

ST. JOHN'S

Regular Meeting - City Council Agenda

May 9, 2022

3:00 p.m.

4th Floor City Hall

Pages

1. CALL TO ORDER
2. PROCLAMATIONS/PRESENTATIONS
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3. APPROVAL OF THE AGENDA
 - 3.1. Adoption of Agenda
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5. BUSINESS ARISING FROM THE MINUTES
6. DEVELOPMENT APPLICATIONS
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Proclamation

Municipal Awareness Week May 9 – 13, 2022

- WHEREAS:** Municipal government is responsible for the provision of services that enhance the quality of life of its citizens, and
- WHEREAS:** dedicated mayors, councillors, and staff are essential for the effective governance of their municipalities, and
- WHEREAS:** collaboration, partnerships and citizen involvement are essential for active, sustainable and vibrant communities; and
- WHEREAS:** it is fitting and proper to recognize and encourage the contribution of all who work diligently for the improvement of our municipalities.
- THEREFORE:** I, Mayor Danny Breen, do hereby proclaim May 9 – 13, 2022 as Municipal Awareness Week in the City of St. John's.

Signed at City Hall, St. John's, NL on this 9th day of May, 2022.

Danny Breen, Mayor



Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

May 2, 2022, 3:00 p.m.

Present: Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Ron Ellsworth
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Jill Bruce
Councillor Jamie Korab
Councillor Ian Froude
Councillor Carl Ridgeley

Regrets: Mayor Danny Breen
Councillor Ophelia Ravencroft

Staff: Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Lynnann Winsor, Deputy City Manager of Public Works
Cheryl Mullett, City Solicitor
Ken O'Brien, Chief Municipal Planner
Karen Chafe, City Clerk
Kelly Maguire, Public Relations & Marketing Officer
Jennifer Squires, Legislative Assistant

Others: Scott Winsor, Director, Engineering
 Kimberly Yetman Dawson, Canadian Mental Health Association NL
 Ashley Burke, Clean St. John's
 Karen Hickman, Clean St. John's
 Lori Letto, Fieldworker II
 Kayla Hickey, Recreation Counselor, Youth & Volunteer Services
 Margaret Peters, Junior Youth of the Year
 Jorja Hinks, Senior Youth of the Year

Land Acknowledgement

The following statement was read into the record:

“We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John’s is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi’kmaq, Innu, Inuit, and Southern Inuit of this Province.”

1. CALL TO ORDER

As Mayor Breen was absent, Deputy Mayor O'Leary called the meeting to order.

2. PROCLAMATIONS/PRESENTATIONS

2.1 Mental Health Week 2022

2.2 Clean St. John's - Pick it up for YYT Cleanup Campaign

2.3 Youth Week Proclamation

3. APPROVAL OF THE AGENDA

3.1 Adoption of Agenda

SJMC-R-2022-05-02/177

Moved By Councillor Hanlon

Seconded By Councillor Bruce

That the Agenda be adopted as presented.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

4. ADOPTION OF THE MINUTES

4.1 Adoption of Minutes - April 26, 2022

SJMC-R-2022-05-02/178

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That the minutes of April 26, 2022, be adopted as presented.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

5. BUSINESS ARISING FROM THE MINUTES

5.1 Notice of Motion - Corporate Social Media Usage Policy

Notice of Motion given by Councillor Ellsworth at the April 26, 2022, Regular Council meeting.

SJMC-R-2022-05-02/179

Moved By Councillor Ellsworth

Seconded By Councillor Hickman

That Council rescind Council Resolution SJMC2010-05-31/315R – Corporate Social Media Usage Policy approved at the May 31, 2010, Regular Meeting of Council and revised via motion SJMC2011-05-02/224R approved at the May 2, 2011, Regular Meeting of Council.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

5.2 Notice of Motion - Replacement of Service Laterals when Redeveloping Residential Property

Notice of Motion given by Councillor Hickman at the April 26, 2022, Regular Council meeting.

SJMC-R-2022-05-02/180

Moved By Councillor Hickman

Seconded By Councillor Froude

That Council rescind Council Resolution R2008-05-12/13 Policy for Replacement of Service Laterals when Redeveloping Residential Property approved at the May 6, 2008, Regular Meeting of Council.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

6. DEVELOPMENT APPLICATIONS

6.1 Notices Published – 49 Hillview Drive East - DEV2200048

SJMC-R-2022-05-02/181

Moved By Councillor Korab

Seconded By Councillor Bruce

That Council approve the application for Home Occupation at 49 Hillview Drive East.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

6.2 Notices Published – 35 Barrows Road – DEV2200043

Councillor Ellsworth asked for clarification on what the difference would be between the existing use of the establishment and the discretionary use requested by the applicant. The Chief Municipal Planner responded that it would be an expansion or intensification in the types of food that could be served, and that there would be no expansion of the building itself.

Councillor Burton, while sympathizing with the parking issues noted by the residents of Quidi Vidi Village, was in support of the application. She encouraged patrons of the brewery to consider using active transit, such as walking or cycling, or public transit to alleviate traffic in the area.

SJMC-R-2022-05-02/182

Moved By Councillor Korab

Seconded By Councillor Burton

That Council approve the Discretionary Use application for a Restaurant at 35 Barrows Road.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

7. RATIFICATION OF EPOLLS**8. COMMITTEE REPORTS****9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)****9.1 Development Permits List April 21 to April 27, 2022**

Council considered the Development Permits List for information.

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)**10.1 Building Permits List**

Council considered the Building Permits List for information.

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers for the Week Ending April 27, 2022

SJMC-R-2022-05-02/183

Moved By Councillor Froude

Seconded By Councillor Ellsworth

That the weekly payment vouchers for the week ending April 27, 2022, in the amount of \$6,600,330.04 be approved as presented.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

12. TENDERS/RFPS

12.1 2022012 - Citizen Request Management (CRM) System for 311

SJMC-R-2022-05-02/184

Moved By Councillor Ellsworth

Seconded By Councillor Hanlon

THAT Council approve for award a 5-year contract to Arrias Technical Solutions/Verint for up to \$965,981 for the implementation of a Citizen Request Management System as per the Public Procurement Act.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

12.2 2022022 – Supply of Gas Cylinders

SJMC-R-2022-05-02/185

Moved By Councillor Hickman

Seconded By Councillor Ellsworth

That Council approve for award this open call to the lowest bidder meeting specifications, Air Liquide Canada Inc., for \$26, 790.87 per year (HST not Incl.) as per the Public Procurement Act.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

12.3 2022039 - Snow Clearing - Various City Sites

SJMC-R-2022-05-02/186

Moved By Councillor Hickman

Seconded By Councillor Hanlon

That Council approve for award this open call to the lowest bidder meeting specifications, Kelloway Construction Limited, for \$849,666.00 (HST Incl.) for a three-year period as per the Public Procurement Act.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13.1 Petition - Residents of Carriage Lane at Bishops Gate

Councillor Korab informed Council that he was in receipt of a petition from the Residents of Carriage Lane at Bishops Gate. The Residents are asking that the status of the Condo Association be changed to City Status. Councillor Korab advised that 80% of the residents of Carriage Lane have signed the petition, and that there have been no fees paid to or meetings of the Bishops Gate Condominium Corporation in over ten years. Residents are asking that the City take the street over as a city street so that they may avail of the same services as other residents. The petition has been forwarded to Staff for consideration.

14. OTHER BUSINESS

14.1 Arts & Culture Advisory Committee – Call for Members

SJMC-R-2022-05-02/187

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

That Council appoint the following members to the Arts & Culture Advisory Committee as per Staff's recommendation:

- One vacancy representing a Film and New Media organization: Meghan Hollett
- One vacancy representing a Visual Art and Craft organization: Johnny Rose
- One of two vacancies representing Cultural, Indigenous and Intangible Cultural Heritage organizations: Natasha Blackwood

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

14.2 Built Heritage Experts Panel – Selection of Chair

SJMC-R-2022-05-02/188

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council approve of the appointment of Rachael Fitkowski as Chair of the Built Heritage Experts Panel.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

14.3 Text Amendment for Stand-Alone Single Detached Dwellings in the Rural Zone for Civic Numbers 420 to 496 Maddox Cove Road

SJMC-R-2022-05-02/189

Moved By Councillor Froude

Seconded By Councillor Ridgeley

That Council adopt St. John's Development Regulations Amendment Number 11, 2022, to allow stand-alone single detached dwellings in the Rural (RUR) Zone for civic numbers 420 to 496 Maddox Cove Road (even numbers only).

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

14.4 SERC – Road Closures and George Street Festival

SJMC-R-2022-05-02/190

Moved By Councillor Hanlon

Seconded By Councillor Bruce

That Council approve the road closures and lane reductions requested for road races on May 29 and June 26 and approve the extended dates of the George Street Festival.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

15. ACTION ITEMS RAISED BY COUNCIL

15.1 Traffic Calming - Hazelwood Drive

Councillor Korab advised Council that he had been in communication with a resident of Hazelwood Drive who was concerned with the number of accidents and other traffic related issues in area. The complaint has been forwarded on to Staff, a request has been sent to the RNC for a police report, and Hazelwood Drive has been added to the Traffic Calming List for consideration.

15.2 Dumpsters

Deputy Mayor O'Leary addressed recent complaints concerning garbage coming from unsecured dumpsters. She noted that currently there is no legislation to ensure that dumpster lids are closed, and she would like to see the issue corrected. Legal are in the process of considering remedies for the issue and will update Council as required.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 3:54 p.m.

