

The City of Saint John

Date: October 15, 2021

To: Planning Advisory Committee

From: Growth & Community Services

Meeting: October 19, 2021

SUBJECT

Applicant: NJP Developments Inc.

Landowner: NJP Developments Inc.

Location: 573 Woodward Avenue

PID: 55220701

Plan Designation: Stable Residential

Existing Zoning: Low-Rise Residential (RL)

Proposed Zoning: Mid-Rise Residential (RM)

Application Type: Rezoning and Section 59 Amendment

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 and to existing Section 59 conditions. Common Council will consider the Committee's recommendation at a public hearing on **Monday**,

November 1, 2021.

EXECUTIVE SUMMARY

The application involves a request to further rezone the property at 573 Woodward Avenue to permit the construction of three larger multiple residential buildings. A previous application by the same applicant was approved in 2018 allowing two smaller multiple residential buildings and a number of semi-detached buildings. The Municipal Plan is supportive of this application. Section 59 conditions are recommended by staff to address neighbourhood compatibility, infrastructure servicing, site development, and traffic.

RECOMMENDATION

- That Common Council rezone a parcel of land having an area of approximately 2 hectares, located at 573 Woodward Avenue, also identified as a portion of PID 55220701, from Low-Rise Residential (RL) to Mid-Rise Residential (RM).
- 2. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, rescind the conditions imposed on the June 4, 2018, rezoning of the parcel of land having an area of approximately 3.5 hectares, located at 573 Woodward Avenue, also identified as PID 55220701.
- 3. 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 3.5 hectares, located at 573 Woodward Avenue, also identified as PID 55220701:
 - (a) That the development of the parcel of land be limited to a maximum of 225 dwelling units.
 - (b) That no multiple residential building be located closer than 45 metres from a property zoned One-Unit Residential (R1).
 - (c) That no multiple residential building exceed a height of 14 metres.
 - (d) Except where necessary for street construction, that the development of the parcel of land include a continuous vegetative buffer having a minimum width of 12 metres and located along the perimeter of the parcel adjacent to the residential properties along Woodward Avenue and Boars Head Road, as illustrated on the submitted concept plan and rendering by the applicant.
 - (e) That the development of the parcel of land be in accordance with detailed site and landscaping plans, to be prepared by the proponent 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, amenity areas, pedestrian circulation, vegetative buffers, and other site features.

- (f) That the site and landscaping plans mentioned in clause (e) be attached to any development and building permit application for this proposed development, and that all site and landscaping improvements associated with each multiple residential building be completed within one year from the issuance date of such permit.
- (g) That the design and construction of all multiple residential buildings be in accordance with detailed elevation plans, to be prepared by the proponent and subject to the approval of the Development Officer, as illustrated on the submitted concept plan and rendering by the applicant.
- (h) That the parcel of land be developed and maintained in accordance with an engineering storm water drainage plan and design report, prepared by the proponent and subject to the approval of the Chief City Engineer, and that such approved plan and report be attached to any tentative subdivision approval or development and building permit for the proposed development, whichever occurs first.
- (i) That a traffic impact statement, to be prepared by the proponent's traffic engineering consultant and subject to the approval of the City Traffic Engineer, be required prior to seeking tentative subdivision approval or the approval of any development and building permit for a multiple dwelling on the parcel of land, whichever occurs first.
- (j) That all work, utilities, and other facilities, including site improvements, construction of the proposed public street, municipal infrastructure and public utility extensions and upgrades, and any necessary improvements to existing streets, be the sole responsibility of the proponent.

DECISION HISTORY

On April 17, 2018, the Planning Advisory Committee considered a rezoning application by NJP Developments Inc. and Darrell MacGowan, owners of the properties at 453 Boars Head Road and 573 Woodward Avenue, respectively. The application sought to rezone 453 Boars Head Road from One-Unit Residential (R1) to Mid-Rise Residential (RM) and to rezone 573 Woodward Avenue from One-Unit Residential (R1) to Mid-Rise Residential (RM) and Low-Rise Residential (RL).

