

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kirk Brewer Planner	Meeting Date
Date	July 5, 2023	
Subject	By-law 300-7-11: Rezoning from R1 to R3 – 738 & 742 Hillsborough Rd – PID 05029319	
Length of presentation (if applicable)	10-15 minutes	

ISSUE

Simon Ikuseru (PineCrest Development) is proposing to rezone property on Hillsborough Road in the Bridgedale area from R1 – Single unit dwelling to R3 – Multiple unit dwelling for the purpose of a 38-unit building and an 18-unit building.

DISCUSSION

The subject property is 2.45 acres and is predominantly surrounded by R1 zoned properties developed as single unit dwellings, both on Hillsborough Road and in the residential neighbourhoods to the south. The property is irregularly shaped, substantially larger than a standard single unit dwelling lot, and can accommodate more density than most properties located within R1 zones. In addition, the high traffic volume on Hillsborough Road is not ideal for new single unit development. The Municipal Plan identifies the portion of Hillsborough Road between Pine Glen Road and Rivercrest Drive as prime for intensification. While this property falls outside that defined area, staff feels this property meets many of the criteria used when evaluating a rezoning application.

The site is located toward the eastern end of the Town. While key services such as retail, restaurants, and employment areas will likely be vehicle-dependent the property is served by two bus routes and is within walking distance of Fox Field, the Bridgedale Centre recreation infrastructure, the riverfront walking trail, and Mill Creek Nature Park.

During the development review committee review of the application, the Engineering and Works Department requested a traffic impact study. The study indicates that the proposal poses no conflicts with the existing Hillsborough Road conditions and meets Transportation Association of Canada guidelines as well as zoning provisions for driveway widths and parking areas. The study has been reviewed by the Director of Engineering and Works and no concerns were raised with respect to traffic volumes or public safety.

The lot is serviced by municipal water, but the sanitary sewer line stops short of this property in both directions due to a dip in the road creating a challenge for servicing via the gravity fed system. Engineering and Planning staff have discussed this property's potential for a single unit dwelling and are of the opinion that potential is limited due to servicing capacity, which would require a larger investment than what could be expected for most houses (ie a lift station, the extension of the public sewer line, and/or a lengthy sewer lateral connecting to the TransAqua trunk line). It has been anticipated that the most likely development scenario would be a higher density development.

As part of the preliminary servicing plan provided for this application, the proponent's Engineer identified a municipal service easement (aka a local government service easement) on the adjacent property. Though the existing sewer system does not currently service the subject property, the MSE could be used to extend the sewer line as far as this property. In this case, the Engineering Department has requested that an LGSE be registered on the property to ensure future sewer maintenance can occur without problems. However, this would require the

Town allowing site work to occur on private property as part of the extension of the public sewer, which may raise concerns from the adjacent property owner.

The Municipal Plan permits density up to 30 units/acre in an R3 zone. The property's size would permit up to 74 units; the proposal is for 56 units, which is below the allowable density. Multi-unit dwelling height is limited to three storeys when abutting an R1 zone. Each building is proposed at three storeys, so the project conforms to the maximum height, as well as all zoning standards with respect to lot development (setbacks, parking, landscaping, etc.). More than one main building is permitted per lot as a conditional use. Since this project is subject to a rezoning process, the project will be reviewed by PAC with Council ultimately deciding whether it is accepted or not.

The zoning by-law requires certain setbacks and landscaping standards when a multi-unit abuts an R1 zone: a minimum 6m landscape buffer is required, and a fence is required where existing vegetation is insufficient. Based on preliminary measurements, the house to the west is approximately 13m from the common property line, and the house to the east is approximately 12m. The property is currently heavily treed, and the site plan indicates that the 6m wide buffer area should be met or exceeded on all sides of the property. If this is the case, the landscaping buffer should be sufficient and fencing will not be required, particularly if a fence would interfere with the existing trees.

However, the site plan indicates two areas where the parking area is nearest the adjacent residential uses, and the developer has indicated he will install fencing following site development if it is determined that the landscape buffer is insufficient in these areas. The properties to the south on Gold Leaf Court will face the rear of the building, which is a minimum 13m from the property line. The existing trees should be sufficient; a fence would not create any additional privacy and should not be required on the rear portions of the property.

