Riverview Planning Advisory Committee

May 8, 2024

Staff Report

Subject: Redesignation and Rezoning to commercial zoning

File Number: 24-0040

From:

Kord Brewe

Kirk Brewer Planner

General Information

Applicant: Jamie Smith Landowner: Town of Riverview

Proposal:

To redesignate from CU to C, and rezone from OS to SC to permit a drive-thru restaurant, service station, and future development

Reviewed by ni Fithd

Lori Bickford Planning Manager/Planner

	PID/ND # 05122759 HILL5800704/91	PID/ND #	
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Pr	operty Loc	ation Map	4
Su	bject Property		N

Site Information

PID: 05122759, 00642736

Lot Size: 1.5ha

Location: Hillsborough Road, Town of Riverview / Ville de Riverview

Current Use:

Vacant

Zoning:

Open Space

Future Land Use:

Community Use

Surrounding Use & Zoning:

R1, R2, R3 residential; PRI - wastewater treatment plant; SC - service station; OS - vacant land

Municipal Servicing:

Municipal water and stormwater; sanitary sewer will need to be extended to service this property, or an alternative connection will be required.

Policies / Politiques

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 and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

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.

Internal Consultation & External Consultation / Consultations internes et externes

The proposed application was reviewed by the following departments of the Town, with detailed comments provided in the discussion section:

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

The Director of Engineering requested a traffic impact study which was submitted and is currently under review. Modifications to the painted turning lanes along this section of Hillsborough Road may be required. A servicing plan will also be required prior to a building permit being issued.

A public hearing is scheduled for May 13, 2024.

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 underutilized 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 likely been rezoned 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 to 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 potential 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. It should be noted that the zoning by-law requires a minimum 11 queuing spaces for drive-thrus to ensure enough space on site so that vehicles do not queue into the public right of way. The proposed site plan indicates 18 inbound queuing spaces.

The Department of Engineering and Public 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 study for the development, which is currently under review. 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 Public 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.

Legal Authority / Autorité légale

The Planning Advisory Committee receives its authority via the Community Planning Act:

110(1) Before making a by-law under this Act, a council shall request in writing the written views of the advisory committee or regional service commission on

(a) a proposed by-law in respect of which the views have not been given previously

