

PLANNING REPORT



PAC – November 20, 2024
File No.: Z-19-2024 V-22-2024 P.R. No.63/24

To: Planning Advisory Committee

From: Melisa Tang Choy, Planner

Proposal: Amendment to terms and conditions to permit an additional two dwelling units within the existing 32-unit building, for a total of 34 dwelling units, and landscaping variance

Property: **1019 Brookside Drive (PID 01488105)**

OWNER: 716222 N.B. Inc. (c/o Joey Cleven)
1009 Regent Street, Unit 27
Fredericton, NB E3B 3Y9

APPLICANT: Dayton Engineering Ltd (c/o Paul Dayton)
6 Trail Drive
Fredericton, NB E3E 1A1

SITE INFORMATION:

Location: Interior lot on west side of Brookside Drive, south of Joycelands mini-home park

Context: Across the street from the West Hills golf course, adjacent to single-detached dwelling to the north, and vacant lands to the west and south

Ward No: 2

Municipal Plan: Established Neighbourhoods

Zoning: Multi-Residential Zone Two (MR-2)

Existing Land Use: Apartment building

Previous Applications: Z-59-2005 PR 177/05

EXECUTIVE SUMMARY:

In 2005, the subject property was rezoned from Residential Zone Two (R-2) to Residential Zone Six (R-6) under Zoning By-law Z-2, to permit a 32-unit apartment building. As part of the terms and conditions of By-law Z-2.496, the number of dwelling units was limited 32 units. Since that time, the property has changed ownership. Upon a recent review of the property, the Applicant discovered that the former common rooms had been converted into dwelling units, which was completed without a building permit. In order to legalise the two additional units and for the building permit to be processed, an amendment to the previously approved terms and conditions is required, specifically to term and condition "c". In 2013, the subject property was rezoned to Multi-Residential Zone Two

(MR-2) when Zoning By-law Z-5 came into effect, and the proposed density is in keeping with the standards of the current zone. Additionally, upon further review of the previous rezoning approval, Staff identified a deficiency in the landscaped area, which the Applicant is now proposing to bring closer to compliance with the current zoning standards. While the proposed landscaped area would see an expansion, it is still deficient and requires a variance.

Staff are of the opinion that the proposal is reasonable and would bring the property closer to conformance with the current standards in the Zoning By-law. Staff do not anticipate any negative impacts to neighbouring properties and support this application subject to terms and conditions.

APPLICATION:

Dayton Engineering Ltd, on behalf of 716222 N.B. Inc., has made application on property located at 1019 Brookside Drive for the following:

- to amend previously approved term and condition (c) of By-law Z-2.496 to permit a total of 34 dwelling units; and,
- a 14.3% (900 m²) landscaped area variance.

PLANNING COMMENTS:

Background:

- The subject property was rezoned in 2005 from Residential Zone Two (R-2) to Residential Zone Six (R-6) under Zoning By-law Z-2, to permit a two-storey 32-unit apartment building. The rezoning application included two common amenity rooms within the building, which were located above the driveway. Additionally, the proposal met all the requirements of the R-6 zone, including the landscaped area, so no additional variances were required at that time.
- Construction of the apartment building was completed in 2015. Staff worked with the then property owner in order to meet the approved terms and conditions. In particular, Staff highlighted and reminded the property owner at the time of the requirement for soft landscaping, which was not met and instead, a walking track was installed and resulted in a significant portion of the property being paved. Since its construction, the property has changed owners.

Proposal:

- The Applicant is seeking to legalise two dwelling units that had previously functioned as common amenity rooms within the existing 32-unit building. A recent review of the property resulted in the discovery that the conversion of the common rooms into dwelling units had been done without building permits. As shown on Map II, the proposed units are located above the existing driveway, and each unit contains two bedrooms. Although the proposed density meets the standards of the current MR-2 zone, this proposal requires an amendment to the previous terms and conditions in order to permit the additional units, for a total of 34 dwelling units. No changes to the building footprint are being proposed, and a total of 58 parking spaces already in place (see Map II). Staff would note that, while 58 parking spaces are being shown on Map II, the garbage bins are placed on at least two of them, as seen on Map IV.

- Additionally, upon review of the approved terms and conditions and the MR-2 zone standards, Staff noticed that there was a deficiency in the required landscaped area, whereas the original rezoning approval did not show a landscaping deficiency. The Applicant has been working with Staff and is seeking to address the landscaped area deficiency to bring it closer to compliance, as shown on Maps II and IV. Despite an increase in the landscaped area from approximately 604 m² to 1,306 m², a variance would still be required.

