PLANNING ADVISORY COMMITTEE

January 24, 2020



The City of Saint John

His Worship Mayor Don Darling and Members of Common Council

Your Worship and Councillors:

SUBJECT: Rezoning Application 819 Millidge Avenue

On December 16, 2019, Common Council referred the above matter to the Planning Advisory Committee (Committee) for a report and recommendation. The Committee considered the attached report at its January 21, 2020 meeting.

A presentation by Mark O'Hearn, Growth & Community Planning, was provided to the Committee outlining the report and recommendation.

The applicant, Mr. Andrew Toole of Don-More Surveys & Engineering Ltd., appeared before the Committee in agreement with the staff report and recommendation. Mr. Toole provided a presentation in support of the application.

Mr. Brian Irving of DevelopSJ appeared before the Committee and provided a presentation in support of the application.

Thirteen citizens appeared before the Committee about this application. Two of these citizens, Hodges Hamm and Sandy Robertson, spoke in favour, while the following 11 citizens spoke against: Katharine Herrington, Alanna Newman, Debbie McCormack, Peter Larsen, Yuri Klitinsky, Seth Stoddart, Natalia Pavey, Brian Stone, Hasell Kerr, Lisa Heppell-Hayes and Katherine Powell. During Dr. Herrington's address, the Chair asked how many people in the audience were against the development, at which point 23 people stood up.

Citizen concerns and objections were related to the mass and height of the proposed apartment buildings, increased density of the site, lack of transition and separation from single detached housing in the area, increased traffic and safety

(especially for school children), infrastructure capacity issues, drainage, loss of property values, and lack of public notice and engagement.

The applicant appeared again before the Committee to address the citizen concerns and objections. Mr. Toole indicated that the development could be properly serviced and that drainage would be regulated by the City, which would improve the drainage of the property.

The applicant later expressed a willingness to restrict the height of the proposed apartment buildings to 12 metres, the same height permitted by the existing Neighbourhood Community Facility (CFN) zoning of the property. The applicant also offered to prohibit blasting when developing the property.

After considering the report and recommendation, presentations, and attached correspondence from 37 citizens, the Committee resolved not to recommend approval of the rezoning application.

RECOMMENDATION:

That Common Council deny this rezoning application.

Respectfully submitted,

Alex Weaver Crawford

Chair

Attachments



The City of Saint John

Date: January 17, 2020

To: Planning Advisory Committee

From: Growth & Community Planning

Growth & Community Development Services

Meeting: January 21, 2020

SUBJECT

Applicant: Don-More Surveys & Engineering Ltd.

Landowner: 1201990 Ontario Ltd.

Location: 819 Millidge Avenue

PID: 55059828 & 00046615

Plan Designation: Low to Medium Density Residential

Existing Zoning: Neighbourhood Community Facility (CFN)

Proposed Zoning: Mid-Rise Residential (RM)

Application Type: Rezoning

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 recommendation at a public hearing

on Monday, February 10, 2020.

EXECUTIVE SUMMARY

The proposal involves the redevelopment of a church property at 819 Millidge Avenue to a multiresidential development consisting of two apartment buildings. The applicant is seeking to rezone the property from Neighbourhood Community Facility (CFN) to Mid-Rise Residential (RM).

The Municipal Development Plan (Plan) supports the proposal, and the development will satisfy the requirements of the Zoning By-law, except for a lot area variance to be considered by the Development Officer.

Staff recommends approval of the rezoning with the proposed conditions outlined below.

RECOMMENDATION

- 1. That Common Council rezone a parcel of land having an area of approximately 7,818 square metres, located at 819 Millidge Avenue, also identified as PID Numbers 55059828 and 00046615, from Neighbourhood Community Facility (CFN) to Mid-Rise Residential (RM).
- 2. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, impose the following conditions on the proposed multi-residential development on the parcel of land having an area of approximately 7,818 square metres, located at 819 Millidge Avenue, also identified as PID Numbers 55059828 and 00046615:
 - (a) 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, driveway accesses, vehicle and bicycle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features;
 - (b) Trees and shrubs be planted in the front and flankage yards, as well as the side yard adjacent to the properties along Hayward Court, to the same standard required by the Zoning By-law for developments in Commercial and Community Facility zones, and that such trees and shrubs be planted within one year from the issuance date of the development permit; and
 - (c) The above building elevation and site plans be attached to the permit application for the development of the parcel of land.

DECISION HISTORY

There are no previous planning decisions with respect to this property.

ANALYSIS

Proposal

Don-More Surveys & Engineering Ltd. is seeking permission to redevelop the property at 819 Millidge Avenue with two four-storey apartment buildings (Submissions 1 & 2). Together, the buildings would contain 88 dwelling units – 32 one-bedroom and 56 two-bedroom units. There would be approximately 55 underground parking spaces constructed beneath the buildings. In addition to landscaped areas, amenity spaces would include exterior balconies for each dwelling unit and interior fitness and event rooms in each building.

