

# Riverview Planning Advisory Committee

## STAFF REPORT

### Conditional Use

**Subject :** Conditional use and variances

**File number:** 21-2611

**Meeting Date:** Wednesday, January 12, 2022

**From :**

**Reviewed by :**



Kirk Brewer  
Planner / Urbaniste



Lori Bickford  
Planner / Urbaniste

#### GENERAL INFORMATION

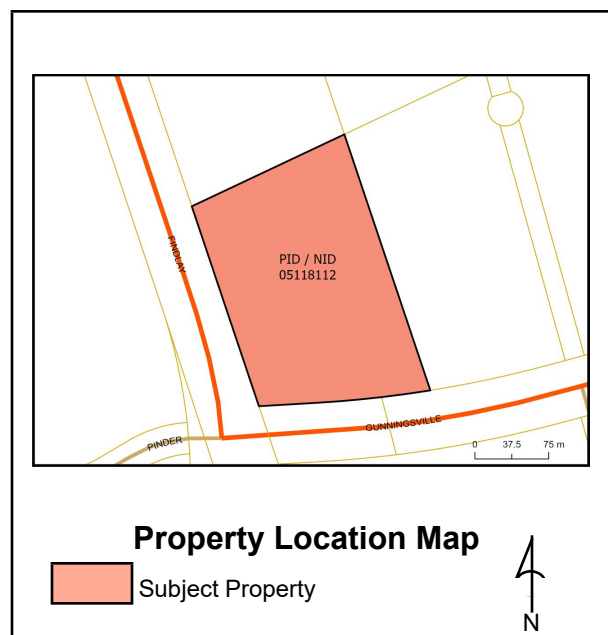
**Applicant/:** Joe Quinn Kent Building Supplies

**Landowner :** JD Irving Ltd

**Proposal:**

Conditional use application to permit a building with more than 1,500m<sup>2</sup> of ground floor area with variances to:

- 1) permit a 3m high fence where 2.5m is the maximum permitted; and
- 2) permit 3 driveways where a maximum of 2 is permitted



#### SITE INFORMATION

**Location:** Findlay / Gunningsville Blvd, Town of Riverview / Ville de Riverview

**PID:** 05118112

**Lot Size:** 4.2 hectares

**Current Use:** Vacant

**Zoning:** SC

**Future Land**

**Use:** Commercial

**Surrounding**

**Use & Zoning:** Suburban commercial, mixed use commercial and multi-unit residential

**Municipal**

**Servicing:** Public services are available

**Access/Egress:** Findlay Blvd and Gunningsville Blvd

**Municipal Plan Policies**

Policy 7.1.1 It shall be the intention of Council to recognize and foster development of retail

and service outlets serving the suburban portions of the town by establishing the Suburban Commercial (SC) Zone within the Commercial Designation.

Policy 7.1.3 Notwithstanding policy 7.1.1, it shall be the intention of Council to direct the Committee to permit automotive related businesses that may have significant traffic implications, such as drive thru restaurants and other drive thru businesses, service stations, car washes or any development within the

Suburban Commercial Zone containing more than 1,500 square metres of gross floor area, and additions thereto, subject to imposition of terms and conditions. Furthermore, it shall be the intention of Council to direct the Committee, in considering the imposition of terms and conditions, to have the utmost planning regard for the following:

- (a) estimated traffic generated by the proposal and its effect upon public street systems;
- (b) adequacy of the proposed site plan in respect to parking, pedestrian access, aisles, fire lanes, loading and delivery areas and on-site circulation systems;
- (c) adequate provision of landscaping;
- (d) location, size and design of driveways and appropriateness of traffic lights at driveways; and
- (e) provisions contained in policy 13.1.10; and
- (f) such other matters as Council deems advisable.

