### **Riverview Planning Advisory Committee**

March 13, 2024

### **Staff Report**

Subject: Municipal Plan amendment and rezoning from PRI to CM

File Number: 24-0001

From:

Kirk Brewer

Planner

Reviewed by:

Lori Bickford

Planning Manager/Planner

#### **General Information**

#### **Applicant:**

Jamie Shea

Landowner:

Town of Riverview

#### Proposal:

Redesignate from CU to C, and rezone from PRI to CM to permit three six-story multi-unit dwellings

forh Brewen



#### **Site Information**

**PID: 05005665** 

Lot Size: ~10 acres

Location:

Pine Glen / Whitepine, Town of Riverview / Ville de Riverview

**Current Use:** 

Vacant

#### Zoning:

PRI

#### **Future Land Use:**

Community Use

#### Surrounding Use & Zoning:

R1 single-unit dwellings; R3 multi-unit dwellings; SC suburban commercial development

#### **Municipal Servicing:**

Municipal services are available along Pine Glen Rd for first building; sanitary line will need to be extended along Whitepine for future phases

#### **Access-Egress:**

Whitepine Rd; Pine Glen Rd

#### **Policies / Politiques**

#### **MUNICIPAL PLAN**

#### **Developing Beautiful Complete Neighbourhoods**

**Policy 5.1.3** In order to maintain a high standard of development and well-integrated neighbourhoods, it shall be the intention of Council to consider higher density residential developments subject to terms and conditions and design standards contained within the zoning by-laws.

**Policy 5.1.6** It shall be the intention of Council, in considering demographic changes, to provide for a range of housing types and densities by the establishment of a sufficient range and number of residential designations and zones. As a general guideline, the following densities shall apply:

(d) ... it shall be the intention of Council to permit density beyond 30 units per acre in certain areas of the Town where underground or at grade parking lots are proposed. These areas are located along or in proximity of major arterials or major intersections, adjacent to major commercial nodes and are well separated from low density areas, such as single unit and two unit dwelling zones.

#### **Commercial Mix Zone**

**Policy 7.2.1** Within the Commercial Designation, it shall be the intention of Council to establish a Commercial Mix (CM) Zone, to accommodate a range of land uses on greenfield sites along Bridgedale Boulevard and Gunningsville Boulevard and at major street intersections.

**Policy 7.2.2** Within the Commercial Mix (CM) Zone, Council shall create special zoning provisions to achieve a quality urban streetscape treatment, reduced building setbacks, controlled on-site parking location from the Boulevard, minimum architectural control, and similar controls to attain a proper urban character.

#### Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

#### **ZONING BY-LAW**

The Zoning By-law includes several provisions related to development standards for multiple-unit buildings, with zone-specific provisions for the CM zone:

#### **CM Zone Building Design Requirements**

- 87(1) In the CM Zone, no development shall be permitted and no main building or structure may be used on a lot unless:
- (a) no less than 25% of the facade of the main building fronting a street is composed of windows or doors;
- (b) no less than 50% of the facade facing any public street is finished with traditional materials; and
- (c) at least one public entrance is facing the public street.

#### Multiple unit dwellings

- 91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:
- (b) any part of a building located between 12 and 15 metres of an abutting R1 Zone, R1- C Zone or R2 Zone shall not exceed three stories with a maximum height of 12 metres; and
- (c) any part of a building located more than 15 metres from an abutting R2 Zone shall not exceed four stories with a maximum height of 15 metres.

