



**Planning Advisory Committee**  
November 7<sup>th</sup>, 2022

**To:** Chair and Members of Rothesay Planning Advisory Committee  
**From:** Brian L. White, MCIP, RPP  
Director of Planning and Development Services  
**Date:** Thursday, November 03, 2022  
**Subject:** Rezoning 50 Hampton Road – Apartment Building

<b>Applicant:</b>	Andrew McKay	<b>Property Owner:</b>	Glynn Johnston
<b>Mailing Address:</b>	308 Model Farm Road Quispamsis, NB E2G 1L8	<b>Mailing Address:</b>	50 Hampton Road Rothesay, NB E2E 5L2
<b>Property Location:</b>	50 Hampton Road	<b>PID:</b>	00255984
<b>Plan Designation:</b>	High Density Residential	<b>Zone:</b>	R1A – Single Family
<b>Application For:</b>	Rezoning (1 apartment building – 27 units)		
<b>Input from Other Sources:</b>	Operations, KVFD		

**RECOMMENDATION**

PAC HEREBY removes from the TABLE the rezoning application for 50 Hampton Road.

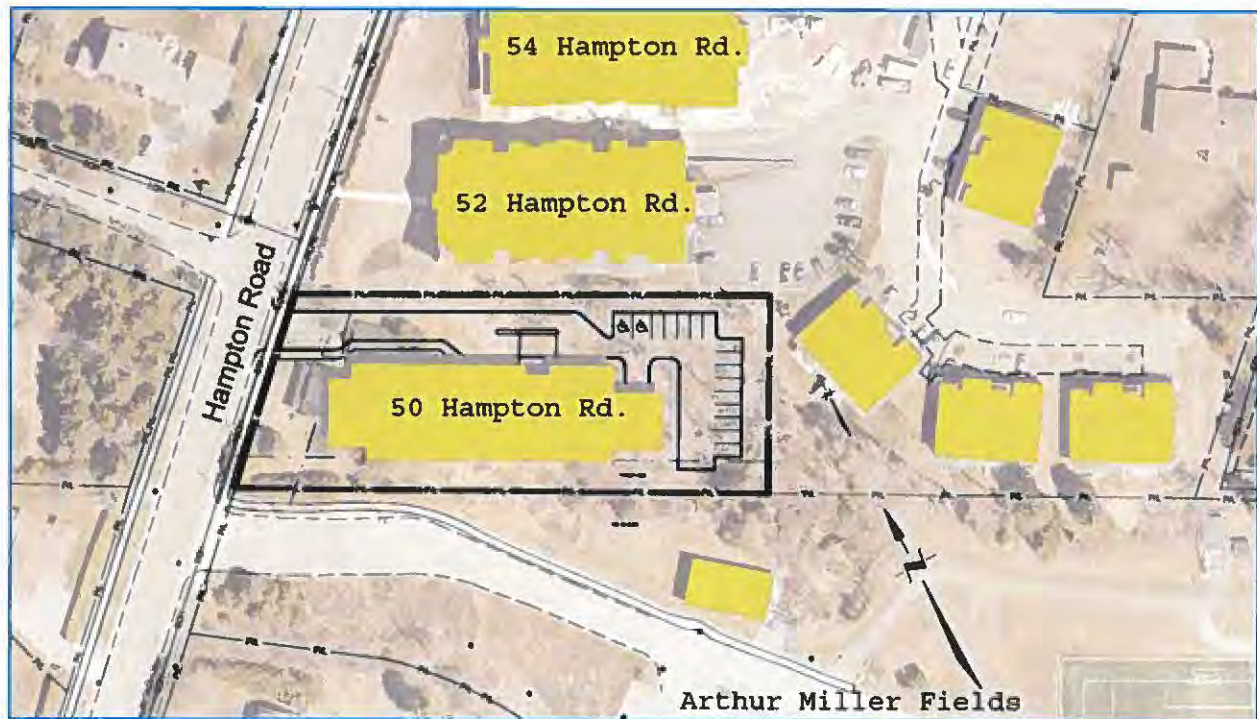
**ORIGIN**

On October 3, 2022 the PAC TABLED the rezoning application from Mr. Andrew McKay to develop a three story 27-unit apartment building at 50 Hampton Road pending the receipt of a supplemental staff report containing the following:

1. Polling results;
2. Draft Development Agreement; and
3. Draft Rezoning By-law.

**BACKGROUND:**

An application from Mr. Andrew McKay to develop a three story 27-unit apartment building at 50 Hampton Road. The subject property has a total area of 4,360.09 square meters (1.1 acres) and is zoned Single Family Residential – Large Serviced Zone [R1A]. The property is also designated for future high density residential land uses.



