



**ROTHESAY**  
2021 August 16 Special Council Meeting FINAL\_001  
COUNCIL SPECIAL MEETING

**Monday, August 16, 2021**

Rothesay Town Hall **IN PERSON**  
*Immediately following a public hearing (6:00 pm)*  
**AGENDA**



1. **Call to Order**
2. **Business Arising from Public Hearing (Chapel Road PID# 30206882)**  
13 August 2021 Memorandum prepared by Director Brian White, MCIP RPP  
21 July 2021 *Community Planning Act*, Section 111 notice to website  
DRAFT By-law 2-10-28
3. **NEXT MEETING**  
Monday, September 13, 2021
4. **ADJOURNMENT**



70 Hampton Road  
Rothesay, NB  
E2E 5L5 Canada

**Rothesay Council**  
**August 16, 2021**

**TO:** Mayor Grant and Rothesay Council

**SUBMITTED BY:** *Original signed by Town Clerk*

\_\_\_\_\_  
Mary Jane Banks, Town Clerk

**DATE:** Friday, August-13-21

**SUBJECT:** Public Hearing By-law 2-10-28 – Chapel Road Rezoning

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**RECOMMENDATION:**

Council give 1<sup>st</sup> Reading, by Title, to By-law 2-10-28, "A By-law to Amend the Zoning By-law".

**PAC RECOMMENDATION:**

The application before Council is to rezone the subject property to the R-4 Multi-Unit Residential Zone to permit a 48-unit apartment building by development agreement. The application has been reviewed by Staff and the Planning Advisory Committee (PAC) pursuant to the policies of Rothesay Municipal Plan By-law 1-20. The standard procedure for a rezoning is that Council receive from PAC a recommendation on the rezoning and the development agreement in advance of the public hearing. However, the regular August PAC meeting was cancelled and therefore the PAC recommendation is delayed.

Rothesay's PAC will meet in September and Staff expect that PAC will forward a recommendation before the regular Council meeting scheduled for September 13, 2021. Staff anticipate only minor changes to the development agreement and no substantive changes to the developer's proposal.

**BACKGROUND:**

An application from Mr. Sean Hall and Mr. Luke Moffett to develop 48 unit apartment building on a 5,973 square meter (1 ½ acres) vacant lot off Chapel Road.

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.



Figure 1 - Site Location - Vacant Lot off Chapel Road

The commercial areas in Rothesay are potential opportunity sites where higher density residential may be added as a means of providing people with better access to services, within walkable distances and thereby reduce car dependence, and to increase housing diversity.

#### DEVELOPMENT PROPOSAL KEY FEATURES:

1. 48 Unit - 4 Storey Apartment Building
  - a. 8 Affordable Housing Units
  - b. 2 Age Friendly Accessible Units
  - c. 2 Barrier-Free Units Designed to the Provincial Building Code Regulation
2. 61 Parking Spaces (37 Underground And 24 Surface Parking Spaces)
3. Developer Cost Contribution toward Intersection Improvements at Chapel And Marr Road
4. Landscaping and Stormwater Plans

Staff also note that in consideration of the application, the developer submitted a traffic impact report. Staff note that the report states that traffic delays are expected to increase at the Chapel Road to Marr Road approach. However, these delays at the intersection are expected to remain low and traffic signals will not be warranted based on the TAC signal warrant methodology. Staff generally agree with the traffic analysis nevertheless believe that the “traffic delays” will likely create public calls for intersection improvements. The developer has agreed to contribute to the intersection improvements at Marr and Chapel should they be required.

Report Prepared by: Brian L. White, MCIP, RPP  
Date: Thursday, August 12, 2021

#### ATTACHMENTS:

Attachment A                      Public Notice of By-law 2-10-28 as Advertised

## By-law Notices / Hearings

 [rothesay.ca/town-hall/by-law-notices-hearings](https://rothesay.ca/town-hall/by-law-notices-hearings)



### ROTHESAY COUNCIL

### PUBLIC HEARING NOTICE

*(IN-PERSON at Rothesay Town Hall)*

**Monday, August 16, 2021 at 6:00pm**

In accordance with Section 111 of the *Community Planning Act*, SNB 2017, c19 and amendments thereto, PUBLIC NOTICE is hereby given that the town of Rothesay intends to consider an amendment to By-law 2-10, "Rothesay Zoning By-law" for the property located off Chapel Drive, identified as PID # 30206882, following a Public Hearing **IN-PERSON** on **Monday, August 16, 2021 at 6:00 p.m.** at Rothesay Town Hall, 70 Hampton Road, Rothesay, NB.

The purpose of the amendment is to rezone the property located off Chapel Drive from General Commercial (GC) to Multi-Unit Residential (R4) to allow for the development of a 48-unit apartment building, subject to the execution of a Development Agreement, in accordance with the *Community Planning Act*, supra.

The following documentation can also be reviewed at the Town Office, 70 Hampton Road, Rothesay, NB Monday to Friday 8:15 am – 12 noon and 1:15 – 4:30 pm (closed between 12 noon and 1 pm), exclusive of civic holidays:

DRAFT      By-law 2-10-28

DRAFT      Development Agreement

April 30, 2021   Staff Report to Planning Advisory Committee

July 2, 2021    Staff Report to Planning Advisory Committee

Written objections to the proposed amendment will be received by the undersigned until **12 noon on Wednesday, August 11, 2021** and will be provided to Council for the public hearing. Any person wishing to speak at the Public Hearing **MUST contact the Town Clerk to register** (to allow for COVID-19 protocols). **Registration is required no later than Friday, August 13, 2021 at NOON.**

Please note that all records in the custody or under the control of the town of Rothesay are subject to the provisions of the *Right to Information and Protection of Privacy Act*, SNB 2009, c. R-10.6 and may be subject to disclosure. Records may be shared with internal departments, external agencies or released at a Town committee meeting, which may be public. Any questions regarding the collection of this information can be directed to the Rothesay Town Clerk.

