



ROTHESAY

PUBLIC HEARING – Chapel Road PID 30206882

Rothesay Town Hall

Monday, August 16, 2021

6:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER (*left the meeting at 6:00 p.m.*)
COUNCILLOR HELEN BOYLE
COUNCILLOR DAVE BROWN
COUNCILLOR PETER J. LEWIS
COUNCILLOR TIFFANY MACKAY FRENCH
COUNCILLOR DON SHEA

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
TREASURER DOUG MacDONALD
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

ABSENT: COUNCILLOR BILL McGUIRE
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN

PUBLIC HEARING **Chapel Road – 48 Unit Apartment Building PID 30206882**

1. Call to Order Instructions

Mayor Grant called the meeting to order at 6:00 p.m.

Deputy Mayor Alexander declared a conflict of interest and left the hearing.

Mayor Grant welcomed all in attendance, and noted the following: registration was required to attend the meeting; members of the public are asked to wear masks and remain seated unless they are at the microphone; materials are available to sanitize the microphone between uses; Council members and staff will be masked until seated; and members of the public are asked to state their name and address before speaking – and will each have a ten minute time limit as outlined in the Procedural By-law.

2. Public Hearing Documentation

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
DRAFT Development Agreement
April 30, 2021 Staff Report to Planning Advisory Committee
July 2, 2021 Staff Report to Planning Advisory Committee

Appearances/Presentations:

Presentation: **Luke Moffett and Sean Hall (Developers)**
Presentation: **Brian White, MCIP RPP Director of Planning/Development Services**

Comments/Apearances: Letters from residents (1)

Mayor Grant listed the documentation and the dates the notice was posted to the website. She added six letters were received – five were attached to a Planning Advisory Committee staff report, and the sixth letter was received following the two PAC meetings.

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Mr. Hall briefly introduced himself and Mr. Moffett, and handed the presentation over to Mr. Moffett. Mr. Moffett provided background, noting he and his family have lived in Rothesay for the past twenty years. The land was initially purchased for commercial purposes, but following a change in circumstances and discussions with Town staff, it was determined there was an opportunity for a multi-unit development. He and Mr. Hall were mindful of the guidelines and requirements discussed during the review, and subsequent approval, of the Municipal Plan – and a proposal was submitted following enactment of the By-law. He spoke of the minimal demand for the property from a commercial perspective, the proximity to a residential area, and the rising demand for apartments, noting the property was better suited for a multi-family development.

Mr. Moffett gave an overview of the project highlighting the following:

- A 48 unit building
 - 8 units permissible by Municipal Plan policies regarding affordability and accessibility
 - Four 1 Bedroom units, Twenty-three 2 Bedroom units, and Twenty-one 3 Bedroom units
 - 3 Bedroom units roughly 1100 square feet
- Construction period: 15-16 months
- Building will be fully sprinklered and constructed in accordance with the National Building Code
- A shadow study and traffic study were completed
- No variances are required
- The property is one of three that are part of an existing reciprocal agreement for vehicular access and egress for the three abutting properties – to create an optimal flow of traffic
 - Adjacent businesses supplied letters of support
 - Property design is reflective of input received from adjacent properties
 - To reduce traffic a driveway was designed to go directly into the underground parking lot (37 spaces)
- Completion of a landscaping plan
- Sidewalk will be added on Chapel Hill to connect to existing sidewalk (focus on walkability)
- The design is not final – exploration of insulating concrete forms (ICF) is ongoing to address noise and energy efficiency
- Team includes: ZZAP, Fundy Engineering, Don-More Surveys, Match for Structural, Englobe (traffic study), and Strescon

Mr. Hall expanded on the care taken when considering the design of the building and property. More specifically, access to underground parking through an additional driveway, and ICF – which is preferable in terms of fire prevention ratings and insurance.

Mr. Moffett noted in terms of flexible design a three bedroom apartment can be utilized as a two bedroom unit with an office. Currently, the proposal is entering the detailed design phase where materials for structural engineering purposes will be confirmed – for instance, a concrete floor for fire and noise prevention. Material prices are being monitored and options such as wood, steel, and concrete were explored. Mr. Moffett expanded on the time and effort put into the proposal, noting it is a family project which allows his children to help during the design phase, and then be involved with landscaping or snow removal following completion.

