

## COMMON COUNCIL REPORT

M&C No.	2022-278
Report Date	August 30, 2022
Meeting Date	September 06, 2022
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

**SUBJECT: Supplemental Report - 2. 170 Charlotte Street 13-19 Queen Square North Council Report - August 30 2022.docx**

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
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### **RECOMMENDATION**

1. That Common Council rezone a parcel of land having an area of approximately 1164 square metres, located at 170 Charlotte Street, also identified as PID Number 00005140, from Mixed Commercial (CM) to Integrated Development (ID).
2. That Common Council rezone a parcel of land having an area of approximately 2684 square metres, located at 13-19 Queen Square North, also identified as PID Numbers 00003921, 00006668, and 00361352, from Urban Centre Residential (RC) to Integrated Development (ID),
3. That the City, upon third reading at 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 3848 square metres, located at 170 Charlotte Street and 13-19 Queen Square North, also identified as PID Numbers 00005140, 00003921, 00006668, and 00361352, (collectively the “Rezoned Properties”):
  - a. That the development of the site be limited to the applicant’s proposal for a mixed-use development incorporating the following:
    - a maximum of 150 dwelling units and approximately 557 square metres of commercial floor area with the ground floor commercial uses located in the portion of the development which fronts onto Charlotte Street and a portion of Queen Square, subject to the additional condition that the sanitary sewer flow from the full buildout of the subject site be limited to the maximum peak sewer demand of 150 residential units plus a 100-seat restaurant; and
    - 36 underground and 10 surface parking spaces.

- b. That the uses within the proposed development be limited to the following land uses, subject to the restriction in condition a) regarding sanitary sewer flows from the full buildout of the development:
- Artist or Craftsperson Studio;
  - Bakery;
  - Business Office;
  - Community Centre;
  - Community Policing Office;
  - Day Care Centre;
  - Dwelling Unit;
  - Financial Service;
  - Grocery Store;
  - Health and Fitness Facility;
  - Home Occupation subject to section 9.9 of the Zoning By-Law;
  - Library;
  - Medical Clinic;
  - Personal Service;
  - Pet Grooming;
  - Place of Worship;
  - Restaurant;
  - Retail General;
  - Service and Repair, Household;
  - Veterinary Clinic; and
  - an access serving the parking areas for the adjacent properties to the east of the proposed development and serving the shared access to PID 00005439 (162 Charlotte Street).
- c. That the massing of the proposed development be generally as outlined on the plans submitted with the application.
- d. That the maximum heights of the proposed buildings be 22.5 metres as outlined on the plans submitted with the application.
- e. That the street wall along Charlotte Street and Queen Square North established by the proposed buildings on the development site be a maximum of 15.5 metres as outlined on the plans submitted with the application.
- f. That the development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle, and bicycle parking, loading areas,

landscaping, amenity spaces, signs, exterior lighting, and other such site features.

- g. That a landscaping plan be prepared by the developer and submitted with the building permit application for the approval of the Development Officer illustrating the proposed site landscaping including the area at the front of the Jewett Residence and areas along the front of the proposed townhouses fronting onto Queen Square North.
  - h. The plans referenced in conditions f) and g) are to be submitted with the building permit application.
  - i. That electrical and telecommunications servicing for the development be provided underground.
  - j. Prior to building permit submission, the developer's engineering consultant must re-submit information to the City to compare to water and sewer model data and also advise of any changes to the proposed development. Should there be any changes proposed to the developer's estimated water and sewer demands and/or phasing, the developer must submit the revised proposed demands to the City for review and approval.
  - k. An engineered stormwater plan and design brief are required to be submitted by the developer to the City for review and approval. That the stormwater management plan submitted for the proposed development achieve a zero net increase from the site (i.e., limit post-development discharge to the existing pre-development discharge).
  - l. Should the location of the building sprinkler connections necessitate the installation of an additional fire hydrant, this hydrant installation will be at the expense of the developer.
  - m. If any municipal infrastructure improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete. Prior to determining this, detailed engineering plans and a design brief must be submitted by the owner/developer's engineering consultant to the City for review and approval by the City.
4. That Common Council amend Schedule G of the Zoning By-Law and increase the maximum building height from 14 metres and 21 metres to 22.5 metres for the parcel of land having an area of an area of approximately 4225 square metres, located at 170 Charlotte Street and 13-

19 Queen Square North, also identified as PID Numbers 00005140, 00003921, 00006668, and 00361352.

5. That Common Council amend Schedule H of the Zoning By-law and increase the maximum street wall height from 14 metres to 15.5 metres for the parcel of land having an area of an area of approximately 4225 square metres, located at 170 Charlotte Street and 13-19 Queen Square North, also identified as PID Numbers 00005140, 00003921, 00006668, and 00361352.