Policy 13.1.10 In considering amendments to the Zoning By-law or the imposition of terms and conditions, the Council and the Committee, in addition to all other criteria set out in the various policies of this Plan, shall have appropriate regard for the following:

- (a) the proposal is in conformity with the intent of this Plan and with the requirements of all municipal by-laws and regulations;
- (b) that the proposal is neither premature nor inappropriate by reason of:
  - i. financial inability of the Municipality to absorb costs relating to the development,
  - ii. adequacy of central or on-site sewage and water supply services and storm drainage measures,
  - iii. adequacy or proximity of school, recreation or other community facilities,
  - iv. adequacy of road networks leading to, adjacent to, or within the development; and
  - v. potential for damage to or destruction of designated historic buildings/sites.
- (c) that controls are placed on any proposed development, where necessary, to reduce conflict with any adjacent or nearby land uses by reason of:
  - i. type of use,
  - ii. height, bulk, appearance and lot coverage of any proposed building,
  - iii. traffic generation,
  - iv. vehicular, pedestrian, bicycle and transit access to/from the site,
  - v. parking,
  - vi. open storage,
  - vii. signs; and
  - viii. any other relevant matter of urban planning.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes or bogs and susceptibility flooding as well as any other pertinent environmental subject; and
- (e) that the proposal meets all necessary public health and safety considerations and that the site design meets all fire protection and access requirements.

## **Zoning Bylaw and or Subdivision By-law Regulation**

### **Table 12.1 Commercial Zones**

Retail is a permitted use in the Suburban Commercial zone

#### **Placement of fences in yards**

39(1) Subject to section 81, a fence may be placed or located in a yard if its height does not exceed:

- (a) one metre in the required front yard in any zone, except for a chain link fence located in a

- commercial or industrial zone;
- (b) two metres in any other yard in a residential zone; and
- (c) 2.5 metres in any other yard in another zone.

### **Driveways for non-residential zones**

44(1) In all zones other than residential zones:

- (a) the number of two-way driveways shall be limited to one per lot unless:
  - (i) the lot has a frontage of more than 75 metres, in which case, two will be permitted;
  - (ii) in the case of a corner lot has combined frontage and flankage of more than 75 metres, in which case, two will be permitted; and
  - (iii) in both cases they are not less than 20 metres apart, measured between the centre line of each driveway at the street line;

### **Screening of outdoor storage areas**

59(1) When a use involves outdoor storage, other than a display court, the portion of the lot used for outdoor storage shall be fully screened from the street by a wall, wooden fence or chain link fence with filler strips woven into the mesh or other screening facility of equal screening value, between 2.0 and 2.5 metres in height.

59(2) Within the outdoor storage area, no materials shall be amassed higher than the height of the surrounding fence.

59(3) If there is a conflict between subsection (1) and the specific screening requirements of a particular zone, the latter shall apply.

### **Larger commercial uses in any zone subject to terms and conditions**

62 A permitted use within a SC Zone and CM Zone occupying more than 1,500 square metres in gross floor area shall be considered a particular purpose subject to terms and conditions.

## **Internal Consultation & External Consultation**

The request was distributed to the Development Review Committee (Planning/Development, CAO/Clerk, Engineering, Parks, and Fire Department). No concerns were raised as part of this review.

## **Discussion**

The proposal is to build a new Kent Building Supplies store, including a lumber yard, on the property at the corner of Findlay Blvd and Gunningsville Blvd. Retail is a permitted use in the SC zone, but the building has a footprint of 2,974m<sup>2</sup>. Commercial uses with more than 1,500m<sup>2</sup> require conditional approval subject to a list of considerations found in Municipal Plan policy 7.1.3, which relates to issues such as traffic, parking, driveway locations, landscaping, emergency access, signage, etc. In this case, the site is 4.2 hectares, which is ample space to meet all the requirements for parking, landscaping, on site stormwater management, etc. without requiring any dimensional variances.

One of the policy directions is to consider driveways for large format commercial uses given that they are traffic generators that may create certain concerns. In designing the site, these considerations were taken into account, but require both a variance and an amendment to the Controlled Access Streets By-law.

