

Planning Advisory Committee May 3rd, 2021

То:	Chair and Members of Rothesay Planning Advisory Committee
From:	Brian L. White, MCIP, RPP
	Director of Planning and Development Services
Date:	Friday, April 30, 2021
Subject:	48 Unit Apartment Building – Rezoning Chapel Road (PID 30206882)

Applicant:	Sean Hall & Luke Moffett	Property Owner:	637339 NB Inc.
Mailing Address:	76 Highland Avenue Rothesay NB E2E 5N3	Mailing Address:	317 Hampton Road Quispamsis NB E2E 4M9
Property Location:	Chapel Road	PID:	30206882
Plan Designation:	Commercial	Zone:	General Commercial
Application For:	48 Unit Apartment Building		
Input from Other Sources:	Operations, KVFD, KRPF, Anglophone South District School Board		

ORIGIN:

An application from Mr. Sean Hall and Mr. Luke Moffett on behalf of the property owner Tammy Moffett, Director of 637339 NB Inc. to develop 48 unit apartment building on a 5,973 square meter (1 $\frac{1}{2}$ acres) vacant lot off Chapel Road.

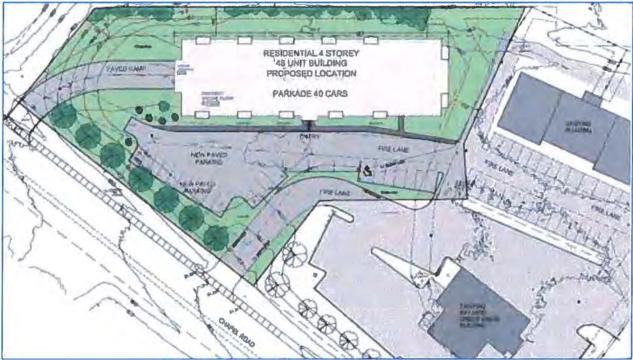


Figure 1 - Proposed Site Plan - Vacant Lot off Chapel Road

APPROVAL PROCESS:

The application is rezone the subject property to the R-4 Multi-Unit Residential Zone to permit a 48unit apartment building by development agreement. The application is being reviewed pursuant to the policies of Rothesay Municipal Plan 1-20 which was enacted on April 12, 2021. The standard procedure for a rezoning is that Council receive from PAC a recommendation to hold a Public Hearing and that both the rezoning (by-law amendment) and the development agreement be prepared in advance of the public hearing. Staff note that Municipal Elections are scheduled for May 10, 2021 and for that reason no Council meeting will be held until the newly elected Council is sworn into office.

The date of the swearing into office will be potentially delayed as the <u>Act Respecting Municipal General</u> <u>Elections in 2021</u> states that due to the pandemic the reporting of results will be delayed until all electors in the suspended parts of the province have had the opportunity to cast a ballot. Furthermore, the Local Governance Act Part 56(1) (**Restriction on powers of outgoing council**) states that during the period beginning on election day and ending on the day of the first meeting of an incoming council, the Council can continue the day-to-day activities of the municipality but shall not enact, <u>amend or repeal a by-law</u>, or become a <u>party to any agreement</u>, or contract.

For that reason Staff will continue to process the application by conducting polling, preparing a draft by-law amendment and development agreement, and forwarding a supplemental staff report to PAC once the election results are finalized and a new Council is sworn into office.



Figure 2 - 48 unit Apt Building - Comeau MacKenzie Architecture

BACKGROUND

The property is currently zoned General Commercial (GC) this zone is intended to apply to larger commercial operations, such as large commercial retail stores, hotels, shopping centers, car dealerships and self-storage facilities. The proposed use as a residential apartment building is not listed as a permitted use within the GC zone. However, the Municipal Plan By-law 1-20 does contain policy direction (see Policy HDR-4 follows) that would allow Council to consider the application.

The commercial areas in Rothesay are focal points for residents, whether they are shopping or socializing. Council recognizes this function of commercial space as potential opportunity sites where <u>higher density residential may be added</u> as a means of providing people with better access to the Town's services, to reduce sprawl, to permit a livelihood that allows for walkability and less car dependence, and to increase density in and around the Town's commercial areas.

COUNCIL SHALL:

Policy HDR-4 High-density Residential:

Consider that High-density Residential (R6) development may be appropriate <u>throughout the</u> <u>Commercial Designation</u>, and may consider multi-unit dwellings through the re-zoning and development agreement process where such development demonstrates compliance with the following requirements:

- Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The maximum density does not exceed 100 square metres of land per apartment unit;
- Subject lands are adequate in size relative to the intensity and scale of the proposed land development;
- d) The subject lands do not exceed 1 acre in total area (or 40 apartment units);
- e) Underground parking is provided;
- f) Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.
- g) Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;
- h) Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and
- A building design of high quality that is consistent with community values and architectural best practices.



Figure 3 - Vacant Land off Chapel Road

ANALYSIS:

Policy HDR-4 High-density Residential	Staff Comment
Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;	The proposed building is located 250 meters from Marr Road with access Chapel Road. A traffic impact statement is being prepared to determine any additional traffic enhancement or requirements.
The maximum density does not exceed 100 square meters of land per apartment unit;	The property is 5,973 square meters in area and proposed density at 48 units does not exceed the 100 square meters of land per apartment unit.
Subject lands are adequate in size relative to the intensity and scale of the proposed land development;	The proposed 4-story building would be located in a mixed-use development area containing light industrial, commercial and institutional uses. The site shares a property boundary and driveway with an existing commercial plaza, and bank property (Bayview Credit Union). The site also backs onto the Rothesay Ballet School and Urban Landscaping. The nearest low density properties are located in the Chapel Hill Estates development approximately 200 feet from the site at the nearest location.
The subject lands do not exceed 1 acre in total area (or 40 apartment units);	The density at 48 units would exceed the 40- apartment unit limit on density. However, the applicant also intends to make use of POLICY R- 1 and R-2 that permit Council to consider an increase in density by 2 percent for every

Policy HDR-4 High-density Residential	Staff Comment
Underground parking is provided;	apartment unit meeting affordability standards or constructed as an accessible unit. The applicant is proposing 2 accessible units and 8 affordable units and therefore would be eligible for an increase in density of 20% (8 additional units). The proposal includes underground parking for 37 vehicles and 24 surface parking spaces for 61 parking spaces. The total number of parking spaces complies with the zoning by-law calculated at 1.25 spaces per apartment unit.
Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.	The developer has provided a technical shadow study of the proposed building. The results of the study show that the scale of the building would not create excessive shadows on the adjacent commercial and institutional land uses.
Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;	 The developer is preparing a traffic impact assessment. Staff intend to review the study by understanding how the apartment building development adheres to good planning principles to ensure safe and equal access to the transportation system by all users, including vehicles of residents and their guests, foot traffic of residents and their guests to and from the building to a public sidewalk or other destination (bank/restaurant), cyclists, and the loading and unloading commercial trucks (garbage, moving vans, delivery vehicles, etc.). Two major concerns will be looking to understand better are the as follows: Identification of transportation system improvements (traffic lights) at the Marr Road/Chapel Road intersection. Assessments of parking and access issues related to the existing commercial complex parking lot (Bayview Credit Union, Golden Fry, Legion, etc.)
Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design	One of the key features of CPTED is the placement of physical features, activities and people in a way that maximizes visibility as a key concept directed toward keeping intruders easily