The application proposed the construction of a 12-unit multiple residential building at 453 Boars Head Road and the construction of two 24-unit multiple residential buildings and 21 semi-detached buildings on the property at 573 Woodward Avenue (Submission 3).

The Committee recommended the rezoning application to Common Council with the following Section 59 conditions, which were recommended by staff:

- 1. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent 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 site plan is to be attached to the application for the building permit for the respective part of the proposed development and all site improvements illustrated on the plan must be completed within one year of completion of the respective building.
- 2. That any proposed buildings be constructed in accordance with detailed elevation plans prepared by the developer and approved by the Development Officer to ensure compliance with applicable standards. These building elevation plans must be attached to the application for any building permit for the proposed development.
- 3. Engineering water demands (maximum and average day demand and fire flow demand) and sewer flows based on Atlantic Canada Wastewater Guidelines Manual and Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems, geodetic elevations of the proposed buildings, and the connection location for the above listed water and sewer flows must be submitted by the proponent to the City for review and incorporation into the City's water and sanitary sewer models to analyze the impacts of the proposed development on the municipal system. This information shall be submitted prior to the issuance of a building permit for 453 Boars Head Road and prior to the issuance of tentative subdivision approval for the full build out of 573 Woodward Avenue. Any upgrades/extensions to the existing municipal infrastructure required to service this proposed development is the owner/developer's full responsibility and cost to complete.
- 4. An engineering storm water drainage plan and design report must be completed by the applicant's engineering consultant indicating how storm water collection and disposal will be handled for full build out of the development or a portion thereof. If any municipal infrastructure improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete.
- 5. Any private easements required to facilitate servicing or drainage shall be the responsibility of the applicant to obtain.
- A traffic impact statement is required from the applicant's traffic engineering consultant to review and recommend on the interconnection of the proposed street with Woodward Avenue. This information must be provided to the City for review and approval by the City.

On May 22, 2018, Common Council held the public hearing and gave first and second reading to the requested rezoning application. On June 4, 2018, Council gave third reading to the rezoning application and adopted the recommended Section 59 conditions. These conditions were registered in the Saint John Registry Office on June 19, 2018.

ANALYSIS

Proposal

The applicant is proposing to develop the property at 573 Woodward Avenue with three multiple residential buildings (Submission 1 & 2). These buildings are expected to be constructed in phases in response to market demand. Once fully completed, these three buildings will have a total of 225 rental units.

Each building and associated parking area is expected to be developed independently on its own lot. This will require the consideration of a subsequent subdivision application. A new public street from Woodward Avenue is proposed that will provide access to these future lots. The applicant will be solely responsible to construct this new street in accordance with the requirements of the Subdivision By-law (see Future Subdivision Application).

The applicant has owned the property for some time and has evaluated several different possible housing developments, including single-detached dwellings and semi-detached dwellings with smaller multiple residential buildings, which was approved by the City in 2018. Due to the undulating rocky site conditions, the applicant has indicated that the proposed higher density development is needed to economically develop the property.

The applicant has indicated that blasting will be likely be required to extend municipal infrastructure and underground public utilities onto the property. Mechanical rock extraction may be possible for the remainder of the site. This matter is currently being investigated by the applicant's engineering consultant. The applicant has indicated that a previous developer had removed rock outcropping within the Future Street right-of-way, located between the properties at 569 and 577 Woodward Avenue.

Should the rezoning and Section 59 amendment application be approved, the applicant will proceed with the mentioned subdivision application and start constructing the new public street this winter. Construction of the 50-unit multiple residential building is expected next year. The two other buildings will be constructed afterwards and may be constructed by other developers.

The proposed housing development will provide an additional 225 rental units to the Millidgeville community. This type of housing option allows persons who want to live in place but no longer wish to maintain a single-detached dwelling to remain in the community.

The applicant recognizes that the proposed development must be attractive and affordability to its intended market and offer the necessary amenities to attract and retain these tenants. Given the scale of the proposed development, the applicant has indicated that subsidized units and barrier-free units, in addition those required by Provincial building codes, will be considered.

