



The City of Saint John

**Date:** November 14, 2024  
**To:** Planning Advisory Committee  
**From:** Growth & Community Services  
**Meeting:** November 19, 2024

**SUBJECT**

**Applicant:** Plazacorp Property Holdings Inc.  
**Landowner:** Plazacorp Property Holdings Inc.  
**Location:** 35 University Avenue  
**PID:** 55221717  
**Existing Plan Designation:** Local Centre  
**Existing Zoning:** General Commercial (CG)  
**Application Type:** Section 59 Amendment  
**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to Section 59 conditions. Common Council will consider the Committee's recommendation at a public hearing on **Monday December 9, 2024.**

**EXECUTIVE SUMMARY**

The applicant is seeking an amendment to the Section 59 conditions imposed on the 2016 rezoning of the site. Construction of a drive-thru restaurant is proposed in the northwestern corner of the site adjacent to the University Avenue and Millidge Avenue intersection.

Staff recommend amending the Section 59 conditions governing development on the site to allow for the construction.

**RECOMMENDATION**

1. That Common Council, rescind the conditions imposed on the June 13, 2016, rezoning of the property located at 35 University Avenue, also identified as PID Number 55221717.
  
2. 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 approximate area of 1.5 hectares, located at 35 University Avenue, also identified as PID Number 55221717:
  - (a) Any development of the site shall be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer. This detailed landscaping plan must include the following:
    - i. Landscaping along the University Avenue and Millidge Avenue site frontages including retention of existing trees where possible;
    - ii. A 6-metre-wide treed buffer to be retained along the eastern boundary of the site adjacent to Candlewood Lane;
    - iii. Landscaping along the boundary of the site with the adjacent property (PID 55024210) east of the pharmacy drive thru lane;
    - iv. Details of the proposed pedestrian amenity area located on the development site adjacent to the University Avenue/Millidge Avenue intersection.
  
  - (b) That a cross-access agreement be provided between the subject site and the adjacent City owned fire station site (PID 55221709), at the discretion of City Staff, when the fire station site is redeveloped.
  
  - (c) That the developer be responsible for the costs related to the design and construction of a left turn lane into the site from University Avenue as identified in the 2024 Traffic Impact Study competed for the drive-thru restaurant development. Design of the turn lane is subject to City approval.
  
  - (d) That the developer provide a payment of \$60,000 to the City for previously installed crosswalk upgrades and future upgrades to the adjacent University Avenue/Millidge Avenue signalized intersection. This payment is to be in the form of certified cheque payable at the time of the application for the first Building Permit for the development.
  
  - (e) That vehicular access not be provided between Candlewood Lane and the development site (PID 55221717);
  
  - (f) That no development occur on the 6-metre-wide portion of the property along the eastern boundary of the site (PID 55221717) with Candlewood Lane and

PID 00426411 and that the existing trees be retained in this 6-metre-wide area;

- (g) That servicing for electrical and telephone utilities be provided underground from existing facilities.

### **DECISION HISTORY**

On June 13, 2016, Common Council approved amendments to the Municipal Plan and the Zoning By-Law. Municipal Plan Amendment C. P. 106-13 redesignated the site from Low to Medium Density Residential to Local Centre and Zoning By-Law Amendment C.P. 111-25 rezoned the site from Neighbourhood Community Facility (CFN) to General Commercial (CG). The 2016 application supported the construction of the existing pharmacy on site.

Section 59 Conditions were imposed including a requirement that future development be subject to a Section 59 amendment, a requirement for area transportation improvements by the developer and standards conditions related to the preparation of detailed site, landscaping and building elevation plans, stormwater and servicing plans.

### **ANALYSIS**

#### **Proposal**

The applicant is proposing a Section 59 amendment to allow for the construction of a 376 square metre drive-thru restaurant in the northwestern portion of the site, adjacent to the Millidge Avenue/University Avenue intersection. Site access will utilize the existing driveway from University Avenue.

#### **Site and Neighbourhood**

The subject property is situated in the southeast quadrant of the Millidge Avenue/University Avenue intersection in Millidgeville and has an area of 1.5 hectares. The site has frontage on both University Avenue and Millidge Avenue. A pharmacy with a drive-thru is located on the eastern portion of the subject site and will remain.