- 91(2) Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:
- (a) if the multiple unit dwelling lot abuts a R1 Zone, R1-C Zone or R2 Zone, a six metre wide landscaping buffer, consisting of:
- (i) a minimum of one low lying shrub for every 15 square metres of landscaping area;
- (ii) trees with a minimum diameter of 50 millimetre and a minimum branching height of two metres at the time of planting and placed every five metres across the width of the landscaping area; and
- (iii) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts, no more than 2.4 metres apart, along or parallel to the common property line; or
- (b) if the lot does not abut a R1 Zone, R1-C Zone or R2 Zone, the standards in paragraph (a) shall apply except that the landscaping buffer may be reduced to three metres and a fence will not be required.
- 91(3) The landscaping buffer required in subsection 91(2) shall not be used for parking, garbage storage or public utility structures.
- 91(4) A multiple unit dwelling may be permitted if:
- (a) its massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs) reflects the conditions of neighbouring buildings while avoiding excessive repetition of building design and color;
- (b) no more than 35% of the lot area is devoted to parking spaces and parking aisles
- (c) the façade is designed with jogs and recesses of not less than 0.6 metres to segment the façade at least every nine metres along the length of the building;
- (d) the façade, from the established grade to the top of the first floor, is finished with traditional materials that includes at least ten percent brick or masonry;
- (e) the design of lower floors of multi-unit residential buildings shall include appropriate fenestration, entrance and other features so that they are in scale with the pedestrian environment;
- (f) only a single row of parking is permitted in the front yard. In this case, a 2.0 metre (6'6") wide landscape strip between the property line and the edge of the parking lot, and between the edge of the parking lot and the building face are required. If the parking bay contains more than 5 spaces, planted islands shall be provided after every fifth stall as a minimum;
- (g) Despite 91(f), a multiple unit building design with garage access on the front façade is not required to have landscaping between the parking lot and the building face;
- (h) for buildings on corners, windows or doors must address both street frontages and shall be designed to the same quality;
- (i) there is at least one public entrance facing a street;
- (j) service areas, including but not limited to waste disposal bins and public utility structures are screened from the street and abutting properties; and
- (k) views from the second and third floor units into neighbouring single unit dwelling yards are limited.

#### Internal Consultation & External Consultation / Consultations internes et externes

The proposed application was reviewed by the following departments of the Town:

· Corporate Services;

- · Engineering and Public Works;
- Requested additional on-site queuing space for building 1 parking ramp to avoid congestion on Pine Glen Road First building can be serviced from Pine Glen Rd., subsequent buildings will require extension of sanitary line on Whitepine, to be coordinated with road upgrades
- Comprehensive stormwater management plan for entire site to be submitted at time of first building permit application
- · Parks and Recreation;
- · Fire Protection; and
- · Planning/Development

#### **Discussion**

The subject property is approximately 10 acres and has been vacant since the Town's Operation Centre moved to its current location on Robertson Street in 2017 and the former Operations Centre was subsequently demolished. The Town has undertaken remediation work to remove contaminants from the site and has been seeking a purchaser to re-develop the property.

Icon Developments is proposing to construct three six-storey multi-unit dwellings on the site. Town staff has been working with Icon since the fall to develop a site plan that maximizes the use of the property in terms of height and density while respecting the surrounding context.

The subject property is centrally located at the intersection of two major collector roads near the Findlay Park commercial district and is on three Codiac Transpo bus routes. As such, the subject property is well situated to accommodate additional density and direct population growth towards existing services and transit routes, deliver municipal services more efficiently, and contribute to a walkable community where residents can access daily needs without the use of a personal vehicle.

Staff suggested a rezoning to the Commercial Mix zone, since this zone permits more height (18m) than the R3 or Suburban Commercial zones (15m), and has higher design requirements than those zones. The Commercial Mix zone is primarily intended to address greenfield development along Gunningsville and Bridgedale Boulevards. Large tracts of vacant land have been zoned to accommodate denser mixed-use development in these areas. Though current zoning encourages additional height along the boulevards, development in these areas has been slow to occur due to site-specific questions around access, property ownership, servicing, and wetlands, among other issues.

Despite these challenges, population growth has exceeded historical patterns, and residential vacancy rates are currently at an all-time low. As a result, there is increased demand from the development community to permit additional height and density in other parts of town to respond to immediate needs. Municipal Plan policies indicate that the CM zone is not restricted to the boulevards and can also accommodate growth "at major street intersections."

The CM zone allows up to 18m (60 ft) in height. This height limit assumes an average floor height of 3m (10ft), which would allow six storeys. While the final building height has not been determined, it is anticipated that the proposed design will exceed 18m, and as such will require a variance. The building elevations indicate a height of 67 feet (20.4m), but the design team has indicated this number may change slightly as plans are finalized at the building permit stage.

Staff is comfortable recommending a height variance of up to 21m to allow limited flexibility in the final building height while limiting the number of storeys to six in order to respect the intent of the zoning by-law. At six storeys, this height increase should not be visually perceptible, and will not create any additional impacts on neighbouring properties. Further, staff intends to review the maximum allowable height in all zones as part of the municipal plan review to ensure heights align with current industry practices.

