

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kirk Brewer Planner	Meeting Date
Date	February 22, 2024	
Subject	By-laws 300-33-6 and 300-7-14: Rezoning from OS to SC – former DTI lands	
Length of presentation (if applicable)	10 minutes	

ISSUE

The Town of Riverview has acquired lands previously owned by the Department of Transportation (DTI), which was once intended for a third crossing over the Petitcodiac River. A portion of those lands are being sold to Corey Craig Group, who is proposing to rezone the land to the Suburban Commercial zone to develop a drive-thru restaurant and service station. A municipal plan land use redesignation and rezoning are required to permit the development.

DISCUSSION

The property in question was created in 1979 for the purpose of securing a right-of-way for a river crossing that would connect with Wheeler Boulevard in Moncton. That bridge never materialized, and the land has sat unutilized for years. The property has recently been transferred to the Town, which is in the process of selling the land to various development interests. This land would have required rezoning as part of the current Plan and Zoning By-law review, but the matter is before Council in advance of that update due to a specific development.

A subdivision plan is currently being processed that would combine a roughly 2 acre portion of the property with the adjacent parcel owned by TransAqua. This new 3.5 acre property fronting on Hillsborough Road would then be sold to Corey Craig Group, which is interested in developing a drive-thru restaurant and service station on the property, with plans for future expansion that is not yet determined.

The land is currently designated Community Use and zoned Open Space in order to preserve the lands for the planned roadway. As this is no longer the land's intended use, a rezoning is required to permit development. The northern portion of the land will remain as Open Space and be sold to TransAqua as a buffer area between the wastewater treatment plant and residential areas. The portion to the south of Hillsborough Road is outside the scope of the current proposal and will be addressed at a future time. A separate municipal plan amendment will be considered by Council to remove the DTI road from the future roads map.

The property is located along a busy mixed-use section of Hillsborough Road, which is the major arterial road serving east Riverview. The road is defined by low-to-high density residential uses, as well as Suburban Commercial zones with a mix of commercial uses including auto-repair shops and service stations. The proposed land use and zoning is keeping with the existing character of the surrounding area. The current phase of development does not abut low-density residential properties and should not pose any land use conflicts with adjacent properties. Staff is recommending imposing a condition that would restrict the uses that would be permitted on the property in the future. Particularly, residential uses would not be permitted due to the proximity of the TransAqua treatment facility.

The Department of Engineering and Works has reviewed the proposal and provided feedback on site layout and access points, which have been addressed in the current site plan. Additionally, the department has requested a traffic impact statement for the development, which has not yet been provided. A sidewalk may also be required to provide pedestrian access

to the site. If deemed necessary, a portion of the cost to upgrade the sidewalk may be recovered by the developer via a cost-sharing agreement.

The property is serviced by municipal water and storm sewer, but is currently not serviced by the municipal sanitary sewer. The trunk sewer line passes to the north of the property, while local sewer lines service adjacent neighbourhoods but do not pass along this section of Hillsborough Road. Any development on the property will need to provide an adequate servicing proposal to the satisfaction of the Engineering and Works Department.

Generally, a site-specific rezoning is considered on a case-by-case basis, and Council approval is tied to a certain development proposal. In this situation, staff recommends that the first phase of development be in substantial conformity with the proposed site plan. However, given the property location on Hillsborough Road, and zoning provisions to address the layout of future commercial development, staff is comfortable recommending that Council not limit the property to the building currently under consideration. Limiting the permitted main uses on the property will allow flexibility in future site development provided the developer can meet all zoning and servicing requirements.

MUNICIPAL PLAN

Suburban Commercial

Policy 7.1.1 It shall be the intention of Council to recognize and foster development of retail and service outlets serving the suburban portions of the town by establishing the Suburban Commercial (SC) Zone within the Commercial Designation.

Policy 7.1.2 It shall be the intention of Council, in consultation with Business Riverview, the business community, and the general public, to undertake a study to implement urban design requirements within the Suburban Commercial Zone.

Policy 7.1.3 Notwithstanding policy 7.1.1, it shall be the intention of Council to direct the Committee to permit automotive related businesses that may have significant traffic implications, such as drive thru restaurants and other drive thru businesses, service stations, car washes or any development within the Suburban Commercial Zone containing more than 1,500 square metres of gross floor area, and additions thereto, subject to imposition of terms and conditions.