Recommendation / Recommandation

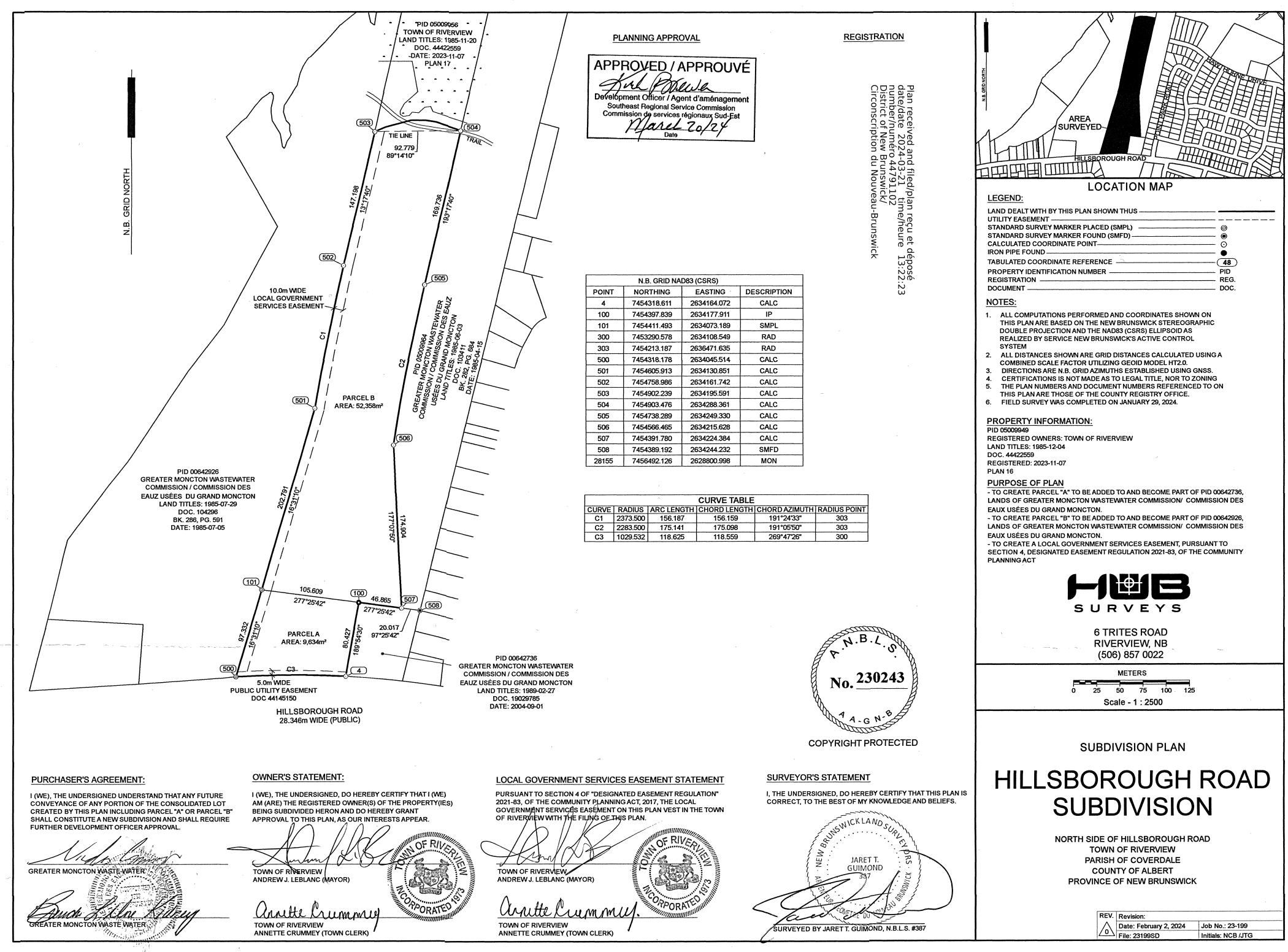
Staff recommends that the Riverview Planning Advisory Committee RECOMMEND that Riverview Town Council adopt By-law 300-33-6 to redesignate the PIDs bearing 05122759 and 00642736 from CU - Community Use to C - Commercial, and adopt By-law 300-7-14 to rezone said properties from OS - Open Space to SC - Suburban Commercial subject to the following conditions:

a) That the first building, including the drive-thru restaurant, service station, and future expansion, be developed in substantial conformity with the site plan dated January 2024, attached hereto as Schedule B;

- b) That the permitted main uses of the property shall be limited to the following:
- a. Bank or financial institution;
- b. Brewery, distillery or winery;
- c. Car wash, subject to conditional use approval;
- d. Daycare centre;
- e. Entertainment use;
- f. Office use;
- g. Personal service shop;
- h. Pet service use;
- i. Recreational use;
- j. Restaurant;
- k. Restaurant, including drive thru subject to conditional use approval;
- 1. Retail store;
- m. Service station subject to conditional use approval; and
- n. Veterinary clinic

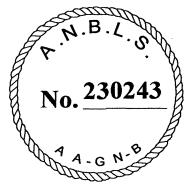
c) That nothing shall prohibit the proponent from applying for a variance under section 55 of the *Community Planning Act* for zoning provisions that are not addressed within the scope of this agreement; and