**Figure 1 – Site Location (50 Hampton Road)**

#### **POLLING PROCESS:**

The application is to rezone the subject property to the R-4 Multi-Unit Residential Zone to permit a multi-unit apartment building by development agreement. The typical 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. PAC recommendation to Council is also influenced by public feedback received through the polling process. Staff conducted the polling of neighbours, prepared the by-law amendment or the development agreement.

Staff received feedback (Attachment A) from 8 residents, the majority of the feedback comes from the residents of the abutting condominium association. Staff reviewed the comments and did find a few common concerns as follows:

1. **Property Values** Some residents are concerned that the introduction of rental housing into the neighbourhood will have a negative impact on the surrounding property values.
2. **Traffic Congestion & Public Safety** Residents comment that more multi-unit development will increase traffic, make the streets more congested and create additional strain on public safety especially for children accessing the Arthur Miller Fields.
3. **Neighbourhood Character** There is a perception among some residents that rental housing will be built from low quality materials or residents may not share similar values. The feeling is that this would undermine the neighbourhood character and property value.
4. **Enough Density** Some residents comment that their neighbourhood may already have its fair share of multi-unit housing and that it is time for developers to look elsewhere.

5. Development Timelines      Some residents are concerned, based on personal experiences with the developer, that the construction of the project will not be expeditious, and they will be living with construction activity for an intolerable long period of time.

**DRAFT DEVELOPMENT AGREEMENT:**

Staff have prepared a development agreement for PAC's review before proceeding to Council. As PAC will note 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. The development agreement is specific permission for the developer to construct the building as proposed and outlined in the attachments of the agreement. The agreement is largely standardized nevertheless, Staff wish to highlight two areas of agreement as follows:

**STREET CROSSING:**

Staff have consulted with the Director of Operations and determined that a crosswalk at entrance of the Arthur Miller Sport Fields is necessary. The preliminary concept is to relocate the existing overhead mounted crossover signs at Hampton and Highland Avenue down to the Arthur Miller Field location.



Figure 2 - Existing Overhead Crossover Signs at Hampton and Highland Avenue

Staff have also determined that the developer should contribute toward the cost of the crosswalk. For that reason the development agreement includes the following clause:

*The Developer agrees to pay to Rothesay upon receipt of an invoice an amount not exceeding twenty percent (20%) to a maximum amount not exceeding \$10,000.00 of the actual cost incurred and expended by Rothesay for a pedestrian crosswalk signalization at the intersection of Hampton Road and the entrance to Arthur Miller Fields including the poles, controllers, accessories, electrical equipment, paint and appurtenances necessary for the installation and operation of overhead mounted pedestrian crossover signs.*



Figure 3 - Proposed cross walk location

#### **AFFORDABLE & ACCESSIBLE UNITS:**

To take advantage of the density bonus provisions of Rothesay's municipal plan the developer must provide any combination of either 10 affordable or accessible apartment units. The draft development agreement includes the following language.

"The Developer agrees that the total number of units shall not exceed twenty-two (22) excepting for the addition of 5 units as per density bonusing provisions requiring a total of 10 units to be designated affordable or meeting the Universal Design Barrier Free as further described herein.

5. The Developer agrees to maintain for a period of twenty (20) years, adjusted by the Consumer Price Index based upon initial occupancy at the first day of building occupancy, no fewer than three (3) affordable rental housing units. The affordable housing units are to be 2 (two) bedroom units constructed with similar finishes for flooring, trim, bathrooms, paint and kitchen cabinets as the market rate housing units, with a Base Monthly Rental Rate at or below 30% of \$69,000 being the Median total income of one-parent economic families for 2020 in Rothesay as stated by Statistic Canada.

6. The Developer agrees to construct seven (7) Universal Design Barrier Free units utilizing Universal Design principles to achieve an accessible barrier-free standard to the satisfaction of the Development Officer in consultation with the Town's Building Inspector."

