

RIVERVIEW PLANNING ADVISORY COMMITTEE

STAFF REPORT

Subject : PAC subdivision approval; Type 2 subdivision with variance

File number: 22-0124

Meeting Date: Wednesday, March 9, 2022

From :

Reviewed by :



Kirk Brewer
Planner / Urbaniste



Lori Bickford
Planner / Urbaniste

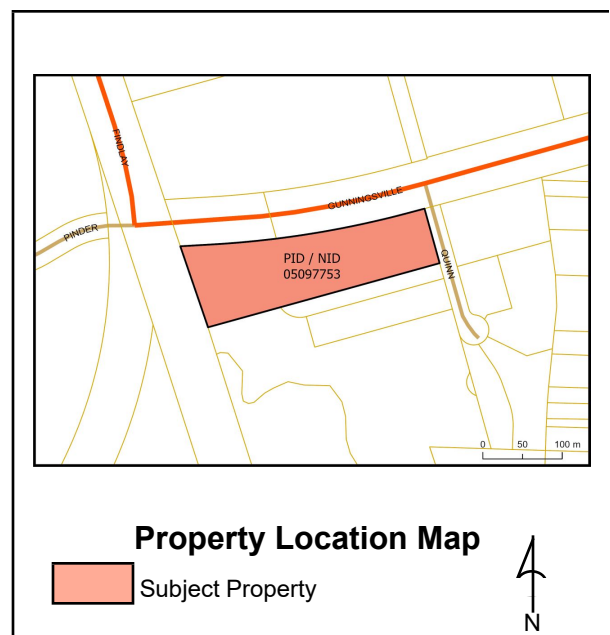
GENERAL INFORMATION

Applicant/: Kaitlyn Lacelle, Thrive Properties

Landowner : Kaitlyn Lacelle, Thrive Properties

Proposal:

PAC approval to create Lot 22-01 on an access other than a public street; and variance request to reduce the frontage of Lot 20-02 from 30m to 19.5m



SITE INFORMATION

Location: Gunningsville Blvd, Town of Riverview / Ville de Riverview

PID: 05097753

Lot Size: 2.54 hectares

Current Use: Multi-unit

Zoning: SC

Future Land

Use: Commercial

Surrounding

Use & Zoning: Suburban commercial / R3 multi-unit residential / PRI municipal park

Municipal

Servicing: Public water, sanitary and storm sewer are available

Access/Egress: Quinn Court

Municipal Plan Policies

Municipal Plan

Ensuring that all modes of transport move safely and efficiently is a major goal of this Plan. The Controlled Access Streets By-law will be used to achieve this goal and access management in general will be promoted throughout the Town to help reduce traffic conflicts and congestion.

Policy 4.6.9 Council will ensure that the public street system is efficient and safe through the use of the Controlled Access Streets By-law and by implementing access management principles in the Zoning By-law.

Zoning Bylaw and or Subdivision By-law Regulation

Subdivision By-law:

Every lot, block and other parcel of land in a subdivision shall abut,

- (a) a street owned by the Crown or the Town of Riverview; or
- (b) in the case of lands owned or to be acquired by the Town of Riverview, public utilities and existing conditions only, such access other than a street mentioned in subsection (a) as may be approved by the Committee as being advisable for the development of land.

“abut” means having access thereto directly.

“restricted access” means an access with a raised triangular island which obstructs left turns and through movements to and from the intersecting street or driveway situated in the proximity of a median strip existing on the street.

Zoning By-law:

SC Zone minimum lot frontage: 30m

Controlled Access Streets By-law:

2(1) No person shall construct, use, open or permit the use of any access to any part of a street designated as a controlled access street.

3 This by-law shall not apply to

- (d) a restricted access approved by the Director of Engineering and Public Works

Internal Consultation & External Consultation

This proposal was discussed by the Development Review Committee (Planning, Engineering, Clerk/CAO, Parks). The Committee recognized the uniqueness of the situation, and agreed that given the various constraints on three sides of the property, the proposed solution is acceptable to the Town.

Notification of both applications was sent to property owners within 60m of the subject property on February 23.

Discussion

The property in question is a corner/through lot with three frontages on Quinn Court, Gunningsville Blvd, and the future (unbuilt) Findlay Blvd extension. The property is approximately 2.5 hectares (6 acres), with 71m of frontage on Quinn Ct and widening to 104m at the western end where it fronts on Findlay extension.

