

ROTHESAY

PUBLIC HEARING – 145 Hampton Road
(PIDs 30266845, 00243097)
Rothesay Town Hall Common Room
Tuesday, April 26, 2022
6:30 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR HELEN BOYLE
COUNCILLOR DAVE BROWN
COUNCILLOR PETER J. LEWIS
COUNCILLOR BILL McGUIRE
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
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

ABSENT: COUNCILLOR TIFFANY MACKAY FRENCH

TREASURER DOUG MacDONALD
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN

PUBLIC HEARING **43 Unit / Mixed Use Commercial Apartment Building**
145 Hampton Road
PIDs 30266845, 00243097

1. Call to Order Instructions

Mayor Grant called the public hearing to order at 6:30 p.m.

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. She explained the format of the hearing and noted there will be no decision made this evening by Council.

2. Public Hearing Documentation

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| 22 April 2022 | Public Notice Memorandum prepared by Town Clerk Banks |
| 31 March 2022 | <i>Community Planning Act</i> , Section 111 notice to website |
| 5 April 2022 | Recommendation from Planning Advisory Committee |
| 28 March 2022 | Staff Report to Planning Advisory Committee |
| DRAFT | By-law 2-10-30 |
| DRAFT | Development Agreement |
| 2 March 2022 | Staff Report to Planning Advisory Committee |
| 31 January 2022 | Staff Report to Planning Advisory Committee |

Appearances/Presentations:

Presentation: Mark Hatfield, Propertystar Inc.

Presentation: Brian White, MCIP RPP, Director of Planning/Development Services

Comments: W & A Johnston

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Appearances: Randy Ashe
Wayne Johnston
Christiane Vaillancourt

Mayor Grant noted the application is to consider rezoning lands located at 145 Hampton Road (PIDs 30266845, 00243097) from the Central Commercial zone to the R4 Multi-Unit Residential Zone for a 43-unit / mixed use commercial apartment building, subject to the execution of a Development Agreement, in accordance with the *Community Planning Act*, supra. She listed the documentation and the dates the notice was posted to the website. Council was encouraged to focus on questions regarding clarity of issues rather than advocacy for or against the project.

Mayor Grant invited the applicant to give his presentation. Mr. Hatfield thanked Council, and began by stating he has been a long-term resident of Rothesay, and would like to remain as such. For this purpose, his plan is to develop a four-storey senior's luxury apartment complex close to Town amenities. He highlighted the following: 43 units (10 affordable units, and 1-3 ground level accessible units); adherence to Canada Mortgage and Housing Corporation (CMHC) standards; underground (34) / aboveground (53) parking spaces; underground storage; on-site amenities (shops and services); outdoor garden and park; greenspace for growing produce; semi-private recreational space; 24 hour security system; elevator; ground level community room; a separate entrance for rental units; balconies; modern design; heat pumps; and laundry.

Mr. Hatfield displayed renderings of the exterior, interior, and floor plans for 1- and 2-bedroom apartments (roughly 1300 sq ft), underground parking/storage, ground level residential/commercial space, and the remaining floors. He mentioned there will be wheelchair accessible barrier-free units, and design features in other units to support suggestions from a senior housing study, commissioned by the Town (universal design components). For instance, counters and cabinetry with lower elevations, low tubs and walk-in showers for those with mobility issues, and levers rather than doorknobs for low physical effort. He stated Propertystar believes its proposal takes a cooperative role with the Town, Province, and CMHC in providing affordable housing through incentives and regulations. He explained the rationale for the complex stating the senior population is expected to increase 25% by 2026.

Mr. Hatfield reported several studies were completed regarding how the development will affect existing infrastructure, including: Phase 1 Environmental Site Assessment, Permit for Watercourse and Wetland Alteration (WAWA), Water Demands Report, Stormwater Review, Traffic Impact Statement, and Sun Angles Study. He commented on the Sun Angles Study noting 147 Hampton Road may be impacted but not residential properties. He also mentioned revisions to the site plan to ensure a sufficient turning radius was available for fire trucks.

Mayor Grant thanked Mr. Hatfield and invited questions from Council.

