subdivision, along Inverness Place approximately 300 metres northwest of the subject site. These five lots along Inverness Place have between 45 and 61 units per hectare, with an average density of 51 units per hectare.

The proposed development has a density of 43 units per hectare, which although comparable, is lower than the average density of the existing area of multiple unit development in the Bon Accord subdivision. This overall net density for the proposed development has been reduced from 55 units per hectare in the proposal considered by the Committee in November and from the proposed 105-unit count in the applicant's original proposal.

The proposed overall net density of 43 units per hectare is also comparable to the density targets established in the Plan of between 20 and 45 units per hectare for Low Density Intensification Areas and between 35 and 90 units per hectare in Low to Medium Density Residential areas.

While the Stable Residential land use designation does not have a numeric density target, instead relying on the context of the surrounding neighbourhood, Staff note the proposed density of 43 units is within the density target of between 35 and 90 units per hectare envisioned in Low to Medium Density Residential areas and is slightly under the upper threshold of 45 units per hectare in Low Density Intensification areas. In addition, there are developments within the surrounding neighbourhood that have comparable levels of density. Given this Staff are of the opinion that the proposed density is reasonable for the proposed development site.

The proposal also conforms to other Policy directions for the Stable Residential designation including:

- ***Compatibility with Existing Development*** – Separation is provided from adjacent areas of residential development along Bon Accord Drive and Lakefield Court through buffering and a transition in building massing and density.
- ***Adequacy of Servicing and Transportation*** – Water and sanitary sewer capacity exists for the proposed development. Loch Lomond Road is served by transit and a Traffic Impact Study has identified that no off-site transportation improvements are

required to support the development. As the site is located within the Primary Development Area, it represents the infill of a site along an arterial roadway corridor where services exist.

- **Building Design** - While the architectural finishes including cladding and window and door treatments are subject to detailed design, the massing of the proposed buildings is consistent with multiple unit buildings located within the surrounding area.
- **Site Location** - The site is located on an arterial roadway and is located approximately 650 metres east of the Forest Hills / Lakewood Suburban Intensification Area and 300 metres east of the existing Stable Commercial designation along Loch Lomond Road.
- **Impact on Intensification Areas** – Multi-unit residential development has been and is currently being constructed in the adjacent Intensification Area with the recent completion of the Knights of Columbus apartments at the intersection of Loch Lomond Road and Eugene's Way and the construction of the Calabria Estates development off Mountain View Drive. Other intensification areas such as the Uptown and Millidgeville area are also experiencing strong demand and given this, the proposal is not anticipated to detract from demand being experienced in the Intensification Areas established in the Municipal Plan.

The proposal represents an opportunity to introduce additional density into a suburban context within East Saint John to meet the demands of future population growth and evolving housing needs in this area of the City and the broader community. Housing provided by the development can provide affordability for many sectors of the market including a growing student population at NBCC and provide housing in proximity to employment nodes in East Saint John including the refinery, industrial parks, and regional retail districts. Development in this area is also supported by recreational assets such as the Irving Oil Fieldhouse and the Little River Reservoir District Park. Also, the site is located along a corridor that is transitioning with commercial, institutional, and other medium density residential developments.

#### Affordable Housing

A key goal of the Municipal Plan is to provide an appropriate range of housing types. Unit sizes and affordability and form of ownership at various densities are needed to meet the needs and income levels of current and future City residents. The developer has applied to the Provincial Department of Social Development for funding to incorporate 9 affordable housing units in the development under the Federal/Provincial Affordable Rental Housing Initiative. Funding for these units could be provided as early as Spring-2022. This approach conforms with the intent of the Municipal Plan to integrate mixed incomes across all neighborhoods within the City.

From the above summary and the analysis of conformance with the Municipal Plan Policies (Attachment 2), Staff are of the opinion that the proposed development achieves the intent of the Municipal Plan based on the density, the proposed uses, and the building forms in the proposed development.

While recent developments have involved the provision of public benefits by the developer which have been formalized through Section 59 conditions of Section 101 Agreements, Staff note the provision of the affordable housing component is subject to funding flowing through the developer through a Federal/Provincial agreement and as such is not within the total control of the Developer. Given this, a specific condition attached to the rezoning requiring the provision of affordable housing units is not recommended by Staff.

