

COUNCIL REPORT

M&C No.	2019-81
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Proposed amendments to the Zoning Bylaw to address Self-Storage Facilities

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Mark Reade</i>	<i>Jacqueline Hamilton</i>	<i>John Collin</i>

RECOMMENDATION

That Common Council adopt the following amended Staff recommendation which establishes self-storage facilities as a permitted use subject to standards in certain commercial zones and recommends approval of Section 59 amendments to enable the proposal for a self-storage facility at 175 Hilyard Place:

1. That Common Council amends subsection 11.4(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:
“-Self-Storage Facility, subject to paragraph 11.4(3)(f);”
2. That Common Council amends subsection 11.4(3) of The City of Saint John Zoning By-law by adding the following:
“(f) A lot containing a Self-Storage Facility permitted in subsection 11.4(1) shall not be located within 60 metres of an Urban Centre Residential (RC) zone.”
3. That Common Council amends subsection 11.7(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the General Commercial (CG) Zone:
“-Self-Storage Facility;”
4. That Common Council amends The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:

(k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of

an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:

- (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
 - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.
- 5. That Common Council rescinds the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.
- 6. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19) the following condition upon the development and use of the parcel of land having an area of approximately 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
 - a) All areas of the site not occupied by buildings, driveways, walkways, parking, storage or loading areas must be landscaped by the developer, in accordance with a detailed landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. This landscaping plan is to be prepared by the developer or their consultant and submitted for approval with the Building Permit application.
 - b) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

EXECUTIVE SUMMARY

During the March Planning Advisory Committee meeting, the Committee approved a recommendation to amend the original staff recommendation associated with application for 175 Hilyard Street to require self-storage facilities to be approved as a conditional use subject to the approval of the Committee, rather than as a permitted uses in certain commercial zones as had been recommended by staff. The purpose of this report is to provide a revised Staff Recommendation that addresses the concerns raised by the Planning Advisory Committee related to the South Central Peninsula, while ensuring a streamlined approach to approvals that reducing red tape and creates certainty for customers.

PREVIOUS RESOLUTION

On February 25, 2019 Common Council referred the planning application from Haldor (1972) Limited to establish a self-storage facility at 175 Hilyard Street to the Planning Advisory Committee for a report and recommendation.

STRATEGIC ALIGNMENT

It is in the interest of The City of Saint John to have a zoning framework that promotes a competitive business environment for investment.

REPORT

Haldor (1972) Limited has applied for a text amendment to the Zoning By-law and an amendment to the existing Section 59 conditions that relate to a portion of the Hilyard Place site to allow for the development of a self-storage facility. The facility would be within a portion of the existing Hilyard Place complex (Building D) and exterior to the building in the eastern portion of the site immediately adjacent to the Tim Horton's property. The Hilyard Place site is zoned Business Park Commercial (CBP) which does not permit a self-storage facility.

The original recommendation contained in the Staff Report was to amend the Zoning By-law to include a self-storage facility as a permitted use in both the Business Park Commercial (CBP) and General Commercial (CG) zones through a text amendment to the Zoning By-law. The staff recommendation included amendments to the Zoning Bylaw to require additional landscaping where self-storage facilities abut residential areas. Specific to the 175 Hilyard Street site, a Section 59 condition was recommended by Staff requiring the preparation of a landscaping plan by the proponent for approval of the Development Officer in conjunction with the Building Permit application. This landscaping plan will ensure increased landscaping along the Main Street and Hilyard Street frontages.

Two letters were received expressing concerns with the proposal and an area resident appeared before the Committee expressing opposition to the proposed development on the Hilyard Place site. Concerns expressed by the resident at the meeting and in their correspondence to the Committee are summarized in Appendix A along with a commentary from Staff.

These resident concerns largely relate to the visual impact of the external self-storage units, the proximity of other sites zoned Business Park Commercial (CBP) to the Uptown Core and conformity with the Municipal Plan with respect to the employment density. With respect to the concerns about the visual impact from area residential properties, staff advise that this is very challenging to regulate from a land use perspective. The focus of the recommended approach is rather to ensure that adequate buffering is provided from a street level perspective to address public views. In this particular case, owing to the topography, it is not possible to fully screen the views from the residential area along Harbour Terrace and Moore Street, which is at a higher elevation. In staff's opinion, the applicant's proposal for enhanced landscaping combined with the single storey height for the external self-storage units is a reasonable means to ensure the visual compatibility of the development in its context.