**RECOMMENDATIONS:**

Staff recommend the Planning Advisory Committee consider the following MOTION(s):

- A. PAC HEREBY recommends that Council schedule a PUBLIC HEARING to consider the application from Mr. Andrew McKay to develop a multi-unit apartment building at 50 Hampton Road.
- B. PAC HEREBY recommends that Council enact BY-LAW 2-10-33 to rezone land located at 50 Hampton Road (PID 00255984) to the Multi- Unit Residential Zone [R4] for a multi-unit apartment building, subject to the execution of a Development Agreement.
- C. PAC HEREBY recommends that Council authorize the Mayor and Clerk to enter into an agreement, to allow for the development a multi-unit apartment building on land located at 50 Hampton Road (PID 00255984).

**MOTIONS B and C were tabled**



Report Prepared by: Brian L. White, MCIP, RPP

Date: Thursday, November 03, 2022

**ATTACHMENTS**

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

Polling Results

Draft By-Law

Draft Development Agreement

## **ATTACHMENT A – POLLING RESULTS**

### **8 Hibbard Lane, Rothesay**

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Dear Mr. White

This email is in response to the note I received in my mailbox last week concerning the rezoning application to 50 Hampton Road.

We have reached a traffic crisis along Old Hampton Road. Access from too / Hibbard Lane on to Old Hampton Road can take up to ten minutes in both the morning and afternoon during peak periods.

Another twenty-seven cars added to the already overburdened road will create further gridlock.

I would like to go on record as being opposed to rezoning at this time.

Respectfully Submitted

8 Hibbard Lane

### **4 Balmoral Blvd, Rothesay, NB**

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While this rezoning application for 50 Hampton Road stems from the result of normal, urban growth and development I see this specific build location as an impending Public Safety concern, both during and post construction.

Inevitable and necessary growth is required however to erect such a structure immediately adjacent to a well utilized Public Venue (Arthur Miller Fields) will be dangerous to both pedestrian and vehicle traffic. The sidewalks and areas around this site are in constant use by students, athletes, parent's, fitness enthusiasts and visitors to Kennedy Steele Park and to have construction and disruption over an estimated four-year period would be unacceptable.

I cannot support this application on what information was provided in the resident's letter and I need to fully review Rothesay's infrastructure Safety Plan for crosswalks, lights, turning lanes etc.

I truly hope the term "High Density Residential Land Use" does not trump "Public Safety".

### **7 Balmoral Boulevard, Rothesay**

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Dear Mr White

I bought a garden home, 7 Balmoral Blvd, 2 1/2 years ago. This complex is still a building site, a long way from completion. I strongly urge the Planning Advisory Committee to refuse any further applications from Mr. Andrew McKay until he has completed unfinished projects.

## **10 Balmoral Boulevard, Rothesay**

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Hello there,

My wife and I live at 10 Balmoral Blvd and have received notification of rezoning application for 50 Hampton Road.

Below are thoughts for your consideration (broken into 2 areas: 1 rezoning process; 2 permitting process).

- I. Concerns with rezoning that can be addressed through the approval process
  - a) Entrance/ exit to the property: any chance this can be moved to access road to the Arthur Miller Park instead of directly on Hampton Road?
  - b) Buffer between 52-54 Hampton Road/ Balmoral Blvd property (Known as Central Park: common Condominium property which 58 owners reside on) as housing for both areas is different (owners versus renters). Buffer could include a berm, trees, or classy fence (not galvanized chain linked please)
  - c) Globally there is the potential of having 85 residences between Hillcrest and entrance to Arthur Miller field (~5 acres) not including the recently approved apartment complex for ~30 units (Exhibit B in red which may easily morph into 60 units) that will have an entrance on Hillcrest. To make this a walkable community, consideration should be given to increase available sidewalks on Hampton Road and lighted crosswalks between Hillcrest and Grove Ave on Hampton Road (Exhibit A: proposed build in red, sidewalk in blue and crosswalk in black) along with additional sidewalks (currently curbing doesn't exist) on Hillcrest (Exhibit B. Approve building on Highland and entrance on Hillcrest in red, proposed sidewalk in blue)
  - d) No lighting exists in parking lot and access road for Arthur Miller field, can a couple of light standards be added as this area is pitch black at night. With added evening traffic, this becomes an important consideration for the developer and his tenants at night.