### **Rezoning and Variances**

The subject site and parent parcel is currently zoned Two-Unit Residential (R2). A rezoning is proposed as follows:

- a 0.97-hectare portion of the site, comprising the western portion of the site is proposed to be rezoned to Mid-Rise Residential (RM) to accommodate the two 30-unit buildings.
- a 0.95-hectare eastern portion of the site is proposed to be rezoned to Low Rise Residential (RL) to provide for the four, 4-unit buildings and one, 6-unit building.

The provision of the Low Rise Residential (RL) zone in the eastern portion of the site provides a transition in building form and density between the area of proposed Mid-Rise Residential (RM) development and the area of existing Two-Unit Residential (R2) development to the east of the site along Lakefield Court.

Amenity spaces within the development will consist of balconies for the dwelling units and landscaped and grassed communal areas exterior to the buildings.

Staff note the four and six-unit buildings will incorporate three-bedroom units and the proposed lot sizes are adequate to meet the requirements of the Low Rise Residential (RL) Zone. The two 30-unit buildings will incorporate a mix of one and two-bedroom units, and staff note the building located on Lot 21-6 may require a variance to reduce the required lot area from that required by the Zoning By-Law when the design is confirmed. Staff note the area of Lot 21-6 provides sufficient area for the building to be located within the required setbacks along with the required parking and amenity areas.

The development will require five variances from the Standards of the Zoning By-law as detailed below.

Section	Variance Requested
10.3(3)(e) 10.4(2)(e)	A variance to increase the maximum front yard setback from 9 metres to: a) between 13.7 metres and 18.42 metres for the five buildings in the area proposed to be zoned RL, and b) between 11.3 metres and 29.3 metres for the two buildings in the area proposed to be zoned RM.

Staff Response

The Zoning By-Law requires a maximum front yard setback in the RL and RM zones to encourage buildings to be placed close to the street and create a sense of enclosure along the public realm. In this case, the increased front yard setbacks for five of the seven buildings are along the private access for the development, limiting their impact on the public realm. These variances are also a function of locating parking for the proposed buildings along the private access which seeks to mitigate the impacts of the development on the surrounding residential areas, especially those to the east of the proposed development. With respect to the increased front yard setback along Loch Lomond Road for the two southernmost buildings in the development Staff are recommending a Section 59 condition requiring enhanced front yard land landscaping along Loch Lomond Road.

Section	Variance Requested
6.1(e)(i)	A variance to permit parking in the required front yard of the proposed four-unit and six-unit buildings and the northern 30-unit building.

Staff Response

The intent of restricting parking within the front yard is to minimize the impacts on the public realm. In this case, there is no impact on views from a Public Street, such as Loch Lomond Road, as the proposed access will be a private access. As a result, it will only be the view from the internal "private street" that is impacted. In addition, the placement of the parking areas adjacent to the Private Street eliminates it from the view of the adjacent area of existing residential development to the east of the site. Given the lack of impact on the public realm, Staff consider the variance reasonable and recommend it be granted.

Section	Variance Requested
4.1(1)(e)(i)	A variance to increase the access width from 30% of the lot frontage to 88% of the lot frontage (approximately 23.5 metres) for the lots accommodating the 4-unit buildings.

Staff Response

The intent of the access width restriction is to manage the impacts of turning traffic on adjacent roadways and to manage the impacts of a wide paved area on the aesthetics along the Public Street corridor. A dead-end private access will serve the proposed development. As the site access does not involve a Public Street designed to handle through traffic, impacts on the traffic accessing an adjacent building in the proposed development will be minimal.

Staff also note the proposed parking and access configuration for the four-unit buildings seeks to minimize the impact on the adjacent residential area along Lakefield Court by providing an uninterrupted, landscaped rear yard between the proposed buildings and the adjacent development. Given this, Staff recommend approval of the variance.

Section	Variance Requested
4.2(5)(i)(i)	A variance to permit parking within 3 meters of a side lot line (1.4 metres) for the proposed four-unit buildings.

Staff Response

Parking for the proposed four-unit buildings is located at the front of the buildings in a single-tier layout. This design seeks to limit the impact on the adjacent residential area to the east

along Lakefield Court by locating the parking along the private street and providing an uninterrupted, landscaped rear yard between the proposed buildings and the adjacent development. Given this, Staff recommend approval of the variance.

