

## PLANNING REPORT



PAC – Nov 17<sup>th</sup>, 2021  
File No.: Z-38-2021, P.R. No. 81/21

**To:** Planning Advisory Committee  
**From:** Dallas Gillis, Senior Planner  
**Proposal:** Rezone from Future Development (FD) to Commercial Corridor Zone Two (COR-2)  
**Property:** 539 and 541 Riverside Drive (PID 75540328)

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**OWNER:** LDL Holdings,  
Fredericton NB  
541 Riverside Drive  
Fredericton NB E3B 3P7

**APPLICANT:** John Bigger  
Suite 205, 364 York Street,  
Fredericton, NB  
E3A 8S6

### **SITE INFORMATION:**

**Location:** North side of Riverside Drive, near McMinniman Court  
**Context:** Commercial uses to the west and along the south side of Riverside Drive, and low density residential to the east (McMinniman Court).  
**Ward No:** 6  
**Municipal Plan:** Commercial Centres and Corridors  
**Zoning:** FD  
**Existing Land Use:** Insurance Restoration Business

**Previous Applications:** P.R. 30/89 (Z), P.A.C. March 29/89, Council June 12/89, By-Laws 1381, Z/55/2005 (PR: 170/05 P.R. 16/95 (Z), PAC Feb. 15/95 Council June 12/95, By-Law Z-1.24 P.R. 33/95 (V), P.A.C. March 15/95/V/27/2004 (PR 50/04)

### **EXECUTIVE SUMMARY:**

In 2005, the applicants applied for and received a zone amendment to permit an insurance restoration business in the FD zone at this location and have been operating out of the existing building at 539 & 541 Riverside Drive. The applicants are proposing to rezone the property to COR-2 to provide additional flexibility in finding tenants. It is the opinion of Staff that the rezoning to COR-2 would be in keeping with the direction of the Imagine Fredericton Municipal Plan and consistent with zoning in the area. Staff note that vehicle sales and service related uses in the COR-2 Zone would not be appropriate to the residential neighbourhood, however those uses can be restricted with terms and conditions, which would address concerns of impacts on adjacent residential properties. Therefore, Staff supports the application subject to terms and conditions.

## **APPLICATION:**

John Bigger, on behalf of LDL holdings LTD, has made application to rezone property at 539 & 541 Riverside Drive, from Future Development (FD) to Commercial Corridor Zone – 2 (COR-2)

## **PLANNING COMMENTS:**

### Proposal:

- LDL Holdings LTD. currently operates an insurance restoration business on the site as shown on Maps III and IV. They are considering potential relocation of the restoration business and feel with the improvements they have made to the building and site; it could be a good location for a professional office or medical or dental clinic. They have applied for a rezoning to COR-2, as it is consistent with zoning of the adjacent property to the west and would provide the desired flexibility for finding potential tenants.
- The site is currently zoned Future Development and abuts a low-density residential neighborhood (McMinnamin Court) to east. The residential property that it abuts is owned by the proponent. The property abuts Active Glass and Mirror, to the west, which is Zoned COR-2, and is across the street from the Irving service station and the Ramada Hotel.
- The subject property has a lot area of 2942.85 m<sup>2</sup>, and 64.51m of frontage along Riverside Drive. There is a breezeway connecting the main building to a garage and fencing around an area of outdoor storage. As shown on Map II, the applicant is proposing to remove some of the fencing to provide additional parking. The applicant has also shown a potential addition of the building to the rear, which they may do in the future. A permit would be required for the addition and as shown on the site plan, would meet the requirements of the zoning by-law.
- The applicant has taken an interest in the enhancement and beautification of the neighborhood, they see the property moving in a different direction as the tenants they hope to attract are not likely to require outdoor storage areas. The applicant has noted that in the future he may bring forward another proposal that would include the subject property and additional adjacent properties, for a broader redevelopment
- Staff would note that while the subject property is not within an EOS zone, it is subject to seasonal flooding. Any future construction on the property will have to take the flood potential into consideration. Any flood mitigation measures with respect to any additional or alteration or new buildings, will be reviewed at the permit stage.

### Municipal Plan:

- The property is designated Commercial Centers and Corridors in the Imagine Fredericton Municipal Plan, which contains the follow relevant policy:
  - (29) Lands within the Commercial Centres and Corridors Designation may include a full range of retail, commercial, institutional, small-scale office and service industry uses, and other uses deemed compatible with commercial uses.

Given the commercial designation of the property, rezoning to COR-2 would be more consistent with the direction indicated in the Municipal Plan for the area.

