

DECISION/DIRECTION NOTE

Title: 142 Old Pennywell Road – Adoption – REZ2000012

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment 719, 2021, to rezone land from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow three Townhouses.

Discussion – Background and Current Status:

The City has received an application to rezone land at 142 Old Pennywell Road from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow the development of three (3) Townhouses. A single-detached dwelling on the property was demolished in early 2021. The R1 Zone does not permit Townhouses and therefore a zone amendment is required. The property is designated Residential Low Density; subject to a land use assessment report (LUAR), this could allow medium density residential uses that Council deems are compatible with single detached dwellings.

This rezoning would be a spot zone on the north side of Old Pennywell Road where the surrounding residential lots are zoned R1; however, the south side of the road is zoned R2 and includes a mix of single detached and semi-detached dwellings. Slightly east off Lynch Place, Rotary Manor has 46 units in the Apartment Special (AA) Zone. West of the subject property where sewer servicing ends, the area is zoned Residential Rural Infill (RRI). Overall, with the combination of residential types in the neighbourhood, a three-unit Townhouse is compatible.

From Section 3 of the Municipal Plan, Council may deem that a staff report shall constitute an LUAR where the scale or circumstances of a proposed change do not merit extensive analysis. Given that the south side of Old Pennywell Road is zoned R2 and the development is proposing only 3 units, staff recommend that Council accept the staff report as the LUAR. The applicant has provided enough information to evaluate the proposal.

At its regular meeting of April 5, 2021, Council decided to consider the amendment and advertise it for public review. The rezoning was advertised three times in *The Telegram* newspaper and was posted on the City's website, and property owners within 150 metres of the application site were notified. One written submission was received by the City Clerk and is included in the agenda for the regular meeting of Council.

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The submission expresses concerns that the Townhouses will decrease property value, create flooding, reduce privacy, increase noise level, and add traffic. The review of the application by City staff has not raised any concern about flooding or traffic. Should the development proceed, it would have to meet all City regulations and policies, including stormwater management and landscaping. Regarding privacy and noise, staff do not believe that the rezoning will affect these issues. While Old Pennywell Road is higher than Neptune Road, there are lots of houses on Old Pennywell, so concerns around privacy would not change. Further, most houses along Old Pennywell have trees in their rear yards, creating a buffer between them and the rear yards of houses on Neptune. Regarding property values, studies show that new residential development generally does not reduce neighbouring property values.

From Section 1.2.3 of the Municipal Plan, the City shall increase densities in residential areas where feasible and desirable and encourage a compatible mix of residential buildings of varying densities in all zones. This rezoning would be a gentle increase in density, going from 1 house to 3, and therefore staff recommend adoption of the proposed rezoning. Should Council adopt the amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. No commissioner's public hearing is required.

Key Considerations/Implications:

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: A map amendment (rezoning) to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: The application has already been publicly advertised.
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 adopt St. John's Development Regulations Amendment Number 719, 2021, which will rezone property at 142 Old Pennywell Road [Parcel ID 22428] from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone.

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

Report Approval Details

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| Document Title: | 142 Old Pennywell Road - Adoption - REZ2000012.docx |
| Attachments: | - 142 Old Pennywell Road - Adoption Attachments.pdf |
| Final Approval Date: | Apr 29, 2021 |

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

Ken O'Brien - Apr 28, 2021 - 4:12 PM

Jason Sinyard - Apr 29, 2021 - 11:12 AM