The site would be developed with a paved centralized parking area having barrier-free spaces (barrier-free spaces are also anticipated underground) with driveway accesses to both adjacent streets. A surface parking area for 19 vehicles is proposed in the western portion of the site. The remainder of the property would be landscaped, including trees and shrubs in the front and flankage yards, as well as along the rear property line of the residences abutting Hayward Court and Donaldson Street.

Site and Neighbourhood

The property is located at the corner of Millidge and Daniel Avenue in Millidgeville (Map 1). The Anglican Church (The Church of St. John Baptist and St. Clement) has used the property for many years. Two vacant church buildings and a rectory (residence) are present on the property. The Sister Shelia Manor senior's complex (25 Daniels Avenue) abuts the property to the west (Map 4).

The neighbourhood to the north is comprised of single detached dwellings, and there are single detached dwellings along the streets adjacent to the property (Hayward Court, Donaldson Street, Daniel Avenue and Millidge Avenue). The M. Gerald Teed Memorial School (99 Daniel Avenue) and a community centre (151 Black Street) are approximately 70 metres to the west. The Shannex retirement living and nursing home complex (700 Millidge Avenue) is approximately 96 metres to the southwest. A four-storey apartment building (630 Millidge Avenue) is adjacent to Shannex. There are a number of commercial properties (661-725 Millidge Avenue) located approximately 157 metres to the south and southwest.

Municipal Plan and Rezoning

The property is designated by the Municipal Plan as Low to Medium Density Residential (Map 2). A range of housing types is permitted in this designation, with an emphasis on lower density forms of housing, including townhouses, semi-detached, duplex and single detached dwellings. The Stable Residential area to the north of the property consists of this lower density form of housing.

Notwithstanding, the Plan recognizes that new housing development of higher density may be appropriate in this designation, such as apartments and condominiums, provided such higher density forms of housing are subject to a rezoning process and demonstrate compliance with Policy LU-51 (Attachment 2).

The property is also located in a Suburban Intensification Area. Intensification Areas are intended to develop with the highest concentration of land uses appropriate for their neighbourhoods, and they are the primary places for growth to proceed in the community. The Plan supports a density up to 90 residential units per net hectare for the Millidgeville Intensification Area. The inclusion of the proposed multi-residential development of 88 new units will only result in an overall density of 8 residential units per net hectare.

As discussed in Attachment 2 (Municipal Plan Policy Review), the proposed development would redevelop a long-existing church property at the intersection of two collector streets. This area is served by public transit and pedestrian movement is provided by public sidewalks throughout the neighbourhood.

The mass and or height of the proposed apartment buildings are comparable to other developments in the Intensification Area, including the mentioned Shannex complex, a four-storey apartment building, a school, a community centre, commercial buildings and an adjoining senior's housing complex. The architecture, mass and height of the proposed apartment buildings are consistent with the Urban Design Principles of the Municipal Plan (Attachment 2, Policy UD-9). The proposed buildings would be finished with masonry and cementitious siding. Site design for the proposed development satisfies the community standards for new multi-residential developments.

In consultation with Infrastructure Development and Saint John Water, it is anticipated that the proposed development can be serviced by existing infrastructure in this area of Millidgeville. Detailed servicing plans and design flows will need to be prepared by the proponent.

Staff has determined that the Plan supports the proposed multi-residential development and rezoning of the property to Mid-Rise Residential (RM). Staff is recommending that the development and use of the property be in accordance with building elevation and site plans approved by the Development Officer.

It is also recommended that the property be landscaped with trees and shrubs as required by the Zoning By-law for developments in Commercial and Community Facility zones, and that such trees and shrubs be planted within one year from the issuance date of the development permit.

Zoning By-law Compliance

Except for a lot area variance (see Lot Area Variance report section), the proposed multi-residential development can satisfy the requirements of the Mid-Rise Residential (RM) zone and the general provisions of the Zoning By-law.

The development requires 70 onsite parking spaces. The proposal includes 80 parking spaces, including about 55 underground parking spaces. The development will require 27 bicycle parking spaces, which will be provided in the underground parking areas.

The Zoning By-law requires that all driveway accesses and parking areas be developed with asphalt and enclosed with continuous concrete curbing. As required by the Zoning By-law, the proposed driveways are 30 metres or more from the street intersection, and they do not exceed the maximum width of 9 metres for two-way operation.

The proposed apartment buildings can meet or exceed setback requirements for the Mid-Rise Residential (RM) zone. According to the consulting architect, the proposed apartment buildings will be 12.75 metres in height (measured to the top of parapets), which is below the maximum height standard of 14 metres allowed in this zone. In comparison, the architect has indicated that the existing church building on the property is 14.5 metres high (measured to the roof ridge of the sanctuary). The existing Neighbourhood Community Facility (CFN) zone permits a maximum height of 12 metres.