Policy HDR-4 High-density Residential	Staff Comment	
(CPTED) principles, urban design, and high quality landscaping; and	observable, and therefore less likely to commit criminal acts. Features that maximize the visibility of people, parking areas and building entrances are unobstructed doors and windows, pedestrian-friendly sidewalks and streets, front porches and appropriate nighttime lighting. Staf note that because the proposed building would share a property boundary with a commercial parking lot it will be very important to define property lines with landscaping or decorative fencing such that commercial visitors do not use or confuse the building as a commercial property	
	Good design responds and contributes to the neighbourhood context. Staff review the building design based on the natural and built features of the local neighbourhood, and the relationship and the character they create when combined with the proposed building. The area has some challenges in that the NB	
A building design of high quality that is consistent with community values and architectural best practices.	Power infrastructure does not create an attractive view for residents; however, the proposed building will be an attractive enhancement for the area.	
	Staff believe that the proposed building in this mixed-use neighbourhood achieves good design as the scale, bulk and height of the building is appropriate to the existing or desired future character of Chapel Road and surrounding buildings.	

DENSITY INCENTIVE POLICY:

As noted above the applicants' proposed density at 48 units would exceed the 40-apartment unit limit on density. However, the applicant also intends to make use of POLICY R-1 and R-2 that permit Council to consider an increase in density by 2 percent for every apartment unit meeting affordability standards or constructed as an accessible unit. The applicant is proposing 2 accessible units and 8 affordable units and therefore would be eligible for an increase in density of 20% (8 additional units).

Policy R-1 regard Affordable Housing states the Council can "Consider an increase in the maximum allowable density by 2 percent for every dwelling unit meeting affordable housing standards as defined by the Canadian Housing and Mortgage Corporation (CHMC) or an equivalent recognized standard, not exceeding 20 percent as determined in the Zoning By-law".

The applicants are proposing that 8 residential rental units will be 10% below their potential residential rental income as supported by an appraisal report or qualified financing representative that is part of the

lending team; or the 8 apartment units must be affordable with rents at or below 30% of the median household income in Rothesay. One point of concern that Staff identified is that median incomes in Rothesay are relatively high and therefore the rents would not target households with incomes below the median. For example, the Statistics Canada reported median incomes for Rothesay are as follows:

2015 Median Househol	d Income	
	30% of total	Monthly Rental Max Budget
\$88,623.00	\$26,586.90	\$2,215.58
2015 Single Parent Me	dian Income	
\$53,376.00	\$16,012.80	\$1,334.40

Staff are concerned that the proposed methodology could result in rents between \$1300 and \$2200 and be deemed "affordable". For that reason, Staff will be recommending that the development agreement specify that the developer enter into the Affordable Rental Housing Program or Provincial Rent Supplement Assistance Program with the Province of New Brunswick.

Staff have consulted with CMHC and the Province of NB to determine the most effective method of determining an affordable rental rate. Furthermore, Staff will investigate and present within the development agreement an effective approach to ensuring the agreed rental rates are monitored.

The applicants also intend to construct 2 accessible apartment units to utilize Policy R-2 regarding Age-Friendly Housing that states Council can "Consider an increase in the maximum allowable density by 2 percent for every dwelling unit designed and constructed in conformance with Universal Design Best Practices, as defined by the Universal Design Network of Canada or an equivalent recognized standard, not exceeding 20 percent as determined in the Zoning By-law."

Universal design is an international design philosophy that enables people to continue living in the same home by ensuring that apartments are able to change with the needs of the occupants. Universally designed apartments are safer and easier to enter, move around and live in. They benefit all members of the community, from young families to older people, their visitors, as well as those with permanent or temporary disabilities. A universally designed apartment provides design feature such as wider circulation spaces, kitchens and laundry rooms designed for accessibility with easy to reach and operate fixtures and appliances. Staff will be able to enforce the construction of a universally designed apartment unit through the building permit process.

DEVELOPMENT AGREEMENT:

Staff will prepare a development agreement for PAC's review before proceeding to Council. A development agreement is a contract between Rothesay and the property owners that specify the details and obligations of the individual parties concerning the proposed development. Implementation Policy IM-13 states that Council shall consider development agreement applications pursuant to the relevant policies of the Municipal Plan (See Policies HDR-4, R-1, and R-2) and consideration of the following:

Implementation Policy IM-13	Staff Review
A. That the proposal is not premature or inappropriate by reason of:	

Staff Review
Staff note that Policy DEVC-1 requires that developers pay for 100 percent of infrastructure costs to service their proposal as well as 100 percent of cost of minimum upgrades to local infrastructure that falls outside their project boundaries but is directly necessary for the development. Staff are concerned about the need for traffic lights, and note that the developer would be responsible to absorb these costs pursuant to DEVC-1.
Staff believe that the municipal infrastructure is adequate for the proposed development.
Staff have sent the development to the Anglophone South School District for review. Staff believe the municipal facilities are adequate for the proposed development.
The applicant is completing a traffic study. Staff are concerned about the potential need for system improvements (traffic lights) at the Marr Road/Chapel Road intersection.
There are no historic buildings or sites identified within the project's vicinity.
The multi-unit residential is a compatible use with the surrounding businesses.
The height, volume and lot coverage does not conflict with nearby land uses.
A traffic study is underway, that will include assessments of parking and access issues related to the existing commercial complex parking lot.
No commercial signage is requested.
The site is suitable for development and will be subject to geotechnical approval during the building permit approval process.

KENNEBECASIS REGIONAL POLICE FORCE

Staff requested that KRPF review and comment on the proposed development. The KRPF stated that the intersection of Chapel Road and the Clark Road experiences a large volume of traffic not just during

the day but also for the morning and evening peak commute times. The existing residential and rental properties coupled with vehicles that circumvent the Marr Road intersection through this route to and from the Hampton Road, becomes quite challenging in exiting onto the Marr Road. An additional 48-unit apartment complex with a proposed number of 64 parking spaces would add to this current volume.

Traffic lights at the intersection of Chapel Road and the Marr Road would definitely mitigate this congestion and improve safety, not just in allowing the movement of vehicles to and from Chapel Road, but could also slow down the north/southbound Marr Road traffic where speeds can be quite high at times.

The KRPF also reviewed the project with Crime Prevention through Environmental Design principles and they agree that from a CPTED point of view that the apartment proposal seems to have good sight lines and may offer some deterrence to possible criminal activity to nearby businesses.

KENNEBECASIS VALLEY FIRE DEPARTMENT:

As is required by Municipal Plan Policy FR-7, the KVFD must review proposals for new development projects to ensure that public safety and firefighting concerns are addressed. The KVFD is currently reviewing the proposal and will forward their comments once that review is complete.

POLLING:

Staff will prepare a polling notification letter to be sent to surrounding property owners. The applicant has solicited letters of support for the project and these are included in Attachment D.