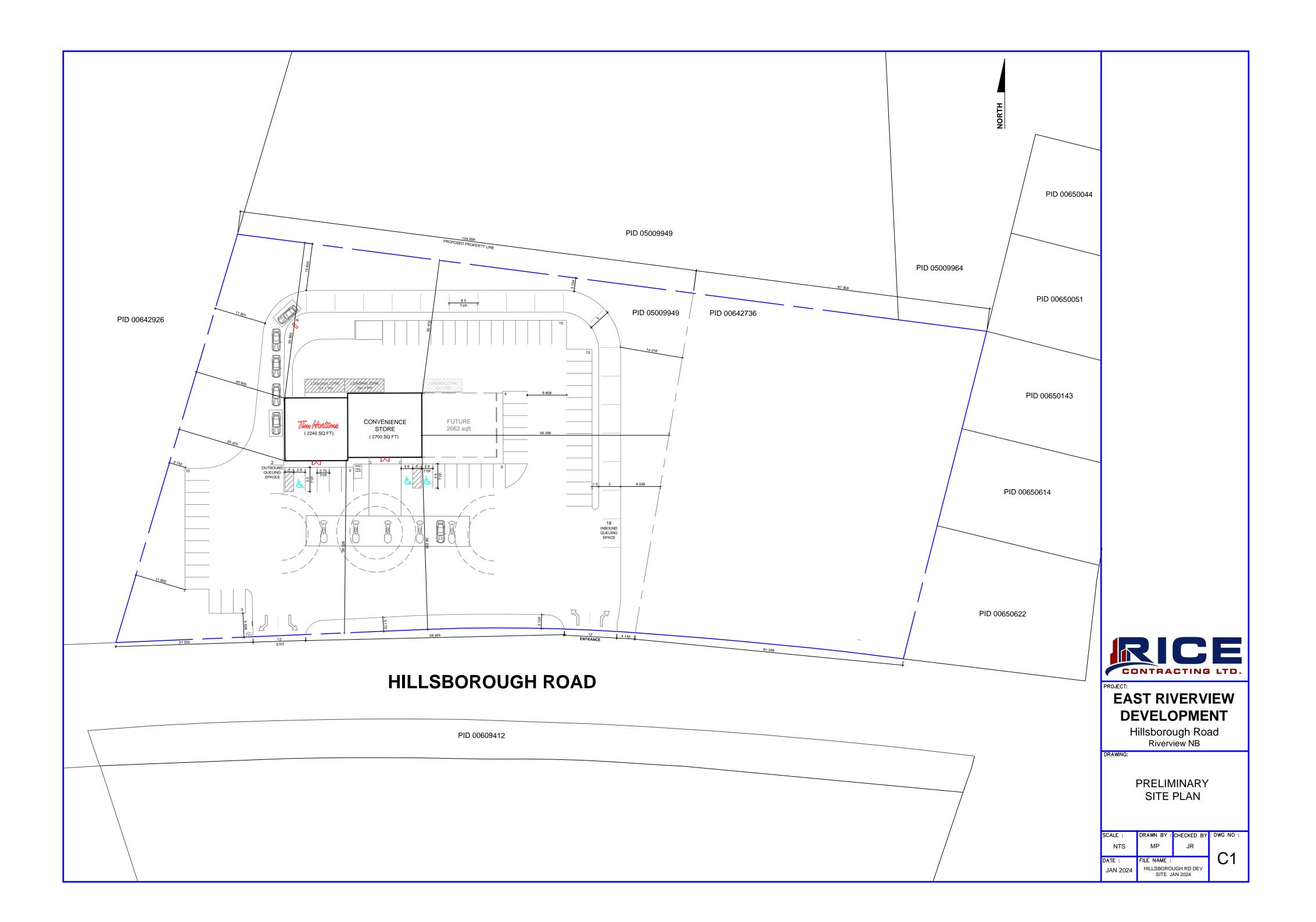
d) That as-built drawings for engineering submissions shall be required within 30 days after construction of each building.