The remainder of the site is required to be landscaped within one year after the issuance of the development permit. As mentioned, a Section 59 condition is recommended that trees and shrubs be planted in the front and flankage yards, as well as the side yard abutting the residential properties along Hayward Court, and that such trees and shrubs be to the same standard as required for developments occurring in Commercial and Commercial Facility zones. This will require one tree or shrub for every 45 square metres of required yard, and will require that at least 50 percent of the required plants to be trees. Coniferous trees, shrubs or fencing, will also be required between the proposed surface parking lot and the abutting residential properties along Hayward Court and Donaldson Street.

Lot Area Variance

A variance to reduce the minimum lot area requirement of the Zoning By-law will be required for the proposal. The property has an area of 7,818 square metres, but the Zoning By-law requires an area of 11,760 square metres for the proposed multi-residential development of 88 units. This represents a difference of 3,942 square metres, a 33.5 percent reduction from the standard.

The minimum lot area standard helps to ensure sufficient area to accommodate surface parking, landscaping and amenity space for new development. Where underground parking and internal amenity space is provided, it is reasonable to consider a reduction from this standard, especially for developments occurring in Intensification Areas.

It is also important to note that the Mid-Rise Residential (RM) zone permits a lot occupancy up to 50 percent, whereas the proposed multi-residential development only has a lot occupancy of 31 percent.

The Development Officer will consider the lot area variance at the permitting stage, if the rezoning is approved by Council.

Conclusion

The inclusion of the proposed multi-residential development is appropriate for the Millidgeville Intensification Area and will help to achieve the growth targets set out in the Plan for new housing.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternative was considered.

ENGAGEMENT

Proponent

In December 2019, a flyer about the proposed development was hand delivered to approximately 100 residences surrounding the property.

Public

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 January 9, 2020. The rezoning was posted on the City of Saint John website on January 16, 2020.

APPROVALS AND CONTACT

Author	Manager	Commissioner
Mark O'Hearn, CPT	Kenneth Melanson, MCIP, RPP	Jacqueline Hamilton, MCIP, RPP

Contact: Mark O'Hearn **Telephone:** (506) 649-6075

Email: Mark.OHearn@saintjohn.ca

Application: 19-0257

APPENDIX

Map 1: Site Location
Map 2: Future Land Use

Map 3: **Zoning**

Map 4: Aerial Photography

Attachment 1: Site Photography

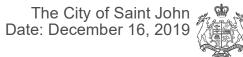
Attachment 2: Municipal Plan Policy Review

