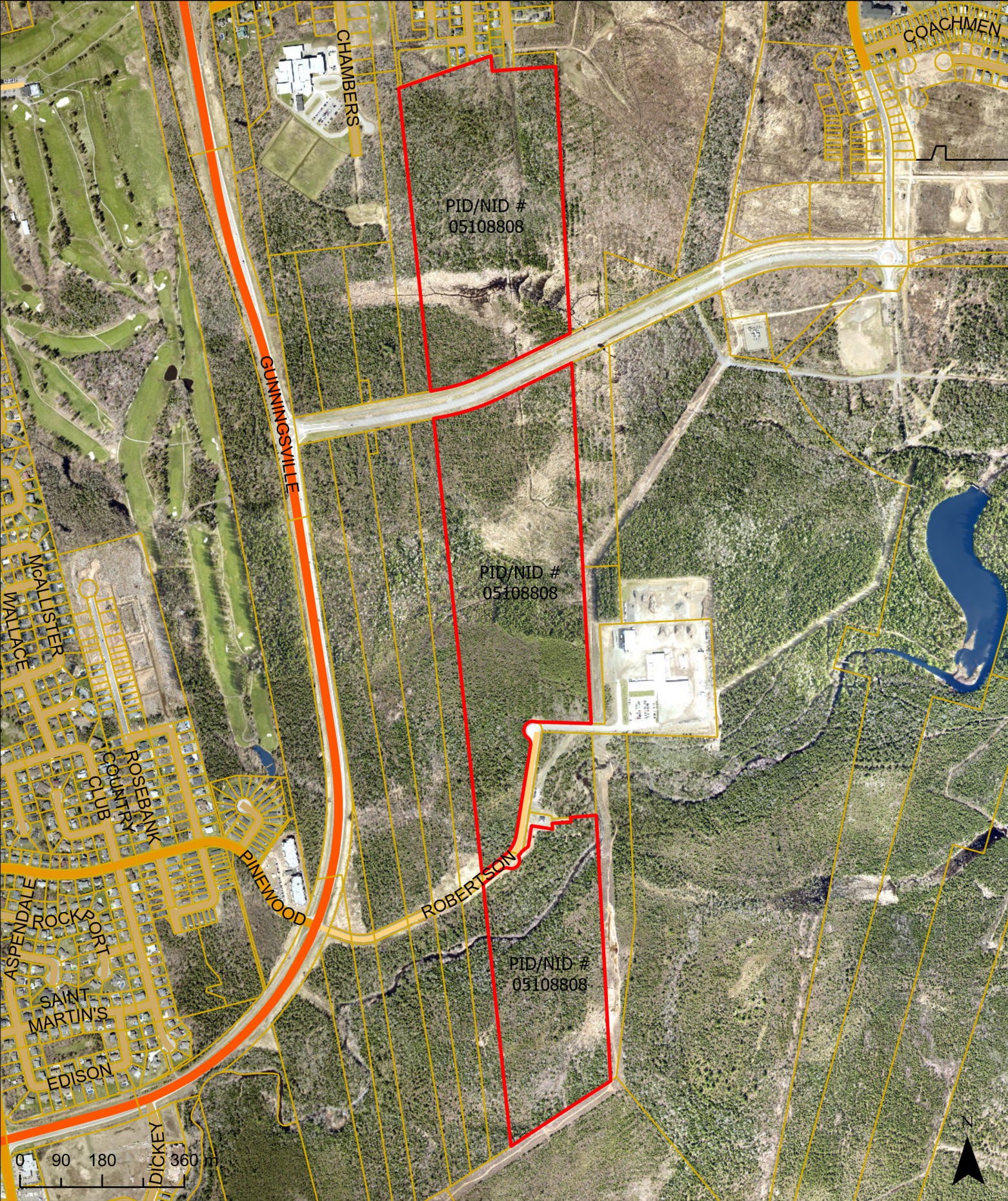


Old Coach Road (PID/NID 05108808)

Riverview

Date: 1/8/2025



Riverview Planning Advisory Committee

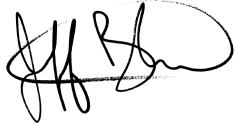
Staff Report

Subject: Subdivision Exemption Request

File number: 25-0014

From:

Reviewed by:



Jeff Boudreau

Manager of Subdivision Approval / Gestionnaire
d'approbation des lotissements



Phil Robichaud
Planner / Urbaniste

General Information

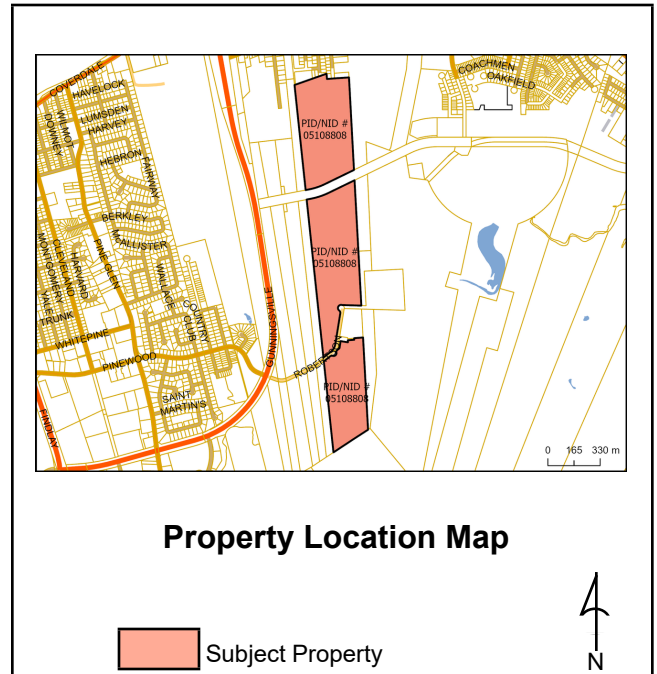
Applicant:

050434 N.B. Ltd.

Landowner:

Proposal:

Applicant requests an exemption from the requirements of the Subdivision By-law to subdivide the southern portion of Robertson Street and the southern portion of Bridgedale Boulevard, resulting in the division of PID 05108808 into three lots.



Site Information

PID: 05108808

Lot Size: 60.35 ha

Location:

The lot is located at the western portion of Bridgedale Boulevard, near to the the intersection of

Current Use:

Vacant

Zoning:

The lot is split zoned with portions zoned Residential Mix (RM), Open Space (OS), Multi Unit Dwelling

Future Land Use:

Residential, Commercial, and Community Use

Surrounding Use & Zoning:

The lot is surrounded by similar lots zoned CM, with portions zoned RM and OS. The surrounding area is primarily undeveloped and vacant.

Municipal Servicing:

Municipal services are available along Bridgedale Boulevard.

Access-Egress: Lot is adjacent to Robertson Street and Bridgedale Boulevard.

Municipal Plan Policies

Policy 7.2.3 To ensure that the large undeveloped Commercial Mix (CM) node, located at the western portion of Bridgedale Boulevard, where it intersects with Gunningsville Boulevard, is developed in a coordinated manner that is consistent with this Plan, developers, in cooperation with the Town of Riverview and the Committee, will need to provide a secondary plan to guide the overall development of these lands.

Proposal 7.2.4 To assist with the implementation of Policy 7.2.3, Council will consider the following objectives when evaluating the secondary plan:

- (a) the plan provides an appropriate amount of mix uses which may include commercial, community, medium to high-density residential and small portions of low density residential located on local streets;
- (b) the efficient layout of streets and traffic in general;
- (c) the potential to minimize the number of driveways serving developments and to encourage the development of shared access;
- (d) quality urban design, landscaping, and streetscaping;
- (e) the connectivity with adjacent lands;
- (f) the provision of appropriate pedestrian, transit and cycling infrastructure to accommodate alternate modes of transportation;
- (g) detailed servicing and infrastructure information; and
- (h) any other applicable information.

Zoning and/or Subdivision By-law Regulation

Subdivision Bylaw:

Rejection of Subdivision Plan

7(1) The development officer shall not approve a subdivision plan if, in his opinion, and in the opinion of the Committee:

- (a) the land is not suited to the purpose for which it is intended or may not reasonably be expected to be used for that purpose within a reasonable time after the subdivision plan is approved;
- (b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or
- (c) the subdivision contravenes the currently adopted version of the Code as defined under municipal by-laws or other legislation.

Controlled Access Bylaw:

Prohibited Activity on Schedule “A” Streets

2(1) No person shall construct, use, open or permit the use of any access to any part of a street designed as a controlled access street in Schedule “A.”:

2(2) Notwithstanding subsection 2(1), a new access shall be permitted onto a controlled access street provided it is separated by at least 200 meters centerline to centerline from another street or access.

