

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kirk Brewer Planner	Meeting Date
Date	May 9, 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 was recently 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

At its May 8 meeting, the Riverview Planning Advisory Committee recommended that Riverview Town Council adopt By-laws 300-33-6 and 300-7-14.

ALTERNATIVES

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

RISK ANALYSIS

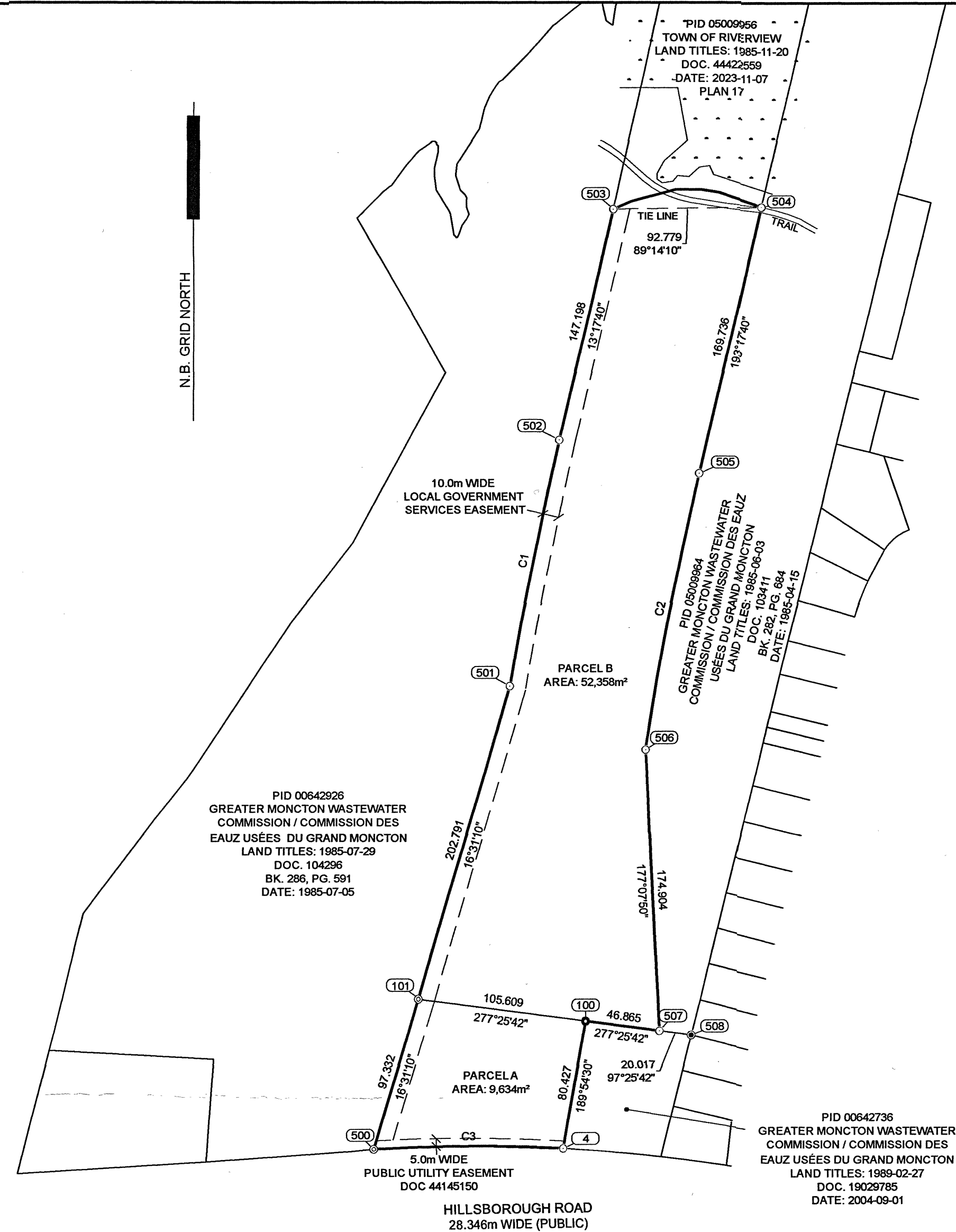
Administration does not see any risks associated with this application.

