

# COUNCIL REPORT FORM



<b>To</b>	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
<b>From</b>	Kirk Brewer Planner	Meeting Date
<b>Date</b>	November 23, 2022	
<b>Subject</b>	Smith Hill Estates subdivision – location of public streets and lands for public purpose	
<b>Length of presentation (if applicable)</b>	N/A	

## ISSUE

The Smith Hill Estates subdivision received Council’s approval in 2010. Phase 1 (Cudmore Street, Carrington Drive) is nearing completion, and Ja-Ron Enterprises is proposing to proceed with Phase 2. The plan proposes modifications to the previously approved street layout and lands for public purpose, so an updated Council approval is required.

## BACKGROUND

In August of 2021 an application was received to complete the Smith Hill Estates subdivision (unit 2). This parcel had been previously approved by Council in 2010 as part of an overall subdivision plan. The amount of land for public purpose proposed at that time was only sufficient to develop the first Unit so Council determined that cash in lieu would be used for the remaining lands.

Modifications to the plan include the relocation of future street access to neighbouring properties, removal of some cross streets, and an addition to the land for public purpose being vested to the Town.

The removal of the cross streets (Cannon and Carpenter) reduces the total number of lots proposed but increases the size of the lots which could allow for different housing options within the development. It also does not create any cul-de-sacs and the plan follows the subdivision by-law requirements except for the connectivity to neighboring parcels. The 2010 plan proposed connections to the east, south, and west.

The current plan removed the connection to the west and replaced it with Lot 22-5 due to rumours of a potentially incompatible use occurring on the adjacent property (PID 00645754) in the future. No development application has been received for the adjacent PID, and Staff are of the opinion that this connection would ideally be maintained to provide connectivity from all directions. That said, the connections to the east and south will be maintained to allow for connectivity to the future collector roads shown on the Future Roads map. Further, PID 00645754 is currently outside the Urban Growth Boundary, and has enough road frontage to provide more than one access point if and when it is developed at some point in the future.

For the land for public purpose requirement the market value of the land was never established during the approval in 2010 so this must be addressed during this application at today’s value. The amount of land previously dedicated was more than what was required for the registered plan (Phase 1) but not enough to cover the entire subdivision.

### Unit 1 plan

Total area 21362m2 @ 10% = 2136m2  
Amount of LFPP dedicated 3549m2 leaving a credit of 1413m2

### Unit 2 plan

Total area 52895m2 minus Unit 1 credit of 14130m2 = 38765m2  
10% of 38765m2 = 3876m2 LFPP owed  
3876m2 minus new LFPP dedication of 1078m2 = 2798m2 remaining LFPP contribution required.

2798m2 of land for public purpose would be equivalent to approximately two of the larger lots in the proposed development. When negotiating the market value of the land with the developer there was a significant difference between the market value staff was proposing and what the developer

considered a reasonable amount. As a compromise, the additional land for public purpose is now proposed adjacent to the existing lands (previously lot 21-36) which significantly increases the road frontage dedicated as park land, which was deemed as desirable by the Development Review Committee, since it will increase the visibility into the park as well as increasing the size of the park.

The Committee also recognized that the additional park frontage will result in a financial loss to the developer, since the road and associated infrastructure will still need to be built without the sale of the lot to compensate for those costs. As such, the Committee was willing to factor those costs into the remaining cash requirement. Town Administration worked with the developer to agree on a cash contribution of \$30,000, which will be the amount considered by Council. Staff support this amount considering the amount and location of land that is being dedicated for this subdivision.

No other issues were identified during the review of the development with municipal staff.

## **MUNICIPAL PLAN**

### **Road Network**

The fact that Riverview has traditionally served as a bedroom community for employers in Moncton and Dieppe raises many challenges for the ongoing maintenance of the public street system. With the automobile continuing to be the major mode of transport, funding from senior levels of government becoming harder to acquire, and increased through traffic to Moncton and beyond (e.g. Fundy National Park), the future road network must be carefully planned. The Town has acknowledged the importance of this issue and is committed to working on a tricomunity Sustainable Transportation Plan. Improving the connectivity of streets will enhance traffic movement in the Town, increase the choices for travel, and influence traffic patterns and travel behavior.

**Policy 4.6.12** Council shall encourage connectivity between neighbourhoods and local streets based on the smart growth principles of this Plan.