The zoning by-law limits the number of two-way driveways to a maximum of two for commercial properties that have either a) more than 75m of frontage or b) frontage on two different streets, with a minimum of 20m separating the driveways. The proposal for the subject property is to have a total of three driveways - two on Findlay Blvd (58m apart) and one on Gunningsville Blvd. In this case, the

property has approximately 215m of frontage on Findlay Blvd and 175m on Gunningsville Blvd, which far exceeds what is anticipated in the by-law.

Given that this Kent location will incorporate a lumber yard, the purpose of the third driveway is to enable large delivery trucks to access the lumber yard without mixing with customer traffic. The site design would allow trucks to access the rear of the building from Gunningsville, enter the lumber yard, and exit via a gated access that would not be open to the public. This further allows truck traffic to travel through Riverview via the two bridges and controlled access roads rather than traveling on local and arterial streets such as Coverdale Road. Staff considers the variance to allow a third driveway reasonable and desirable for the development of the property since the frontage far exceeds the by-law minimums and it reduces the mixing of customer and truck traffic.

The other consideration with the proposed site design is the constraints of the Controlled Access Streets By-law, which requires that accesses on Gunningsville and Findlay must be separated 200m centre line to centre line. The proposal is to have the lumber yard entrance at 200m from the intersection of Gunningsville Blvd, but the other two accesses would require an amendment to the by-law to allow a distance of ~141m from Gunningsville and 183m from Findlay. The purpose of the Controlled Access By-law is to ensure there is a measure of control over new accesses on major arterial roads.

The 200m separation distance follows the Transportation Association of Canada's guidelines for controlled access roads, and echoes the by-laws in effect in Moncton and Dieppe. However, amendments to the by-law may be considered on a case-by-case basis. If the site were to be developed to comply with the by-law, only one access would be permitted which would need to accommodate all traffic for customers as well as heavy trucks accessing the lumber yard, which is not an ideal layout for this type of development. This request has been reviewed by the Engineering Department, which has no concerns with the proposal given the proposed use and access locations. Prior to a development/building permit being issued, the Controlled Access By-law will need to be amended to permit the proposed accesses.

A second variance is being requested for the height of the fence surrounding the lumber yard. The maximum allowable height in a commercial or industrial zone is 2.5m (~8 feet). The proposal is for 3m (~9.8 feet). The rationale provided by the applicant is that over the years, lumber theft has increased substantially at a significant loss to the business. The additional height has been incorporated into all their lumber yard designs to increase security and mitigate this theft.

Generally speaking, fence heights are regulated to prevent overly-tall walls along road frontage or towering over adjacent properties. In this case, the height increase is relatively minor, and the fence only takes up approximately 25% of the property frontage along Findlay Blvd. In addition, the fence will be set back 6.8m from the property line, which is located an additional 5+ metres from the sidewalk. At a distance of more than 30 feet from the pedestrian right-of-way, the additional 50cm in height will be virtually imperceptible.

## **Public Notice**

Written notice was sent to property owners within 60m on December 29, 2021

## **Legal Authority**

### **Conditional uses**

53(3) In prescribing the purposes for which land, buildings and structures in a zone may be used, a zoning by-law may: ...

(c) prescribe particular purposes ...

(i) in respect of which the advisory committee or regional service commission, subject to subsection

(5), may impose terms and conditions, and

(ii) that may be prohibited by the advisory committee or regional service commission if compliance with the terms and conditions imposed under subparagraph (i) cannot reasonably be expected.

The Act also provides parameters for the PAC when imposing conditions:

53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect:

- (a) properties within the zone or in abutting zones, or
- (b) the health, safety and welfare of the general public.

### **Variances**

53(2) a zoning by-law....may

a) with respect to a zone, regulate...

(vii) the placement, height and maintenance of fences, walls, hedges, shrubs, trees and other objects,

(viii) the types, dimensions and locations of means of access of lots to streets,

55(1) Subject to the terms and conditions in considers fit, the advisory committee or regional service commission may permit

b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law if it is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the by-law and any plan under this Act affecting the development.

