

## PLANNING STAFF REPORT

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### SUBJECT:

- Pursuant to **Section 53(2)(i)** of the NB Community Planning Act, and **Section 2.9.4 (2)** of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) may authorize, for a temporary period not exceeding **one (1) year**, a development otherwise prohibited by the City of Miramichi Zoning By-law.

A request for a "**Temporary Use**" approval has been received regarding a portion (8566m<sup>2</sup>) of the subject Property described as 40204984, located at (no civic address), Henderson St in the City of Miramichi. This approval is required for the Applicant to construct two 10-unit (3 bedrooms each) 2 storey buildings

- 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 regarding a portion (8566m<sup>2</sup>) of the subject Property described as PID 40204984, located at (no civic address), Henderson St in the City of Miramichi, to **amend**:
  1. **Schedule A:** Future Land use Map of the City of Miramichi's Municipal Plan (By-law No. 109) to change the designation from "Recreation and Greenspace" to "Residential";
  2. **Schedule A:** Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Passive Recreation/Greenspace (PR)" to "Medium Density B (R-4)";

To allow the construction of two 10-unit (3 bedrooms each) 2 storey buildings.

MEETING DATE: March 19th, 2024

AGENDA ITEM: 2024-2-4

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# I. APPLICATION OVERVIEW



A "Temporary Use" application has been submitted to Planning Services by Housing New Brunswick regarding a portion of the subject Property described as PID 40204984, located at Henderson St in the City of Miramichi.

Pursuant to Section 53(2)(i) of the NB Community Planning Act, and Section 2.9.4 (2) of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) may authorize, for a temporary period not exceeding one (1) year, a development otherwise prohibited by the City of Miramichi Zoning By-law.

The portion of the subject property is also subject to a Municipal Plan and Zoning By-law amendments application. The Applicant, NB Housing, needs the temporary use approval in order to permit the development of the use on a portion of the subject property prior to any potential approval of the requested Municipal Plan and Zoning By-law amendments.

A Municipal Plan and Zoning By-law amendments are required in order to permit the proposed use beyond the one-year period allowed by a Temporary Use approval. There is some level of risk to this approval route considering that, if the temporary use application is approved by the PRAC allowing the applicant to proceed with the development and the rezoning is subsequently denied by City Council, the use would have to be discontinued (or otherwise changed to a use permitted in the "Passive Recreation/Greenspace (PR)" zone at the end of the one-year authorization period.

The Municipal Plan and Zoning By-law amendments application requests to change the municipal plan designation from "Recreation and Greenspace" to "Residential" and the zoning designation from "Passive Recreation/Greenspace (PR)" to "Medium Density B (R-4)" in order to allow the construction of two 10-unit apartment buildings.

Figure 1: Aerial Image locating subject property (outlined in blue)



Figure 2: Aerial Image locating the property (outlined in blue) and the subject portion (outlined in yellow)



**Table 1: NB Housing- Plan amendment and Rezoning Application Overview**

Property Owner/Applicant Details	
Property Owner	City of Miramichi
Applicant	Housing New Brunswick
Subject Properties Details (see attached Subject Properties Map)	
Property Identification Numbers (PID)	40204984
Shape	Irregular
Area	2.7ha (Subject Portion: 8566m <sup>2</sup> )
Access	Henderson St
Services	Water services available, Municipal sewer services to be extended, no storm services
Zoning Details	
Current Zoning	"Passive Recreation/Greenspace (PR)"
Future Land Use Designation	"Recreation and Greenspace"
Land Use	
Existing	Vacant
Proposed Use	Two 10 unit-2 storeys apartment buildings (3 bedrooms and 1 bathroom units)

A site plan and other application documents are included in the attachments to this report. The reader is directed to review these attachments in conjunction with the description of the proposed use that follows. Photos of the site and adjacent lands (see Attachment 2) included in this report were taken by Planning Services Staff on February 26th, 2024.



## II. PROPOSED USE

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

- 10 (3 bedroom, 1 bathroom unit) building, two storeys (with a potential future second building of similar footprint);
- Each unit would be 960 sq. ft;
- The building will have an approximate footprint of 20m x 50m;
- Modular construction will be used for this building;
- There will be surface parking for approximately 12-13 stalls and an access driveway from Henderson St;
- The applicant will maintain as much natural barrier as possible between the neighbor properties and the proposed development.
- The tree depth at the property lines and the required setbacks will be maximized wherever possible;
- There will be a 5m clearance from the water line to the proposed property line and 15m clearance from the water line to the building limit.