CONSIDERATIONS

Financial	N/A
Environmental	N/A
Public Consultation	The public hearing fulfills Council’s obligations under section 111 of the <i>Community Planning Act</i> .
Attachments	• Municipal Plan By-law Amendment No. 300-33-6 • Zoning By-law Amendment No. 300-7-14 • Draft Conditional Zoning Agreement • Presentation



Kirk Brewer, RPP, MCIP
Planner, Plan360



PLANNING APPROVAL

APPROVED / APPROUVÉ

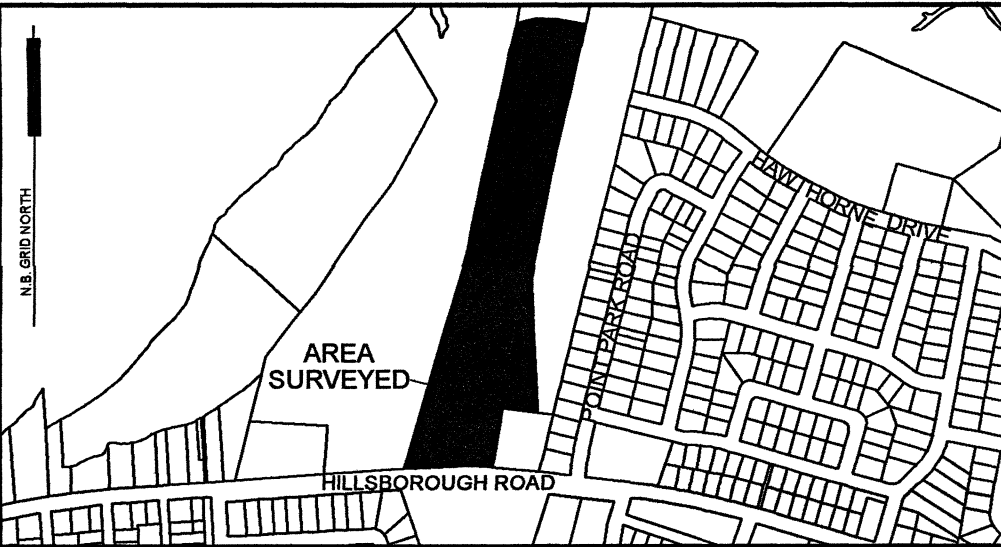
Development Officer / Agent d'aménagement
Southeast Regional Service Commission
Commission de services régionaux Sud-Est
Date: 20/2/24

REGISTRATION

Plan received and filed/plan reçu et déposé
date/date: 2024-03-21 time/heure: 13:22:23
number/numéro: 44791102
District of New Brunswick/
Circonscription du Nouveau-Brunswick

N.B. GRID NAD83 (CSRS)			
POINT	NORTHING	EASTING	DESCRIPTION
4	7454318.611	2634164.072	CALC
100	7454397.839	2634177.911	IP
101	7454411.493	2634073.189	SMPL
300	7453290.578	2634108.549	RAD
303	7454213.187	2636471.635	RAD
500	7454318.178	2634045.514	CALC
501	7454605.913	2634130.851	CALC
502	7454758.986	2634161.742	CALC
503	7454902.239	2634195.591	CALC
504	7454903.476	2634288.361	CALC
505	7454738.289	2634249.330	CALC
506	7454566.465	2634215.628	CALC
507	7454391.780	2634224.384	CALC
508	7454389.192	2634244.232	SMFD
28155	7456492.126	2628800.998	MON

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD AZIMUTH	RADIUS POINT
C1	2373.500	156.187	156.159	191°24'33"	303
C2	2283.500	175.141	175.098	191°05'50"	303
C3	1029.532	118.625	118.559	269°47'26"	300



LOCATION MAP

LEGEND:

LAND DEALT WITH BY THIS PLAN SHOWN THUS
UTILITY EASEMENT
STANDARD SURVEY MARKER PLACED (SMPL)
STANDARD SURVEY MARKER FOUND (SMFD)
CALCULATED COORDINATE POINT
IRON PIPE FOUND
TABULATED COORDINATE REFERENCE
PROPERTY IDENTIFICATION NUMBER
REGISTRATION
DOCUMENT

NOTES:

- ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN ON THIS PLAN ARE BASED ON THE NEW BRUNSWICK STEREOGRAPHIC DOUBLE PROJECTION AND THE NAD83 (CSRS) ELLIPSOID AS REALIZED BY SERVICE NEW BRUNSWICK'S ACTIVE CONTROL SYSTEM
- ALL DISTANCES SHOWN ARE GRID DISTANCES CALCULATED USING A COMBINED SCALE FACTOR UTILIZING GEOID MODEL HT2.0.
- DIRECTIONS ARE N.B. GRID AZIMUTHS ESTABLISHED USING GNSS.
- CERTIFICATIONS IS NOT MADE AS TO LEGAL TITLE, NOR TO ZONING
- THE PLAN NUMBERS AND DOCUMENT NUMBERS REFERENCED TO ON THIS PLAN ARE THOSE OF THE COUNTY REGISTRY OFFICE.
- FIELD SURVEY WAS COMPLETED ON JANUARY 29, 2024.

PROPERTY INFORMATION:

PID 05009949
REGISTERED OWNERS: TOWN OF RIVERVIEW
LAND TITLES: 1985-12-04
DOC. 44422559
REGISTERED: 2023-11-07
PLAN 16

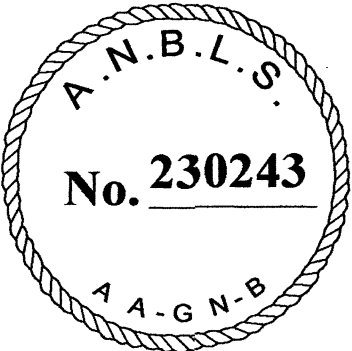
PURPOSE OF PLAN

- TO CREATE PARCEL "A" TO BE ADDED TO AND BECOME PART OF PID 00642736, LANDS OF GREATER MONCTON WASTEWATER COMMISSION/ COMMISSION DES EAUX USÉES DU GRAND MONCTON.
- TO CREATE PARCEL "B" TO BE ADDED TO AND BECOME PART OF PID 00642926, LANDS OF GREATER MONCTON WASTEWATER COMMISSION/ COMMISSION DES EAUX USÉES DU GRAND MONCTON.
- TO CREATE A LOCAL GOVERNMENT SERVICES EASEMENT, PURSUANT TO SECTION 4, DESIGNATED EASEMENT REGULATION 2021-83, OF THE COMMUNITY PLANNING ACT

HUB
SURVEYS

6 TRITES ROAD
RIVERVIEW, NB
(506) 857 0022

METERS
0 25 50 75 100 125
Scale - 1 : 2500



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PURCHASER'S AGREEMENT:

I (WE), THE UNDERSIGNED UNDERSTAND THAT ANY FUTURE CONVEYANCE OF ANY PORTION OF THE CONSOLIDATED LOT CREATED BY THIS PLAN INCLUDING PARCEL "A" OR PARCEL "B" SHALL CONSTITUTE A NEW SUBDIVISION AND SHALL REQUIRE FURTHER DEVELOPMENT OFFICER APPROVAL.

GREATER MONCTON WASTE WATER
GREATER MONCTON WASTE WATER

OWNER'S STATEMENT:

I (WE), THE UNDERSIGNED, DO HEREBY CERTIFY THAT I (WE) AM (ARE) THE REGISTERED OWNER(S) OF THE PROPERTY(IES) BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN, AS OUR INTERESTS APPEAR.

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

LOCAL GOVERNMENT SERVICES EASEMENT STATEMENT

PURSUANT TO SECTION 4 OF "DESIGNATED EASEMENT REGULATION" 2021-83, OF THE COMMUNITY PLANNING ACT, 2017, THE LOCAL GOVERNMENT SERVICES EASEMENT ON THIS PLAN VEST IN THE TOWN OF RIVERVIEW WITH THE FILING OF THIS PLAN.