A lack of affordable housing is a growing concern for communities across Canada. Earlier this year the City launched a collaborative project with community affordable housing partners, Canada Mortgage and Housing Corporation, and the Government of New Brunswick, to address

this issue. The Saint John Affordable Housing Action Plan project will position the City, and its partners, to develop housing policies, by-law regulations, programs, and other actions to holistically address the supply and affordability of housing in the community.

Site and Neighbourhood

The subject property is located to the southeast of the intersection of Woodward Avenue, Boars Head Road, and Ragged Point Road in Millidgeville (Map 1). The property is approximately 3.5 hectares in area and has a hilly terrain. There are trees covering portions of the site, especially behind the properties along Woodward Avenue and near the center of the property.

Eighteen properties containing single-detached housing are adjacent to the subject property along the northern and western property lines. There are a number of additional single-detached houses located to the west, including dwellings along Amelia Court and in the Cedar Point Estates Subdivision. To the northeast, the property at 453 Boars Head Road, now owned by Cogswell Properties Ltd., is zoned Mid-Rise Residential (RM) and is expected to be developed with a 12-unit multiple residential building (see Decision History).

To the east, three multiple residential buildings abut a cul-de-sac street (Charlie Grace Terrace). The land to the south is undeveloped and has similar topographical features as the subject property. This adjacent land to the south is owned by Barsa Ventures Ltd., the developer of the Cambridge Estates Subdivision located further to the east on Boars Head Road.

In the general area, the Samuel de Champlain school is located at 67 Ragged Point Road and the Millidgeville North School is located at 500 Woodward Avenue. The Kennebec Manor Nursing Home is located at 475 Woodward Avenue.

Municipal Plan and Rezoning

The subject property is designated Stable Residential by the Municipal Plan (Map 2). Neighbourhoods under this designation are within the Primary Development Area, generally on municipal services, and have the potential to accommodate additional development at a scale and density consistent with the surrounding context.

When significant new development is proposed, the Municipal Plan requires that that a rezoning process be undertaken to ensure compliance with Policy LU-88. A detailed analysis of this policy is included in Attachment 2: Municipal Plan Policy Review.

The proposal for three larger multiple residential buildings, instead of the originally approved proposal involving two smaller multiple residential buildings and a number of semi-detached buildings (see Decision History), is a request to further upzone the property.

In the April 13, 2018, staff report to the Committee, staff noted "The transition between Low-Rise Residential (RL) and Mid-Rise Residential (RM) zoning is intended to provide similar height, massing, and lot configuration to the adjacent single-family homes and multiple unit buildings."

The proposal of the larger multiple residential buildings will not provide the transition anticipated between the development of multiple residential buildings on the subject property and the single-detached dwellings to the north and west. However, the revised proposal will provide for greater building separation and buffering. Separation was a concerned raised by two adjacent property owners in 2018.

With respect to site density, the revised proposal will increase the total number of dwelling units from 90 to 225, a 250 percent increase from the approved proposal in 2018, resulting in an approximate site density of 64 units per hectare. In comparison, the original proposal involved a density of 26 units per hectare.

The Stable Residential designation does not have any density guidelines to evaluate new development. Instead, new development should be at a scale consistent with the context of the neighbourhood.

The neighbourhood consists of single-detached housing to the west and multiple residential buildings to the east. Considering this context, the Low to Medium Density Residential designation, a designation that permits townhouses, semi-detaches, single-detached dwellings, and apartments and condominiums where appropriate through a rezoning process, would support a gross residential density between 35 to 90 dwelling units. The density of the revised proposal is consistent with this density range.

While it would be more ideal to have the proposed development located in Millidgeville's Intensification Area, which is to the east along Millidge Avenue, the proposal can satisfy the criteria of Policies LU-88 & I-2 as discussed in Attachment 2. The rezoning application is, therefore, supported provided the Section 59 conditions recommended by staff are imposed. These conditions are discussed in the next section of this report.

Recommended Section 59 Conditions

To address neighbourhood compatibility, infrastructure servicing, and any traffic issues of the proposed development, Section 59 conditions have been recommended. These conditions are consistent with the conditions imposed on the original proposal in 2018. The Section 59 conditions imposed on the subject property in 2018 will be replaced with the recommended conditions dealing with the revised development proposal in 2021.