The developer currently has one multi-unit building under construction in the middle of the site, with the long-term goal of building two more buildings. In order to accommodate this, the proposal is to subdivide the property into three lots so that each building will be located on its own PID. Due to

several factors, PAC approvals are required to approve the subdivision plan as proposed in order to allow a lot without public road frontage and to reduce one of the lot frontages from 30m to 19.5m.

The longest frontage (300+ metres) is located along Gunningsville Blvd, which is designated as a controlled access street. Per the subdivision by-law, all new lots must abut a street owned by the Town. The definition of “abut” specifies that the lot must have direct access to the street. The width of the property along Gunningsville is insufficient to provide an access that meets the minimum 200m separation distance from Quinn Ct. and Findlay Blvd. intersections.

Recent amendments to the Controlled Access By-law allow a “restricted access” (right-in, right-out) if there is a concrete median located on the controlled access street that would restrict left turns into and out of the property. Given the presence of a median along Gunningsville Blvd in proximity to the Findlay intersection, this property would be permitted a restricted access in a limited area at the western edge of the property. However, the location of this access would interfere with the location of one of the future proposed buildings as shown on the concept plan submitted as part of PAC’s approval of Building “A” in 2021. Further, the Town’s Engineering department would prefer for Quinn Ct. to be the only southern access to Gunningsville in this area, and would rather avoid an additional access at this location if possible.

The developer has submitted a tentative subdivision plan proposing three lots: Lot 22-03 meets lot size, frontage width, and public access requirements; Lot 22-02 has access onto Quinn Ct but would require a variance to reduce the frontage from 30m to 19.5m in order to create a flag lot; and Lot 22-01 would front onto Gunningsville Blvd, but would not satisfy the by-law requirements to have direct access thereto. As such, this lot would only be accessible via Lot 22-02 and would require special approval from PAC.

The proposed lot configuration is designed so that each property meets the minimum lot size and is suitable to accommodate the building sizes and configurations shown on the overall concept plan. While the 71m of road frontage along Quinn Ct. would technically permit two separate lots, each with the minimum required 30m of frontage, this would not allow for the L-shaped building configuration shown on the concept plan.

Approval of the subdivision plan is separate from any building approvals, and does not guarantee the entire property will develop as proposed and shown on the concept plan. However, based on the plans submitted to date, the developer’s intention is to occupy as much of the road frontages as possible with building facades in order to minimize the visibility of parking areas, which meets the intent of the municipal plan and zoning provisions. As such, the L-shaped building design requires more than the minimum 30m of frontage (approximately 52m), and reduces the remaining available frontage to 19.5m.

The main concern when prescribing lot size and frontage standards is to ensure that properties can be used for their intended purpose. In this instance, the entire 6 acre property has been designed as an overall concept, not as three independent projects. As such, building configurations, shared accesses and parking areas have been arranged to ensure each lot will be accessible and suitable for the proposed use. Even if the proposed site layout were to change, 19.5m is still a sufficient width to guarantee access to the 2.75 acre middle property. For this reason, staff is of the opinion that the variance to reduce the frontage requirement to 19.5m is reasonable and desirable for the overall development of the property.

The tentative subdivision plan shows the location of the future private right-of-ways to Lot 22-01 and the parking garage entrance on Lot 22-03. It is worth noting that a property owner can not legally grant a right-of-way to them self, and the terms of private right-of-ways are only granted via a registered document, not a subdivision plan. Therefore, Lot 22-01 would technically not be granted an automatic right-of-way with the filing of the plan - it would be created with no direct legal access. As long as all three properties are owned by Thrive, nothing will prohibit access or movement across the three lots over the proposed driving aisles. However, it is important to show the location of the proposed right-of-ways to indicate the intent to grant this legal access if any of the properties are sold

in the future.

The Planning Advisory Committee is granted authority via the Community Planning Act and Subdivision By-law to approve lots that do not abut a public street. However, the by-law directs the Committee to only grant these approvals under certain circumstances, including “existing conditions,” but does not offer guidance as to what may be considered an existing condition. Planning staff discussed this proposal at length internally and with Town administration, and all have agreed that this lot’s situation is unique due to several factors:

- 1) the original subdivision in 1990 proposed a significantly different street layout and lot fabric, that would have permitted alternative subdivision possibilities;
- 2) the subdivision plan creating Gunningsville Boulevard in 2010 and its designation as a controlled access street left the only true frontage for this lot (~71m) on Quinn Court, thereby limiting its maximum subdivision and development potential;
- 3) there is a future street designated to the south of this property, which is a remnant of the original 1990 plan. However, the Town has no interest in seeing this street develop as it is no longer part of a larger street network. Further, this land is currently being used as a skating oval as part of the Winter Wonderland park, which removes the potential for this future street to provide alternative frontage to the subject property;
- 4) the Zoning By-law permits multiple main buildings on a lot; theoretically the developer could build all three buildings, then apply to subdivide to accommodate an existing condition. However, financial lending institutions often require that each project be built on its own PID, which would complicate the construction of the second and third buildings prior to seeking subdivision approval.

