

**To:** Planning Advisory Committee

**From:** Tony Dakiv, Senior Planner

**Proposal:** Municipal Plan amendment, rezoning and variance to allow a multi-residential development.

**Property:** Stately Court (PID 75507210)

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**OWNER:** Chippins Limited  
89 York Street, Fredericton, NB, E3B 3N4

**APPLICANT:** Same as above

### **SITE INFORMATION:**

**Location:** South of Alison Boulevard west of the Highway 7 off-ramp.

**Context:** Primarily vacant land as the residential area adjacent to the north-west of the site is beginning to build out. There is a small office building, stacked townhouses and some semi- and single detached dwellings to the north-west. RV sales lot to the east on opposite side of highway off-ramp.

**Ward No:** 7

**Municipal Plan:** Commercial Centres and Corridors

**Zoning:** COR-2

**Existing Land Use:** Vacant

**Previous Applications:** PR 64/11

### **EXECUTIVE SUMMARY:**

The proposal is a multi-residential development comprising a mix of townhouses and apartment buildings as well as one mixed use building on separate lots fronting on Stately Court. Since the site is designated and zoned for commercial use, an amendment to the Municipal Plan and a rezoning is required.

Although the site is located outside of the “Uptown” growth area identified in the Growth Strategy, there is a significant lack of residential land available in the south-east quadrant of the city and the proposal responds to this need. Given this and the ongoing lack of new residential development in the “Uptown” growth area, staff will be looking to update the Doak Road Master Plan with a new Secondary Municipal Plan aimed at providing additional residential growth opportunities.

Furthermore, the site is located adjacent to a newly developing residential area and represents the last remaining piece of land south of Alison Boulevard before the future collector road which will extend from the highway off-ramp. This context makes the site a suitable location and logical extension for additional residential land as Alison Boulevard and the future collector road represents an appropriate boundary between residential and the commercial/industrial lands in this area. The proposal is generally consistent with the criteria for mid-rise residential development outlined in the Municipal Plan.

- The concept plan shown on Map II provides an option for the townhouse and apartment building layout which allows for a total of 36 apartment units and 51 townhouses. The corner lot is proposed as a mixed use building with ground floor commercial uses and residential units above. The proposed layout is intended to prioritize the streetscape where the parking areas will be located behind or beside the buildings and not in the front yards. In addition, building design will incorporate entrances that face the street including the “end-on” townhouse buildings (Lot 11-280 and 11-282). Attached Maps III to VI provide illustrations of building form and character to provide a direction for future building design proposals.
- Although it is anticipated that the mix of townhouses and apartment buildings will proceed generally as shown on Map II, the exact lot and building configuration/layout may change over time based on future builder preferences. Regardless of the ultimate building form and unit mix, the design intent of front doors facing the street with parking behind will be maintained through a proposed term and condition to be addressed at the building permit stage.
- Changing Stately Court from a commercial street to a residential street requires looking at options for pedestrian movement and connection to adjacent lands. Generally, the City’s preference for street design is to minimize the creation of courts and cul-de-sacs in order to better facilitate pedestrian movement and connections through a subdivision. Although Stately Court is already constructed, there is opportunity to provide a pathway connection at the south end of the bulb by adjusting the property lines to enable a future pedestrian link to adjacent lands to the south. Although a future Secondary Municipal Plan will dictate how lands to the south of the site will ultimately develop (see Growth Strategy comments below), it is highly likely it will form part of a future residential growth area, and staff feel a pathway connection to the south has merit. Another option could see a pathway connection along the existing MSE connecting to the future collector road. A term and condition has been included requiring that the final plan of subdivision incorporate a 6m wide pedestrian connection to the satisfaction of the Development Officer.
- The subject property is designated and zoned for commercial use therefore a Municipal Plan redesignation is required from Commercial Centres and Corridors to New Neighbourhoods and a rezoning from COR-2 to MR-2 for the townhouses and apartment buildings and COR-1 for the mixed-use building.