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).

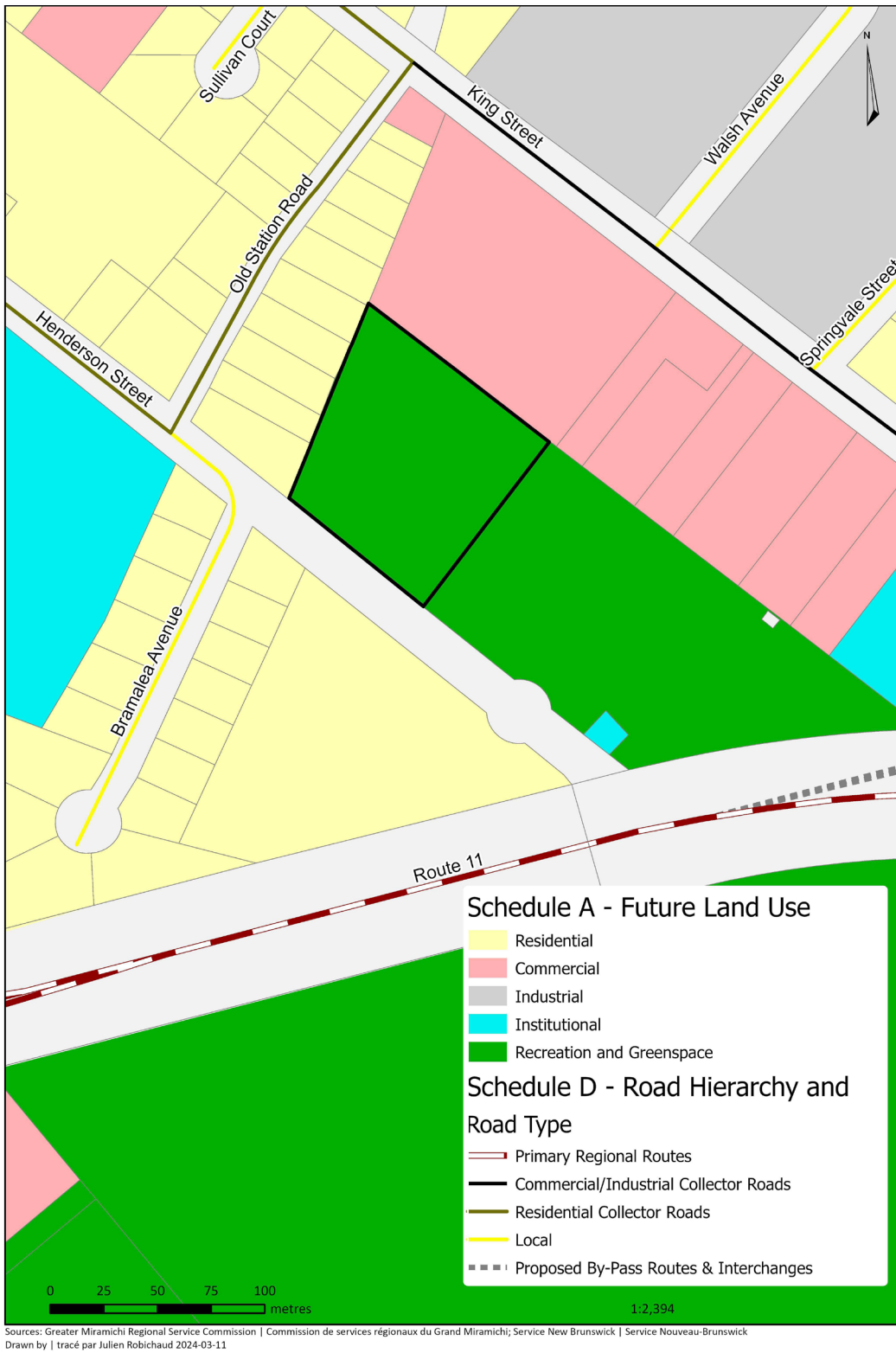
# III. PLANNING CONSIDERATIONS



## 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 3: Municipal Plan (By-law No. 109) - Designations Map (subject portion of the property is outlined in black)**



The subject property is designated as:

- Under Schedule A (Future Land Use Map of the Municipal Plan (By-law No. 109)): "Recreation and Greenspace";
- Under Schedule C (Commercial Hierarchy & Designations): No designations;
- Under Schedule D (Road Hierarchy & Designations): Henderson St is a residential collector road, route 11 is a primary regional route, Bramalea Avenue is a local road.