### **Recommendation**

#### **Motion 1**

Staff recommends that the Planning Advisory Committee APPROVE the conditional use application to permit a building with more than 1,500m<sup>2</sup> of ground floor area at the corner of Findlay Blvd and Gunningsville Blvd (PID 05118112) subject to the following conditions:

- 1) That prior to a building/development permit being issued, that Riverview Town Council take the required steps to amend Controlled Access By-law 300-67 to reflect the proposed access locations;
- 2) That the proposed development shall be in substantial conformity with the site plans, elevation drawings and renderings provided, and
- 3) That as-built drawings for engineering submissions shall be required within 30 days after construction;

#### **Motion 2**

Staff recommends that the Planning Advisory Committee APPROVE the variance request to permit a 3m high fence where 2.5m is the maximum permitted on PID 05118112 because it will occupy less than 25% of the Findlay Blvd frontage, and due to the setback of the fence, the additional height should not be perceptible.

#### **Motion 3**

Staff recommends that the Planning Advisory Committee APPROVE the variance request to permit 3 driveways where a maximum of 2 is permitted because it is in line with Municipal Plan policy and will limit vehicular conflict between customer traffic and large delivery trucks.

Gunningsville Blvd (PID/NID 05118112)

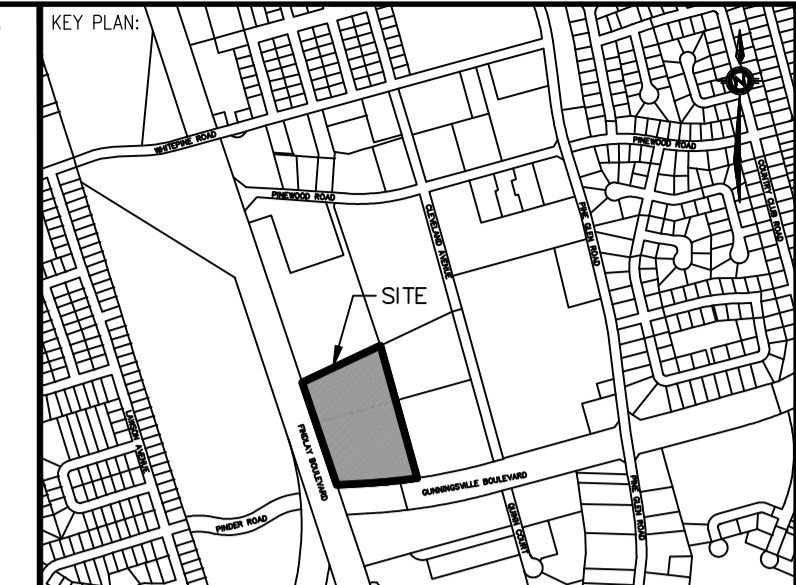
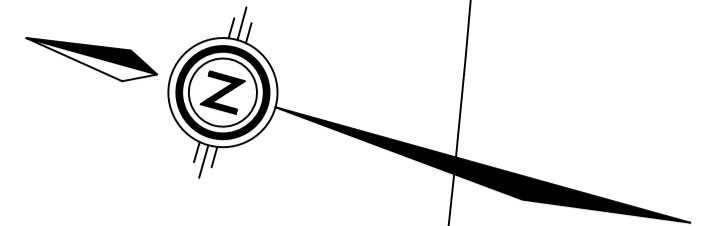
Riverview

Date: 11/23/2021



	AREA (m <sup>2</sup> )	% OF TOTAL AREA
<b>TOTAL SITE</b>	<b>39,983</b>	<b>N/A</b>
MAIN BUILDING (INCL. GARDEN AREAS)	5,222	13.1
STORAGE BUILDING	747	1.9
PARKING LOT	8,527	21.3
LANDSCAPING	11,579	29.0
RECEIVING AREA	3,735	9.3
LUMBER YARD	10,173	25.4

NOTE:  
AS PER TOWN OF RIVERVIEW ZONING BY-LAW, A MINIMUM OF 128 TREES/SHRUBS ARE REQUIRED TO BE PLANTED ON SITE BASED ON THE TOTAL LANDSCAPED AREA. FINAL LOCATIONS OF THESE TREES/SHRUBS SHALL BE DETERMINED DURING THE DESIGN PHASE.



