

Riverview Planning Advisory Committee

November 9, 2022

Staff Report

Subject : New location of public streets and land for public purpose

File number 21-1851

From :

Reviewed by :



Kirk Brewer
Planner



Lori Bickford
Planner

General Information

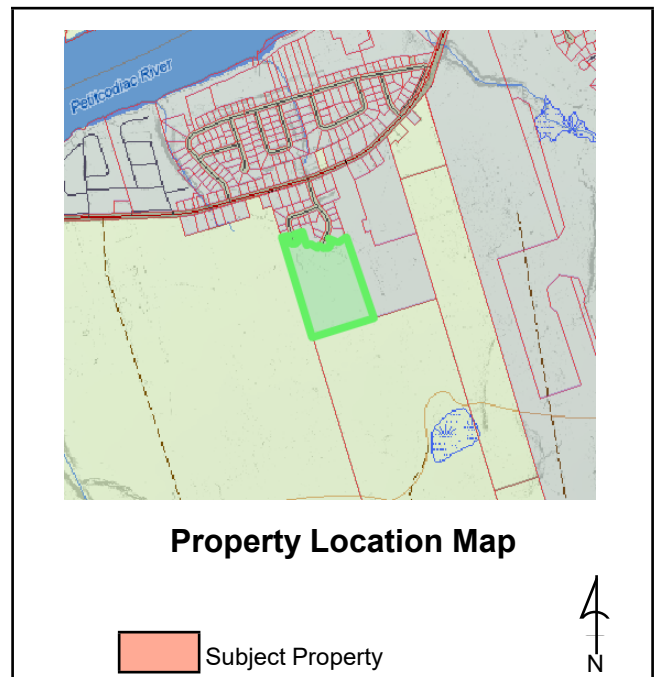
Applicant :

Landowner /:

Ja-Ron Enterprises

Proposal :

Unit 2 of Smith Hill Subdivision to create new public streets, land for public purposes.



Site Information

PID : 05098314

Lot Size : 6.8ha

Location:

Cudmore street, Carrington Drive

Current Use : vacant land

Zoning :

Residential Mixed

Future Land Use :

Residential

Surrounding Use & Zoning : Residential mixed, Rural Area, and Single unit dwelling

Municipal Servicing :

municipal water and sewer

Access-Egress : Cudmore to Coverdale road

Policies

Road Network

The fact that Riverview has traditionally served as a bedroom community for employers in Moncton and Dieppe raises many challenges for the ongoing maintenance of the public street system. With the automobile continuing to be the major mode of transport, funding from senior levels of government becoming harder to acquire, and increased through traffic to Moncton and beyond (e.g. Fundy National Park), the future road network must be carefully planned. The Town has acknowledged the importance of this issue and is committed to working on a tricommunity Sustainable Transportation Plan. Improving the connectivity of streets will enhance traffic movement in the Town, increase the choices for travel, and influence traffic patterns and travel behavior.

Policy 4.6.12 Council shall encourage connectivity between neighbourhoods and local streets based on the smart growth principles of this Plan.

Policy 5.1.2 It shall be the intention of Council to encourage developments to incorporate smart growth principles such as:

- (a) mix land uses;
- (b) complete, walkable, vibrant neighbourhoods;
- (c) transportation choices;
- (d) housing choices;
- (e) encourage new developments within the existing urban growth boundary;
- (f) preserve green spaces, natural beauty, and environmentally sensitive areas;
- (g) utilize smarter and cost effective infrastructure and green buildings;
- (h) foster a unique sense of identity; and
- (i) community involvement.

Policy 5.6.2 It shall be the intention of Council to provide, within the Residential Mix zone (RM) a variety of housing styles, including single and two unit dwellings and semi-detached dwellings as well as permitting within single unit dwellings secondary uses such as an accessory dwelling unit, a garden suite, a home

occupation, a bed and breakfast or, as per Policy 5.4.5, a home daycare.

Policy 9.0.7 It shall be the intention of Council to instruct the Committee, when a proposed subdivision involves dedication of lands for public purposes or cash in lieu, to have regard for the following:

- (a) the existence of other nearby facilities;
- (b) quantity and nature of local recreation demand;
- (c) land suitability for intended purpose;
- (d) accessibility;
- (e) site frontage;
- (f) potential for integration with existing park and open space network;
- (g) compatibility with existing and proposed land uses;
- (h) potential vehicular generation and necessity for on-site parking; and
- (i) potential maintenance and property tax cost.