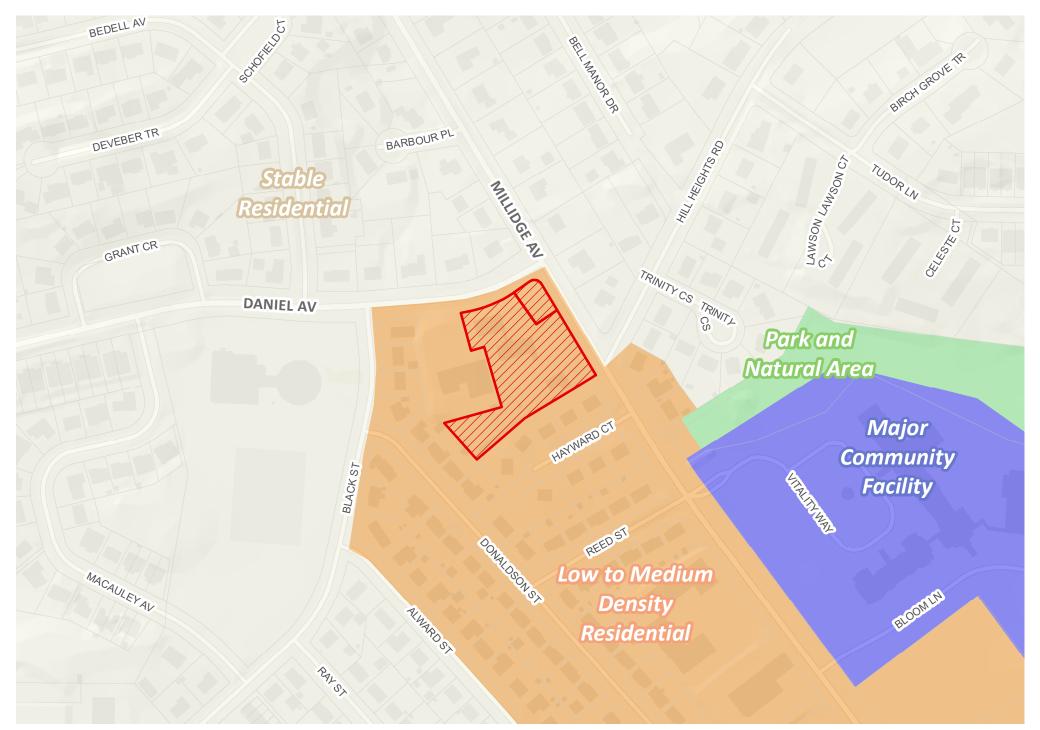
Submission 1: Site Plan

Submission 2: Concept Elevation Plan



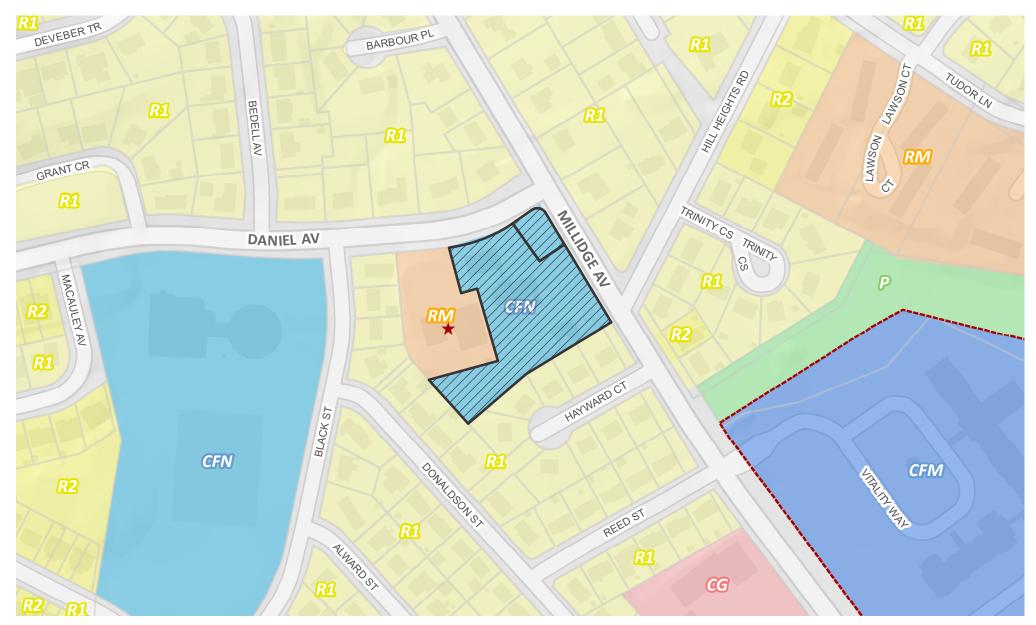
Map 1 - Site Location
Don-More Surveys & Engineering Ltd. - 819 Millidge Avenue





Map 2 - Future Land Use
Don-More Surveys & Engineering Ltd. - 819 Millidge Avenue





(CFM) Major Community Facility

(R2) Two-Unit Residential

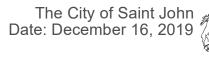
(CFN) Neighbourhood Community Facility (RM) Mid-Rise Residential

(CG) General Commercial

(P) Park

(R1) One-Unit Residential

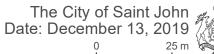
★ Section 59 Conditions



Map 3 - Zoning



Map 4 - Aerial Photography
Don-More Surveys & Engineering Ltd. - 819 Millidge Avenue











Attachment 1: Site Photography
Don-More Surveys & Engineering Ltd. - 819 Millidge Avenue



Policy	Staff Comment		
3.5.1 Intensification Areas Intensification Areas are intended to develop with the highest concentration of land uses in the City. The type and/or mix are dependent on the type of Intensification Area. These areas are identified as the primary places for growth to proceed.	The property is located in a Suburban Intensification Area.		
Low to Medium Density Residential	The property is designated Low to Medium Density Residential.		
Policy I II 50			
Policy LU-50 Within the Low to Medium Density designation, a range of housing types is permitted with an emphasis on the provision of lower density forms of housing including townhouses, semi-detached, duplex and single detached dwellings. Other compatible uses may be permitted in the Low to Medium Density designation without amendment to the Municipal Plan, including, but not limited to, convenience stores, home occupations, parks and community facilities.	See Policy LU-51.		
Dellar I II 54			
Policy LU-51 Notwithstanding Policy LU-50, recognize that new housing development of higher density may be appropriate in the Low to Medium Density designation, such as apartment and condominium dwellings, and shall be permitted subject to a rezoning process, where such development demonstrates compliance with the following requirements:	The proposal involves the redevelopment of a church property to a multi-residential development consisting of two apartment buildings. The applicant is seeking to rezone the property from Neighbourhood Community Facility (CFN) to Mid-Rise Residential (RM).		
a. Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;	The property is at the intersection of Millidge and Daniel Avenue, both designated collector streets. Transit service is available along Daniel Avenue and north along Millidge Avenue.		
b. Subject lands are located at the periphery of low density residential neighbourhoods;	The property is bounded by two significant collector streets in Millidgeville on the edge of an Intensification Area.		

