

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kaitlyn Lacelle Urban Planner	Meeting Date
Date	April 8, 2019	
Subject	Application to amend the Zoning By-law at PID 05103080, Rosebank Crescent	
Length of presentation (if applicable)	10 minutes	

ISSUE

Staff has received an application to rezone property at PID 05103080, Rosebank Crescent from R1 (Single Unit Dwelling) to R2 (Two Unit Dwelling).

The purpose of the rezoning is to accommodate the development of semi-detached dwellings.

CURRENT STATUS

Pursuant to the Public Hearing and Regular Council meeting on March 11, 2019, Town Council:

1. Received the written views by the Planning Advisory Committee on the proposed rezoning and were taken “as information”;
2. Gave first reading, by title only, to By-law 300-7-1, a By-law to amend the Town of Riverview Zoning By-law; and
3. Directed staff to work with the developer and bring back additional information on the following:
 - a. Plans for vegetation in the buffer; and
 - b. In depth report on property values, if the development goes ahead.

The developer has provided the requested information which is attached for Council’s consideration, and a summary is provided below.

Buffer Zones

The developer has proposed a three-pronged approach to help address concerns that some areas within the buffers may not have extensive existing tree cover. In summary, the proposal seeks to ensure the buffer areas have sufficient tree cover to create a reasonable amount of privacy and provide green space within the development.

1. Pre-Clearing Phase
 - Buffer areas will be marked with flagging tape before any trees are removed on the lot; and
 - The buffer areas will be marked on a registered survey plan as “buffer area to be retained” to ensure it is clearly communicated to subsequent owners.
2. Lot Preparation Phase
 - The developer will engage an Arborist to assess the quality of the buffer once the trees on the remainder of the lot are cut. The Arborist will determine on a case-by-case basis if additional trees are warranted.
 - The developer will be required to submit and implement the replanting plan to be created by the Arborist where warranted. This requirement must be satisfied before a building and development permit is issued.

3. Post-Lot Preparing Phase

- Upon a one-year period of lot clearing, the buffer areas will be assessed to determine if trees have fallen and need to be removed. Should a sufficient number have been removed, they will be replaced by the developer.

To ensure compliance with the above noted plan, the developer has proposed that a financial bond (security) be submitted to the Town in the amount of \$500.00 per lot adjacent to a buffer zone (26 lots), for a total security of \$13,000. Once the developer has demonstrated that the plan has been fulfilled in its entirety, a request can be made to the Town to release the security. If the plan is not carried out, the Town will have funds available to implement it.

Based on this approach, 4 additional conditions are recommended to be added to the Conditional Zoning Agreement should Council proceed with the rezoning. These conditions are highlighted in red below.

1. All semi-detached dwellings shall generally conform to the following design criteria:
 - a. Architectural detailing including but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze and fascia boards shall be incorporated;
 - b. Architectural treatment shall be continued around the side of the building for corner units;
 - c. Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping;
 - d. Any exposed lumber on the front façade shall be painted or stained;
 - e. Any exposed foundation in excess of 1 metre shall be architecturally detailed, veneered with stone or brick, painted, stucco or an equivalent; and
 - f. A minimum 50% of the front elevation shall consist of masonry treatment or other similar product.
2. That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development;
3. That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in Conditions #2 and #9 with flagging tape; [New Condition]
4. That an Arborist be engaged to determine if existing vegetation within the buffer zones is sufficient. If deemed necessary by the Arborist, a planting plan will be prepared outlining the supplemental vegetation required. Any additional trees required must be planted prior to receiving a building and development permit; [New Condition]
5. Upon a one year period of lot clearing, the buffer zones will be reviewed to determine if additional planting is required to replace trees that have fallen and been removed. If a sufficient number of trees are removed, they will be reinstated; [New Condition]
6. Prior to obtaining a building and development permit, the developer will submit to the Town of Riverview security in the amount of \$13,000 (\$500 per lot abutting the buffer zones identified in Schedule B) to ensure compliance with Conditions #3, #4 and #5; [New Condition]
7. That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2;
8. That notwithstanding Table 11.3 of Zoning By-law 300-7, semi-detached lots on the western property boundary must have a minimum lot frontage of 14.58 metres;
9. That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B;
10. That the lots located on the western portion of Rosebank (both sides of the street) be limited to one storey; and
11. That the development be carried out in substantial conformance with the plans and drawings submitted.