MAYOR

CITY CLERK

**Development Permits List
For the Period of April 28 to May 4, 2022**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Rebuild of Single Detached Dwelling	45 Poplar Avenue	4	Approved	22-04-28
RES		Subdivide for Single Detached Dwelling	11 Heavy Tree Road	5	Approved	22-05-03

*** Code Classification:**

RES - Residential	INST - Institutional
COM - Commercial	IND - Industrial
AG - Agriculture	
OT - Other	

**** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.**

**Lindsay Lyghtle Brushett
Supervisor – Planning & Development**

Building Permits List

Council's May 9, 2022, Regular Meeting

Permits Issued: 2022/04/28 to 2022/05/04

Class: Residential

1 Dumbarton Pl	Extension	Single Detached Dwelling
10 Ozark Pl	Fence	Fence
11 Cape Ballard Pl	Fence	Fence
11 Janeway Pl Unit 104	Renovations	Apartment Building
125 Airport Rd	Extension	Single Detached Dwelling
13 Burling Cres	Renovations	Single Detached Dwelling
14 Seminole Dr	Deck	Patio Deck
14 Seminole Dr	Accessory Building	Accessory Building
161 Castle Bridge Dr	New Construction	Single Detached Dwelling
167 Castle Bridge Dr	New Construction	Single Detached Dwelling
18 Gallipoli St	New Construction	Single Detached Dwelling
18 Main Rd	Accessory Building	Accessory Building
23 Creston Pl	Renovations	Single Detached Dwelling
24 Scott St	Renovations	Semi Detached Dwelling
25 Long Pond Rd	Renovations	Single Detached Dwelling
277 Airport Heights Dr	Extension	Single Detached Dwelling
3 Torbay Rd	Site Work	Single Detached Dwelling
33 Huntingdale Dr	Extension	Single Detached Dwelling
33 Outer Battery Rd	Renovations	Single Detached Dwelling
37 Suvla St	Accessory Building	Accessory Building
45 Outer Battery Rd	Renovations	Patio Deck
45 Poplar Ave	New Construction	Single Detached Dwelling
6 Leonard J. Cowley St	Fence	Fence
63 Penney Cres	Fence	Fence
66 Pearce Ave	Renovations	Single Detached Dwelling
67 Chapman Cres	Renovations	Townhousing
8 Sir Wilfred Grenfell Pl	New Construction	Single Detached w/ apt.
90 Ruby Line	New Construction	Single Detached Dwelling

This Week: \$1,864,322.00

Class: Commercial

10-12 Pippy Pl	Sign	Office
121 Kelsey Dr	Renovations	Office
14 Stanford Pl	Change of Occupancy	Home Office
270 Water St	Change of Occupancy/Renovations	Retail Store

This Week: \$62,000.00

Class: Government/Institutional

This Week: \$0.00

Class: Industrial

This Week: \$0.00

Class: Demolition

45 Poplar Ave	Demolition	Single Detached Dwelling
8 Kensington Dr	Demolition	Single Detached Dwelling

This Week: \$38,000.00

This Week's Total: \$1,964,322.00

Repair Permits Issued 2022/04/28 to 2022/05/04:

\$53,500.00

YEAR TO DATE COMPARISONS			
May 9, 2022			
TYPE	2021	2022	% VARIANCE (+/-)
Residential	\$12,688,936.13	\$22,357,326.65	76
Commercial	\$15,736,979.44	\$22,916,032.52	46
Government/Institutional	\$779,941.00	\$317,288.00	-59
Industrial	\$4,007,500.00	\$29,000.00	-99
Repairs	\$2,059,657.00	\$493,792.49	-76
TOTAL	\$35,273,013.57	\$46,113,439.66	31
Housing Units (1 & 2 Family Dwelling)	38	68	

Respectfully Submitted,

Jason Sinyard, P.Eng., MBA
Deputy City Manager
Planning, Engineering and Regulatory Services

MEMORANDUM

Weekly Payment Vouchers For The Week Ending May 4, 2022

Payroll

Public Works	\$ 444,511.59
Bi-Weekly Casual	\$ 33,227.14
Accounts Payable	\$ 2,106,899.18

(A detailed breakdown available [here](#))

Total: \$ 2,584,637.91

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DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

BID APPROVAL NOTE

Bid # and Name: 2022071 - Security Services - Downtown Pedestrian Mall
Date Prepared: Wednesday, May 4, 2022
Report To: Regular Meeting
Councillor and Role: Deputy Mayor Sheilagh O'Leary, Community Services
Ward: N/A

Department: Community Services
Division: Economic Development, Culture and Partnerships
Quotes Obtained By: Sherri Higgins
Budget Code: 6212-57988
Source of Funding: Operating

Purpose:

The purpose of this open call is for the provision of Security Services for the Downtown Pedestrian Mall.

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Commissionaires NL	\$167,344.09
Spectrum Investigation & Security (1998) Limited	\$171,646.65
Neptune Security Services Inc.	\$187,445.40
Garda Canada Security Corporation	\$199,312.25

Expected Value: ☐ As above
☒ Value shown is an estimate only for a 1 year period. The City does not guarantee to buy specific quantities or dollar value.

Contract Duration: One (1) year with two (2) potential one (1) year terms.

Bid Exception: None

Recommendation:

That Council approve for award this open call to the lowest bidder meeting specifications, Commissionaires NL, for \$167,344.09 per year (HST Incl.) as per the Public Procurement Act.

Attachments:

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Report Approval Details

Document Title:	2022071 - Security Services - Downtown Pedestrian Mall.docx
Attachments:	
Final Approval Date:	May 4, 2022

This report and all of its attachments were approved and signed as outlined below:

Rick Squires - May 4, 2022 - 1:53 PM

Derek Coffey - May 4, 2022 - 2:57 PM

INFORMATION NOTE

Title:	Landlord Survey and Information Session
Date Prepared:	May 5, 2022
Report To:	St. John's City Council/Regular Council Meeting
Councillor and Role:	Councillor Ophelia Ravencroft, Housing
Ward:	N/A

Issue: To update St. John's City Council on an upcoming Landlord Survey and Landlord Information Session.

Discussion – Background and Current Status:

Over the past several years, there have been many changes to St. John's rental landscape, as well as to our local community sector and the broader economy. As we adjust to these changes, the City of St. John's Affordable Housing Working Group, is taking the opportunity to engage with landlords to understand the impacts of these changes on the rental properties market. In addition, we hope to gauge interest in, barriers to, and build knowledge around providing affordable housing in our city. The survey is open from **May 9, 2022-June 3, 2022**.

Corresponding with the Landlord Survey, the City of St. John's Housing Division will be hosting a Landlord Information Session titled, "Federal and Municipal Incentives for Affordable Housing in St. John's." This information session will outline various financial supports and municipal incentives for landlords and developers interested in providing affordable rental units, featuring speakers from the Canada Mortgage and Housing Corporation and the City of St. John's. There will be opportunities for Question/Answer, as well as a chance to schedule follow-up discussion with the speakers about specific project ideas.

The information session will take place at the Newfoundland and Labrador Housing and Homelessness Network's Learning Centre (77 Charter Avenue), on **Wednesday, May 25, 2022** from 1:30-3:30pm. Participants can attend in-person or virtually.

Key Considerations/Implications:

1. **Budget/Financial Implications:** The City has previously budgeted costs associated with this initiative as per the 10-Year Affordable Housing Strategy.
2. **Partners or Other Stakeholders:** The Landlord Survey was developed in consultation with members of the Affordable Housing Working Group. The Canada Mortgage and Housing Corporation is partnering in the Landlord Information Session. The

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Newfoundland and Labrador Housing and Homelessness Network is providing event space for the Landlord Information Session at no charge.

3. Alignment with Strategic Directions:

A Connected City: Increase and improve opportunities for residents to connect with each other and the City.

An Effective City: Achieve service excellence through collaboration, innovation and modernization grounded in client needs.

4. Alignment with Adopted Plans: The Affordable Housing Strategy aligns with the Strategic Plan's vision and directions. Affordable Housing implementations actions work in tandem with the Municipal Plan and Development Regulations.

5. Legal or Policy Implications: No legal implications.

6. Privacy Implications: The Landlord Survey is anonymous, with an option for participants to provide contact information separate from their responses for follow-up contact and/or *New Lease Newsletter* subscription. The survey will follow ATIPPA requirements for protecting personal information.

7. Engagement and Communications Considerations: The City's Communications and OPS departments are supporting this work.

8. Human Resource Implications: None anticipated at this time.

9. Procurement Implications: None anticipated at this time.

10. Information Technology Implications: None anticipated at this time.

11. Other Implications: N/A

Conclusion/Next Steps: To engage with landlords through the survey and information session. The survey will result in a *What We Heard* report, to be presented to the Affordable Housing Working Group, St. John's City Council, and made public to residents.

Report Approval Details

Document Title:	IN Landlord Survey and Information Session.docx
Attachments:	
Final Approval Date:	May 5, 2022

This report and all of its attachments were approved and signed as outlined below:

Judy Tobin - May 5, 2022 - 10:03 AM

Tanya Haywood - May 5, 2022 - 10:09 AM

DECISION/DIRECTION NOTE

Title: 19 King's Bridge Road, Approval, MPA2100004

Date Prepared: May 4, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 2

Decision/Direction Required:

Following the paper public hearing allowing 30 days for written submissions, Council may proceed with the final steps in the amendment process for St. John's Municipal Plan Amendment Number 4, 2022, and St. John's Development Regulations Amendment Number 6, 2022, to allow offices and other commercial uses within the existing building at 19 King's Bridge Road.

Discussion – Background and Current Status:

The City has received an application to rezone property at 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone. The existing building was owned by the Anglican Church of Canada and housed church offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution. A Municipal Plan amendment is also required. Additional information is provided in the attached amendment.

At the February 14, 2022, Council meeting, Council adopted St. John's Municipal Plan Amendment Number 4, 2022, and St. John's Development Regulations Amendment Number 6, 2022 and set March 16, 2022 for an additional virtual session. In accordance with the province's Covid-19 protocol for public hearings, the City allowed at least 30 days for written submissions which are then considered and reflected in the Commissioner's Report to Council. A copy of the Commissioner's Report is attached for Council's review and consideration. The Commissioner has provided recommendations on the municipal and provincial amendments.

The Commissioner recommended the following:

- *Acceptance of the Envision St. John's Municipal Plan Amendment Number 4, 2022 Redesignate land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District*
- *Acceptance of the Envision St. John's Development Regulations (Amendment Number 6, 2022) Rezone land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone*

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Staff agree with this recommendation; however it is recommended to approve the rezoning with a small map change. The rezoning area displayed in the adopted amendments includes a small portion of the neighbouring property. The attached map has been corrected and reflects the accurate property boundary.

If the attached amendments are approved by Council, they will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. This will conclude the municipal amendment process for this site.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: The amendment is aligned with the policies of the St. John's Municipal Plan and Development Regulations.
5. Legal or Policy Implications: A map amendment to the St. John's Municipal Plan and Development Regulations is required.
6. Privacy Implications: Not applicable.
7. Engagement and Communications Considerations: Not applicable.
8. Human Resource Implications: Not applicable.
9. Procurement Implications: Not applicable.
10. Information Technology Implications: Not applicable.
11. Other Implications: Not applicable.