Generally speaking, Planning staff discourages the creation of new lots without public road frontage. This solution may be appropriate under certain situations, but often it creates new problems that need to be addressed in the future. However, staff and Town administration are of the opinion that this situation, given the unique configuration and several constraints, offers no desirable alternatives other than the proposed plan, including reduced lot frontage for Lot 22-02, in order to permit the maximum development potential of the large, commercially-zoned property.

Public Notice

Notification was mailed to property owners within 60m of the subject property on February 23, 2022.

Legal Authority

Community Planning Act (2017)

75(1) For greater certainty and without limiting subsection 74(1), a subdivision by-law may
(c) provide that every lot, block and other parcel of land in a subdivision abuts
(i) a street owned by the Crown or the local government, as the case may be, or
(ii) an access, other than to a street referred to in subparagraph (i), approved by the advisory committee or regional service commission as being advisable for the development of land,

and

55(1) Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit...

(b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of a zoning by-law if it is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the by-law and any plan under this Act affecting the development

Recommendation

Motion 1

Staff recommends that the Riverview Planning Advisory Committee APPROVE the creation of Lot 22-01 on an access other than a public street as shown on the “Findlay Park Subdivision Plan” dated March 1, 2022, to accommodate several existing conditions including controlled access streets to the west and north, limited street frontage to the east, and Town-owned lands to the south, subject to the following condition:

1) that the proposed right-of-ways to benefit Lot 22-01 be shown on the final subdivision plan.

