

PLANNING STAFF REPORT

SUBJECT: Pursuant to Section 110(1) of the *Community Planning Act (C-19)*, the City of Miramichi has requested the views of the Greater Miramichi Regional Service Commission – Planning Review and Adjustment Committee on an Application to amend:

1. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from “Medium density A (R-3)” to “Medium density B (R-4)”;

For the Subject Property described as PID 40166266, located at 362 King George Hwy in the City of Miramichi, to allow the demolition of an existing garage to construct a second apartment building (8-units) on the property.

MEETING DATE: January 23rd, 2024

AGENDA ITEM: 2024-1-2

CONTENTS:

I.	APPLICATION OVERVIEW	2
II.	PROPOSED USE	4
III.	PLANNING CONSIDERATIONS	5
	(A) Municipal Plan	5
	(B) Zoning By-law - Site Development Regulations and Considerations	8
	(C) Neighbourhood Character and Impact	10
	(D) Department Comments	11
IV.	Staff Recommendation	12
V.	Attachments	12

I. APPLICATION OVERVIEW

A Zoning By-law Amendment application has been submitted to Planning Services by Curby O'Donnell regarding the Subject Property described as PID 40166266, located at 362 King George Hwy in the City of Miramichi. The application is to change the zoning designation from "Medium density A (R-3)" to "Medium density B (R-4)".

This application is required to allow the demolition of the existing garage and the construction of an 8-unit apartment building at the rear of the property, with 4 units for affordable housing and 4 units at market rent price.

Figure 1: Aerial Image Location of Subject Property outlined in blue.

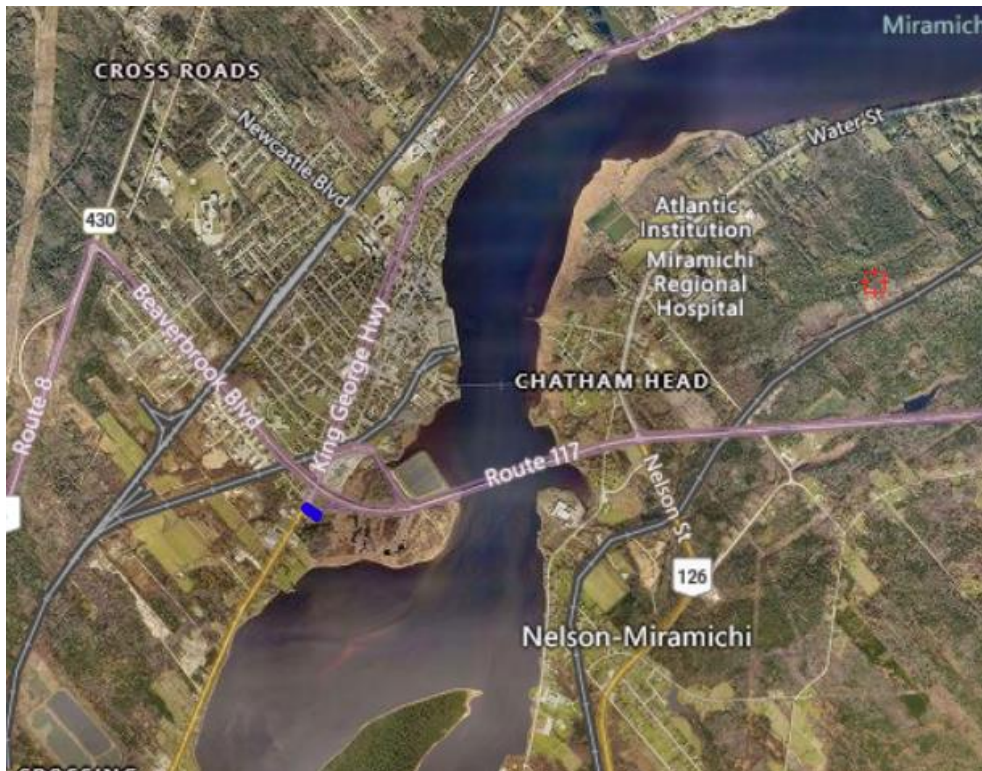


Figure 2: Aerial Image Location of Subject Property outlined in blue.