RECOMMENDATIONS:

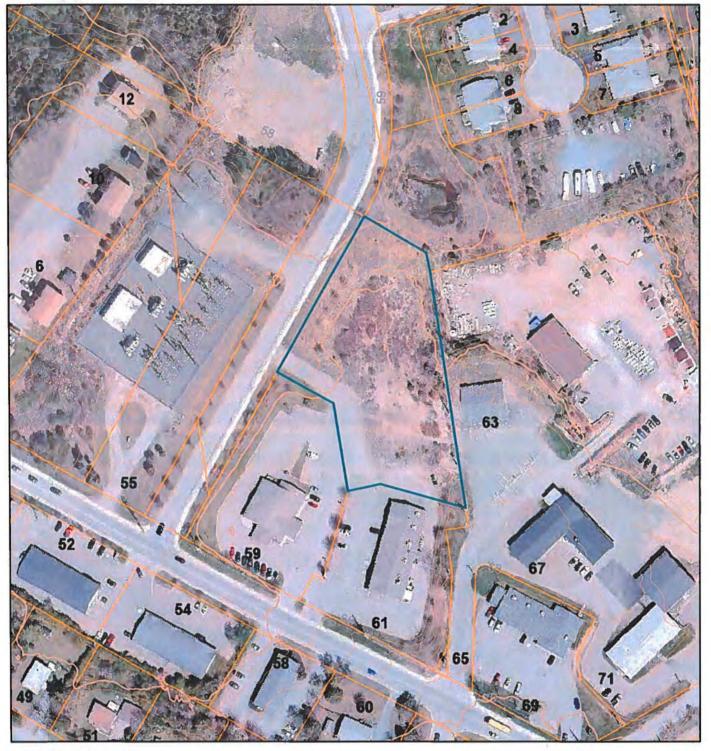
Staff recommend the Planning Advisory Committee consider the following MOTION:

- A. PAC HEREBY tables the application for a 48 unit apartment building located off Chapel Road pending the receipt of a supplemental staff report containing the following:
 - 1. Traffic impact assessment results and review;
 - 2. Polling results;
 - 3. Review by KVFD; and
 - 4. Draft development agreement and rezoning By-law.

Map 1	Location Map
Attachment A	Proposed Development
Attachment B	Engineering Plans (Servicing, Stormwater, Erosion Control)
Attachment C	Shadow Study
Attachment D	Developer's Polling Letters of Support

Report Prepared by: Brian L. White, MCIP, RPP Date: Friday, April 30, 2021

Vacant Land off Chapel Road (PID 30206882)



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Rothesay Boundary	0 0.02 0.04 0.08 km	n
Property		
Civic Address		