Section 59 conditions are recommended to ensure that no multiple residential building is closer than 45 metres (148 feet) from an adjacent residential property along Woodward Avenue and Boars Head Road. The conditions also require that a continuous vegetation buffer having a minimum width of 12 metres be provided between the adjacent residential properties and the proposed development, except where necessary for the construction of the new street. Additional vegetation will need to be planted to ensure that the buffer is continuous. The buffer will need to be established and maintained in accordance with an approved landscaping plan.

¹ The Municipal Plan does not calculate density on a property basis but on a gross residential density per net hectare basis which includes on the lands within the Plan designation.

The Section 59 conditions stipulate that no multiple residential building can have a height greater than 14 metres(46 feet). The recommended Section 59 conditions also address site development and building design.

The Section 59 conditions will limit the total number of dwelling units to 225, the maximum buildout of the proposed development. Service modelling indicates that there is sufficient capacity to accommodate this number of dwelling units. Additional modelling will be needed to assess additional units.

The Section 59 conditions require a traffic impact statement prior to seeking tentative subdivision approval or the issuance of a development and building permit for the construction of any multiple residential dwelling. The statement will need to address the level of service to Woodward Avenue, the proximity of the two nearby street intersections (i.e., Cedarwood Drive and Amelia Court), and a crosswalk assessment for the area. The developer will be fully responsible for any work needed to address traffic issues in connection to this proposed development. The applicant has indicated that the traffic impact statement is currently being developed by a traffic engineering consultant and may be available for the Committee meeting.

Finally, the Section 59 conditions requires that all work, utilities, and other facilities, including site improvements, construction of the proposed public street, extension and upgrading of municipal infrastructure and public utilities, and any necessary improvement to existing streets, be the sole responsibility of the applicant. This is a requirement of the Subdivision By-law.

Future Subdivision Application

The applicant is expected to submit a subdivision application should this rezoning and Section 59 amendment application be approved. The subdivision application will seek approval of the proposed public street, the creation of lots for each of the multiple residential buildings, and the provision of money in-lieu of land for public purposes. The applicant has indicated that the tentative subdivision plan and preliminary engineering plans are being developed. The provision of a future street to the undeveloped land to the south has been briefly discussed with the applicant and will need further consideration.

Conclusion

The further rezoning of the subject property to allow three larger multiple residential buildings is supported by the Municipal Plan. Section 59 conditions are recommended to address neighbourhood compatibility, infrastructure servicing, site development, and traffic.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

ENGAGEMENT

Proponent

On October 7, 2021, the applicant delivered information about the proposed development to the residences along Woodward Avenue and Boars Head Road adjacent to the subject property. Information was also delivered to residences across the street, including dwellings along Amelia Court. At the time of preparing this report, the applicant had responded to three telephone inquiries about the proposed development.

Public

In accordance with the Committee's Rules of Procedure, notification of the application was mailed to landowners within 100 metres of the subject property on October 8, 2021. A public notice concerning the rezoning and Section 59 amendment application was posted on the City of Saint John website on October 8, 2021.

APPROVALS AND CONTACT

Author	Manager	Commissioner
Mark O'Hearn, CPT	Jennifer Kirchner, RPP, MCIP	Jacqueline Hamilton, MCIP, RPP