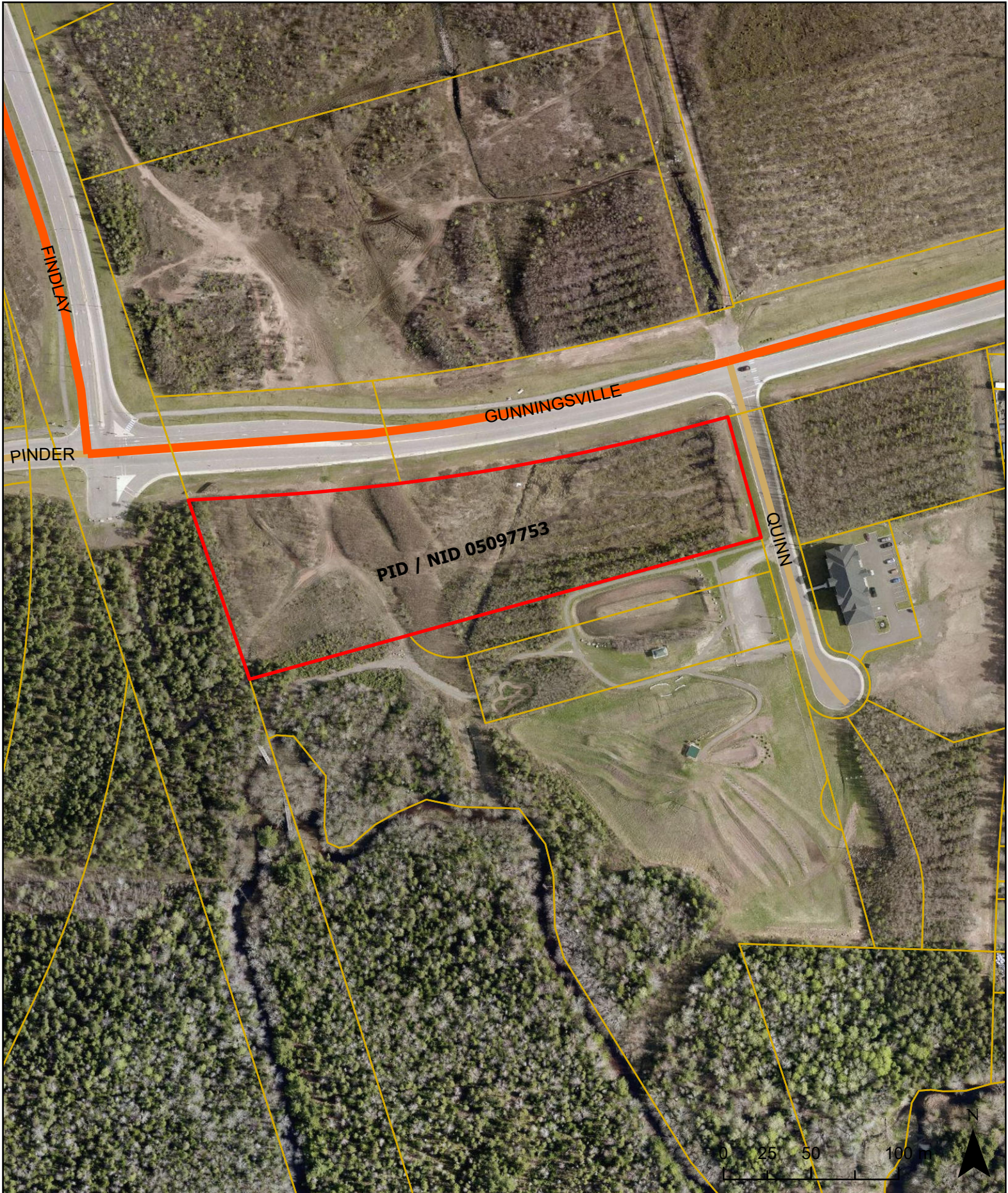
Motion 2

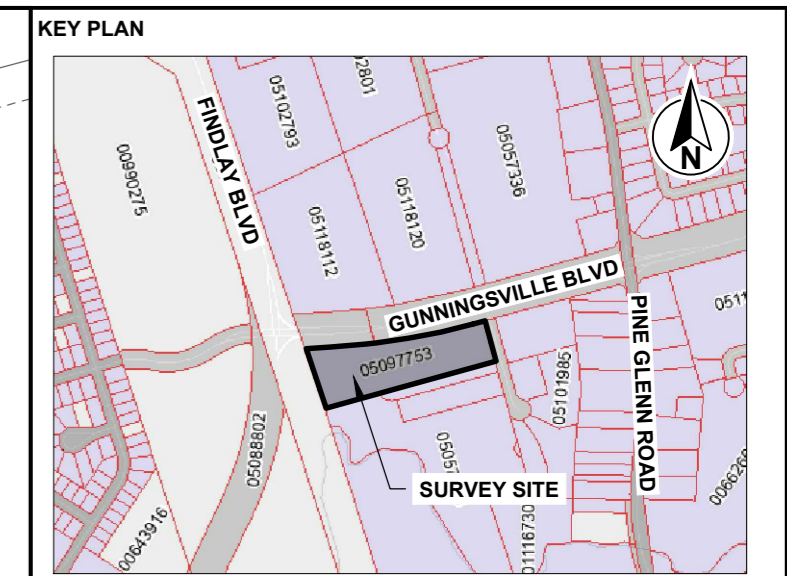
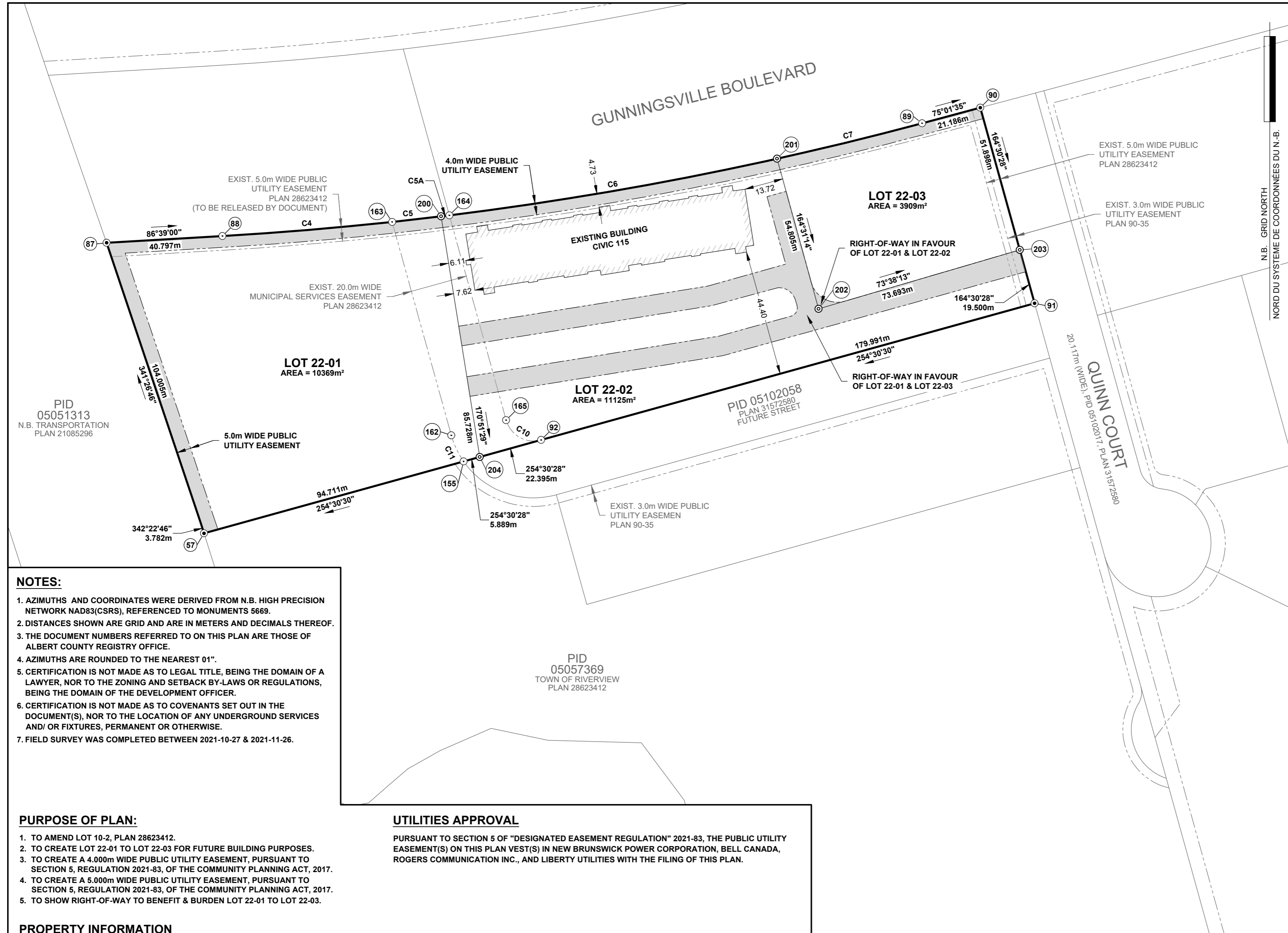
Staff recommends that the Riverview Planning Advisory Committee APPROVE the variance request to reduce the minimum lot frontage for proposed Lot 22-02 as shown on the “Findlay Park Subdivision Plan” dated March 1, 2022 because it will not compromise the future development of the lot and will allow building configurations that meet the urban design goals of the Municipal Plan and Zoning By-law

