

# 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>	February 23, 2023	
<b>Subject</b>	By-law 300-7-10: Rezoning from R1 to R3 – Buckingham Ave – PID 00993915	
<b>Length of presentation (if applicable)</b>	10 minutes	

## ISSUE

Diallo Developments is proposing to rezone the subject property at PID 00993915 from R1 - Single Unit Dwelling, to R3 – Multiple Unit Dwelling for the purpose of two apartment buildings, each having 70 units.

## DISCUSSION

The property is a large (2.6 hectare), vacant piece of land with access on Buckingham Avenue near the Lions Outdoor Pool. The site is located behind a block of single unit dwellings (civic addresses 248-276 Buckingham), and adjacent to the Riverview High School (RHS) property. The proposal is to rezone the property to accommodate two new 70-unit multi-unit dwellings.

Each building is proposed at four stories, which will require a variance from the Zoning By-law. Section 91(1) establishes a sliding scale of height when a multi-unit dwelling abuts lower density zones. Where a building is set back more than 15m from an R2 zone, it is permitted to be four stories, but all buildings abutting and R1 zones are limited to three stories. This to ensure adequate separation of potentially conflicting heights in order to prevent overcrowding and to preserve a level of privacy for lower density properties.

In this situation, the proposed setback between the buildings and the adjacent R1 property line is more than 34m, which far exceeds the 15m separation established in the Zoning By-law. Additionally, multi-unit dwellings adjacent to R1 lots are required to maintain or plant a 6m wide landscape buffer. The current proposal is to maintain a mature treeline along the shared property line with a width of 11.24m at the narrowest, widening to approximately 20m at the widest. Staff is of the opinion that the proposed setbacks and landscape buffers are sufficient to address concerns around privacy and crowding, and that a variance to increase the height of the building to four stories is reasonable.

There is a possibility trees may not be planted along certain portions of the eastern property line to account for drainage plans. The zoning by-law requires a landscape buffer of 3m where existing vegetation is insufficient to screen the property. In this situation, the property abuts the Riverview High School, which is heavily treed. In this case, staff is of the opinion that the existing vegetation is sufficient to act as screening between the school and apartments.

There are two access points to the property; these accesses are part of the Town's public road network but are currently undeveloped. As part of the development review process, the Town's Engineering and Works Department identified that these accesses would need to be developed as public cul-de-sacs as opposed to private driveways. This will ensure an appropriate turnaround area for plows and emergency vehicles, and also secure a public right of way that connects to the existing trail to RHS and preserves the possibility of a second RHS trail to the north in the future. Buckingham Ave serves as a major collector street with clear sight lines, and as such the anticipated increase in traffic is not enough to warrant a traffic study.

The developer is proposing to subdivide the large property so that each building is on its own lot. As part of this subdivision plan, there is a requirement to dedicate lands for public purpose. The subdivision by-law stipulates that either 10% of the land (excluding streets), or 8% of the

market value of the land being subdivided be vested to the Town. A combination of land and cash is also acceptable. The 10% land requirement amounts to 2308m<sup>2</sup>; the plan proposes 1863m<sup>2</sup> of lands for public purpose to be vested between the end of the cul-de-sacs and RHS property. This leaves a total deficit of 445m<sup>2</sup> to be addressed by cash-in-lieu of land. A cash value has not been established at this time.

Staff is recommending that a condition be added to the rezoning that the overall subdivision plan be submitted for Council's approval prior to any permits being issued. This will ensure that the location of streets and public land be approved in conformity with plans submitted during the rezoning. Cash-in-lieu payments will be required at the time a subdivision plan is submitted for development officer approval for registration.

## **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:

High Density within the R3 – Multiple Unit Dwelling Zone: may consist of any form or combination of medium density developments or other housing forms or combinations where density generally exceeds 15 units per acre, but no more than 30 units per acre.