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APPENDIX

Map 1: Site Aerial

Map 2: Future Land Use

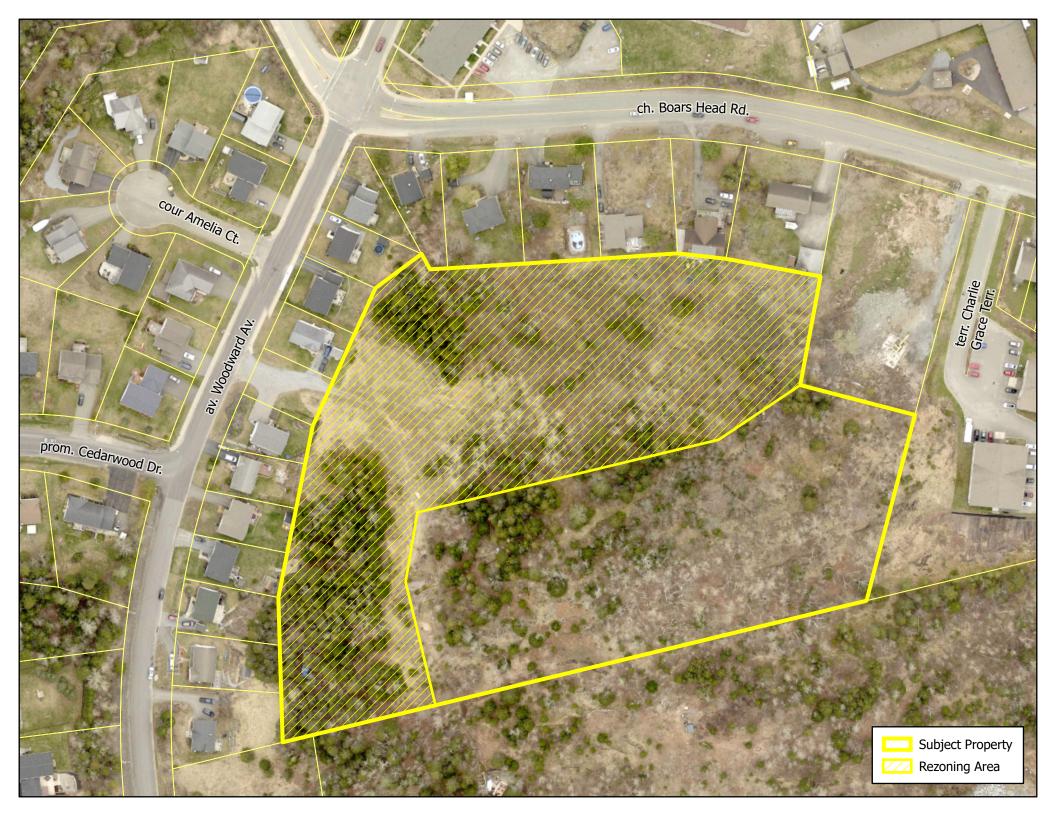
Map 3: **Zoning**

Attachment 1: Site Photography

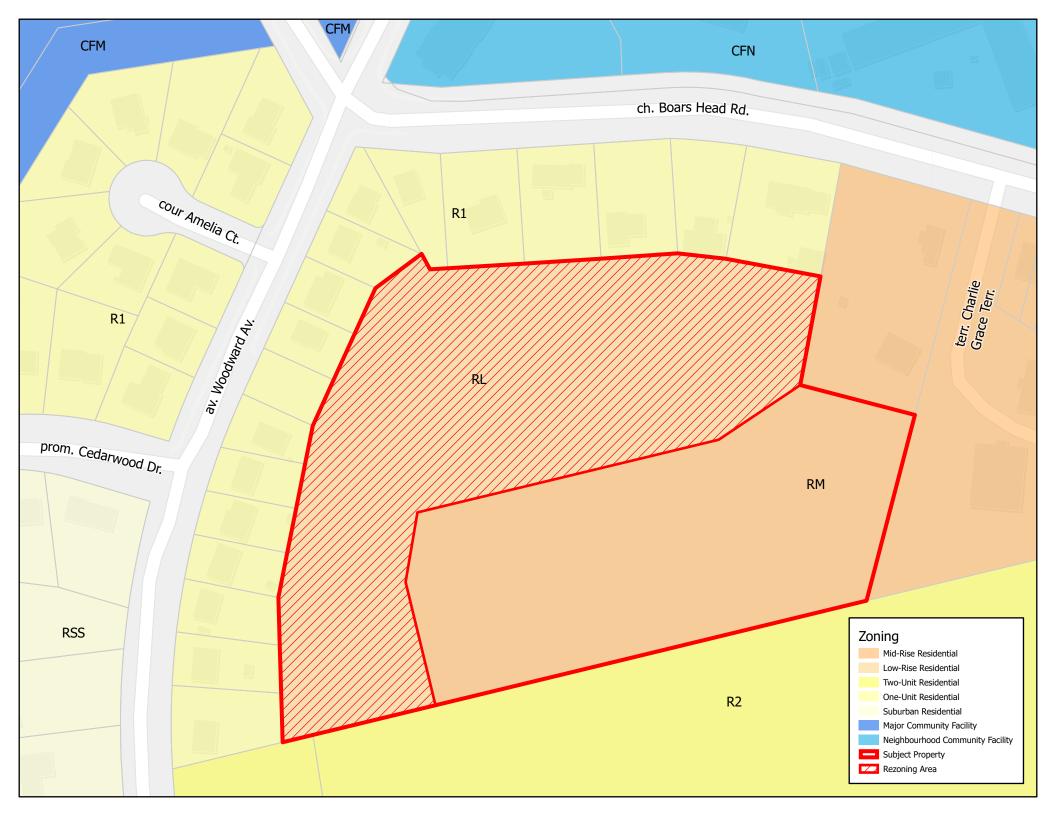
Attachment 2: Municipal Plan Policy Review Submission 1: Revised Concept Plan (2021)