Council inquired about: allocation of underground parking spaces; age to be considered a senior for tenancy; children and pets; composition of the ground floor; stormwater (release and rooftop storage); rental costs; use of the parking lot by adjacent businesses; a fence; occupancy of commercial units; the WAWA permit; the semi-private recreational space; and accessible vs. barrier free units.

Mr. Hatfield responded with the following: underground parking/storage will be provided for a fee on a first-come-first-serve basis; occupancy will not be based on age but targeted towards the senior population; it will be a child-free facility – permittance of pets is undetermined; the ground floor will have a mix of 5 commercial and 5 residential units with a community room; most barrier-free units will be on the ground floor; there is a stormwater catchment area on the roof, and stormwater will be directed into an existing creek adjacent to the property; rental costs are subject to change but may range from \$1100-1250; neighbouring businesses will no longer be able to use the property for parking once the building is constructed; the intent is to create a vegetative buffer around the property

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rather than a fence; the plan is for long-term occupancy for the commercial units; an application was submitted and a WAWA permit was granted from the Department of Environment concerning work near a wetland; the semi-private recreational space is a community room that tenants can book for events; and the goal is for all units to be barrier-free but this depends on cost.

Mayor Grant invited Brian White, Director of Planning/Development Services (DPDS) to give a presentation. Before he began, DPDS White clarified that Provincial Building Code requirements state there must be one barrier-free unit for every 20 apartment units – in this case two barrier-free units. With respect to occupancy, he advised the building can be targeted to seniors but families with children cannot be excluded based on the Human Rights Act.

DPDS White highlighted that it is a “smart density” project as it provides housing diversity, reduces sprawl, is in a designated zone for high density (Municipal Plan), promotes pedestrian connectivity to the Town’s commercial area; and utilizes existing infrastructure. He explained the increase in higher density projects are likely a result of a growing aging population, changing market demands, an increased demand, and a public shift away from interest in homeownership. The senior population is not only expected to increase 25% over the next few years but could increase as much as 68% nationwide in the next 20 years. This attributes to a need for housing to allow all ages to remain in the community. He added the Planning Advisory Committee and staff both support the application.

DPDS White briefly reviewed renderings and elevations. He spoke of revisions and conditions in the proposed development agreement, highlighting: a sufficient turning radius for fire trucks; prohibited commercial fascia signs, only awning and projecting signs are permitted; a separate driveway entrance as opposed to shared access with 147 Hampton Road; a predominant number of residential units compared to commercial units; and a landscaping plan.

In response to an inquiry, DPDS White explained that projecting signs are signs that protrude from the building which are popular in downtown cores.

Deputy Mayor Alexander mentioned the traffic study was completed using 2016 data projected to 2022 with an adjustment of a 1% increase per year. He asked if this was realistic. Director of Operations (DO) Brett McLean advised an independent traffic study was commissioned, by the Town, which factored in a 2% annual increase as well as a 30% adjustment related to COVID-19. The results were negligible on existing infrastructure. Deputy Mayor Alexander asked why staff support a flat roof on this project but not on another similar proposal, despite the prevalence of peaked roofs in the area. DPDS White explained a flat roof is contextually appropriate in the commercial corridor, whereas peaked roofs become more prevalent towards the Town’s traditional and residential areas. When questioned, Mr. Hatfield confirmed the height of the floors are roughly 9 feet.

Counc. Shea inquired about the location of the stormwater retention pond. DPDS White confirmed the stormwater retention pond is depicted on the site plan at the rear of the property.

Counc. McGuire expressed concern about privacy. He asked if the height of the trees in the conceptual drawings are an accurate representation of what will be on the property. Mr. Hatfield noted the drawings reflect the current height of the trees adjacent to residential properties. DPDS White added these conditions are included in the development agreement as part of the landscaping plan. He stressed the importance of outlining details in the development agreement to ensure compliance.

Counc. Boyle asked if the claims, in a letter received from the residents of 25 Monaco Drive, are true regarding Mr. Hatfield’s decision to clear trees next to their property despite a request from the residents not to. Mr. Hatfield noted he does not recall such a conversation as the decision was made in 2012 after its purchase. He added many of the trees were removed because of their deteriorating condition.