Furthermore, it shall be the intention of Council to direct the Committee, in considering the imposition of terms and conditions, to have the utmost planning regard for the following:

- (a) estimated traffic generated by the proposal and its effect upon public street systems;
- b) adequacy of the proposed site plan in respect to parking, pedestrian access, aisles, fire lanes, loading and delivery areas and on-site circulation systems;
- (c) adequate provision of landscaping;
- (d) location, size and design of driveways and appropriateness of traffic lights at driveways; and
- (e) provisions contained in policy 13.1.10; and
- (f) such other matters as Council deems advisable.

Policy 7.1.4 It shall be the intention of Council to provide special requirements for service stations within the Suburban Commercial Zone in the Zoning By-law.

Policy 7.1.5 It shall be the intention of Council to consider expansions of the SC Zone through the rezoning process. In considering such amendments, Council shall have regard for:

- (a) the location, number, layout and design of vehicular access, and, without limiting the generality of the foregoing, consideration of joint access where individual accesses are deemed not to be desirable;
- (b) the design and location of above grade parking lots;
- (c) the proposed landscaping and provision of amenity space;
- (d) the protection of important view lines and prevention of overshadowing by controlling building height, bulk and site location;
- (e) the design of the proposed development in terms of building orientation, relationship to other housing types and nearby land uses, the layout of the buildings, rights-of-way and open spaces;
- (f) the traffic impacts;
- (g) measures for the preservation of the site's natural state by minimizing tree and soil removal;
- (h) provisions for adequate site grading with respect to the impact on neighbouring properties;
- (i) the adequacy of municipal services; and
- (j) such other matters as Council deems advisable.

ZONING BY-LAW

Drive thru

47 When permitted, a drive thru shall incorporate the following design standards:

(a) in the case of drive thru restaurants and automated car washes:

- (i) 11 inbound queuing spaces for vehicles approaching the drive up service area; and
- (ii) two outbound spaces on the exit side of each service position located so as not to interfere with service to the next vehicle;

(d) queuing spaces shall be a minimum of 6.5 metres long and three metres wide;

(e) queuing lanes shall be located at the side or rear of buildings;

(f) when the entrance to the main building requires crossing of the queuing lane by pedestrians, a pedestrian crossing that is distinguished from the queuing lane by either a change in paving materials, colour, texture or height must be provided;

(g) despite paragraph (e), a queuing lane may be located in the front yard or flankage yard if it is in compliance with subsection 42(2);

(h) queuing lanes shall be defined by raised curbs and a 1.2 metre wide landscaped island where adjacent to parking, spaces and parking aisles and a three metre wide landscaped island where adjacent to driveways;

(i) queuing lanes, order boards, or order speakers shall be set back a minimum of 20 metres from an adjacent R1 Zone, R1-C Zone, R2 Zone or RM Zone, unless the drive thru does not include an order board or order speaker, in which case they shall be set back a minimum of 4.5 metres;

(j) the minimum requirements in subsection 47(i) may be reduced if, upon completion of a noise study by a duly certified noise consultant, mitigation measures proposed in the study will achieve at least the same noise levels that would be expected by compliance with subsection 47(i).

Service stations

58 When permitted a service station shall not have any portion of a pump island or canopy located within 15 metres of a lot line.

INTERDEPARTMENTAL REVIEW

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

- Corporate Services;
- Engineering and Public Works;
 - Site is currently not serviced by sanitary sewer
 - Traffic study required
 - Sidewalk may be required
- Parks and Recreation;
- Fire Protection; and
- Planning/Development

CONCLUSION

The property in question was zoned Open Space to preserve the land for future road development. As this land has now been declared surplus, it should be rezoned to permit development. This section of Hillsborough Road is not ideal for residential development due to the proximity of the TransAqua treatment plant. As such, staff is in favour of a Suburban Commercial zone, which is in line with surrounding uses and would bring additional commercial activity to East Riverview along a busy arterial road.

RECOMMENDATION

It is recommended that Riverview Town Council:

- 1) In accordance with Sections 25 and subsection 111(1)(a) of the *Community Planning Act*, set Tuesday, April 9, at 6:30pm (Council Chambers, Riverview Town Hall) as the time and place for a public presentation for Municipal Plan amendment 300-33-6, and set Monday, May 13, 2024 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. 300-7-14; and
- 2) Seek the written views of the Planning Advisory Committee on the proposed by-laws.

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*, public presentation for the future land use map amendment, and the public hearing for the Zoning By-law Amendment.