2(3) Any development on property abutting a controlled access street shall be prohibited, if in the opinion of the Committee, it would interfere in any way with the use of such controlled access street.

Schedule A

1) Gunningsville, Boulevard, with the exception of:

- in addition to the current Dickey Boulevard intersection, one right-in and right out access, on the south side of the boulevard, located between 180 m and 190 m east of the centerline of the Pine Glen Road intersection

2) Bridgedale Boulevard

3) Findlay Boulevard

Zoning Bylaw:

106 No Development shall be permitted and no main building or structure shall be used on a lot in a commercial zone unless the requirements within Table 12.3 are complied with:

...

Lot sizes for Commercial Mix:

Minimum lot area: 600 sqm

Minimum lot frontage: 20m

Internal Consultation & External Consultation

Internal consultation with Planning Staff was completed as a part of the review of this application. Town administration was consulted during the review of this request and do not object with staff's position.

Discussion

On December 20th, Plan360 received an application for exemptions from subdivision requirements to subdivide the property bearing PID 05108808 into three lots, as it is separated by public streets, namely Bridgedale Boulevard and Robertson Street.

There are two separate subdivision exemption requests:

- (1) Subdivide the southern section of Bridgedale Boulevard on its separate property.
- (2) Subdivide the southern section of Robertson Street on its separate property.

The northern section of Bridgedale Boulevard remains on the remnant lot.

Section 80(1) of the Community Planning Act allows a Development Officer to exempt certain parcels from the requirements of a subdivision by-law if they comply with the requirements of the section.

**** (1) For the first request to subdivide the southern section of Bridgedale Boulevard: ****

The parcel of land is proposed to be separated by Bridgedale Boulevard to the north, a publicly owned street, as mentioned in Section 80(1)(c) of the Community Planning Act, and by Robertson Street to the south.

**** (2) For the second request to subdivide the southern portion of Robertson Street: ****

In this case, the portion of the parcel to the south of Robertson Street is not completely separated by a public street. However, it does contain an area of 5 acres and a width of 150 meters, as mentioned in Section 80(1)(a) of the Community Planning Act.

While these two requests may appear to be straightforward applications of Section 80(1) of the Community Planning Act, Section 80(2) of the Act states that a Development Officer may refuse to grant an exemption, if it is also the opinion of the Planning Advisory Committee, if the exemption is undesirable for the development of the land or if it is not in keeping with the general intent of this Act or a by-law under this Act.

When reviewing the Municipal Plan Policies, we must consider the specific sections that relate directly to this area, namely Section 7.2.3, which requires that the large undeveloped commercial mixed node at the western portion of Bridgedale Boulevard be developed in a coordinated manner that is consistent with this plan through the establishment of a secondary plan.

Furthermore, Section 7.2.4 outlines the following objectives that Council will consider when evaluating the secondary plan, to assist with the implementation of Policy 7.2.3:

- (a) the plan provides an appropriate amount of mix uses which may include commercial, community, medium to high-density residential and small portions of low density residential located on local streets;
- (b) the efficient layout of streets and traffic in general;

- (c) the potential to minimize the number of driveways serving developments and to encourage the development of shared access;
- (d) quality urban design, landscaping, and streetscaping;
- (e) the connectivity with adjacent lands;
- (f) the provision of appropriate pedestrian, transit and cycling infrastructure to accommodate alternate modes of transportation;
- (g) detailed servicing and infrastructure information; and
- (h) any other applicable information.

The project is subject to a controlled access by-law, requiring a minimum 200-meter separation between access points. The location of a new access will significantly impact adjacent properties, potentially restricting their access options and complicating future development plans. This underscores the need for a secondary plan to effectively coordinate development within this sector of Riverview. The presence of wetlands further complicates road planning. Subdividing the property into additional lots and increasing the number of owners increases the risk of conflicting development visions and hinders the appropriate planning of the area.

Public Notice

Public notice is not required under the Community Planning Act for the approval or refusal of a subdivision exemption request.