Property Values

A letter of opinion by Turner Drake was submitted. The letter analyzed whether market values for existing single detached dwellings in the area are best served by the current zoning (R-1) or the proposed zoning (R-2). In general, the letter confirms that while concerns from the public regarding the negative impacts to existing property values are completely understandable, they are unfounded.

The letter concludes that there is no clear correlation between the price of single family homes and proximity to semi-detached housing, especially in the case of large master planned communities such as the Fairways. Instead, the letter states that the misalignment of the current zoning with market demand actually poses a greater risk to property values as it will create an oversupply of land for a residential use (single unit dwelling) that is not in significant demand. These findings are based on the basic theory and practices that underlay property values and the principles that determine the market value of a particular property relative to other similar ones in the area.

RECOMMENDATION

The Planning Advisory Committee recommends that Riverview Town Council proceed with the amendment process for Zoning By-law 300-7-1, subject to the following terms and conditions:

1. All semi-detached dwellings shall generally conform to the following design criteria:
 - a. Architectural detailing including but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze and fascia boards shall be incorporated;
 - b. Architectural treatment shall be continued around the side of the building for corner units;
 - c. Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping;
 - d. Any exposed lumber on the front façade shall be painted or stained;
 - e. Any exposed foundation in excess of 1 metre shall be architecturally detailed, veneered with stone or brick, painted, stucco or an equivalent; and
 - f. A minimum 50% of the front elevation shall consist of masonry treatment or other similar product.
2. That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development.
3. That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2.
4. That notwithstanding Table 11.3 of Zoning By-law 300-7, semi-detached lots on the western property boundary must have a minimum lot frontage of 14.58 metres.
5. That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B;
6. That the lots located on the western portion of Rosebank (both sides of the street) be limited to one storey;
7. That the development be carried out in substantial conformance with the plans and drawings submitted.

Further to the Planning Advisory Committee's recommendation, and in accordance with the direction provided by Council on March 11, 2019, four additional conditions are proposed. The updated list of recommended conditions is as follows:

1. All semi-detached dwellings shall generally conform to the following design criteria:
 - a. Architectural detailing including but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze and fascia boards shall be incorporated;
 - b. Architectural treatment shall be continued around the side of the building for corner units;
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- f. A minimum 50% of the front elevation shall consist of masonry treatment or other similar product.
2. That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development;
3. That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in Conditions #2 and #9 with flagging tape;
4. That an Arborist be engaged to determine if existing vegetation within the buffer zones is sufficient. If deemed necessary by the Arborist, a planting plan will be prepared outlining the supplemental vegetation required. Any additional trees required must be planted prior to receiving a building and development permit;
5. Upon a one year period of lot clearing, the buffer zones will be reviewed to determine if additional planting is required to replace trees that have fallen and been removed. If a sufficient number of trees are removed, they will be reinstated;
6. Prior to obtaining a building and development permit, the developer will submit to the Town of Riverview security in the amount of \$13,000 (\$500 per lot abutting the buffer zones identified in Schedule B) to ensure compliance with Conditions #3, #4 and #5;
7. That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2;
8. That notwithstanding Table 11.3 of Zoning By-law 300-7, semi-detached lots on the western property boundary must have a minimum lot frontage of 14.58 metres;
9. That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B;
10. That the lots located on the western portion of Rosebank (both sides of the street) be limited to one storey; and
11. That the development be carried out in substantial conformance with the plans and drawings submitted.

ALTERNATIVES

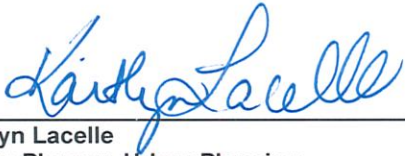
- That Council table the request for additional information; or
- That Council deny the request.

RISK ANALYSIS

N/A

CONSIDERATIONS / ENJEUX

Financial	N/A
Environmental	N/A
Public Consultation	The Public Hearing was conducted and adjourned on March 11, 2019.
Attachments	<ul style="list-style-type: none"> • Turner Drake Opinion Letter – Property Values Impacts, The Fairways, Riverview NB • Supplemental Information, Buffer Strategy and Property Values, Clayton Developments Limited • Conditional Zoning Agreement – Executed by Clayton Developments Limited



Kaitlyn Lacelle
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For

Gordon Locke
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