The neighbourhood surrounding the site contains a variety of land uses. Undeveloped private lands and a City-owned parcel containing a former fire station are located south of the site. Residential neighbourhoods are located to the east and west of the site. To the north of the property is a mixture of commercial and community uses including a self-storage facility, a Wendy's/Tim Horton's restaurant, a seniors housing and care facility, and the Charles Gorman Arena.

The subject property is currently zoned General Commercial (CG), with other area commercial uses having this zoning. Residential zoning in the area includes One-Unit Residential (R1), Two-Unit Residential (R2) and Mid-Rise Residential (RM). The seniors' facility and arena properties are zoned Major Community Facility (CFM).

## **Municipal Plan**

The site is designated as a Local Centre in the Municipal Plan, intended to provide retail and service-oriented commercial uses, community-oriented development, and higher-density residential options to serve North End and Millidgeville residents.

An analysis of the proposal with respect to the relevant policies of the Municipal Plan is provided in Attachment 2. The proposed development conforms to the Municipal Plan, with the proposed landscaping along the frontages of the site and the development of the proposed pedestrian amenity area at the University Avenue/Millidge Avenue intersection aligning with key elements of the plan policies. Section 59 conditions are proposed for these specific elements.

## **Zoning**

The site is zoned General Commercial which permits a drive-thru restaurant. The design of the site meets the standards of the Zoning By-Law, except for a portion of the parking lot circulation aisles. A variance to reduce their width from 6 metres to approximately 5.8 metres is required and will be processed as a Development Officer variance prior to building permit issuance.

Landscaped islands are provided within the parking and drive thru areas satisfying the Zoning By-Law requirement for landscaped areas within a parking lot. In addition to minimizing the scale of the parking area, these provide for traffic channelization promoting safer vehicle and pedestrian circulation on site.

## **Section 59 Amendment**

The 2016 rezoning of the site was subject to conditions imposed by Common Council. These conditions required that any additional development other than the existing pharmacy be approved via a Section 59 amendment and require an additional Traffic Impact Study to support the future development.

These conditions were intended to allow for a future development proposal to be reviewed through a public process involving the Planning Advisory Committee and Common Council. This provides for an assessment of the suitability of the site and building design and any required infrastructure improvements.

A complete listing and assessment of all the current Section 59 conditions is provided in Attachment 3.

In reviewing the Section 59 amendment application, Staff assessed two issues:

- Is the site and surrounding infrastructure suitable to support the proposed development?
- Are there existing Section 59 conditions that are no longer warranted or new conditions that are warranted?

## **Site Suitability and Traffic Impacts**

The proposed restaurant meets the standards of the Zoning By-Law and conforms to the intent of the Municipal Plan. The main issue identified from the review of the Municipal Plan policies is

the need for high-quality landscaping along the site frontages to mitigate the views of the parking areas. This can be accomplished by a Section 59 condition requiring enhanced landscaping and formalizing the developer's construction of a pedestrian amenity area at the University Avenue/Millidge Avenue intersection as shown on the site plan.

An updated Traffic Impact Study<sup>1</sup> was completed to assess the traffic impacts of the proposed drive-thru restaurant. This included an analysis of traffic operations for two access scenarios for the site:

- Scenario 1 - Access via the existing Jean Coutu driveway
- Scenario 2 - Access via the existing Jean Coutu driveway and a new full access driveway onto Millidge Avenue.

The summary in Submission 3 presents key findings from the traffic study:

- The development is projected to generate 197 trips in the AM peak and 146 trips in the PM peak.
- Scenario 2 slightly improves overall traffic conditions, reducing vehicle delay at the University Avenue/Millidge Avenue intersection by 1 second, with minimal differences in delays for specific turning movements.
- Scenario 2 would reduce delays for vehicles exiting onto University Avenue, impacting only vehicles exiting the site driveway without significantly affecting adjacent street circulation.
- Although two access points could marginally improve traffic flow, adding an access on Millidge Avenue would require changes to the site layout and additional property acquisition. Therefore, the study recommends a single access point on University Avenue, along with a dedicated left-turn lane, to manage site traffic effectively.

The City's Transportation Engineer cautions PAC and Council on the potential for at least a perception from the community of unacceptable levels of congestion where the development accesses University Avenue. Shortly following the opening of the existing pharmacy, members of the community raised concerns with excessive traffic congestion related to the following:

- the high volume (Tim Horton's) driveway across University Avenue from the site;
- the queue for the Tim Horton's drive thru extending onto University Avenue;
- the proximity of the University/Millidge intersection;
- the location of a Transit shelter/stop in the vicinity of the site access; and
- traffic volumes accessing the Tim Horton's driveway coinciding with peak traffic periods on University Avenue.