Zoning By-law:

- The previous rezoning application was made under Zoning By-law Z-2 and based on the standards of the R-6 zone. The subject term and condition limiting the number of units was likely intended to make sure the subject property stayed within the permitted density standards of the R-6 zone and given the mainly low-density context of the area at the time. Since then, the lands to the southwest have been rezoned to Multi-Residential Zone Three (MR-3), which accommodates comprehensively designed residential development in a variety of building forms, including apartment buildings, townhouses and single-detached dwellings.
- Staff would note that Zoning By-law Z-5 came into effect in 2013. As part of the Zoning By-law review, Staff identified areas of the city that could accommodate additional density and 'up-zoned' them to allow more units. The subject property is an example of this rezoning, which saw the zone change to MR-2 and permits higher densities than the R-6 zone.
- The table below compares relevant standards of the R-6 and MR-2 zones as follows:

Standard	Required	Proposed	Variance
R-6 zone			
Density (max.)	2005 34 dwelling units (180 m ² per dwelling unit)	32 dwelling units	n/a
Landscaped area (min.)	1,440 m ² (45 m ² per dwelling unit)	2,396 m ²	n/a
Parking (min.)	48 spaces (1.5 sp / 2-bedroom unit)	49 spaces	n/a
MR-2 zone			
Density (max.)	2024 39 units (161 m ² per dwelling unit)	34 dwelling units	n/a
Landscaped area (min.)	35% of lot area (2,206 m ²)	20.7% of lot area (1,306 m ²)	14.3% of lot area (900 m ²)
Parking (min.)	51 spaces (1.5 sp / 2-bedroom unit)	58 spaces	n/a

- The Applicant and the current property owner have acknowledged that the landscaping was not adequately addressed in the past and have worked with staff to add landscaping in a manner that enhances the overall aesthetic along Brookside Drive, but that also provides some buffering to adjacent properties. As shown on the table above, the proposal meets the standards of the MR-2 zone, except for the landscaped area. As shown on Maps II and IV, the Applicant is proposing to increase the amount of landscaping at the front of the property, but there would still be a 14.3% (900 m²) landscaped area deficiency. To screen the parking lot from the adjacent single-detached dwelling to the north, the Applicant is proposing to install a 2-metre-high fence along a portion of the shared property line. Staff would note that when the building was constructed between 2012 and 2015, the property owner at the time installed an asphalt walking track around the building. At the time, the lack of soft landscaping was brought to the owner's attention by Staff. Staff have no issues with the variance as it will bring the property closer to compliance and there is a sidewalk on the west side of Brookside Drive. Staff will continue to work with the applicant on the landscaping requirements through a detailed landscaping plan.
- In summary, Staff are in support of the proposed amendment, since the MR-2 zone would allow up to 39 dwelling units. Additionally, Staff are also in support of the landscaping variance, as the proposal would effectively increase the amount of landscaping in key areas to buffer the paving and help with the overall aesthetics of the development. Staff do not anticipate any adverse impacts to surrounding properties and, thus, support the proposal, subject to terms and conditions.

Access and Servicing

- Engineering and Operations have no issues with the proposal.

RECOMMENDATION:

It is recommended that the application submitted by Dayton Engineering Ltd on property located at 1019 Brookside Drive to amend previously approved term and condition (c) of By-law Z-2.496, which reads as follows:

- c) development be limited to 32 units

Be repealed and replaced with:

- c) to permit two additional dwelling units within the existing 32-unit building, for a total of 34 dwelling units.

It is further recommended that the application submitted by Dayton Engineering Ltd. on property located at 1019 Brookside Drive for a 14.3% landscaped area variance be approved, subject to the following terms and conditions:

- a) A final landscaping plan be provided to the satisfaction of the Development Officer prior to the issuance of a building permit and,
- b) A building permit be issued for the conversion of the two dwelling units.

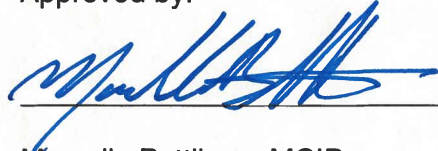
b) A building permit be issued for the conversion of the two dwelling units.