#### Growth Strategy:

- The subject property is located to the south and east outside of the “Uptown” Growth Area. According to the Growth Strategy this growth area is intended to accommodate approximately 5,000 to 6,000 new residents in the area between the Corbet Centre/Knowledge Park and the Grant Harvey Centre in co-ordination with UNB as the major land owner. However, residential development in this area has not proceeded to date and there is a continuing need for more residential land in the south-east quadrant of the city due to higher than expected immigration/population growth. Based on this, staff will be looking to replace the outdated Doak Road Master Plan with a new Secondary Municipal Plan that will include residential growth area options encompassing the subject property as well as adjacent lands to the south. It should also be noted that there is a sufficient inventory of service commercial/industrial land in this quadrant of the city and the proposal would not impact on this supply to any significant degree.
- The proposal is generally consistent with the following Growth Strategy provisions relating to new neighbourhoods:
  - Incorporate a mix of housing types within each neighbourhood to meet the needs of all household types, sizes, and incomes, including a significant percentage of affordable ownership and rental housing;
  - Ensure new parks and other open spaces are highly visible and accessible and designed for year-round use;
  - Integrate neighbourhood-scale commercial uses at key intersections in the community and/or located within a mixed-use node.

- Ensure all buildings face and address the street and contribute to an attractive streetscape. Do not allow garages to dominate the streetscape.

#### Municipal Plan:

- The subject property is designated Commercial Centres and Corridors therefore a Municipal Plan amendment is required to re-designate a portion of the subject property to New Neighbourhoods to allow for the apartment buildings and townhouses. The corner lot along Alison Boulevard can remain under the commercial designation to accommodate the proposed mixed-use building. This will provide an appropriate transition in land use along Alison Boulevard and the residential component and “match” adjacent lot across Stately Court where there is a small house-form office building.
- The site is located directly adjacent to the newly developing residential area where there is a mix of housing being constructed along Sylvia Court, St, Pierre Drive and Winterberry Drive. The proposal is consistent with this direction and will add to the mix of housing already underway. Furthermore, the subject property represents the last remaining piece of land south of Alison Boulevard before the future collector road which will extend from the highway off-ramp. This context makes the site a suitable location and logical extension for additional residential land as Alison Boulevard and the future collector road forms a logical boundary between residential and the commercial/industrial lands in this area. It should also be noted that the proximity of the existing open space lands and the future places of worship to the west will provide some amenity for residents in the area.
- Section 2.2.1(25) contains policies to consider where a rezoning or zoning by-law amendment is required for a new mid-rise or high-rise residential use in the New Neighbourhoods designation as follows:
  - i. Have direct access to an Arterial or Collector Road. If direct access to one of these road types is not possible, the development may gain access to an Arterial or Collector Road from a Local Road;
  - ii. Incorporate underground parking facilities, where appropriate;
  - iii. Provide for adequate on-site landscaping, buffering, amenity space, parking, and garbage pickup and recycling services;
  - iv. Be adjacent to or in close proximity to an existing or planned public transit route;
  - v. Be adjacent to or in close proximity to parks, open spaces and/ or other community facilities, services and amenities, and employment zones; and
  - vi. Provide high-quality building design that contributes positively to the City’s urban form.
- The proposal is generally consistent with these policies as there is direct access from Stately Court to Alison Boulevard which is a collector road. The lot and building layout provides adequate area on each lot for all required landscaped area, buffering measures and parking. Although not in close proximity to a transit route, the site will likely comprise a portion of a future residential growth area bringing with it the need for a planned public transit route. The site will utilize the existing street and services that are in place and is located in close proximity to the open space lands and future places of worship to the west. There are existing employment zones (industrial/commercial uses) on both sides of the Vanier Highway in proximity to the site. The proposal will incorporate site and building design measures to prioritize the streetscape with main entrances facing the street and parking areas located behind or beside the building and should contribute positively to the City’s urban form.
- Based on the above, staff feel the municipal plan amendment to re-designate a portion of the subject property from Commercial Centres and Corridors to New Neighbourhoods is reasonable and would not compromise the future development potential of adjacent lands.

