



**To:** Chair and Members of Rothesay Planning Advisory Committee  
**From:** John Jarvie, Town Manager  
**Date:** Friday, August 04, 2023  
**Subject:** Rezoning 2 Campbell Drive (Light Industrial)

<b>Applicant:</b>	Jeff Kitchen	<b>Property Owner:</b>	693279 NB LTD.
<b>Mailing Address:</b>	23 Scovil Road, E2H 1S1, Rothesay NB	<b>Mailing Address:</b>	23 Scovil Road, E2H 1S1, Rothesay NB
<b>Property Location:</b>	2 Campbell Drive	<b>PIDs:</b>	00065201 & 30347942
<b>Plan Designation:</b>	Light Industrial	<b>Zone:</b>	Single Family Residential
<b>Application For:</b>	Rezoning Light Industrial		
<b>Input from Other Sources:</b>	Polling		

**ORIGIN:**

An application from Mr. Jeff Kitchen to rezone land off Campbell Drive to Light Industrial for the purpose of continuing his business Vantage Build being a company engaged in the design, repair, renovation, and construction of buildings. The rezoning includes two (2) parcels PID (00065201) and PID (30347942) with a total combined area of 6090.28 square meters (1 ½ acres). Both PIDs are zoned Single Family Residential [R1A] – Large Serviced.

The subject land is located between Campbell Drive and New Brunswick Route 1 Highway with frontage is on Campbell Drive and serviced by municipal water.



Figure 1 - Property Location 2 Campbell Drive

**AMENDMENT (REZONING) PROCESS:**

The procedure for a rezoning application is that Council receives a recommendation from PAC to hold a public hearing and that a by-law amendment be drafted in advance of the public hearing. Once a hearing date is set the PAC will then review Staff recommendations, consider the public feedback received through the polling process and forward to Council a final recommendation on the rezoning proposal.

**BACKGROUND**

The subject property is designated for Light Industrial Use in the Rothesay Municipal Plan. The designation enables Council to consider rezoning the two (2) PIDs to Light Industrial Zone.