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

**Table 2: Analysis as per the Municipal Plan goals and policies**

Proposed use:	Municipal plan (By-law N0 109) excerpts:
<p><b>Adequate and diverse housing:</b> The proposed development will add to the housing supply and offer more options (with 3-bedroom units it will be adequate for families with more members). It caters to the needs of various demographics.</p>	<p><b>Section 4(B): Residential</b> 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><b>Section 2(D):</b> <b>Goal 3:</b> "To sustain the community at its current (and eventually higher) levels of population and skilled workforce [...]."</p> <p><b>Section 2(D): Growth strategy</b> "7. Encourage more diversity in housing types to retain and attract newcomers, young families, working people, and people participating in education and training programs, as well as providing for the expanding population of retired, seniors, and aged residents."</p> <p><b>Section 4(F): Medium and High-Density Residential</b> <b>Proposal:</b> "1. To encourage and support developers in providing alternatives to traditional single-family development including</p>

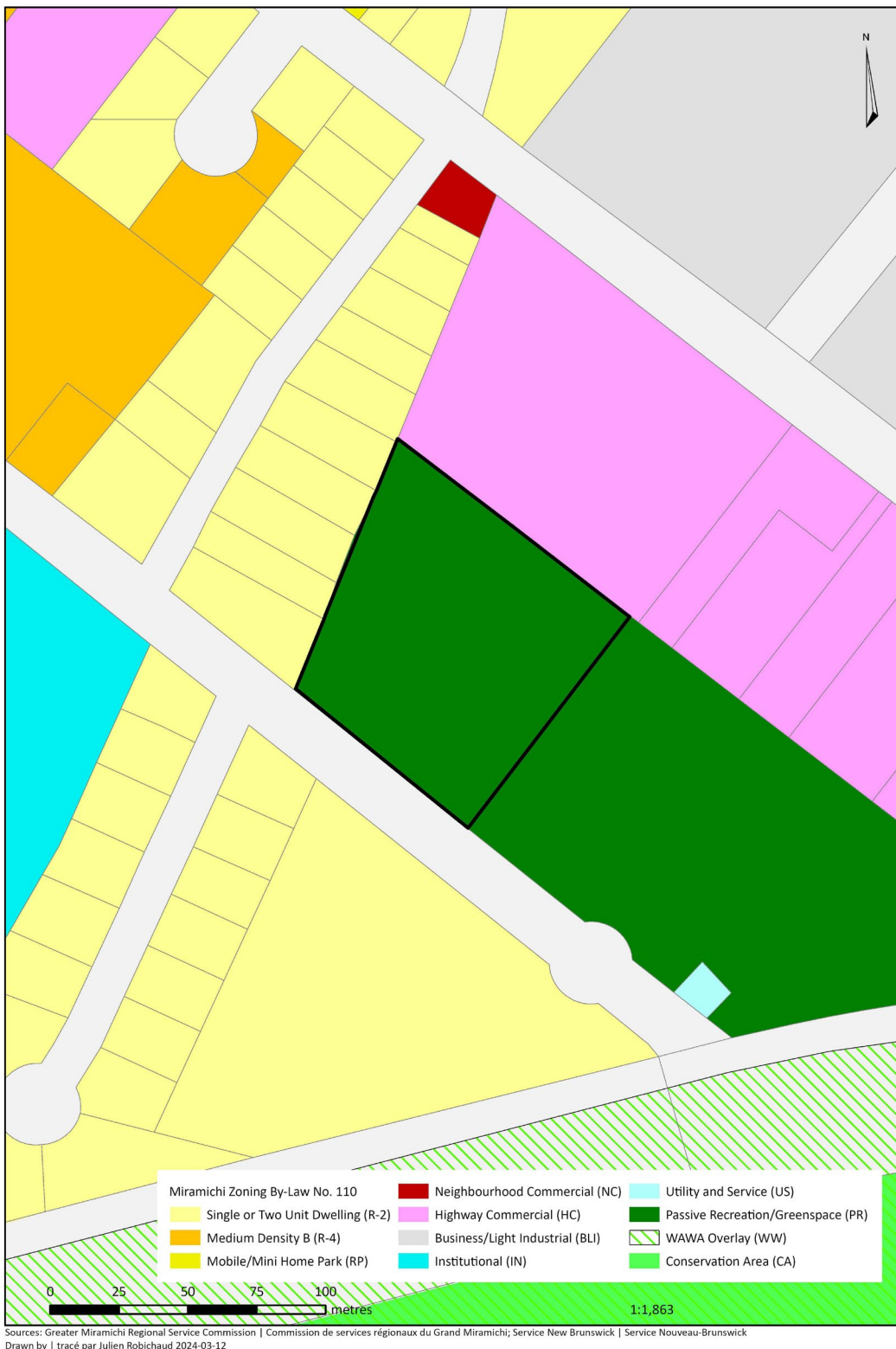
	<p>various types of medium and high-density dwellings, in order to achieve a variety in housing mix and price, to better meet the needs of seniors, [...].</p>
<p><b>Diversity and density:</b> Furthermore, the proposed development will promote housing diversity in the area and offer medium density low rise residential options by offering on the same portion of the lot, ~2 storey buildings with 10 – 3 bedrooms units each.</p>	<p><b>Section 2(C): Key themes</b> <b>3.Housing diversity and affordability:</b> “...the city will promote and encourage increasing the diversity of housing options to allow for a wider range of dwelling types and living situations, [...] will extend the offer of the local housing market [...].”</p>
<p><b>Sustainable development and efficient land use:</b> The proposed development aims to maintain as much natural barrier between the neighbor properties and the new building. It will maximize the setbacks required and the tree depth at the property lines at every opportunity. Also, the use of modular construction is very eco-conscious and results in reduced waste with more recycled materials. With 2 storeys, the proposed development will promote medium density for the subject portion of the property, an efficient land use and will also help reduce urban sprawl. Therefore, it aligns with sustainability goals.</p>	<p><b>Section 13(B):</b> “[...] that prevents residential sprawl outside of the City's urban areas.”</p> <p><b>Section 13(B):</b> <b>Policy 2:</b> “Encourage sustainable development practices.”</p>
<p><b>Strategic economic development:</b> 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...</p>	<p><b>Section 7(A): General</b> <b>-Goals:</b> “6. Encourage new development in compact, sustainable built forms to minimize municipal service delivery cost, thereby maximizing the tax base and minimizing municipal expenditures.</p>