Section	Variance Requested
10.4(2)(f)	A variance to reduce the minimum rear yard from 6 metres to 3.25 metres for the proposed six-unit building.
<u>Staff Response</u> This variance relates to the six-unit building fronting on Loch Lomond Road. As the building has a front lot line along Loch Lomond Road, the rear yard of the lot is located adjacent to the lot containing the four-unit building to the north. As the building fronts onto the private access the rear yard functions as a side yard. Given this impact is related to an internal property line within the development, Staff are supportive of the variance and recommend it be granted.	

### Servicing and Traffic

A preliminary review of servicing and infrastructure modelling has been completed by Infrastructure Development and Saint John Water and has not yielded any concerns with respect to water or sewer capacity. A consultant engaged by the applicant has completed a Traffic Impact Statement<sup>1</sup> for the proposed development scenario with 105 dwelling units. It has been noted the 82-unit proposal would have a lower traffic impact on study area intersections through reduced traffic volumes. Key findings of the Traffic Impact Statement are summarized below:

- It is expected that the proposed development will generate 40 vehicle trips during the AM Peak hour (10 entering/30 exiting), 48 vehicle trips during the PM Peak hour (29 entering/19 exiting), and a total of 608 trips daily.
- An analysis of the Level of Service (LOS) for the 2030 horizon period with the development in place indicates that the intersection of Loch Lomond Road and the development access (site driveway) will operate efficiently and be well below capacity with the development in place.
- The development is expected to increase traffic volumes on Loch Lomond Road by 4%, which is equivalent to approximately 4 years of background growth. The consultant does not anticipate significant impacts to traffic operations on Loch Lomond Road to occur as a result of the development.
- A sight distance review was completed for vehicles exiting the proposed development access. It was determined that the existing sight distances from the proposed intersection of 345 metres to the east and 245 metres to the west meet the minimum intersection and stopping sight distances recommended by Transportation Association of Canada (TAC).

<sup>1</sup> Englobe Corp. Traffic Impact Statement – 1429 Loch Lomond Rd Residential Development. October 29, 2021

- A sight distance review was completed for a potential crosswalk on Loch Lomond Road at the development access. It was determined that the existing sight distances towards the proposed crosswalk location to the west of the proposed access of 88 metres from the east and 79 metres from the west do not meet the minimum decision or stopping sight distances recommended by TAC. Based on the sight distance results, a crosswalk is not recommended across Loch Lomond Road at the development access. The existing crosswalk at Bon Accord Drive should be sufficient in meeting any additional pedestrian crossing demand from the development.
- A left turn lane warrant was completed for vehicles turning left into the development from Loch Lomond Road. The analysis concluded that a left turn lane would not be warranted at the intersection because the left turning volumes during the AM and PM peak hours would not be high enough.
- Based on a review of the proposed access road, it was determined that the proposed width of 6 metres does not meet the TAC recommended width range between 7.2 metres and 12.0 metres for a two-way multi-unit residential development. It is recommended that the width of the access road be widened to fit within this range. Staff note a Section 59 condition is recommended related to the increased access width and Staff note this has been shown on the most recent concept plan.
- A turnaround area will be required in accordance with the building code for large emergency vehicles in accordance with required standards for fire access. It is recommended that signage and pavement markings be installed to prevent vehicles from parking on or blocking the area. Staff note a Section 59 condition is recommended related to these design features.
- Based on a review of the existing and proposed pedestrian infrastructure, it is recommended that a pedestrian connection be included between the development and Loch Lomond Road. This could be achieved by adding a sidewalk along the access road into the development site. It was also noted that a multi-use trail could be added on the northeast corner of the development property to provide an Active Transportation connection between Norman Drive and the development. Staff note these features are recommended through proposed Section 59 conditions and have been shown on the revised plan.
- A review of the existing transit stops near the proposed development site concluded that transit users will have the option between two transit stops that are in proximity to the development site.

The reduction in dwelling units from 105, as assessed in the traffic impact study, to 82 will result in lower traffic volumes and impacts than forecast.