Policy 9.0.9 It shall be the intention of Council to discourage small park spaces, such as tot lots, and instead encourage district parks and connectivity between them, so that all residents have adequate accessibility to parks, open spaces and recreational facilities.

Zoning and/or Subdivision Regulation

Lands for Public Purposes

4. (1) As a condition of approval of a subdivision plan, land in the amount often (10) percent of the area of the subdivision exclusive of public streets, at such location as assented to by Council pursuant to the Community

Planning Act, is to be set aside as "lands for public purposes" , and so indicated on the plan.

(2) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the municipality in the amount of eight percent of the market value of the land in the proposed subdivision at the time of submission for approval of the subdivision plan exclusive of streets intended to be publicly owned.

(3) Nothing in this section shall affect the ability of the applicant and the Town of Riverview to enter into an agreement providing for the setting aside of part land and part cash-in-lieu, provided that the aggregate value

to the Town shall not be less than that provided in subsections (1) or (2).

Internal Consultation & External Consultation

The proposal was discussed with the Development Review Committee (Planning, CAO/Administration, Engineering and Works, Parks, Economic Development, Fire and Rescue). No concerns were raised regarding the proposal, and staff is satisfied with the street location and lands for public purpose.

All public utilities were contacted and are satisfied with the easements as proposed.

Civic addresses have been assigned.

Discussion

In August of 2021 an application was received to complete the Smith Hill subdivision (unit 2) This parcel had been previously approved by council in 2010 as part of an overall subdivision plan. The amount of land for public purpose proposed at that time was only sufficient to develop the first Unit so Council determined that cash in lieu would be used for the remaining lands. The plan submitted in 2021 also modified the street network and so a new recommendation and approval is now required.

The changes include the relocation of future street access to neighboring properties, removal of some cross streets, and an addition to the land for public purpose being dedicated.

The removal of the cross streets (Cannon and Carpenter) actually reduces the total number of lots proposed but increases the size of the lots which could allow for different housing options within the development. It also does not create any cul-de-sacs and the plan follows the subdivision by-law requirements except for the connectivity to neighboring parcels. The 2010 plan proposed connections to the east, south, and west.

The current plan removed the connection to the west and replaced it with Lot 22-5 due to rumours of a potentially incompatible use occurring on the adjacent property (PID 00645754) in the future. No development application has been received for the adjacent PID, and Staff are of the opinion that this connection would ideally be maintained to provide connectivity from all directions. That said, the connections to the east and south will be maintained to allow for connectivity to the future collector roads shown on the Future Roads map. Further, PID 00645754 is currently outside the Urban Growth Boundary, and has enough road frontage to provide more than one access point if and when it is developed at some point in the future.

For the land for public purpose requirement the market value of the land was never established during the approval in 2010 so this must be addressed during this application at today's value. The amount of land previously dedicated was more than what was required for the registered plan (Phase 1) but not enough to cover the entire subdivision.

Unit 1 plan

Total area 21362m² @ 10% = 2136m²

Amount of LFPP dedicated 3549m² leaving a credit of 1413m²

Unit 2 plan

Total area 52895m² minus Unit 1 credit of 14130m² = 38765m²

10% of 38765m² = 3876m² LFPP owed

3876m² minus new LFPP dedication of 1078m² = 2798m² remaining LFPP contribution required.

2798m² of land for public purpose would be equivalent to approximately two of the larger lots in the proposed development. When negotiating the market value of the land with the developer there was a significant difference between the market value staff was proposing and what the developer considered a reasonable amount. As a compromise, the additional land for public purpose is now proposed adjacent to the existing lands (previously lot 21-36) which significantly increases the road frontage dedicated as park land, which was deemed as desirable by the Development Review Committee, since it will increase the visibility into the park as well as increasing the size of the park.

The Committee also recognized that the additional park frontage will result in a financial loss to the

developer, since the road and associated infrastructure will still need to be built without the sale of the lot to compensate for those costs. As such, the Committee was willing to factor those costs into the remaining cash requirement. Town Administration worked with the developer to agree on a cash contribution of \$30,000, which will be the amount considered by Council. Staff support this amount considering the amount and location of land that is being dedicated for this subdivision.

No other issues were identified during the review of the development with municipal staff.

Public Notice

No public notice is required for this application.