Recommendation:

That Council approve the attached resolutions for St. John's Municipal Plan Amendment Number 4, 2022 and St. John's Development Regulations Amendment Number 6, 2022

regarding commercial uses at 19 King's Bridge Road, as amended to correct the property boundary.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design and Heritage
Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

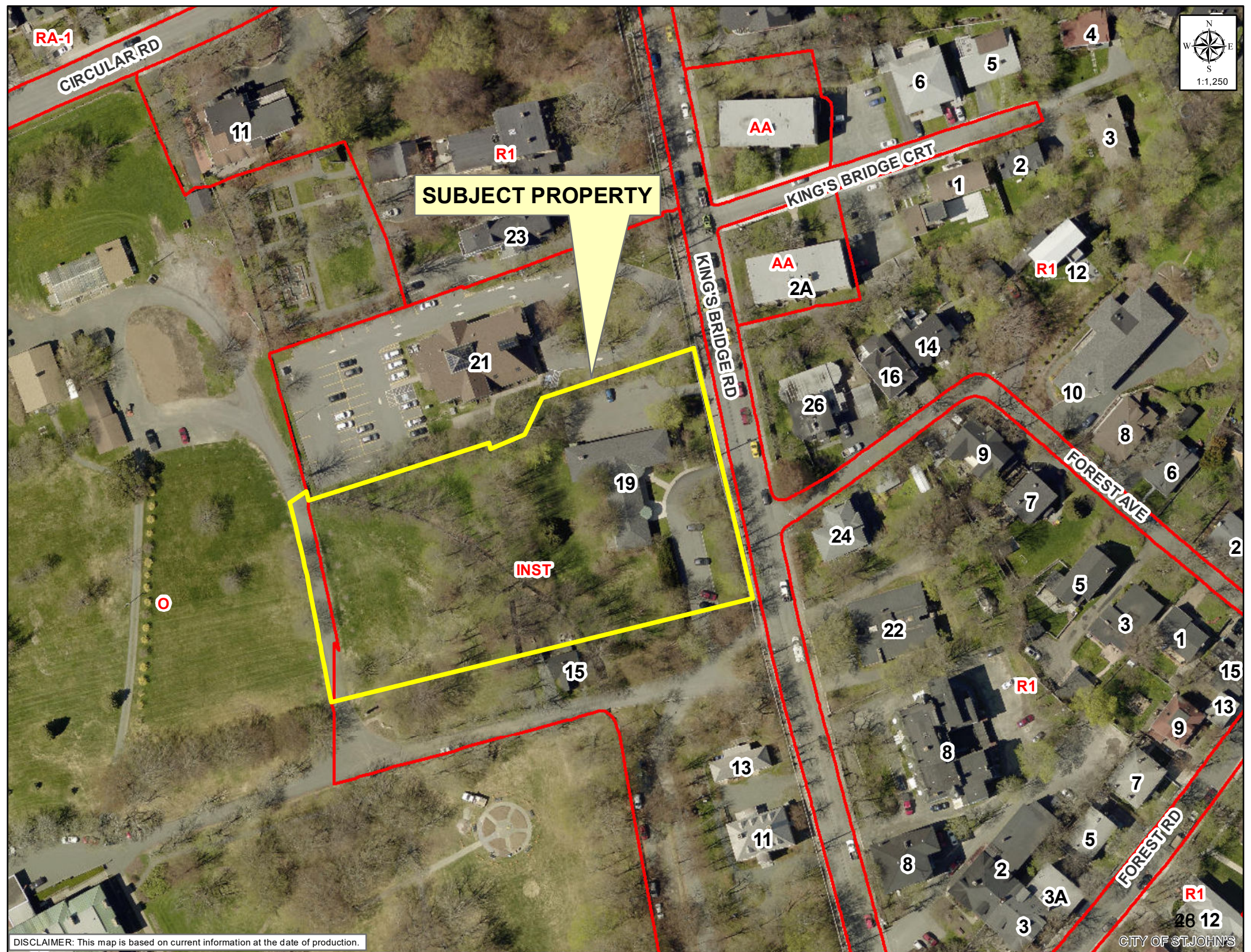
Report Approval Details

Document Title:	19 King's Bridge Road, Approval, MPA2100004.docx
Attachments:	- 19 King's Bridge Road - Approval Attachments.pdf
Final Approval Date:	May 5, 2022

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - May 4, 2022 - 4:25 PM

Jason Sinyard - May 5, 2022 - 11:25 AM



SUBJECT PROPERTY

DISCLAIMER: This map is based on current information at the date of production.



City of St. John's Municipal Plan, 2021

St. John's Municipal Plan Amendment Number 4, 2022

**Institutional Land Use District to
Commercial Land Use District for Office and Similar Uses
19 King's Bridge Road**

May 2022



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

ST. JOHN'S Municipal Plan, 2021

Amendment Number 4, 2022

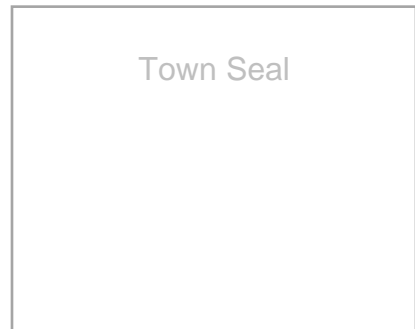
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Municipal Plan Amendment Number 4, 2022.

Adopted by the City Council of St. John's on the 14th day of February, 2022.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached St. John's Municipal Plan Amendment Number 4, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

St. John's Municipal Plan, 2021

Amendment Number 4, 2022

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

1. Adopted the St. John's Municipal Plan Amendment Number 4, 2022 on the 14th day of February, 2022;
2. Gave notice of the adoption of the St. John's Municipal Plan Amendment Number 4, 2022 by way of an advertisement inserted in the Telegram newspaper on the 19th day of February, 2022; on the 26th day of February, 2022; on the 5th day of March, 2022; on the 12th day of March, 2022; and on the 19th day of March, 2022;
3. Accepted written objections and submissions for the paper public hearing until the 22nd day of March, 2022; and
4. Set the 16th day of March, 2022 at 7:00 p.m. virtually via Zoom for the holding of an additional virtual session.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's approves the St. John's Municipal Plan Amendment Number 4, 2022 on the 9th day of May, 2022 as amended with the changes outlined below.

The area to be redesignated at 19 King's Bridge Road has been updated to reflect the correct property boundary. The area on the adopted amendment map included a portion of the neighbouring property.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____

Town Seal

Canadian Institute of Planners Certification

I certify that the attached City of St. John's Municipal Plan Amendment Number 4, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____

MCIP/FCIP Stamp

Municipal Plan/Amendment
REGISTERED

Number _____

Date _____

Signature _____

CITY OF ST. JOHN'S

Municipal Plan Amendment Number 4, 2022

BACKGROUND AND PURPOSE

The City wishes to rezone 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to allow offices and other commercial uses within the existing building. This would require a Municipal Plan Amendment to redesignate the property from the Institutional Land Use District to the Commercial Land Use District.

The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution.

The exact use of the building has not been determined yet, however the owner would like to use the building for business offices, law offices, medical/dental or similar. The CN Zone would be appropriate, as it has both Office and Clinic as Permitted Uses. If the property is rezoned to CN, any use in the CN Zone table could be approved, subject to meeting site standards and Council's approval for Discretionary Uses.

As the exact use has not been determined, a full development and engineering review has not been complete at this stage. Should rezoning proceed, the applicant would be required to meet all City regulations and policies including the Commercial Development Policy. There are approximately 30 parking spaces on the parking lot. The applicant may be required to upgrade the site to meet relevant access, parking, landscaping and any other requirements.

ANAYLSIS

The Envision St. John's Municipal Plan sets a goal to design complete and interconnected, walkable neighbourhoods with efficient infrastructure, facilities and services, including a range of housing options. In order to design complete neighbourhoods, neighbourhoods must include commercial areas and services within walking distance to existing residential areas. Redesignating 19 King's Bridge Road to the Commercial Land Use District will assist with achieving this goal by allowing commercial uses close to residential neighbourhoods.

The Commercial Land Use District applies to existing and future areas of commercial development within the City. These commercial uses range from small-scale commercial sites serving residential neighbourhoods, to larger regional centres. Policy 8.5.4 states that the City will designate lands for commercial use in appropriate locations along main roadways, at intersections and in the downtown, to ensure an adequate supply of suitable land is available to accommodate a range of commercial activity and support commerce.

19 King's Bridge Road is along a main roadway, previously contained a retail use and is considered to be an appropriate location for other commercial uses. Therefore, it is recommended to redesignate and rezone this property to accommodate an office, clinic or other commercial use.

PUBLIC CONSULTATION

A virtual public meeting for the proposed amendments was held December 1, 2021 via Zoom. The proposed amendments and public meeting were advertised on three occasions in The Telegram newspaper on November 13, November 20 and November 27, 2021. A notice was also mailed to property owners within 150 metres of the application site and posted on the City's website. No submissions were received by the City Clerk's Office and there were also no attendees at the public meeting. A decision was made to at the public meeting to conclude without presentations due to a lack of public attendance.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The subject property is within the Urban Development designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required.

ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 4, 2022

The St. John's Municipal Plan is amended by:

Redesignating land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District as shown on Future Land Use Map P-1 attached.

City of St. John's Development Regulations, 2021

St. John's Development Regulations Amendment Number 6, 2022

**Institutional (INST) Land Use Zone to
Commercial Neighbourhood (CN) Land Use Zone
for an Office and Similar Uses
19 King's Bridge Road**

May 2022



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

ST. JOHN'S Development Regulations, 2021

Amendment Number 6, 2022

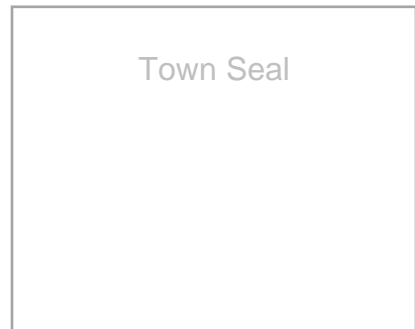
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Development Regulations Amendment Number 6, 2022.

Adopted by the City Council of St. John's on the 14th day of February, 2022.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached St. John's Development Regulations Amendment Number 6, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

St. John's Development Regulations, 2021

Amendment Number 6, 2022

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

1. Adopted the St. John's Development Regulations Amendment Number 6, 2022 on the 14th day of February, 2022;
2. Gave notice of the adoption of the St. John's Development Regulations Amendment Number 6, 2022 by way of an advertisement inserted in the Telegram newspaper on the 19th day of February, 2022; on the 26th day of February, 2022; on the 5th day of March, 2022; on the 12th day of March, 2022; and on the 19th day of March, 2022;
3. Accepted written objections and submissions for the paper public hearing until the 22nd day of March, 2022; and
4. Set the 16th day of March, 2022 at 7:00 p.m. virtually via Zoom for the holding of an additional virtual session.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's approves the St. John's Development Regulations Amendment Number 6, 2022 on the 9th day of May, 2022 as amended with the changes outlined below.

The area to be rezoned at 19 King's Bridge Road has been updated to reflect the correct property boundary. The area on the adopted amendment map included a portion of the neighbouring property.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____

Town Seal

Canadian Institute of Planners Certification

I certify that the attached City of St. John's Development Regulations Amendment Number 6, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____

MCIP/FCIP Stamp

Development Regulations/Amendment

REGISTERED

Number _____

Date _____

Signature _____

CITY OF ST. JOHN'S

Development Regulations Amendment Number 6, 2022

PURPOSE

The City wishes to rezone 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to allow offices and other commercial uses within the existing building.

The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution.

This amendment implements St. John's Municipal Plan Amendment 4, 2022, which is being processed concurrently.

