

DECISION/DIRECTION NOTE

Title: 350 Kenmount Road and 9 Kiwanis Street, MPA2000011

Date Prepared: March 3, 2021

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Decision/Direction Required:

To consider a rezoning application for land at 350 Kenmount Road / 9 Kiwanis Street from the Open Space (O) Zone to the Commercial Kenmount (CK) Zone to bring an existing car dealership into conformance, recognizing the presence of a long culvert along Ken Brook.

Discussion – Background and Current Status:

The Royal Garage Limited has applied to rezone a portion of its lot at 350 Kenmount Road / 9 Kiwanis Street from the Open Space (O) Zone to the Commercial Kenmount (CK) Zone. The subject property is one lot with a dual civic address because it fronts on both Kiwanis Street and Kenmount Road. The property contains a car rental business and a car dealership. Ken Brook flows across the property in a long culvert, roughly parallel to Kenmount Road.

A portion of the property fronting Kiwanis Street is within the CK Zone, however the portion fronting Kenmount Road is within the O Zone and the car dealership there is a non-conforming use. The purpose of this amendment is to bring the use into conformance as permitted use in the CK Zone. The property is designated Open Space under the St. John's Municipal Plan and therefore a Municipal Plan amendment is also required.

This portion of Kenmount Road is zoned Open Space due to the floodplain and floodplain buffer for Ken Brook along the north side of the street. Ken Brook is part of the Rennie's River / Quidi Vidi Lake waterway system. In 2017 the property owner applied to install a long culvert on the property, replacing three (3) old culverts, which would remove the floodplain and floodplain buffer from a portion of the property and make the land more useable for commercial purposes. The culvert was approved and installed in 2017.

Now the applicant is requesting that the zoning be updated to reflect this change to the site. As per the attached aerial photo showing the floodplain, there is a portion of the lot no longer affected by the floodplain. Should Council decide to consider this amendment, the Open Space (O) Zone would be removed only from the land outside the floodplain and floodplain buffer.

The application was reviewed by development and engineering staff and there are no concerns; there is no development proposed at this time. Should the property be rezoned, any

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use within the CK Zone could be considered and any new development would have to meet all City policies and regulations.

The Open Space (O) Zone here is provincially designated as Public Open Space under the St. John's Urban Region Regional Plan. This means that a Regional Plan amendment is required. A request to amend the Regional Plan to the Urban Development designation has been sent to the Minister of Environment, Climate Change and Municipalities, however the City does not expect a decision until after the provincial election. Should Council decide to consider the amendment, we would require direction from the Minister before we can advertise the amendment for public review. Notices would have to be sent to the 14 other municipalities in the St. John's Urban Region (the Northeast Avalon) for their consideration.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners; and the Minister of Environment, Climate Change and Municipalities.
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. An amendment to the St. John's Urban Region Regional Plan is also required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Should the provincial and municipal amendments proceed, the application will be advertised in the *Telegram* newspaper and on the City's website, and notices mailed to property owners within 150 metres of the application site. Notices would also be sent to the 14 other municipalities in the St. John's Urban Region (the Northeast Avalon).
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

That Council consider rezoning a portion of the property at 350 Kenmount Road / 9 Kiwanis Street from the Open Space (O) Zone to the Commercial Kenmount (CK) Zone; and following

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confirmation from the Minister of Environment, Climate Change and Municipalities to consider a Regional Plan amendment, advertise the application for public review and comment.

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:	350 Kenmount Road and 9 Kiwanis Street, MPA2000011.docx
Attachments:	- 350 Kenmount Road - Attachment.pdf
Final Approval Date:	Mar 4, 2021

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

Ken O'Brien - Mar 3, 2021 - 9:25 PM

Jason Sinyard - Mar 4, 2021 - 9:15 AM