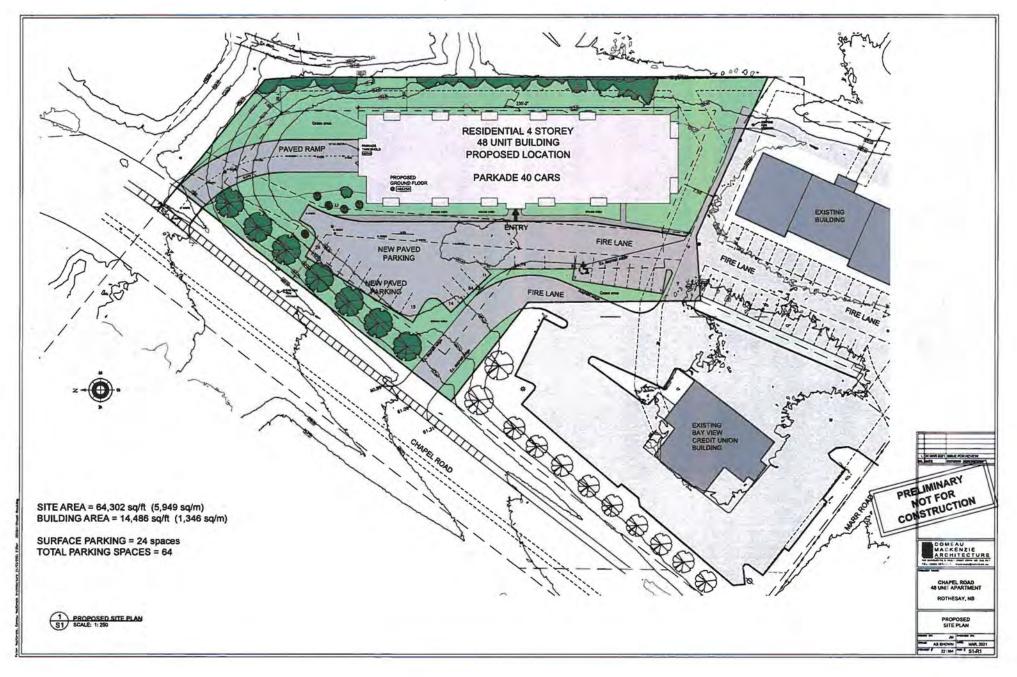


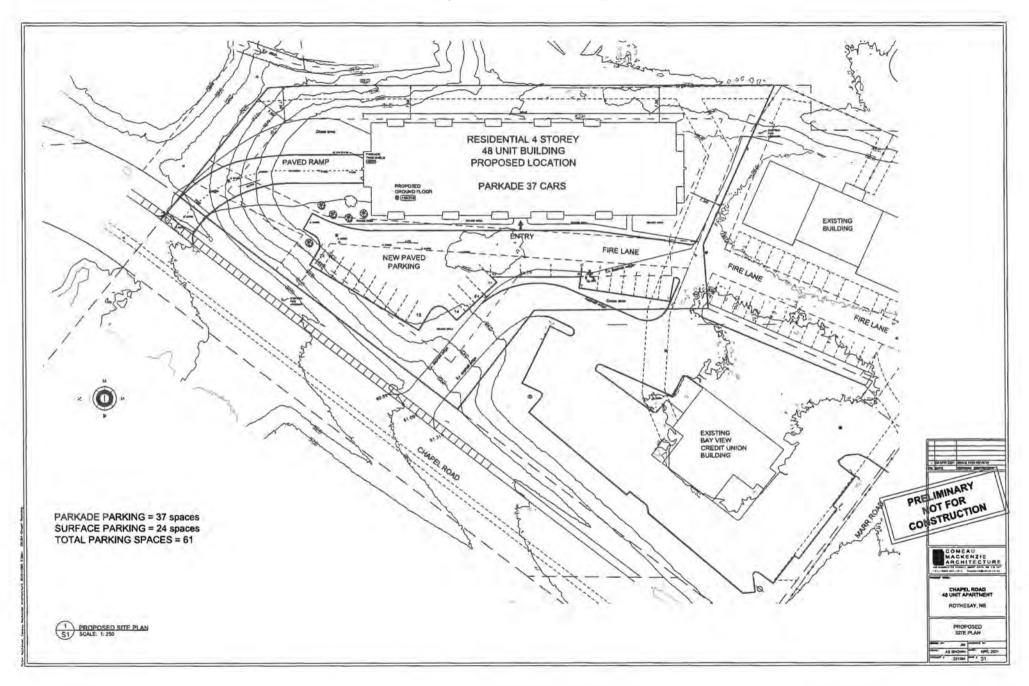


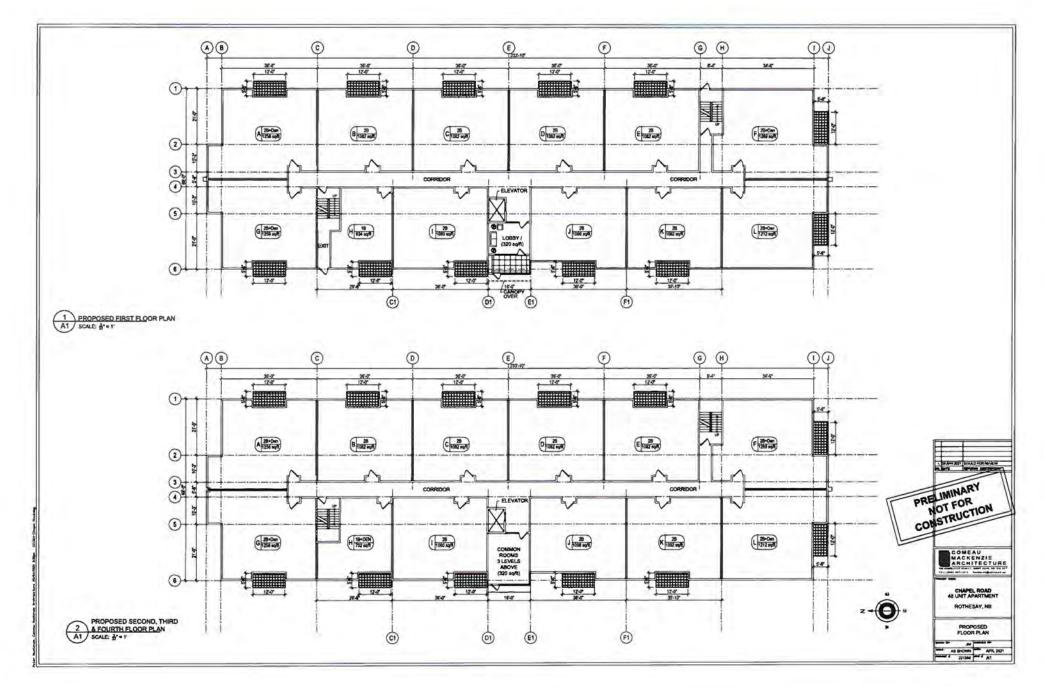
48-UNIT APARTMENT

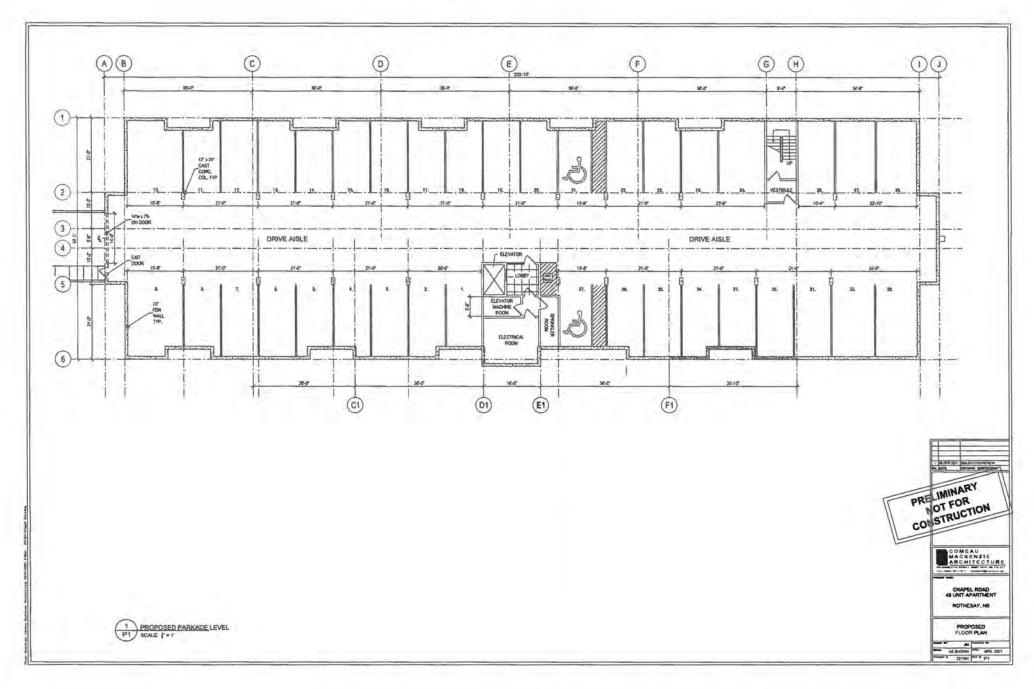
CHAPEL ROAD, ROTHESAY, NB

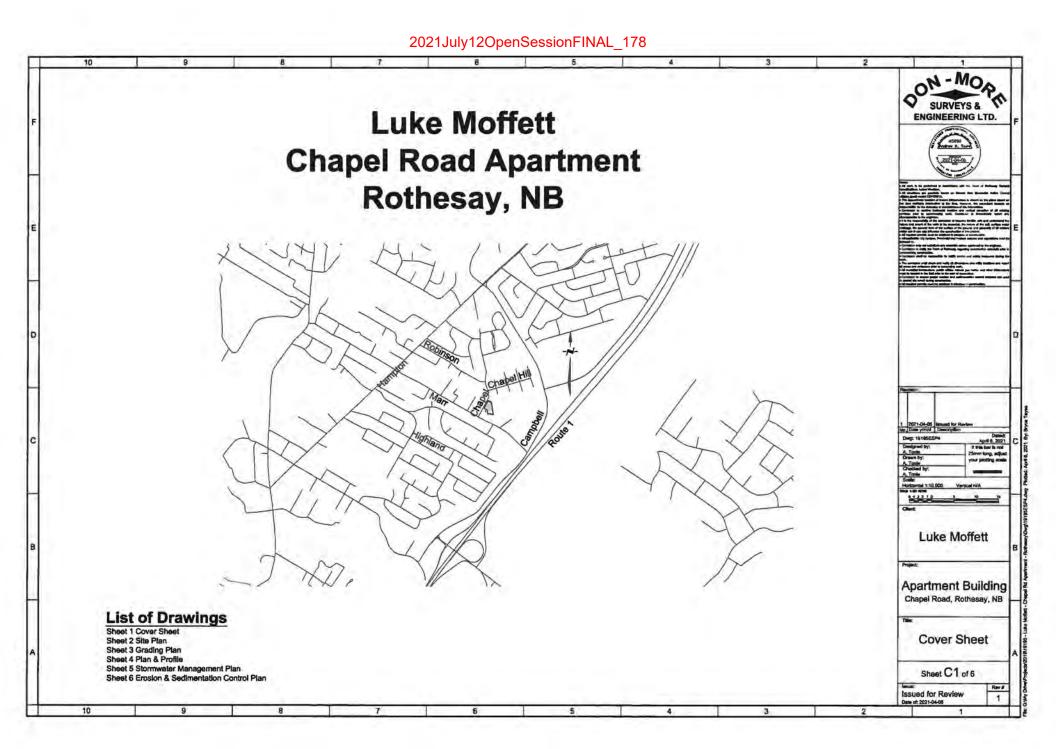
April 2021