Submission 2: Rendering (2021)

Submission 3: Approved Concept Plan (2018)















Attachment 1: Site Photography

Policy

Staff Comment

Stable Residential

These lands include a number of existing neighbourhoods in the City which are generally built-out and are not anticipated to receive major change over the planning period. These neighbourhoods are within the Primary Development Area, are generally on municipal services, and have the potential to accommodate additional development, at a scale and density consistent with the surrounding context.

Policy LU-88

Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:

 a. The proposed land use is desirable and contributes positively to the neighbourhood; The proposed land use will utilize a large undeveloped property that abuts a collector street with municipal infrastructure and public utilities.

The inclusion of additional rental units in the Millidgeville community will enhance housing options for residents, including persons who wish to live in place but no longer wish to maintain a single-detached dwelling.

b. The proposal is compatible with surrounding land uses;

In 2018, the City approved a proposal involving two 24-unit multiple residential buildings and 21 semi-detached buildings on the subject property. The City also approved a proposal for a 12-unit multiple residential building on the adjacent property to the north at 453 Boars Head Road.

The revised development will introduce a third multiple residential building on the subject property. This revision is compatible with the approved and existing multiple residential buildings in the immediate area, including three existing multiple residential buildings to the east abutting Charlie Grace Terrace.

Policy	Staff Comment
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The revised development proposes three multiple residential buildings that will contain 50, 75, and 100 dwelling units, whereas the original proposal included two 24-unit buildings. The massing of the proposed buildings, especially the 100-unit building, is not characteristic of the area.

The 2018 proposal involved a site density of 26 units per hectare for the subject property. The 2021 revised proposal will result in an approximate density of 64 units per hectare.

In comparison, the Charlie Grace Terrace development has a site density of 33 units per hectare, and the single-detached housing to the west has an average density of 10 units per hectare.

Notwithstanding, the inclusion of the proposed larger multiple residential buildings is supported given the compatibility with other multiple residential buildings to the east and north (proposed), and the ability to separate and buffer these larger multiple residential buildings from the single-detached housing to the west.

Section 59 conditions are recommended to ensure that separation and a continuous vegetative buffer is established, and to limit building height and the total number of units.

c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit, and other community facilities and protective services can readily and adequately be provided;

The property abuts a collector street with municipal infrastructure and public utilities. Service modelling indicates that the existing infrastructure can accommodate the demands of the proposed 225 units.

The neighbourhood is served by public transit along Boars Head Road and Woodward Avenue to the east. A bus shelter is situated near 509 Boars Head Road.