LEGEND:	PROPOSED	EXISTING
EDGE OF PAVEMENT	---	---
LOTLINE	---	---
WATERMAIN & GATE VALVE	--- ---	--- ---
SANITARY PIPE & MANHOLE	--- ---	--- ---
STORM PIPE & MANHOLE	--- ---	--- ---
UTILITY LINES & POLE	--- ---	--- ---
STREET BOUNDARY	---	---
PROPERTY BOUNDARY	---	---
EASEMENT	---	---
CURB & DRIVEWAY CUT	---	---
CATCH BASIN	---	---
FIRE HYDRANT	---	---
STREET TREE	---	---
ROAD SIGN	---	---
SANITARY LATERAL	---	---
WATER LATERAL	---	---
STORM LATERAL	---	---
CATCH BASIN LEAD	---	---
CULVERT	---	---
HEADWALL	---	---
SIDEWALK	---	---
FENCE	---	---

**PRELIMINARY**

DISCLAIMER: DRAWINGS SUBJECT TO APPROVAL PRIOR TO CONSTRUCTION. THIS DRAWING AND DESIGN IS COPYRIGHT PROTECTED AND SHALL NOT BE USED, REPRODUCED OR REVISED WITHOUT WRITTEN PERMISSION BY WSP CANADA INC. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND UTILITY LOCATIONS AND REPORT ALL ERRORS AND OMISSIONS PRIOR TO COMMENCING WORK.

NO.	DATE	DESCRIPTION
0	2021/12/08	ISSUED FOR PAC REVIEW

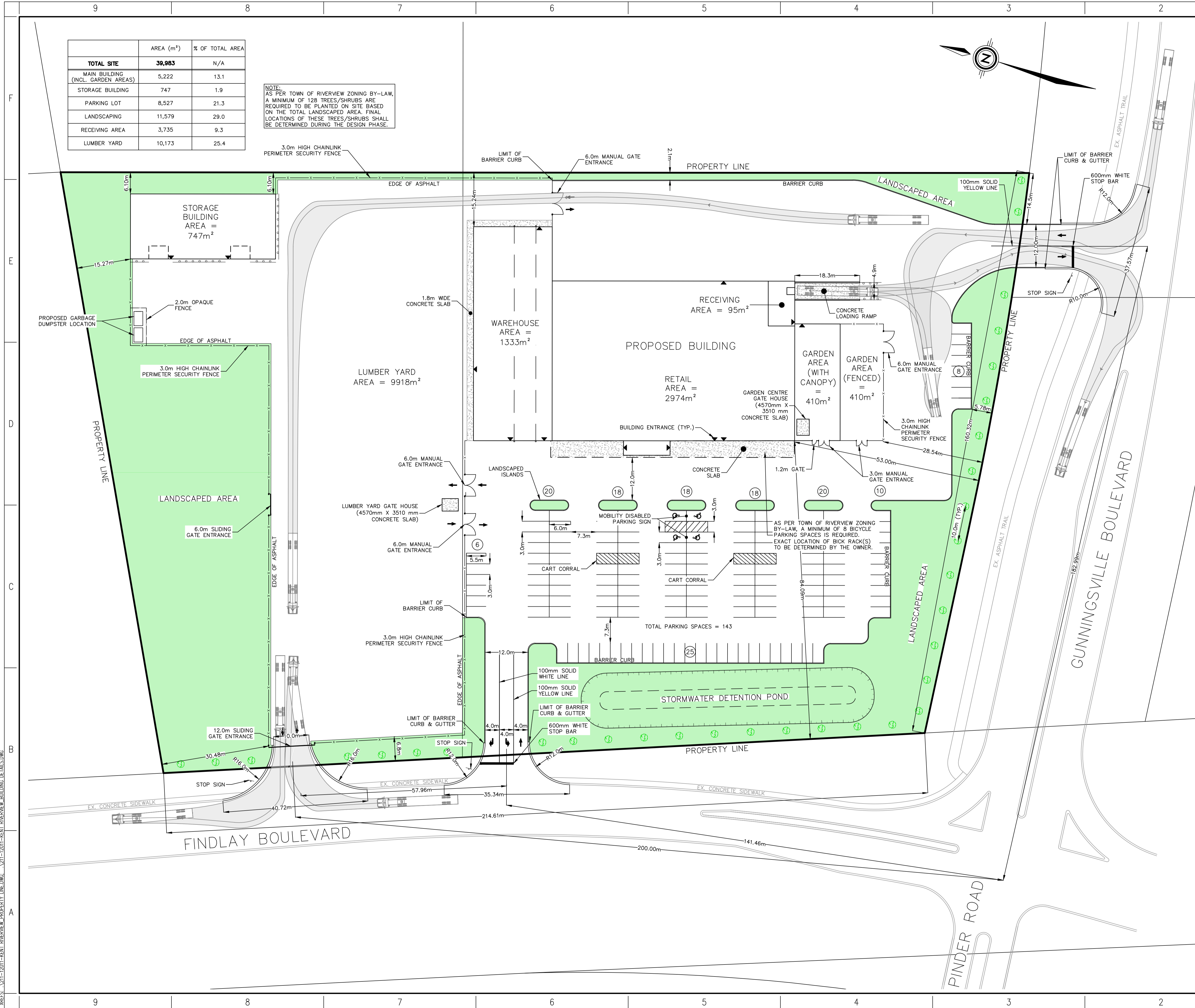
PROJECT NO: 211-12011  
 ORIGINAL SCALE: HORIZONTAL: 1:500 VERTICAL: N/A  
 DESIGNED BY: D. D'ENTREMONT  
 CHECKED BY: M. ARSENAULT  
 DRAWN BY: D. D'ENTREMONT  
 APPROVED BY: M. ARSENAULT  
 SCALE: 1:500 METRIC