Legal Authority

80(2)A development officer may refuse to grant an exemption under subsection (1) if, in the development officer's opinion and in the opinion of the advisory committee or regional service commission, the proposed exemption

- (a) is undesirable for the development of the land or the neighboring land, or
- (b) is not in keeping with the general intent of this Act or a by-law under this Act. 2021, c.44, s.1

Recommendation

Staff respectfully recommends that the Riverview Planning Advisory Committee refuse the exemptions presented as they are not in keeping with the general intent of the Community Planning Act or a by-law under the Act. specifically the requirement that a secondary plan be approved by council to ensure the future development of the lands proceeds in a coordinated manner.

December 19, 2024

Plan 360
Westmorland Albert Office
Terminal Plaza
1234 rue Main Street, Unit/Unité 200
Moncton, NB E1C 1H6

Dear Sirs:

**RE: Request for Exemption from Subdivision Requirements – Portion of PID 05108808
Property Owner – 050434 NB Ltd.
Our File No. 50070314.00001**

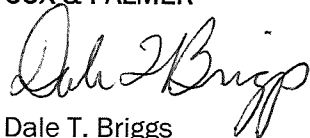
We represent 050434 NB Ltd. in its attempts to obtain exemptions from the subdivision requirements of the Community Planning Act (the “Act”) and the municipal subdivision by-law for the portions of its property located south of Robertson Street and between Robertson Street and Bridgedale Boulevard. Both properties are compliant with the exemptions set out in Section 80 (a) and (f) in that both parcels are in excess of 2 hectares being 24.31 hectares and 14.64 hectares with the remanent also being in excess of 2 hectares and all parcels have in excess of 150m of width at the minimum set-back. In addition, the property to the South of Robertson Street is separated from the remaining property by Robertson Street and the property between Robertson Street and Bridgedale Boulevard is separated from the rest of the PID by those two public streets.

050434 NB Ltd. engaged a qualified Land Surveyor to prepare the descriptions to the properties to be exempted and they are attached. We hereby formally apply for exemptions from the subdivision provisions of the Act and the municipal subdivision by-law for the two parcels described in the attached descriptions pursuant to Section 80(a) and (c) and ask that the exemptions be endorsed on the descriptions by the development officer and they be returned to us on behalf of our client.

We will call to arrange payment of your fees on our firm Visa which we understand to be \$200 being \$100 per document to be approved pursuant to your list of fees on your website. Should this not be the correct amount please advise, and we will adjust accordingly.

Should the development officer refuse to grant the requested exemptions we ask that this application be immediately put on the January 2025 agenda of the PRAC to be consider by it at that meeting.

Yours very truly,
COX & PALMER



Dale T. Briggs
DTB/blf

Dale T. Briggs | Partner

Direct 506 863 0341 Main 506 856 9800 Fax 506 856 8150 Email dbriggs@coxandpalmer.com

Blue Cross Centre Suite 500 644 Main Street Moncton NB E1C 1E2

SCHEDULE "A"

All that certain lot, piece or parcel of land situate, lying and being at Town of Riverview in the Parish of Coverdale, in the County of Albert, and the Province of New Brunswick, bounded and described as follows:

COMMENCING at a survey marker and where the northeasterly corner of Clayton Developments Limited, Lot 12-2, Plan 32332414, PID 05103056 intersects the southerly limits of Robertson Street and being the Place of Beginning.

THENCE northeasterly along the southerly limits of Robertson Street, Plan 27698357, PID 05096268, on an azimuth of 51 degrees 28 minutes and 49 seconds and a distance of 50.906 meters to a point.

THENCE turning easterly along the southerly limits of Robertson Street, Plan 27698357, PID 05096268, on a curve having a radius distance of 18.000 meters with an arc distance of 17.672 meters to a point.

THENCE turning northeasterly along the southerly limits of Robertson Street, Plan 27698357, PID 05096268, on a curve having a radius distance of 18.000 meters with an arc distance of 44.107 meters to a point.

THENCE continuing northeasterly along the southerly limits of Robertson Street, Plan 34273962, PID 05108873, on a curve having a radius distance of 40.000 meters with an arc distance of 11.758 meters to a point.

THENCE continuing northeasterly along the southerly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 51 degrees 08 minutes and 45 seconds and a distance of 18.668 meters to a point.

THENCE turning northerly along the easterly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 09 degrees 08 minutes and 27 seconds and a distance of 45.560 meters to a point.

THENCE turning easterly along the southerly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 99 degrees 08 minutes and 27 seconds and a distance of 46.688 meters to a point.

THENCE turning northerly along the easterly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 355 degrees 26 minutes and 20 seconds and a distance of 12.678 meters to a point.