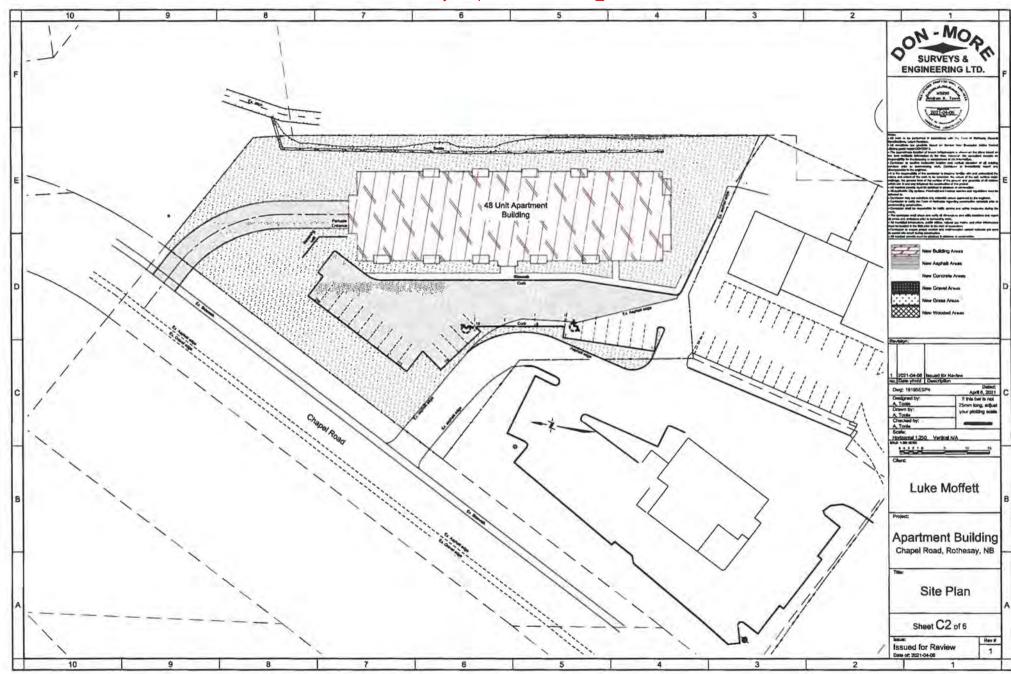


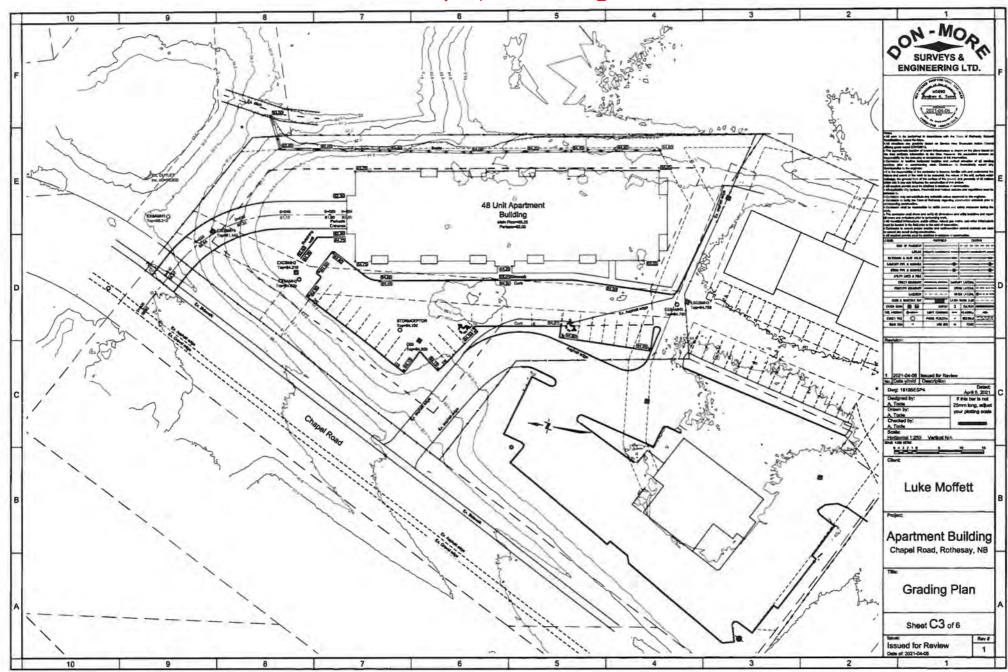


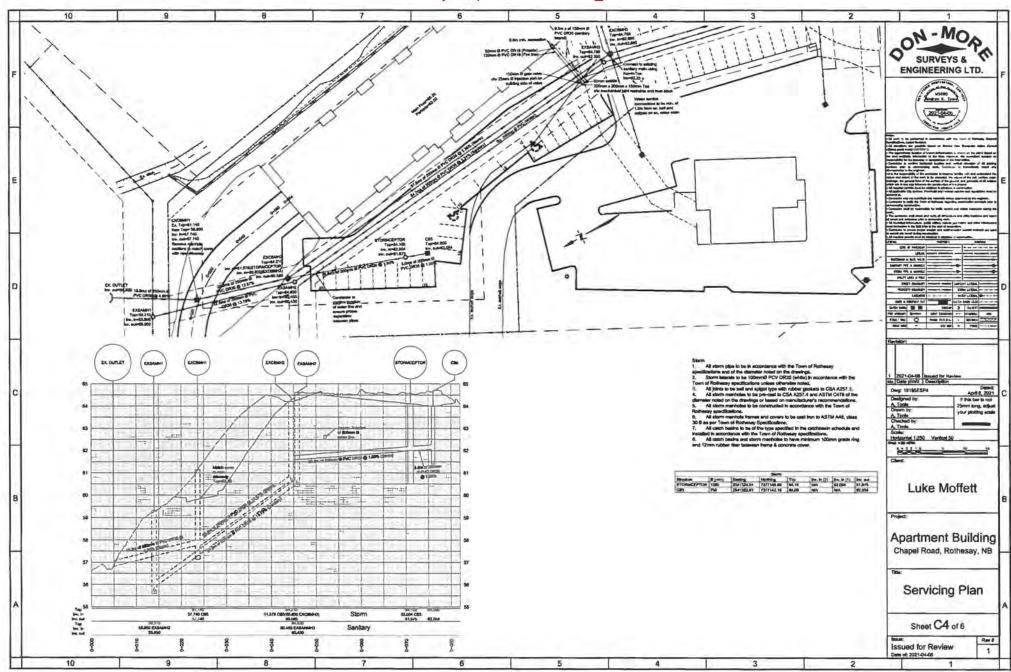


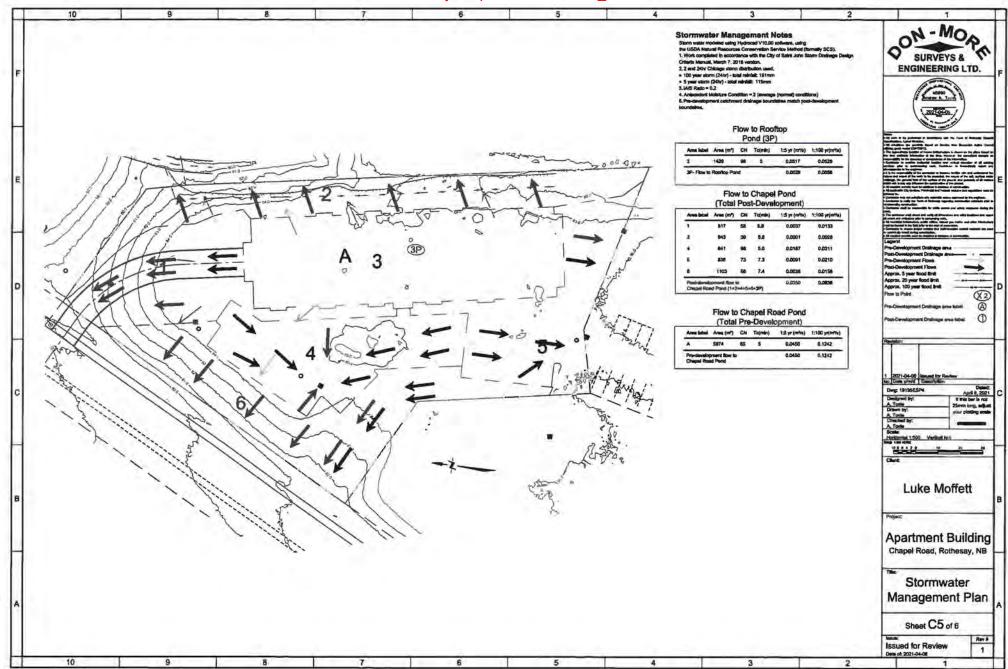


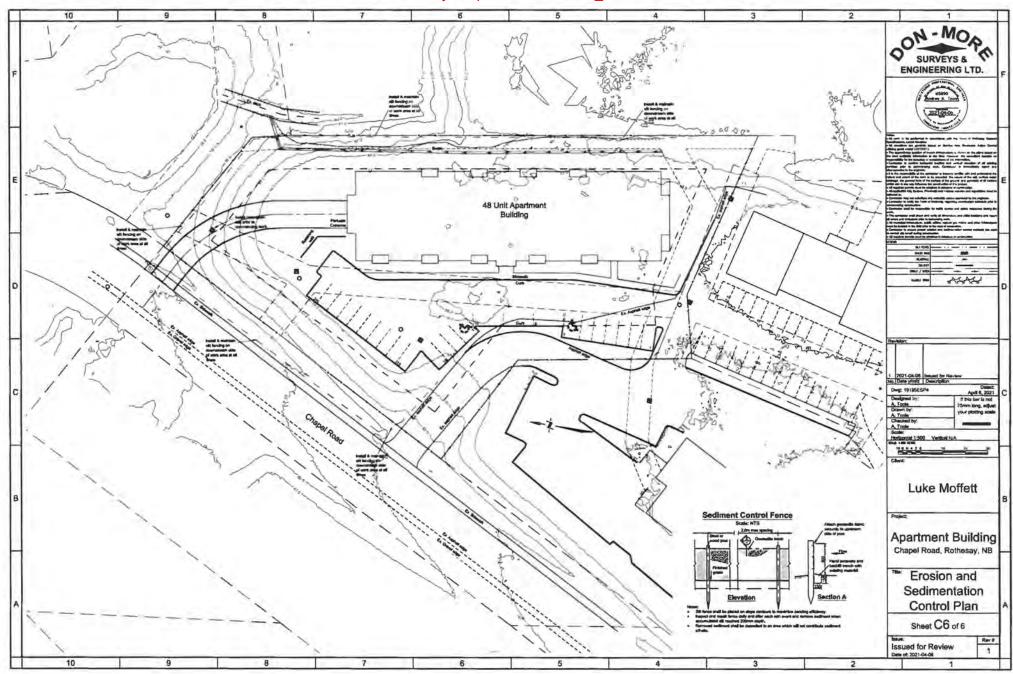












CHAPEL ROAD - 48-UNIT APARTMENT ROTHESAY, NEW BRUNSWICK

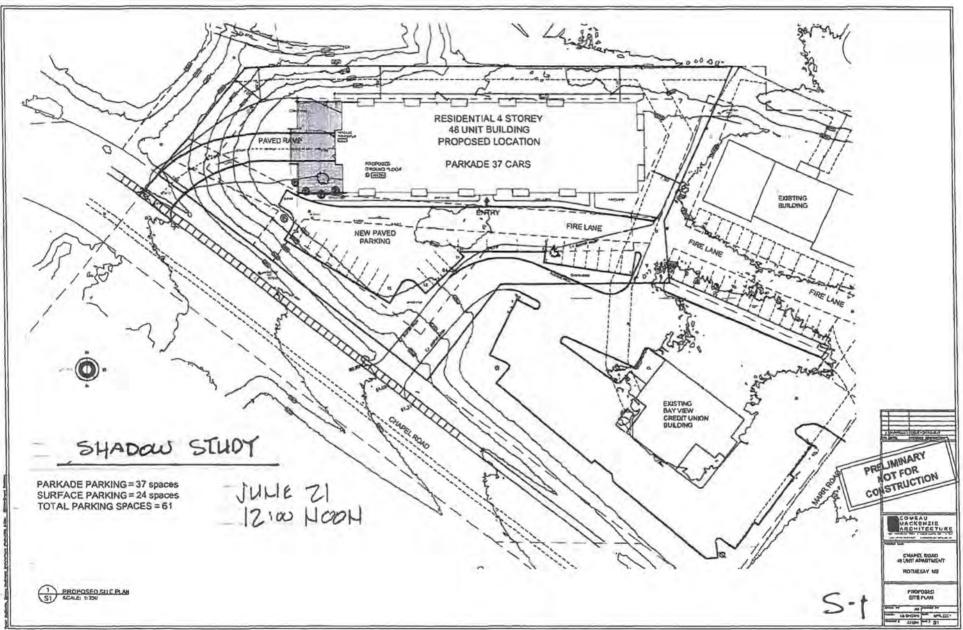
ROTHESAY, NB		SUN ANGLES		AZIMUTHS	
45.35°N LATITUDE		SOLAR NOON 8:00 AM/4:00 PM		SUNRISE	SUNSET
Summer Solstice	June 21	68°	51°	N54°E	S305°W
Equinoxes	March 21 September 21	45°	28°	N89°E	\$271°W
Winter Solstice	December 21	21°	Not Risen Set 4:40 @ 237°	N123°E	\$237°W