PUBLIC CONSULTATION

A virtual public meeting for the proposed amendments was held December 1, 2021 via Zoom. The proposed amendments and public meeting were advertised on three occasions in The Telegram newspaper on November 13, November 20 and November 27, 2021. A notice was also mailed to property owners within 150 metres of the application site and posted on the City's website. No submissions were received by the City Clerk's Office and there were no attendees at the public meeting.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The subject property is within the Urban Development designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 6, 2022

The St. John's Development Regulations is amended by:

Rezoning land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone as shown on City of St. John's Zoning Map attached.

**COMMISSIONER'S REPORT ON THE
ENVISION ST. JOHN'S MUNICIPAL PLAN
AMENDMENT No. 4, 2022**

and

**ENVISION ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT No. 6, 2022**

Prepared by:

**Marie E. Ryan
Commissioner**

April 7, 2022

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1.0 Introduction

At the Regular Meeting of the St. John's Municipal Council ("Council") held on February 14, 2022, I was appointed as the Commissioner to conduct a virtual public session and prepare a report with recommendations with respect to proposed amendments to both the Envision St. John's Municipal Plan (*Amendment Number 4, 2022*) and Envision St. John's Development Regulations (*Amendment Number 6, 2022*). The intent of these amendments is as follows:

Envision St. John's Municipal Plan (*Amendment Number 4, 2022*)

Redesignate land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District

Envision St. John's Development Regulations (*Amendment Number 6, 2022*)

Rezoning land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone

This redesignation and rezoning of 19 King's Bridge Road is in response to an application to allow for a commercial use – e.g., business offices, law offices, medical/dental or a similar use in the existing building on the property.

It is important to state that the St. John's Municipal Plan must conform to the St. John's Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. This Plan applies to all land in the St. John's Urban Region, which is essentially the Northeast Avalon Peninsula. The SJURRP is the Province's principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.¹

My appointment as Commissioner was made by Council under the authority of Section 19 of the *Urban and Rural Planning Act, 2000*, with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to "[...] hear objections and representations orally or in writing [...]" and, subsequently, to submit a written report on the public hearing including recommendations arising from the hearing.

However, and of note, within the context of COVID-19, changes were made to the public hearing process. As per a "Circular to Municipalities and Planning Consultants" re Public Hearings, Registrations and Appeals, disseminated by the NL Department of Municipal Affairs and Environment:

'As a result of the current COVID-19 public health emergency, municipalities must adapt to all public health restrictions while still carrying on necessary activities. To that end, the requirement for public hearings under Section 18 of the Urban and Rural Planning Act,

¹ City of St. John's. St. John's Municipal Plan (June 2007). Section I -1.4 Relation to Other Levels of Planning. Pg. 1-4.

2000 (“URPA”), still stands; however, the Province will temporarily waive the requirement to hold a physical public hearing if social distancing protocols cannot be accommodated. Municipalities are required to continue to give notice of public hearings, which must include notice that the Commissioner will only be accepting written submissions, which will be considered and reflected, where appropriate, in the Commissioner’s report to Council.

Councils should provide the public with a minimum of 30 days to provide written submissions. The public should be able to submit comments electronically, as well as in hardcopy by mail. In addition, the requirements in subsections 21(1) & (2) of URPA, which allow for the cancellation of a public hearing and for scheduling the public hearing, respectively, are temporarily waived.’

The City of St. John’s has adhered to the requirements detailed above and, also, has supplemented the 30-day submission process by holding virtual sessions, adding to and complementing the paper-based hearings.

The online virtual session for the proposed amendments related to 19 King’s Bridge Road was scheduled for 7 p.m. on Wednesday, March 16, 2022, via Zoom. This was toward the end of the 30-day submission period, in an effort to add the most value and provide an opportunity for attendees / interested parties to speak with Your Commissioner, the applicant, and City staff, and have the potential for dialogue and discussion.

Prior to this date, and as required by legislation, the session was advertised via the ‘City Minute’ in the February 19 and 26, and March 5, 12 and 19, 2022 editions of The Telegram. Additionally, the amendments were publicized on the City of St. John’s website (<https://www.stjohns.ca/event/public-hearing-19-kings-bridge-road>). Notices also were mailed out, as required, to all property owners within a minimum radius of 150 metres of the subject property; this notice provided a site plan. All of these media advised of the date, time, location, and purpose of the virtual session and noted the end date for submission of comments - March 22, 2022.

The virtual session was convened, as planned, on Wednesday, March 16, 2022, at 7 p.m. There were no participants outside of Your Commissioner, City staff and a representative of the applicant. As such, the virtual session did not proceed.

Over the 30-day period for written submissions, two were received (via email) from the same individual. These submissions are referenced in this report under the section “Written Submissions Received” (see Section 3.0), and the full text of the submissions is found in Appendix “A”.

1.1 The Issue

The issue for Your Commissioner and the focus of the virtual session and submissions was whether or not the following two amendments should be approved. In general, the intent of the amendments are:

- **Envision St. John’s Municipal Plan (*Amendment Number 4, 2022*)**
 - Redesignate land at 19 King’s Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District
- **Envision St. John’s Development Regulations (*Amendment Number 6, 2022*)**
 - Rezone land at 19 King’s Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone

2.0 Background

2.1 The Application

The process leading to the virtual session and 30-day submission period on the proposed amendments was triggered by an application to rezone land at 19 King’s Bridge Road to allow commercial uses within the existing building. The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. As the building has been sold and is no longer associated with an institution, the new owner is seeking a rezoning although, as noted previously, the exact use for the building has not yet been determined.

2.2 The Review Processes

The following provides an overview of the relevant correspondence and activity related to the processing of the application for rezoning for 19 King’s Bridge Road.

September 17, 2021 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the Committee of the Whole

Background and Current Status

This correspondence to the Committee of the Whole outlined that an application had been received to rezone property at 19 King’s Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone. The intent of the rezoning was to accommodate offices and other commercial uses within the existing building, which had previously been owned by the Anglican Church of Canada, housing offices and a retail store. It further noted that the building had been sold, and the new owner was seeking to rezone as the new uses would not be institutional in nature.

At the time of this correspondence, the applicant had not identified the exact use for the building other than it being commercial in nature – e.g., business offices, law offices, medical/dental or similar. As such, it was stated that a full development and engineering review had not been undertaken to that point; however, should the rezoning proceed, the applicant would be required to meet all City regulations and policies including the Commercial Development Policy.

The applicant also might be required to upgrade the site to meet relevant access, parking, landscaping and any other requirements. There are approximately 30 parking spaces on the subject property.

City staff put forth that the proposed Commercial Neighbourhood (CN) Zone would be appropriate, as it has both Office and Clinic as permitted uses. However, it also was noted that if the subject property were to be rezoned, any use in the Commercial Neighbourhood (CN) Zone table could be approved, subject to meeting site standards and Council's approval for discretionary uses. At the time of this correspondence, the Envision St. John's Development Regulations had not yet been brought into legal effect and so attached to the correspondence were the relevant zone tables for permitted and discretionary uses for the then existing St. John's Development Regulations and the approved Envision St. John's Development Regulations.

Additionally, as the property is designated Institutional under the St. John's Municipal Plan, a Municipal Plan amendment is required to redesignate to the Commercial General District so as to enable the Commercial Neighbourhood (CN) Zone.

Key Considerations/Implications

In terms of key considerations and/or implications for the City, the following were identified:

1. Budget/Financial Implications: Not applicable
2. Partners or Other Stakeholders: Neighbouring residents and property owners
3. Alignment with Strategic Directions/Adopted Plans:
St. John's Strategic Plan 2019-2029 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live
4. Legal or Policy Implications: Map amendments to the St. John's Municipal Plan and Development Regulations are required
5. Privacy Implications: Not applicable
6. Engagement and Communications Considerations: Should the amendment proceed, public notice is required under Section 5.5 of the Development Regulations.
7. Human Resource Implications: Not applicable
8. Procurement Implications: Not applicable
9. Information Technology Implications: Not applicable
10. Other Implications: Not applicable

Recommendations

It was recommended that Council consider rezoning the property at 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to allow an Office, Clinic or similar uses. It was reiterated that this would require a Municipal Plan amendment.

It was further recommended that the application be advertised and referred to a virtual public meeting chaired by an independent facilitator. This would also require a Municipal Plan amendment.

December 3, 2021 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the Regular Meeting of the City of St. John's Mayor and Council

This correspondence once again referenced the application for rezoning of 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to accommodate a commercial use.

This correspondence also noted that the NL Department of Municipal and Provincial Affairs has set new submission standards so that from that point, background information would be in the body of the amendment (attached to the correspondence).

Additional information provided in this correspondence included that redesignating 19 King's Bridge Road to the Commercial Land Use District would assist with achieving the goal of complete neighbourhoods by allowing commercial areas and services close to residential neighbourhoods. Additionally, the Commercial Land Use District allows for commercial uses in appropriate areas; King's Bridge Road was considered to be an appropriate area.

Public consultation

A virtual public meeting for the proposed amendments was held December 1, 2021, via Zoom. The proposed amendments and public meeting were advertised on three occasions in The Telegram on November 13, November 20, and November 27, 2021. A notice was also mailed to property owners within 150 metres of the application site and posted on the City's website. No submissions were received by the City Clerk's Office, and there were also no attendees at the public meeting. Your Commissioner, who had been engaged to be the Facilitator for the virtual public meeting, therefore, made a decision to conclude without presentations due to a lack of public attendance.

Land Use Report

Given that the subject property has contained retail uses in the past and no changes to the existing building were being proposed at the time, it was recommended that as per Section 4.9 (3) of the Envision St. John's Development Regulations, Council accept the staff report as the Land Use Report.

Alignment with the St. John's Urban Region Regional Plan

The proposed Municipal Plan amendment was stated to be in line with the SJURRP. The subject property is within the Urban Development designation of the Regional Plan. It was noted that an amendment to the SJURRP is not required.

Key Considerations/Implications

No additional considerations or implications were identified other than those cited previously.

Provincial Review

It was identified that, should Council adopt-in-principle the amendments attached to the correspondence, a copy would be forwarded to the Department of Municipal and Provincial Affairs for review, as required by the Urban and Rural Planning Act.

Recommendation

The recommendation was that Council adopt-in-principle the resolutions for Envision St. John's Municipal Plan Amendment 4, 2021 and St. John's Development Regulations Amendment 6, 2021, regarding land at 19 King's Bridge Road.

January 11, 2022 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to Elaine Mitchell, Department of Municipal and Provincial Affairs

This correspondence presented the amendments related to 19 Kings Bridge Road and overviewed the process for the application to the date of the correspondence. It requested a Provincial review and release for the Envision St. John's Municipal Plan Amendment Number 4, 2021 and Envision St. John's Development Regulations Amendment Number 6, 2021. It was stated that, upon issuance of the Provincial release, the amendments would be referred to Council for consideration of formal adoption and the appointment of a commissioner to conduct a public hearing on the amendments.