Attachments

- Municipal Plan By-law Amendment No. 300-33-6
- Zoning By-law Amendment No. 300-7-14
- Draft Conditional Zoning Agreement
- Resolution Page
- Presentation

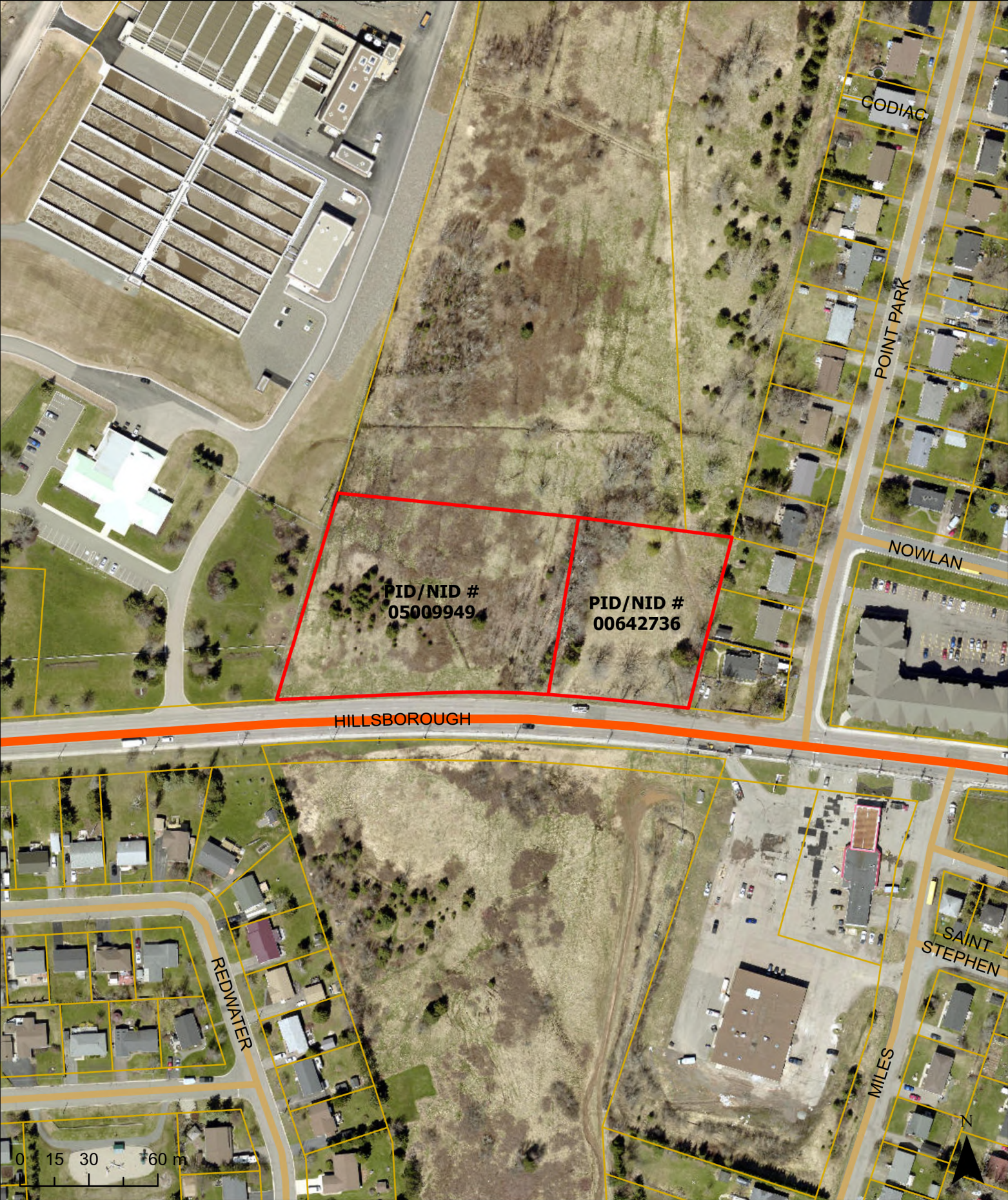


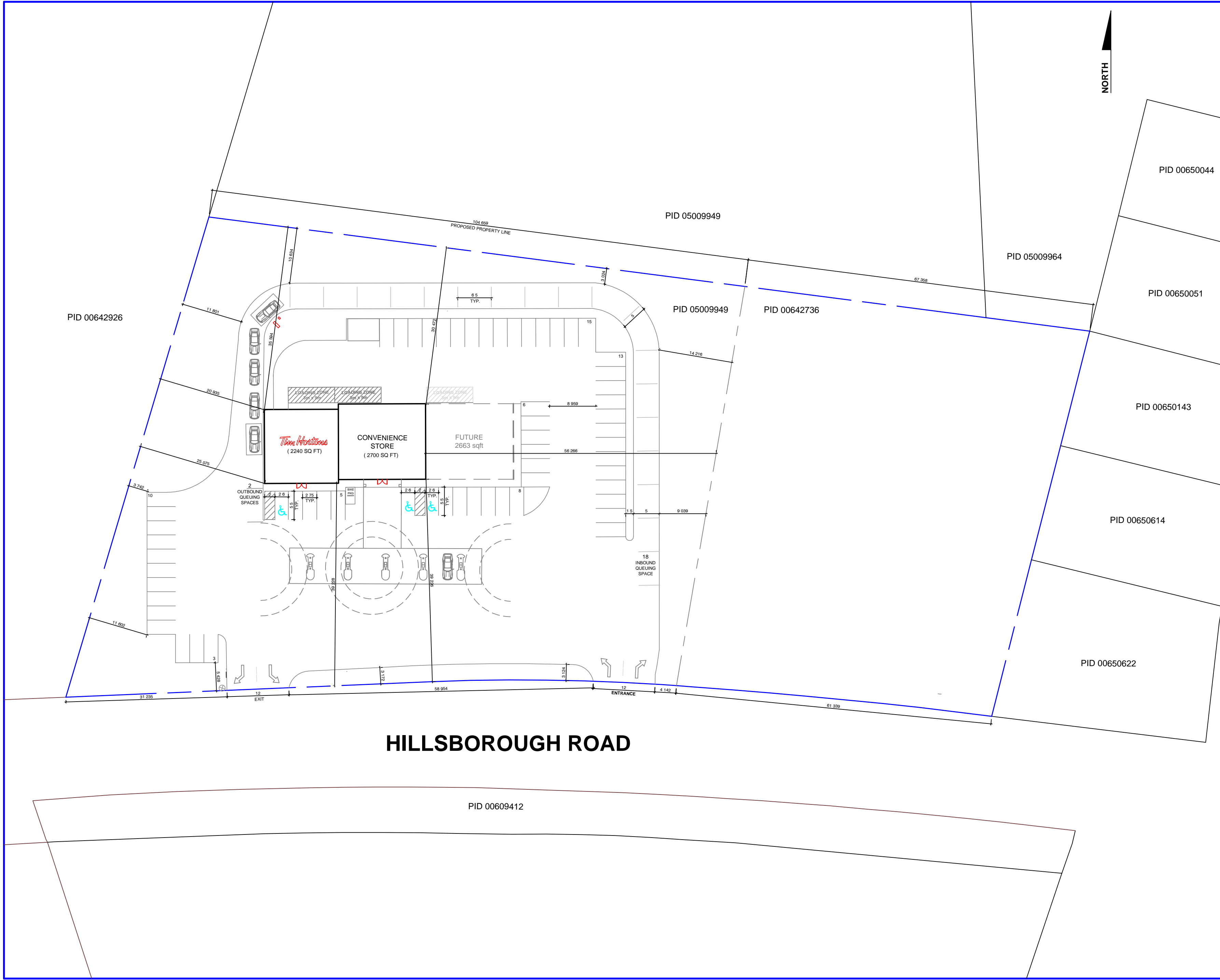
Kirk Brewer, RPP, MCIP
Planner, Plan360

Hillsborough Road (PID/NID 00642736 & 05009949)