Figure 3: Oblique Aerial Image of Subject Property outlined in blue.



The Table below provides an overview of the Application:

Table 1: Curby O'Donnell - Rezoning Application Overview

Property Owner/Applicant Details	
Property Owner	Curby O'Donnell
Applicant	Curby O'Donnell
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40166266
Shape	Rectangular
Area	2017 m2 (approx. 70' x 304')
Lot frontage	approx. 70'
Access	King George Hwy, existing driveway access
Services	Municipal water and sewer available, to be extended to rear of property at developer's cost (see department comments).
Zoning Details	
Current Zoning	Medium density A (R-3)
Future Land Use Designation	Residential
Land Use	
Existing	Residential – 4-unit Multi Family and garage
Proposed Use	PID 40166266: demolition of the existing garage and the construction of an 8-unit apartment building with 4 units

II. PROPOSED USE

The following list provides a summary of the proposed use of the Subject Property, should the Rezoning be approved:

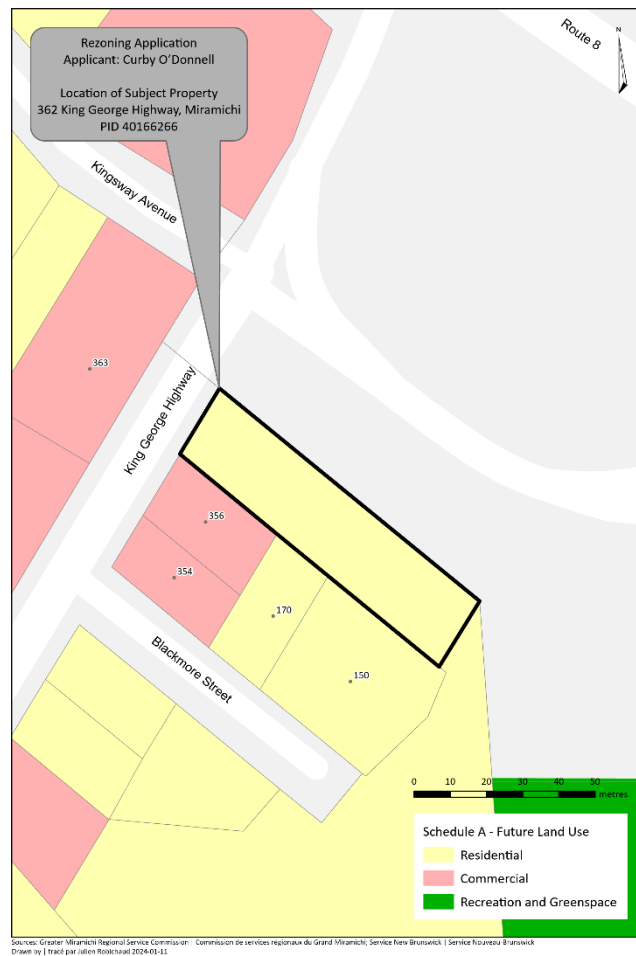
- Access to the property will remain via King George Hwy
- The existing 4-unit residential dwelling will be kept.
- The existing garage will be demolished and a new two-storey, 8-unit apartment building (4 units for affordable housing and 4 units at market rent price) will be built.
- The approximate footprint of the proposed building measures 112'x36'
- All units are 2 bedroom, 2 bathroom units with direct outside access. Each unit has an approximate floor area of 900sq ft.
- Any potential development would still be subject to the "Medium density B (R-4)" and other zoning regulations (for setback, lot coverage, parking, screening, etc. (along with any potential conditions that Council wishes to impose).