CLIENT: **KENT BUILDING SUPPLIES**

CLIENT REF. #:  
 PROJECT: **NEW BUILDING**  
**RIVERVIEW, NEW BRUNSWICK**

TITLE: **SITE PLAN**

SHEET NUMBER: **1**  
 SHEET #: 1 OF 1  
 ISSUE: **ISSUED FOR PAC REVIEW**  
 DATE OF: 2021/12/08



XREFS: \\211-12011-KENT RIVERVIEW PROPERTY LINE.DWG; \\211-12011-KENT RIVERVIEW BUILDING DETAILS.DWG

WSP REF. NO.: ### K:\MONCTON\2021\211-12011 - KENT BUILDING SUPPLIES RIVERVIEW STORE.DWG\ENCL\SOURCE DRAWINGS\211-12011-KENT RIVERVIEW SITEPLAN.ATD.WG PRINTED: 4:04 PM 2021/12/08 BY: CAD0071232



**LEGEND:**

- A HORIZONTAL METAL SIDING ON 3/4" PRESSURE TREATED PLYWOOD. SIDING COLOUR TO BE 'CAMBRIDGE WHITE' # QC 16160.
- B METAL ROOF ON 3/4" PRESSURE TREATED PLYWOOD. ROOF COLOUR TO BE 'CAMBRIDGE WHITE' # QC 16160.
- C 4" INSULATED METAL WALL PANELS (42" WIDE) ON STRUCTURAL GIRTS. COLOUR TO BE IMPERIAL WHITE.
- D PREFINISHED METAL PARAPET CAP FLASHING. FLASHING COLOUR TO BE 'CAMBRIDGE WHITE' # QC 16160.
- E PREFINISHED HORIZONTAL METAL SIDING ACCENT BAND. SIDING COLOUR TO BE 'CAMBRIDGE GREEN' # QC 16160.
- F RICHVILLE - YORK WHITE CONCRETE BLOCK. 4" X 8" X 16". NOMINAL 'ARCTIC WHITE' ASHLAR BLOCK W/ WHITE MORTAR LAID UP IN RUNNING BOND.
- G VERTICAL METAL SIDING ON STRUCTURAL STEEL GIRTS. SIDING COLOUR TO BE 'CAMBRIDGE WHITE' # QC 16160.

