



The City of Saint John

**Date:** May 16, 2024  
**To:** Planning Advisory Committee  
**From:** Growth & Community Services  
**Meeting:** May 22, 2024

### **SUBJECT**

**Application:** 24-0044  
**Application Type:** Rezoning and Section 59  
**Applicant:** Jordan Van Thiel  
**Landowner:** Jordan Van Thiel  
**Location:** 15 O'Brien Street  
**PID:** 00415711  
**Plan Designation:** Stable Residential  
**Existing Zoning:** General Commercial (CG)  
**Proposed Zoning:** Two-Unit Residential (R2)  
**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, June 24, 2024**.

### **EXECUTIVE SUMMARY**

The applicant is requesting to rezone the subject site from General Commercial (CG) to Two-Unit Residential (R2) to align the zone to the existing duplex. The applicant is also requesting to remove all Section 59 conditions placed on the subject site, 15 O'Brien Street, that were tied to a development proposal that never materialized and spanned across the subject site and the neighbouring property 730 Wilson Street. Approval of the application is recommended.

## **RECOMMENDATION**

1. That Common Council rezone a piece of land having an area of approximately 3,118 square metres, located at 15 O'Brien Street, also identified as PID Number 00415711 from **General Commercial (CG)** to **Two-Unit Residential (R2)**.
2. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, rescind the conditions imposed on the September 26, 2022, rezoning for the parcel of land having an area of approximately 3,118 square metres, located at 15 O'Brien Street, also identified as PID Number 00415711.

## **DECISION HISTORY**

On September 26, 2022, Common Council approved the rezoning of 15 O'Brien Street from **Two-Unit Residential (R2)** to **General Commercial (CG)**. This rezoning was associated with a large-scale residential development project that was to incorporate 15 O'Brien Street and 730 Wilson Street. As a result of the rezoning, Common Council imposed Section 59 conditions on 15 O'Brien Street and 730 Wilson Street that reads as follows:

1. That the development of the site be limited to the applicant's proposal for a mixed-use development incorporating two buildings with uses limited to the following:
  - The southern building, located adjacent to Wilson Street having a maximum of 50 dwelling units and 4 live-work units.
  - the northern building be limited to a maximum of 50 dwelling units.
2. That notwithstanding subparagraph 11.7(3)(c)(i) of the Zoning By-Law, dwelling units may be located below the second storey of the proposed buildings.
3. 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 including front yard landscaping in conformance with the Zoning By-Law and side yard landscaping as illustrated on the site plan submitted with the application.
4. The above plans referenced in (c) be attached to the permit application for the development of the parcel of land.
5. That pedestrian access to and from the development is facilitated by connecting to the sidewalk on O'Brien Street.
6. 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.

7. That the parcel of land be developed and maintained in accordance with an engineering storm water drainage plan and design report, prepared by a professional engineer on behalf of the proponent and subject to the approval of the Chief City Engineer, and that such approved plan and report be attached to any development and/or building permit for the proposed development.
8. Should the location of the building sprinkler connections necessitate the installation of an additional fire hydrant, this hydrant installation will be at the expense of the developer.
9. That concrete curb and sidewalk be extended by the developer along the Wilson Street frontage of the site.
10. That prior to issuance of any building permits for the proposed development, a Traffic Impact Statement be completed by an engineering consultant engaged by the developer at the developer's expense to review the traffic impacts on the existing roadway network and any required improvements to the existing road network including traffic calming measures. Any improvements identified by the Traffic Impact Statement be the developer's responsibility and cost to complete.

## **ANALYSIS**

### **Proposal**

The applicant is seeking to rezone the subject property from General Commercial (CG) to Two-Unit Residential (R2), and to rescind the existing Section 59 conditions. This application will enable the existing duplex to be a legal use, as opposed to its current status as a legal non-conforming use.

### **Site and Neighbourhood**

The subject site is in the Greendale neighbourhood situated between Fairville Boulevard and Manawagonish Road. Being located squarely between Manawagonish Road to the north and Fairville Boulevard to the south, the subject site sits between the dividing line of commercial activity and residential neighbourhood.

### **Municipal Plan and Zoning**

The subject site and the residential aspect of the neighbourhood are designated Stable Residential. Neighbourhoods located within the Stable Residential designation are within the Primary Development Area, are generally on municipal services, and have the potential to accommodate additional development at a scale and density consistent with the surrounding context. Given the existing building is a duplex and there are no intentions of redevelopment, the subject site aligns with the Stable Residential designation.

The subject site is zoned General Commercial (CG). While the residential aspects of the neighbourhood are predominantly One-Unit Residential (R1) and Two-Unit Residential (R2), the broader commercial lands are zoned General Commercial (CG) and Regional Commercial (CR). The original zoning of the property was R2, and was rezoned on September 26, 2022, to CG to facilitate a larger development that also incorporated the property located at 730 Wilson Street.