### Zoning By-Law:

- The Future Development Zone (FD) is a Limited Development Zone meant for lands awaiting urban development and servicing. The property is connected to municipal services leaving the property in the FD Zone significantly restricts development options, while a rezoning to a commercial zone would be consistent with the Commercial Centers and Corridors designation in the Imagine Fredericton Municipal Plan.
- The proposed development relates to the COR-2, as follows:

| <b>Standards</b>         | <b>Required</b>    | <b>Provided</b>       | <b>Conformance</b> |
|--------------------------|--------------------|-----------------------|--------------------|
| Lot Area                 | 1000m <sup>2</sup> | 2942.84m <sup>2</sup> | Ok                 |
| Lot Frontage             | 24m                | 64.51                 | OK                 |
| Lot Depth                | 31m                | 51.56m                | OK                 |
| <b>Building Setbacks</b> |                    |                       |                    |
| Front                    | 6m                 | 15.6m                 | OK                 |
| East Side                | 6m                 | 13m                   | OK                 |
| West side                | 3m                 | 21.87                 | OK                 |
| Rear                     | 6m                 | 11.28                 | OK                 |

### Parking:

- As noted, the applicants have prepared a site plan, showing sufficient parking to accommodate a medical clinic with three practitioners. As the future use of the site is not yet determined, parking will need to be addressed at the building permit stage. Staff will require a detailed parking and landscaping plan, with any building permit for future development of the site.

### Analysis:

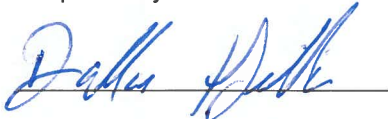
- In previous applications for a Vehicle Sales operation at this site in 2004, Staff recommended denial due to concerns of conflicts and impact on the adjacent residential properties. In a subsequent application in 2005 for a zone amendment for the insurance restoration operation, it was as noted that the property was designated "Residential" in the Municipal Plan, and given the proximity to residential development that the future direction of the property should be residential. In the Imagine Fredericton Municipal plan the property is now designated Commercial Centers and Corridors. Leaving the property in the FD zone, restricts the commercial tenancy options, while a rezoning for a residential development would now be inconsistent with the Municipal Plan. While the list of permitted uses, such as a medical clinic, would be appropriate for the site, the proximity to low density residential development raises concern with impacts from some of the permitted uses in the uses, specifically vehicle sales and service related uses. Staff feel restricting any future vehicle sales or service-related uses through terms and conditions can address those concerns and provide the desired flexibility for future commercial use.

**RECOMMENDATION:**

It is recommended that the application submitted John Bigger, on behalf of LDL holdings LTD, to rezone property at 539 & 541 Riverside Drive, having PID 75540328, from Future Development (FD) to Commercial Corridor Zone 2 be approved, subject to the following terms and conditions.

- a) Site be developed generally in accordance with Map II, attached to PR 81/21, to the satisfaction of the Development Officer;
- b) Site shall not be used for Vehicle Sales- Seasonal, Vehicle Service – Major, Vehicle Service- Minor, Gas Bar, Vehicle Rental or Vehicle Sales;
- c) All necessary permits are obtained included building and sign permits;
- d) Detailed parking and landscaping plan be submitted with any building permit, to the satisfaction of the Development Officer,

Prepared by:

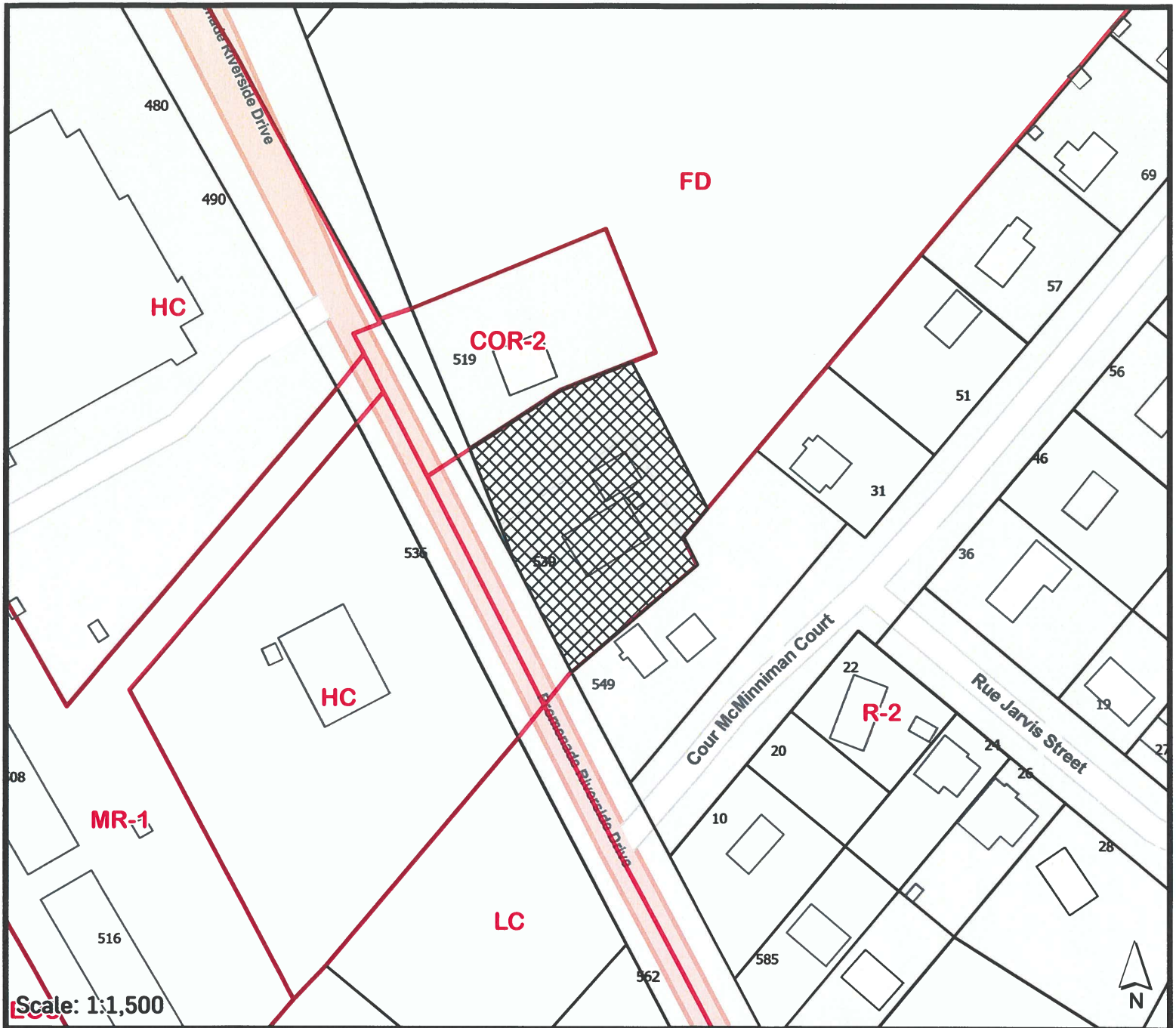


Dallas Gillis, MCIP  
Senior Planner, Community Planning

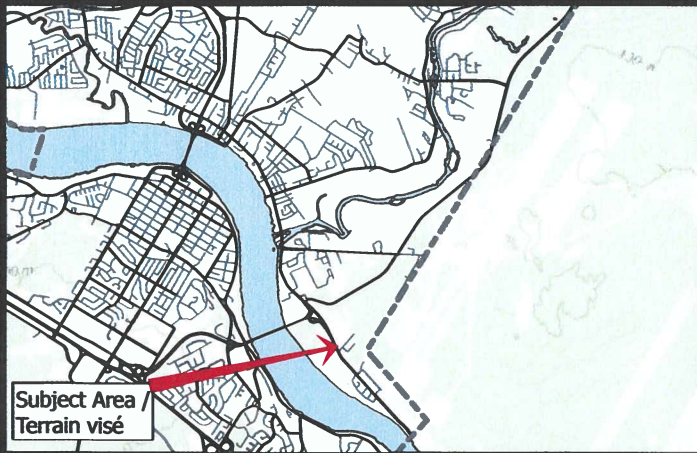
Approved by:



Marcello Battilana, MCIP  
Manager, Community Planning



Scale: 1:1,500



Subject Properties / Propriétés Visé

Rezone from FD to COR-2.

Modification du zonage de FD à COR-2.