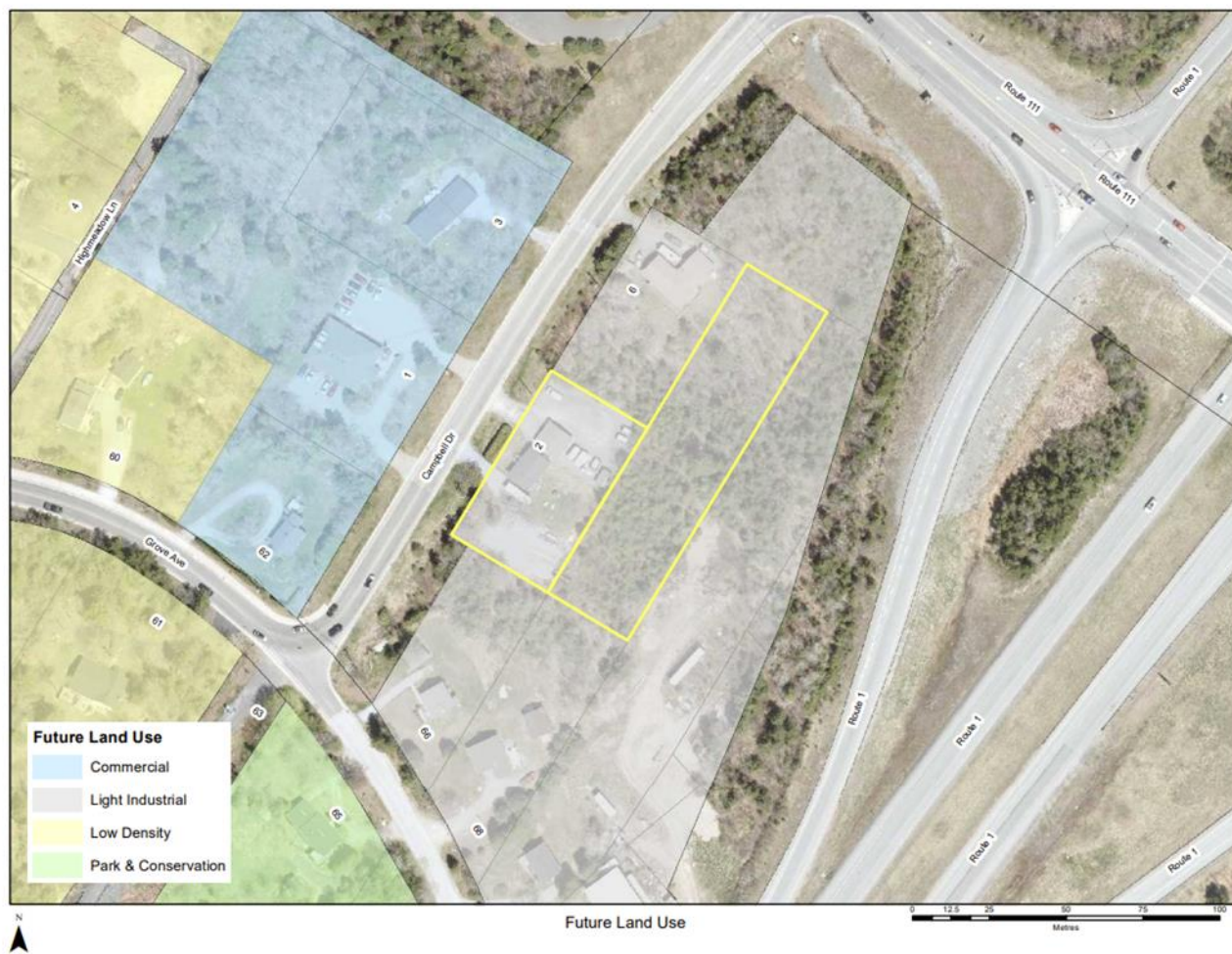


Figure 2 - Land Use Designation for Subject Parcel

**APPLICANT PROPOSAL:**

The subject property is currently being used as a contractor’s yard for the preparation and assembly of building components for various residential and commercial buildings in Rothesay with a particular focus on heritage era buildings. This includes renovation, restoration, and new build residential home projects throughout Rothesay and the surrounding area.

Staff agree that Rothesay has many heritage era and heritage style homes, these types of buildings are in many ways representative of Rothesay’s character. However, these homes do require tradespeople, and craftsmen with specialized skills to restore and maintain these buildings.

The applicant has indicated that the property will be used primarily for storage of building materials and that his long-term vision is to develop the property into a landmark gateway for Rothesay by constructing a heritage style traditional timber framed barn to house the craftsmen workshop for Vantage Build.



Figure 3 – EXAMPLE ONLY - Applicant’s Intention for Future Development (Barn Style / Warehouse)

**MUNICIPAL PLAN:**

The Rothesay Municipal Plan designated lands these lands bounded by Campbell Drive and the Mackay Highway for Light Industrial uses. The zoning by-law has the land zoned for single family residential uses. Land use designation and zoning are two different concepts that are often used interchangeably, but they have distinct differences.

The term “land use designation” is limited to the Municipal Plan and refers to how land can be used. The Rothesay Municipal Plan is established under the authority of the Provincial Community Planning Act which states, that “The adoption of a municipal plan shall prevent the undertaking of a development in any manner inconsistent with a policy outlined or suggested in the plan.” The CPA further states that if there is a conflict between a municipal plan and a zoning by-law, the municipal plan prevails.

A zoning by-law is the “child” of the Municipal Plan and is the regulatory document which provides specific detail on how a property can be developed and used.

The Rothesay Municipal Plan designated lands these lands bounded by Campbell Drive and the Mackay Highway for Light Industrial uses. These lands were selected for light industrial because they are situated in a high traffic area on the periphery of Rothesay’s residential core. The location provides convenient access to residents of the community, while ensuring that existing residential neighbourhoods are not disrupted by this type of higher intensity uses. The Municipal Plan selected this area as a good location for light industrial uses by considering several factors as follows:

- |   |   |
|---|---|
| <b>1. Land use compatibility: The location should be compatible with the surrounding land uses</b>  | Noise and vibration generating from subject property will be limited and buffered by the proximity of development to the highway. Adequate access to transportation infrastructure, such as MacKay highway is easily accessible. Light Industrial zoning provides regulation to minimize visual impact. |
| <b>2. Proximity to transportation: The location should be easily accessible by transportation modes such as highways to facilitate the movement of goods and materials</b>                  | The location is strategically located near transportation networks (MacKay Highway) to facilitate the movement of goods without travelling through residential neighbourhoods. The accessibility of the subject location helps in the efficient transportation of raw material and finished products.   |
| <b>3. Environmental considerations: The potential risks associated with light industrial property zoning include noise pollution, smoke, smell, waste, and other environmental elements</b> | Light industrial activities have significantly lower environmental impacts compared to heavy industries. Work generating noise is conducted inside and is hidden from the public view. The outside storage of materials will be hidden from the public view.  |
| <b>4. Permitted uses: It is important to check the list of permitted uses in the light-industrial zoning district to ensure that the intended use is allowed</b>                            | The proposed building contractors yard falls within the zoning list of permitted uses as a <u>light manufacturing</u> and assembly, and warehousing and distribution facilities.  |
| <b>5. Community impact: The location should be far away from residential spaces to prevent harm to residents and lower property values</b>  | The location and future vision will have positive effects on the neighborhood and reinforce community values. The subject property poses no significant impacts to the surrounding community.   |

**LIGHT INDUSTRIAL ZONE:**

Staff point out that the zoning by-law contains regulation that should mitigate most concerns over the proposed development as follows:

- (a) The development of multiple buildings on one parcel of land may be permitted where it can be demonstrated that there is an adequate internal vehicle circulation system that provides for the

safe and efficient movement of vehicles on the site. Such a system must be designed to meet the requirements of the National Building Code and shall be maintained by the property owner.

- (b) Outside storage is prohibited in the Light Industrial Zone other than in a compound screened from public view except for a maximum of two (2) delivery or service vehicles each with a dead weight not exceeding 4,000 kilograms and one garbage container.
- (c) Setback distances shall be maintained with a minimum area of 40% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (d) A solid fence or a hedge at least two metres high shall be erected on any property line which abuts a residential or institutional zone.

Staff also note that Implementation Policy IM-13 states that Council shall consider the following:

<b>Implementation Policy IM-13</b>	<b>Staff Review</b>
<b>A. That the proposal is not premature or inappropriate by reason of:</b>	In the opinion of staff, the project is not premature at this location.
<b>1) The financial capability of Rothesay to absorb any costs relating to the development;</b>	Rothesay does not anticipate any costs to be borne by the Town directly related to this development.
<b>2) The adequacy of municipal wastewater facilities, storm water systems or water distribution systems;</b>	The property has access to Municipal water and is not serviced by sewer. Provincial Onsite Sewage Disposal Guidelines for a light industrial use as proposed would have much reduced demand than a residential use. The province only requires that the applicant submit an application to Connect to an Existing Onsite System in order to register the change of use.
<b>3) The proximity of the proposed development to schools, recreation or other municipal facilities and the capability of these services to satisfy any additional demands;</b>	The KV Fire Department is within 100 meters. Staff identified no conflicts due to proximity to schools, recreation or other municipal facilities.
<b>4) The adequacy of road networks leading to or within the development; and</b>	The building has direct access to the Mackay highway from Campbell Drive. Transport trucks can access the subject property immediately after getting off the highway. The subject property will not noticeably increase traffic volume in Rothesay.
<b>5) The potential for damage or destruction of designated historic buildings and sites.</b>	There are no historic buildings or sites identified within the project's vicinity.
<b>B. that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</b>	The storage yard(s) will required opaque fencing sufficient to screen the view from neighbouring properties.
<b>1. Type of use;</b>	The property will be used to manufacture building components for heritage buildings in Rothesay.