Riverview

Date: 2/14/2024





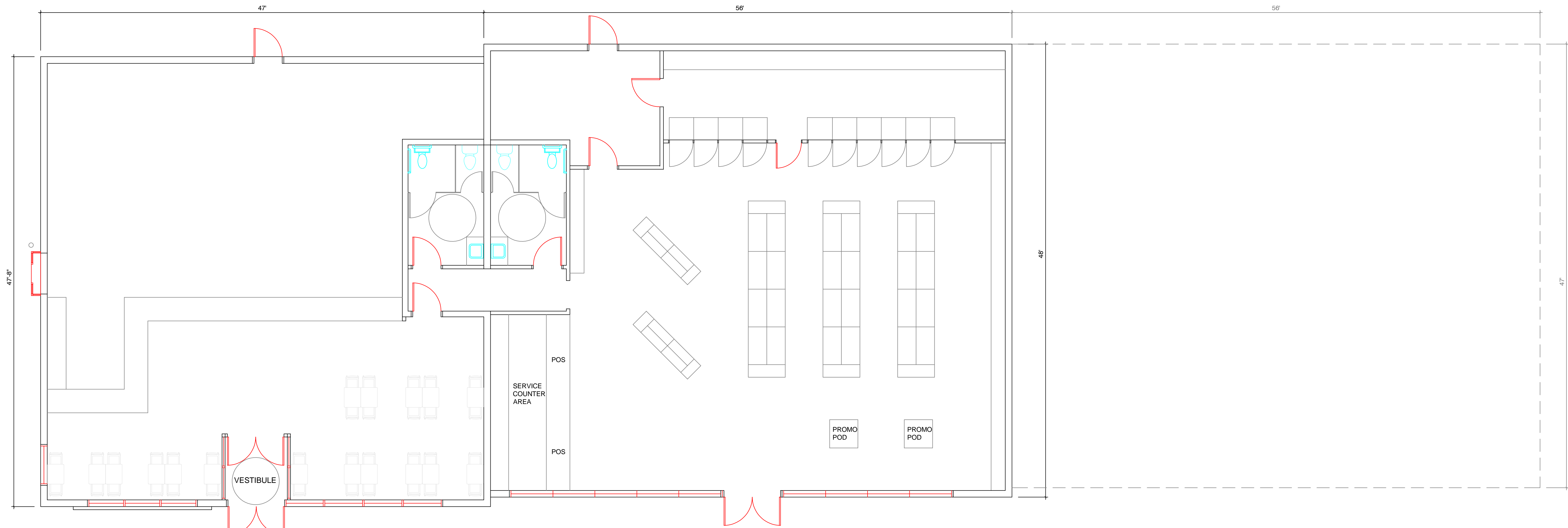
HILLSBOROUGH ROAD



PROJECT:
EAST RIVERVIEW DEVELOPMENT
 Hillsborough Road
 Riverview NB

DRAWING:
PRELIMINARY SITE PLAN

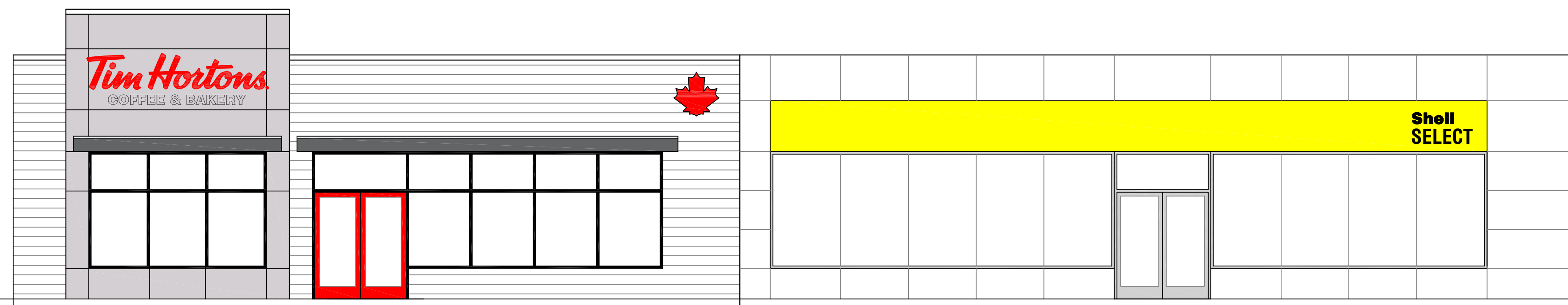
SCALE :	DRAWN BY :	CHECKED BY :	DWG NO :
NTS	MP	JR	
DATE :	FILE NAME :		C1
JAN 2024	HILLSBOROUGH RD DEV SITE JAN 2024		



Tim Hortons
2240 sqft

Shell Convenience Store
2688 sqft

FUTURE EXPANSION
2632 sqft



A DETAIL No.
B SHEET No.
C SHEET No.
DETAIL TAKEN
DETAIL SHOWN

REVISIONS		
No.	ISSUED	DATE

CLIENT
COREY CRAIG GROUP

JOB TITLE
HILLSBOROUGH ROAD DEVELOPMENT
RIVERVIEW NB

JOB NO.
2024---

DRAWING TITLE
FLOOR PLAN & ELEVATION

SCALE
3/16" = 1'-0"

DATE
14-Dec-23

SHEET NO.
A1.0