Gunningsville Blvd (PID/NID 05097753)

Riverview

Date: 3/16/2021





LEGEND

ITEM	Symbol
STANDARD SURVEY MARKER PLACED	⊙
STANDARD SURVEY MARKER FOUND	⊙
CALCULATED COORDINATE POINT	⊙
IRON PIPE FOUND	⊙
IRON BAR FOUND	⊙
SCRIBED WOODEN SURVEYOR'S POST	⊙
SQUARE IRON BAR FOUND	⊙
WOODEN SURVEYOR POST FOUND	⊙
NB GRID MONUMENT	⊙
TRAVERSE CONTROL POINT	⊙
LAND DEALT WITH BY THIS PLAN BOUNDED THUS	—
LOTLINE	—
EASEMENT	---
PROPOSED EASEMENT	---
UTILITY POLE	U.P.
GUY WIRE	G.W.
LIGHT STANDARD	⊙
OVERHEAD UTILITY LINE	---
UNDERGROUND UTILITY LINE	---
GAS LINE	---
FIRE HYDRANT	⊙
CURB STOP	⊙
FENCE	---
TREES	⊙
TREE LINE	---
MARSH	⊙
WATER WELL	⊙
ORDINARY HIGH WATER MARK	⊙
NEW BRUNSWICK HIGH PRECISION MONUMENT	N.B. H.P.N.

