



MEETING MINUTES

Town of Riverview Planning Advisory Committee
Wednesday, April 12, 2023, at 6:00 p.m.
Council Chambers, Riverview Town Hall

Attendance: Shawn Dempsey, Chair
Daniel Primeau, 1st Vice Chair
John Gallant, 2nd Vice Chair
Tina Comeau, Committee Member (arrived at 6:10 p.m.)
Kevin Steen, Committee Member
Susan Steeves, Committee Member
Rita Gauvin, Records Clerk-RTIPPA Coordinator, Town of Riverview
Kirk Brewer, Planner/Development Officer, SE Regional Service Commission
Lori Bickford, Planning Manager, SE Regional Service Commission

Regrets: Rob Bateman, Committee Member
Kelvin Martin, Committee Member
Debby Warren, Committee Member

1. CALL MEETING TO ORDER

Shawn Dempsey, Chair, called the meeting to order at 6:05 p.m.

2. DECLARATION OF CONFLICT OF INTEREST

NIL

3. ADOPTION OF MEETING AGENDA

Moved by Daniel Primeau and seconded by Kevin Steen

That the agenda for the Town of Riverview Planning Advisory Committee meeting of April 12, 2023, be APPROVED.

MOTION CARRIED

4. ADOPTION OF MINUTES

a) Planning Advisory Committee Meeting – November 16, 2022.

Moved by John Gallant and seconded by Daniel Primeau

That the minutes of the Town of Riverview Planning Advisory Committee meeting of November 16, 2022, be ADOPTED.

MOTION CARRIED

5. BUSINESS ARISING FROM THE MINUTES

NIL

6. VARIANCE, TEMPORARY APPROVALS, CONDITIONAL USES, RULINGS OF COMPATIBILITY AND NON-CONFORMING USES

NIL

7. TENTATIVE SUBDIVISIONS

NIL

8. BY-LAW AMENDMENTS, ZONING AND MUNICIPAL PLAN MATTERS

Diallo Developments Ltd. and Brillante Investments Ltd., Buckingham Ave (PID 00993915), rezoning from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling for the purpose of two multi-unit dwellings (File 23-0041).

K. Brewer presented a rezoning application for a property located on Buckingham Ave. The proposal is to rezone a vacant 2.6-hectare piece of land on Buckingham Ave., which is located behind a block of single unit dwellings and adjacent to Riverview High School (RHS), from R1 - Single Unit dwelling to R3 – Multi-Unit residential dwelling for the purpose of accommodating two 70-unit apartment buildings.

He noted that two stub streets were never built as part of the subdivision when the streets were planned out in the 1970s. The original plan was to have another street continue through to a set of lots in the back, but the original plan was never carried out. Therefore, these two stub streets, which were developed as public streets, form part of the public road network.

K. Brewer explained that high density in the R3 – Multiple Unit Dwelling zone may consist of any form or combination of medium density developments or other housing forms or combinations of where density generally exceeds 15 units per acre, but does not exceed 30 units per acre, and that this proposal is below 30 units per acre.

The site plan shows that 140 units are proposed, which is 19 fewer units than is permitted in the zone, even though the property would allow 159 units at 30 units per acre. The Engineering department requested that the two proposed accesses be developed as public cul-de-sacs for several reasons, as opposed to two private driveways. The primary reason is to preserve connectivity between Buckingham Ave and the Riverview High School and to convert the trail section into a sidewalk and maintain the trail closer to the high school. The subdivision plan proposes dividing the land in two, creating two cul-de-sacs in the process. Through the subdivision application, either 10% of the land or 8% of the market value of the property being divided must be set aside for Land for Public Purposes (LPP). To guarantee public connectivity and enable future trail or road connections, it is being proposed that the ends of the cul-de-sacs be vested as LPP. Since this proposal falls short of the full 10% requirement, there will be a small cash contribution to make up the difference.

The site would have a sizable landscaping buffer, according to the proposal. Regarding a multi-unit building abutting an R1 zone, a 6-meter-wide landscaping buffer is required. In this case, the proposed setback between the buildings and the adjacent properties is more than 34m, which exceeds the minimum established 15m buffer. As part of the rezoning, staff recommend that a condition be imposed that prior to any tree clearance on the property, a surveyor marks the buffer line to ensure that any remaining trees are identified, and the buffer remains in place. The zoning by-law specifies in terms of where the existing buffer is insufficient, trees need to be planted and a fence installed. In this instance, between the high school and the R1 properties, a sizable, treed buffer would still be maintained.

When the project was originally presented to Council, each building was proposed at four stories, which would have required a height variance from the Zoning By-law, which restricts the height of a multi-unit to three stories when abutting an R1 zone. Based on preliminary feedback from Council, the proponents have reconfigured their plans to reduce the building height to three stories and make the buildings longer. This avoids the need for a height variance while maintaining approximately the same number of units.