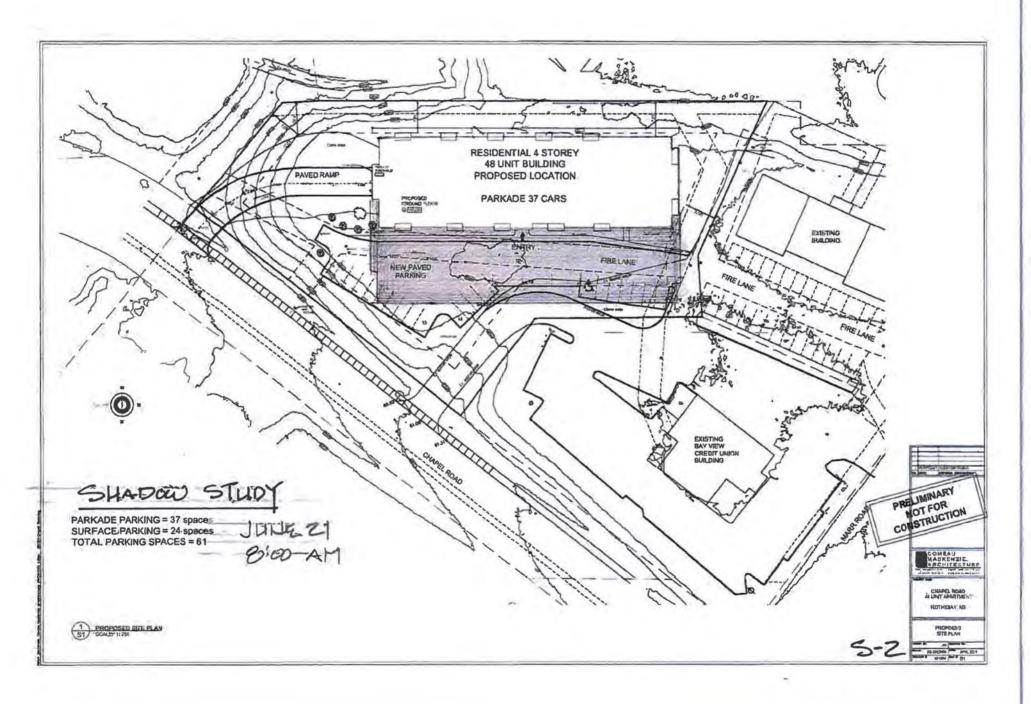
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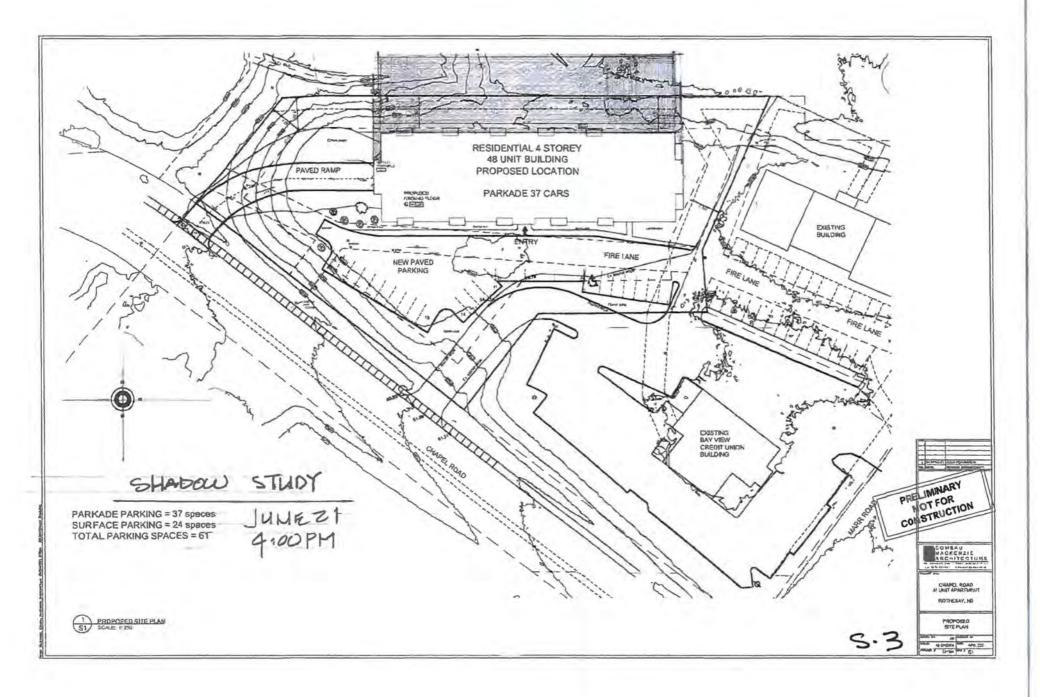
- 1.
 Sun times based on:
 Solar noon = 12:00 pm

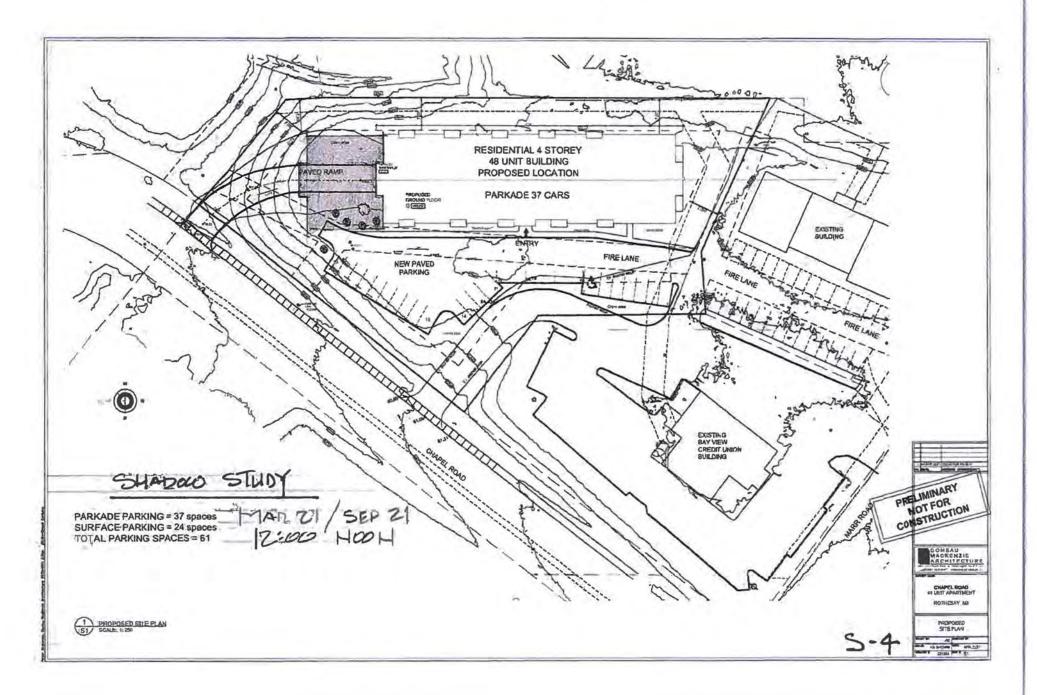
 8:00 am = 4 hours BEFORE solar noon
 4:00 pm = 4 hours AFTER solar noon

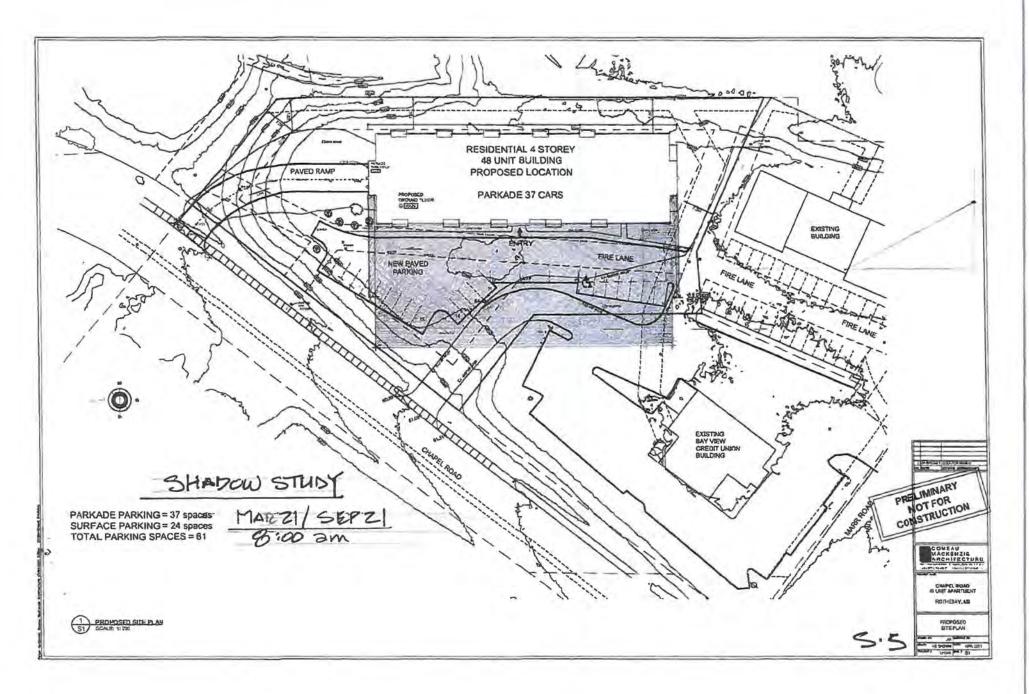
 (Daylight Savings Time not accounted for)
- 2. Sun angles measured from true horizon upwards to sun centre.
- 3. Horizontal angles based on solar north/south, similar to GeoNB grid north.
- 4. Equinoxes set at March 21 and September 21, varying on a year-by-year basis.
- 5. Shade and shadow diagrams: Shown for June 21 and equinoxes only, 8:00 am/4:00 pm.