Legal Authority

Community Planning Act

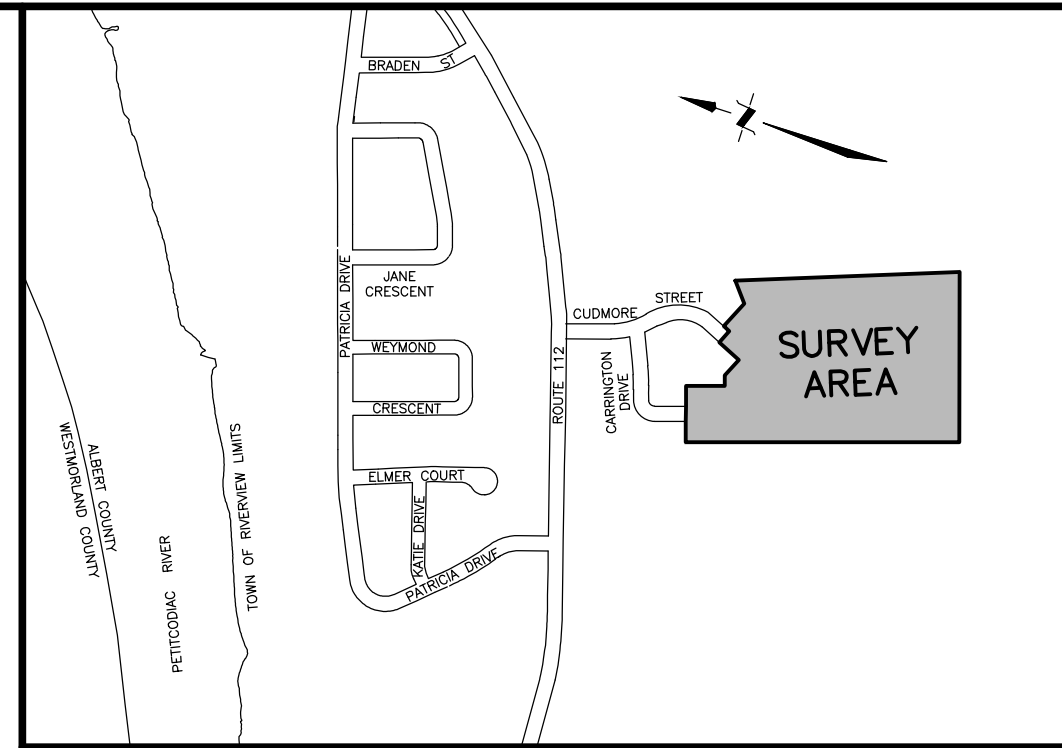
88(1) If a subdivision plan of land in a municipality provides for the laying out of public or future streets or the setting aside of land for public purposes, approval of the plan by the development officer shall not be given until the plan has been assented to by council.

88(4) (a) subject to subsection (8), the advisory committee or regional service commission has recommended the location of the streets referred to subsection (1) or (2), or the land for public purposes referred to in subsection (1) or (3) , or both, as the case may be, or the recommendation has been rejected by a majority of the members of council, and (b) paragraph 75(1)(i) has been complied with.

Recommendation

Staff respectfully recommends that the Riverview Planning Advisory Committee recommend the Town of Riverview council assent to the extension of Cudmore Street and Carrington Drive as well as the land for public purposes as shown on the Smith Hill Estates Unit 2 subdivision plan dated September 23, 2022.

APPROVALS



LEGEND

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
SURVEY SYSTEM COORDINATE WORKPOINT	⊙	FOUND	⊙
STANDARD SURVEY MARKER PLACED	⊙	CALCULATED	⊙
STANDARD SURVEY MARKER FOUND	⊙	REGISTERED	⊙
STANDARD SURVEY MARKER FOUND	⊙	DERIVED FROM TOWN'S REGISTRATION	⊙
CALCULATED COORDINATE POINT	⊙	THE SURVEYOR'S REGISTRATION	⊙
TABULATED COORDINATE REFERENCE	⊙	NELS REGISTRATION NUMBER	⊙
SURVEYED WOODEN SURVEY POST	⊙	SQUARE METERS	m ²
WOODEN SURVEY POST	⊙	MILLIMETERS	mm
SQUARE IRON BAR FOUND	⊙	HECTARE	ha
ROUND IRON BAR FOUND	⊙	ACRES	ac
ROUND IRON BAR FOUND	⊙	DERIVED FROM PLAN	(SHP)
DISTANCE/ALPHABET CALLED FOR IN Doc	(mm)	NEW BRUNSWICK LAND SURVEYOR	NELS
PUBLIC UTILITY EXISTENCE	—	CERTIFICATE OF REGISTERED DIMENSIONS	CD
LOCAL GOVERNMENT SERVICES EASEMENT	—	SERVICE LAW BRANCH	DLB
EASEMENTS SHOWN THIS PLAN	—	DOCUMENT / VOLUME / PAGE	Doc./Vol./Pg.
LANDS DEALT WITH BY THIS PLAN	—	DRAWING IDENTIFIER	13-2
		ORDINARY FRESH WATER MARK	(1:1000) —
		ORDINARY FRESH WATER MARK	(1:250) —