### **Principles for Residential Development**

#### **R3 – Multi-Unit Residential Zone**

*Locational advantages of serviceability, accessibility, and proximity to shopping, employment and amenity areas may provide the incentive for other forms of residential and associated commercial development. In the interest of the community's objective of seeking fiscal autonomy, and promoting densification, it is important that Council attract more dense and efficient forms of development along major arterial and collector streets, such as Trites Road, Pine Glen Road, White Pine Road and along Coverdale and Hillsborough Road. The Findlay Park is also an appropriate area for higher density residential developments. This strategy makes efficient use of the existing and future urban structure of the Town. Moreover, Council considers higher density residential developments as being fundamental to helping accommodate differences in the community's age and lifestyle.*

**Policy 5.7.3** Furthermore, Council shall instruct the Committee that when considering the imposition of terms and conditions, the Committee shall have regard for the following:

- (a) the finishing materials and the architectural details proposed;
- (b) the siting of the proposed structure, including balconies, with the adjacent residential buildings;
- (c) the orientation of the building as it relates to the street and surrounding public realm;
- (d) the design of the proposed development in terms of:
  - i. building height and massing,
  - ii. setback,
  - iii. roof type and pitch;
- (e) the location and access to off street parking and the design of the parking lot layout;
- (f) the landscaping that is proposed, including efforts to preserve the existing vegetation by minimizing tree and soil removal;
- (g) provisions for adequate site grading with respect to the impact on neighbouring properties;
- (h) the location and screening of service areas; and
- (i) availability and adequacy of municipal services.

## ZONING BY-LAW

The Zoning By-law includes several provisions related to development standards for multiple-unit buildings:

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
- (a) 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
- (b) 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;
- (c) 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;
- (c) 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;
- (d) 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;
- (d) 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;
- (e) for buildings on corners, windows or doors must address both street frontages and shall be designed to the same quality;
- (e) there is at least one public entrance facing a street;
- (f) 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.

## INTERDEPARTMENTAL REVIEW

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

- Corporate Services;
- Engineering and Public Works;
- Parks and Recreation;
- Fire Protection; and
- Planning/Development

## CONCLUSION

The property in question is unlikely to be developed for single-unit R1 development given limited space to construct a public road. High-density residential represents the maximal use of the property, and large landscaping buffers should address concerns associated with incorporating high density into an R1 context.

## RECOMMENDATION

It is recommended that Riverview Town Council:

- 1) In accordance with subsection 111(1)(a) of the *Community Planning Act*, set Monday, May 8, 2023 at 6:30pm (Council Chambers, Riverview Town Hall) as the time and place for a public hearing for the consideration of objections to the proposed Zoning By-law No. 300-7-10; and
- 2) Seek the written views of the Planning Advisory Committee on the proposed by-law.

## ALTERNATIVES

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

## RISK ANALYSIS

Administration does not see any risks associated with this application.

## CONSIDERATIONS

**Financial** N/A

**Environmental** N/A

**Public Consultation** Public consultation will include statutory notices (website and mailouts to neighbours) in accordance with the *Community Planning Act*, and the public hearing for the Zoning By-law Amendment.

**Attachments**

- Zoning By-law Amendment No. No. 300-7-10
- Draft Conditional Zoning Agreement
- Resolution Page
- Presentation



**Kirk Brewer, RPP, MCIP  
Planner, Plan360**



Buckingham Ave (PID/NID 00993915)