Exhibit A

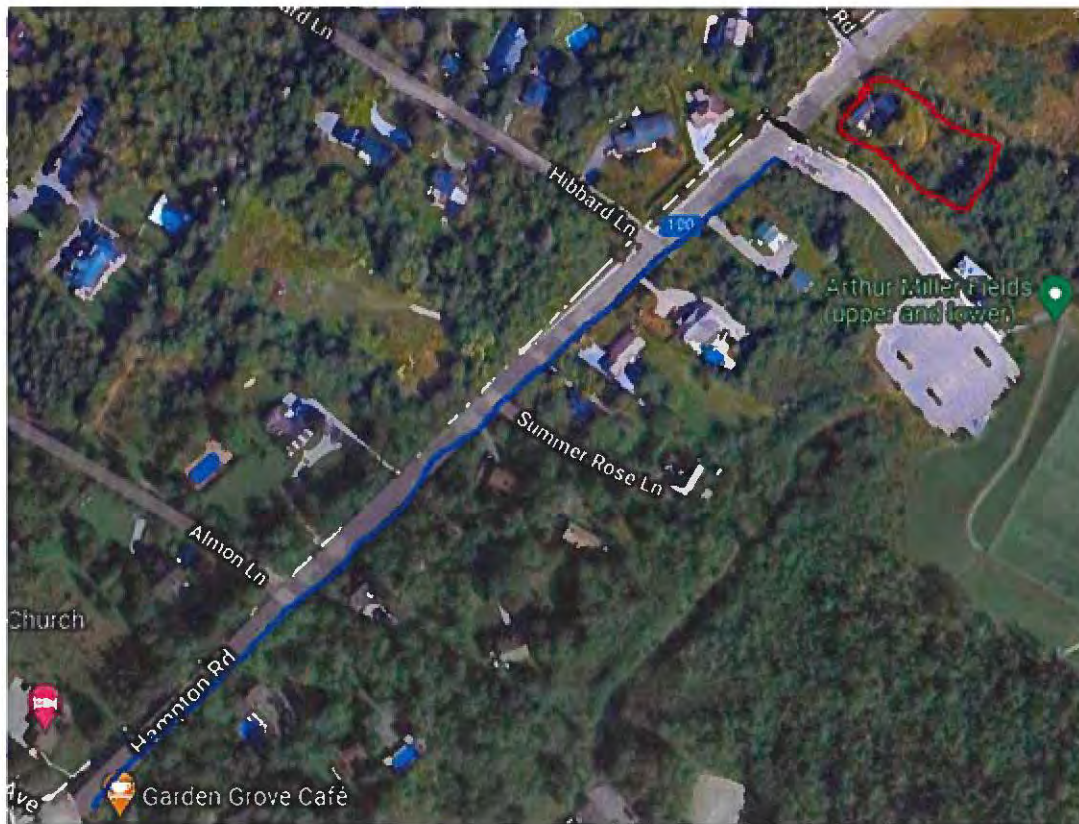


Exhibit B



2. Concerns with approval that can be addressed through the approval process
  - a) Traffic management of developer to not inhibit traffic on Hampton Road or access into Arthur Miller field including laydown of materials and equipment during construction period.

- b) Be expeditious from ground-breaking to full completion (12 months?); too many highly visible projects seem to drag on for inexplicable reasons and become an eyesore in our beautiful area in very high traffic areas.
- c) Request developer do a complete exterior cleaning of polled resident's buildings spring and fall as digging and construction vehicles create tremendous dust that gets onto sidings and windows.
- d) Request developer to report quarterly in written format to polled residents on what the development has been completed and what will be happening in the quarter.
- e) Require developer to post a performance bond to deliver project in a timeframe and quality as agreed upon between town and developer.

If the above items can be addressed, the residents at 10 Balmoral BLVD take a neutral stance with the proposal.

Thank you!

### **52 Hampton Road, Unit 307, Rothesay**

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We are strongly opposed to this Apartment Building Development.

Our Condo Development could be a great community for seniors and all ages.

We were unaware that the town of Rothesay was going to make a quiet bedroom community in the heart of Rothesay, a suburban retreat for all ages into the next Milledgeville Ave of Saint John, with Apartment Buildings lining Old Hampton Rd.