J.D. IRVING, LIMITED
Doc. 08465, Vol. 6-4, Pg. 155
05 04/2024

UTILITIES APPROVAL

PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENTS REGULATION" 2021-83, THE PUBLIC UTILITY EASEMENTS ON THIS PLAN VEST IN NEW BRUNSWICK POWER CORPORATION, BELL CANADA, AND ROGERS COMMUNICATION INC., WITH THE FILING OF THIS PLAN.

DOCUMENT

PID's 5102470 AND 5102488 (SMITH HILL DEVELOPMENT CORPORATION TO JA-RON ENTERPRISES LTD. DATED 2010-07-28 REGISTERED 2010-08-06 TRANSFER NUMBER 29068096

DOCUMENTS

PID 5098314 (SMITH HILL DEVELOPMENT CORPORATION TO JA-RON ENTERPRISES LTD. DATED 2010-07-28 REGISTERED 2010-08-06 TRANSFER NUMBER 29068096

PURPOSE OF PLAN

- TO AMEND FUTURE STREETS (TEMPORARY TURNAROUND), PROMENADE CARRINGTON DRIVE (PUBLIC), AS PURSUANT TO 88(6)(a) OF THE COMMUNITY PLANNING ACT, 2017.
- TO CREATE LOTS 22-1 TO 22-56 FOR RESIDENTIAL BUILDING PURPOSES.
- TO CREATE LAND FOR PUBLIC PURPOSES AS SHOWN, AS PURSUANT TO 88(6)(c) OF THE COMMUNITY PLANNING ACT, 2017.
- TO CREATE RUE CUDMORE STREET (PUBLIC) AND PROMENADE CARRINGTON DRIVE (PUBLIC), AS PURSUANT TO 88(6)(a) OF THE COMMUNITY PLANNING ACT, 2017.
- TO CREATE TWO FUTURE STREETS AS SHOWN, AS PURSUANT TO 88(6)(b) OF THE COMMUNITY PLANNING ACT, 2017.
- TO CREATE PUBLIC UTILITY EASEMENTS (P.U.E.) SHOWN THIS PLAN, PURSUANT TO SECTION 5, REGULATION 2021-83, OF THE COMMUNITY PLANNING ACT.
- THE NEW USE OF A PORTION OF THE FUTURE STREETS (TEMPORARY TURNAROUND), PLAN 31823819, WITHIN LOTS 22-1, 22-2, 22-31, 22-32 AND 22-33, WILL BE FOR RESIDENTIAL BUILDING PURPOSES AND A DOCUMENT TRANSFERRING OWNERSHIP TO THE DEVELOPER OF THAT/THOSE PORTION(S) OF LOTS 22-1, 22-2, 22-31, 22-32 AND 22-33 SHALL BE PROVIDED TO THE REGISTRAR PURSUANT TO 89(4)(c) OF THE COMMUNITY PLANNING ACT, 2017.

