

COUNCIL REPORT

M&C No.	2019-99
Report Date	April 19, 2019
Meeting Date	April 23, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: 40 Mountain View Drive – Supplementary Report

OPEN OR CLOSED SESSION

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

AUTHORIZATION

Primary Authors	Commissioner/Dept. Head	City Manager
<i>Andrew Reid</i>	<i>Jacqueline Hamilton</i>	<i>John Collin</i>

RECOMMENDATION

1. That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Nos. 00313429 and 00426452, from *Low Density Residential* to *Low to Medium Density Residential*.
2. That Common Council rezone land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Nos. 00313429 and 00426452, from High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID).
3. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)*, hereby discharges the agreement dated the 21st day of January, 2010 between North Star Holdings Ltd., and the City of Saint John, respecting the property identified in the said agreement by PID numbers 00313429 and 00426452 and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (Chapter C-12, *RSNB 1973*); and,

Further Be It Resolved that Common Council hereby imposes, pursuant to the provisions of Section 59 of the *Community Planning Act* upon the Property having an area of approximately 3.25 hectares located at 40 Mountain View Drive also identified as PID numbers 00313429 and 00426452, the following conditions upon the development and use of the land:

- a. That any development of the site shall be limited to a maximum of 167 units and generally adhere to the Conceptual Layout, Context, Landscaping Plans, and Elevation Plans attached to this report.
 - b. That any development of the site be in accordance with a detailed site plan to be prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This final site plan is to be attached to the application for the building permit for the respective part or phase of the proposed development.
 - c. That the permitted uses of the Integrated Development (ID) Zone be limited to those outlined in the High-Rise Residential (RH) Zone of the Zoning By-law.
 - d. That any development of the site shall be subject to Part 9 of the Zoning By-law regarding Uses Permitted in Other Zones.
 - e. That the owner, developer and/or successors shall maintain ownership of all proposed stormwater ponds and associated stormwater collection systems (sewer mains, manholes, catch basins, etc). All stormwater related infrastructure shall be considered private.
 - f. That an engineered site servicing plan and stormwater submission shall be submitted for the full build out of the development with the Building Permit for "Phase One" of the development, which consists of the six storey multiple unit dwelling. Phase One shall comprise the full inclusive build out of the underground infrastructure and street construction of the proposed Private Street "Via Calabria Street", and the proposed stormwater ponds.
 - g. The owner shall convey to the City, not later than April 27, 2021, an easement satisfactory to the City's Development Officer for the purpose of providing access and egress to and from the Land for Public Purpose located at PID 55218119 as well as the City's storm water pond located on the same parcel, existing at the date of the imposition of this condition."
 - h. That any gated accesses shall provide a suitable entry mechanism for emergency vehicles and operational vehicles of the City.
4. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the Conceptual Layout attached for Calabria Estates Subdivision at 40 Mountain View Drive, and with respect to the vesting of any Local Government Services Easements to be determined during detailed design.

REPORT

Subsequent to the public hearing on April 8th, the City Solicitor suggested that condition 3(g) should be strengthened for enforceability by clarifying a deadline. Staff have proposed minor rewording to this effect, giving the applicant two years from the date of third reading (April 27, 2021), to convey an easement to provide access to Land for Public Purpose adjacent to the development, thus replacing part 3(g) with the following:

“The owner shall convey to the City, not later than April 27, 2021, an easement satisfactory to the City’s Development Officer for the purpose of providing access and egress to and from the Land for Public Purpose located at PID 55218119 as well as the City’s storm water pond located on the same parcel, existing at the date of the imposition of this condition.”

The applicant has reviewed this minor amendment and is in agreement with it. In all other respects, the recommendation before Council for third reading is unchanged. This recommendation reflects the Planning Advisory Committee’s amendment to remove condition 3(i), regarding an emergency access connection to Myles Drive.

Since the time of public hearing there have been further discussions with the developer regarding his intent to reduce the height of the multiple unit dwelling in the proposal and alter its footprint. Staff have evaluated this change and determined that the reduction in height is permissible under the recommendation before Council.

PREVIOUS RESOLUTION

On April 8, 2019, Common Council gave first and second reading to a Municipal Plan, Rezoning, and Section 59 Application.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

This report has been reviewed by the City Solicitor’s Department

ATTACHMENTS

- 1 – PAC Recommendation Report dated March 26, 2019
- 2 – Staff Report dated April 5, 2019