Buildings 1 and 2 have been oriented to maximize the street frontage along Pine Glen and Whitepine, and direct interior balconies toward the parking lot as opposed to the condominium development to the north. This will also ensure that any shadows cast by the buildings will have minimum impact on the condo development, and will not affect the surrounding R1 zones. The site plan currently shows a 3m wide landscaping buffer to separate the parking entrance from the condo development, in conformity with the zoning provisions. However, staff has suggested that a 2m tall opaque fence may provide a more robust visual and sound buffer between vehicle traffic entering the site and the adjacent residential development. As such, a variance to the landscaping provisions has been addressed in the draft conditional zoning agreement.

A large berm was constructed in the past to separate the Operation Centre from the properties on Harvard Court. This berm, which is now covered in mature growth, will remain and act as a natural buffer. The developer has indicated that fill from the underground parking garage could be used to increase the size of the berm. Additionally, a mature tree buffer of varying width (between 0m-40m wide), will remain to the northwest of the site. Though the current property abuts R1 zoning, the plan is to subdivide each building so that it is on its own lot, and as such will not abut lower density properties, so the height limits imposed on development abutting R1 will not apply.

The remaining area of the site abutting the properties on Cleveland Ave will remain undeveloped for now, with Building 3 located approximately 50m (150ft) from the property line. There are currently no plans to develop this area, and it is uncertain whether the soil conditions would allow any intensive development. Any future modifications to the site plan beyond the three buildings currently being proposed will be subject to Council approval.

#### Legal Authority / Autorité légale

The Planning Advisory Committee receives its authority via the Community Planning Act:

110(1) Before making a by-law under this Act, a council shall request in writing the written views of the advisory committee or regional service commission on

(a) a proposed by-law in respect of which the views have not been given previously

#### **Recommendation / Recommandation**

Staff respectfully recommends that the Riverview Planning Advisory Committee RECOMMEND that Riverview Town Council adopt By-law 300-33-5 to redesignate the property bearing PID 05005665 from CU to C, and to adopt By-law 300-7-13 to rezone said property from PRI to CM for the purpose of three six-storey multi-unit dwellings subject to the following conditions:

- a) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-13-1 and A-13-2, dated December 7, 2023;
- b) That notwithstanding Table 12.3, the maximum height of the buildings shall be permitted to be a maximum of 21m, but shall not exceed six storeys;
- c) That a stormwater management plan for the entire site shall be submitted and approved by the Town's Engineering and Public Works Department prior to the issuance of a building/development permit for the first building;
- d) That notwithstanding Section 91(2)(b), a 2m tall opaque fence shall be permitted as screening in lieu of a 3m wide landscaping buffer;
- e) That nothing shall prohibit the proponent from applying for a variance under section 55 of the *Community Planning Act* for zoning provisions that are not addressed within the scope of this agreement; and
- f) That as-built drawings for engineering submissions shall be required within 30 days after construction of each building.

SCHEMATIC	CSUMMARY
LOT	INFO
PID	05005665
Physical Address	Pine Glen & Whitepine Rd Riverview, NB
Lot Area	41 650.3 m <sup>2</sup> / 448 319.9 ft <sup>2</sup>
Current Zoning	Р
Proposed Zoning	CM
PAR	KING
Required Parking	471
Required Parking Ratio / Unit	1.25
Surface Parking	225
Underground Parking	303
Barrier Free Parking	21 (7 per building)
Total Parking	528
Total Parking Ratio / Unit	1.41
BUILDING	G INFO (x 3)
Building Footprint	2 293.0 m <sup>2</sup> / 24 681.5 ft <sup>2</sup>
Storey's	6
Building Height	21.35 m (TBD)
Max Allowable Height	15 m
Construction	Concrete
Total Residential Units	375
MATERIAL &	DESIGN REQ.
Material Requirement 1	Facade must be with traditional materials and 10% Brick or masonry
REQUIRED	VARIANCE
Variance 1	Height 22.0 m / 15.0 m (As per Riverview ByLaw 106)

**Disclaimer:** This preliminary schematic site plan is based on site information provided by the client, or found on a public domain. This site plan is a graphical representation which approximates the size, configuration and location of features. This plan is not intended to be used for legal descriptions or to calculate exact dimensions or areas. Several yet unknown factors may affect the functionality of this site plan, including existing topography, service easements, soil conditions, etc.



SITE PLAN

1" = 40'-0"



# Preliminary

## "Not For Construction"

ISSUE	DESCRIPTION	DATE
-	-	-

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ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev.#	Description	Date



Architectural Desi



171 Lutz Street, Moncton, NB EIC 5E8 Bus: (506) 855-3777 eMail: info@spitfiredesign.ca

Icon Dev.