- NOTES:**
1. AZIMUTHS AND COORDINATES WERE DERIVED FROM N.B. HIGH PRECISION NETWORK NAD83(CSRS), REFERENCED TO MONUMENTS 5669.
 2. DISTANCES SHOWN ARE GRID AND ARE IN METERS AND DECIMALS THEREOF.
 3. THE DOCUMENT NUMBERS REFERRED TO ON THIS PLAN ARE THOSE OF ALBERT COUNTY REGISTRY OFFICE.
 4. AZIMUTHS ARE ROUNDED TO THE NEAREST 01".
 5. CERTIFICATION IS NOT MADE AS TO LEGAL TITLE, BEING THE DOMAIN OF A LAWYER, NOR TO THE ZONING AND SETBACK BY-LAWS OR REGULATIONS, BEING THE DOMAIN OF THE DEVELOPMENT OFFICER.
 6. CERTIFICATION IS NOT MADE AS TO COVENANTS SET OUT IN THE DOCUMENT(S), NOR TO THE LOCATION OF ANY UNDERGROUND SERVICES AND/ OR FIXTURES, PERMANENT OR OTHERWISE.
 7. FIELD SURVEY WAS COMPLETED BETWEEN 2021-10-27 & 2021-11-26.

- PURPOSE OF PLAN:**
1. TO AMEND LOT 10-2, PLAN 28623412.
 2. TO CREATE LOT 22-01 TO LOT 22-03 FOR FUTURE BUILDING PURPOSES.
 3. TO CREATE A 4.000m WIDE PUBLIC UTILITY EASEMENT, PURSUANT TO SECTION 5, REGULATION 2021-83, OF THE COMMUNITY PLANNING ACT, 2017.
 4. TO CREATE A 5.000m WIDE PUBLIC UTILITY EASEMENT, PURSUANT TO SECTION 5, REGULATION 2021-83, OF THE COMMUNITY PLANNING ACT, 2017.
 5. TO SHOW RIGHT-OF-WAY TO BENEFIT & BURDEN LOT 22-01 TO LOT 22-03.

UTILITIES APPROVAL

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

PROPERTY INFORMATION

PID 05097753
 REGISTERED OWNER: THRIVE LIVING LTD.
 DEED TRANSFER #41720070
 REG. 2021-08-31
 PLAN 28623412, LOT 10-2

OWNER'S STATEMENT

I, _____, ON BEHALF OF THRIVE LIVING LTD. DO HEREBY CERTIFY THAT THRIVE LIVING LTD. IS THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN, AS ITS INTERESTS MAY APPEAR.

_____ (PRESIDENT) for THRIVE LIVING LTD.

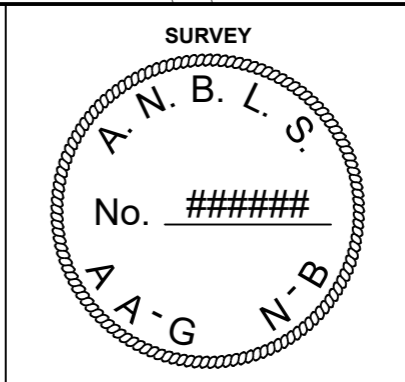
RAYWORTH & ROBERTS SURVEYS LTD.
 23 LAPLANCHE ST.
 AMHERST, N.S.

A- ####

SURVEYOR'S STATEMENT

I, MICHAEL J. GOULD N.B.L.S., DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THIS PLAN CORRECTLY DEPICTS ANY RESEARCH, FIELD WORK AND COMPUTATIONS UNDERTAKEN FOR THIS PROJECT.

MICHAEL J. GOULD N.B.L.S. #390 2022-01-



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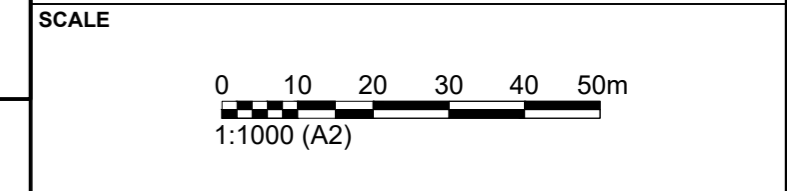
TENTATIVE SUBDIVISION PLAN

AMENDING SUBDIVISION PLAN
FINDLAY PARK SUBDIVISION
AMENDING PLAN 28623412

OWNER

THRIVE LIVING LTD.