Riverview

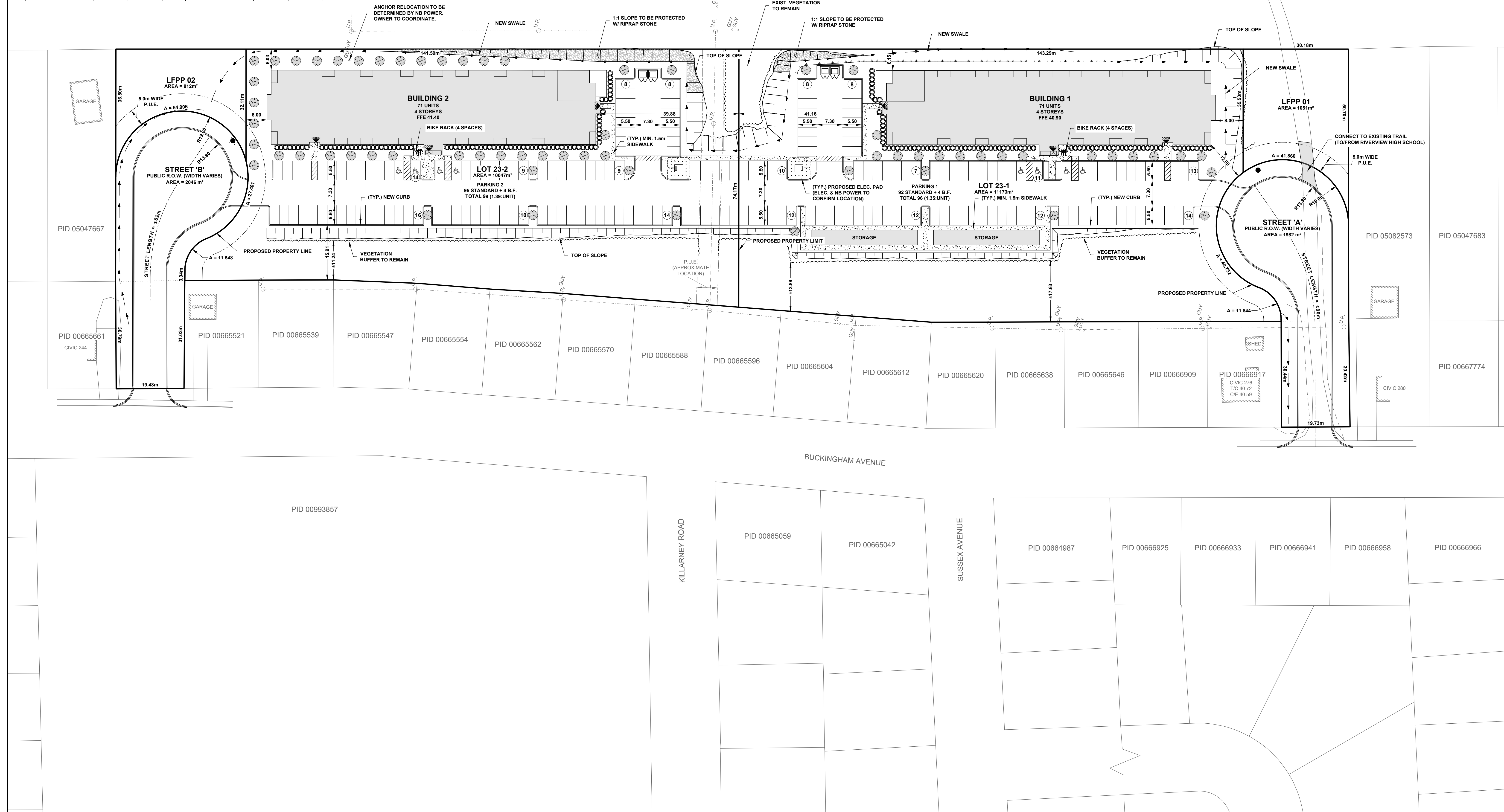
Date: 2022-11-12





PROJECT INFORMATION: BUILDING 1		
CIVIC	TBD	
STREET	TBD (STREET 'A')	
PID	LOT 23-1	
LAND AREA	11173 m <sup>2</sup>	
CURRENT ZONE	R1	
PROPOSED ZONE	R3	
<b>LAND USE</b>		
CURRENT	VACANT	
PROPOSED	MULTI-RESIDENTIAL	
<b>SITE INFORMATION</b>		
	REQUIRED	PROPOSED
FRONT YARD	MIN. 4.5m	+6.0m
FLANKAGE YARD	MIN. 4.5m	N/A
SIDE YARD	6.0m	6.03m (E)
REAR YARD	6.0m	34.19m
LANDSCAPING BUFFER	6.0m	VARIES
PARKING COVERAGE	MAX. 35%	2530m <sup>2</sup> (22.6%)
INT. PARKING LANDSCAPE	5%	176m <sup>2</sup> (6.9%)
EXT. PARKING LANDSCAPE	5%	210m <sup>2</sup> (8.3%)
<b>BUILDING INFORMATION</b>		
	REQUIRED	PROPOSED
BUILDING FLOOR AREA	50% MAX.	2011m <sup>2</sup> (18.0%)
TOTAL UNITS	-	71
<b>PARKING INFORMATION</b>		
	REQUIRED	PROPOSED
RATIO PER UNIT	1.25	1.35
TOTAL	88	96
BARRIER-FREE	4	4
BICYCLE	4	4

