

# DECISION/DIRECTION NOTE

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**Title:** 22 Shaw Street – Adoption – REZ2000013

**Date Prepared:** May 26, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 3

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## **Decision/Direction Required:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment 718, 2021, to rezone land from the Residential Special (RA) Zone to the Residential High Density (R3) Zone to accommodate a Semi-detached Dwelling development (2 houses). Please note that this overlaps Wards 3 and 2.

## **Discussion – Background and Current Status:**

The City has received an application to rezone the property at 22 Shaw Street from the Residential Special (RA) Zone to the Residential High Density (R3) Zone to allow subdivision of the lot and development of 2 Semi-detached Dwellings. The house there will be demolished if the amendment is adopted (the demolition-permit application is being reviewed). The RA Zone does not permit Semi-detached Dwellings and therefore rezoning is needed. The property is not in a Heritage Area and a Municipal Plan amendment is not required; the property is in the Residential Medium Density District of the Municipal Plan.

While 22 Shaw Street is the only parcel proposed to be rezoned, the development would require a reconfiguration of 22 Shaw Street with part of the rear yard of 67 Warbury Street. Note that 22 Shaw Street is in Ward 3 and 67 Warbury Street is in Ward 2. 67 Warbury Street is within the R3 Zone. The applicant has been advised that, at the development stage (should rezoning be approved), the City will require surveys for the two new proposed lots and for the remaining property at 67 Warbury. This is to ensure that the changes to 67 Warbury would not make it a non-conforming lot. Neighbouring residents have raised concerns as to why the subdivision was not completed prior to rezoning. The reason is that the City cannot approve a subdivision for a use that is not permitted, therefore the rezoning must come first, before subdividing the land.

At its regular meeting of April 19, 2021 Council decided to refer the application to a public meeting to be held on May 12, 2021. The proposed amendment and meeting were advertised 3 times in *The Telegram* newspaper, posted on the City's website, and property owners within 150 metres of the application site were notified. Written submissions were received by the City Clerk and are included in the agenda for the regular meeting of Council.

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# ST. JOHN'S

At the May 12 public meeting and in emails, some neighbours raised concerns with the proposed rezoning and development. Below is a summary of the concerns, and staff comments.

- *The development is not in keeping with neighbourhood character and quality as required by the Municipal Plan:* Staff feel that it does fit with the neighbourhood. The north side of Shaw Street, including areas zoned Residential Special (RA) and Residential Low Density (R1), are in the Residential Medium Density District of the Municipal Plan. The R3 Zone fits with the Municipal Plan. A section of the Municipal Plan quoted in a submission requires Council to consider appropriate infill, and staff believe that this proposal is appropriate infill. The neighbouring property at 24 Shaw Street is zoned R3, so staff have no concern with 22 Shaw Street also being zoned R3.
- *There is a different housing character on Shaw Street north and south of Warbury Street:* Staff do not draw this distinction along Shaw Street – we evaluate the neighbourhood as a whole. While much of Shaw Street is single detached houses, this does not mean that Semi-detached Dwellings are inappropriate. Shaw Street has a mix of higher density and lower density houses plus a large apartment building.
- *The development does not create a transition between the adjacent properties and is too dense:* While the development is a different housing form than the adjacent houses, it is a similar density. The proposed development has 2 units. Single detached dwellings in the R1 or R3 Zones can each have a subsidiary apartment, which would mean 2 units. Further, the proposed houses are similar in style to those at 14 to 20 Shaw Street.
- *The development should not be approved so as to protect the trees on the lot and adjoining lots:* All development, whether a rezoning is required or not, is subject to the City's Landscape Development Policy and Street Tree Planting Standards. This application was reviewed by the City's Parks Division and the applicant was advised that efforts should be made to preserve existing trees and natural features and incorporate them into the proposed development. This would be evaluated at the development stage. This is what happened when McLea Place and the new houses on Shaw Street were built – many trees were removed and some were incorporated into the development. At the public meeting, residents raised concerns that grading the property and the development would impact the roots of trees on adjoining lots. Protection of neighbouring trees would be taken into consideration at the development stage.
- *There is an old river system which once ran between 20 and 22 Shaw Street and the development will impede water flow into the old river or stream bed:* City staff were not aware of the former river; it would have been diverted to the Shaw Street storm sewer. Development and Engineering staff have reviewed the application and had no concerns at this stage. Stormwater management will be examined at the development stage.
- *The development will negatively impact stormwater runoff on Shaw Street:* The City's Development and Engineering staff do not share this concern. There is a storm sewer main along the frontage of the property on Shaw Street.
- *The development will cause a decrease in neighbouring property values:* Studies have shown that new development usually increases property values or has no effect on them. New development in a residential area generally does not decrease property values. Further, 24 Shaw Street (bordering the subject property) is zoned R3, so the rezoning would not be introducing a new zone to the neighbourhood.

- *The development will cause snow clearing and traffic issues:* The proposed development meets the requirement of off-street parking. The application was reviewed by Development and Engineering staff and this was not a concern. If snow storage requirements are raised at the development stage, they would be dealt with at that time.
- *This rezoning will cause a precedent for other rezoning in the neighbourhood. Also, a higher density development in this area was rejected years ago, so this application should not be considered.* Every property owner has the right to make an application regarding their property. Staff review each rezoning application on its individual merits and make a recommendation to Council.
- *The proposed development is too big for the lot.* The proposed development either meets or exceeds the minimum standards set out in the R3 Zone.

Staff feel that this proposal is appropriate for the area and recommend that Council consider adopting the attached amendment.

Should Council adopt the attached amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. A commissioner's public hearing or further vote is not 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 to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
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 718, 2021, which will rezone property at 22 Shaw Street from the Residential Special (RA) Zone to the Residential High Density (R3) Zone.

**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:	22 Shaw Street - Adoption - REZ2000013 (Updated following Public Meeting).docx
Attachments:	- 22 Shaw Street - Adoption Attachments(Updated).pdf
Final Approval Date:	May 27, 2021

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

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

**Jason Sinyard - May 27, 2021 - 10:58 AM**