



The City of Saint John

Date: June 12, 2020

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

Meeting: June 16, 2020

SUBJECT

Applicant: Hughes Surveys and Consultants

Landowner: VIVA Developments Inc.

Location: 134 Taylor Avenue

PID: 00046375

Plan Designation: Low to Medium Density Residential

Existing Zoning: **Mid-Rise Residential (RM)**

Application Type: Section 59 Amendment

Jurisdiction: Common Council has requested the views of the Planning Advisory Committee concerning proposed amendments to the Section 59 conditions of the subject property. Council will consider the Committee recommendation at a public hearing on **Monday, July 6, 2020.**

EXECUTIVE SUMMARY

This application is to amend conditions put in place in 1985 that limit the use of the property to “the facilities of the Animal Rescue League”. A developer who is interested in proceeding with a multi-residential development has recently purchased the subject site. In order to enable the

proposal to proceed, the existing condition must be removed. The proposed multi-residential development is allowed under the current zoning of the site, which is Mid-Rise Residential (RM) and so no rezoning would be required.

RECOMMENDATION

1. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, rescind the conditions imposed on the April 22, 1985, rezoning of the parcel of land having an area of approximately 13,280 square metres, located at 134 Taylor Avenue, also identified as PID Number 00046375.
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 area of approximately 13,280 square metres, located at 134 Taylor Avenue, also identified as PID Number 00046375:
 - (a) That 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, a phasing plan, outdoor storage, driveway accesses, vehicle and bicycle parking, loading areas, landscaping (including tree and shrub species and quantities), amenity spaces, signs, exterior lighting, and other such site features;
 - (b) That the development and use of the amenity space be in accordance with detailed site plans and designs, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of seating areas, recreational equipment and other such amenity space features;
 - (c) That the requirements in conditions (a) and (b) be attached to the permit application for the development of the parcel of land;
 - (d) The proposed amenity space noted on the site plans and referenced in condition (b) is to be constructed and completed once occupancy of phase 2A has occurred; and
 - (e) Prior to the commencement of any such development, the developer must obtain the City's written opinion that it's municipal infrastructure including, but without limiting the generality of the foregoing, storm and sanitary services as well as water service, has adequate capacity to accommodate such proposed development. This condition is applicable to all phases and future subdivisions of PID 00046375.

DECISION HISTORY

At the April 22, 1985 meeting of Common Council, third reading was given to a rezoning of the parcel from Three-storey Residential (RM-1) to Light Industrial (I-L). With this rezoning, a

Section 39 (now 59) condition was imposed limiting the use of the site to “the facilities of the Animal Rescue League”.

ANALYSIS

Proposal

This proposal is to remove an existing Section 39 (now 59) condition on the subject parcel limiting the use of the lands to “the facilities of the Animal Rescue League”. The property was recently purchased and the new owner is seeking to develop a multi-residential development of 50 units on the site. In order to proceed with the multi-residential development proposal, the existing condition must be removed. The future development would be a stacked townhouse development, in a series of buildings, focused around a central parking area and with an on site amenity area provided. The proposed building would be compatible with adjacent development in height and scale and phased over a number of years. The new development would be market rental for preliminary phases, although future phases may include affordable housing.

Site and Neighbourhood

The subject site is located in Crescent Valley, within walking distance of Crescent Valley Park. The site is surrounded by various cluster townhouse developments along Taylor Avenue and adjacent streets, which consist of two or three bedroom, family oriented units, owned by the Province of New Brunswick. Also adjacent to the site is vacant undeveloped land (currently owned by the City) and an undeveloped road right-of-way. The site is also within easy walking and driving distance to commercial services located along Somerset Street and Churchill Boulevard. Public Transit stops are located along MacLaren Boulevard.

Municipal Development Plan, Site Design and Rezoning

Municipal Plan

The subject site is located in the Crescent Valley intensification area as noted on Schedule ‘A’ of the Municipal Plan. Schedule ‘B’ (future land use) designates the site as Low to Medium Density Residential, which allows for a range of housing types with an “emphasis on the provision of lower density forms of housing including townhouses, semi-detached, duplex and single detached dwellings”.¹ The proposed multi-residential development will enable the further development of this intensification once the existing Section 59 Condition is removed.

The proposed multi-residential development has been reviewed against the policies of the Municipal Plan. The proposal is generally consistent with similar styles of development in the area, and screens the proposed parking area from the street by intervening buildings. Detailed analysis of the proposal in terms of Urban Design criteria of the Plan is included in Attachment 2. Staff are of the view that the proposal is consistent with and achieves the vision of the Municipal Plan.

¹ Policy LU-50 of the Municipal Plan.

Site Design and Building Layout

The site features a variety of stacked townhouse buildings around a central parking area with an associated amenity space on the east side of the site. The buildings consist of mainly two bedroom units, which are family oriented. The applicant has indicated that some units may be converted to one-bedroom units to satisfy building code requirements for accessible units; however, the majority will remain two bedroom.