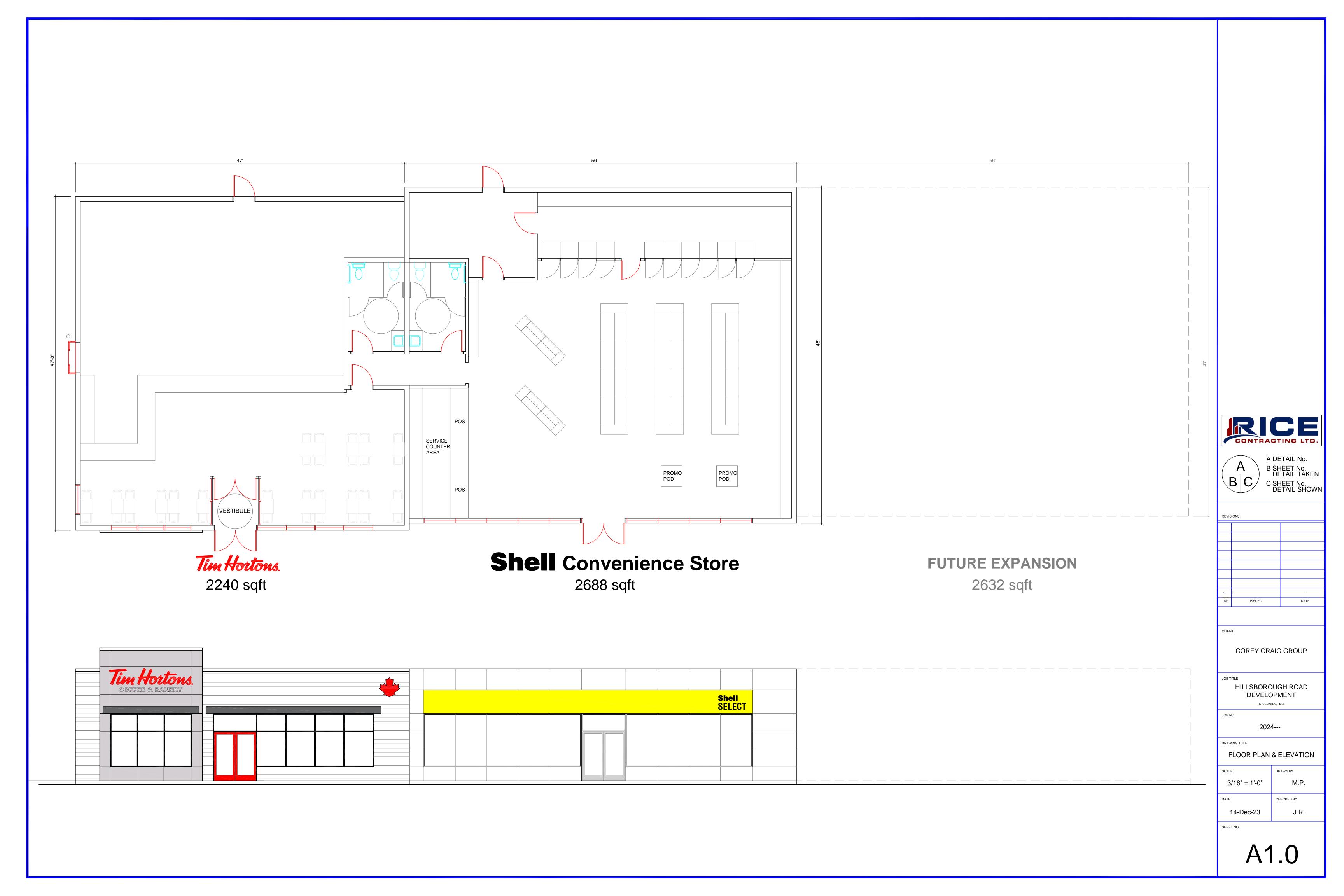


3 (CSRS)	
EASTING	DESCRIPTION
2634164.072	CALC
2634177.911	IP
2634073.189	SMPL
2634108.549	RAD
2636471.635	RAD
2634045.514	CALC
2634130.851	CALC
2634161.742	CALC
2634195.591	CALC
2634288.361	CALC
2634249.330	CALC
2634215.628	CALC
2634224.384	CALC
2634244.232	SMFD
2628800.998	MON

	CURVE TABLE					
Ή	CHORD LENGTH	CHORD AZIMUTH	RADIUS POINT			
	156.159	191°24'33"	303			
	175.098	191°05'50"	303			
	118.559	269°47'26"	300			









BY-LAW No. 300-33-6

A BY-LAW TO AMEND THE TOWN OF RIVERVIEW MUNICIPAL PLAN BY-LAW No. 300-33

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF RIVERVIEW AS FOLLOWS:

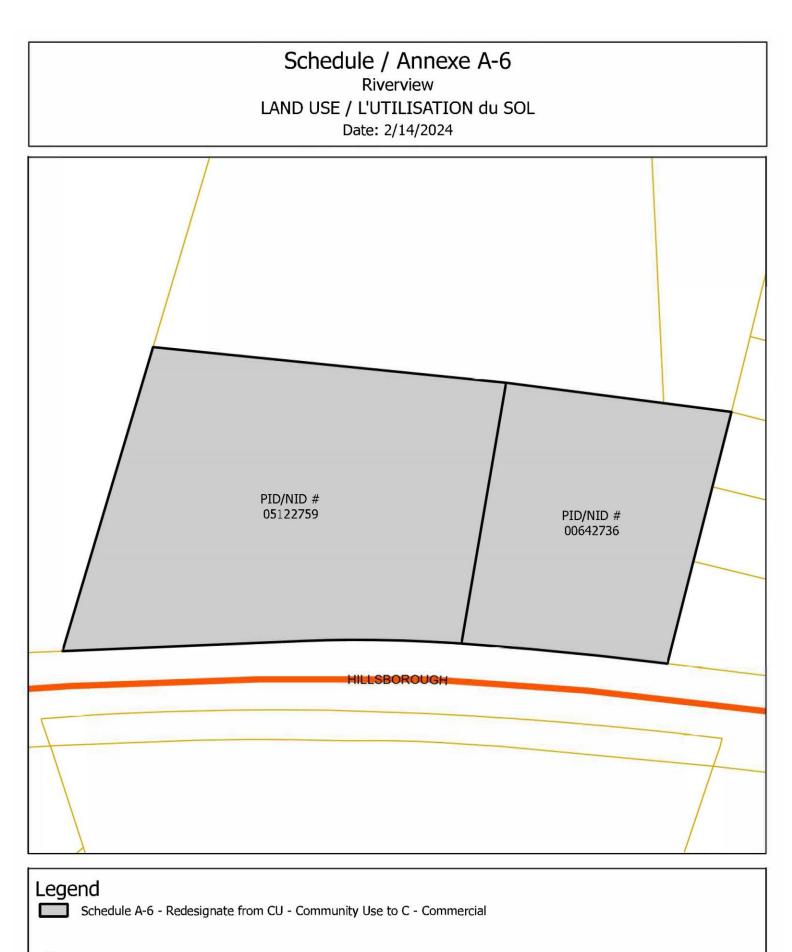
The Town of Riverview Municipal Plan, being By-law Number 300-33 enacted on October 22, 2018, and filed in the Albert County Registry Office as number 38741717 on January 16, 2019, is hereby amended as follows:

1. Schedule A, being the Generalized Future Land Use Map, is hereby amended as shown on the map dated February 14, 2024, attached hereto as Schedule A-6.

ENACTED this	day of		, A.D. 2024.

MAYOR Andrew Leblanc TOWN CLERK Annette Crummey

First Reading Second Reading Third Reading



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BY-LAW No. 300-7-14

A BY-LAW TO AMEND THE TOWN OF RIVERVIEW ZONING BY-LAW

BE IT ENACTED by the Town Council of the Town of Riverview as follows:

The Town of Riverview Zoning By-Law, being By-Law No. 300-7, ordained and passed on October 22, 2018 and filed in the Albert County Registry Office on January 16, 2019 as number 38741691, is hereby amended as follows:

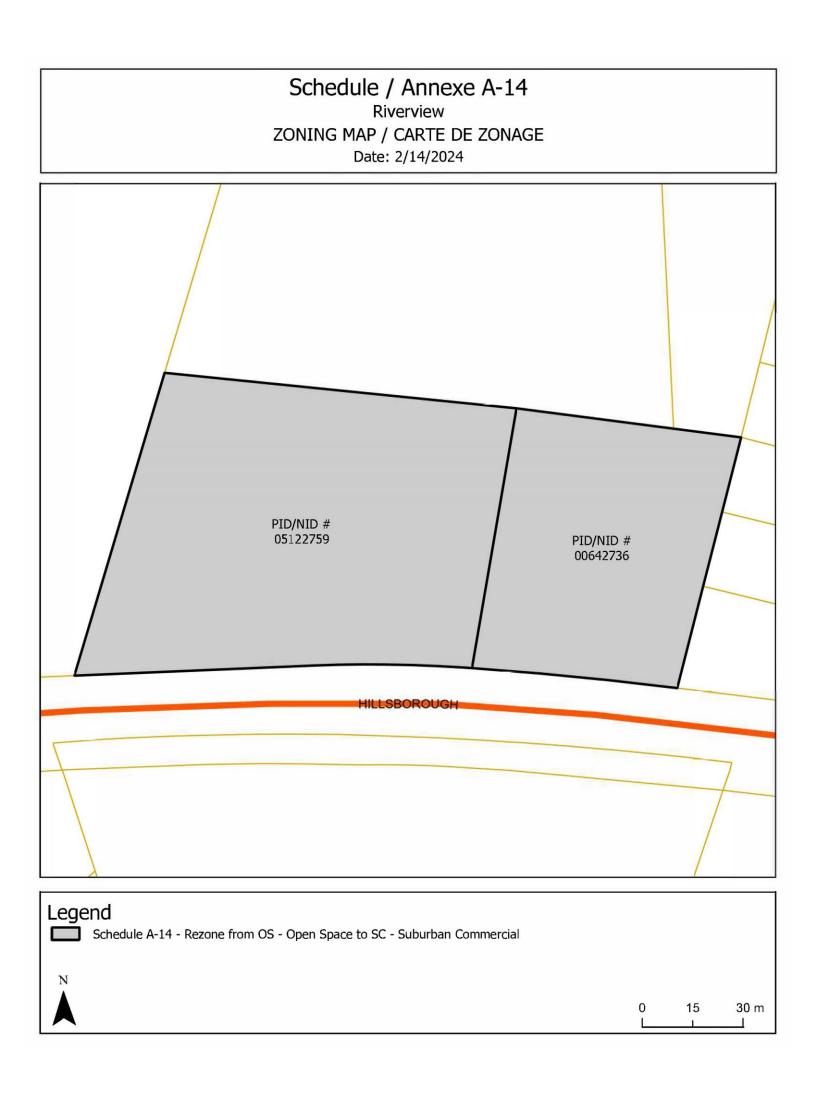
1. Schedule A, being the Town of Riverview Zoning Map, is amended as shown on the map dated February 14, 2024, attached hereto as Schedule A-14.

ENACTED this _____ day of _____

_, A.D. 2024.

MAYOR Andrew Leblanc TOWN CLERK Annette Crummey

First Reading Second Reading Third Reading



THIS AGREEMENT MADE THIS _____ DAY OF ___

____, 2024

BETWEEN: THE TOWN OF RIVERVIEW, a municipal corporation, incorporated under the Legislative Assembly of the Province of New Brunswick and located at 30 Honour House Court, Riverview, County of Albert, Province of New Brunswick, E1B 3Y9,

hereinafter called the "Town" Of the First Part;

-and-

Corey Craig Enterprises, 713 Main Street, 2nd Floor, Moncton, NB E1C 1E3

hereinafter called the "Proponent" Of the Second Part

WHEREAS the Proponent has applied to redesignate the properties on Hillsborough Road bearing PIDs 05122759 and 00642736 from CU – Community Use to C - Commercial, and to rezone said properties from OS – Open Space to SC – Suburban Commercial in order to permit a drive-thru restaurant, service station, and future commercial development;

AND WHEREAS the Planning Advisory Committee has recommended that the Town rezone said property in accordance with, and subject to the provisions contained in section 59 of the *Community Planning Act*, and subject to certain terms and conditions herein set forth;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Proponent's Covenants

The Proponent covenants and agrees to develop the lands in compliance with the following terms and conditions:

- a) That the first building, including the drive-thru restaurant, service station, and future expansion, be developed in substantial conformity with the site plan dated January 2024, attached hereto as Schedule B;
- b) That the permitted main uses of the property shall be limited to the following:
 - a. Bank or financial institution;
 - b. Brewery, distillery or winery;
 - c. Car wash, subject to conditional use approval;
 - d. Daycare centre;
 - e. Entertainment use;
 - f. Office use;
 - g. Personal service shop;
 - h. Pet service use;
 - i. Recreational use;
 - j. Restaurant;
 - k. Restaurant, including drive thru subject to conditional use approval;
 - 1. Retail store;
 - m. Service station subject to conditional use approval; and
 - n. Veterinary clinic
- c) 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
- d) That as-built drawings for engineering submissions shall be required within 30 days after construction of each building.