#### Zoning By-law:

- The MR-2 zone will be applied to the majority of the site with the exception of the corner lot (5 Stately Court). The MR-2 zone will allow for the development of townhouses, stacked townhouses and apartment buildings up to 4 storeys in height. Map II represents a conceptual layout containing a mix of 36 apartment units and 51 townhouses on separate lots. The proposal complies with the standards

of the MR-2 zone with the exception of the lot frontage requirement for the four lots fronting around the cul-de-sac (Lots 11-280 to 11-283) which have lot frontages of 24m. Since the MR-2 zone requires a minimum lot frontage of 34m, a 10m lot frontage variance is required. Staff have no concerns with this as it is a result of the pie lot configuration, and the lots all have more than adequate lot width beyond the street frontage portion, lot depth and lot area. The proposal is also consistent with the MR-2 zone building location and design requirements.

- The COR-1 zone will be applied to the corner lot (Lot 11-286) to allow for a mixed-use building. The COR-1 zone will allow for a large variety of commercial uses that are compatible with residential and the allows dwelling units on the upper floor(s). The corner lot and conceptual building layout generally complies with the requirements of the COR-1 zone. This zoning will provide a compatible transition in land use from Alison Boulevard and is consistent with the small office building on the opposite corner lot. It should be noted that due to the PUE along both street frontages, the future mixed-use building will have to be setback a greater distance from the street than the required COR-1 setback which is 3m. Staff have no concerns with this as the mixed-use building will have a similar setback from Stately Court as the other residential buildings providing a consistent streetscape, and will provide adequate distance from Alison Boulevard to accommodate the required walkways from the parking area and space for building entrances.
- Staff feel the proposed rezoning to MR-2 and COR-1 is appropriate and reasonable given the context of the site and will enhance the residential development options for this area in a logical manner.

#### Access and Servicing

- The municipal infrastructure (sanitary, water & storm) for the existing subdivision was designed and constructed for smaller commercial buildings with minimal requirements for water and sanitary services. Services were not intended for a large number of residential units. The change to multi-residential will require a review of the existing municipal infrastructure to ensure that they have sufficient size and capacity. There is also a potential change in the amount of hard surface areas (buildings and parking lots) with the rezoning to residential. The previous storm water management plan will need to be reviewed by a professional engineer to ensure that the existing storm system can accommodate any increased surface water flows.
- When the subdivision was created, there was no provision for a sidewalk on the Court, as there was for other sections of Doak Estates. The re-zoning of this court for multi-residential development will necessitate a future pedestrian connection. There are no current plans for a sidewalk on Alison Boulevard. However, as this area becomes developed, the City will review this and may consider a sidewalk or trail on Alison Boulevard. There will also be a future residential development south of Stately Court which will also have pedestrian infrastructure. These options would provide potential for future pedestrian connection for residents of Stately Court. To permit future pedestrian connection to the south, the developer is required to provide a 6-metre wide trail access to the south between lots 281 and 282 or at another location to the satisfaction of the Development Officer. The developer will be required to provide a fee for future construction of a sidewalk.