The City mitigated these community concerns through a series of roadway improvements in the area and the level of community concern was subsequently reduced. However, the addition of

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<sup>1</sup> exp Services Inc. Traffic Impact Study for a McDonald's restaurant on University Avenue – Saint John, NB. February 2024

another high-volume, peak-hour traffic generator on the subject site presents a concern for Traffic Engineering Staff. They note this increase in traffic will coincide with existing peak traffic on University Avenue and the Tim Horton's driveway, where mitigation options are already limited. Staff caution that the overlapping traffic flows could exacerbate congestion, making it difficult to manage the associated impacts effectively at this location. City staff concur it is difficult for the developer's traffic consultant to quantify public perception regarding site access delays, but there exists a degree of risk for increased congestion at the site access driveways that the Committee and Council should consider in its decision making.

With respect to an access onto Millidge Avenue, Staff note the adjacent fire station site has been declared surplus by the City and will be subject to a Request for Expression of Interest for development. Over the longer term, as the fire station site is developed, a cross-access agreement could be developed to provide for a shared access onto Millidge Avenue serving both the subject site and the adjacent city property. Given this, Staff recommend a new Section 59 condition for the subject site that such access be provided at the discretion of City Staff should the fire station site be developed.

A new Section 59 condition is also recommended requiring provision of the left turn lane into the site from University Avenue by the developer, subject to a design approved by the City.

Based on the results of the Traffic Impact Study completed in 2016, Section 59 conditions were imposed requiring the following work to be completed by the developer:

- The installation of crosswalk infrastructure at the Shannex Driveway/University Avenue intersection, or
- Enhancements to the signals at University Avenue/Millidge Avenue intersection (pedestrian signals on the east leg).

City-initiated improvements in the area to manage area traffic congestion issues included the installation of the crosswalk infrastructure at the intersection of the Shannex Driveway and University Avenue. Improvements to the University Avenue/Millidge Avenue intersection are still required to enhance pedestrian signals. It is anticipated these improvements will be coordinated with a capital project to reconstruct the intersection.

Given the City's expenditure on the crosswalk upgrades and continued need for upgrades at the adjacent signalized intersection, Staff recommend a Section 59 condition requiring the Developer to provide a \$60,000 contribution to traffic improvements in the area. This is based on the cost of the crosswalk upgrades being \$10,000 plus \$50,000 towards the eventual intersection reconstruction and traffic signal renewal. This will fulfill the Developer's requirements from the original traffic impact study recommendations and Section 59 conditions from the 2016 rezoning.

**Applicability of Existing and Additional Section 59 Conditions**

Staff have reviewed the existing Section 59 conditions, imposed on the 2016 rezoning and identified if they can be rescinded, retained or modified. This is summarized with the listing of existing Section 59 conditions in Attachment 3.

In addition to new conditions related to the cross-access agreement with the fire station site and developer responsibility for transportation system improvements, conditions related to the following elements are proposed to be retained or modified:

- site landscaping including along site frontages and adjacent to Candlewood Lane,
- a prohibition on vehicle access between Candlewood Lane and the development site, and
- underground electrical and communication servicing.

**Conclusion**

Approval of the application is recommended as it conforms to the Municipal Plan and Zoning By-Law. Revised Section 59 conditions are recommended.

**ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives are proposed.

**ENGAGEMENT****Public**

In accordance with the Committee's Rules of Procedure, notification of the application was sent to landowners within 100 metres of the subject property on November 5, 2024. Notice of the Public Hearing for the rezoning was posted on the City of Saint John website on November 13, 2024.

**APPROVALS AND CONTACT**

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**Application:** 24-249

**APPENDIX**

Map 1: **Aerial Photography**

Map 2: **Future Land Use**

Map 3: **Zoning**

Attachment 1: **Site Photography**

Attachment 2: **Municipal Plan Policy Review**

Attachment 3: **Existing Section 59 Conditions**

Submission 1: **Site Plans**

Submission 2: **Building Elevations**

Submission 3: **Traffic Impact Study Conclusions and Recommendations**