2. The Town's Covenants

The Town covenants with the Proponent as follows:

- a) That the Town will undertake to carry out all necessary procedures to ensure that modifications to the zoning map shall conform with the attached Schedule A-13 subject to the terms herein contained and for the purposes stated herein.
- 3. Notices

Any notices under this agreement shall be sufficiently given by personal delivery by registered mail, postage prepaid, and mailed in a Canadian Post Office, addressed:

Proponent	Town		
JAMIE SMITH	TOWN OF RIVERVIEW		
COREY CRAIG ENTERPRISES	ATTN: TOWN CLERK		
713 MAIN STREET, 2 ND FLOOR	30 HONOUR HOUSE COURT		
MONCTON, NB E1C 1E3	RIVERVIEW, NB E1B 3Y9		

4. The Proponent acknowledges and agrees that notwithstanding anything contained herein, the approval of the Town to the amendment to the zoning of the land is wholly conditional upon compliance by the Proponent with the terms and conditions herein, and further shall be of no effect until the zoning amendment is perfected pursuant to subsection 59(2) of the *Community Planning Act* of New Brunswick.

5. Successors

THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the Town and the Proponent have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

SIGNED, SEALED AND DELIVERED

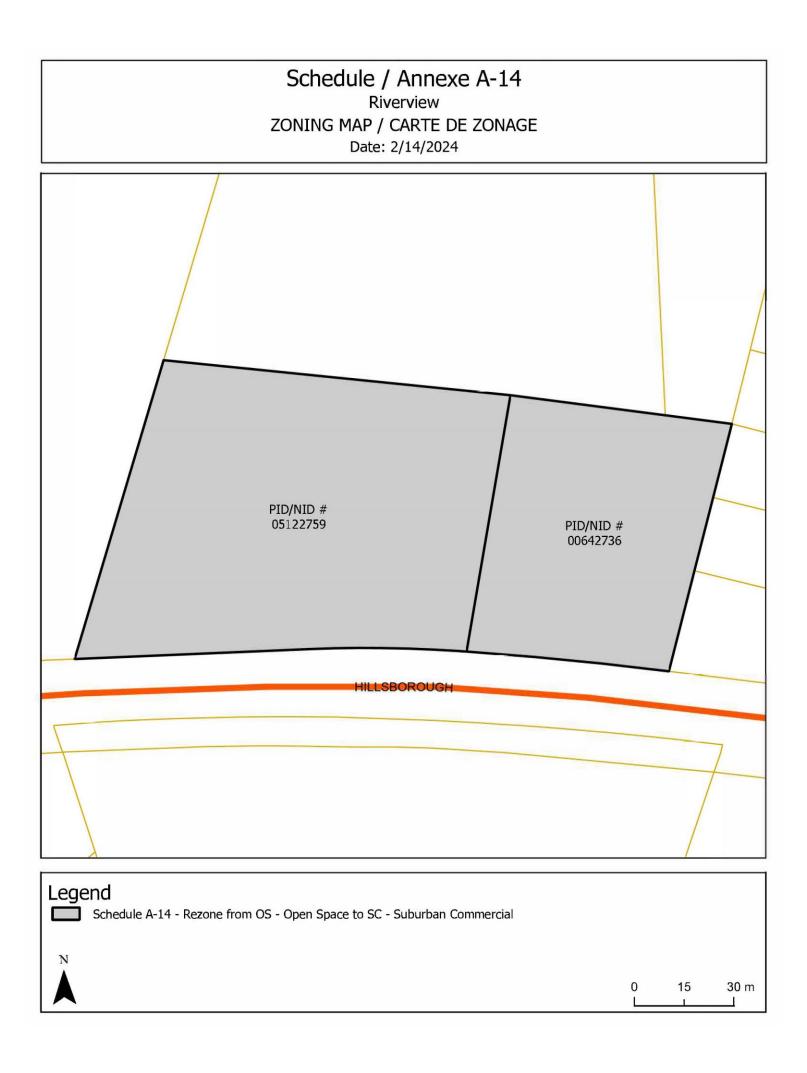
THE TOWN OF RIVERVIEW

MAYOR

CLERK

PROPONENT

JAMIE SMITH COREY CRAIG ENTERPRISES



SCHEDULE B