**GENERAL NOTES:**

1. EXTERIOR BACK LIT SIGNAGE TO BE PROVIDED BY OWNER.
2. ALL CONCRETE FILLED PIPE BOLLARDS ARE TO BE FITTED WITH PURPOSE-MADE VINYL SLEEVE TO COVER ENTIRE BOLLARD. SLEEVE COLOUR TO BE 'SAFETY YELLOW' COMPLETE WITH REFLECTIVE RED ACCENT STRIPE.

- NEH WINDOW DOOR. REFER TO SCHEDULES & SPECIFICATIONS.
- FRONT FEATURE TRUSSES. REFER TO STRUCTURAL DRAWINGS FOR SIZES AND FINISHES.

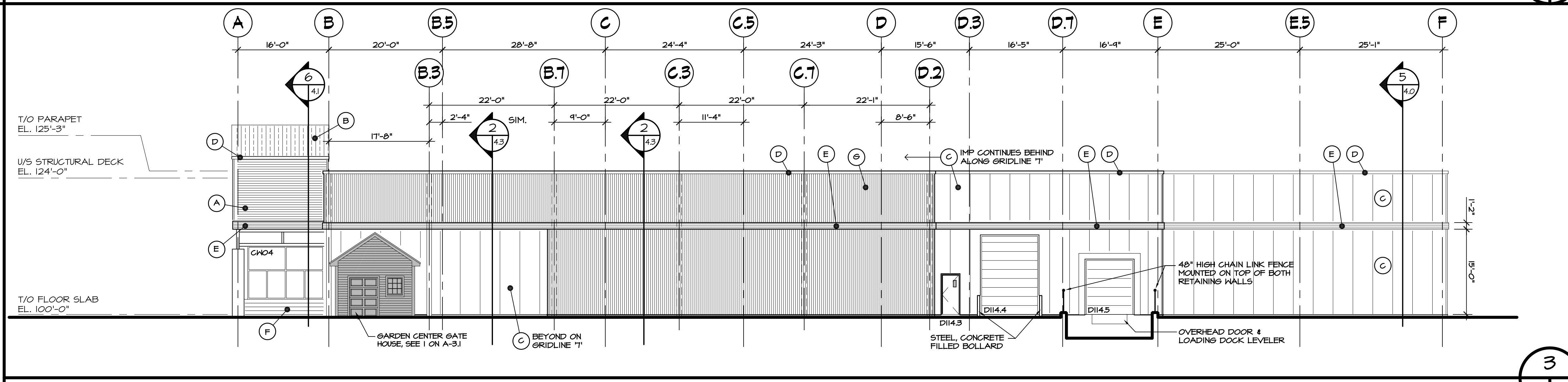
**ELEVATION LEGEND & NOTES**

5

SCALE 3/32" = 1'-0"