<p><b>2. Height, bulk and lot coverage of any proposed building;</b></p>	<p>The maximum height allowed for any structure on land zoned light industrial is 10m. Maximum building coverage of PID 00065201 is 801 sq m, maximum building coverage of PID 30347942 is 1330.6 sq m.</p>
<p><b>3. Traffic generation, access to and egress from the site, and parking; open storage; and</b></p>	<p>The use will not noticeably increase traffic volume. There is clear access to and egress from the site.</p>
<p><b>4. Signage.</b></p>	<p>The business is not a customer destination and the signage for Vantage Build will conform with the sign by-law requirements.</p>
<p><b>C. That the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, proximity to watercourses, or wetlands and lands that are vulnerable to flooding.</b></p>	<p>The site appears suitable for development and will be subject to geotechnical approval during the building permit approval process.</p>

**POLLING:**

Staff sent a polling notification letter to surrounding property owners. Staff did receive letters of concern from neighbouring properties (see Attachment A).

**RECOMMENDATION:**

Staff recommend the Planning Advisory Committee consider the following MOTION:

PAC HEREBY recommends that Council schedule a Public Hearing to consider rezoning 2 Campbell Drive (PID 00065201) & PID (30347942) from Single Family Residential R1A zone to the Light Industrial LI zone.

**ATTACHMENTS**

- Attachment A      Polling Results
- Attachment B      Draft By-law 2-10-35

## ATTACHMENT A POLLING RESULTS

66 Grove Avenue

Good morning,

Thank you for the letter regarding the rezoning application of 2 Campbell Drive from Single Family Residential to Light Construction Zone for use as a contractor's yard.

The application for rezoning appears to be happening after the fact, as there are two workshop buildings constructed in addition to the house / apartment on the site. The parking large lot that was cleared and built up borders my property (66 Grove Avenue). Several work vehicles, work trailers, metal trailers, piles of scaffolding, port-a-potty, lumber, pipes, and other materials are already stored on site.

I have questions regarding the definition of 'light industrial', as construction materials are already stored on site and there is regular activity.

The rezoning would lead to further storage of equipment & materials, and vehicles. Beyond more truck traffic and noise on an already busy road, the greatest concern is environmental impact as the brook / runoff feeds into the river on Hillside Trail.

I was concerned building permits and rezoning had occurred before community consideration. I thank you for your letter.

Warm regards,

66 Grove Avenue

Dr Catherine Adams



July 17, 2023

Dear Mr White,

I wish to express my objection to the use of 2 Campbell Drive as a construction yard.

A construction yard is noisy, and will disturb our already stressed patients and their owners.

Its presence will attract vandals and thieves, and by association of proximity, my property will also be at risk.

When I applied for rezoning of my property, I was required to ensure that the appearance of my property was in keeping with the residential appearance of the area. I feel that the Animal Hospital property has accomplished this.

A construction yard across the street will be unsightly, dirty, dusty, and detract from the value of my property and others in the vicinity

The mud and other debris, which typically gets left on the road, will also be unsightly, and dangerous to traffic, especially in wet weather. Heavy machinery being moved will impede traffic flow to the hospital

Campbell drive to Grove Avenue is an entry portal into the town of Rothesay. A construction yard at the entryway to such a beautiful community will distract from the feeling of tranquility, which now exists.

Years ago, I put a sea can on my lower driveway, to provide temporary storage while I renovated my basement. Within a week, I was visited by the town of Rothesay, to express their concern at the presence of such an unsightly item.

How then, can you even consider a construction yard directly across the street?

The presence of a construction yard may cause a future potential renter to look elsewhere, thereby reducing my earning potential.

Again, I vehemently oppose this application, as it will negatively impact my business, devalue my property, and negatively affect the enjoyment of my property by me, my clients, and our precious patients..

I appreciate the opportunity to express my feelings on this issue

Sincerely,

Handwritten signature of Catherine Adams in blue ink.