The Town of Rothesay is approving new apartment buildings construction so fast that they need to take a step back and think about how things will look in a few years upon completion not just the revenue dollars.

If this is what the vision of the Town of Rothesay, is then perhaps they need to rewrite the town description from a "suburban retreat for all ages community" to "come live in the hustle and bustle of a busy not so much suburban retreat for all ages".

Again, can you imagine what it will look like in a couple of years from now when all these apartment buildings are completed? In the end you will have 4 major high-density buildings all sitting very close to each other in the heart of Rothesay plus the apartment buildings on the other side of the traffic light on the old Hampton Rd.

The town of Rothesay already had approved a couple of apartment complexes in this area with one sent back to the re design phase on Highland Ave/ Hillcrest Dr, a 40-unit apartment building and 2 single family dwellings. This parcel of land with the two homes makes it very apparent that the land has been divided to place a second large apartment in the future.

That would make 5 high density buildings all within spitting distance of each other.

What sort of message does that send to people who like us have purchased our home and Condo in this area of Rothesay?

Rothesay needs to ask itself what it wants to be, a beautiful bedroom community where people come to raise their families and retire or a high-density apartment housing community. Where people will eventually move to another more desirable community like Quispamsis to raise their families and retire. What Rothesay needs badly are more retirement communities with townhouses like those off Belair, Chapel Hill or the new proposed development in Quispamsis off the Pettingill Rd.

Our property values will go down as we are condos owners. Apartment buildings will drive down our property values. As property owners we pay property taxes and have pride in our homes.

The building lot is not very wide and will only allow so much room for the apartment building placement and will not allow for adequate distance from the condo building on 52 Hampton Rd. We do not need a big city feel in a town such as Rothesay.

If the town of Rothesay is determined to make the old Hampton Rd the next Millidgeville Ave of Saint John with apartment buildings lining the road then we request the trees that currently border the property to be left, and additional large quality trees be planted to provide privacy.

This needs to be in writing and a proper timeline needs to be in place for the construction beginning to completion so that our lives are disrupted as little as possible.

## **54 Hampton Road, Rothesay**

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I am a resident of 54 Hampton Road, located on the 2<sup>nd</sup> floor level parallel to Hillcrest Drive. I have lived in the Kennebecasis valley since 1982, previously owning homes on Saunders Drive in Quispamsis and Beach Drive, Rothesay. I moved to the Condominiums in June of 2022, having recently retired.

### **CONCERNS**

Volume of traffic along Hampton Road, actual speed of vehicles (versus posted limits) and number of exit and egress roads.

1. There is already a high level of traffic along Hampton Road the addition of another apartment complex will only add to the existing problem.
2. The nearby Rothesay High school has an uncontrolled amount of scooters and motorized bikes in use by the students,
3. The strip of road between Highland Avenue and Grove Ave. is currently treated as a speedway with posted speeds ignored.
4. There is presently a single car driveway at 50 Hampton Road, which will have future use to accommodate more vehicles from the proposed apartment complex. Don't know if there is an allowance for underground parking. The projected amount of vehicles could be as many as fifty.
5. The new apartment building driveway would be directly opposite Henderson Park Road, which would create a high risk for accidents. I would not recommend an alternative location.
6. Addition of traffic lights at Grove Ave. is a necessity but will introduce more congestion problems by slowing the traffic flow, particularly during peak times.
7. Addition of new commercial building at Hampton Road/Iona intersection. Impact of additional traffic is undetermined at this time but will add to present volume. Similarly with the new Hampton Road medical facility currently under construction.

### **CONDOMINIUMS VERSUS APARTMENTS.**

8. Unreasonable combination of owned condos versus rented apartments. Should be owned only, in this location, to prevent unfair competition. Rents are typically less for apartments – newer bldg., same amenities, less cost, would create more difficulties in the resale market for condos.
9. It does, however, depend on the quality of the rentals. If one is more upgraded and offers more amenities than the other, then it will be priced accordingly.

### **CONTRACTOR'S PERFORMANCE.**

10. The same Contractor is the current constructor of the apartment complex on 309 Hampton Road, a project which has been plagued by delays.
11. Contractor currently not complying with finishing Condos at 52 and 54 Hampton Road, garden homes on Balmoral Blvd. etc., suggesting that the Contractor has been overextended in his capability to finish projects (schedule and cost).