III. PLANNING CONSIDERATIONS

(A) Municipal plan

The Municipal Plan sets out Miramichi City Council's long-term policies and proposals to guide future land use and development within the Municipality. The Plan is intended to be used by Council, City Staff, GMRSC Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decisions affecting development.

Figure 4: Municipal Plan (By-law No. 109) - Designations Map



The Subject Property is designated as “Residential” by Schedule A: Future Land Use Map of the Municipal Plan (By-law No. 109). The subject property does not have designations under Schedule C: Commercial Hierarchy & Designations.

The Applicant's proposal aligns with the following goals, policies, and proposals from the Municipal Plan:

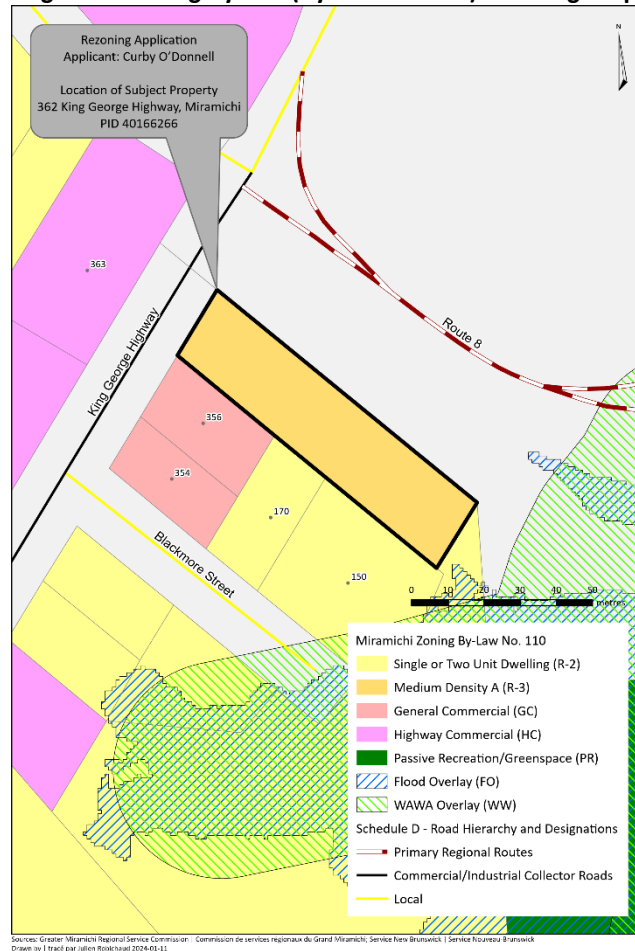
Proposed use:	Municipal plan (By-law N0 109) excerpts:
<p>Adequate and diverse housing: The proposed development will add to the housing supply and offer more options. It caters to the needs of various demographics, such as young families, students and addresses the needs of the growing population.</p>	<p>Section 4(B): Residential It is a goal of the Plan: “To have an adequate supply of residential land designated [...] to meet the diverse needs of the present and future population.”</p> <p>Section 2(D): Goal 3: “To sustain the community at its current (and eventually higher) levels of population and skilled workforce including retention of young people, families, and newcomers.”</p> <p>Section 2(D): Growth strategy “7. Encourage more diversity in housing types to retain and attract newcomers, young families, working people, and people participating in education and training programs, [...].”</p>
<p>Affordable housing: One of the key themes outlined in the municipal plan is the promotion of housing diversity and affordability. The proposed development addresses this theme by providing 4 units for affordable housing and 4 units at market rent price.</p> <p>Density: Furthermore, the proposed building will promote medium and high-density residential options by offering 8 units which will be added to the 4 units available on the existing building on the same lot.</p>	<p>Section 2(C): Key themes 3.Housing diversity and affordability: “...the city will promote and encourage increasing the diversity of housing options to allow for a wider range of dwelling types and living situations, such as apartments, [...] will extend the offer of the local housing market to provide medium and high-density residential options.”</p>
<p>Sustainability and mixed use: The subject property is surrounded by an area with a variety of uses so adding more residential units will support the nearby commercial uses and promote a mixed-use type of development and create a vibrant environment.</p> <p>Infill development: Also, allowing the construction of 8-unit apartments will act as an infill development, maximize land use within existing infrastructure and align with sustainability goals.</p> <p>Multi-unit housing:</p>	<p>Section 2(D): Growth strategy “This Plan is intended to direct development through a planning strategy that promotes mixed use, compact form, infill development, street connectivity, and an enhanced public realm.”</p> <p>Section 2(D): Growth strategy “The City will focus on achieving build-out of the</p>