Prepared by:

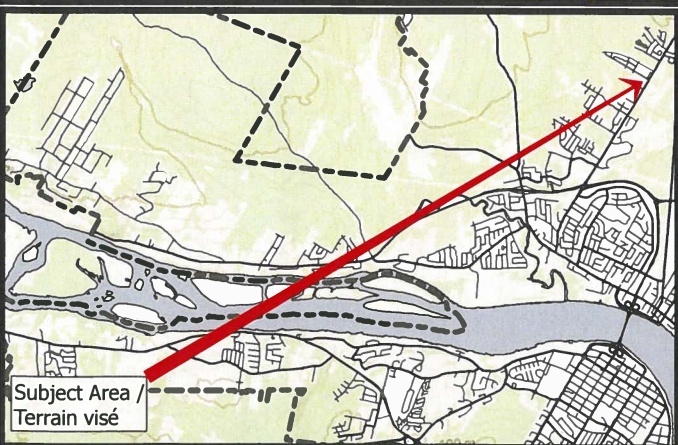
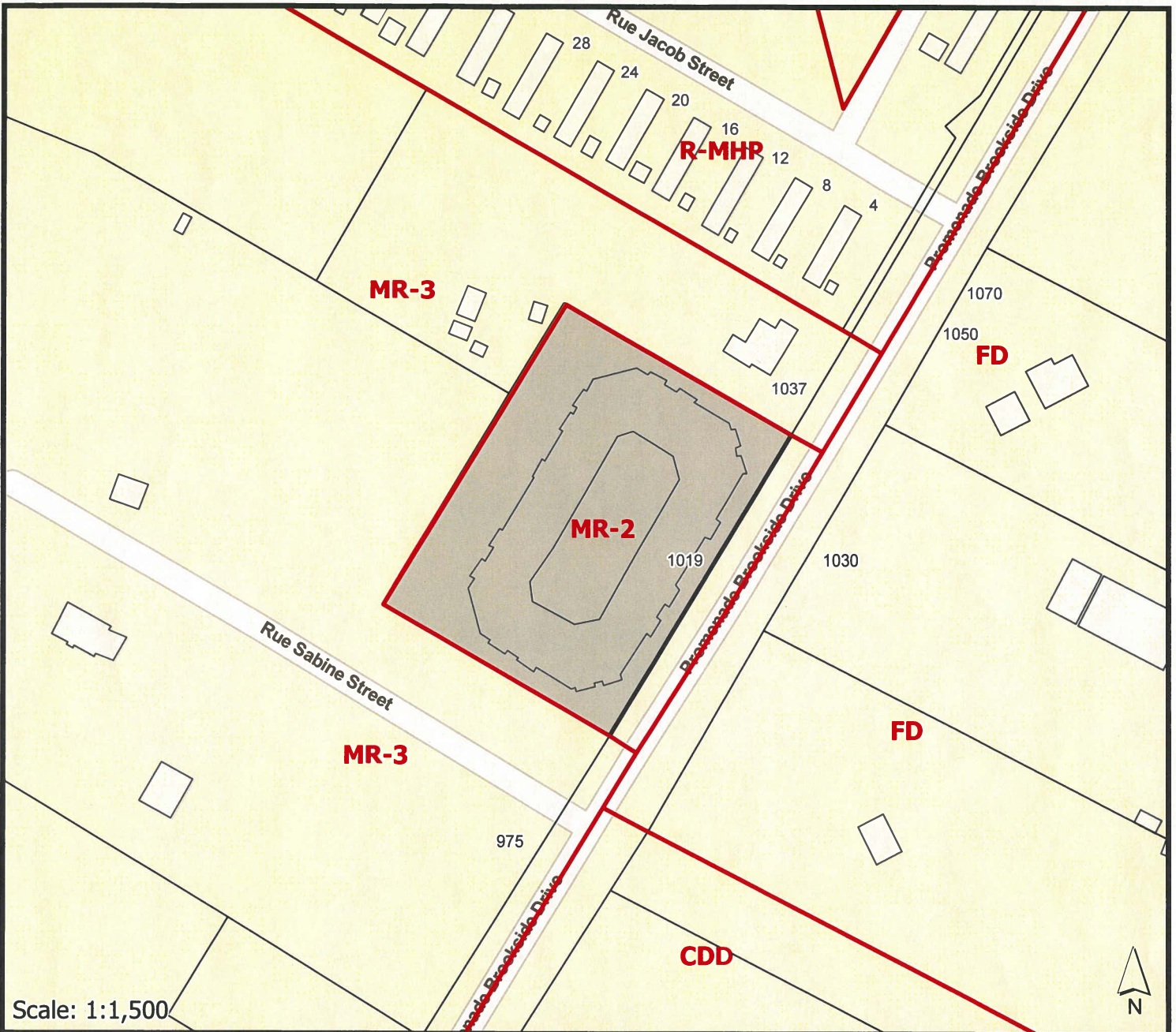