NOTES

- DIRECTIONS ARE N.B. GRID AZIMUTHS DERIVED FROM THE SERVICE NEW BRUNSWICK'S HIGH PRECISION NETWORK ACTIVE CONTROL SYSTEM.
- THE SCALE FACTOR USED WAS 1.000024.
- THE DOCUMENT NUMBERS REFERRED TO ON THIS PLAN ARE THOSE OF THE COUNTY REGISTRY OFFICE AND OR THE PROVINCIAL LAND REGISTRATION OFFICE FOR THE DISTRICT OF NEW BRUNSWICK.
- ADJACENT OWNER INFORMATION OBTAINED FROM SNB RECORDS.
- AS USED HEREIN, THE WORD CERTIFY SHALL MEAN AN EXPRESSION OF THE CONSULTANT'S PROFESSIONAL OPINION TO THE BEST OF ITS INFORMATION, KNOWLEDGE AND BELIEF, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE BY THE CONSULTANT.
- ALL DISTANCES SHOWN ARE CALCULATED GRID DISTANCES.
- CERTIFICATION IS NOT MADE AS TO LEGAL TITLE, BEING THE DOMAIN OF A LAWYER, NOR TO THE ZONING & SETBACK BY-LAWS OR REGULATIONS, BEING THE DOMAIN OF A DEVELOPMENT OFFICER.
- CERTIFICATION IS NOT MADE AS TO COVENANTS SET OUT IN THE DOCUMENT(S) AND THE LOCATION OF ANY UNDERGROUND SERVICES AND OR FIXTURES, PERMANENT OR OTHERWISE.
- FIELD SURVEY WAS COMPLETED FEBRUARY 24, 2022.

OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I REPRESENT THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN.

ANDREW J. LEBLANC (MAYOR)
FOR: THE TOWN OF RIVERVIEW

ANNETTE CRUMMEY (TOWN CLERK)
FOR: THE TOWN OF RIVERVIEW

OWNER'S STATEMENT

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I REPRESENT THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN.

JAMES RITCHE, PRESIDENT
FOR: JA-RON ENTERPRISES LTD.

AMENDING SUBDIVISION PLAN:
UNIT 2
SMITH HILL ESTATES SUBDIVISION
AMENDING PLAN 31823819
SITUATED AT THE SOUTH END OF RUE CUDMORE STREET
AND PROMENADE CARRINGTON DRIVE,
TOWN OF RIVERVIEW, PARISH OF COVERDALE,
COUNTY OF ALBERT, PROVINCE OF NEW BRUNSWICK



WSP 1070 ST. GEORGE BOULEVARD, SUITE 100
MONCTON, NEW BRUNSWICK
CANADA, E1E 6E7-6T5
PHONE: 506-857-6165
WWW.WSP.COM

SURVEYOR'S STATEMENT
HEREBY CERTIFY THAT THIS PLAN IS CORRECT.

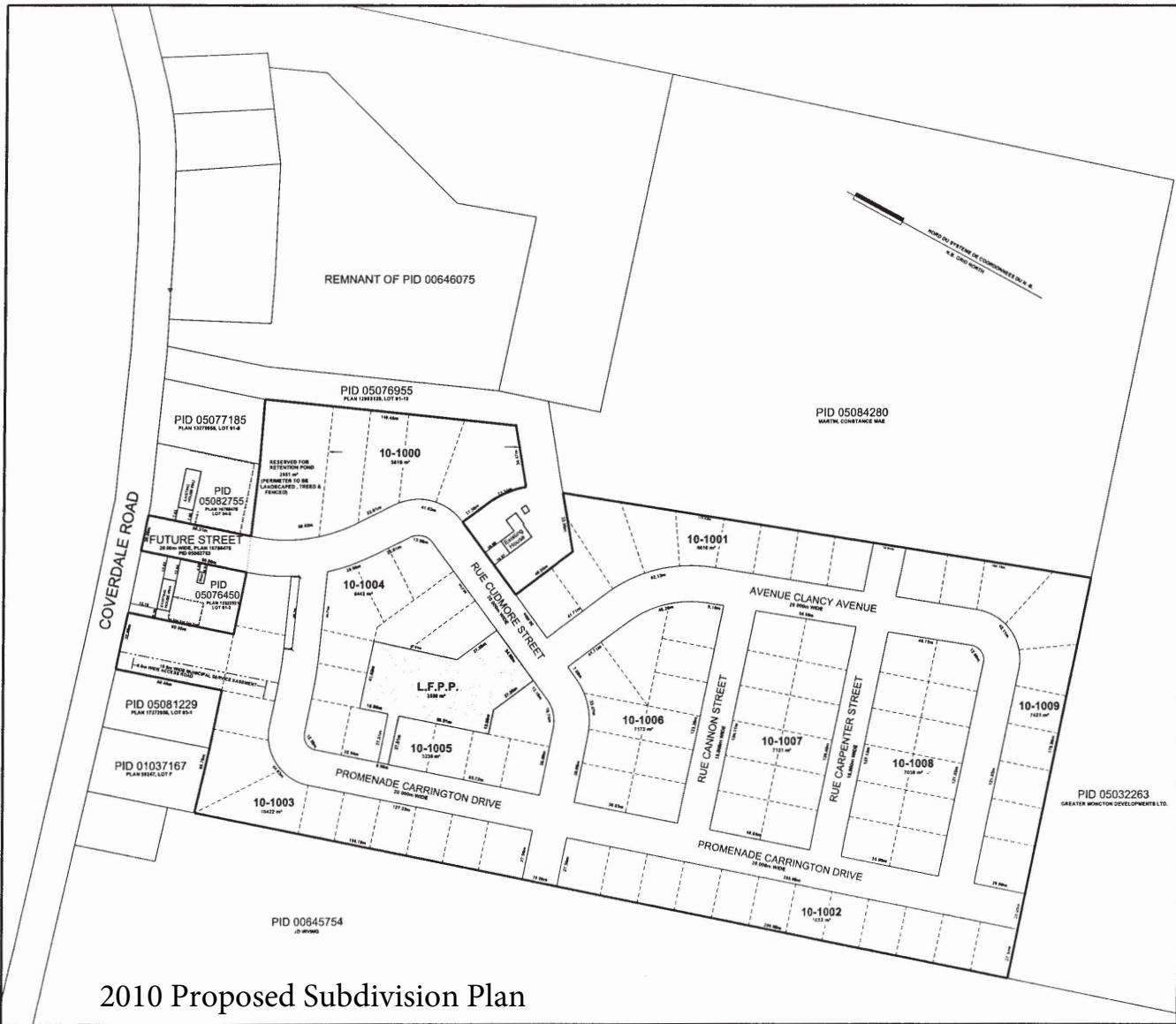
VALIDATION SEAL
A.N.B.L.S.
No. 381
2022-09-23