#### Recommended Section 59 Conditions

Staff are recommending a series of conditions be imposed in accordance with Section 59 of the *Community Planning Act*. These conditions include considerations relating to the scope of the development, access and pedestrian connections and landscaping along the Loch Lomond Road frontage and the eastern boundary of the site.

- **Scale of Development** – Staff recommend a condition limiting the development proposal to the parameters proposed in the application. This condition will limit the development to a maximum of 82 dwelling units. Development within the area zoned Low-Rise Residential (RL) will be limited to four, 4-unit buildings having a maximum height of 2 stories, and a two story six-unit building. Development in the portion of the site zoned Mid-Rise Residential (RM) is recommended to be limited to two 30-unit buildings (maximum number of units per building) having a height of three stories.
- **Landscaping Plan** – A condition is recommended to require a landscaping plan, for the approval of the Development Officer, which details the landscaping to be completed by the developer along the Loch Lomond Road frontage of the site and along the eastern boundary of the site, adjacent to the existing dwellings along Lakefield Court.
- **Pedestrian Connectivity** – Staff recommend a condition requiring a sidewalk to be provided along the proposed Private Access and a pedestrian connection between this sidewalk and the current terminus of Norman Drive, with this sidewalk and pedestrian connection to be maintained by the developer. Also, with respect to active transportation, Staff note bicycle parking will be required in accordance with the Zoning By-Law requirements.
- **Access Width** – The Traffic Impact Study for the site recommended the proposed 6 metre width of the Private Access be widened to between 7.2 metres and 12 metres. Staff are recommending a Section 59 condition in relation to the 7.2-metre-wide access width detailed on the applicant's recent submission.
- **Wetland and Watercourse Alteration Permit** – A watercourse was noted in the northern portion of the site through consultation with the New Brunswick Department of Environment and Local Government and a review of aerial photography and mapping. The revised design has development occurring outside of the 30-metre watercourse buffer. NBDELG also noted the potential for unmapped wetlands on portions of the site. Staff recommend a condition requiring the Developer to provide a Wetland and Watercourse Alteration Permit, should one be required by the Province, or written confirmation that one is not required to the Development Officer at the time of Building Permit application for portions of the project that are within 30 metres of a watercourse or wetland.
- **Sanitary Sewer Servicing** – While Staff are proposing a condition limiting the development to 82 dwelling units, a condition is also recommended that any proposed changes to the development that would result in an increased sanitary sewage flow be

reviewed by Saint John Water to determine that the sanitary sewer has adequate capacity to accommodate the proposed change.

- **Water Distribution Network** – Staff are recommending a condition requiring the developer to connect the water distribution for the proposed development to the existing system on Norman Drive. This will provide an additional connection between Loch Lomond Road and the area of existing development to the east of the site. This work shall be completed prior to the final phase of this proposal. This looping of the water system will provide improved water quality and connectivity in the distribution network. The City will not assume ownership of the watermain and associated easement(s) until the watermain has been constructed in its entirety with the interconnection between Loch Lomond Road and Norman Drive.

If the developer does not provide watermain interconnectivity to Norman Drive and/or does not provide all required municipal services easements, the developer shall be responsible to provide premise isolation at Loch Lomond Road (at the developer's cost and responsibility) and all infrastructure piping on site shall remain private.

- **Provision of Local Government Services Easements** - The developer shall provide the required Local Government Services Easements for the water main and sanitary sewer mains within the proposed development, to provide for City ownership of this buried infrastructure. This requirement for easements also extends to the water main connection to Norman Drive. The acceptance of these easements will be subject to a review by Saint John Water.
- **Required Infrastructure Upgrades** – Consistent with City Policy, if any municipal infrastructure improvements are required to service this proposal, these will be the owner/developer's full responsibility and cost to complete. Prior to determining this, detailed engineering plans and a design brief must be submitted by the owner/developer's engineering consultant for review and approval by the City.
- **Detailed Plans** – Staff are also recommending the standard condition requiring the development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, and submitted with the permit application for the development of the parcel of land.
- **Building Elevations** - The Mid-Rise Residential (RM) and Low-Rise Residential (RL) zones do not regulate façade materials or building design elements such as cladding. Staff have recommended a Section 59 condition requiring exterior elevations of buildings within the development to have a cohesive design utilizing design elements including but not limited to similar colours, siding materials and door and window proportions and trim.