**SOUTH ELEVATION**

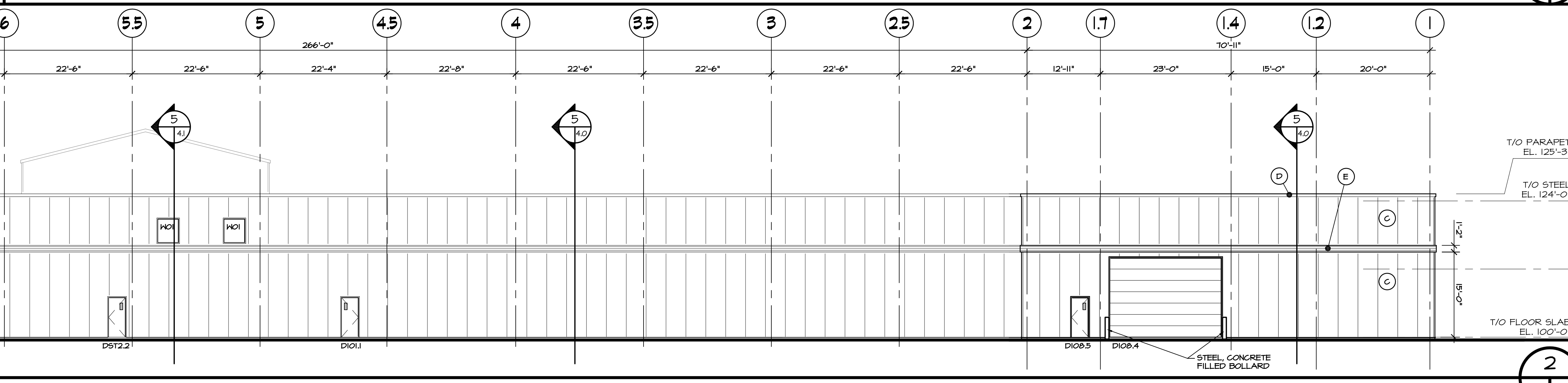
4



SCALE 3/32" = 1'-0"

**NORTH ELEVATION**

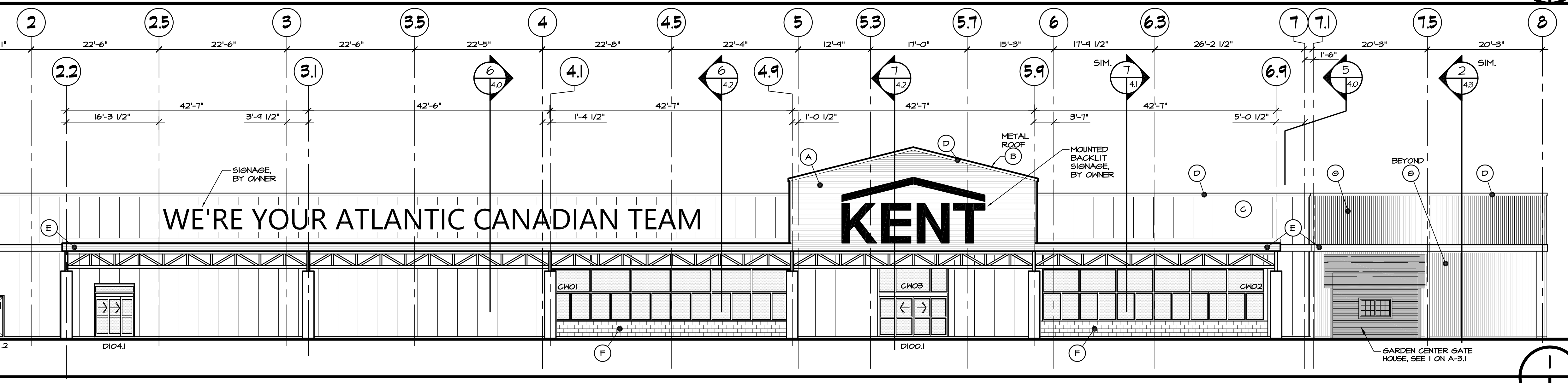
3



SCALE 3/32" = 1'-0"

**WEST ELEVATION**

2



SCALE 3/32" = 1'-0"

**EAST ELEVATION**

1

COPYRIGHT PROTECTED:  
 Copyright for the design and drawings prepared by or on behalf of the Architect belong to the Architect. These drawings and specifications are instruments of the Architect's service and shall remain the property of the Architect.  
 Submissions or distribution of the aforementioned to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as publication in derogation of the Architect's reserved rights.  
 Except for reference purposes, the drawings and specifications shall not be used for additions or alterations to the Project or on any other project.

NO.	REVISION	DATE

- A DETAIL NUMBER
- B REFERENCE DWG NO.
- C DETAIL DWG NO.

**architects**  
 18 Boistford St.  
 Moncton, NB  
 E1C 4W7  
 Tel: 506-857-8601  
 Fax: 506-856-9721

**KENT BUILDING SUPPLIES**  
 RIVERVIEW, NB

BUILDING ELEVATIONS

SCALE AS NOTED

NOVEMBER 2021

A-1

PLOT DATE: 18-Nov-21