### ***EXECUTIVE SUMMARY***

Following the receipt of the rezoning application for the properties at 170 Charlotte Street and 13-19 Queen Square North, the applicant sought approval for 150 dwelling units in the proposed development, which is 30 additional units above the 120 dwelling units requested with the original application. These dwelling units would be in addition to the proposed ground floor commercial space within the development.

Additional modeling of the City's water and sanitary sewer systems was required to determine the impact of the additional 30 dwelling units on the City's infrastructure network. This modelling has been completed by Saint John Water and capacity exists in the water supply and storm sewer systems to accommodate the additional 30 dwelling units requested by the developer.

Appropriate Section 59 conditions are recommended related to the increase in the scope of the development from 120 to 150 dwelling units.

### ***PREVIOUS RESOLUTION***

On August 22, 2022 Common Council gave First and Second reading to "A Law to Amend the Zoning By-Law of The City of Saint John" amending Schedule "A", the Zoning Map of The City of Saint John, by rezoning a parcel of land having an area of approximately 1164 square metres, located at 170 Charlotte Street, also identified as PID 00005140, from Mixed Commercial (CM) to Integrated Development (ID); and amending Schedule "A", the Zoning Map of The City of Saint John, by rezoning a parcel of land having an area of approximately 2684 square metres, located at 13-19 Queen Square North, also identified as a PIDs 00003921, 00006668, and 00361352, from Urban Centre Residential (RC) to Integrated Development (ID).

### ***REPORT***

Based on the additional analysis completed by Saint John Water (SJW), combined with planned system improvements over the short term, the area's infrastructure can accommodate the proposed development and its proposed connection to the sanitary sewer on Queen Square North. Peak sanitary sewer flows from the development are estimated at 8 liters/second. While preliminary model results indicate the potential for surcharging on Charlotte Street at Lower

Cove Loop, the City's Bi-lateral Projects proposed for this area in 2022-2026 will provide the required offset to accommodate sanitary sewer flows from this proposed development. These flows include 150 dwelling units and a flow from the proposed commercial component of the development equivalent to that from a 100-seat restaurant.

The engineered stormwater management plan for the development will be required to achieve a zero net increase from the site (i.e. limit post-development discharge to the existing pre-development discharge). In addition, as the project proceeds to the detailed design stage, the developer's engineering consultant must resubmit information to the City to confirm the model results, and if there are any changes to the proposal, additional review may be required by Saint John Water.

### **Recommended Section 59 Conditions**

The increase in the scope of the residential component of the proposed development from 120 to 150 dwelling units requires amendments to the Section 59 conditions from those proposed in the PAC recommendation letter.

Condition a) was revised to reference 150 dwelling units and language was incorporated that the sanitary sewer flow from the development be limited to that from 150 dwelling units plus a 100-seat restaurant. The intent of staff is not to limit the proposed commercial use to a 100-seat restaurant but to allow a range of commercial uses in the proposed development, subject to the condition that the sanitary sewer flow from the commercial portion of the development be limited to the equivalent sanitary sewer flow from a 100-seat restaurant. A range of permitted commercial uses for the commercial portion of the development are provided in condition b) of the proposed Section 59 conditions with additional text provided in condition b) to reference the restriction on sanitary sewer flows from the commercial portion of the development.

Recommended conditions j) and l) contained in the PAC Recommendation letter were duplicated. Condition l) outlined in the PAC letter has been deleted and incorporated in condition j) as recommended in this Council Report.

### **Conclusion**

Additional analysis of infrastructure demands from the proposed development has identified that the area's water and sewer infrastructure can support the proposed development. Staff recommend approval of the application and that Third Reading be given to the proposed rezoning and have recommended relevant Section 59 conditions.

### ***STRATEGIC ALIGNMENT***

The proposed approach aligns with the Common Council's priorities of Grow and Belong.

***SERVICE AND FINANCIAL OUTCOMES***

The approach proposed by Staff with respect to the infrastructure demands, seeks to respect the feasibility of the project interests, and mitigate the concerns related to infrastructure capacity.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Infrastructure Development and Saint John Water provided input to this report.

***ATTACHMENTS***

N/A