Melisa Tang Choy
Planner, Community Planning

Approved by:



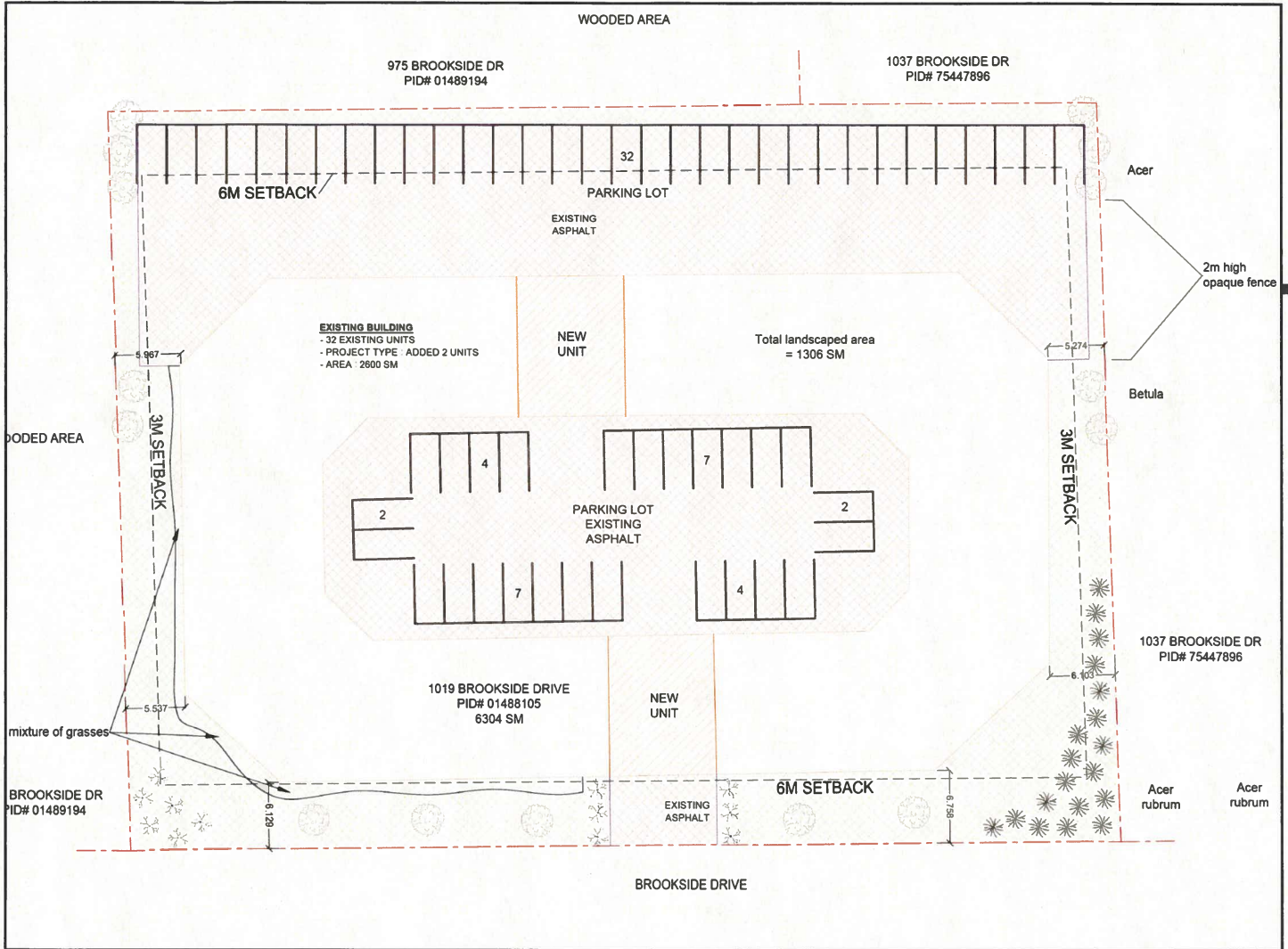
Marcello Battilana, MCIP
Assistant Director, Planning & Development



■ Subject Property / Propriete Visé

Amendment to terms and conditions set in Z-2.496 to permit an increase of two dwelling units in the existing 32-unit building, for a total of 34 units. Additionally, a 14.3% (900 m²) landscaped area variance is requested.