**Policy 5.1.2** It shall be the intention of Council to encourage developments to incorporate smart growth principles such as:

- (a) mix land uses;
- (b) complete, walkable, vibrant neighbourhoods;
- (c) transportation choices;
- (d) housing choices;
- (e) encourage new developments within the existing urban growth boundary;
- (f) preserve green spaces, natural beauty, and environmentally sensitive areas;
- (g) utilize smarter and cost effective infrastructure and green buildings;
- (h) foster a unique sense of identity; and
- (i) community involvement.

**Policy 5.6.2** It shall be the intention of Council to provide, within the Residential Mix zone (RM) a variety of housing styles, including single and two unit dwellings and semi-detached dwellings as well as permitting within single unit dwellings secondary uses such as an accessory dwelling unit, a garden suite, a home occupation, a bed and breakfast or, as per Policy 5.4.5, a home daycare.

**Policy 9.0.7** It shall be the intention of Council to instruct the Committee, when a proposed subdivision involves dedication of lands for public purposes or cash in lieu, to have regard for the following:

- (a) the existence of other nearby facilities;
- (b) quantity and nature of local recreation demand;
- (c) land suitability for intended purpose;
- (d) accessibility;
- (e) site frontage;
- (f) potential for integration with existing park and open space network;
- (g) compatibility with existing and proposed land uses;
- (h) potential vehicular generation and necessity for on-site parking; and
- (i) potential maintenance and property tax cost.

**Policy 9.0.9** It shall be the intention of Council to discourage small park spaces, such as tot lots, and instead encourage district parks and connectivity between them, so that all residents have adequate accessibility to parks, open spaces and recreational facilities.

## **SUBDIVISION BY-LAW**

### *Lands for Public Purposes*

4. (1) As a condition of approval of a subdivision plan, land in the amount of ten (10) percent of the area of the subdivision exclusive of public streets, at such location as assented to by Council pursuant to the Community Planning Act, is to be set aside as "lands for public purposes", and so indicated on the plan.

- (2) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the municipality in the amount of eight percent of the market value of the land in the proposed subdivision at the time of submission for approval of the subdivision plan exclusive of streets intended to be publicly owned.
- (3) Nothing in this section shall affect the ability of the applicant and the Town of Riverview to enter into an agreement providing for the setting aside of part land and part cash-in-lieu, provided that the aggregate value to the Town shall not be less than that provided in subsections (1) or (2).

**INTERDEPARTMENTAL REVIEW**

The application was discussed several times by the Development Review Committee (Planning, CAO, Clerk, Engineering/Works, Fire, Parks).

**CONCLUSION**

The Development Review Committee is satisfied with the proposed layout of streets and lands for public purpose.

**RECOMMENDATION**

The proposal was presented at the November 16, 2022, meeting of the Planning Advisory Committee for its written views. The Committee passed the following motion:

*That the Riverview Planning Advisory Committee recommend the Town of Riverview Council assent to the extension of Cudmore Street and Carrington Drive as well as the land for public purposes as shown on the Smith Hill Estates Unit 2 subdivision plan dated September 23, 2022.*


Further, Town Administration is recommending that Council accept \$30,000 as cash-in-lieu of the remaining lands for public purpose (2,798m2).