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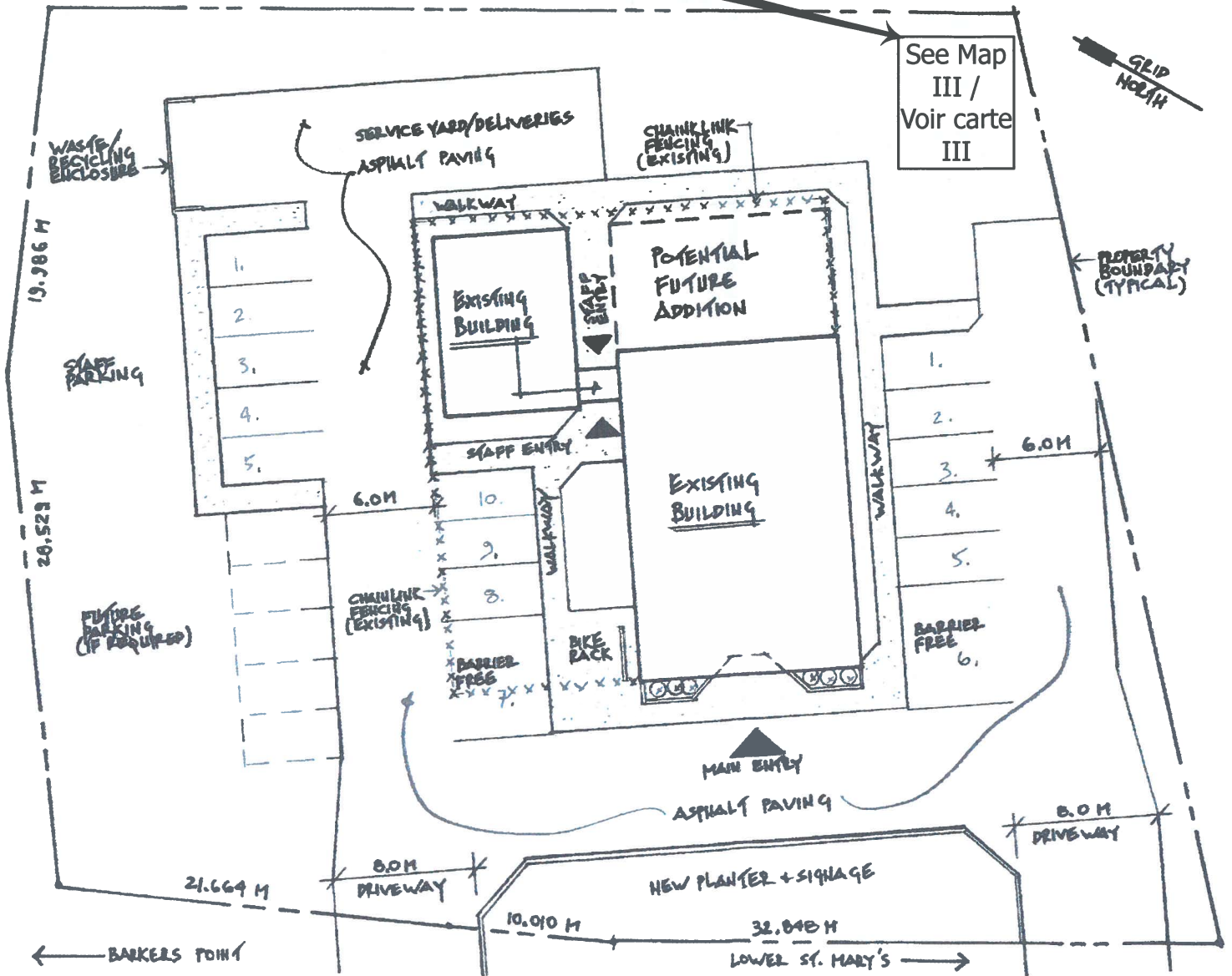
Map \ carte # I

File \ fiche: PR-81-2021

Date \ date: novembre \ November 17, 2021

Subject \ sujet: promenade 539 Riverside Drive  
John Bigger

Lot boundaries as depicted are not exact. No part of project will encroach on adjacent property.  
 Les limites des lots ne sont pas exactes. Aucune partie du projet n'empiétera sur la propriété adjacente.



promenade Riverside Drive

Rezone from FD to COR-2.

Modification du zonage de FD à COR-2.

Site Plan / Plan Du Site

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Map \ carte # II  
 File \ fiche: PR-81-2021  
 Date \ date: novembre \ November 17, 2021  
 Subject \ sujet: promenade 539 Riverside Drive  
 John Bigger



**Existing Site / Site Existant**

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Map \ carte # III  
File \ fiche: PR-81-2021  
Date \ date: novembre \ November 17, 2021  
Subject \ sujet: promenade 539 Riverside Drive  
John Bigger



West / Ouest



Southeast / Sud-est



Southeast / Sud-est

**Existing Elevations / Élévations Existantes**