Staff note that detailed engineering plans for the development will be subject to review and approval by the City. Saint John Water has noted a water flow (hydrant) test is required to be



completed by the developer prior to detailed design. The development will also be subject to the City's Drainage By-law which requires that the engineered stormwater management plan achieve a zero net increase from the site (i.e., limits post-development discharge to the existing pre-development discharge).

Staff are of the opinion the rezoning meets the intent of the Municipal Plan and that the variances to support the proposed development are reasonable. Given this, approval of the rezoning and variances are recommended.

While staff recommend the Committee approve these variances, the variances would only come into effect following approval of the rezoning by Common Council. Given this, staff recommends a condition making the variances conditional on the approval of the development by Common Council through the provision of Third Reading.

### **Subdivision**

A subdivision of the site is proposed which will result in the creation of separate lots for each of the proposed buildings. This approach is often taken in developments involving, multiple buildings as the separate parcels of land for each building provide for construction mortgages and refinancing to occur on an independent building basis.

Under the *Community Planning Act*, it is the jurisdiction of the Planning Advisory Committee to consider authorizing access other than a public street. As the development is serviced entirely by a private street, this authorization is required. In addition to this, variances from private street parameters set out in the Subdivision By-law are required. With these variances, the proposal is still able to meet the intent of the Subdivision By-law.

Section 14(8) of the Subdivision By-law limits the use of Private Streets to the following criteria:

1. The development is in the Primary Development Area;
2. The proposed development consists of cluster townhouse dwellings; and
3. The proposed dwellings are serviced by Municipal Water, Sanitary Sewer and Storm Sewer.

### **Access to Multiple Unit Dwelling**

The site is in the Primary Development Area; however, the proposed private street serves a series of multiple unit buildings. The intent of this requirement was to specifically permit private streets for forms of residential development which provide a higher density form of development and an ownership structure such as a condominium association, which would fund and maintain the ongoing operation and maintenance of the private streets. In this case, the intent of the by-law is met through the provision of a higher density housing form in an urban area of the city. This is also justification for approval of the lot(s), block(s) or parcel(s) of land which do not abut a Public Street in accordance with Subsection 15(2) of the Subdivision By-law.

### **Private Stormwater System**

Subsection 14(8)(b)(i) of the Subdivision By-law allows for Private Streets to be developed

where Municipal Water, Municipal Sanitary Sewer and Municipal Storm Sewer is provided. This is also a requirement through subsection 22(1)(h) of the by-law requiring the provision of Municipal Storm Sewer infrastructure by the Developer.

Servicing for the proposed development includes Municipal Water and Municipal Sanitary Sewer Mains that would be located within easements in the private street. Stormwater management would be provided via a private system. The provision of the private stormwater system requires a variance from the requirements of subsections 14(8)(b)(i) and 22(1)(h) of the Subdivision By-law. Staff recommend approval of the variance as the design of storm water management within the proposed development, including the internal collection system, will be subject to the review and approval of the City through the Drainage By-Law.

As with the variances to the Zoning By-Law, Staff recommend a condition on the variances that the variances only come into effect upon Third Reading of the rezoning along with a condition requiring a notation on the Final Plans of Subdivision that the City of Saint John does not provide any maintenance of the Private Access.

#### Design of Private Streets

Private streets are required to be designed to the City's General Specifications which provide for sidewalks, concrete curb, and roadway surfaces having asphalt paving to ensure emergency and vehicular traffic can be accommodated. The private street network may be owned and maintained by a private entity but would be suitable for fire, emergency and municipal maintenance vehicles.

The applicant has engaged an engineering consultant to prepare a Traffic Impact Statement which included a review of the proposed site access. The consultant has recommended the width of this access be increased from 6 metres to between 7 metres and 10 metres with the provision of a sidewalk to provide for pedestrian access to Loch Lomond Road. These elements have been recommended as Section 59 conditions by Staff.

#### Servicing and Local Government Service Easements

A preliminary review of servicing has not yielded any concerns with respect to water/sewer capacity. It is recommended that Council assent to all necessary Local Government Service Easements to provide for the proposed water and sanitary sewer mains. These easements will be finalized through work associated with the plan of subdivision and will provide access to the water and sanitary sewer mains which will be municipally owned.