In response to the concerns from the area residents and input from Planning Staff, the Committee recommended that a self-storage facility be instead made a conditional use in the Business Park Commercial (CBP) and General Commercial (CG) zones and not a permitted use. Conditional Uses are land uses which are subject to the approval of the Planning Advisory Committee. While Staff appreciate the intention behind the Committee's decision to propose an amendment to the staff recommendation, the conditional use approach, recommended by the Committee, can create uncertainty and unnecessary red tape for developments that otherwise conform to the recommended zoning standards.

The approach taken in developing the City's current Zoning By-law was to limit the number of conditional uses as an effort to streamline the approvals process. This was achieved through taking a broader approach to permitted uses and by providing appropriate development standards in the by-law. This approach reduces red tape and provides a more predictive development environment for residents and the business community.

As an alternative to the PAC recommendation, staff are recommending amendments to address the concerns raised by PAC (refer to recommendation 2 in the recommendation section of the report) which would see a self-storage facility added as a permitted use in the Business Park Commercial (CBP) and General Commercial (CG) zones with an additional spacing requirement to further mitigate the impacts of development on Business Park Commercial (CBP) zoned sites in proximity to the southern portion of the Central Peninsula. This includes a standard that requires self-storage facilities in the Business Park Commercial (CBP) to be located a minimum distance of 60 metres from a property having Urban Centre Residential (RC) zoning. This would limit the

potential to construct a self-storage facility within the Business Park Commercial (CBP) zoned properties along Lower Cover Loop and provide a level of control for areas identified for mixed-use intensification in the Municipal Plan.

Staff note that impacts of the proposal are minimal as self-storage facilities are a less intensive use than warehousing, which is currently permitted as-of-right in the Business Park Commercial (CBP) zone. The external self-storage units which are proposed represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use.

To summarize, the recommendation presented in this report for the development proposal for 175 Hilyard Street and related Zoning By-law amendments to regulate self-storage facilities is consistent with the policies and directions contained in the Municipal Plan and upholds the One Stop Development Shop's commitment towards a customer-centric experience, including a reduction in red tape and enhanced consistency for customers.

SERVICE AND FINANCIAL OUTCOMES

Not Applicable

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The original planning application was circulated to Infrastructure Development, Develop Saint John, Buildings and Technical Services and the Saint John Fire Department for review and comment.

ATTACHMENTS

Appendix A – Key Resident Concerns and Staff Commentary

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Resident Concern	Staff Commentary
Is this application consistent with the Employment Areas, Business Centres, and Primary Corridors provisions of the Municipal Plan?	<p>The Municipal Plan notes that development within Employment Areas will be at lower densities than other areas as these uses generally require more land area.</p> <p>The Plan envisions Business Centres as accommodating land uses which are more automobile dependent; require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centres. Self-storage facilities meet these criteria as these are an automobile oriented use not typically accessed by foot traffic and a form of warehousing requiring a larger floor area.</p>
Are the zoning amendments consistent with the Municipal Plan for all CBP-zoned areas?	<p>The CBP zoning is found in a number of locations: Maritime Opportunity Centre on Manawagonish Road, the Boars Head Road / Woodward Avenue area, along Lancaster Avenue, Technology Drive, Lower Cove Loop and Crown Street, the Mark Drive / Loch Lomond Road area and the former Loch Lomond Mall. All of these areas are considered automobile-oriented areas. While most of these areas are largely developed the amendments also propose increased landscaping for self-storage facilities abutting residential areas.</p>
Is the draft South Central Neighbourhood Plan released to the public consistent with the Municipal Plan? What is said regarding the subject site, specifically, and, generally, for other CBP-zoned sites within the Neighbourhood Plan area?	<p>The Draft Plan has yet to be adopted and as a result is not legally binding. It contains no specific land use recommendations for the Hilyard Place site only the broader goal of improving active transportation along the Main Street corridor through improvements in the right-of-way.</p> <p>With respect to areas on the periphery of the Central Peninsula, the draft Neighbourhood Plan proposes reinvestment and intensification of key sites including the former Sugar Refinery site, redevelopment of the Barrack Green Armouries and infill along Lower Cove Loop and Charlotte and Crown Streets as a long term direction. Most of the CBP zoned sites in these areas are currently developed with business and light industrial uses.</p> <p>Staff are recommending amendments to address the concerns raised by PAC (refer to recommendation 2 in the recommendation section of the report) which would include an additional spacing requirement to further mitigate the impacts of development on Business Park Commercial (CBP) zoned sites in proximity to the southern portion of the</p>