The development that would have occupied both 15 O'Brien Street and 730 Wilson Street is no longer possible as the development partnership has ceased to exist. The two properties are separately owned, and the proposed rezoning and rescinding of the Section 59 Conditions will only impact 15 O'Brien Street. Rezoning the subject site to R2 would align with both the existing and historical zoning of the area as well as the Municipal Plan.

### **Infrastructure and Protective Services**

The City's Infrastructure Development, Building and Fire, and Emergency Management Service Areas also reviewed the proposal. No concerns were raised by the City's Service Areas.

### **Conclusion**

The proposed rezoning aligns with the policies established in the City's Municipal Plan and conforms to the City's Zoning By-law. Staff are recommending the rescinding of all existing Section 59 conditions.

### **ENGAGEMENT**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on May 6, 2024.

**APPROVALS AND CONTACT**

Author	Manager	Director	Commissioner
<b>Thomas Lewallen</b>	<b>Jennifer Kirchner, MCIP, RPP</b>	<b>Pankaj Nalavde</b>	<b>Amy Poffenroth</b>

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**APPENDIX**

Map 1: **Aerial Photography**

Map 2: **Future Land Use**

Map 3: **Zoning**

Submission 1: **Letter of Intent**

Attachment 1: **Site Photography**

Attachment 2: **Municipal Plan Review**

Dear Members of the City Council,

I am writing to request the rezoning of 15 O'Brien Street back to Residential R2 zoning. Having recently been sold to a young family, the property holds significant sentimental value for them. This family is eager to establish roots in our community and raise their children on the same block where they themselves grew up. Rezoning the property to Residential R2 would allow them to realize this dream and contribute positively to the vibrancy and stability of our neighborhood.

Moreover, reverting the property to Residential R2 zoning aligns with the overall character and composition of our community. The surrounding area primarily consists of residential homes, and restoring this property to its intended designation would maintain the cohesive nature of our neighborhood.

I firmly believe that supporting young families in our community is crucial for its continued growth and prosperity. By rezoning 15 O'Brien Street to Residential R2, we demonstrate our commitment to fostering an environment where families can thrive and create lasting memories.

In conclusion, I urge the City Council to approve the rezoning of 15 O'Brien Street, back to Residential R2 zoning. Doing so will not only fulfill the aspirations of the new homeowners but also uphold the integrity and residential charm of this beloved neighborhood.

Thank you for considering this matter. I trust that you will make the decision that best serves the interests of our community.