<p>The increase of apartment units in an area with a majority of single- or 2-unit dwellings aligns with the policy's consideration for designs that incorporate small, multi-unit housing forms.</p>	<p>City's under-occupied residential subdivisions, primarily with single-detached dwelling developments, but with options for designs that incorporate small, multi-unit housing forms [...]."</p>
<p>Sustainable development: The area where the property is located is mixed use, and residential with more single- or 2-unit dwellings. The addition of a new building on the same lot as the existing building allows for a more efficient land use by using the existing infrastructure. It helps reduce urban sprawl and thus aligns with sustainability goals. Further, this area is serviced by municipal sewer servicing.</p>	<p>Section 13(B): "[...] that prevents residential sprawl outside of the City's urban areas."</p> <p>Section 13(B): Policy 2: "Encourage sustainable development practices."</p>
<p>Efficient land use: The proposed development is a compact and infill type of development. It reduces urban sprawl, allows for a more efficient land use by using the existing infrastructure and thus aligns with sustainability goals.</p>	<p>Section 2(E): Efficient and compatible development "1. It is a policy of Council to ensure that general growth and development is cost effective, compatible, and environmentally sound by: a. Encouraging concentration of new growth in areas that are adequately serviced and properly planned; c. Encouraging higher density and more compact forms of development in the areas identified for more concentrated development and that can be supported by the existing servicing systems;"</p>
<p>Strategic economic development: The proposed development aligns with one of the Miramichi's municipal plan priorities (the economic development) by introducing additional housing options, which can attract newcomers, young families, students... By enhancing housing diversity and affordability, the project helps create a more attractive environment for prospective residents and investors.</p>	<p>Section 7(A): General -Goals: "6. Encourage new development in compact, sustainable built forms to minimize municipal service delivery cost, thereby maximizing the tax base and minimizing municipal expenditures. 11. To retain and attract residents and businesses by providing and encouraging services, amenities, and an atmosphere that contributes to a good quality of life."</p> <p>-Objectives: "4. To pursue a comprehensive economic development strategy for the city."</p>

(B) Zoning By-law – Site Development Regulations and Considerations

The applicable site development regulations are contained in the Zoning By-law (By-law No. 110), which includes several general provisions that apply to development in all areas of the City and provisions that are specific to the zoning of the Subject Property (e.g., permitted uses, setbacks, landscaping and screening requirements, size restrictions, etc.). The Zoning By-law also contains regulations that apply specifically to offer site elements like driveway access, parking, loading, and signage.

Figure 5: Zoning By-law (By-law No. 110) – Zoning Map



The Subject Property is designated as “Medium density A (R-3)” by the zoning (By-law No. 110) map. The subject property does not have designations under Schedule C: Commercial Hierarchy & Designations.

This portion of King George Hwy is designated as a “Commercial/Industrial Collector Road” by Schedule D: Road Hierarchy & Designations.

NB Route 8 is designated as a “Primary Regional Route” under Schedule D.

The proposed residential use is not permitted under the current “Medium density A (R-3)” zoning of the subject property, because the R-3 zone limits development to one main use/building only. The proposed

and current uses are permitted under the “Medium density B (R-4)” zone.