GUNNINGSVILLE BOULEVARD
 TOWN OF RIVERVIEW
 PARISH OF COVERDALE
 COUNTY OF ALBERT
 PROVINCE OF NEW BRUNSWICK



CONSULTANT

ide J.R. DAIGLE
 ingénierie • engineering
 arpentage • land surveying

DRAWN BY	CHECKED BY	DRAWING NUMBER
M.D.	M.J.G.	SDT

PID 05097746
TOWN OF RIVERVIEW
ZONE: SC

PID 05057369
TOWN OF RIVERVIEW
ZONE: PRI

PID 05102058
TOWN OF RIVERVIEW
ZONE: SC
(FUTURE STREET)

PID 05057351
TOWN OF RIVERVIEW
ZONE: PRI

ITEM	EXISTING	PROPOSED
SANITARY MANHOLE		
STORM MANHOLE		
SANITARY SEWER		
PIPE INSULATION		
STORM SEWER		
CATCH BASIN		
DOUBLE CATCH BASIN		
SLUICE BOX		
CULVERT		
WATER MAIN		
GATE VALVE		
FIRE HYDRANT		
TEE		
BEND		
END CAP		
CURB STOP		
VALVE CHAMBER		
WATER WELL		
UTILITY POLE		
GUY WIRE		
LIGHT STANDARD		
OVERHEAD UTILITY LINE		
UNDERGROUND UTILITY LINE		
TELECOM. MAN HOLE		
TRAFFIC SIGNALS		
GAS LINE		
FENCE		
TREE LINE		
TREES		
EDGE OF BANK		
MARSH		
GROUND ELEVATION	T/C	T/C
TOP OF CONC. FOUNDATION	C/E	C/E
CRITICAL ELEVATION	C/E	C/E
BASEMENT FLOOR ELEVATION	BFE	BFE
FINISH GRADE	10.50	10.50
SURVEY MARKER		
NB GRID MONUMENT		
SIGN & POST		
CURB & GUTTER		
SIDEWALK		
GRASS AREA		
CHECK DAM		
SILT FENCE		
TEST PIT		
BORE HOLE		

PARKING TABLE PER PHASE			
	1 (A)	2 (A+B)	3 (A+B+C)
TOTAL UNITS	67	123	212
OUTSIDE PARKING	73	118	196
UG PARKING	49	90	155
BARRIER-FREE PARKING	4	5	6
TOTAL PARKING	122	208	351
PARKING RATIO	1.82	1.69	1.66

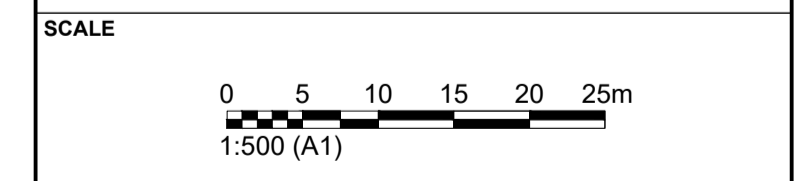
NOTES:
1. NUMBER OF UNITS AND PARKING SPACES FOR BUILDING 'B' AND BUILDING 'C' HAVE BEEN ESTIMATED BASED ON THE RELATIVE SIZE OF THE BUILDINGS COMPARED TO BUILDING 'A'.

No.	DESCRIPTION	YYMMDD
C	ISSUED FOR 95% REVIEW	2021/04/01
B	ISSUED FOR 75% REVIEW	2021/03/29
A	PRELIMINARY REVIEW	2020/12/18

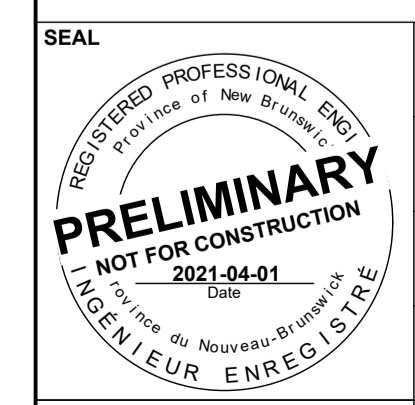
CIVIL CONSULTANT

PROJECT TITLE
MULTI-RESIDENTIAL DEVELOPMENT
PID 05097753
GUNNINGSVILLE BLVD, RIVERVIEW, NB

DRAWING TITLE
SITE PLAN & NOTES



DESIGNED BY	CHECKED BY
AF/JD	JRD
DRAWN BY	CHECKED BY
AF	JD
DOCUMENT ISSUE	REVIEW
DATE ISSUED	2021-04-01
REVISION	DRAWING NUMBER
C	C-101