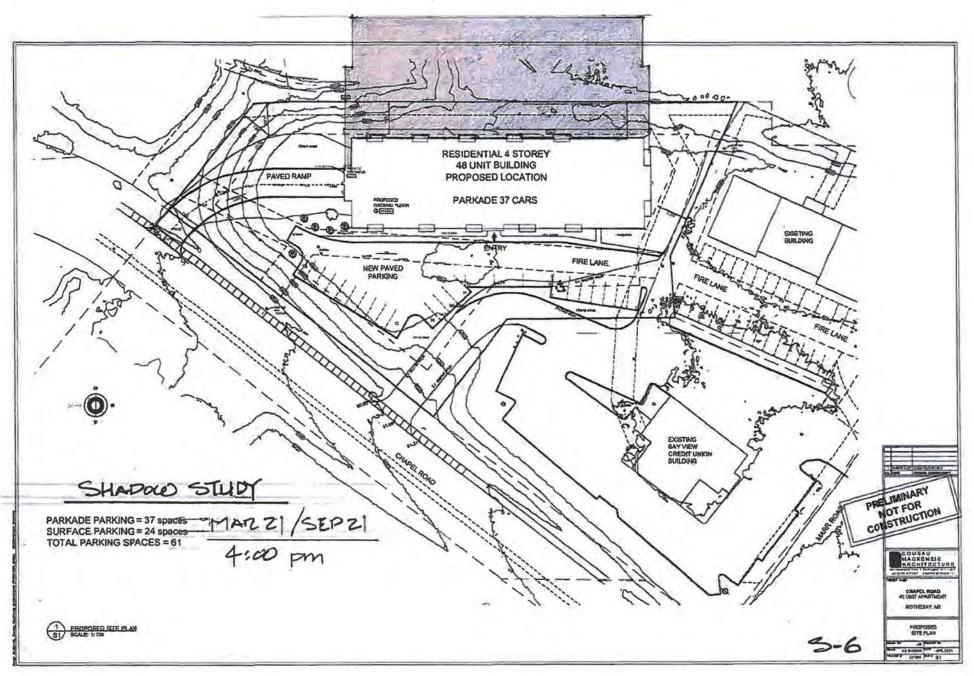














Chapel Road Apartments is a four-storey, 48-unit apartment complex, over a single level of underground parking for 37 cars and 24 surface parking spaces the remainder of site is landscaped with a combination of deciduous and coniferous tress to maintain a green appearance during winter months. Access to the site is directly from Chapel Road, with a secondary access by right-of-way from Marr Road.

This convenient location is nearby to local services and is supportive of municipal "walkable community" aspirations as it is within 1 kilometre of a grocery store, neighbourhood park, pharmacy, community store, and 1.5 kilometres of a public school, childcare centre and healthcare services, Rothesay's to main commercial streets.

Please accept my signature below as a letter of support for the new 48 unit proposed development on Chapel Road. The location will not hinder traffic and is an ideal location for those that are looking to live in our community. With the many benefits Rothesay has to offer, increasing the housing options, such as Apartments with underground parking for existing or new residents is positive for the long term.

Print	Signa	
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Date or 20121

New 48 Unit Proposed Residential Development – Chapel Road

1 omplete Balance & Physiothypaps 7

61 Marr Road, Rothesay, NB E2E 5Y8

April 17, 2021

To: Brian White and Planning Advisory Committee

I would like to offer strong support to the proposed 48 unit development on Chapel Road as I believe it will provide support to an economic recovery from the pandemic, support Rothesay, and provide newer living opportunities in our town. I have seen many new developments occurring in Quispamsis and welcome seeing new development near our commercial establishment.

Sincerely,

Mun M'q-aid





Royal Canadian Legion Kennebecasis Branch #58, 61 Marr Road, Rothesay, NB, E2E 5Y8

To: Town of Rothesay Municipal Planning Department

From: Royal Canadian Legion Branch #58

Regarding- Chapel Apartments Proposal

As a local business, we are excited to see the proposed development of additional housing for the Rothesay area. In reviewing the proposed plan and traffic flow, we are confident that the addition of a new building in our neighbourhood will boost our value and curb appeal.

We are happy to offer support to the approval process. We are actively working with the developer to minimize the impact of traffic flow in the shared parking lot and are confident we can strike an equitable shared access agreement with all parties.

To that end we to look forward to working together with our new neighbours to continue growth and prosperity in Rothesay.

Thanks

President RCL Branch #58

Secretary RCL Branch #58



For Illustration Only - New 48 Unit Proposed Residential Development - Chapel Road Subject to rezoning and feasibility.

The site includes 24 surface parking spaces site is landscaped with a combination of de appearance during winter months. Access secondary access by right-of-way from Mar

This convenient location is nearby to local : community" aspirations. CMHC also identif store, neighbourhood park, pharmacy, con childcare centre and healthcare services, a for multi-family developments. This site fit:

Please accept my signature below as a letter on Chapel Road. The location will not hind are looking to live in our community. With

housing options, such as Apartments with underground parking for existing or new residents is positive for the long term.

t

Print	Signature	Date
	(Royal Lepage)	
Kevin Donovan	Kevin Donovan	4/21/2021 9:38 AM ADT



Future Solutions

Memo

April 12 ,2021

To: Town of Rothesay Municipal Planning Department

From: Future Solutions

Regarding- Chapel Apartments Proposal

As a local business, I am excited to see the proposed development of additional housing for the Rothesay area. In reviewing the proposed plan and traffic flow, I am confident that the addition of a new building in the neighbourhood will boost value and curb appeal for my clients.

I am happy to offer support to the approval process. I am involved by my representation of Kings County Condominium Corp #3 and I am actively working with all parties to facilitate an equitable shared access agreement to govern the traffic flow and maximize safety in the existing laneway and parking areas.

To that end we to look forward to working together with our new neighbours to continue growth and prosperity in Rothesay.

Thanks

Les Gillet, Future Solutions 126 Hampton Road, Rothesay, NB, E2E2N6 506.657.0013