Pine Glen Rd MU

Pine Glen Rd, Riverview

wing Title:

SITE PLAN

December 7<sup>th</sup> 2023

Checked by: D.M. / J.C.

Drawn by: A.R.R.

Revision: 00

Scale: AS NOTED

AS NOTED

Flight no: 4542



EAST ELEVATION - PINE GLEN ROAD 3/32" = 1'-0"



MATERIALS:

\*EXACT MATERIALS COLORS AS PER OWNER

M01 - FIBER CEMENT SIDING (BLACK) M02 - FIBER CEMENT SIDING (LIGHT GRAY) M03 - BRICK OR MASONRY (TBD)

EAST FACADE: FACADE AREA: 18 153.1 ft² / 1 686.5 m² BRICK MATERIAL AREA: 2 944.4 ft² / 273.5 m² (16.2%)

SOUTH FACADE:

FACADE AREA: 10 852.7 ft<sup>2</sup> / 1 008.3 m<sup>2</sup> BRICK MATERIAL AREA: 2 431.2 ft<sup>2</sup> / 225.9 m<sup>2</sup> (22.4%)

\*All in compliance with Riverview Section 91.4.d



## **Preliminary** "Not For Construction"

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-	·	-

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Description

Architectural Consultant: ARCHITECTURE

Icon Dev.

171 Lutz Street, Moncton, NB E1C 5E8 Bus: (506) 855-3777 eMail: info@spitfiredesign.ca

Pine Glen Rd MU

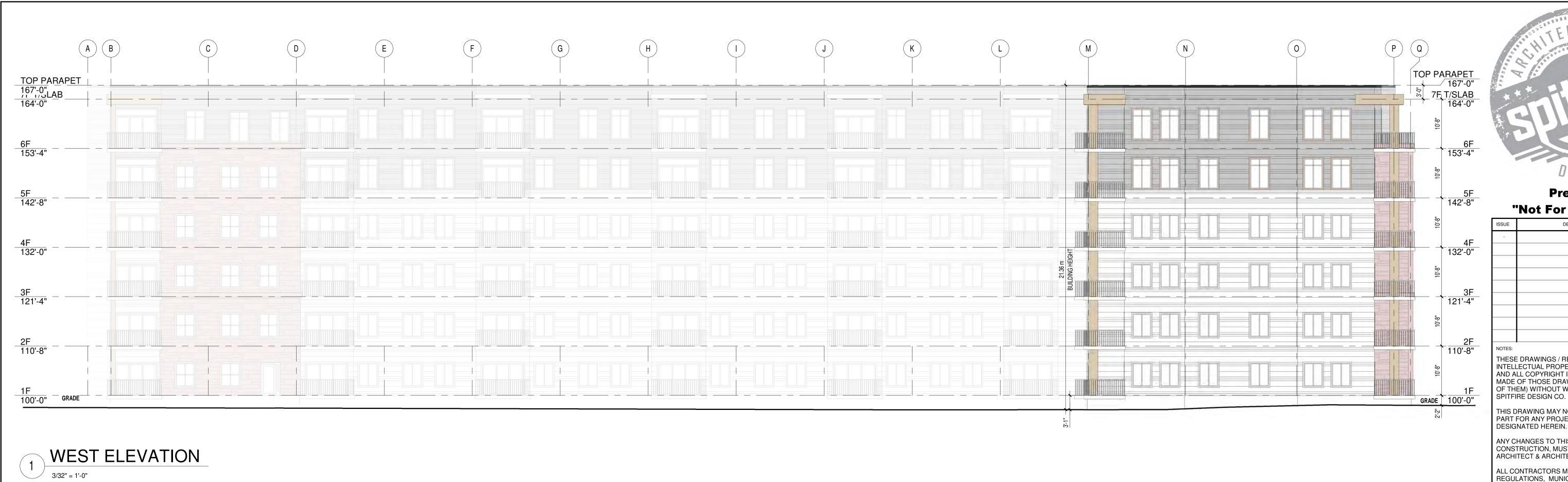
Pine Glen Rd, Riverview

PHASE 1 - ELEVATIONS 1/2

Date:	Decemb	er 7 <sup>th</sup> 2023	
Checked by:	D.M. / J.C.		
Drawn by:	A.R.R.	Revision:	00
Scale:	AS NOTED		
Sheet:	A1.5	Flight no:	4542

SOUTH ELEVATION - WHITEPINE ROAD

3/32" = 1'-0"







# Preliminary "Not For Construction"

ISSUE	DESCRIPTION	DATE
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Description

Stamp:	
	1

Date





171 Lutz Street, Moncton, NB EIC 5E8 Bus: (506) 855-3777 eMail: info@spitfiredesign.ca

Icon Dev.