TENTATIVE

DATE: 2022-09-23

DRAWN: NRB/SBM FIELD: DMW/SSD CHECKED: —
JOB: 211-06442 CAD: 211-06442-624 ZONE: 130-09NW

"Tentative Plan"



KEY PLAN

LAND FOR PUBLIC PURPOSES

RESIDENTIAL AREA	= 74508 m ²
LFFPP 10% (REQUIRED)	= 7451 m ²
LFFPP AS SHOWN	= 3550 m ²

PURPOSE OF PLAN

TO CREATE LOTS 10-1000 TO 10-1009 FOR FUTURE DEVELOPMENT
 TO CREATE LAND FOR PUBLIC PURPOSES, AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A PORTION OF 35.000m WIDE PUBLIC STREET "RUE CLUDMORE STREET", AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A PORTION OF 35.000m WIDE PUBLIC STREET "CLARRINGTON DRIVE", AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A PORTION OF 35.000m WIDE PUBLIC STREET "AVENUE CLANCY AVENUE", AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A PORTION OF 18.000m WIDE PUBLIC STREET "RUE CANNON STREET", AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A PORTION OF 18.000m WIDE PUBLIC STREET "RUE CARPENTER STREET", AS SHOWN, PURSUANT TO SECTION 88(1) OF THE COMMUNITY PLANNING ACT, 1972
 TO CREATE A 15.00m WIDE MUNICIPAL SERVICES EASEMENT, PURSUANT TO SECTION 8 OF REGULATION 84-01 OF THE COMMUNITY PLANNING ACT, 1972.