**Other**

12. A better alternative would be approximately (eight) owner occupied garden homes which would be more conducive to the overall appearance with the units currently situated on Balmoral Boulevard. Usage of existing road to/from Arthur Miller fields could be feasible.
13. Similarities between Hampton Road and Rothesay Avenue in Saint John. Biggest difference is Hampton Road is mixed commercial/residential.
14. Obstructed view of condos on 52 Hampton Road. Were the current Condo residents made aware of the Contractors proposal? Contractor should be helping to prevent this issue not be the initiator. Similarity with 52 & 54 Hampton Road.
15. Architects rendering is misleading, picturing the proposed apartment complex in a park like setting. There will be very little green space except for a narrow strip of grass bordering the complex, enclosed by an evergreen hedge. Please ref. present conditions at existing Condos and entrance to Arthur Miller fields.
16. There is an associated noise impact with the increased traffic which is not conducive to residential areas. Quality of life impacted to residents.

**RECOMMENDATIONS**

17. Do not give planning permission for any additional multi storied buildings along Hampton Road. The amount of these types of dwellings is destroying the overall image of Rothesay. Green spaces, treed areas are rapidly disappearing.
18. There is a need to enforce traffic speed control, introduce cameras, at crosswalk and traffic lights in particular. Use of solar powered speed indicator signs (similar to ones at Quispamsis Elementary school) would be an improvement.
19. Avoid any future access to Hampton Road by new projects.
20. There are presently other undeveloped properties along Hampton Road which should be included in this and further opportunities to avoid over usage of existing infrastructure.

Regards,  
54 Hampton Road, Suite #202

November 2, 2022

Brian L. White,  
Director of Planning and Development Services,  
Town of Rothesay,  
70 Hampton Road,  
Rothesay, N.B.



Dear Mr. White;

This letter is to express my concern regarding the application from Mr. Andrew McKay to develop a 3 storey 27 unit apartment building at 50 Hampton Road.

The information letter of October 18<sup>th</sup> is entitled "Rezoning Application". Over the last 5 years there have been a number of rezoning applications along the area of Hampton Road from Rosedale Lane along to the Arthur Miller Fields. This has resulted in a marked landscape change along that stretch of road. It would seem that this area of Rothesay is becoming high density with 3-4 storey buildings that have very little green space around them. What is the proposed plan for the future to preserve a variety of housing with treed lots in this area?


The increased traffic of this development will add to the already present difficulty of turning left from our Lane onto Hampton Road. Cars come over the brow of the hill to the left of the Lane at 50 K (or more) and when traffic is backed up, it is impossible to see approaching traffic from the right. The brow of the hill also reduces the line of sight for the soccer field users. This can be especially challenging when the high school traffic is added to the mix with both vehicles and pedestrians using the soccer field entrance.

My final concern is that the amount of storm water flowing along Hampton Road will be increased due to yet another paved space. The changing rain patterns with cloudbursts as well as the reduced areas to "soak up" the rain have resulted in a heavier flow of water down the road which often comes across the entrance of Hibbard Lane and onto my land. My family deliberately did not develop that land and left it as treed as possible to reduce the intensity of rain hitting the ground and allowing the water to be "soaked up". Recent years have increased that storm water amount flooding my land. How does the Town plan to cope with the increased storm water flow which can't all be controlled by the site storm drain system?

The location of high-density housing within walking distance of amenities is only one aspect of development. It needs to be balanced with other types of housing so that we don't end up with "strip mall apartment buildings".

Yours respectfully,

[REDACTED]  
5 Hibbard Lane, Rothesay, N.B.

  
3 Summer Rose Lane  
ROTHESAY, NB E2E 5Z1

November 2, 2022

Brian L. White, MCIP, RPP  
Director of Planning and Development Services  
Town of Rothesay

**Re: Proposed 27-unit apartment building at 50 Hampton Road**

Dear Sir:

In response to your letter of October 18, 2022, concerning the above-referenced development, I am opposed to it going forward at this time.