Policy	Staff Comment
	There are schools and recreational services in the general area – Samuel de Champlain school is located at 67 Ragged Point Road, the Millidgeville North School is located at 500 Woodward Avenue, and M. Gerald Teed Memorial School and the Millidgeville Community Centre are further to the east at 151 Black Street.
	Infrastructure Development has indicated that detailed engineering plans and a design brief will be required by the developer, subject to the approval of the City. The developer will be fully responsible for all street and infrastructure work in connection to this proposed development.
	Infrastructure Development has also indicated that a traffic impact statement is required. This will need to address the level of service to Woodward Avenue, the proximity of the two nearby street intersections (i.e., Cedarwood Drive and Amelia Court), and a crosswalk assessment for the area. The developer will also be fully responsible for any work needed to address traffic issues in connection to this proposed development. Section 59 conditions are recommended to address municipal infrastructure servicing
	and traffic.
d. Site design features that address such matters as safe access, buffering, and landscaping, site grading, and stormwater management are incorporated	The recommended Section 59 conditions will require detailed plans to ensure that site design features satisfy standards of the Zoning By-law.
	These conditions also will ensure that site grading and stormwater management are undertaken in accordance with approved plans by the City.

Policy

Staff Comment

e. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and The recommended Section 59 conditions will require the approval of detailed elevation plans by the Development Officer which are consistent with the submitted concept plan and renderings by the applicant.

f. The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.

The property is not adjacent to a Corridor, and it would be more ideal if the proposed development was located in the Millidgeville Suburban Intensification Area, located along Millidgeville Avenue to the east.

Notwithstanding, the proposal will complete the development of a cluster of multiple residential buildings in this neighbourhood and is not expected to detract from the Intensification Area.

Policy I-2

In considering amendments to the Zoning Bylaw or the imposition of terms and conditions, in addition to all other criteria set out in the various policies of the Municipal Plan, have regard for the following:

a. The proposal is in conformity with the goals, policies, and intent of the Municipal Plan and the requirements of all City by-laws.

The proposal is in conformity with Policy LU-88 (see previous policy analysis).

The proposal is expected to satisfy the standards of the Zoning By-law. A subdivision application will be required and the standards of the Subdivision By-law will be examined at that time.

- b. The proposal is not premature or inappropriate by reason of:
- i. Financial inability of the City to absorb costs related to development and ensure efficient delivery of services, as determined through Policy I-7 and I-8;

All site development and infrastructure extensions and upgrades will be the sole responsibility of the developer.

The proposal can be serviced by extensions to existing municipal infrastructure and public utilities. Service modelling indicates that there

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	Policy	Staff Comment
	ii. The adequacy of central wastewater or water services and storm drainage measures;	is sufficient capacity to accommodate the proposal.
	iii. Adequacy or proximity of school, recreation, or other community facilities;	See the previous Policy LU-88 analysis.
	iv. Adequacy of road networks leading to or adjacent to the development; and	
	v. Potential for negative impacts to designated heritage buildings or areas.	
	c. Appropriate controls are placed on any proposed development where necessary to reduce any conflict with adjacent land uses by reason of:	Section 59 conditions are recommended to ensure building separation and vegetative buffering between the proposed development and nearby single-detached housing. Site
	i. Type of use;	and building plan approvals will ensure proper site and building design.
	ii. Height, bulk or appearance and lot coverage of any proposed building;	See the previous Policy LU-88 analysis.
	iii. Traffic generation, vehicular, pedestrian, bicycle, or transit access to and from the site;	
	iv. Parking;	
	v. Open storage;	
	vi. Signs; and	
	vii. Any other relevant matter of urban planning.	
	d. The proposed site is suitable in terms of steepness of grade, soil, and geological conditions, locations of watercourses, wetlands, and susceptibility of flooding as well as any other relevant environmental consideration.	Grading and site drainage will need to be undertaken and maintained in accordance with engineering plans approved by the City.
	e. The proposal satisfies the terms and	If the rezoning application is approved, the

e. The proposal satisfies the terms and conditions of Policy I-5 related to timeframes and phasing of development.

If the rezoning application is approved, the developer will immediately proceed with a subdivision application. Construction of the new public street is expected to commence in the coming months. An initial multiple

Policy	Staff Comment
	residential building would begin later next
	year.
f. The proposal meets all necessary public health and safety considerations.	The development will be undertaken in accordance with City by-laws and provincial regulations. All street and site work will be undertaken in accordance with City approved engineering plans. A traffic impact statement is required and any necessary work will be the sole responsibility of the developer.



Revised Concept Plan (2021)



Rendering (2021)



Approved Concept Plan (2018)