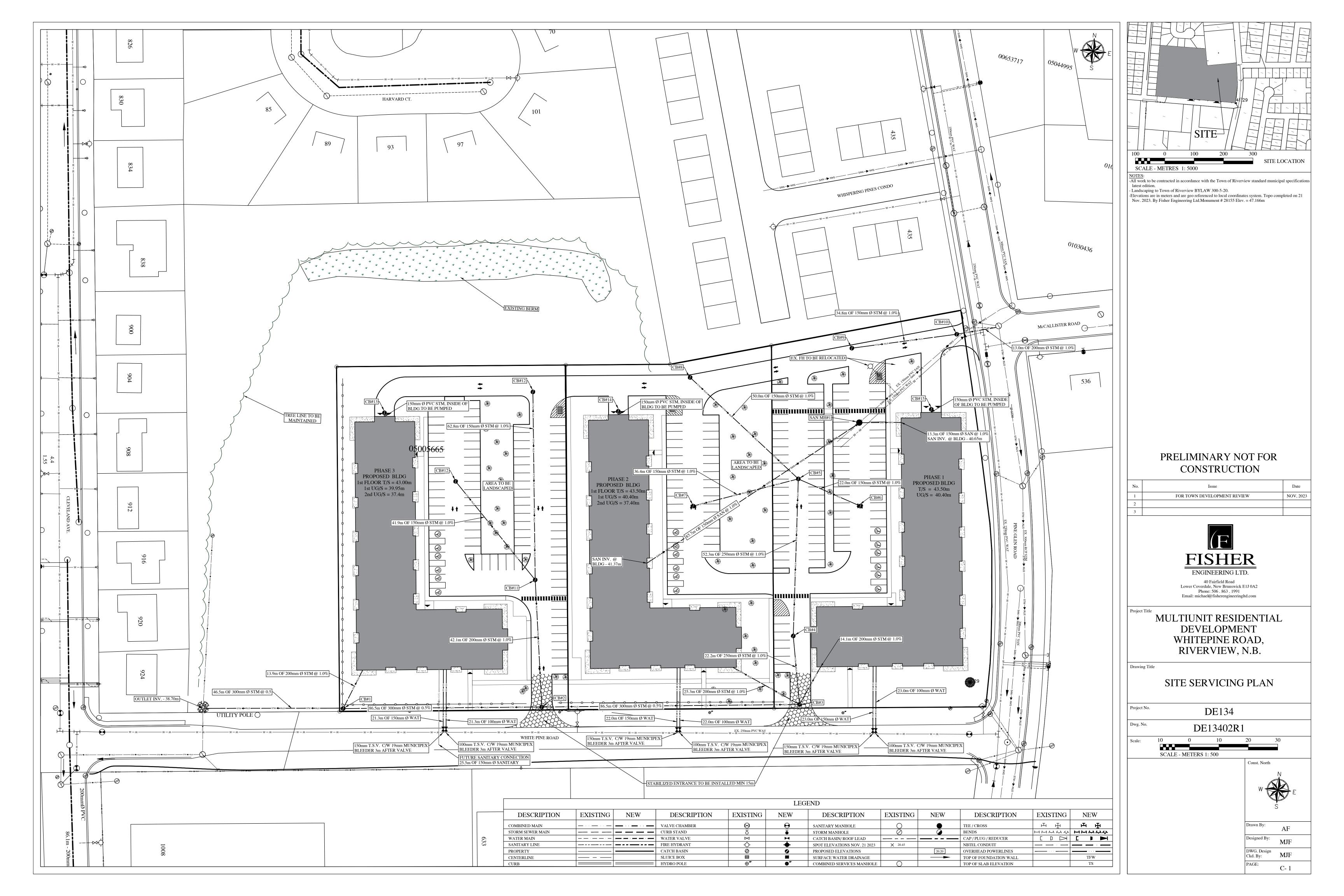
Pine Glen Rd MU

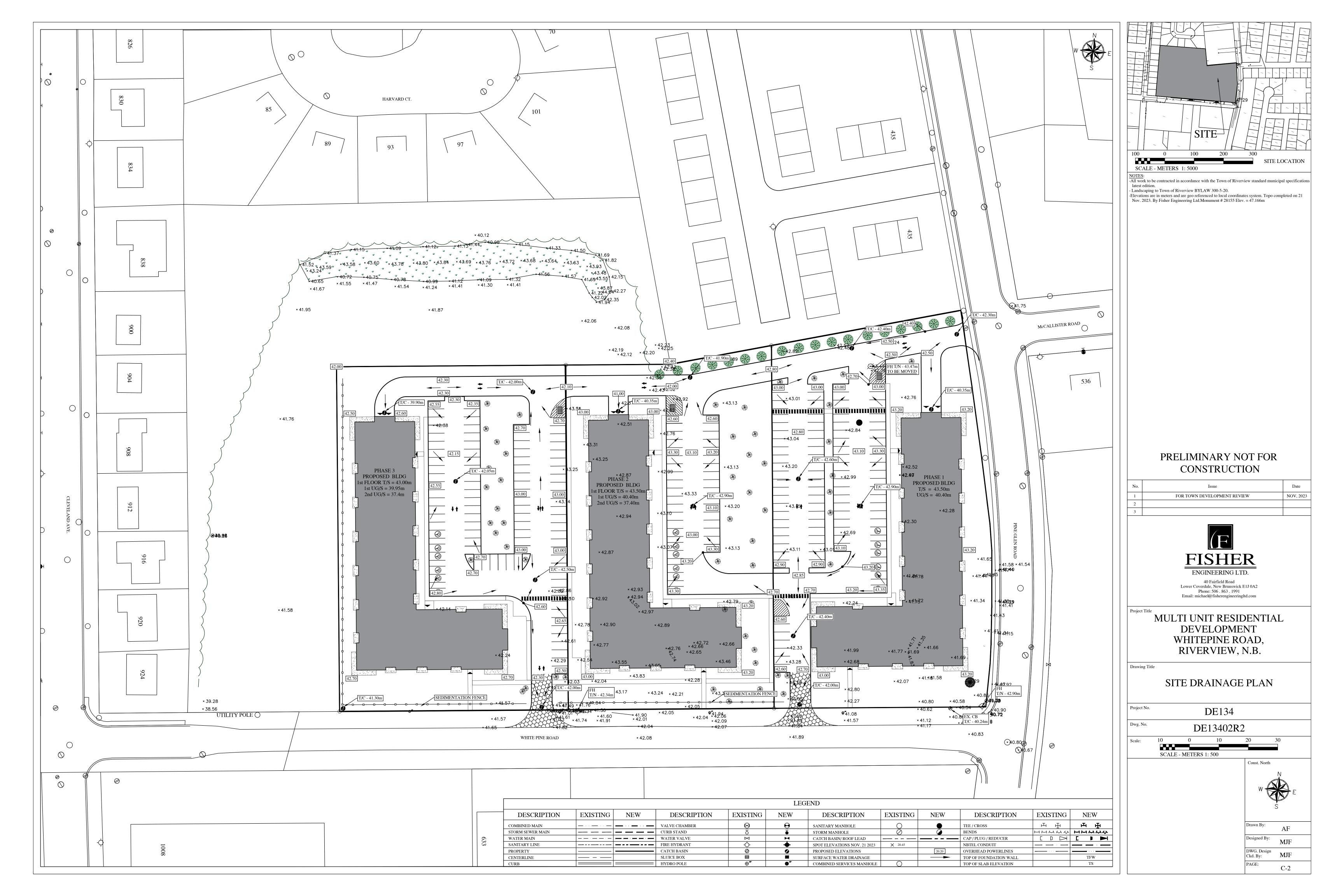
Pine Glen Rd, Riverview

Drawing Title:

PHASE 1 - ELEVATION 2/2

Date:	Decemb	oer 7 <sup>th</sup> 2023	
Checked by:	D.M. / J.C.		
Drawn by:	A.R.R.	Revision:	00
Scale:	AS NOTED		
Sheet:	A1.6	Flight no:	4542













#### BY-LAW No. 300-33-5

## A BY-LAW TO AMEND THE TOWN OF RIVERVIEW MUNICIPAL PLAN BY-LAW No. 300-33

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF RIVERVIEW AS FOLLOWS:

The Town of Riverview Municipal Plan, being By-law Number 300-33 enacted on October 22, 2018, and filed in the Albert County Registry Office as number 38741717 on January 16, 2019, is hereby amended as follows:

1. Schedule A, being the Generalized Future Land Use Map, is hereby amended as shown on the map dated January 5, 2024, attached hereto as Schedule A-5.