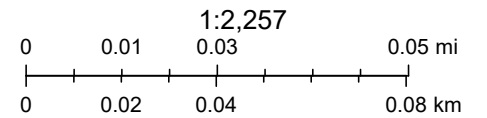
Jordan Van Thiel,



# Aerial Photo - 15 O'Brien Street



 Subject Property

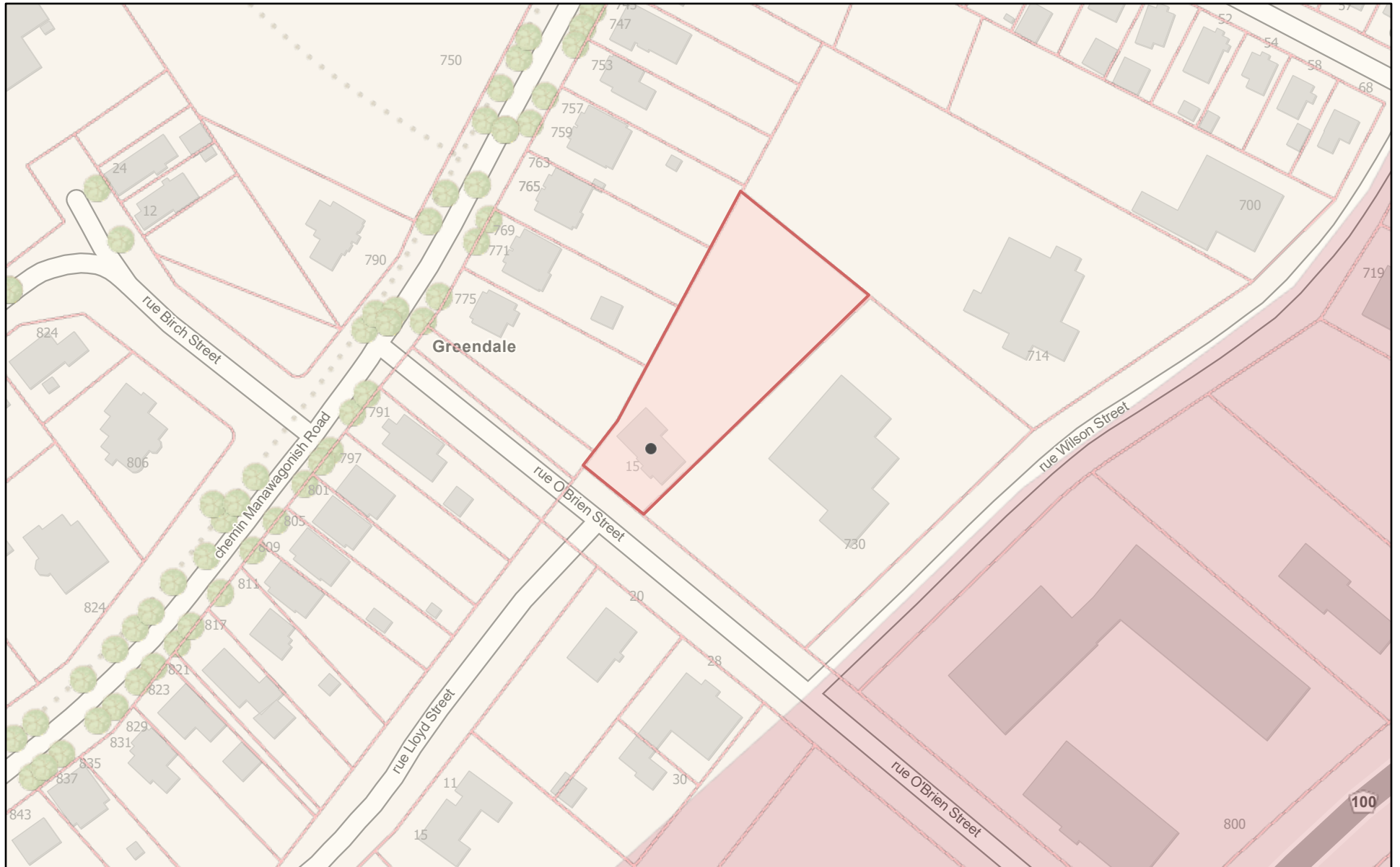


The City of Saint John, Service New Brunswick, New Brunswick Emergency Measures Organisation