The Committee was then shown renderings of the proposed buildings, and K. Brewer remarked that they complied with all customary standards. The developers hired consultants to assess the trees after initial concerns were expressed about protecting the privacy of the single-unit homes on Buckingham Ave. wondering whether there was enough of a buffer to sufficiently conceal the view from balconies. According to that review, the average tree height is around 65 feet, and based on the setback lengths, the trees would block the view from the third-floor balcony. Therefore, privacy concerns of those single-unit homes should be minimal.

The project was reviewed by the Development Review Committee and the Parks department is in favour of securing the lands for public purposes between the cul-de-sac and Riverview High School to ensure public connectivity. As there were concerns about the traffic on Buckingham Ave., regarding current speeds and traffic volume and what impact this project may have on that, the Engineering department did request the public cul-de-sacs and a traffic impact study from the developer. After conducting a preliminary analysis of the traffic impact study, the Director of Engineering concluded that there were no issues that should prevent the proposed development from moving forward. Buckingham Ave. is an important north-south collector road intended to carry heavy traffic.

Since student pickup does not take place on school property, several people have expressed concern about the Riverview High School student pick-up area on Buckingham Ave. and the cul-de-sac. There were concerns whether these new cul-de-sacs would develop into a pick-up area. The Director mentioned that future growth in the area may require a capacity study at the intersection of Buckingham and Whitepine to determine whether a traffic light or a roundabout would be required, but this specific development does not require immediate action.

K. Brewer mentioned resolution was received from Council on March 13, 2023, to start the rezoning process, PAC views would be presented to Council and a Public Hearing and First reading would take place on May 8, 2023, followed by Second and Third readings scheduled for June 12, 2023.

Chair S. Dempsey asked if the landscaping requirement in the buffer area is being addressed through the maintenance of the trees. K. Brewer affirmed the site plan would show a 6m wide buffer where the trees would be planted if this were an empty lot without any trees. In this case, the condition would be to preserve the tree buffer to delineate where those trees must be preserved.

Member K. Steen questioned whether parking on the cul-de-sacs or using them for student pickup and drop-off would be permitted. K. Brewer noted since the Town has a street by-law defining which streets permit public parking and which do not, it would be up to Council to decide. Through the street by-law, Council could ban all parking on those cul-de-sacs if it so desired.

Member D. Primeau remarked regarding the access road, it was public knowledge in the 1970s that a street would be planned there and that has never been rediscussed or changed. He added that, in his view, the rezoning change would result in a safety concern. There would be 140 units, plus most people own one or two cars, which would result in a lot of traffic on Buckingham Ave. at the end of the school day. As a member of the Committee, he would like to communicate this concern to Council whether directly or indirectly in the minutes that this cannot be pushed forward and that the safety issue of parking on the cul-de-sac should be addressed as this process moves forward.

K. Brewer clarified that he is not sure that it was public knowledge. He was shown a subdivision plan that depicted a future street, but he was not aware if it was a plan from 50 years ago. Regarding the cul-de-sac safety concern, there was a traffic study prepared by engineers and reviewed by the Director of the Engineering and department. Although this was not an immediate concern, it would ultimately be up to the Engineering department to recommend a course of action to Council. This Committee would not have the mandate to comment on municipal by-laws because this would be covered by the street by-law. The Committee concerns can certainly be noted in the minutes, but there is not enough information to make a motion without examining the traffic study.

Member J. Gallant noted there were several applicant names included on the rezoning application and questioned if this was standard practice. K. Brewer said it would not necessarily be a property owner hiring a developer to develop the land. His understanding is the property owner has listed the property for sale and two development companies are interested in developing the land. It is quite common that the landowner and the proponent are not the same. Generally, the developer would only purchase the land on the condition that it can successfully be rezoned.

Member J. Gallant questioned whether the buffer zone was sufficient where leaves on the trees in that area do not stay on them all year, the building would be visible once the leaves have fallen from the trees. The identification of a buffer in this situation, backing and fronting on to two different properties, does not seem realistic to what is there. K. Brewer remarked in winter it would be easier to see through the trees into backyards. The zoning by-law speaks mostly to the setback of the building from the property line. The intent of the buffer is to create a visual wall that is impossible to see through but to ensure a bit of separation distance and to make sure there is greenery between the two uses.

J. Gallant asked if the cul-de-sacs would be named, built, and maintained by the Town.

K. Brewer said the Town would name and maintain the cul-de-sacs. All streets and services are built and paid for by the developer and upon completion they are turned over and invested as public infrastructure for the Town to maintain for their lifespan.

J. Gallant questioned if there would be two sets of services to each building. K. Brewer mentioned there was a preliminary servicing plan provided and reviewed by the Engineering department. The Town requires that every building have its own water connection. Generally, each building has its own separate service and in terms of the phasing, it will come down to which phase is developed first. It will be required to submit a final civil plan for all the servicing of that lot.

J. Gallant asked what the process is if a motion is not passed by PAC and what are the next steps for the landowner and developer. K. Brewer said a motion must be passed, whether it is the motion presented to the Committee or another. The options are, if the staff recommended motion is passed, it would be forwarded along for Council's information and the process continues. If PAC recommends contrary to rezoning, the process continues to the Public Hearing. The Town Council, not PAC, makes the final decision in rezoning cases as Council is only seeking PAC's views.