<p>By enhancing housing diversity and accessibility, the project helps create a more attractive environment for residents and enhances the quality of life.</p>	<p>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><b>-Objectives:</b></p> <p>“4. To pursue a comprehensive economic development strategy for the city.”</p>
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## 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 other site elements like driveway access, parking, loading, and signage.

**Figure 4: Zoning By-law (By-law No. 110) - Zoning Map (subject portion of the property is outlined in black)**



As per the zoning (By-law No. 110) map, the subject Property is designated as: "Passive Recreation/Greenspace (PR)".

The proposed residential use is not permitted under the current "Passive Recreation/Greenspace (PR)" zoning of the subject property. The proposed use is permitted under the "Medium Density B (R-4)" zone.

- The “Medium Density B (R-4)” zone allows for residential development per lot, one or more of the following main uses:
- 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 and childcare centre, subject to section 3.3.1
- inn
- park
- rowhouse dwelling containing not more than 16 dwelling units subject to section 3.4.16.

As mentioned in the application overview section, the plan submitted by the applicant should be considered as “conceptual”, and therefore, the final approved development could vary from that which is presented in this report. This is to allow for flexibility in the often-required revisions to development plans as they progress through the development process or to add missing elements (measurements, barrier-free parking) that would be required to complete a full site plan review during the permitting process.

The Subject portion of the Property is located within an area with a variety of zones and close to low-density residential areas. The “Medium Density B (R-4)” is a zoning designation that is typically used throughout medium density areas of the City.

The R-4 zone also allows for home business, only in association with a dwelling unit and subject to section 3.2.2 as a secondary use.

If the Plan amendment and Rezoning are approved, the Applicant will require a building permit from the GMRSC Planning Services Office, for 10 unit 3 bedrooms, 2 storey building with a potential additional building with a similar footprint.