The applicant has also indicated that the design of the amenity space has not yet been determined. This is in addition to amenity space shown on private balconies and decks attached to buildings. Staff recommend a condition requiring a site plan and layout for the amenity space at the permitting stage. The condition also recommends that the amenity space be constructed following occupation of the second phase. This ensures the amenity space is usable after some occupation of the site occurs.

Crescent Valley Revitalization Study

In 2009, the Province of New Brunswick commissioned the “Crescent Valley Revitalization Study” which was a land use concept for the redevelopment of the entire Crescent Valley lands including those owned by the Province and the City, as well as other privately held lands including the subject site. The Study envisioned a plan with re-worked streets and higher density mixed-use development. Though visionary for the time, due to unexpected economic circumstances the concept was not implemented. The proposed development to some extent, implement some of the concepts of this study. Some of those ideas also form policies contained in the Municipal Plan for this intensification area.

Site Servicing

Sanitary sewer and storm sewer flows have been provided to Infrastructure Development and Saint John Water for analysis. Preliminary evaluation has indicated that servicing capacity exists for the development. Analysis is underway to offset sanitary flows in the catchment. A condition has been proposed that will require confirmation from Infrastructure Development on future phasing of the project related to available sewer and water capacity. This condition will not require the application to undertake a future Section 59 amendment application for each new phase.

Zoning By-law

The site is currently zoned Mid-Rise Residential (RM), which is the ideal zone for the proposed style of development. The current zoning was put in place as a result of the Municipal Plan which was adopted in 2016 and subsequent Zoning By-law – which implemented the vision of the Plan. As a result, the Industrial Zoning put in place by Council in 1985 was changed to implement the neighbourhood intensification area policies of the Plan. As a result, no rezoning is necessary in this case.

The proposed future development is generally consistent with Zoning By-law requirements with the exception of the known variance for front setback noted below. The proposal provides more than the minimum number of required parking stalls, which is reduced in intensification areas by

20%.² The parking provisions are noted in the table below:

Requirement:	Provided:
1 stall per unit (50 units) – 50 stalls	51 stalls provided
80% requirement for intensification areas 40 stalls required	11 stall surplus.

A traffic impact assessment was not required for the subject development as it falls well below the Institute of Transportation Engineers standards, generally followed by Municipalities, encouraging traffic impact assessments for developments over 100 units. In addition, given the proximity to transit stops, a variety of transportation options for future residents is available.

Zoning By-law Variances

The applicant has indicated, as part of the initial submission, that a variance to the front yard setback (Taylor Avenue) will be necessary for the proposed development. This variance will allow the development to come closer to Taylor Avenue and avoid cutting into an adjacent slope/hill, which could cause drainage issues. This variance is reasonable given the circumstances and will be processed by the Development Officer at the time of the building permit application. Should other variances be required, the Development Officer will also process them at the time of the permit application.

Future Subdivision

The applicant has indicated that, as part of the phasing of the project the site will also be subdivided. As a result, a future subdivision application will be required, as well Committee approval for the future rear lots, as they would not be lots abutting a public street. Land for Public Purposes will likely be required; however, this may be taken as cash-in-lieu and will be determined when the subdivision application is processed. The subdivision process should have no impact to the construction of the first phase, as that would be done on the existing parcel.

Conclusion

The removal of the existing Section 39 (now 59) condition on the subject site will enable a future multi-residential development to proceed. This development proposal will allow an established intensification area to further to grow and provide more residential units providing housing options to citizens. Staff are supportive of the proposed condition amendments as the proposal is achieving the intent of the Municipal Plan.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

² Section 4.2(2) and Schedule D of the City of Saint John Zoning By-law.

ENGAGEMENT

Proponent

The applicant was advised to undertake public engagement with neighbouring residents in a manner that would comply with the Province of New Brunswick State of Emergency order. This included the placement of signs with proposal and contact details on the site (see Attachment 1 and 4). As of report writing, Staff were not aware from the applicant of any public comments or concerns.

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 June 5, 2020. The rezoning was posted on the City of Saint John website on June 12, 2020.

APPROVALS AND CONTACT

Author	Commissioner
Ken Melanson, BA, MCIP, RPP	Jacqueline Hamilton, MCIP, RPP

Contact: Burgess, Aimee
Telephone: (506) 721-8694
Email: Ken.Melanson@saintjohn.ca
Application: 20-0084

APPENDIX

Map 1: **Site Location**
Map 2: **Future Land Use**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Attachment 1: **Site Photography**
Attachment 2: **Section 39 (now 59) conditions from 1985**
Attachment 3: **Municipal Plan Policy Review**
Attachment 4: **Public Engagement Sign Photo**
Submission 1: **Site Plan**
Submission 2: **Preliminary Landscaping Plan**
Submission 3: **Preliminary Elevations and Floor Plans**