#### **RECOMMENDATION:**

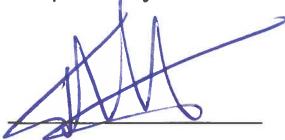
a) It is recommended the application submitted by Chippins Limited for:

- a municipal plan amendment to redesignate a portion of land from Commercial Centres and Corridors to New Neighbourhoods;
- a rezoning from COR-2 to MR-2 and COR-1, and
- 10m lot frontage variance,

to allow construction of multi-residential buildings and one mixed use building on property located at Stately Court be approved subject to the following terms and conditions:

- a) The site be developed generally in accordance with Map II attached to P.R. 5/24 with the allowance for alternative building schemes and layout to the satisfaction of the Development Officer;
- b) Final building design shall incorporate front entrance(s) facing the street and reflect a general form and character similar to Maps III to VI attached to P.R. 5/24 to the satisfaction of the Development Officer;
- c) Buildings shall be located at or near the minimum front yard setback with parking areas located behind and/or beside the building to the satisfaction of the Development Officer;
- d) Final plan of subdivision to incorporate a 6m wide pedestrian pathway south from the bulb to the satisfaction of the Development Officer;
- e) Applicant's engineering consultant is to review the size and capacity of existing municipal infrastructure for the intended multi-residential development purposes. Any changes are to be to the satisfaction of the Director of Engineering & Operations;
- f) Applicant's engineering consultant is to review the previous stormwater management plan to ensure that the storm system can accommodate the proposed change in land use;
- g) Applicant is to provide a fee for future construction of a sidewalk to the satisfaction of the Director of Engineering and Operations.

Prepared by:



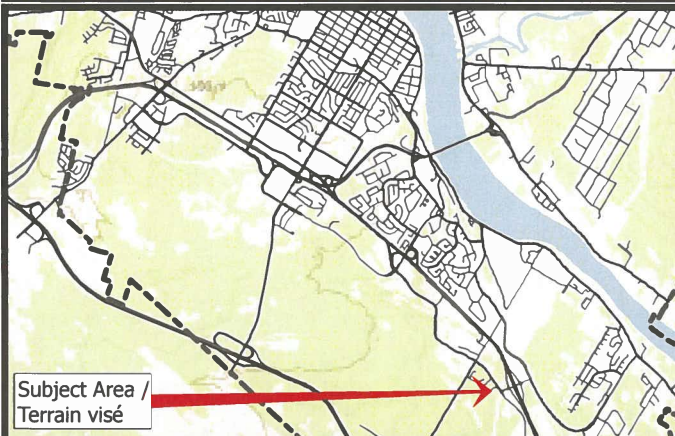
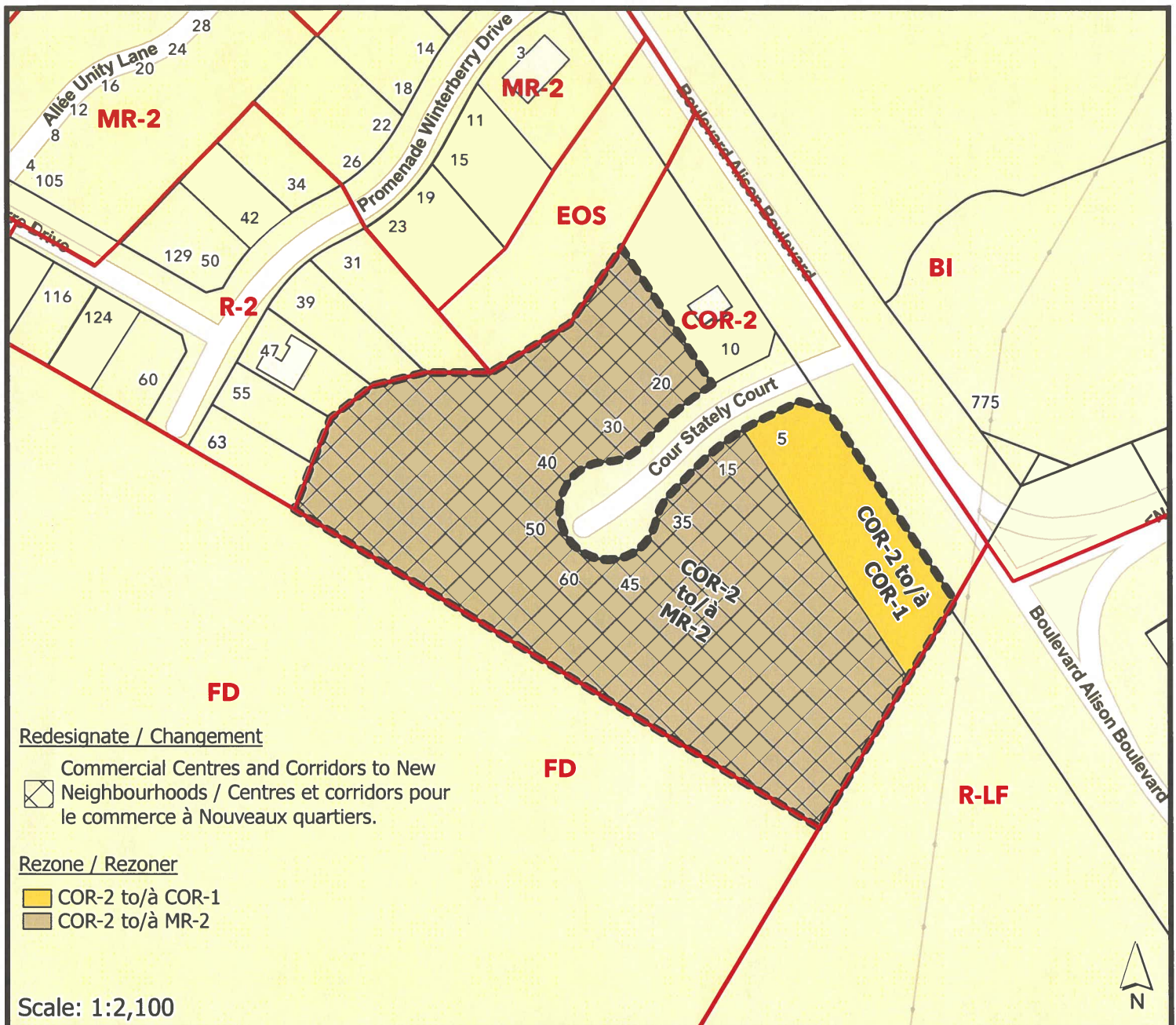
Tony Dakiv, MCIP, RPP  
Senior Planner, Community Planning