The applicable zoning regulations of the “Medium Density B (R-4)” zone vary based on the residential use proposed. As proposed the concept meets the setback requirements. Because of the large lot area, it can be presumed that the parking space, layout and number of stalls are compliant with the regulations.

Overall, with the actual characteristics of the proposed development, it complies with most of the R-4 zoning regulations.

It is to note that a temporary use variance has been requested by the applicant in order to permit the development of the use prior to any potential approval of the requested rezoning (to be considered by the Planning Review and Adjustment Committee at their March 19th meeting).

After the Plan amendment and 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.

## **C. Neighbourhood Character and Impact**

**Figure 5: Land uses of the surrounding area**



Miramichi Zoning By-Law No. 110	
Single or Two Unit Dwelling (R-2)	General Commercial (GC)
Medium Density A (R-3)	Highway Commercial (HC)
Medium Density B (R-4)	Business/Light Industrial (BLI)
High Density A (R-5)	Airport-Compatible Business (ACB)
Mobile/Mini Home Park (RP)	Institutional (IN)
Residential Retirement Community (RR)	Utility and Service (US)
Neighbourhood Commercial (NC)	Mixed Use (MU)
	Rural (RU)

The following points summarize land use activities within a radius of 500 m from the center of the subject portion of the property:

- The subject property is located in the Chatham neighbourhood of the City.
- The surrounding residential zones are a mix of low and medium density areas however the subject portion of the property is in close proximity to a low-density residential zone;
- There are 5 residential properties facing old station road and abutting on the subject portion of the property;
- The property is located in an area with a mix of the following zones: "Institutional (IN)", Conservation Area (CA), Highway Commercial (HC), "Residential Low Density (R-2)", "Medium Density B (R-4)", "WAWA Overlay (WW)" and "Business/Light Industrial (BLI)";
- Uses within 500 m radius from the subject portion of the property:

Figure 6: Uses in the surrounding area



- The subject portion of the property is located close to a local road: Bramalea avenue, to a residential collector road: Henderson St and to a primary regional route: Route 11

Considering the Subject Property and the immediate area described above and the broader community context, the proposed development will increase the volume of traffic, the noise and the overall activity (that would surpass the existing conditions and patterns of activity in the neighborhoods). It is likely that residents/businesses in the area will object to the proposed development of the property.

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. Views of the public

A notification sign was posted and neighbours within 30m of the subject property were notified of the variance request by mail, along with details of the PRAC meeting. Two inquiries were received from nearby property owners but with no objection regarding the development. To date, no additional comments have been received from adjacent or other property owners.

The City of Miramichi will undertake further public notification (by mail, and by public advertisement) prior to the required public hearing later in the plan amendment and rezoning process.

## E. Departmental and Agency Comments

Comments were sought from the planning staff and these comments were received from the City of Miramichi Engineering/Public Works Departments:

- The City to install a sanitary sewer main extension to the development at the cost of the Developer;
- The developer shall:
  - provide Engineered drawings for the extension, subject to approval by the Director of Engineering;
  - The developer shall confirm the size of the watermain to the development;
  - The developer shall provide a net zero increase in post-construction drainage;
- There are no storm and sewer services in the vicinity;
- The development is in a Wellfield, and subject to the Wellfield protection act.

Previous comments were received from the Department of Environment regarding the Wellfield designation of the area. They clarified that generally, residential development may proceed with a number of considerations (heating and elevator systems, parking design, stormwater runoff, chemical and petroleum storage) No other comments have been received to date.



## IV. STAFF RECOMMENDATION



A. Pursuant to Section 53(2)(i) of the NB Community Planning Act, and Section 2.9.4 (2) of the City of Miramichi Zoning By-law, the Planning Review and Adjustment Committee (PRAC) approves authorization, to allow for the proposed development of up to two 10-unit apartment buildings, for a temporary period not exceeding one (1) year, on a 8566m<sup>2</sup> portion of the subject property described as PID 40204984, located at Henderson St in the City of Miramichi.