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

SURVEYOR'S STATEMENT

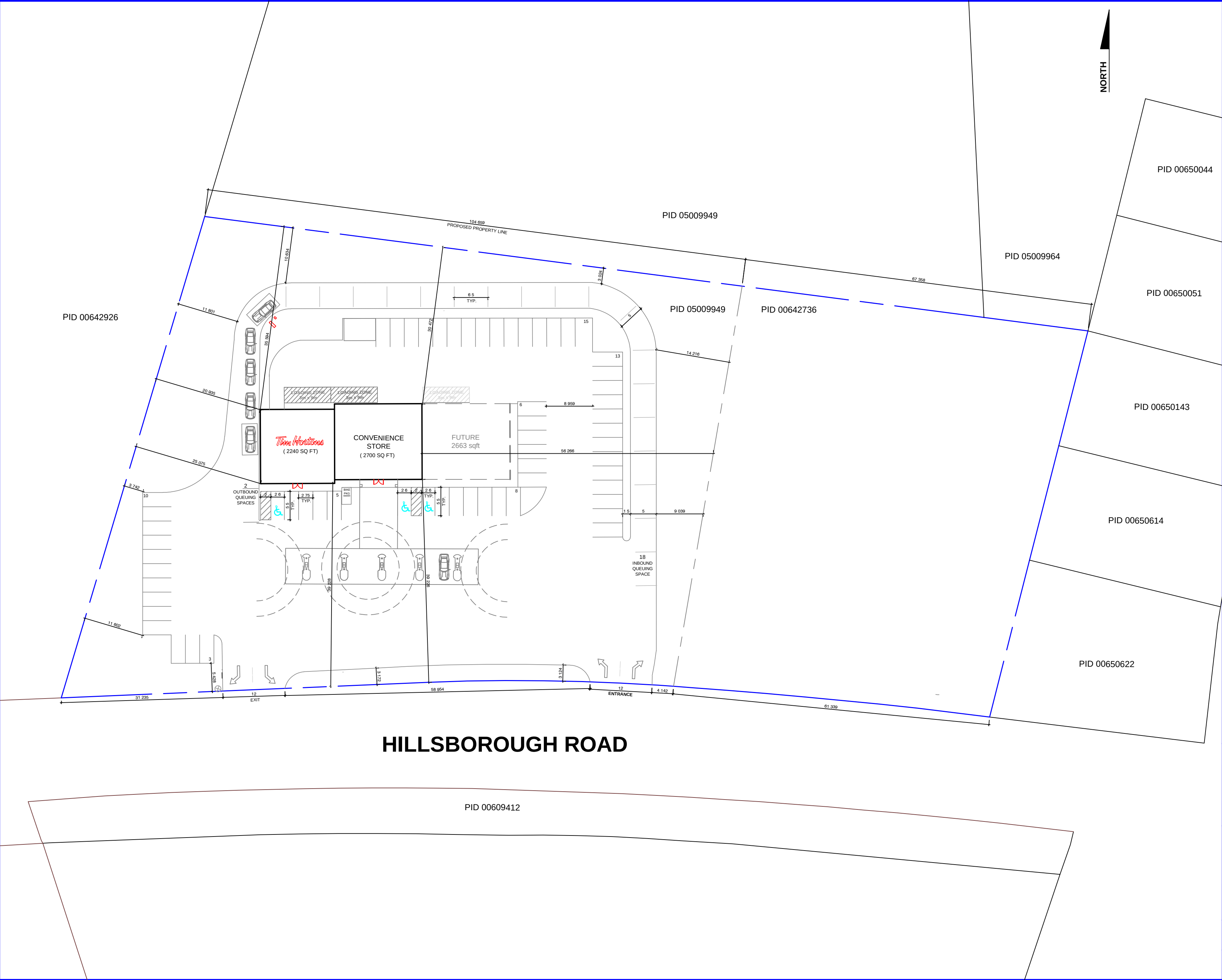
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAN IS CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEFS.

SURVEYED BY JARET T. GUIMOND, N.B.L.S. #387

SUBDIVISION PLAN
HILLSBOROUGH ROAD
SUBDIVISION

NORTH SIDE OF HILLSBOROUGH ROAD
TOWN OF RIVERVIEW
PARISH OF COVERDALE
COUNTY OF ALBERT
PROVINCE OF NEW BRUNSWICK

REV.	Revision:	Job No.:
0	Date: February 2, 2024 File: 23199SD	23-199 Initials: NCB/JTG





PROJECT:

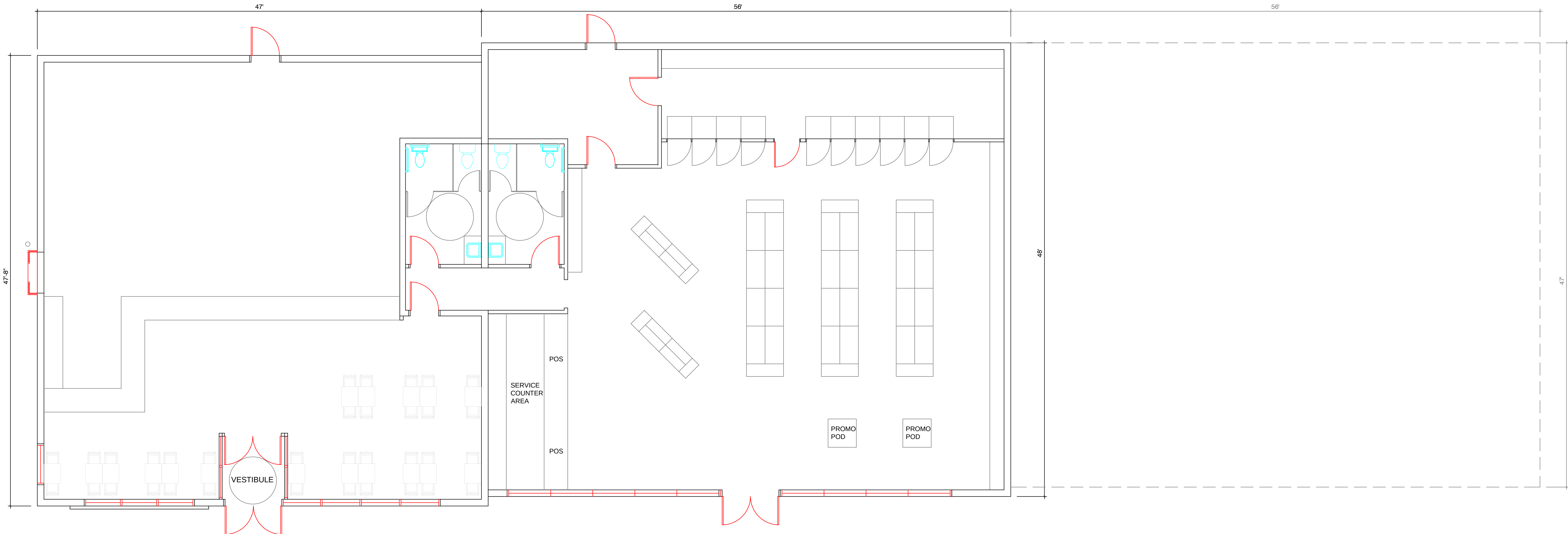
EAST RIVERVIEW DEVELOPMENT

Hillsborough Road
Riverview NB

DRAWING:

PRELIMINARY SITE PLAN

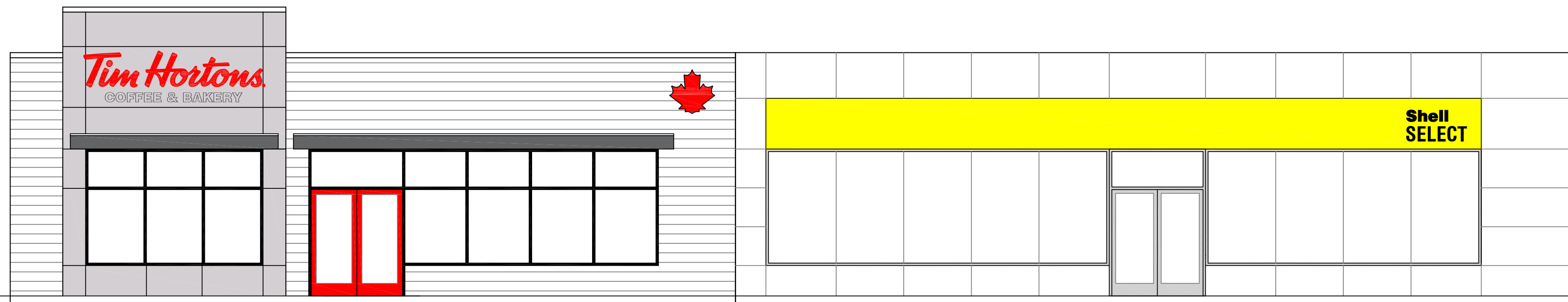
SCALE :	DRAWN BY :	CHECKED BY :	DWG NO :
NTS	MP	JR	C1
DATE :	FILE NAME :		
JAN 2024	HILLSBOROUGH RD DEV SITE JAN 2024		



Tim Hortons.
2240 sqft

Shell Convenience Store
2688 sqft

FUTURE EXPANSION
2632 sqft



A
B C

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"

DRAWN BY: M.P.

DATE: 14-Dec-23

CHECKED BY: J.R.

SHEET NO.

A1.0