Mary Jane E. Banks, BComm

Town Clerk – Rothesay

(MaryJaneBanks@rothesay.ca)

506-848-6600



**BY-LAW 2-10-28  
A BY-LAW TO AMEND THE ZONING BY-LAW  
(No.2-10 Rothesay)**

The Council of the town of Rothesay, under authority vested in it by the Community Planning Act, and amendments thereto, hereby amends By-Law 2-10 “Rothesay Zoning By-law” and enacts as follows:

That Schedule A, entitled “Zoning” as attached to By-Law 2-10 “ROTHESAY ZONING BY-LAW” is hereby amended, as identified on the attached sketch, identified as Attachment “2-10-28”.

The purpose of the amendment is to rezone lands located off Chapel Drive (PID 30206882) from General Commercial (GC) to Multi-Unit Residential (R4) to allow for the development a 48-unit apartment building subject to the execution of a Development Agreement in accordance with the Community Planning Act, supra.

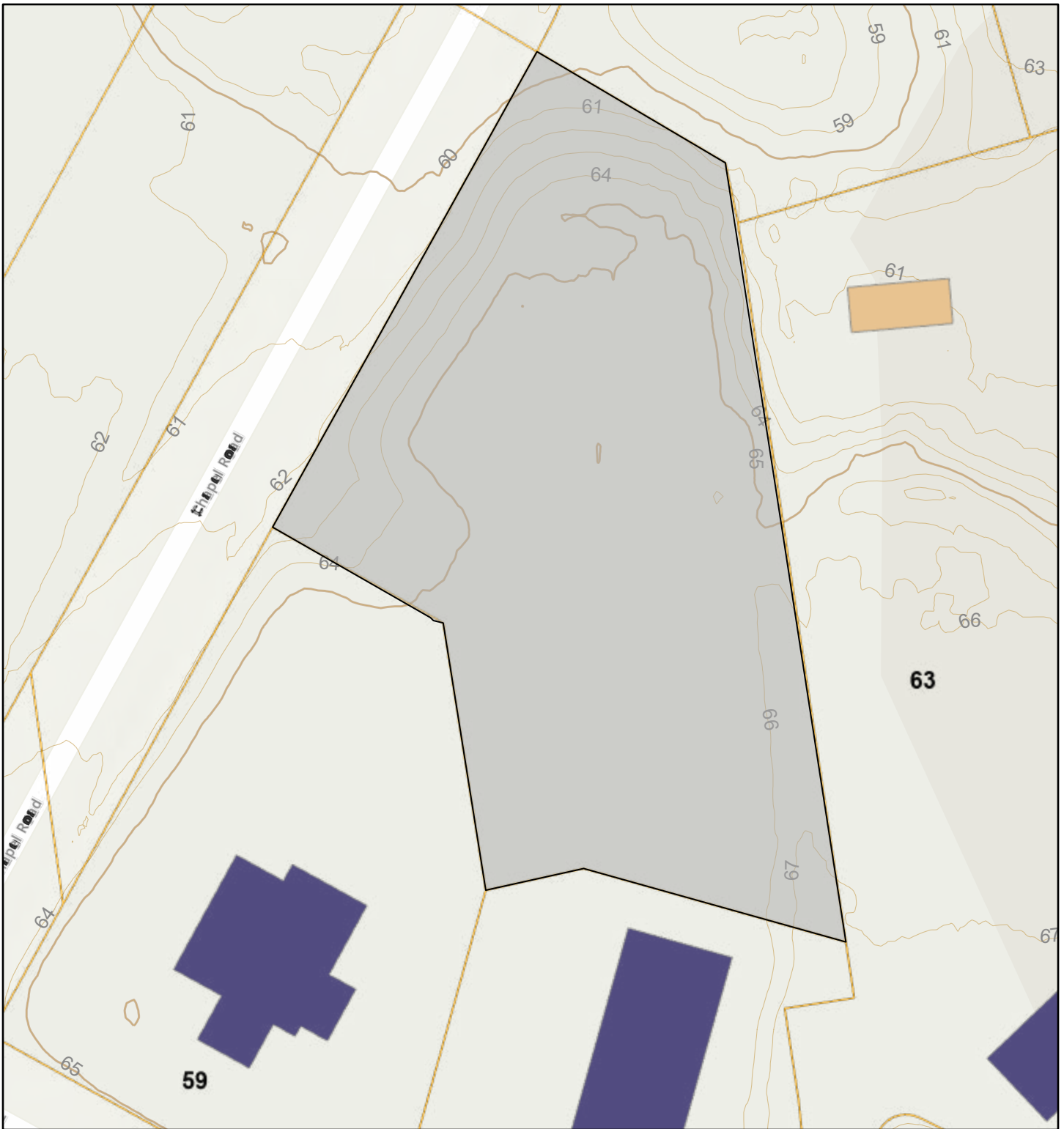
FIRST READING BY TITLE :  
SECOND READING BY TITLE :  
READ IN ENTIRETY :  
THIRD READING BY TITLE :  
AND ENACTED :

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

# Attachment - Bylaw 2-10- G Subject Property - PID:30206882

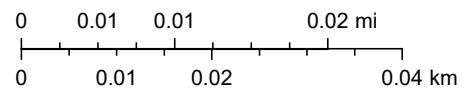
2021August16SpecialCouncilMeetingFINAL\_007



6/23/2021, 2:01:05 PM

1:1,128

- Building
  - Commercial
  - Industrial
- Rothesay Boundary
- Property
- Civic Address



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataslyrselen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community