**ALTERNATIVES**

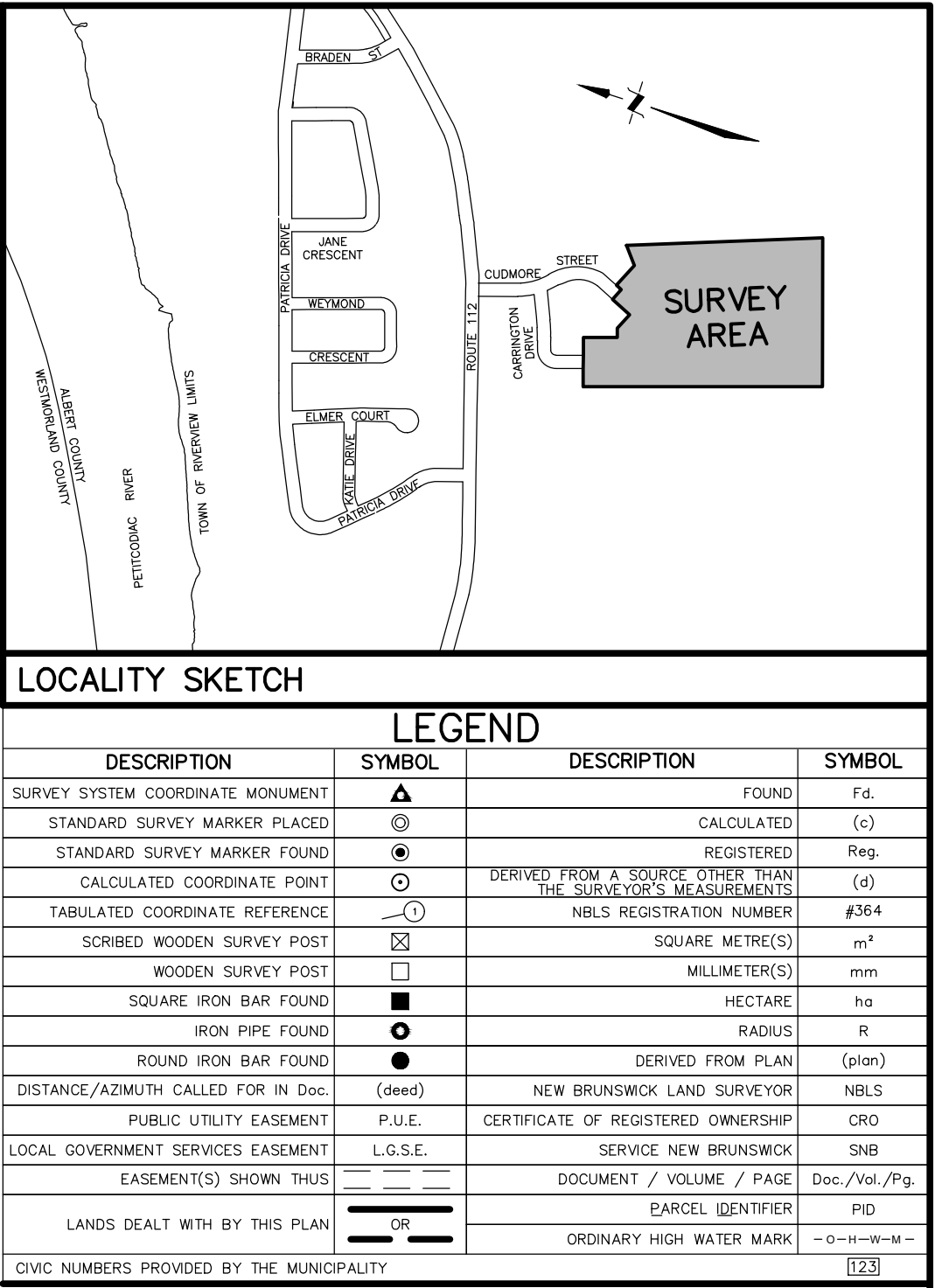
- That Council postpone the decision for additional information; or
- That Council require amendments to the proposed street and lands for public purpose

**RISK ANALYSIS**

Administration does not see any risks associated with this application.

CONSIDERATIONS	
Financial	\$30,000 is proposed in lieu of the remaining requirement for 2,798m2 of LPP
Environmental	N/A
Public Consultation	Public consultation is not required when accepting the location of new streets or lands for public purpose
Attachments	Subdivision Plan dated September 23, 2022
<div></div> <div>Kirk Brewer, RPP, MCIP Planner, Plan360, SERSC</div>	

APPROVALS



GREATER MONCTON DEVELOPMENTS LTD.  
Doc: 58468, Vol. 0-4, Pg. 48  
PG 583263

J.D. IRVING, LIMITED  
Doc: 58468, Vol. 0-4, Pg. 155  
PG 60354

UTILITIES APPROVAL

PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENTS REGULATION" 2021-83, THE PUBLIC UTILITY EASEMENTS ON THIS PLAN VEST IN NEW BRUNSWICK POWER CORPORATION, BELL CANADA, AND ROGERS COMMUNICATION INC., WITH THE FILING OF THIS PLAN.

DOCUMENT

PID's 5102470 and 5102488 (SMITH HILL DEVELOPMENT CORPORATION TO JA-RON ENTERPRISES LTD. DATED 2010-07-28 REGISTERED 2010-08-06 TRANSFER NUMBER 29068096)  
CRO DATED:  
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I REPRESENT THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN.

OWNER'S STATEMENT

ANDREW J. LEBLANC (MAYOR)  
FOR: THE TOWN OF RIVERVIEW  
ANNETTE CRUMMEY (TOWN CLERK)  
FOR: THE TOWN OF RIVERVIEW

DOCUMENTS

PID 5098314 (SMITH HILL DEVELOPMENT CORPORATION TO JA-RON ENTERPRISES LTD. DATED 2010-07-28 REGISTERED 2010-08-06 TRANSFER NUMBER 29068096)  
CRO DATED:  
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I REPRESENT THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN.

OWNER'S STATEMENT

JAMES RITCHIE, PRESIDENT  
FOR: JA-RON ENTERPRISES LTD.