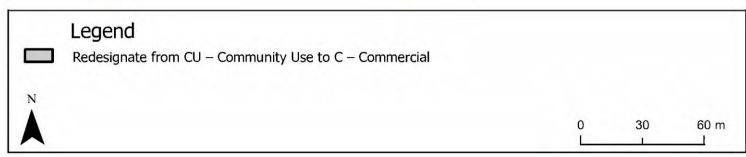
ENACTED this day of	, A.D. 2024.
MAYOR	TOWN CLERK
Andrew Leblanc	Annette Crummey

First Reading Second Reading Third Reading

## Schedule A-5 Town of Riverview LAND USE

Date: 1/5/2024







BY-LAW No. 300-7-13

## A BY-LAW TO AMEND THE TOWN OF RIVERVIEW ZONING BY-LAW

#### BE IT ENACTED by the Town Council of the Town of Riverview as follows:

The Town of Riverview Zoning By-Law, being By-Law No. 300-7, ordained and passed on October 22, 2018 and filed in the Albert County Registry Office on January 16, 2019 as number 38741691, is hereby amended as follows:

1. Schedule A, being the Town of Riverview Zoning Map, is amended as shown on the map dated January 5, 2024, attached hereto as Schedule A-13.

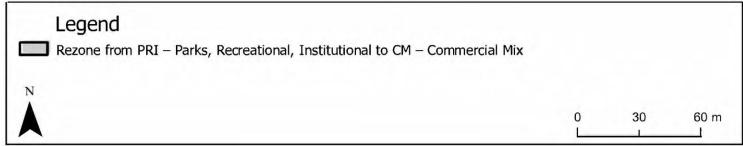
<b>ENACTED</b> this day of	, A.D. 2024.
MAYOR Andrew Leblanc	TOWN CLERK Annette Crummey
First Reading Second Reading	

Third Reading

# Schedule A-13 Town of Riverview ZONING MAP

Date: 1/5/2024





THIS AGREEMENT MADE THIS I	DAY OF , 202	24
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BETWEEN: THE TOWN OF RIVERVIEW, a municipal corporation, incorporated under the Legislative Assembly of the Province of New Brunswick and located at 30 Honour House Court, Riverview, County of Albert, Province of New Brunswick, E1B 3Y9,

hereinafter called the "Town" Of the First Part;

-and-

Icon Developments Ltd., 814 Main Street, Suite 202, Moncton, NB E1C 1E6 hereinafter called the "Proponent" Of the Second Part

WHEREAS the Proponent has applied to redesignate the property located at the corner of Whitepine Road and Pine Glen Road, identified as PID 05005665 and as shown on Schedule A-13, from from CU – Community Use to C – Commercial, and to rezone said property from PRI – Parks, Recreational and Institutional to CM – Commercial Mix to accommodate three multi-unit dwellings;

AND WHEREAS the Planning Advisory Committee has recommended that the Town rezone said property in accordance with, and subject to the provisions contained in section 59 of the *Community Planning Act*, and subject to certain terms and conditions herein set forth;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

#### 1. The Proponent's Covenants

The Proponent covenants and agrees to develop the lands in compliance with the following terms and conditions:

- a) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-13-1 and A-13-2, dated December 7, 2023;
- b) That notwithstanding Table 12.3, the maximum height of the buildings shall be permitted to be a maximum of 21m, but shall not exceed six storeys;
- c) That a stormwater management plan for the entire site shall be submitted and approved by the Town's Engineering and Public Works Department prior to the issuance of a building/development permit for the first building;
- d) That notwithstanding Section 91(2)(b), a 2m tall opaque fence shall be permitted as screening in lieu of a 3m wide landscaping buffer;
- e) That nothing shall prohibit the proponent from applying for a variance under section 55 of the *Community Planning Act* for zoning provisions that are not addressed within the scope of this agreement; and
- f) That as-built drawings for engineering submissions shall be required within 30 days after construction of each building.

#### 2. The Town's Covenants

The Town covenants with the Proponent as follows:

a) That the Town will undertake to carry out all necessary procedures to ensure that modifications to the zoning map shall conform with the attached Schedule A-13 subject to the terms herein contained and for the purposes stated herein.