Catherine Adams, BSc(Agr), DVM, CCRT





**BY-LAW 2-10-35  
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 “2-10-35”.

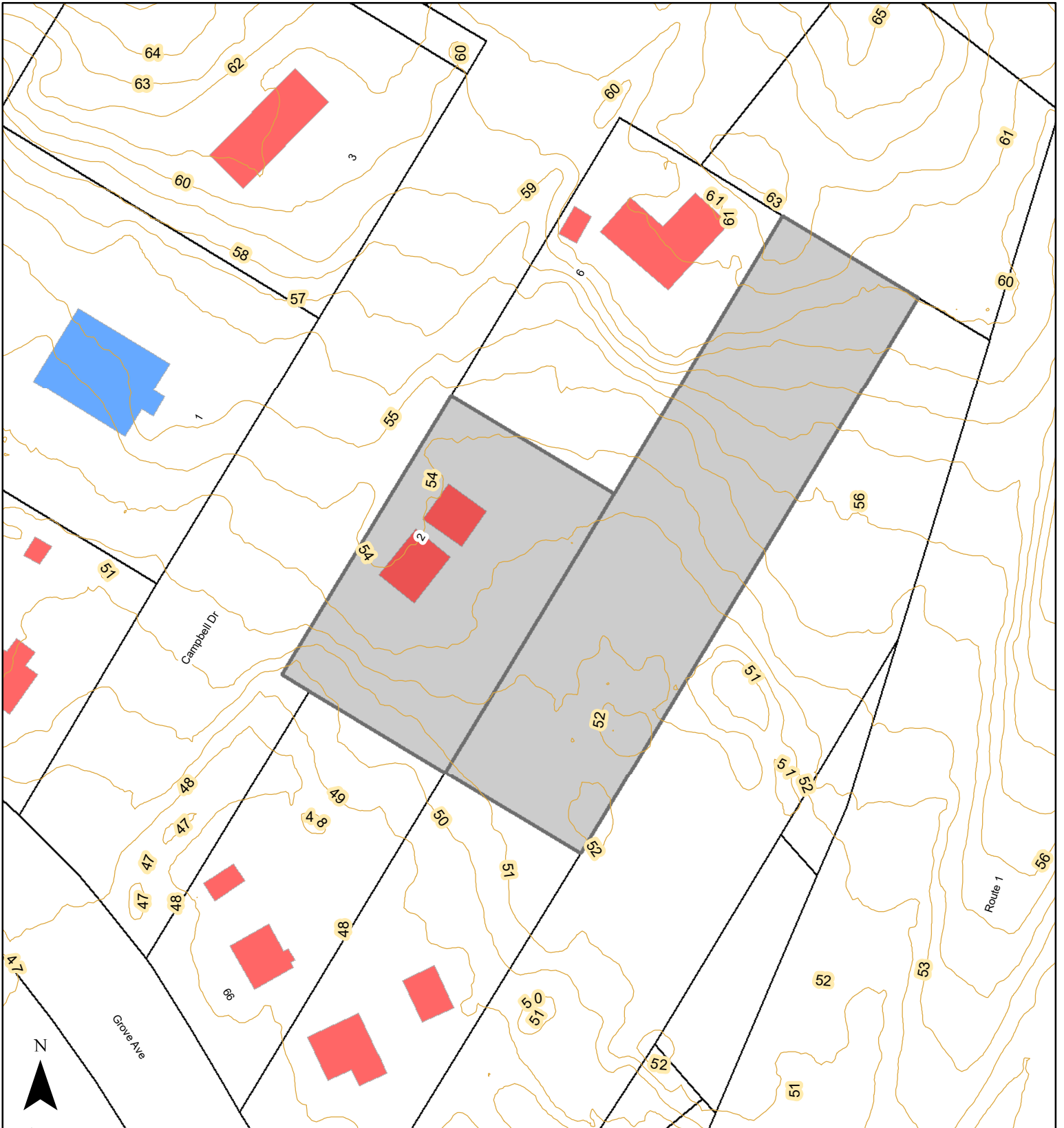
The purpose of the amendment is to rezone lands located at 2 Campbell Drive (PID 00065201 and PID 30347942) from Single Family Residential R1A zone to the Light Industrial LI zone in accordance with the Community Planning Act, supra.

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

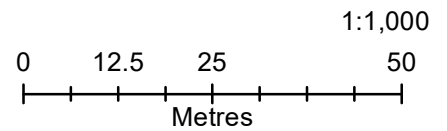
# Bylaw 2-10-35 Campbell Drive (PIDs 00065201, 30347942)



2023-07-17, 11:30:39 AM

## Buildings

-  Commercial
-  Residential
-  Property Boundary



The Town of Rothesay does not warrant the accuracy or completeness of the information, text, graphics, links or other items contained within the material



Campbell Dr

Route 1