Amendement aux termes et conditions définis dans Z-2.496 pour permettre une augmentation de deux unités d'habitation dans le bâtiment existant de 32 unités, pour un total de 34 unités. De plus, une dérogation de 14,3 % (900 m²) de la superficie paysagée est demandée.



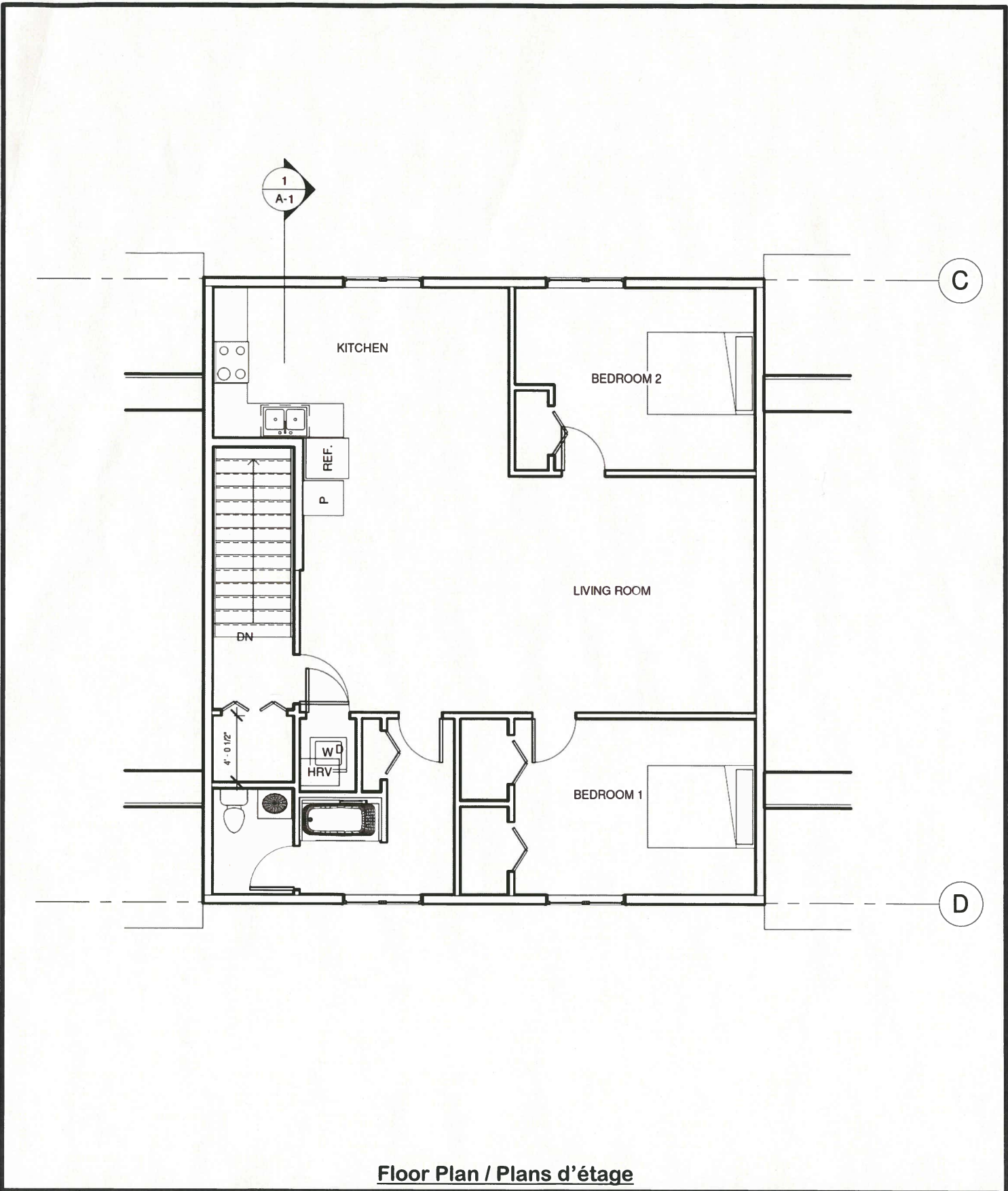
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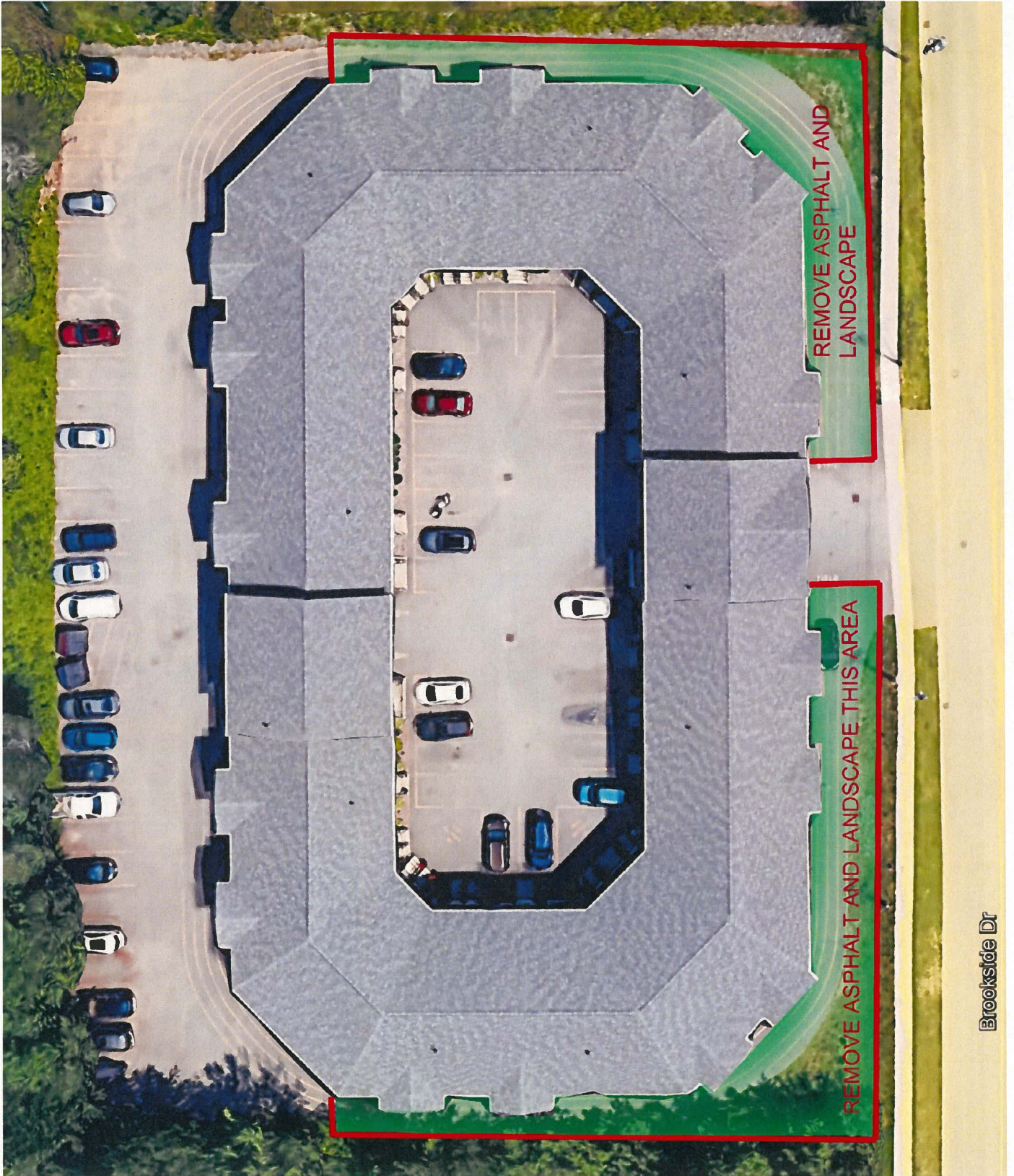
Site Plan / Plan du site

Fredericton
Community Planning
Planification urbaine

Map \ carte # II
File \ fiche: PR-63-2024
Date \ date: novembre \ November 20, 2024
Subject \ sujet: promenade 1019 Brookside Drive
Dayton Engineering Ltd.
(c/o Paul Dayton)



Floor Plan / Plans d'étage



Existing Site / Site existant