#### 3. Notices

Any notices under this agreement shall be sufficiently given by personal delivery by registered mail, postage prepaid, and mailed in a Canadian Post Office, addressed:

TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

**4.** The Proponent acknowledges and agrees that notwithstanding anything contained herein, the approval of the Town to the amendment to the zoning of the land is wholly conditional upon compliance by the Proponent with the terms and conditions herein, and further shall be of no effect until the zoning amendment is perfected pursuant to subsection 59(2) of the *Community Planning Act* of New Brunswick.

#### 5. Successors

THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

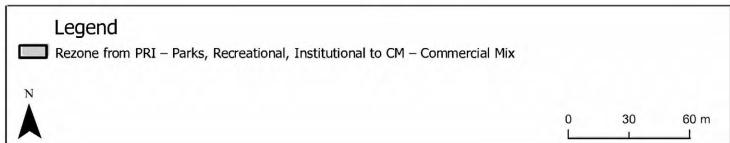
IN WITNESS WHEREOF the Town and the Proponent have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

SIGNED, SEALED AND DELIVERED	THE TOWN OF RIVERVIEW
	MAYOR
	CLERK
	PROPONENT
	JAMIE SHEA
	ICON DEVELOPMENTS LTD.

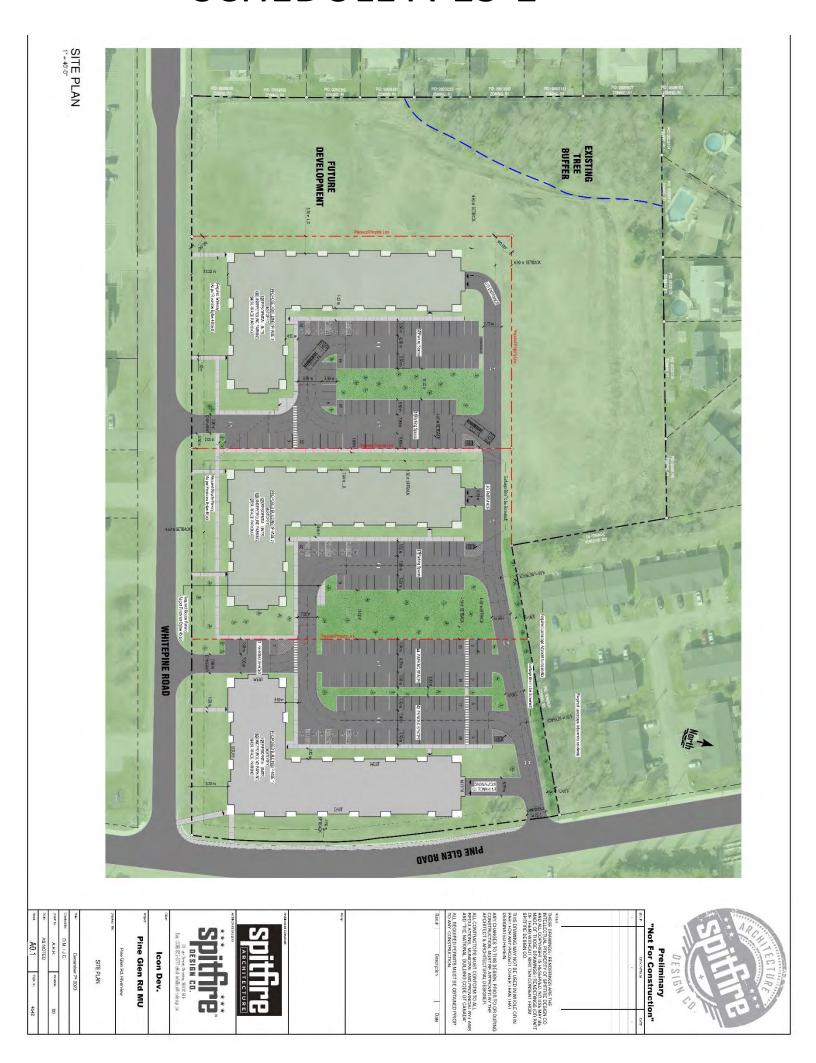
# Schedule A-13 Town of Riverview ZONING MAP

Date: 1/5/2024





# **SCHEDULE A-13-1**



## SCHEDULE A-13-2