PURPOSE OF PLAN

-TO AMEND FUTURE STREETS (TEMPORARY TURNAROUND), PLAN 31823819.  
-TO CREATE LOTS 22-1 TO 22-56 FOR RESIDENTIAL BUILDING PURPOSES.  
-TO CREATE LAND FOR PUBLIC PURPOSES AS SHOWN, AS PURSUANT TO 88(6)(C) OF THE COMMUNITY PLANNING ACT, 2017.  
-TO CREATE RUE CUDMORE STREET (PUBLIC) AND PROMENADE CARRINGTON DRIVE (PUBLIC), AS PURSUANT TO 88(6)(d) OF THE COMMUNITY PLANNING ACT, 2017.  
-TO CREATE TWO FUTURE STREETS AS SHOWN, AS PURSUANT TO 88(6)(d) OF THE COMMUNITY PLANNING ACT, 2017.  
-TO CREATE PUBLIC UTILITY EASEMENTS (P.U.E.) SHOWN THIS PLAN, PURSUANT TO SECTION 5, REGULATION 2021-83, OF THE COMMUNITY PLANNING ACT.  
-THE NEW USE OF A PORTION OF THE FUTURE STREETS (TEMPORARY TURNAROUND), PLAN 31823819, WITH LOTS 22-1, 22-2, 22-31, 22-32 AND 22-33, WILL BE FOR RESIDENTIAL BUILDING PURPOSES AND A DOCUMENT TRANSFERRING OWNERSHIP TO THE DEVELOPER OF THAT/TWO PORTION(S) OF LOTS 22-1, 22-2, 22-31, 22-32 AND 22-33 SHALL BE PROVIDED TO THE REGISTRAR PURSUANT TO 89(4)(c) OF THE COMMUNITY PLANNING ACT, 2017.

NOTES

-DIRECTIONS ARE N.B. GRID AZIMUTHS DERIVED FROM THE SERVICE NEW BRUNSWICK'S HIGH PRECISION NETWORK ACTIVE CONTROL SYSTEM.  
-THE SCALE FACTOR USED WAS 1.000024.  
-THE DOCUMENT NUMBERS REFERRED TO ON THIS PLAN ARE THOSE OF THE COUNTY REGISTRY OFFICE AND OR THE PROVINCIAL LAND REGISTRATION OFFICE FOR THE DISTRICT OF NEW BRUNSWICK.  
-ADJACENT OWNER INFORMATION OBTAINED FROM SNB RECORDS.  
-AS USED HEREIN, THE WORD CERTIFY SHALL MEAN AN EXPRESSION OF THE CONSULTANT'S PROFESSIONAL OPINION TO THE BEST OF ITS INFORMATION, KNOWLEDGE AND BELIEF, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE BY THE CONSULTANT.  
-ALL DISTANCES SHOWN ARE CALCULATED GRID DISTANCES.  
-CERTIFICATION IS NOT MADE AS TO LEGAL TITLE, BEING THE DOMAIN OF A LAWYER, NOR TO THE ZONING & SETBACK BY-LAWS OR REGULATIONS, BEING THE DOMAIN OF A DEVELOPMENT OFFICER.  
-CERTIFICATION IS NOT MADE AS TO COVENANTS SET OUT IN THE DOCUMENT(S) AND THE LOCATION OF ANY UNDERGROUND SERVICES AND OR FIXTURES, PERMANENT OR OTHERWISE.  
-FIELD SURVEY WAS COMPLETED FEBRUARY 24, 2022.

AMENDING SUBDIVISION PLAN:  
UNIT 2

SMITH HILL ESTATES SUBDIVISION

AMENDING PLAN 31823819  
SITUATED AT THE SOUTH END OF RUE CUDMORE STREET  
AND PROMENADE CARRINGTON DRIVE,  
TOWN OF RIVERVIEW, PARISH OF COVERDALE,  
COUNTY OF ALBERT, PROVINCE OF NEW BRUNSWICK

SCALE 1:500

<b>wsp</b>		1070 ST. GEORGE BOULEVARD, SUITE 100 MONCTON, NEW BRUNSWICK CANADA E1B 4W9 PHONE: 506-857-8785 WWW.WSP.COM	
<b>SURVEYOR'S STATEMENT</b> I HEREBY CERTIFY THAT THIS PLAN IS CORRECT.		<b>VALIDATION SEAL</b>	
DRAWN: N.B./B.M.	FIELD: C.M./S.D.	CHECKED: -	
DATE: 211-06442	CAD: 211-06442-624	ZONE: 13U-09NW	