THENCE turning easterly along the southerly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 85 degrees 26 minutes and 20 seconds and a distance of 41.220 meters to a survey marker.

THENCE turning northerly along the easterly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 355 degrees 26 minutes and 20 seconds and a distance of 10.000 meters to a survey marker.

THENCE turning easterly along the southerly boundary of lands of Town of Riverview, Remnant Lot 09-1, Plan 27698357, PID 05096250, on an azimuth of 85 degrees 26 minutes and 20 seconds and a distance of 56.456 meters to a survey marker.

THENCE turning southerly along the westerly boundary of lands of Town of Riverview, Remnant Lot 00-B, Plan 11191716, PID 05074984, on an azimuth of 176 degrees 53 minutes and 42 seconds and a distance of 582.382 meters to a survey marker.

THENCE turning southwesterly along the northerly boundary of lands of Capreit Apartments Inc., PID 00638585, on an azimuth of 236 degrees 48 minutes and 26 seconds and a distance of 260.889 meters to a survey marker.

THENCE turning northerly along the easterly boundary of lands of Clayton Developments Limited, Lot 12-2, Plan 32332414, PID 05103056, on an azimuth of 353 degrees 55 minutes and 51 seconds and a distance of 577.070 meters to the Place of Beginning.

The above-mentioned property having an area of 14.64 hectares.

SCHEDULE "A"

All that certain lot, piece or parcel of land situate, lying and being at Town of Riverview in the Parish of Coverdale, in the County of Albert, and the Province of New Brunswick, bounded and described as follows:

COMMENCING at a survey marker and where the northeasterly corner of Clayton Developments Limited, Lot 12-2, Plan 32332414, PID 05103049 intersects the southerly limits of Bridgedale Boulevard and being the Place of Beginning.

THENCE easterly along the southerly limits of Bridgedale Boulevard, Plan 44444603, PID 05122270 on an azimuth of 79 degrees 04 minutes and 16 seconds and a distance of 27.596 meters to a point.

THENCE turning northeasterly along the southerly limits of Bridgedale Boulevard, Plan 44444603, PID 05122270 on a curve having a radius distance of 460.000 meters with an arc distance of 120.130 meters to a point.

THENCE continuing northeasterly along the southerly limits of Bridgedale Boulevard, Plan 44444603, PID 05122270 on an azimuth of 64 degrees 06 minutes and 29 seconds and a distance of 179.781 meters to a survey marker.

THENCE turning southerly along the westerly boundary of lands of Town of Riverview, Remnant Lot 01-1, Plan 11939031, PID 05076096, and along the westerly boundary of lands of Town of Riverview, Remnant Parcel 00-B, Plan 1191716, PID 05108881, on an azimuth of 176 degrees 53 minutes and 42 seconds and a distance of 791.530 meters to a survey marker.

THENCE turning westerly along the northerly boundary of lands of Town of Riverview, Lot 14-1, Plan 34273962, PID 05108865, on an azimuth of 271 degrees 40 minutes and 31 seconds and a distance of 120.669 meters to a survey marker.

THENCE continuing westerly along the northerly limits of Robertson Street, Plan 34273962, PID 05108873, on a curve having a radius distance of 20.000 meters and an arc distance of 56.874 meters to a point.

THENCE turning southeasterly along the westerly limits of Robertson Street, Plan 34273962, PID 05108873, on a curve having a radius distance of 18.000 meters and an arc distance of 19.392 meters to a point.

THENCE turning southerly along the westerly limits of Robertson Street, Plan 34273962, PID 05108873, on an azimuth of 189 degrees 08 minutes and 27 seconds and a distance of 197.274 meters to a point.

THENCE turning southwesterly along the northerly limits of Robertson Street, Plan 34273962, PID 05108873, on a curve having a radius distance of 75.000 meters and an arc distance of 55.422 meters to a point.

THENCE continuing southwesterly along the northerly limits of Robertson Street, Plan 34273962, PID 05108873, on an azimuth of 231 degrees 28 minutes and 40 seconds and a distance of 68.132 meters to a survey marker.

THENCE turning northerly along the easterly boundary of lands of Clayton Developments Limited, Lot 12-2, Plan 32332414, PID 05103049, on an azimuth of 353 degrees 55 minutes and 52 seconds and a distance of 1002.292 meters to the Place of Beginning.

The above-mentioned property having an area of 24.31 hectares.