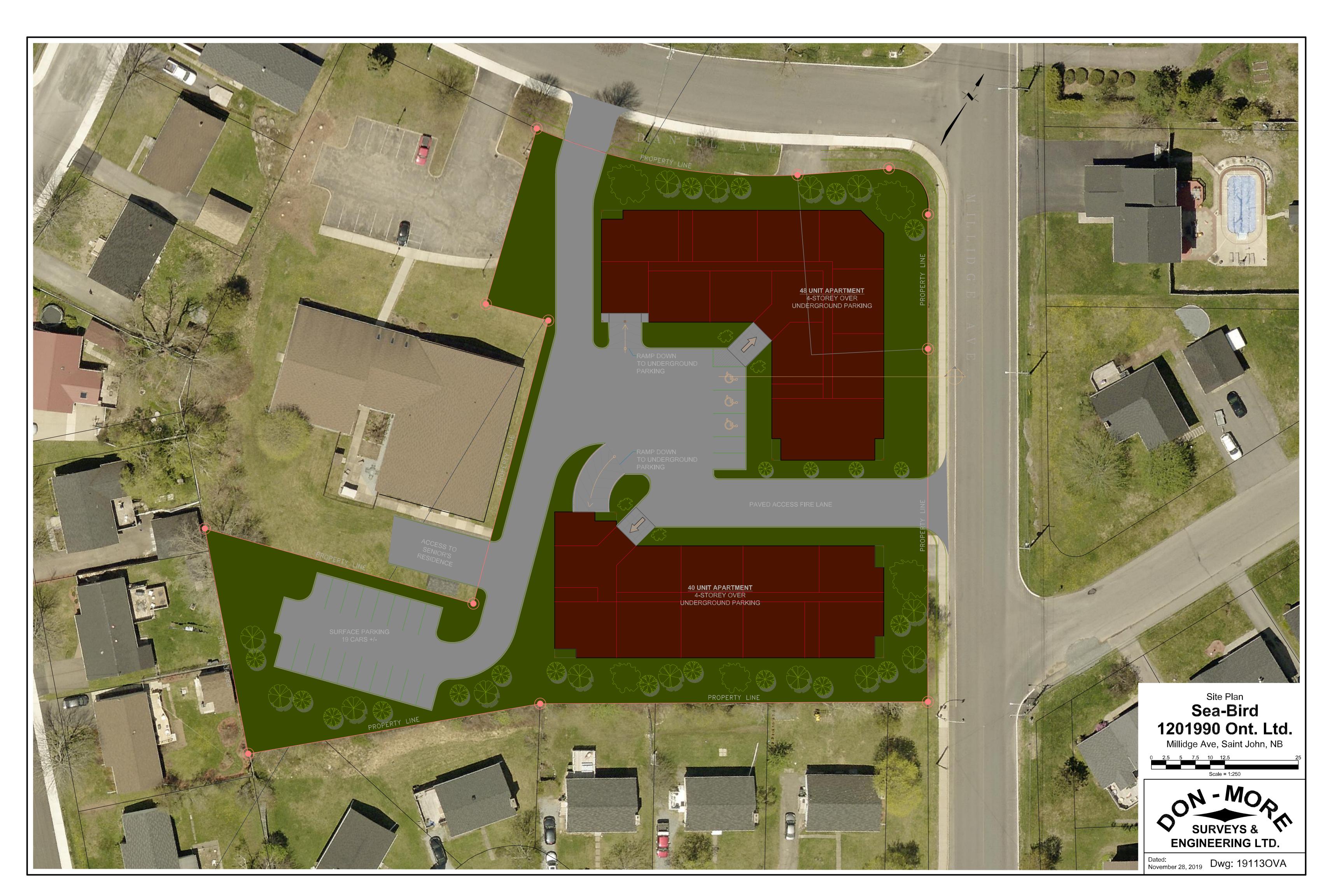
Policy	Staff Comment
c. Subject lands are appropriately designed for the area in which it is located and is encouraged in suitable sites for in-fill development;	The proposed apartment buildings are located near a street intersection with surface parking located behind the buildings. Proposed site design and features can satisfy the City's Zoning By-law, which contains the community standards for new development.
d. Subject lands are compatible with surrounding land uses;	The proposed multi-residential development would replace long-existing church buildings on the property. There are other properties in the area having similar building mass and or height, including: the Gerald Teed Memorial School and a community centre at 99 Daniel Avenue and 151 Black Street respectively, the Shannex complex at 700 Millidge Avenue, a four-storey apartment building at 630 Millidge Avenue, commercial buildings between 661-725 Millidge Avenue, and the immediately adjacent Sister Shelia Manor senior's complex at 25 Daniel Avenue.
e. Sufficient on-site parking and green space is provided;f. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated; and	The proposal involves approximately 80 underground and surface parking spaces, whereas the Zoning By-law only requires 70 parking spaces. The proposal can meet or exceed all the by-law requirements relating to site design.
g. An exterior building design of high quality is provided that is consistent with the Urban Design Principles of the Municipal Plan.	The proponent has commissioned a professional architect (Comeau MacKenzie Architecture) to design the proposed apartment buildings. A concept elevation plan has been submitted that is consistent with the design principles of the Municipal Plan (see Policy UD-9).
Policy LU-52	
Achieve a minimum gross residential density per hectare in lands designated Low to Medium Density of 35 units per net hectare and not more than 90 units per net hectare. Density shall not be calculated on a property-	The Intensification Area is 58 (57.868) net hectares and contains 385 residential units. Currently, the Intensification Area has a density of 7 (6.653) units per net hectare. With the inclusion of the proposed multi-

