

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kirk Brewer Planner	Meeting Date
Date	May 3, 2023	
Subject	By-law 300-7-10: Rezoning from R1 to R3 – Buckingham Ave – PID 00993915	
Length of presentation (if applicable)	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 67 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 67-unit multi-unit dwellings.

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 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 is recommending a condition that the tree line to remain be marked by a surveyor prior to any clearing to ensure this buffer area is maintained.

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.

When Council was first presented the proposal, there were concerns raised with respect to traffic. In particular, questions were raised about speed, the need for traffic calming, traffic lights, and whether this was a safe location for increased traffic volume. It should be noted that Buckingham Avenue is a major north/south collector road in the Town that is designed to handle

larger volumes of traffic than standard residential streets. The Director of Engineering requested a traffic impact study to address the questions raised by Council. That study was submitted to Engineering on April 4, and was reviewed by the Director. The Director noted that as the neighbourhood continues to grow, the Whitepine/Buckingham intersection will need an intervention, whether a multi-way stop, lights, traffic circle, etc., but this intervention would not be required due to this development. No concerns were raised by the traffic impact study that would prohibit the proposal.

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 2308m²; the plan proposes 1863m² 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 445m² 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.

Integrating multi-unit dwellings into a low-density context is often challenging and frequently faces opposition from area residents due to concerns related to traffic, privacy, and perceived change to the neighbourhood. Staff recognizes and appreciates these concerns and works to address them via various studies and recommending conditions that may help ease concerns. When assessing the suitability of a property for increased density, staff and Council must balance multiple considerations, including neighbour concerns, but also servicing, accessibility, highest and best use of land, compatibility with surrounding context, and efficiency of scale.

In addition to these considerations, Riverview is also facing an unprecedented shortage of housing units, which is a relatively new phenomenon in the Greater Moncton context. The Town is currently experiencing a 0.2% vacancy rate per the most recent CMHC studies. Low vacancy is creating a crisis of affordability, but also a lack of housing within the Town at any price point. Staff has discussed the ongoing housing shortage with the proponent, who has indicated that he is planning to enroll in a CMHC financing program that will guarantee a portion of the units will exceed energy efficiency standards as well as meet the CMHC affordability criteria.

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

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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. It is staff's opinion that high-density residential represents the best use of the property and will help to address the current housing shortage facing the Town.

RECOMMENDATION

The Planning Advisory Committee discussed the proposal at its April 12, 2023 meeting. The following motion was passed:

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.

Per the *Community Planning Act*:

110(2) A by-law made under this Act by a council is not valid unless
 (b) if the by-law fails to give effect to the written views of the advisory committee, a majority of the members of council vote in favour of making the 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 notification was posted on the Town's website and neighbours within 100m of the subject property were notified by mail.

Attachments

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



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