I understand that such developments are consistent with the current zoning of 50 Hampton Road. The Town's desire to transform the entire section of Hampton Road, from the intersection with the Gondola Point Road to the intersection with Marr Road, into a street lined with low rise walk-up apartment buildings and strip malls in order to increase the tax base mystifies me, especially when there is plenty of other undeveloped land in the municipality. That horse has left the barn.

Aesthetically, the building depicted in the artist's drawing is lovely. However, as you know, the finished product often looks far less appealing than the preliminary idyllic renderings.

My primary concern is the effect of another high-density building with its only access for at least 27 additional vehicles being to Hampton Road. I have read the Englobe Traffic Study dated September 1, 2022, submitted by the proponent, which concludes that the proposed development will have a "negligible" impact on the flow of traffic along Hampton Road. The fact is, according to a traffic study submitted by another entity that proposed to construct a similarly sized building along the same stretch of roadway earlier this year, that at the hours when most residents of Rothesay need to use Hampton Road, the section between Rothesay Corner and Marr Road is already at capacity. I strongly suggest that the current proposal not be considered in isolation and that any other pertinent traffic studies you have on hand should be reviewed before any decision is made. I also suggest that the responsible approach would be for the Town to commission its own traffic study from a consultant who is truly independent - in the sense that it has not been retained by a proponent who has a financial interest in obtaining a study that minimizes the impact of the proposed project on the traffic situation.

The fact is that the intersection of Hampton Road and Marr Road does not work efficiently at the morning and evening rush hours, Saturday mornings and, recently, Sunday mornings. It has been a problem since I moved to Rothesay in the early 1980s and there has been no improvement for over 40 years. The main issue seems to be the inadequacy of the highway east of Marr Road. It cannot handle current traffic volumes. As the Hampton Road west of Marr Road becomes increasingly commercialized and lined with apartment buildings, it too will become inadequate.

My lane enters Hampton Road between Almon Lane and Hibbard Lane. At 6:00 at night or on a Saturday morning, it can take up to three green lights at Marr Road for me to get from my lane through that intersection travelling east. Hampton Road is not an arterial highway - it serves almost exclusively local traffic. I recognize that when nobody needs to use Hampton Road, traffic is very light and moves freely. But the purpose of roads is to provide a means for getting from place to place when necessary. For most working people, when necessary is between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 7:00 p.m. They do not have an option.

I appreciate the fact that current town planning philosophy is to have the sidewalks along Hampton Road packed with happy shoppers scurrying along with their daily groceries at all times of year. This will not happen. Even in the most moderate of weather, it is rare to see anyone with a shopping bag on a Hampton Road sidewalk.

I oppose any new high-density projects on the stretch of Rothesay Road between Grove Avenue and Marr Road until the Hampton Road/Marr Road issue is resolved. Until that happens, every new development is going to exacerbate a problem that only those of us who live along Hampton Road can understand.

Sincerely,



## **Addendum November 1, 2022**

20 Hibbard Lane  
Rothesay, NB  
E2E 5M4

November 1<sup>st</sup> 2022

Planning Advisory Committee  
70 Hampton Road  
Rothesay, NB  
E2E 5L5

Dear Brian White and the Planning Advisory Committee

Regarding the proposal for a 3-story apartment building on 50 Hampton Road.

My neighbours have expressed opposition regarding this proposed development. I share several of these concerns. When I moved to this area it was exclusively single dwelling-houses, and in recent years we have seen a shift to not only medium density but also high-density developments.

I do however recognize the benefits of high-density developments for the town, our residents, and the environment. I support high density housing projects, but only if the infrastructure to support this density is completed in tandem. The problem with the location for such density on 50 Hampton Road is that this is a site of frequent jaywalking, compounded with that fact that Hampton Road has a blind crest at this location. Although there is a crosswalk on Hampton at Highland, it does not change pedestrian behaviour / flow through the area. The proposed building will only compound the problem of jaywalking in the immediate area. A pedestrian/traffic study need not be completed; I would invite any curious parties to pull up a lawn chair near 50 Hampton at 2pm on a weekday to see the issue for themselves.

I would tentatively support the development only if the following 2 requirements are met:

- 1) Completion of a sidewalk on the southeast side of Hampton Road between the proposed development at 50 Hampton Road and Grove Avenue.
- 2) Crosswalk near 50 Hampton Road either above or below the crest of the hill to allow pedestrian visibility.

Sincerely,