Counc. Shea noted it is a beautiful project. He asked for more information regarding accessible and affordable units. Mr. Moffett explained, as outlined in the Municipal Plan, accessible units are designed to Universal Design Standards to meet the needs of all people who wish to use the space. Affordable units, as described in the Municipal Plan, follow Canada Mortgage and Housing Corporation (CMHC) standards. However, the Town requires the prices for these units to be maintained for 20 years, rather than 10 years (CMHC). By CMHC standards, “affordable” is considered to be 30% of the median total household income. However, the Town requires the cost to be 30% of the median total income of a lone-parent family households as this calculation produces a more reasonable cost; and rent increases

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are linked to the Consumer Price Index.

Counc. Shea asked if an accessible unit can be an affordable unit as well. Mr. Moffett explained a unit can be both but to be permissible under the bonus density policy in the Municipal Plan, they must be counted as one or the other. Counc. Shea followed up by questioning if accessible units can be rented to persons without the need for accessible features. Mr. Moffett advised they can, and confirmed the tenant can remain in the apartment as long as they wish.

Counc. Lewis reiterated the number of underground (37) and surface parking spots (24). He asked if this was sufficient in terms of spaces per unit. DPDS White advised the number of parking spots complies with standard requirements.

Counc. Mackay French agreed it is a beautiful project. She raised traffic concerns and inquired about signalization of the Marr Road/Chapel Road intersection. Mr. Moffett advised the results of the traffic study indicate the traffic generated by the development does not warrant signalization of the intersection. The decision to do so lies with the Town. Other developments may arise at the end of Chapel Road with potential for additional contributions. The development agreement stipulates a developer contribution will be allocated to signalization of the intersection, once the action is approved by Council. Counc. Mackay French asked if the lights will be installed once construction is underway. Mr. Moffett noted, if approved, there will be a timeframe of five years to develop the property. DPDS White advised the developer contribution referenced in the development agreement for traffic signalization may be allocated to curbing, sidewalks, road widening, traffic lights, poles, controllers, accessories, and electrical equipment. However, these improvements are yet to be determined. DO McLean commended the developers for completion of the traffic study. He clarified, the developers agree to pay Rothesay upon receipt of an invoice an amount not exceeding a percentage (33%) of the actual cost incurred for traffic signalization at the intersection of Marr Road and Chapel Road. Should traffic signalization of the intersection not be undertaken within a time span of 20 years, the contribution will expire.

Counc. Brown requested the developers expand on their interest in ICF construction. Mr. Moffett noted they are leaning towards ICF construction for both the exterior and interior of the building.

DPDS White gave a presentation highlighting the following:

- Proposal: to rezone a parcel off Chapel Road from General Commercial to Multi-unit Residential
- Location in proximity to Marr Road and adjacent businesses
- Size: 1 ½ acres
- Municipal Plan permits Council to consider multi-unit dwellings in commercially designated areas through the rezoning and development agreement process
- Key features:
 - 48 Unit – 4 storey apartment building
 - 8 Affordable Housing Units
 - 2 Age Friendly Accessible Units
 - 2 Barrier-Free Units designed to the Provincial Code Regulation
 - 61 Parking Spaces
 - Developer contribution toward cost of intersection improvements at Chapel Road and Marr Road
 - Landscaping and Stormwater Management Plans
 - Walkable neighbourhood close to many amenities

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With respect to the final design phase, DPDS White clarified, minor changes may occur but the project is expected to look substantially like the renderings provided. To expand on this, Mr. Moffett explained the choice of materials may slightly reduce the sizes outlined in the floor plan. DPDS White noted staff will visit the property to determine if requirements are being met.

DPDS White reviewed the affordable and age friendly housing policies, noting they provide incentives by allowing an increase in density for apartment units meeting these standards. The Kennebecasis Valley Fire Department (KVFD) reviewed the proposal and is satisfied the project fulfils their requirements. A comment from the Kennebecasis Regional Police Force (KRPF) states traffic lights at the intersection of Chapel Road and Marr Road would mitigate congestion, improve safety, and slow down Marr Road traffic where speeding does occur. With respect to the Traffic Impact Statement, he noted, delays are expected to increase but remain low enough not to warrant signalization based on the Transportation Association of Canada (TAC) signal warrant methodology. Staff believe that intersection improvements and potentially full signalization will be required, necessitating a contribution from the developers.

DPDS White provided more detail in terms of the proposal's eligibility for a density bonus of 8 apartment units – an increase over the policy limit (40 units). He reiterated there will be a 20 year commitment for no fewer than 8 (2 bedroom) apartment units with a base monthly rental rate at or below 30% of the median total income of lone-parent family households; and rent increases are linked to the Consumer Price Index (CPI). He briefly commented on age friendly accessible housing standards for kitchens and bathroom designs.