Policy	Staff Comment
by-property basis but shall be calculated in the Intensification Area as a whole.	residential development of 88 new units, the Millidgeville Intensification Area will only have a density of 8 (8.174) units per net hectare.
Urban Design & Built Form	
Policy UD-9 Ensure all development proposals generally conform to the following General Urban Design Principles:	Note that only the more relevant provisions of this policy have been included. Consult the Municipal Plan for the entire policy.
a. That new development respect and reinforce the existing and planned context in which it is located through appropriate setbacks, landscaping, buildings entrances, building massing, architectural style and building materials. Specifically, the built-form of new development shall be designed to achieve the following objectives for specific areas of the City:	The architecture style, building massing and site design are appropriate for this area. The proposed buildings would be finished with masonry at the bottom and cementitious cladding (nichiha architectural block or possibly hardiplank).
ii. In the Primary Centre and Neighbourhood Intensification Areas, as identified on the City Structure map (Schedule A), new development will be located and organized to frame and support the surrounding public realm and massed to fit harmoniously into the surrounding environment, including appropriate transitions in height and massing to areas of lower intensity development, as set out in Policy UD-11;	The proposed apartment buildings are located near the street intersection, framing the adjacent streetscape. The public streets and proposed front and flankage landscaped yards will provide appropriate transition in height and massing of the proposed apartment buildings and the surrounding Stable Residential housing to the north.
b. Locating building entrances facing the public street;	Building entrances do not face the public streets; however, there is sufficient building articulation, including windows and patio doors, to provide appropriate connection to the public realm.
c. Designing sites to incorporate existing natural features and topography;	

Policy	Staff Comment
d. Designing sites to protect, create and/or	
enhance important view corridors to the water or landmark sites or buildings;	
water or landmark sites of buildings,	
e. Incorporating innovations in built form,	
aesthetics and building function to	
encourage high quality contemporary design	
that will form the next generation of heritage;	
f. Where appropriate and desirable,	Pedestrian movement will be facilitated along
encouraging active pedestrian-oriented uses	proposed driveway accesses to public
and a high level of transparency at grade to	sidewalks.
reinforce and help animate the public realm;	
g. Designing sites, buildings and adjacent	
public spaces as complete concepts with	
integrated functions;	
	Ovality dynahla byilding materials are being
h. Using quality, durable building materials and a consistent level of design and detail for	Quality, durable building materials are being incorporated into the design of the proposed
all elements of the building;	apartment buildings.
5 ,	,
i. Designing for visual interest by	The submitted concept building elevation
incorporating well-articulated building façades, landscaping, local history, public art	plan demonstrates well-articulated building façades, and the submitted site plan provides
and/or culture into sites and buildings;	for quality landscaping with trees and shrubs,
3-,	which are recommended as a condition of
	rezoning approval.
j. Directing high-rise buildings to appropriate	
areas and ensuring their design is sensitive	
to the neighbourhood and/or heritage context;	
k. Encouraging sustainability in design by:	
i. Utilizing reused, recycled, renewable or	
local building materials where possible;	
ii. Using green building or neighbourhood standards;	
Startaaras,	
iii. Designing for energy efficiency and	
alternative sources of energy;	

Policy	Staff Comment
iv. Designing for water conservation and on-	Stormwater for the property will be regulated
v. Promoting the conservation and adaptive re-use of existing buildings and designing sites to retain mature trees; vi. Designing sites and buildings to work with, rather than against, the natural environment by designing according to the topography, hydrology, ecology and natural drainage patterns of the site and taking advantage of passive solar gain and natural light; and vii. Using native vegetation for landscaping where appropriate.	by the City's Drainage By-law.
whore appropriate.	
I. Designing sites and buildings according to the Crime Prevention through Environment Design (CPTED) principles to promote safety and security, in balance with other urban design goals; and	
m. Locating and screening parking and loading facilities so they are generally not visible from the street, particularly in Centres and Neighbourhood Intensification Areas; n. Limit surface parking between the front of a building and the public street or sidewalk;	Most of the parking for the proposed development will be underground. Some surface parking is proposed behind the apartment buildings, not readily in view of the public realm. A surface parking area proposed behind the adjacent senior's complex must be screened by vegetation or fencing as required by the Zoning By-law.
o. Design safe and direct access to buildings for pedestrians, cyclists and transit users by providing walkways from the public street, transit stops, and parking areas to main building entrances and including bike parking and end-of-trip facilities, where appropriate, and mid-block connections where possible;	Underground parking facilities for vehicles and bicycles is proposed.