Approved by:



Marcello Battilana, MCIP, RPP  
Assistant Director, Community Planning





### Subject Property / Propriété Visée

Redesignate a portion of land from Commercial Centres and Corridors to New Neighbourhoods. Rezone from COR-2 to MR-2 and COR-1.

Changement de designation de Centres et corridors pour le commerce à Nouveaux quartiers. Modification du zonage de COR-2 à MR-2 et COR-1.

**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # I

File \ fiche: PR-05-2024

Date \ date: mars \ March 20, 2024

Subject \ sujet: cour 5-60 Stately Court  
Chippins Ltd.  
(Arnold Chippin)







**Townhouse conceptual / Maison de ville conceptuelle**

**Fredericton**

Community Planning  
Planification urbaine

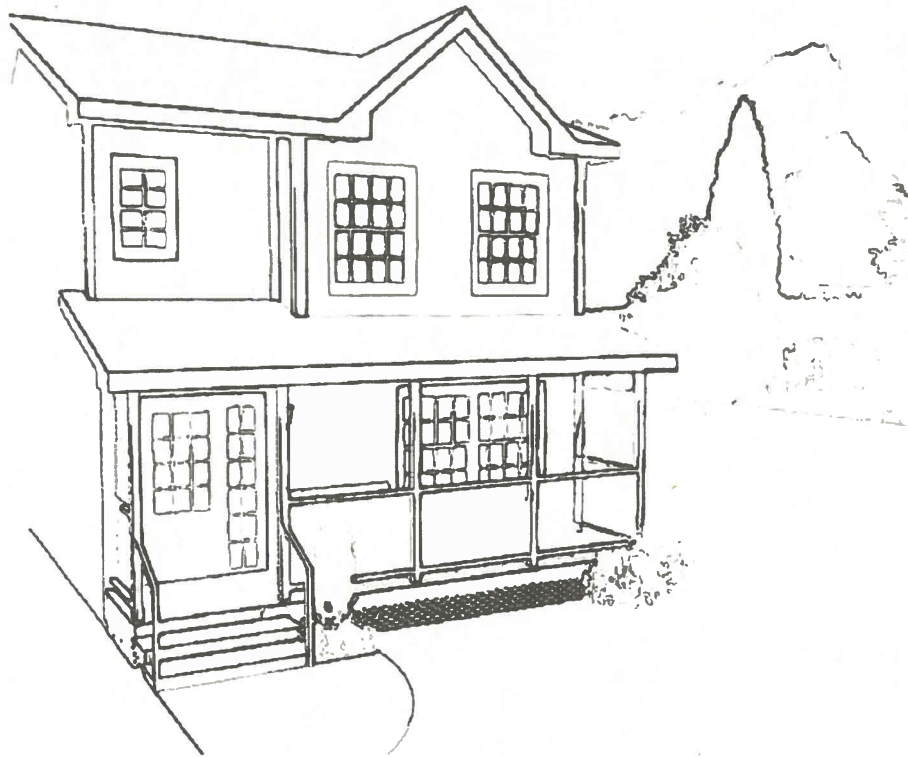
Map \ carte # III

File \ fiche: PR-05-2024

Date \ date: mars \ March 20, 2024

Subject \ sujet: cour 5-60 Stately Court  
Chippins Ltd.  
(Arnold Chippin)





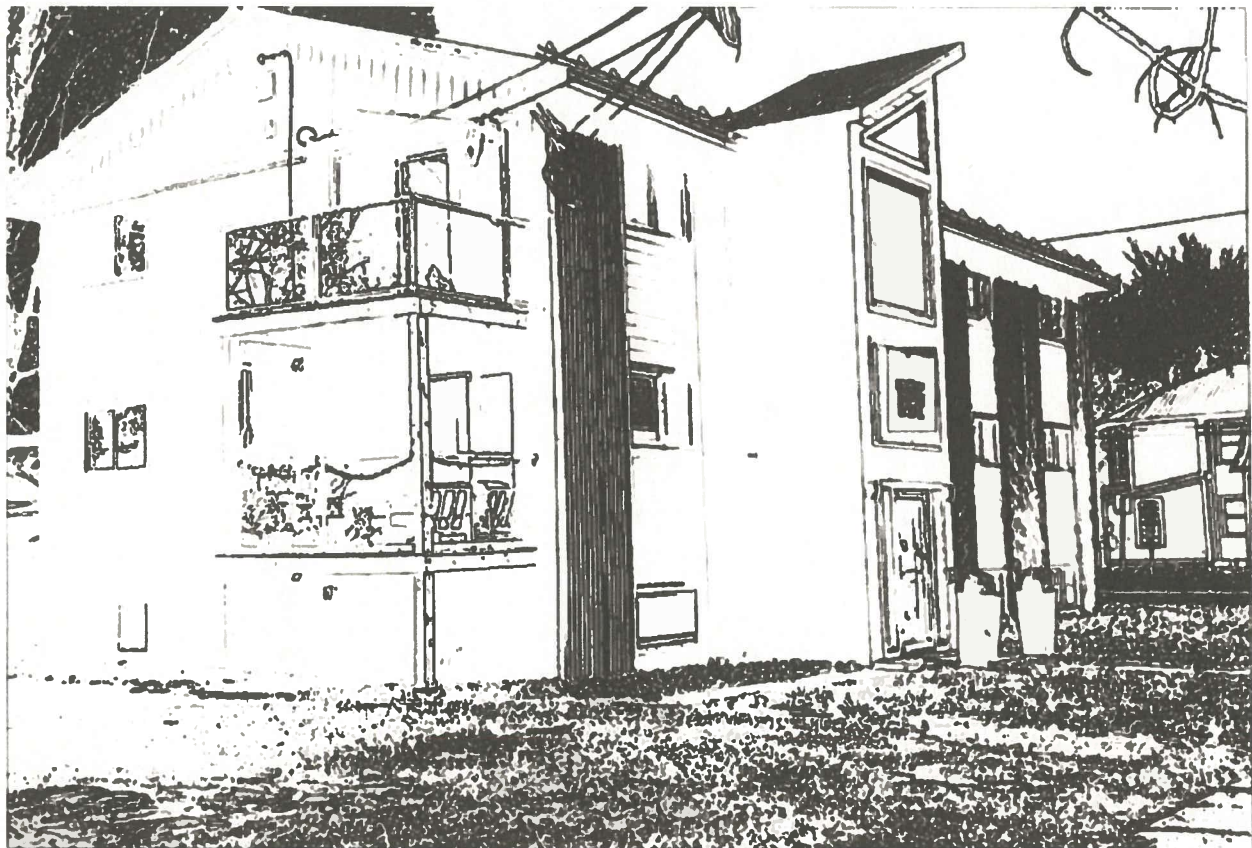
**Townhouse conceptual (end-on view facing street) /**  
**Maison de ville conceptuelle (fin sur vue face à la rue)**