January 31, 2022 – Correspondence from Elaine Mitchell, MCIP, Planner III, Local Governance and Land Use Planning Division, Department of Municipal and Provincial Affairs, to Ann-Marie Cashin, MCIP, City of St. John's

This correspondence detailed that, in keeping with the requirements of Section 15 of the Urban and Rural Planning Act, 2000, staff with the Local Governance and Land Use Planning Division reviewed the documentation provided by the City to determine any provincial or agency interests. Based on this review, the documents were released from provincial review on behalf of the Department. This correspondence further noted that Council could now consider the documents for adoption and schedule a public hearing, and noted the change in approach to holding public hearings, as previously overviewed, to focus on a 30-day period for written submissions.

February 8, 2022, Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the Regular Meeting of the City of St. John’s Mayor and Council

This correspondence once again outlined the background to the application for rezoning of 19 King’s Bridge Road, the amendments required to both the Envision St. John’s Municipal Plan and Development Regulations to accommodate the application, relevant implications, and other information previously discussed herein.

Further, this correspondence informed the Mayor and Council that Provincial release had been issued for the Envision St. John’s Municipal Plan Amendment Number 4, 2022 and Envision St. John’s Development Regulations Amendment Number 6, 2022. As such, it was recommended that Council could proceed with the next steps in the process to adopt the resolutions for the amendments, appoint Your Commissioner, and proceed with the virtual public session.

3.0 Written Submissions Received During The 30-Day Comment Period

As highlighted earlier, two written submissions (email) were received from the same individual during the 30-day period allotted for comments on the rezoning of 19 King’s Bridge Road. They were opposed to the proposed rezoning. The following provides a summary of their submissions, the full text of which is found in Appendix “A”.

The author of the submissions identified as a long-term resident of the King’s Bridge Road area. They expressed concern about ongoing requests for commercializing the area and, more generally, the destruction of historic properties in the downtown. They noted that the downtown east includes King’s Bridge Road and, as such, would be a tourist attraction given its historic nature.

Further, they described the current application as a request to dilute the residential component of King’s Bridge Road, which was contrary to protecting its historic beauty.

They acknowledged that there are some existing commercial operations in the area but felt this exemplified the need to restrict any further such development and focus on preserving the existing residential neighbourhoods.

4.0 The Virtual Session

As there were no participants/interested parties outside of Your Commissioner, City Staff and a representative of the applicant, the virtual session was cancelled.

5.0 Considerations

In reaching a conclusion on the merits of the proposed amendments, Your Commissioner considered the following information.

5.1 Consistency with the Envision St. John's Municipal Plan

5.1.1 Chapter 2 - Framework for Growth

As stated in Section 2.2. 'Growth and Development Strategy' in Chapter 2 of the Envision St. John's Municipal Plan:

The strategy for growth set out in this Plan is one that attempts to balance growth with a strong diverse economy, environmental stewardship, recognition of heritage and its importance to the culture and economy of the city and complete neighbourhoods that have access to amenities such as parks, open space, food and local services. [...] Balance will be achieved through:

[...]

Preserving the pattern and scale of development in established residential neighbourhoods and working to improve amenities such as local food, services, parks, recreation and pedestrian trail networks. [...]

Further, the vision for the City of St. John's, as per Section 2.3 'City Vision' includes that:

St. John's [...] has active, healthy citizens, living in affordable, accessible, complete neighbourhoods. [...]

One of the key themes articulated in Section 2.4, is 'Healthy Neighbourhoods' which identifies that:

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services. There was also recognition that a greater mix of uses and higher density residential development will be required to support such initiatives.

5.1.2 Chapter 4 – Healthy Neighbourhoods

The goal in relation to healthy neighbourhoods is:

To design complete and interconnected, walkable neighbourhoods with efficient infrastructure, facilities and services, including a range of housing options

Further, it is noted that 'a city that is recognized for the quality of life that its citizens enjoy is a city of well-designed neighbourhoods, in which people have access to local shops and services and quality public spaces'.

5.1.3 Commercial Land Uses

Section 8.5 of the Envision St. John's Municipal Plan overviews the Commercial Land Use District:

The Commercial Land Use District applies to existing and future areas of commercial development within the City. These commercial uses range from small-scale commercial sites serving residential neighbourhoods, to larger regional centres [...] Smaller concentrations of commercial uses can also be found along the city's main roadways. [...] The role of the City is to ensure an adequate level of commercial services are provided throughout St. John's, by facilitating appropriate development in new areas, and maintaining the viability of older areas. Retail uses in commercial areas directly serve residential needs, while office uses bring employees from residential districts daily. It is, therefore necessary and desirable to place commercial facilities close to residential neighbourhoods, while minimizing the impact on established neighbourhoods and municipal services.

A number of objectives in relation to commercial land uses, which are relevant to the amendments under consideration include:

Within the Commercial Land Use District, Council shall establish commercial land use zones that accommodate a wide range of permitted and discretionary uses including retail, restaurants, entertainment and assembly, hotel, office, service shop, clinics, residential, day care centres, schools, place of worship, parking, and light industrial uses, along with other uses which are listed in the corresponding Zones under the Development Regulations.

[...]

Designate lands for commercial use in appropriate locations along main roadways, at intersections and in the downtown, to ensure an adequate supply of suitable land is available to accommodate a range of commercial activity and support commerce.

[...]

Plan for small local commercial uses that meet the daily needs of residents and are compatible with surrounding uses.

Mixed-use Development

Within the City, there are a number of areas where a mix of commercial, residential and other compatible uses currently co-exist, in various built form. [...] The concept of mixed-use development helps to build a sense of place within the community. It embraces such concepts as reduced auto dependence, public transit, reduced urban sprawl and better use of infrastructure through higher density development, while allowing for greater flexibility and adaptability of uses when developing projects.

5.1.4 The Land Use Report

Section 9.7 of the Envision Municipal Plan describes the Land Use Report (LUR) as ‘a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff.’

5.1.5 Designation of the Subject Property

The subject property at 19 King’s Bridge Road is located within the Institutional (INST) Land Use District. This District, as set out in Section 8.8 of the Envision St. John’s Municipal Plan:

...applies to lands owned and used by Government and institutions such as hospitals, place of worship and educational institutions. [...] Many of the Institutional lands in St. John’s are currently in transition as the roles of government and religious organizations evolve.

To accommodate the proposed development on this site, a zoning change is required from the Institutional (INST) Zone to the Commercial Neighbourhood (CXN) Zone. Rezoning the subject property to Commercial Neighbourhood would require a redesignation from the Institutional Land Use District to the Commercial Land Use District.

5.2 Envision St. John’s Development Regulations

5.2.1 Proposed Amendments

Under the Envision St. John’s Development Regulations, the subject property at 19 King’s Bridge Road is located in the Institutional (INST) Zone. With the sale of the property there is no longer an association with an institution. The existing zone has a very limited number of commercial type permitted and discretionary uses as compared to the Commercial Neighbourhood (CN) Zone, which would better accommodate some of the potential proposed uses of the property including business or law offices, clinic/medical or similar.

5.2.2 Zoning Considerations

5.2.2.1 Increased commercialization of the area

The submissions received spoke to concerns of increasing commercialization of older areas of the City and degradation of existing residential areas. It is important to note that the existing building on the subject property housed offices and a retail store. The proposed zoning amendment would allow for continuation of a commercial use, albeit with more options than previously allowed under the Institutional Zone.

Further, there are other existing commercial operations in the area including Dominion Memorial Market and the Sheraton Hotel to the north and south respectively, as well as the Family Court building. There was no indication that these present operations are identified as incompatible with surrounding residential areas.

5.2.2.2 Site considerations

Should the rezoning proceed, and as noted herein, the exact re-use of the existing building is not determined. As such, there may be requirements for the applicant to upgrade the site to meet relevant access parking, landscaping and other identified conditions. Of note, however, is that there are 30 existing parking spaces on the subject property.

6.0 Conclusion

In reaching a conclusion on the merits of the proposed Amendments, Your Commissioner considered the following:

6.1 Consistency with the St. John's Municipal Plan

Overall vision and approach

As discussed in the Envision St. John's Municipal Plan, the vision is that St. John's has active, healthy citizens, living in affordable, accessible, complete and healthy, quality neighbourhoods, that provide for walkable access to local shops and services. Redesignating 19 King's Bridge Road to the Commercial Land Use District will enable this goal as it would allow for ongoing and expanded commercial uses adjacent to residential neighbourhoods.

Commercial Land Uses

The City has a role in ensuring appropriate and adequate commercial land use by facilitating appropriate development in new areas and minimizing the impact of commercial development on residential neighbourhoods and municipal services. As noted in Section 5.1.3 herein, the Commercial Land Use District applies to existing and future areas of commercial development within the City. These commercial uses include small-scale commercial sites serving residential neighbourhoods which are provided in appropriate locations, such as along main roadways, to support commercial activity and commerce.

The subject property is along a main roadway and is an appropriate location for a commercial use, particularly since it previously housed a commercial operation. Redesignation of the property from Institutional Land Use District to Commercial Land Use District provides for an expanded range of potential commercial uses and allows for continued mixed use of the land uses in the area.

6.1.1 Mitigation of Impacts in Relation to the Amendments

The Envision St. John's Municipal Plan identifies a role for the City in ensuring that impacts associated with particular zones are compatible with policies adopted under the Plan. As noted previously and referenced in Section 8.5 of the Envision St. John's Municipal Plan, while it is desirable to place commercial facilities close to residential neighbourhoods, attention has to be paid to minimizing the impact on established neighbourhoods and municipal services.

At this point in the process, the exact commercial use has not been delineated by the applicant. However, and of note, it has already been stated within the documentation related to this application and amendments that depending on the defined use, there may be requirements for the applicant to upgrade the site to meet relevant access, parking, landscaping and other identified conditions. More generally, the applicant would have to meet all City regulations and policies. This is an important consideration to ensure there are minimal impacts on the surrounding residential areas.

7.0 Recommendations

Based on the foregoing considerations, Your Commissioner recommends the following:

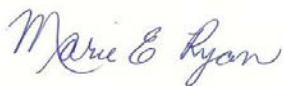
Acceptance of the Envision St. John's Municipal Plan *Amendment Number 4, 2022*

Redesignate land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District

Acceptance of the Envision St. John's Development Regulations (*Amendment Number 6, 2022*)

Rezone land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone

RESPECTFULLY SUBMITTED THIS 7TH DAY OF APRIL 2022



Marie. E Ryan,
Commissioner

Appendix “A” – Written Submissions

Karen Chafe

From: Ken O'Brien
Sent: Friday, February 25, 2022 10:19 AM
To: [REDACTED] CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Tracy-Lynn Goosney; Jason Sinyard; Lindsay Lyghtle Brushett; Planning; Christine R. Carter; Jennifer Squires
Subject: RE: 19 King's Bridge Road rezoning application

Thanks again.

Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's – Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), 4th floor
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 Email kobrien@stjohns.ca www.stjohns.ca

From: [REDACTED]
Sent: Friday, February 25, 2022 10:05 AM
To: Ken O'Brien <kobrien@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; [REDACTED]
Cc: Andrea Roberts <aroberts@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Ashley Murray <amurray@stjohns.ca>; Tracy-Lynn Goosney <tgoosney@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>; Planning <planning@stjohns.ca>; Christine R. Carter <crcarter@stjohns.ca>; Jennifer Squires <jsquires@stjohns.ca>
Subject: (EXT) RE: 19 King's Bridge Road rezoning application

Good morning Ken and thank you for your quick response to my objection to rezoning 19 Kings Bridge Road. You make the following points in your email:

"Your neighbourhood is primarily residential but is book-ended by the Dominion Memorial Market (former Stadium) to the north and the Sheraton Newfoundland Hotel and area to the south, at the end of the Duckworth Street commercial area. We also have the family court, law offices, and the present building."

This information actually exemplifies the need to stop any kind of zoning other than residential. There is still time to preserve this neighborhood, despite past judgments. In direct response to the Stadium and Sheraton, yes they are anchors; but removed enough so as not to seriously damage the remaining residential properties. But more significantly, they already exist and there is unlikely to be support to remove them.

With respect to the other properties you describe, and your point that number 19 was probably not ever residential; there was effort to make them appear, at least, residential. Again. this supports the need to stop non residential zoning on Kings

Bridge Road and adjoining streets. It only demonstrates that too much non residential zoning currently exists.

The final point I would like to share is that there appears to be a belief that since we already have mixed neighbourhood zoning, what is just one more rezoning. The rezoning cycle does not stop and at some point, after so much rezoning from neighbourhood, no one cares because there is so little left of the residential zoning to preserve.

I am aware these are challenging and important decisions, but now is the time to protect this neighbourhood while there is enough residential properties left to protect.

Again, my thanks for quick your response. I can only hope that Council see the importance of declining the rezoning request.

Wishing you all a very pleasant weekend.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Ken O'Brien [kobrien@stjohns.ca]

Sent: February 25, 2022 9:05 AM

To: [REDACTED] CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Tracy-Lynn Goosney; Jason Sinyard; Lindsay Lyghtle Brushett; Planning; Christine R. Carter; Jennifer Squires

Subject: RE: 19 King's Bridge Road rezoning application

[REDACTED] thank you for your thoughts on this. They will form part of the package of materials that will ultimately be considered by Council before their decision on the rezoning.

Treating our neighbourhoods appropriately is part of the challenge of land-use planning. Your neighbourhood is primarily residential but is book-ended by the Dominion Memorial Market (former Stadium) to the north and the Sheraton Newfoundland Hotel and area to the south, at the end of the Duckworth Street commercial area. We also have the family court, law offices, and the present building. It was built as an office building and has served for decades as church offices and a religious bookstore. So the changes being proposed are not radical. To my knowledge, this building has never been used for residential purposes, so the rezoning would allow continued non-residential use while acknowledging that this is no longer a religious or institutional property.

I appreciate your desire to keep residential areas residential, and perhaps increase the residential component of areas like LeMarchant Road. Part of this is driven by land-use decisions by Council, but much of it is driven by market forces. It's an important discussion.

Again, thank you for contributing your thoughts to it.

Regards,

Ken O'Brien

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's – Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), 4th floor
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 Email kobrien@stjohns.ca www.stjohns.ca

From: Karen Chafe [kchafe@stjohns.ca] on behalf of CityClerk [cityclerk@stjohns.ca]

Sent: February 23, 2022 3:44 PM

To: [REDACTED] CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Tracy-Lynn Goosney; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Christine R. Carter; Jennifer Squires

Subject: RE: (EXT)

Good Afternoon:

Thank you for your submission. I have referred it to our planning and development staff cc'd above for their information and/or response to you.

Sincerely,

Karen Chafe
City Clerk

From: [REDACTED]

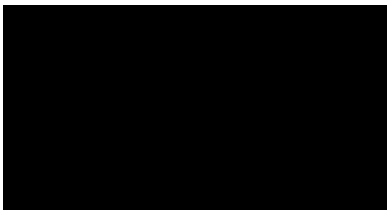
Sent: Tuesday, February 22, 2022 10:15 AM

To: CityClerk <cityclerk@stjohns.ca>

Cc: [REDACTED]

Subject: (EXT)

Importance: High



February 22,2022

Re: Rezoning of 19 Kings Bridge Road

Office of The City Clerk:

Thank you for the opportunity to respond to the rezoning request for 19 Kings Bridge Road, St. Johns Newfoundland and Labrador. As a long-term resident of this area, I am deeply disturbed by the number of requests to make one of the few remaining historic areas of St. John's a commercial neighborhood. Over the years, we have seen the destruction of formerly beautiful areas of our city, (such as Lemarchant Rd.), which have become so commercial as to have lost most of its' identity as an attractive and historic neighborhood.

Over the past decades, there seems to be a concentrated effort by St. John's City Councils to destroy what remains of historic properties in the downtown. This is not the first rezoning request for Kings Bridge Road and its' surrounding streets. At some point, we have to look to strategies to build our local economy. We have to move from developments such as oil and gas and start thinking about long term initiatives; particularly ones that could increase the sustainability of our Newfoundland and Labrador economy without environmental damage. Most would agree that the beauty of this province is an opportunity to build on tourism, film production, etc. St. Johns' is a significant attraction to tourists, and for that matter, to our own Newfoundlanders and Laboratorians. One of the particularly attractive parts of the city of St John's is, in fact, the downtown and downtown east that includes Kings Bridge Road and the surrounding streets.

There is no doubt that we are losing, overtime, many of the historical and beautiful homes (and green spaces) that are/were a large component of the important flavour of St. Johns.

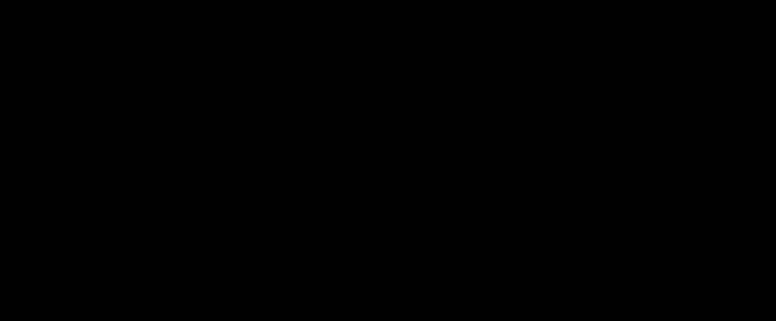
So once again, we have a request to dilute the residential component of Kings Bridge Road and essentially continue the attack on the historic beauty of this neighborhood. I ask that City Council put its desires for an increased tax base aside and reflect on the importance of maintaining all of the beauty that is associated with this part of our city. We need to strengthen our resolve to protect St. John's downtown and downtown East End. Sadly, many (if not most) of the requests for rezoning to commercial in the downtown and surrounding areas are approved. Maybe this council could reverse that trend and protect our historic and beautiful St. Johns.

In fact, I would suggest a greater cause for the St. John's City Council would be, not to rezone more commercial or institutional, but to try to return to residential zoning in those parts of St. John's such as the Downtown, St. John's Downtown East End and St.

John's West (e.g. Waterford Bridge Rd) that have been able to hold on to some of the history, architectural significance and green spaces.

I thank you, again, for the opportunity to present my viewpoint regarding the rezoning of 19 Kings Bridge Road. And hopefully, my strong opposition to rezoning will be heard and respected by St. John's City Council and lead to a rejection of the rezoning request.

Sincerely,



Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

DECISION/DIRECTION NOTE

Title: Black Mountain Pond, Incinerator Road, Adoption, REZ2100014

Date Prepared: May 5, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 5

Decision/Direction Required:

That Council adopt St. John's Development Regulations Amendment 12, 2022, that will rezone a portion of land near Black Mountain Pond, Incinerator Road from the Rural (R) Zone to the Mineral Working (MW) Zone.

Discussion – Background and Current Status:

The City has received an application from Newcrete Investments Limited Partnership (LP) to rezone a portion of the land near Black Mountain Pond, off Incinerator Road, from the Rural (R) Zone to the Mineral Working (MW) Zone to accommodate a quarry. The subject property is designated Rural under the Envision St. John's Municipal Plan; a plan amendment is not required. Additional information on the application, including analysis, can be found in the attached amendment.

The applicants have made a quarry permit application to the NL Department of Industry, Energy and Technology, but to allow the provincial quarry permit application to proceed, the area needs to be municipally rezoned to Mineral Working. The application area is shown in the attached aerial image. The quarry design will be reviewed and approved by the Province.

At its April 4, 2022 regular meeting, Council voted to consider the amendment and advertise it for public review and comment. The amendment was advertised in *The Telegram* on three occasions and on the City's website, and notices were mailed to property owners within 150 metres of the site, as well as property owners along Incinerator Road, the Eastern Regional Service Board for distribution to the Northeast Avalon Joint Council (a group of municipalities), and the Town of Conception Bay South. Submissions received are attached for reference.

The Town of Conception Bay South and its residents raised concerns over the proposed quarry. They want to ensure that the environment is protected and have concerns over the continued expansion and intensification of quarry and industrial activity in this area.

In evaluating this proposed amendment, the City must consider the need for aggregate material in the Northeast Avalon region as well as environmental concerns. The City has established buffer distances from watercourses and wetlands so as to minimize the environmental impacts on them, and this development meets those requirements. Further,

ST. JOHN'S

given the large size of the proposed development, a provincial environmental assessment will be required prior to provincial approval or City development approval. Provincial requirements regarding the development of quarries will apply.

The Town of Conception Bay South asked that municipal rezoning approval should be a phased approach. City staff, however, feel that it is appropriate to rezone the entire subject area at this time, to reduce the need for multiple applications. The site meets with requirements for Mineral Working set out in the Envision St. John's Development Regulations.

Section 8.10.9 of the Envision St. John's Municipal Plan states:

Quarrying and mineral working uses shall be subject to a Land Use Report, appropriate separation distances and rezoning of the proposed area. Expansion of an existing site shall be subject to the same requirements.

Given that a provincial environmental assessment will be required prior to development, as well as any other required studies for the development of a quarry, it is recommended to accept the staff report in lieu of a land use report. The City will require the applicable studies prior to issuing development approval.

Should Council adopt the attached amendment, the documents will be forwarded to the NL Department of Municipal and Provincial Affairs for registration.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners and businesses; Town of Conception Bay South; Northeast Avalon Joint Council (a group of municipalities).
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: The proposed development aligns with the policies in the Envision St. John's Municipal Plan and Development Regulations.
5. Legal or Policy Implications: A rezoning is required to allow the quarry to proceed at the proposed location.
6. Privacy Implications: Not applicable.

7. Engagement and Communications Considerations: Not applicable.
8. Human Resource Implications: Not applicable.
9. Procurement Implications: Not applicable.
10. Information Technology Implications: Not applicable.
11. Other Implications: Not applicable.

Recommendation:

That Council adopt St. John's Development Regulations Number 12, 2022, to rezone a portion of the land near Black Mountain Pond, Incinerator Road from the Rural (R) Zone to the Mineral Working (MW) Zone to allow a quarry.