Policy	Staff Comment
p. Design sites and building accesses that	Barrier-free parking spaces are proposed,
are barrier-free, convenient and have clear	which must satisfy provincial standards
signage; and	enforced by Building Inspection.
q. Generally locating surface parking, outdoor storage, loading and other service areas at the rear or side of the property and buffering or screening these functions from adjacent properties and the public realm.	These site features are located behind the proposed apartment buildings. Most of the parking and storage will occur in the underground parking areas.







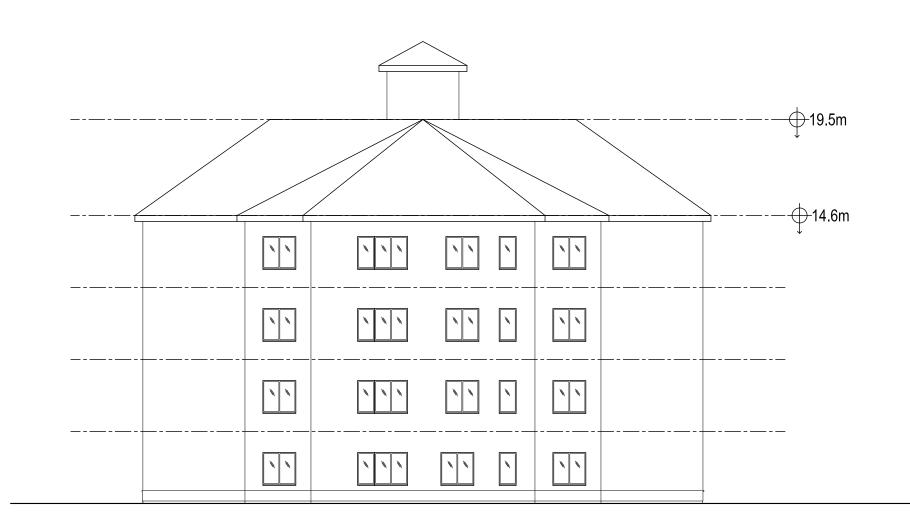
MILLIDGE AVENUE DEVELOPMENT:
CONCEPT ELEVATION @ MILLIDGE AVENUE
SAINT JOHN, NB



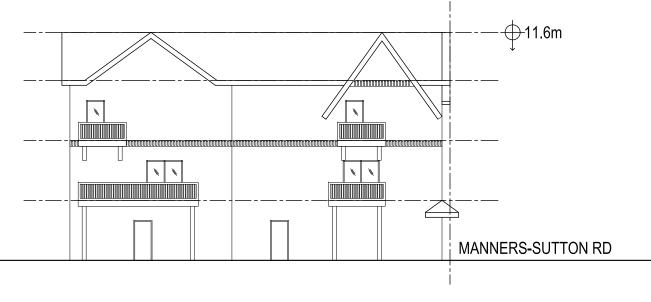


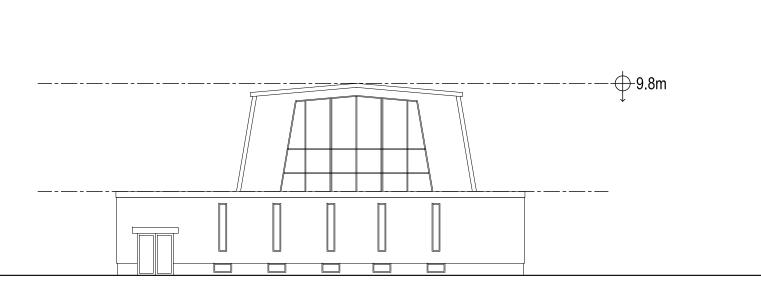
TEL: (506) 657-1611 mackarch@nbnet.nb.ca