GENERAL NOTES

- ALL SURVEY CONTROL OBTAINED FROM NAD83 CSRS CONTROL MONUMENT #5669 (VERTICAL DATUM CGVD28).
- ALL WORK SHALL CONFORM TO THE TOWN OF RIVERVIEW STANDARD MUNICIPAL SPECIFICATIONS (FEB 2017 OR LATEST REVISION) AND THE TOWN OF RIVERVIEW SUBDIVISION DEVELOPMENT PROCEDURES, STANDARDS AND GUIDELINES (MAR 2014 OR LATEST REVISION).
- ALL DISTURBED AREAS WITHIN THE PUBLIC RIGHT-OF-WAYS OR PRIVATE PROPERTIES SHALL BE REINSTATED TO PRE-CONSTRUCTION CONDITIONS OR BETTER.
- ALL SWALES, DITCHES AND DISTURBED AREAS SHALL BE STABILIZED WITH HAY OR MULCH AS SOON AS POSSIBLE AND PERMANENTLY STABILIZED WITH HYDRAULIC SEEDING, AS PER THE TOWN OF RIVERVIEW SPECIFICATIONS.
- DUST CONTROL AND MUD/DIRT REMOVAL FROM ROADWAYS SHALL BE CARRIED OUT BY THE DEVELOPER/CONTRACTOR FOR THE DURATION OF THE PROJECT.
- THE LOCATION AND ELEVATION OF ALL EXISTING INFRASTRUCTURE AND UTILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE. THE CONTRACTOR SHALL CONFIRM THE LOCATION AND ELEVATION OF ALL INFRASTRUCTURE AND UTILITIES PRIOR TO THE START OF CONSTRUCTION AND SHALL IMMEDIATELY REPORT ANY DISCREPANCIES TO THE CONSULTANT.
- THE DEVELOPER/CONTRACTOR SHALL PROVIDE ALL NECESSARY

- ENVIRONMENTAL CONTROLS TO PREVENT EROSION AND SEDIMENT TRANSPORT OFF THE SITE.
- ALL TRANSITIONS FROM FULL CURB TO DROP CURB TO BE OVER 1.5m.
- MAINTAIN A MINIMUM COVER OF 1.8m ON ALL WATER LINES.
- ALL DISTANCES & GEODETIC ELEVATIONS ARE IN METRES UNLESS NOTED OTHERWISE.
- REINFORCED SLABS AT ENTRANCES TO BE COORDINATED WITH STRUCTURAL PLANS.
- ACCESSIBLE WALKWAYS TO BE A MAX SLOPE OF 1 IN 20 (5.0%).
- THE CONTRACTOR SHALL NOTIFY THE CONSULTANT OF THE CONSTRUCTION SCHEDULE FOR THE INSTALLATION OF UNDERGROUND INFRASTRUCTURE 5 DAYS IN ADVANCE OF THE START OF CONSTRUCTION.
- THE DEVELOPER/CONTRACTOR SHALL PROVIDE ALL AS-BUILT RECORD INFORMATION (I.E. TIE-INS & INVERTS) AND A MATERIAL LIST TO THE CONSULTANT WITHIN 7 DAYS AFTER THE END OF UNDERGROUND CONSTRUCTION. SHOULD THE DEVELOPER/CONTRACTOR BE UNABLE TO COLLECT SUCH INFORMATION, THE DEVELOPER/CONTRACTOR SHALL COORDINATE WITH THE CONSULTANT TO HAVE SAID INFORMATION COLLECTED BY A REPRESENTATIVE OF THE CONSULTANT DURING CONSTRUCTION.
- RECORD DRAWINGS TO BE SUBMITTED TO THE TOWN ENGINEERING DEPARTMENT 30 DAYS FOLLOWING CONSTRUCTION.
- REFER TO ARCHITECTURAL DRAWINGS FOR LANDSCAPING DETAILS & INFORMATION.

SITE AREAS (m ²)				
	PHASE 1	PHASE 2	PHASE 3	TOTAL
OVERALL SITE	9380	5315	10715	25410
PARKING (SITE COVERAGE %)	3318 (35.4%)	1740 (32.7%)	2206 (20.6%)	7264 (28.2%)
LANDSCAPING AREAS (m ²)				
INTERIOR (PARKING COVERAGE %)	292 (8.8%)	89 (4.0%)	104 (4.7%)	465 (6.4%)
EXTERIOR (PARKING COVERAGE %)	335 (10.1%)	135 (7.8%)	241 (10.9%)	711 (9.8%)