#### Land for Public Purposes

The Subdivision By-law requires ten percent of the area of a proposed subdivision to be vested to the City as Land for Public Purposes (LPP). Such land dedications must be assented to by Common Council. However, at the discretion of Council, a money in-lieu of LPP dedication may be accepted.

The Subdivision By-law encourages the assent of proposed LPP dedications that involve a pedestrian walkway between streets or land required to support the City's Trails and Bikeways

Strategic Plan. Otherwise, the Subdivision By-law encourages the acceptance of money in-lieu of LPP dedications for subdivisions that do not offer these benefits. This approach is supported by The City of Saint John Parks and Recreation Strategic Plan (PlaySJ) and the Parks and Recreation service area. Since the proposed subdivision does not meet the land dedication requirements of the Subdivision By-law, staff is recommending the acceptance of money in-lieu of a LPP dedication.

The *Community Planning Act* requires that money in-lieu of LPP dedications represent eight percent, as required by the Subdivision By-law, of the market value of the unimproved land at the time of subdivision. In the case where both lots have already been developed, this amount will be determined based on the estimated unimproved land value of the proposed new lot.

The Act also requires that money in-lieu dedications be deposited into a special account and that Council expend the money for “acquiring or developing land for public purposes<sup>2</sup> and for no other purpose.”

In this case, money-in-lieu of LPP will be taken for the proposed subdivision.

#### Street Name

The applicant has suggested three names for the proposed street which have been reviewed by the City’s GIS Service Area, with ‘Blue Jay Way’ approved by the City. Unlike Public Street names, which are subject to the approval of the Committee, the names of Private Streets are subject to the approval of Common Council. The Staff recommendation contains the appropriate approval of the proposed street name.

In 2022, the City will be reviewing the process by which street and facility names are reviewed and this may result in changes to the current process where the Developer provides possible street names to the City for review.

#### **Conclusion**

The proposed development conforms to the policy direction in the Municipal Plan and generally meets the standards provided in the Zoning and Subdivision By-laws with variances related to the design of the internal areas of the development. The proposed density and building forms fit within the context of the surrounding neighbourhood. Approval of the rezoning is recommended subject to Section 59 conditions and conditions related to specific design elements for the proposal.

The proposed subdivision is supported by Staff and the required Council assent is provided in the recommendation.

#### **ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives are proposed.

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<sup>2</sup> Land for public purposes means land, other than streets, for the recreational or other use or enjoyment of the public (*Community Planning Act*, 2018).

**ENGAGEMENT****Proponent**

The proponent held a public open house on the evening of September 23, 2021, at the Renewed Hope Church of God (1411 Loch Lomond Road), with notification distributed to area residents. The original design for a 136-unit development with eight, 17-unit buildings was presented at this meeting. The applicants, their design consultant, a representative of Envision Saint John and City staff, and between 40 and 60 residents attended the event.

As a result of input gained at the Open House, the applicant prepared a revised proposal for the application submission considered by the Committee at their November 2021 meeting which proposes 105 dwelling units and a lower density and building scale adjacent to the lots along Lakefield Court. The developer provided information regarding the revised design concept to landowners in the immediate neighbourhood of the development prior to the November 2021 Committee meeting.

Based on the outcome of the November 2021 Committee meeting the applicant reduced the unit count within the development to 82-units. As with the November 2021 proposal, the current proposal incorporates a minimum 20-metre buffer between the 4-unit and 6-unit buildings and the eastern property line of the site which seeks to mitigate the impacts of the proposed development on the existing residences located along Lakefield Court.

**Public**

In accordance with the Committee's Rules of Procedure, notification of the revised proposal was sent to landowners within 100 metres of the subject property on January 5, 2022. Notice of the Public Hearing for the rezoning will be posted on the City of Saint John website on or before January 17, 2022.

**APPROVALS AND CONTACT**

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**Application:** 21-166

**APPENDIX**

Map 1: **Aerial Photography**

Map 2: **Future Land Use**

Map 3: **Zoning**

Attachment 1: **Site Photography**

Attachment 2: **Municipal Plan Policy Review**

Submission 1: **Site Plan**

Submission 2: **Tentative Plan of Subdivision**

Submission 3: **Comparison with Previous Proposals**