SEA-BIRD 1201990 ONTARIO LIMITED PROPOSED MULTI-UNIT DEVELOPMENT

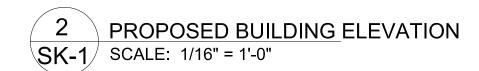


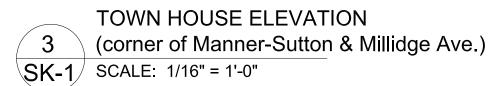






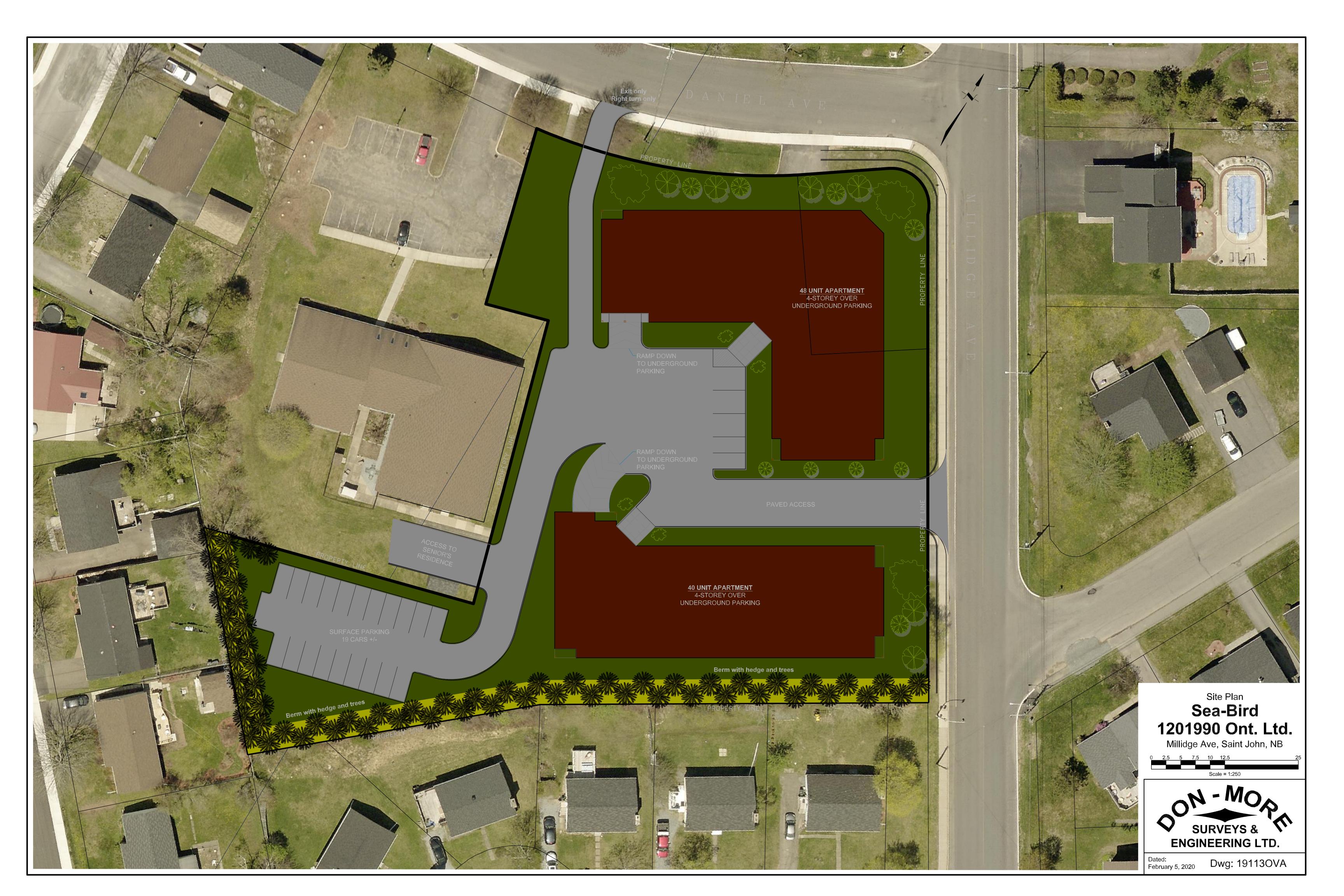














13.1 Neighbourhood Community Facility (CFN) Zone

Plansi

Municipal Plan Context

The Neighbourhood Community Facility (CFN) zone accommodates a limited range of community-oriented facilities, such as arenas, community centres, elementary schools, and recreational facilities that are complementary to surrounding residential neighbourhoods.

The Neighbourhood Community Facility (CFN) zone is intended mainly for land inside the Primary Development Area in an appropriate designation.



13.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Community Arena;
- Community Centre;
- · Community Policing Office;
- Crisis Care Facility;
- Cultural Establishment;
- Day Care Centre;
- Emergency Services Facility;
- Library;
- Place of Worship;
- Recreation Facility;
- School (K-8);
- Supportive Facility;
- Supportive Housing;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CFN zone.

13.1(2) Zone Standards

(b)

(a) Minimum Lot Area 800 square metres

Minimum Lot Frontage 20 metres



(k)			
(j) (k)	Maximum Building Height Buildings shall have a prominent entrance orient	12 ated towa	metres
(i)	Minimum Building Height	2	storeys
(h)	Minimum Flankage Yard	7.5	metres
(g)	Minimum Side Yard	7.5	metres
(f)	Minimum Rear Yard	7.5	metres
(e)	Maximum Front Yard	22	metres
(d)	Minimum Front Yard	3	metres
(c)	Minimum Lot Depth	30	metres