Prepared by: Ann-Marie Cashin, MCIP, Planner III Urban Design & Heritage

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	Black Mountain Pond, Incinerator Road, Adoption, REZ2100014.docx
Attachments:	- Incinerator Road - Adoption Attachments.pdf
Final Approval Date:	May 5, 2022

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - May 5, 2022 - 1:01 PM

No Signature - Task assigned to Jason Sinyard was completed by workflow administrator Karen Chafe

Jason Sinyard - May 5, 2022 - 2:05 PM



SUBJECT PROPERTY

RUR

INCINERATOR RD

RUR

IG

RUR

Subject
Area

RUR

RUR

MW

IG

FOXTRAP ACCESS RD

TRANS CANADA HWY

TRANS CANADA HWY

TRANS CANADA HWY

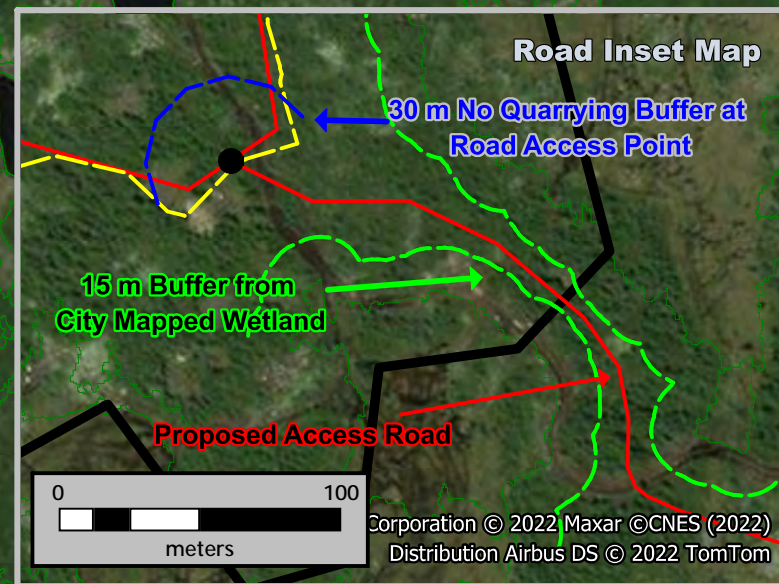


Revised 117.7 Ha Quarry Bdy
(revised Feb. 21, 2022)

Original 130.2 Ha Quarry Bdy

City Mapped Wetland

**50 m Buffer from
City Mapped Wetland**



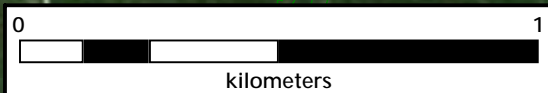
See Road Inset Map

Original Access Road

**Black
Mountain
Pond**

Revised Access Road

Updated Feb. 21, 2022



Newcrete - Black Mountain North Quarry



© 2022 Microsoft Corporation © 2022 Maxar ©CNES (2022) Distribution Airbus DS © 2022 TomTom

City of St. John's Development Regulations, 2021

St. John's Development Regulations Amendment Number 12, 2022

Rural (R) Zone to Mineral Working (MW) Zone for a Quarry

May 2022



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 2021

Amendment Number 12, 2022

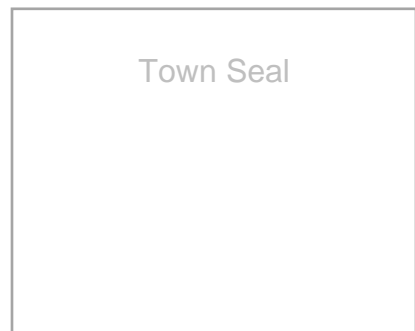
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 12, 2022.

Adopted by the City Council of St. John's on the 9th day of May, 2022.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached City of St. John's Development Regulations Amendment Number 12, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____

Development Regulations/Amendment	
REGISTERED	
Number	_____
Date	_____
Signature	_____



CITY OF ST. JOHN'S

Development Regulations Amendment Number 12, 2022

BACKGROUND AND PURPOSE

The City has received an application from Newcrete Investments Limited Partnership (LP) to rezone a portion of the land near Black Mountain Pond, off Incinerator Road, from the Rural (R) Zone to the Mineral Working (MW) Zone to accommodate a quarry. The subject property is designated Rural under the Envision St. John's Municipal Plan.

The applicants have made a quarry permit application to the NL Department of Industry, Energy and Technology, but to allow the provincial quarry permit application to proceed, the area needs to be municipally rezoned to Mineral Working. The application area is shown in the attached aerial image. The quarry design will be reviewed and approved by the Province.

As per the site drawing, the site will have an area of 117.7 hectares (approximately 276 acres), will be accessed through a Crown Land lease-to-occupy, and will not contain any buildings. The applicants have advised that the Black Mountain area contains significant amounts of sand and gavel aggregate that is suitable for making concrete and will be used throughout the Northeast Avalon region. The quarry will be developed in 8 phases over several decades and is close to a current quarry development by Newcrete. Previously, the City gave approvals on this site for exploratory test pits, and the site will require provincial environmental assessment, plus a quarry lease with reclamation bonding in place, before quarry development can start.



ANALYSIS

As per Section 8.10.1 of the Municipal Plan:

“Within the Rural Land Use designation, Council shall establish rural land use zones that will accommodate uses in the form of agriculture, quarrying, forestry, natural heritage and tourism, limited rural residential uses, and other complementary uses as outlined in the permitted and discretionary uses of the zones identified in the Development Regulations.”

Therefore the Mineral Working (MW) Zone is an appropriate zone under the Rural District.

Further, Section 8.10.9 states:

Quarrying and mineral working uses shall be subject to a Land Use Report, appropriate separation distances and rezoning of the proposed area. Expansion of an existing site shall be subject to the same requirements.

It is recommended that Council the staff report in lieu of a land use report. The separation distances are established under Section 6.23 of the Envision St. John's Development Regulations. The proposed development meets all buffer requirements; it is more than 300 metres from a Residential, Apartment, Rural Residential or Rural Residential Infill Zone; more than 50 metres from a Commercial, Mixed Use or Public Use Zone, more than 30 metres from any Street and at least 50 metres from any body of water, watercourse or wetland as identified on the city's mapping. The surrounding area is zoned Rural, Industrial General (IG) and Mineral Working (MW), so this is a compatible zone for the area.

With respect to environmental concerns, a provincial environment assessment will be triggered for the proposed development. The City would require this to be complete prior to issuing development approval. The boundary limits of the quarry meet the City's requirements with respect to buffering from waterbodies in order to limit any impact on the watercourses.

PUBLIC CONSULTATION

The proposed amendment was advertised on three occasions in The Telegram newspaper on April 9, April 16, and April 23, 2022. A notice of the amendment was also posted on the City's website and mailed to property owners within 150 metres of the application site, property owners along Incinerator Road, the Eastern Regional Service Board for distribution to the NE Avalon Joint Council, and the Town of Conception Bay South. A copy of submissions received can be found in the May 9, 2022, Regular Council Meeting agenda package.

Generally, there were concerns from residents and the Town of Conception Bay South about the size of the quarry, and the potential impacts on the environment, such as rivers, flora, trails and agricultural uses. The Town of Conception Bay South further noted concerns with the continued expansion and intensification of quarry and industrial activity in this area.

All concerns were considered by Council before making a decision on this matter.

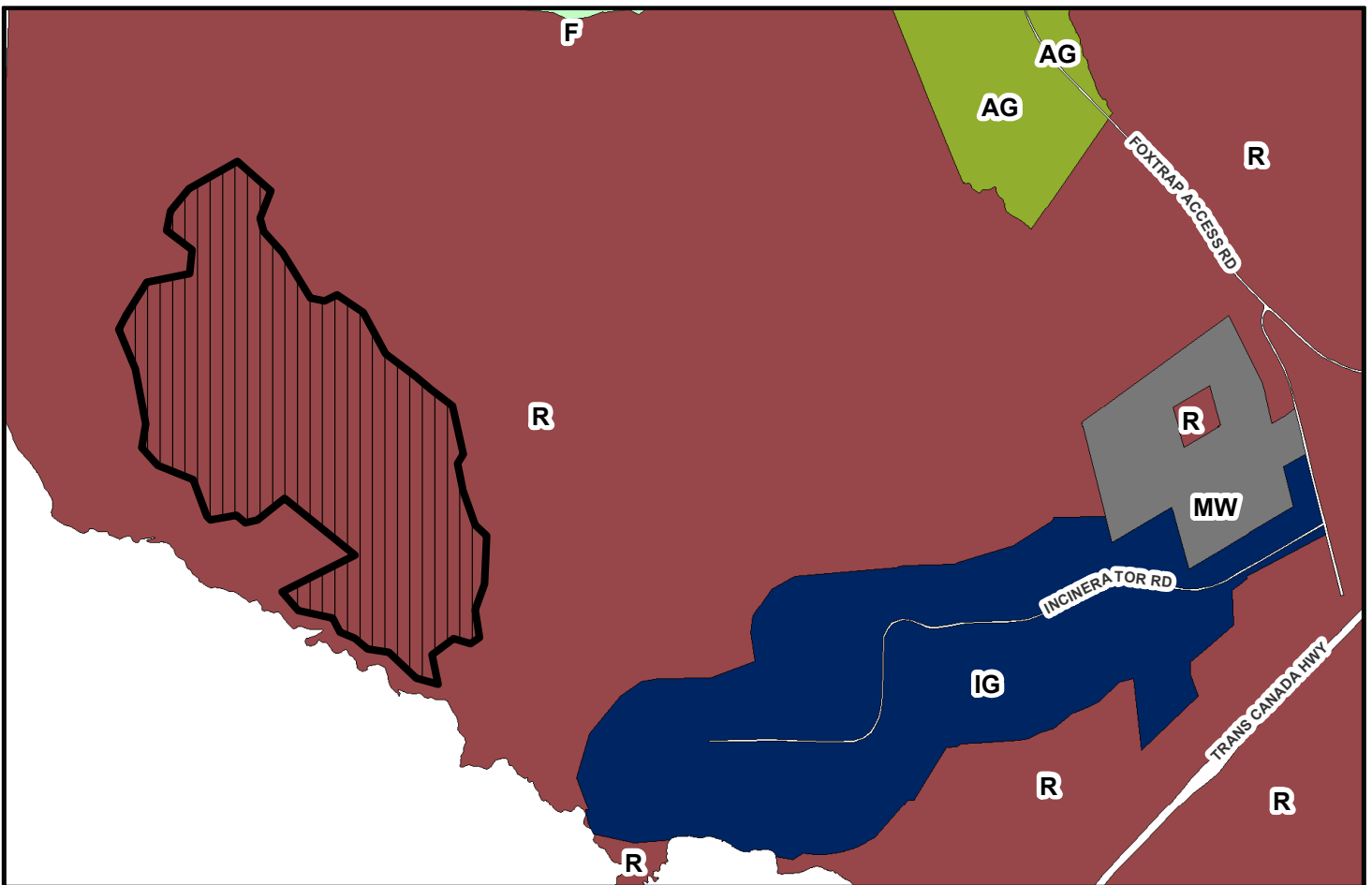
ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The portion of the property being rezoned is within the Rural designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required to rezone this property to the Mineral Working (MW) Zone.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 12, 2022

The City of St. John's Development Regulations, 2021 is amended by:

Rezoning a portion of land near Black Mountain Pond, Incinerator Road [Parcel ID 354669], from the Rural (R) Zone to the Mineral Working (MW) Zone as shown on City of St. John's Zoning Map attached.



CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS Amendment No. 12, 2022

[City of St. John's Zoning Map]



AREA PROPOSED TO BE REZONED FROM
RURAL (R) LAND USE ZONE TO
MINERAL WORKING (MW) LAND USE ZONE

**INCINERATOR RD
(BLACK MOUNTAIN POND)
Parcel ID 354669**

2022 05 05 Scale: 1:25000
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

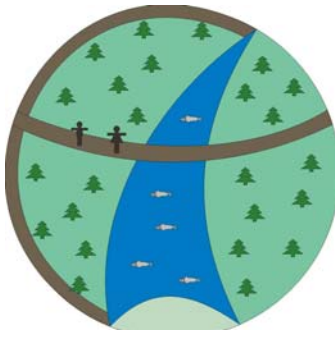
Municipal Plan/Amendment
REGISTERED

Number _____

Date _____

Signature _____

Provincial Registration



Kelligrews Ecological Enhancement Program (KEEP)

P.O. Box 17173, Kelligrews
Conception Bay South, Newfoundland and Labrador
A1X 3H1

Email: kelligrewseep@yahoo.ca

phone: 834-4915

Website: <http://www.envision.ca/webs/keep/>

Office of the City Clerk
P. O. Box 908
St. John's, NL
A1C 5M2

April 25, 2022

RE: Black Mountain Pond, Incinerator Road, REZ 2100014

The Kelligrews Ecological Enhancement Program (KEEP) has reviewed the notice concerning the rezoning of property on a portion of land near Black Mountain Pond from Rural (RUR) zone to Mineral Working (MW) zone. This rezoning would be necessary prior to consideration of a quarry application from Newcrete Investments LP.

The area being considered for the quarry (117.7 hectares) is massive and there is currently a 90-hectare quarry adjacent to it and numerous quarries all around the area.

Prior to any more quarrying in the area a comprehensive study of the cumulative impacts of quarrying on the river systems, flora and fauna, recreation, farming and other user activities in the entire area from the TCH South to Conception Bay needs to be completed.

KEEP requests that this application for rezoning be denied.

We look forward to a written response to this letter.

Yours sincerely,

Karen Morris

Chair (KEEP)

May 4, 2022

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's
P.O. Box 908
St. John's, NL A1C 5M2



RE: Proposed Re-zoning at Incinerator Road

Dear Mr. O'Brien:

Thank you for the opportunity for the Town of Conception Bay South to review and comment on the proposed re-zoning at Incinerator Road within the City of St. John's.

The proposed re-zoning was discussed by Council's Planning and Development Committee who noted that property in question is near Black Mountain Pond and Incinerator Road and would change the zoning from Rural (RUR) Zone to the Mineral Working (MW) Zone, in order to consider a quarry at this location. The Committee also noted that the proposed re-zoning appears to affect more than 500 acres of land.

After a discussion, the Committee concurred that the following concerns should be considered by the City of St. John's prior to a decision on the proposed re-zoning:

- Impacts on nearby agricultural uses;
- Impacts on formal or informal ATV trails;
- Cumulative impacts of increasing quarry activity in the area of Incinerator Road;
- The re-zoning should be incremental with proposed expansion of quarry activity to ensure that any reclamation or mitigation efforts for closed portions of the quarries are properly completed;
- Any waterways, waterbodies and wetlands should be excluded from the re-zoning; and
- If developed, the expanded quarry should be managed to prevent siltation into the nearby tributaries of the Kelligrews and Lower Gullies Rivers.

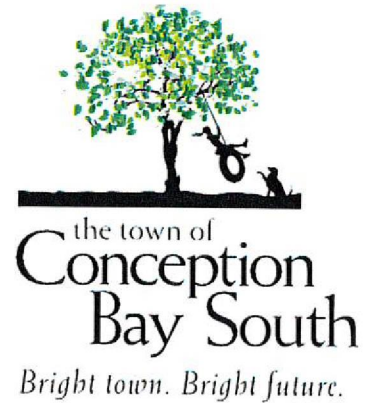
The Town has expressed concern with continued expansion and intensification of quarry and industrial activity in the Foxtrap Road interchange and Incinerator Road areas to the City in the past. Previous correspondence from the Town to the City in that regard is attached for your reference.

Should you require additional information, I would be pleased to discuss this matter with you at our mutual convenience.

Sincerely,

Corrie Davis, MCIP
Director of Planning and Development
/mb

Attachments



November 4, 2020

Ms. Joanne Sweeney
Director (A)
Environmental Assessment Division
Environment, Climate Change and Municipalities
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Ms. Sweeney:

**Re: Proposed Quarry, Pastureland Road, St. John's
Registration No. 2103**

The noted proposed undertaking was recently discussed by Council's Planning and Development Committee.

The Committee noted that the proposed quarry is within the head waters area that ultimately drains to Conways Brook within the Long Pond area of Conception Bay South. The Committee also noted that there have been a number of other quarry proposals for the general area of Pastureland, Foxtrap Access and Incinerator Roads within the City of St. John's over the past number of years.

The Committee is concerned that there may be a cumulative impact from the many potential quarries in this area that has not been assessed. The Town notes that several quarries have been registered and released from environmental assessment in this general area in the recent past including projects under registration numbers 1885, 2034, 2083 and 2101 along with the current proposal under number 2103.

From the Town's perspective the individual and cumulative impacts of the quarry proposals and operations in headwaters of Conways Brook may result in a potential loss of wildlife habitat, increased potential for fuel spill pollution flowing through Conways Brook to Long Pond, increased stormwater flows and potential flooding downstream, and a loss of passive recreational areas.

November 4, 2020

Page 2 of 2

If you require additional information, I would be pleased to speak with you at a mutually convenient time. I may be reached by calling 709-834-6500, extension 402 or sending email to corrie.davis@conceptionbaysouth.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Corrie Davis', with a stylized flourish at the end.

Corrie Davis, MCIP
Director, Planning & Development
Town of Conception Bay South

Copy: Mr. J. Sinyard, P.Eng
City of St. John's

/mb

December 15, 2020

Mayor Danny Breen and Council
City of St. John's
P.O. Box 908
St. John's, NL A1C 5M2

Dear Mayor Breen and Council:

**Re: Quarry Proposals - Foxtrap Access Road, Incinerator Road and
Pastureland Road, St. John's**

I write on behalf of the Conception Bay South Town Council and our growing concern, and to a degree growing frustration, related to the increasing number and size of quarries in the area of the Trans Canada Highway near its intersection with the Foxtrap Access Road.

Council appreciates the changes that City staff recently implemented to ensure that the Town has adequate time to review and consider proposed quarry applications in the Foxtrap Access Road area of St. John's. Our Council's concerns are grounded in our recognition that quarrying is important to support the construction industry, and that a quarry's proximity to a work site is key to minimizing costs, particularly for publicly funded projects.

Council note that the Foxtrap Access Road primarily serves as an access to, or exit from, Conception Bay South and is a gateway to the community. Council is concerned that the potential increase in quarrying activity will have a negative impact on the Town and will detract from the otherwise scenic trip from the Trans Canada Highway to the Town.

Council is also concerned that the existing quarries, along with proposed expansions and new quarry sites are within the head waters area that ultimately drains to Conways Brook and other waterways within Conception Bay South. Council is concerned that there may be a cumulative impact from the many potential quarries in this area that has not been assessed when new quarries are proposed or existing quarries are expanded.

Finally, Council is concerned about the individual and cumulative impacts of the quarry proposals and operations in headwaters of any of the waterways that flow to and through Conception Bay South may result in a potential loss of wildlife habitat, loss of passive

recreational areas, increased potential for fuel spill pollution, increased stormwater flows and potential flooding downstream.

I note that several of the proposed new quarries are within areas zoned for forestry uses, where mineral workings are a discretionary use. The implication to the Town is that the areas north of the Trans Canada Highway and east of the Foxtrap Access Road, in particular, were never envisioned for the scale of quarrying activity that has been proposed.

I would like to arrange a meeting or telephone call with you to further discuss Council's concerns regarding the limited input that our Council has regarding an area that directly impacts the Town of Conception Bay South more than any other municipality in the region.

Sincerely,

TOWN OF CONCEPTION BAY SOUTH

A handwritten signature in black ink, appearing to read 'Terry French', with a long horizontal stroke above it.

Terry French
Mayor

December 15, 2020

Honourable Andrew Parsons, Q.C.
Minister of Industry, Energy and Technology
7th Floor, Natural Resources Building
50 Elizabeth Avenue
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Honourable Minister:

**Re: Quarry Proposals - Foxtrap Access Road, Incinerator Road and
Pastureland Road, St. John's**

I write on behalf of the Conception Bay South Town Council and our growing concern, and to a degree growing frustration, related to the increasing number and size of quarries in the area of the Trans Canada Highway near its intersection with the Foxtrap Access Road.

Council's concerns are grounded in our recognition that quarrying is important to support the construction industry, and that a quarry's proximity to a work site is key to minimizing costs, particularly for publicly funded projects.

Council note that the Foxtrap Access Road primarily serves as an access to, or exit from, Conception Bay South and is a gateway to the community. Council is concerned that the potential increase in quarrying activity will have a negative impact on the Town and will detract from the otherwise scenic trip from the Trans Canada Highway to the Town.

Council is also concerned that the existing quarries, along with proposed expansions and new quarry sites are within the head waters area that ultimately drains to Conways Brook and other waterways within Conception Bay South. Council is concerned that there may be a cumulative impact from the many potential quarries in this area that has not been assessed when new quarries are proposed or existing quarries are expanded.

Finally, Council is concerned about the individual and cumulative impacts of the quarry proposals and operations in headwaters of any of the waterways that flow to and through Conception Bay may result in a potential loss of wildlife habitat, increased potential for fuel spill pollution, increased stormwater flows and potential flooding downstream, and a loss of passive recreational areas.

I would like to arrange a meeting or telephone call with you to further discuss Council's concerns regarding our inability to have any meaningful control over an area that directly impacts the Town of Conception Bay South more than any other municipality in the region.

Sincerely,

TOWN OF CONCEPTION BAY SOUTH

A handwritten signature in black ink, appearing to read 'Terry French', with a long horizontal line extending to the left.

Terry French
Mayor