DPDS White advised Council a recommendation is usually received from the Planning Advisory Committee (PAC). Since a PAC meeting was not held in August, a recommendation from the Committee will be presented to Council at its September meeting. He further noted staff intend to explore inclusion of a clause in the development agreement to ensure the affordable housing units are rented to those that need them. Staff do not anticipate substantive changes to the architectural design. He concluded by noting staff recommend Council give 1st Reading by title to By-law 2-10-28. Three readings are required, and each meeting cannot consist of more than two readings at a time.

Mayor Grant advised Council will discuss the recommendation in a special meeting immediately following adjournment of the public hearing. She invited comments from Council.

Council inquired about the process to complete a traffic impact assessment, questioning if the pandemic impacted typical traffic counts. DO McLean explained the methodology, noting the assessment considers: physical traffic counts – adjusted upwards to factor in a reduction from the pandemic, demographics of tenants around the property, and trip generation predictions compiled using statistics and patterns. These factors are plugged into an algorithm to create a warrant analysis. Council. Shea asked if staff knew the number of residents that live in the general area of the proposal. DPDS White advised the information is not readily available but could be found. Council. Shea noted he does not need to be a traffic engineer to see the intersection is dangerous. He noted traffic lights would be beneficial and residents have expressed interest for a crosswalk on Marr Road.

Council. Lewis asked if the existing access road to the adjacent commercial complex will remain. Mr. Moffett advised it will, as indicated in an existing agreement between their property, and the properties of 59 & 61 Marr Road.

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Mayor Grant called three times for those wishing to speak against the proposal. The following people spoke:

John Barry, 9 Devonayer Court, commended the developers on an excellent project. He stated he moved from the City 9 months ago, and found difficulty accessing and exiting Chapel Road – especially locating the entrance to Chapel Road in the evenings. He stated signalization of the intersection should happen; and Town staff have come to a similar conclusion. He expressed concern notice was not given to residents of Chapel Hill to provide feedback.

Mr. Barry highlighted the following from the Level of Service (LOS) analysis: the southbound approach of the intersection operates at “LOS E” and “F” during AM and PM peak periods; the control delay for “LOS F” is “considered to be unacceptable to most drivers”; the southbound approach of the Marr Road development access operates at a “LOS D” – where congestion becomes noticeable; and “LOS D” and “E” find vehicles must sometimes or often wait through more than one red light. He reiterated his concerns pertain to traffic, not the development itself. He noted the issues must be addressed, hopefully through signalization of the intersection.

Mayor Grant thanked Mr. Barry.

Les Gillet, 3 Barra Court, noted he owns a property management company and was speaking on behalf of the four tenants at 61 Marr Road. He clarified he is not against the project, and praised the proposal for its forethought. He spoke on behalf of his tenants at 61 Marr Road, cautioning traffic concerns pose problems for their clientele which are comprised of elderly, infirmed, injured, or young individuals. He commented on the difficulties some drivers have properly activating the lights at the Campbell Road/Marr Road intersection. He stated he hopes a similar issue does not arise with signalization of the Marr Road/Chapel Road intersection. Mr. Gillet provided background on the reciprocal agreement of the three properties, noting it was created by Scott Bros. Ltd. in 2003, is lean on details (ex. cost sharing), and alludes to access and egress. He suggested Council and staff review the agreement and how it impacts all parties. He acknowledged the parking lot at 61 Marr Road is outside of the Town’s jurisdiction, but it should be considered as drivers sometimes incorrectly navigate the entrance and exit of the parking lot, which can be dangerous.

Mayor Grant thanked Mr. Gillet.

Casey Hoogeveen, 26 Chapel Road, echoed the previous comments. He informed Council Parkdale Avenue has become a short cut during peak traffic hours. Individuals travel this route to avoid the Marr Road/Clark Road intersection. He stated he has no objections to the development, or rezoning, but is concerned about the existing traffic problems.

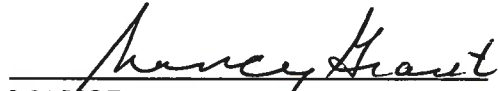
Mayor Grant thanked Mr. Hoogeveen.

Mayor Grant called three times for those wishing to speak in favour of the proposal.


There being none, Mayor Grant invited the developers to make any final comments. There being none, she thanked members of the community for attending the meeting and familiarizing themselves with the project. She concluded by noting the comments were supportive but address concerns surrounding the Chapel Road/Marr Road intersection. She commented on the willingness of the developers to contribute funds to the installation of traffic lights, reiterating it would be a benefit to the community but also the tenants as well.

3. Adjournment

The public hearing adjourned at 7:00 p.m.



MAYOR



CLERK