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Mayor Grant invited registered participants Randy Ashe, Wayne Johnston, and Christiane Vaillancourt to speak.

Mr. Ashe acknowledged that development must occur for progress and many residents would prefer it not be in their backyard. He opposed the project based on the following: it is an unsuitable location as it would 'shoehorn' a high-density complex onto less than 1.5 acres; traffic generation will worsen conditions on Hampton Road as it did with the Magnolia Lane apartment building, and the condominiums at 52-54 Hampton Road; privacy issues for neighbouring residential properties; and the potential impact on property values. Mr. Ashe mentioned staff were opposed to the Highland/Hillcrest proposal because it will impact the existing character of the neighbourhood due to incompatible density, architecture (flat roof), and proximity to single-family homes. Mr. Ashe noted all these concerns apply to this proposal – it is an unprecedented, mixed use (commercial and residential), four storey, building with a flat roof abutting residential properties. Constructing 43 units on 1.46 acres would equate to a density of roughly 29 units per acre – which is greater than the 25.15 units per acre for the Hillcrest/Highland proposal, and 15.06 units per acre at 52-54 Hampton Road (condominiums).

Mr. Johnston expressed concern regarding the developer's lack of concern for neighbouring properties. His property directly borders the site and Mr. Hatfield has ignored stormwater concerns, and requests for: a fence (to deter pedestrian shortcuts), to clean up the property (strewn building materials and machinery), and to maintain 5 feet of vegetation before the property line. He relayed that the area has faced issues with stormwater, which have required municipal assistance, and may worsen from the construction of impermeable surfaces. He mentioned clearing the property has impacted the root system of the trees which contributed to a fire and affects natural groundwater control. He commented fireworks could also pose an issue as they are a current problem in the area. When questioned, Mr. Johnston reported there is roughly 10-20 feet of trees at the rear of his property.

Ms. Vaillancourt raised concerns regarding building height, density, design (flat roof), increased traffic, and stormwater management. She reiterated the proposal has a greater density per acre than 52-54 Hampton Road (condominiums) and the Highland/Hillcrest proposal. The building's height poses a threat of dominating the streetscape and impacting the privacy of residential properties. She questioned the safety risk of one entrance, and snow accumulation. She cautioned a net-zero stormwater system may regulate the amount of runoff from the property, but the rate at which water flows from the property could be increased. Furthermore, conditions along Hampton Road will worsen with added traffic. She said approval of this project, and others, could increase Rothesay's population by 392 residents (3.56%) all contained within 1.4 kilometers. She asked Council to consider the fiscal impact to taxpayers as incremental infrastructure improvements will be required to accommodate the collective developments.

Mayor Grant called three times for those wishing to speak against the proposal. The following people spoke: Jeff Lidstone, 22 Monaco Drive; Charlene Buckley, 23 Monaco Drive; Bill Campbell, 26 Monaco Drive; and Anne Russell, 3 Aries Court.

Concerns were raised regarding: traffic routing through Monaco Drive/Bel-Air Avenue to get to Pettingill Road; the imposing height and scale of the building; noise; high density on a small lot; worsening of traffic on Hampton Road; potential risk of flooding; and difficulty entering/exiting through a single access point.

Mayor Grant called three times for those wishing to speak in favor of the proposal. There being none, Mayor Grant invited final comments from the developer.

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Mr. Hatfield addressed concerns with the following: new developments must implement a professionally engineered net-zero stormwater management system; the flat roof aids in stormwater retention whereas a pitched roof would not; design plans include a stormwater attenuation pond which will act in a similar manner to the Oakville Acres detention pond by alleviating flooding concerns; traffic impacts will be negligible as indicated by the Town Engineer; existing infrastructure has the capacity to accommodate the development; privacy will be maintained by existing vegetation on the rear portion of 25 Monaco Drive and a vegetative berm onsite. He concluded by stating a berm is preferable as fences can be blown over in the wind and collect garbage.

3. Adjournment

MOVED by Counc. McGuire and seconded by Counc. Brown the public hearing be adjourned.

CARRIED.

The public hearing adjourned at 7:45 p.m.

Original signed by Mayor
MAYOR

Original signed by Clerk
CLERK