PROJECT INFORMATION: BUILDING 2		
CIVIC	TBD	
STREET	TBD (STREET 'B')	
PID	LOT 23-2	
LAND AREA	10047 m <sup>2</sup>	
CURRENT ZONE	R1	
PROPOSED ZONE	R3	
<b>LAND USE</b>		
CURRENT	VACANT	
PROPOSED	MULTI-RESIDENTIAL	
<b>SITE INFORMATION</b>		
	REQUIRED	PROPOSED
FRONT YARD	MIN. 4.5m	+6.0m
FLANKAGE YARD	MIN. 4.5m	N/A
SIDE YARD	6.0m	6.03m (E)
REAR YARD	6.0m	34.19m
LANDSCAPING BUFFER	6.0m	VARIES
PARKING COVERAGE	MAX. 35%	2620m <sup>2</sup> (26.1%)
INT. PARKING LANDSCAPE	5%	160m <sup>2</sup> (5.2%)
EXT. PARKING LANDSCAPE	5%	210m <sup>2</sup> (8.0%)
<b>BUILDING INFORMATION</b>		
	REQUIRED	PROPOSED
BUILDING FLOOR AREA	50% MAX.	2011m <sup>2</sup> (20.3%)
TOTAL UNITS	-	71
<b>PARKING INFORMATION</b>		
	REQUIRED	PROPOSED
RATIO PER UNIT	1.25	1.39
TOTAL	88	99
BARRIER-FREE	4	4
BICYCLE	4	4



ITEM	EXISTING	PROPOSED
SANITARY MANHOLE		
SANITARY SEWER		
STORM SEWER		
PIPE INSULATION		
CATCH BASIN		
DOUBLE CATCH BASIN		
SLURGE BOX		
CULVERT		
WATER MAIN		
GATE VALVE		
FIRE HYDRANT		
TEE		
BEND		
END CAP		
CURB STOP		
VALVE CHAMBER		
WATER WELL		
UTILITY POLE		
GUY WIRE		
LIGHT STANDARD		
OVERHEAD UTILITY LINE		
UNDERGROUND UTILITY LINE		
TELECOM MAN HOLE		
TRAFFIC SIGNALS		
GAS LINE		
FENCE		
TREE LINE		
TREES		
EDGE OF BANK		
MARSH		
GROUND ELEVATION		
TOP OF CONC. FOUNDATION		
CRITICAL ELEVATION		
BASEMENT FLOOR ELEVATION		
FINISH GRADE		
SURVEY MARKER		
NB GRID MONUMENT		
SIGN & POST		
CURB & GUTTER		
SIDEWALK		
GRASS AREA		
CHECK DAM		
SILT FENCE		
TEST PIT		
BORE HOLE		

REVISION	DESCRIPTION	DATE
B	ISSUED FOR REZONING	2023-01-30
A	PRELIMINARY TOWN REVIEW	2022-12-07

CIVIL CONSULTANT

**ide J.R. DAIGLE**  
Ingénierie • engineering  
arpentage • land surveying

PROJECT TITLE  
**MULTI-RESIDENTIAL DEVELOPMENT  
PID 00993915  
BUCKINGHAM AVENUE, RIVERVIEW, NB**

DRAWING TITLE  
**CONCEPTUAL SITE PLAN**

SCALE  
0 5 10 15 20 25  
1:500 (B1)

SEAL  
**PRELIMINARY**  
NOT FOR CONSTRUCTION  
2023-01-30  
J.R. DAIGLE, ENREGISTRÉ

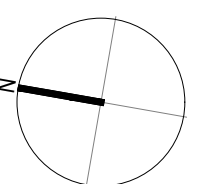
DESIGNED BY	CHECKED BY
J.D.	J.R.D.
DRAWN BY	CHECKED BY
B.D.	J.D.