The “(R-4)” zone allows for residential development per lot these main uses:

- An apartment dwelling containing not more than 24 dwelling units;
- Assisted living facility;
- Community placement residential facility (subject to section 3.4.1);
- Convenience store
- Early learning childcare center (subject to section 3.3.1);
- Inn
- Park
- Rowhouse dwelling containing not more than 16 dwelling units.

The (R-4) is a zoning designation that is typically used throughout medium and high-density residential areas of the City. This zone also allows for a home business (subject to section 3.2.2) as a secondary use only in association with a dwelling unit.

Zoning regulations and other provisions can provide certainty about a future development. However, as a redevelopment of the existing buildings on the property (with no expansion or intensification of use), it is expected that the proposal will meet all Zoning By-law requirements. Some characteristics of the site are considered “existing conditions” and may not be expected to be brought into compliance with zoning requirements, at the discretion of the Development Officer.

If the Rezoning is approved, the Applicant will require a building permit from the GMRSC Planning Services Office, for the construction of the 8-unit apartment building.

The applicable zoning regulations of the “Medium density B (R-4)” zone vary based on the residential use proposed, but are generally as listed below:

<i>“Medium density B (R-4)”</i>	
Minimum lot area	2 230m ²
Minimum lot frontage	30m
Minimum lot depth	30m
Minimum lot area / dwelling unit (new lots)	185m ²
Minimum front yard	In accordance with section 3.1.4
Minimum side yard	3.0m
Minimum rear yard	9.2m

Maximum lot coverage	40%
Maximum height	17m
Maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

After the Rezoning Application is heard by City Council, there is no mechanism to add additional terms and conditions that are not regulated by the Zoning By-law. If PRAC or Council wishes to:

1. Provide more immediate and long-term certainty with regard to the proposed rezoning;
2. Address potential incompatibility with surrounding uses; or
3. Restrict or relax the R-4 development rules.

They should consider recommending/utilizing Section 59 of the Community Planning Act (C-19) to place additional terms and conditions on the use/development.

The proposed plans for the new 8-unit building do not meet the minimum lot side yard requirements and will require minor variances to be applied for (or adjustments to the final site plan) prior to any final permit being issued for the proposed development.

(C) Neighbourhood Impacts and Compatibility with Surrounding Land Uses

The following points summarize land use activities in the area:

- The property is located in the Newcastle neighbourhood of the City.
- The surrounding area has a mix of uses, and the following zones:
 - “General commercial (GC)”
 - “Residential Single- or Two-Unit Dwelling (R-2)”
 - “Highway commercial (HC)”
 - “Medium density B (R-4)”
 - “Flood Overlay (FO)”
 - “Passive Recreation (PR)”
 - “Integrated Development (ID)”
 - “Business Light/ Industrial (BLI)”

- These surrounding land uses include restaurants, car dealerships, a City park/trail, retail

plaza, hotel., auto repair shop, and single unit and multi-unit residential uses

- The property is located in close proximity to primary regional routes: Route 8 and Route 117.

Considering the Subject Property and the immediate area described above and the broader community context, the proposed development should not present an intensity to the level of traffic, noise and overall activity that would surpass the existing conditions and patterns of activity in the neighbourhood. It is unlikely that residents and businesses in the area will object to the proposed development of the property, nor are they expected to generate a noticeable increase in traffic or noise in the area. The area of the property proposed for development is well screened by existing vegetation from some of the surrounding residences. There are no immediate neighbours to the north, because of the highway on-ramp.

Specific neighbourhood impacts of concerns may be identified as the application progresses through the planning process (i.e., notification of property owners within 100m, notice in the local paper, and a Public Hearing).

(D) Department Comments

A request for comments on the application and proposed development was circulated to the City of Miramichi Departments of Public Works and Engineering, as well as the Provincial Departments of Environment and Local Government, and Transportation and Infrastructure.