Integrating multi-unit dwellings into a low-density context is often challenging and the proposal has received substantial opposition from area residents with respect to concerns around traffic, privacy, property values, preservation of green space and natural habitat for wildlife, noise, crime, mental health, low walkability score, an overburdened school system, drainage, and surrounding R1 context.

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. The lot as-is has a very low probability of being developed for R1 purposes due to servicing challenges, and is large enough to accommodate existing density while still respecting all R3 zone requirements as they relate to adjacent R1 properties.

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 minimum of 10% of the units in this development will meet the CHMC definition of affordable (30% of median renter income).

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

Several multiple unit residential uses have been established along Trites Road, Pine Glen Road, as well as portions of Coverdale/Hillsborough Road and in the Findlay Park business area. Generally, these buildings are along major transportation corridors and the location of these developments provide service and accessibility advantages to reach desired destinations. Future low density residential development along these high traffic routes is unlikely and is discouraged by this Plan.

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.

The serviceable area along the south side of Coverdale Road from approximately Pine Glen Road to Rivercrest Drive, and a large block of land situated on Hillsborough Road near the sewage treatment plant, is part of the old lot fabric. Portions of these areas are currently developed as single and two unit residential dwellings on large lots. The future subdivision of these lots is expected, which provides significant opportunity for infill developments. Given the relatively steep sloping topography of these areas and high traffic volumes on Coverdale/Hillsborough Road, the area's potential for low density residential development is limited. These areas will be viewed as potential infill areas and low density developments in these areas are discouraged by this Plan.

While it may not be appropriate for Council to pre-zone this area at this time, it may be appropriate for Council to consider such developments on a case-by-case basis. Future growth in built up areas (infilling) must be reviewed carefully in order to maintain respect for the integrity of the existing built form of the neighbourhood. Therefore, to ensure compatibility, an urban design element should be included for developments involving infilling or conversion of existing housing developments.

Policy 5.7.4 Council may consider amendments to the zoning by-law within the Residential Designation, provided the lot is along the south side of Coverdale Road, from approximately Pine Glen Road to Rivercrest Drive, to permit future infill developments of multiple unit dwellings.

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 the servicing constraints and location on a busy arterial road. High-density residential represents the maximal use of the property and will help to address the current housing shortage facing the Town. Height limits and large landscaping buffers should address concerns associated with incorporating high density into an R1 context.

RECOMMENDATION

The proposal was considered by Riverview PAC at its June 14, 2023 meeting and the following motion was passed:

That the Riverview Planning Advisory Committee RECOMMEND that the Riverview Town Council adopt rezoning by-law 300-7-11 in order to rezone the property bearing PID 05029319, located on Hillsborough Road, from R1 – Single unit dwelling to R3 – Multiple unit dwelling to accommodate two multi-unit dwelling subject to the following conditions:

- a. That the development shall be in general conformity with the site plan and building elevations attached as Schedules A11-1, A11-2, and A-11-3;
- b. That landscaping shall be provided as shown on the site plan attached as Schedule A-11-1 with a minimum buffer width of 6m where the property abuts adjacent R1 properties;
- c. That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in condition (b)
- d. That a 2m tall opaque fence shall be installed on the property where it is not possible to maintain a sufficient landscape buffer as demonstrated on Schedule A-11-1;
- e. That prior to the issuance of a building and/or development permit, a 5m wide local government service easement be registered on the lot to accommodate the extension of the public sewer system;
- f. That nothing shall prohibit the proponent from applying for a variance under section 55 of the Community Planning Act for zoning provisions that are not addressed within the scope of this agreement; and
- g. that as-built drawings for engineering submissions shall be required within 30 days after construction.

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 A public hearing is required under section 111 of the *Community Planning Act*. Notice of the public hearing was posted to the town's website and notices were mailed to property owners within 100m of the subject property.

- Attachments**
- Zoning By-law Amendment No. No. 300-7-11
 - Draft Conditional Zoning Agreement
 - Presentation



**Kirk Brewer, RPP, MCIP
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