DOCUMENT ISSUE  
**PRELIMINARY**

DATE ISSUED  
**2023-01-30**

REVISION  
**B**

DRAWING NUMBER  
**C-101**

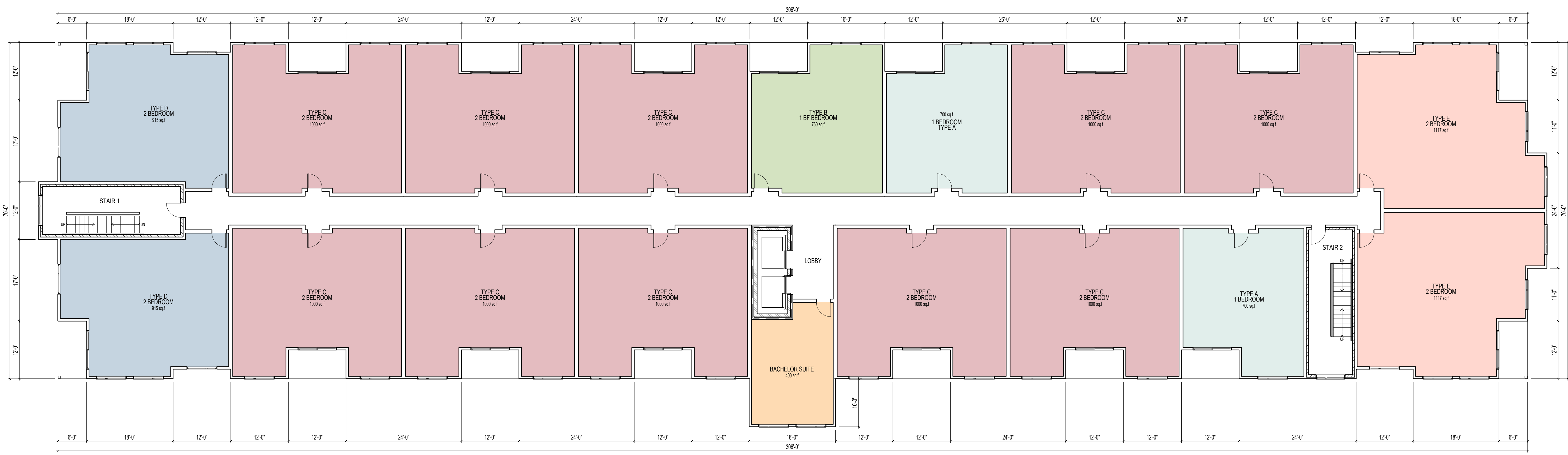


**BUCKINGHAM APARTMENTS**  
RIVERVIEW, NB



1 MAIN FLOOR PLAN (BUILDING 1)

SCALE: 3/32"=1'-0"



2 TYPICAL UPPER FLOOR PLAN (BUILDING 1)

SCALE: 3/32"=1'-0"

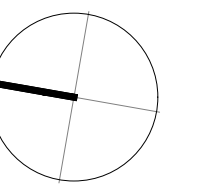
REVISIONS	DESCRIPTION	DATE	#
	PRELIMINARY DRAWINGS		0

**FLOOR PLANS**

**A1.0**

PROJECT #	KUB-2234
DATE	2023.01.31
DRAWN BY	M.CHASSON





1 WEST ELEVATION (BUILDING 1)

SCALE: 3/32"=1'-0"



2 EAST ELEVATION (BUILDING 1)

SCALE: 3/32"=1'-0"

**ELEVATIONS LEGEND:**

- LIGHT COLOR SIDING
- DARK COLOR SIDING
- STONE
- STUCCO
- ROOF

**NOTES:**  
1. 4" CORNER TRIMS TO MATCH SIDING



3 NORTH ELEVATION (BUILDING 1)

SCALE: 3/32"=1'-0"



4 SOUTH ELEVATION (BUILDING 1)

SCALE: 3/32"=1'-0"

REVISIONS	DESCRIPTION	DATE	#
	PRELIMINARY DRAWINGS		0

**ELEVATIONS**

**A2.0**

PROJECT #	KUB-2234
DATE	2023.01.31
DRAWN BY	M. CHASSON

**BUCKINGHAM APARTMENTS**  
RIVERVIEW, NB