However, if Council votes in favour of the rezoning contrary to PAC's recommendation, it will require a majority of the whole of Council. In this case, a majority of seven Council members would be required, and even if there was a conflict of interest or if someone was absent from the meeting that evening, they would still be included in the total of seven. It is not a simple majority of Council present. The rezoning could still pass. If the Committee feels it is unable to make a qualified recommendation at this meeting, meaning if there is additional information that the Committee requires to make an educated and informed recommendation, the item can be tabled by the Committee and would be brought back with the requested additional information.

Member S. Steeves enquired if there has been any resistance to the rezoning from residents and to what extent were they opposed to the rezoning. K. Brewer noted there has been resistance, which is quite common in a rezoning process. At the introduction to Council, there was still a lot of information that had not been made publicly available and some people are opposed to the idea of the units in the neighbourhood as well as concerns about traffic. Opposition has been raised as part of this application, but that is for Council to consider. PAC is a technical review body and looks at the proposal in terms of planned policy and not based on political considerations or the will of the residents.

Moved by Daniel Primeau and Seconded by Kevin Steen

That the Riverview Planning Advisory Committee recommend that Town Council adopt By-law 300-7-10 in order to rezone the property on Buckingham Avenue bearing PID 00993915 from R1 - Single Unit Dwelling to R3 - Multiple Unit Dwelling for the purpose of two multi-unit dwellings subject to the following conditions:

- a) That prior to a building/development permit being issued, an overall subdivision plan be submitted to the Development Officer, and that the location of streets and lands for public purpose be approved by Council;
- b) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-10-1 and A-10-2;
- c) That landscaping shall be provided as shown on the site plan attached as Schedule A-10-1 with a minimum buffer width of 10m where the property abuts adjacent R1 properties;
- d) That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in condition (c);

- 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.

The vote is registered as two (2) yeas and three (3) nays.

- a) Members: Kevin Steen and Daniel Primeau voted in favour of the motion.
- b) Members: Susan Steeves, John Gallant, and Tina Comeau voted against the motion.

MOTION DEFEATED

K. Brewer noted that if a member would like to propose an alternative motion and needed time to formulate the correct wording, a brief recess could be called to allow time for that.

Chair S. Dempsey called a recess at 6:55 p.m.

S. Dempsey called the meeting back to order at 7:20 p.m.

A motion to AMEND was Moved by John Gallant and Seconded by Tina Comeau

That the Riverview Planning Advisory Committee recommend that Town Council not adopt By-Law 300-7-10 in order to rezone the property on Buckingham Avenue bearing PID 00993915 from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling for the purpose of two multi-dwellings subject to the following reasons:

- 1) That the development does not reflect the conditions of neighbouring buildings as stated in Zoning and Subdivision regulation 91(4)(a), and
- 2) That there are concerns with traffic and safety of residents and users that should be further studied.

The vote is registered as three (3) yeas and three (3) nays.

- a) Members: Susan Steeves, John Gallant, and Tina Comeau voted in favour of the motion.
- b) Members: Daniel Primeau, Kevin Steen and Shawn Dempsey voted against the motion.

MOTION DEFEATED

Member D. Primeau stated that if the two cul-de-sacs traffic concerns cannot be included in the motion, it would alter his opinion of the motion as it is currently written. He remarked Council should take these concerns into consideration. He does not think it is well integrated into the community if there is no strategy or actual report that demonstrates how to address those traffic concerns to commit to no pick-up or drop-off zones in the cul-de-sacs.

K. Brewer responded by sharing an email received today by the Director of Engineering on his comments regarding the traffic study. He said, “It was recognized that using a Town street for pick up of students is a concern and the school should provide an appropriate drop-off and pick-up area on the school property.” The email does not mention that parking will be prohibited in the cul-de-sacs. It expresses a concern that, despite the rezoning, the Town is currently left to handle a problem that the school has put on its plate. There is no specific mention of whether that cul-de-sac would be included in the mix.

A motion to AMEND was Moved by Daniel Primeau and Seconded by Susan Steeves

That the Riverview Planning Advisory Committee recommend that Town Council not adopt By-Law 300-7-10 in order to rezone the property on Buckingham Avenue bearing PID 00993915 from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling for the purpose of two multi-dwellings given the following:

- 1) That there are concerns with traffic and safety of residents and users that should be addressed and until then, they should not adopt.

The vote is registered as four (4) yeas and two (2) nays.

- a) Members: Tina Comeau, John Gallant, Susan Steeves, and Daniel Primeau voted in favour of the motion.
- b) Members: Kevin Steen and Shawn Dempsey voted against the motion.

MOTION CARRIED

9. OTHER BUSINESS

NIL

10. NEXT SCHEDULED MEETING

The date for the next scheduled meeting is Wednesday, May 10, 2023 at 6:00 p.m.

11. ADJOURNMENT

Moved by S. Steeves. Meeting adjourned at 7:35 p.m.

Shawn Dempsey, Chair