**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # IV  
File \ fiche: PR-05-2024  
Date \ date: mars \ March 20, 2024  
Subject \ sujet: cour 5-60 Stately Court  
Chippins Ltd.  
(Arnold Chippin)



**Apartment building conceptual / Immeuble d'appartements conceptuel**



**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # V  
File \ fiche: PR-05-2024  
Date \ date: mars \ March 20, 2024  
Subject \ sujet: cour 5-60 Stately Court  
Chippins Ltd.  
(Arnold Chippin)





**Mixed use building conceptual / Concept de bâtiment à usage mixte**

**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # VI

File \ fiche: PR-05-2024

Date \ date: mars \ March 20, 2024

Subject \ sujet: cour 5-60 Stately Court  
Chippins Ltd.  
(Arnold Chippin)

*Stately Court*

**Murray, Elizabeth**

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**From:** The Merlini Family  
**Sent:** Wednesday, March 20, 2024 9:41 AM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** Stately Court

**External email:**

**Do not follow instructions, click links, open attachments, forward or respond to the email unless you recognize the sender and know the content is safe.**

Greetings!

I object to the proposed development on Stately Court for the following reasons:

1 - It is not adjacent or in close proximity to an existing or planned public transit route as required by s. 2.2.1(25)(iv) of the Municipal Plan, quoted in the Planning Report. Presently, no such route or planned route exists. The way I read s. 2.2.1(25)(iv), there should already be a transit route or a plan for one, i.e., an existing or planned route BEFORE the development is built and not after. Respectfully, "...a future residential growth area bringing with it the need for a planned public transit route" does not cut it as this postpones to an uncertain future what is already required by s.2.2.1(25)(iv).

2 - It is not adjacent to or in close proximity to employment zones, as required by s. 2.2.1(25)(v) of the Municipal Plan, as these zones are more than a 15-minute walk away from Stately Court and are also not accessible by transit. Adjacency and close proximity should be assessed in terms of foot and transit access and not just car access.

3 - According to the Planning Report, there are no sidewalks or trails yet, especially on Alison Boulevard, just a possibility for some in the future ("the City... may consider".) As someone believing in a walkable City, this is not acceptable. There should be sidewalks and trails everywhere in the City, including Alison Boulevard. I recommend that the City immediately make plans to build a sidewalk or trail on Alison Boulevard and not just "may consider" one in the future.

Respectfully submitted,

Giovanni A. Merlini