TENTATIVE PLAN

SUBDIVISION PLAN
SMITH HILL ESTATE SUBDIVISION
 UNIT 1

SOUTH SIDE OF COVERDALE ROAD
 PARISH OF COVERDALE
 COUNTY OF ALSBERT
 PROVINCE OF NEW BRUNSWICK

SCALE 1 : 1000 ECHELLE

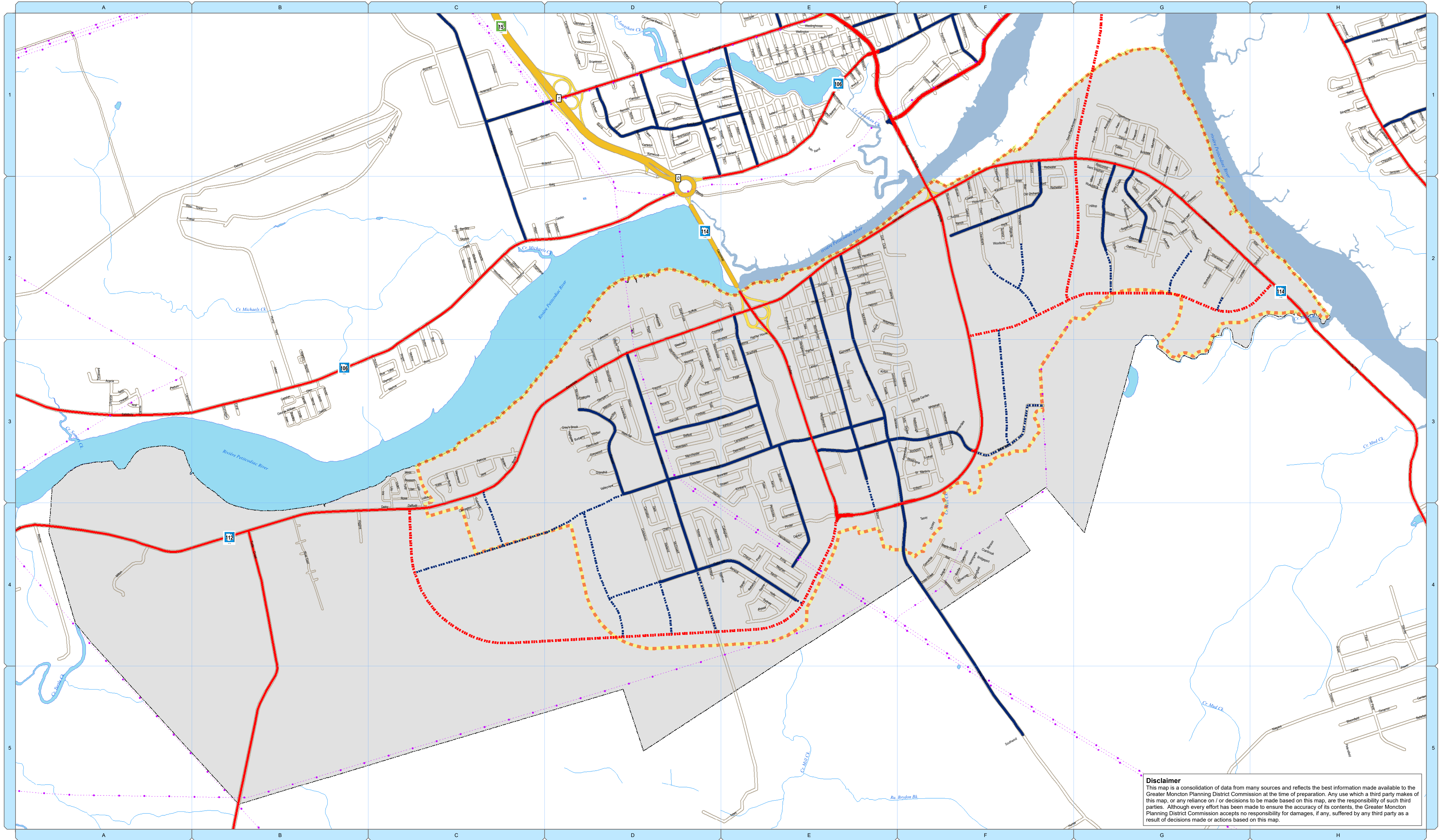
DRAWN BY: B.P. CHECKED BY: J.R.D.

ide INGENIERIE LTÉE.
 J. R. DAGLE ENGINEERING LTD.

715 Main St, Suite 208
 Moncton NB
 E2C 1E9
 Tel: (506) 856-1066
 Fax: (506) 856-1068
 jrdagle@smh.nb.ca

2010 Proposed Subdivision Plan

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Disclaimer
 This map is a consolidation of data from many sources and reflects the best information made available to the Greater Moncton Planning District Commission at the time of preparation. Any use which a third party makes of this map, or any reliance on / or decisions to be made based on this map, are the responsibility of such third parties. Although every effort has been made to ensure the accuracy of its contents, the Greater Moncton Planning District Commission accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this map.

Legend

	Transmission Lines		Future Arterial		Future Collector		Urban Growth Boundary
	Freeway		Arterial		Collector		Riverview Town Limits

Schedule B
Town of Riverview
Future Roads Map
 By-Law No. 300-33

Amendments