	Central Peninsula.
<p>Is self-storage considered to be high intensity? Immediately adjacent to the most intense development area of the City, the Uptown, does this application represent the evolution of the hierarchy intended by the Municipal Plan? How is the intended hierarchy met in CBP-zoned areas elsewhere through the City?</p> <p>Does this application and the addition of self-storage areas throughout the CBP-zoned lands “revitalize existing communities through compact development”?</p> <p>The staff recommendation is that this “is a reasonable interim project until such time that the overall parcel can be redeveloped.” The municipal plan states that developments “support the long-term health of the urban core.” How does the Municipal Plan. How does the Municipal Plan or Zoning By-Law define between “interim” and “long term” projects? What provisions should be added to this application to ensure it is only for the interim and not the long term?</p>	<p>Self-storage is considered to be a low intensity development. The proposal conforms to the Municipal Plan by directing lower intensity development to areas designated Business Centre in the Plan.</p> <p>The Plan seeks to “Revitalize existing communities through compact development, context appropriate infill, and promoting infill development on vacant and underused properties.” The proposal is considered to be context appropriate infill on an underutilized portion of the development site.</p> <p>The potential “interim” versus “long term” nature of the development is more of a question of land economics and market conditions. While external self-storage units are proposed, these can represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use. The potential for a larger redevelopment of the site in the future is not lost as the proposal only includes developing a portion of site (1320 sq.m.) with external units.</p>
<p>The CBP Zone supports buildings up to 24m in height. Does this application and future self-storage applications support the notion of “grow up, not out”?</p> <p>Should the proposed building be 1-storey, is a building 50% less than the minimum considered context-appropriate at this location?</p> <p>Is a 1-storey building in CBP zones throughout the city considered context-appropriate to promote design excellence as part of the future city structure?</p>	<p>The minimum number of stories is a variable standard with the 2 story minimum height requirement intended for main buildings that contain a higher intensity or mix of uses such as an office building or a multi-tenant building. A one story building is appropriate at this location given the surrounding context (Tim Horton’s and Building D are one story structures.)</p>
<p>Are self-storage uses considered to contain “significant employment?” How does the addition of self-storage uses to this site affect the Business Area designation?</p> <p>How does the addition of self-storage uses to this site affect the Employment Area designation?</p> <p>How does staff correlate the rejection of self-storage in other zones on the grounds of significant employment opportunities yet promote it on the subject site and all other CBP-zoned lands despite the Municipal Plan’s clear direction that these lands are also to contain “significant employment?”</p>	<p>Self-storage is a use that has a lower level of employment than compared with other land uses such as office development. Business Centres are also areas envisioned to accommodate land uses which are more automobile dependent, require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centers. The self-storage facility conforms to this requirement.</p> <p>The City’s planning regulations do not regulate the number of employees in the Zoning By-law. The permitted uses in the CBP zone contain varying levels of employment intensity from higher (office, laboratory) to lower (personal</p>

	service, warehousing). Office buildings exist (three buildings which are two stories each) within the development which provide for a higher overall density of employment and level of activity that supports alternative transportation modes such as walking and cycling. The proposed approach of providing for self-storage facilities as a permitted use in the CBP zone provides for the Primary Centres (Uptown and UNBSJ/Hospital Plateau) to accommodate more intensive employment uses.
<p>The staff report does not, however, make mention of residential properties immediately adjacent to the subject site or any specific considerations for them and, therefore, does not fully measure the impacts. The adjacent residential properties are at a substantial elevation (nearly 50 feet) above the subject property. The proposed screening will be inconsequential to the impact that would be faced by these homeowners, particularly with respect to views and light spill.</p> <p>What measures should be added to sufficiently address noise, light, and visibility issues due to inadequate screening from adjacent residential properties that are at high elevations?</p> <p>If sufficient remedies are not available, should the development be permitted to proceed regardless?</p>	<p>The “adjacent residential” area is 87 metres away from the portion of the site where the self-storage units will be located and is separated from the subject site by Main Street and City-owned land. While private views are not regulated or protected via the Zoning By-law, the proposed single story buildings seek to minimize the impacts on the view shed given the lower elevation of the site with respect to the surrounding properties and Main Street.</p> <p>The existing view could be considered less than ideal now given a portion of the site is a gravel lot that will be occupied by a building should the application be approved. The Zoning By-law requires that light cannot be directed off-site onto adjacent properties.</p> <p>Noise issues would be regulated through the City’s Noise By-law.</p>
What data do you have to support the conclusion that this application and the proposed Zoning By-Law amendments will create substantial job opportunities as outlined by the Municipal Plan for Business Centres, Employment Areas, and Primary Corridors?	Self-storage facilities are a compatible business use and serve a market need to provide a service both to businesses and residents in need of temporary storage space.