B. 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 **amends:**

### 1. Schedule A:

Municipal Plan of the City of Miramichi (By-law No. 109) to change the designation from "Recreation and Greenspace" to "Residential"; and

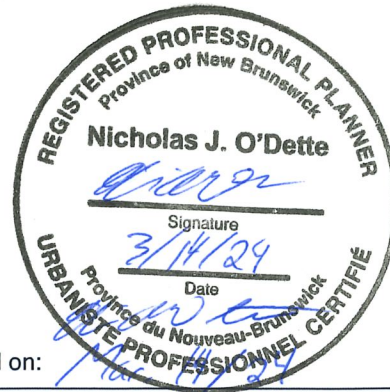
### 2. Schedule A:

Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Passive Recreation/Greenspace (PR)" to "Medium Density B (R-4)";

For a portion (8566m<sup>2</sup>) of the Subject Property described as PID 40204984, located at Henderson St in the City of Miramichi, to enable the construction of two 10-unit apartment buildings.

- Report prepared on: **March 14th, 2024.**
- Report Prepared by:

Nic O'Dette, **RPP, MCIP**  
**Planning Services Manager**



Signed on:

Nahyssa Rose Rabé Harou, **B.Sc.**  
**Planner**

Signed on: **March 14th 2024**

*Nahyssa Rose Rabé Harou*

Report Reviewed and Approved By:

Wilson Bell, **RPP, MCIP**  
**CEO/Planning Director**

Signed on: **March 14th 2024**

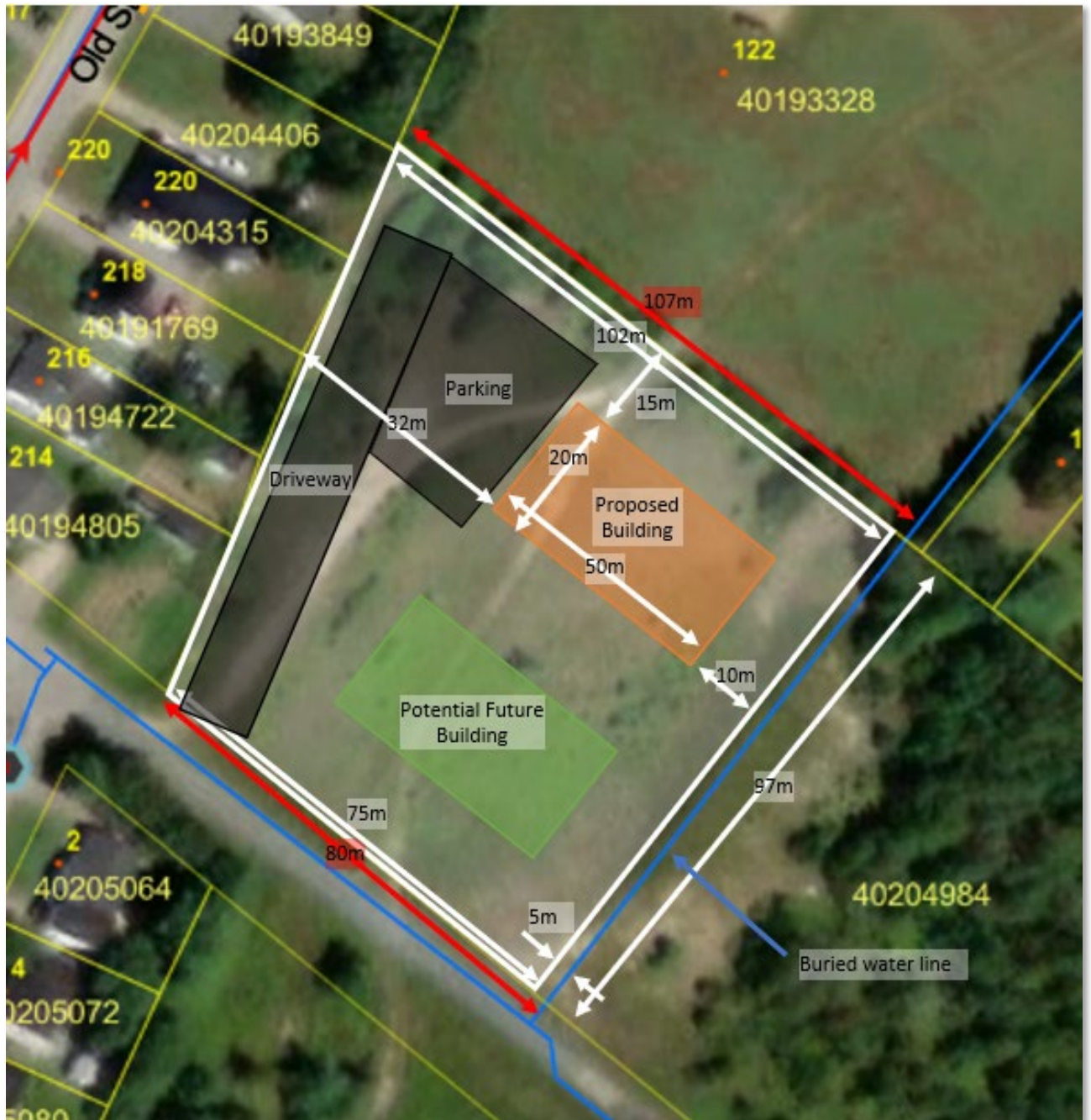
*Wilson Bell*

# A. ATTACHMENTS



## 1. Applicant's Submission Documents

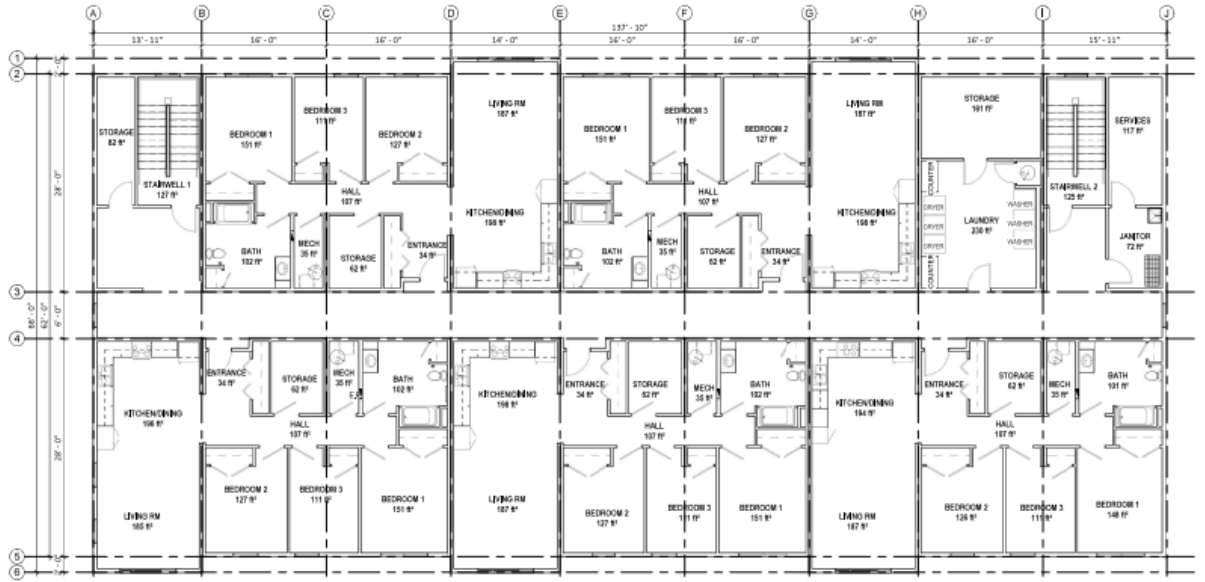
### a. Site layout



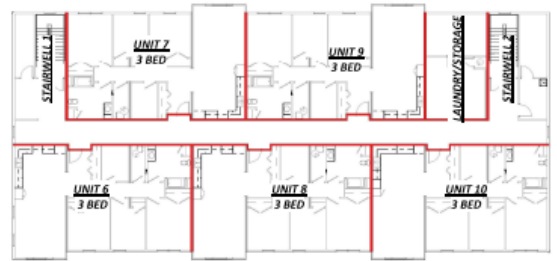
## b. Floor plans and elevation



**10 FAM  
HENDERSON**



① LEVEL 2 LAYOUT  
1/8" = 1'-0"



② LEVEL 2 FRR  
1/16" = 1'-0"

## 2. Site Photos

### a. Photo 1: view of the subject property from Henderson St



### b. Photo 2: view of Henderson St looking south





**c. Photo 3: view of Henderson St looking north.**



**d. Photo 4: view from Henderson St of proposed property line**



**e. Photo 5: closer view of the end of Henderson St looking south towards NB-11 (City water supply building)**



**f. Photo 6: view of accessory buildings in the area**