The City's Departments of Engineering and Public Works provided the following comments:

- "1. Access is acceptable
2. Servicing – Public works to install water and sanitary services to the property line. Water to come from KGH and sanitary to be installed at the back of the property as there is a trunk line there. Cost to install services is \$ 20,000. A sanitary manhole is required at the property line and will be installed by Public Works. As the water service will run a significant length under the driveway, the developer shall ensure that proper depth and insulation is installed to prevent freezing.
3. Developer to submit a drainage plan with a net zero increase in runoff."

The Department of Environment identified that the property is within Zone C of a designated protected wellfield area. As such, the proposed building is required to connect to municipal services. Additionally, there are restrictions regarding the type of heating system (no geothermal permitted) and chemical/petroleum storage on the property, which the developer will be made aware of.

IV. STAFF RECOMMENDATIONS

Pursuant to Section 110(1) of the *Community Planning Act (C-19)*, it is the view of the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Regional Service Commission that the City of Miramichi amend:

1. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Medium density A (R-3)" to "Medium density B (R-4)";

For the Subject Property described as PID 40166266, located at 362 King George Hwy in the City of Miramichi, to allow for the demolition of an existing garage and construction of a second apartment building (8-unit apartment building with 4 units for affordable housing and 4 units at market rent price), subject to the following terms and conditions pursuant to Section 59 of the *Community Planning Act (C-19)*:

1. That a 2.5m variance be granted to the side yard requirement of the R-4 zone, to allow for construction of the proposed apartment building to within 0.5m of the north side property line.

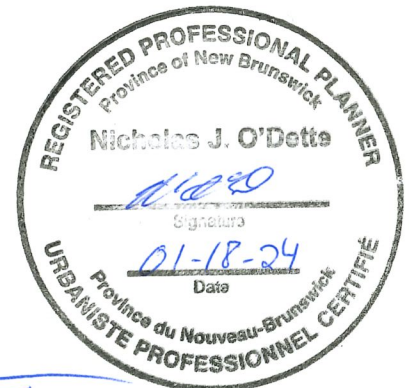
V. ATTACHMENTS

1. Applicant's Submission Documents
2. Site Photos

Report prepared on: January 18th, 2024.

Report Prepared by:

Nic O'Dette, RPP, MCIP
Planning Services Manager



Nahyssa Rose Rabé Harou, B.Sc.
Planner

Nahyssa Rose Rabé Harou

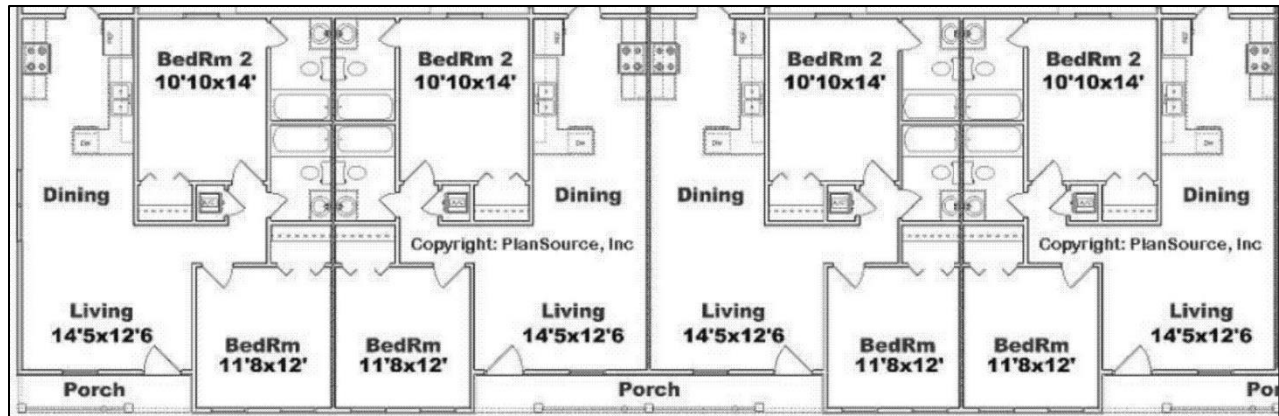
Report Reviewed and Approved By:

Wilson Bell, RPP, MCIP
CEO/Planning Director

Wilson Bell

ATTACHMENT 1 – Applicant's Submission Document

a) Floor plan



b) Building front Elevation



c) Site Plan

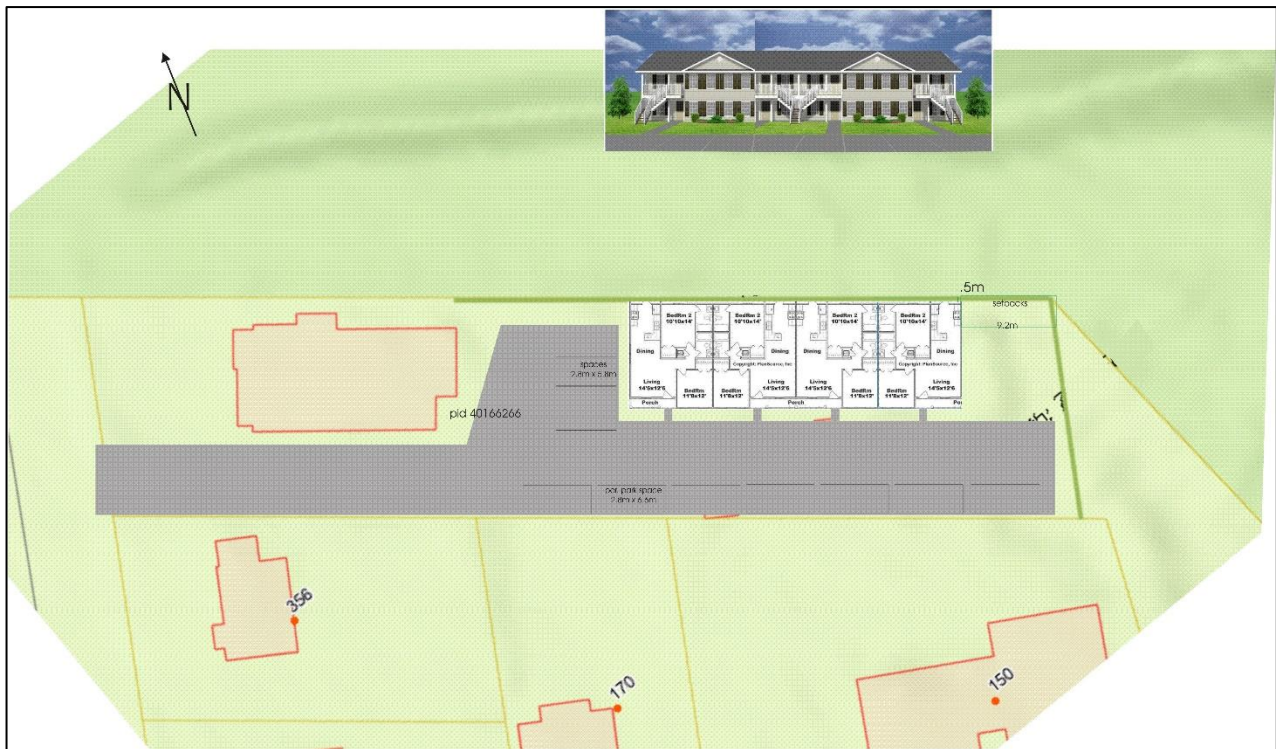


Photo 1: View of the front of the existing building



Photo 2: View of the side of the existing building



Photo 3: View looking south along King George Hwy



Photo 4: View of the nearest intersection (King George Hwy/Kingsway Av)