GIS Viewer  
(C) City of Saint John




# Future Land Use - 15 O'Brien Street

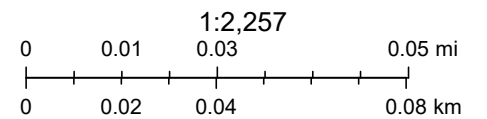


 Subject Property

Future Land Use

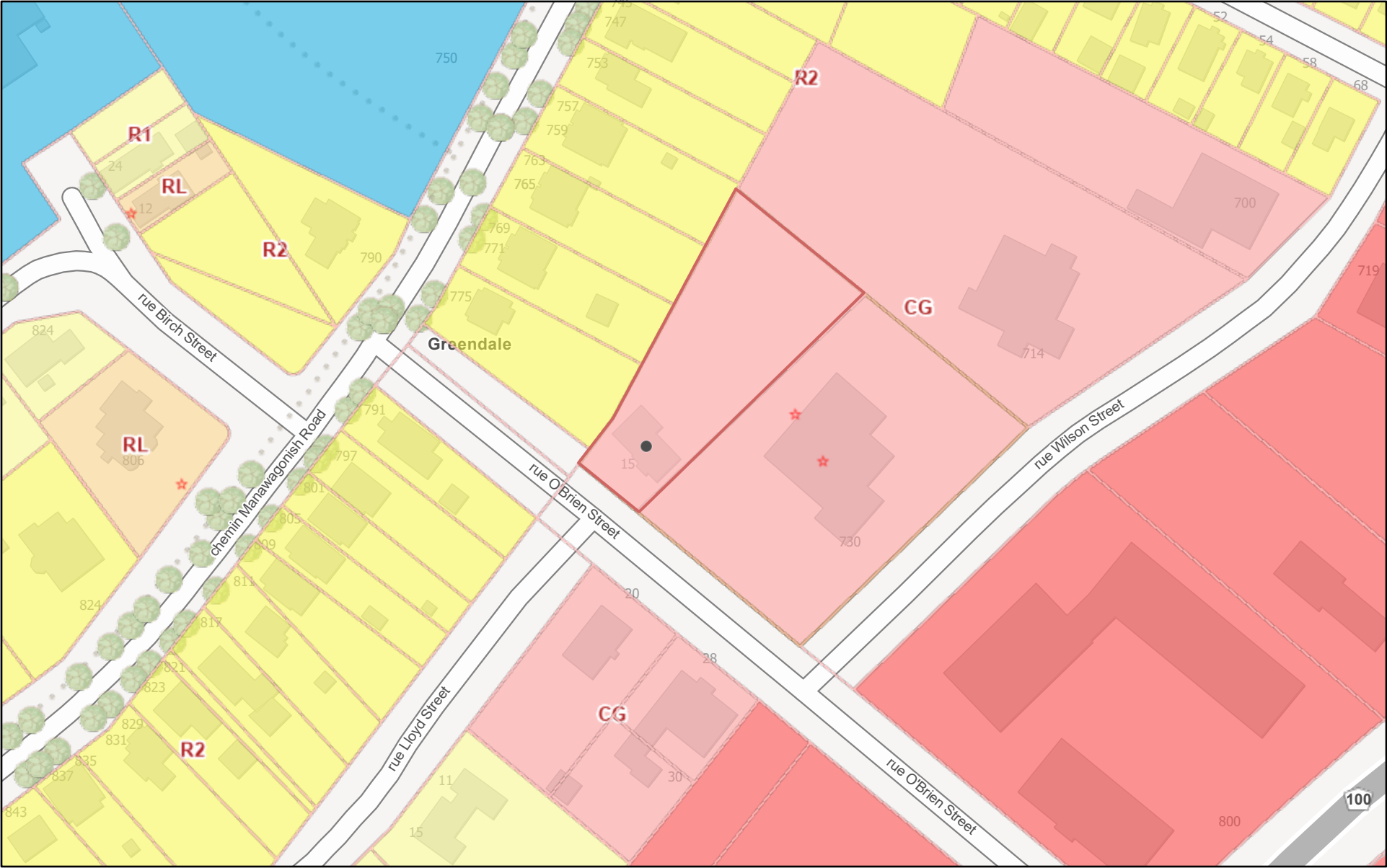
 Stable Residential









 Regional Retail Centre

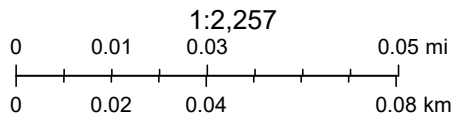




# Zoning - 15 O'Brien Street



 Subject Property	<b>Zoning</b>	 R1	 CFN
 RL	 CR	 Conditional Zoning Lines	
 R2	 CG	 Conditional Zoning	





*15 O'Brein Street*

**Attachment 2: Municipal Plan Review – 15 O’Brien Street**

Municipal Plan Policy	Planning Assessment
<p><b>Policy I-2</b>            In considering amendments to the Zoning Bylaw or the imposition of terms and conditions, in addition to all other criteria set out in the various policies of the Municipal Plan, have regard for the following:</p> <ul style="list-style-type: none"> <li>a. The proposal is in conformity with the goals, policies and intent of the Municipal Plan and the requirements of all City bylaws;</li> <li>b. The proposal is not premature or inappropriate by reason of:               <ul style="list-style-type: none"> <li>i. Financial inability of the City to absorb costs related to development and ensure efficient delivery of services, as determined through Policy I-7 and I-8;</li> <li>ii. The adequacy of central wastewater or water services and storm drainage measures;</li> <li>iii. Adequacy or proximity of school, recreation or other community facilities;</li> <li>iv. Adequacy of road networks leading to or adjacent to the development; and</li> <li>v. Potential for negative impacts to designated heritage buildings or areas.</li> </ul> </li> <li>c. Appropriate controls are placed on any proposed development where necessary to reduce any conflict with adjacent land uses by reason of:               <ul style="list-style-type: none"> <li>i. Type of use;</li> <li>ii. Height, bulk or appearance and lot coverage of any proposed building;</li> <li>iii. Traffic generation, vehicular, pedestrian, bicycle or transit access to and from the site;</li> <li>iv. Parking;</li> <li>v. Open storage;</li> <li>vi. Signs; and</li> <li>vii. Any other relevant matter of urban planning.</li> </ul> </li> <li>d. The proposed site is suitable in terms of steepness of grade, soil and geological conditions, locations of watercourses, wetlands and susceptibility of flooding as well as any other relevant environmental consideration;</li> <li>e. The proposal satisfies the terms and conditions of Policy I-5 related to timeframes and phasing of development; and</li> <li>f. The proposal meets all necessary public health and safety considerations.</li> </ul>	<ul style="list-style-type: none"> <li>a. The proposal aligns with various aspects of the Municipal Plan, as detailed below, and the Two-Unit Residential (R2) zoning within the Zoning By-Law.</li> <li>b. –               <ul style="list-style-type: none"> <li>i. There will be no added financial burden to the City.</li> <li>ii. The building’s water/wastewater flows will not change as the existing duplex is staying.</li> <li>iii. There are schools within walking distance.</li> <li>iv. Located between Manawagonish Road and Fairville Boulevard.</li> <li>v. N/A</li> </ul> </li> <li>c. An existing duplex that was previously zoned R2 and meets the design standards of the zone.</li> <li>d. The existing building is staying.</li> <li>e. N/A</li> <li>f. The proposal meets the necessary public health and safety consideration set out by the City’s Infrastructure Development, Public Works, Building and Fire and Emergency Management Service Areas.</li> </ul>