

# DECISION/DIRECTION NOTE

**Title:** 670 Kenmount Road, REZ2100003

**Date Prepared:** December 8, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 4

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## **Decision/Direction Required:**

To consider rezoning a portion of the land at 670 Kenmount Road from the Residential 2 (R2) Zone to the Residential Reduced Lot (RRL) Zone for a 60-lot residential development.

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

The City has received an application from 75579 Newfoundland and Labrador Inc. to rezone a portion of the land at 670 Kenmount Road from the Residential 2 (R2) Zone to the Residential Reduced Lot (RRL) Zone to accommodate a 60-lot development. The subject property is designated Residential under the Envision St. John's Municipal Plan, so a municipal plan amendment is not required.

Under the previous St. John's Development Regulations, this land was rezoned in 2015 from the Residential Kenmount (RK) Zone to the Residential Medium Density (R2) Zone to accommodate a 110-unit semi-detached dwelling development. Under the new Envision Development Regulations, the zone is now called Residential 2 (R2). After the rezoning, the land was cleared and grubbed to prepare for the development. However, the developer is now asking for a rezoning to RRL because they wish to aim for smaller single detached dwellings rather than semi-detached ones. The housing form permitted by the RRL Zone is single detached dwellings on smaller lots.

The subject property is located along the western end of the Kenmount Terrace neighbourhood and is adjacent to areas zones Residential 1 (R1) along the east, and Open Space (O) and Comprehensive Development Area 9 (CDA-9) along the west and north. The O Zone overlays the Ken Brook floodplain and buffer as well as a wetland and buffer.

The wetland was mapped under the City's 2019 Wetlands Delineation Study, Phase 1. At its regular meeting of October 4, 2021, Council voted to defer all planning and development applications on sites located within a wetland buffer delineated by the 2019 Wetlands Study, Phase 1, until the 2021 Wetlands Study Phase 2A is completed and implemented. At that time, staff noted that there are several exceptions to deferral, where development has already been approved, considered or undertaken within a wetland buffer before the buffers were mapped in 2019. The present application is a case where part of the wetland buffer was cleared and no longer exists in its natural state. This was done before 2019 and the applicant was given a

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valid permit by the City for the work. Should Council decide to consider the present rezoning, it is recommended that Council consider exempting the development from the wetland deferral and that the application be forwarded to the City's Environment and Sustainability Experts Panel for review and comment.

Section 4.9(2)(a) of the Development Regulations requires a land use report (LUR) for all applications to amend the Development Regulations. However, Section 4.9(3) states that, where a land use report is required, but in the opinion of Council the scale or circumstances of the proposed development does not merit an LUR, Council may accept a staff report instead of an LUR. In this case, where the land is already zoned for residential development and the applicant is only asking to change the type of housing, it is recommended to accept the staff report in lieu of the LUR.

In addition to the rezoning, the applicant has recently requested that Council amend the RRL Zone to increase the allowable driveway width. At the time when this zone was created, given the narrow frontage permitted, we limited the driveway width to a single car width (3.6 metres) to ensure that there was enough available land for snow storage. As the City is moving away from snow cone calculations toward comprehensive snow storage plans (looking at snow storage for an entire street, not only storage on individual lots), the applicant has argued that driveway widths don't need to be regulated. They have asked that for wider lots where snow storage can be accommodated, a two-car driveway should be permitted. Should Council decide to consider the present amendment, staff will evaluate this request further and bring a recommendation back to Council following public consultation.

If Council decides to consider this amendment, it is recommended to set a public meeting and advertise the amendment for public review and comment.

### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbour 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: Text and map amendments to the Envision St. John's Development Regulations would be required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Envision Development Regulations.
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 670 Kenmount Road from the Residential 1 (R2) Zone to the Residential Reduced Lot (RRL) Zone to allow a 60-lot residential development. and that the application be advertised and referred to a virtual public meeting chaired by an independent facilitator.

Further, that the application be referred to the Environment and Sustainability Experts Panel for review and comment on the proposed exemption from wetland deferral.

**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:	670 Kenmount Road, REZ2100003.docx
Attachments:	
Final Approval Date:	Dec 9, 2021

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

**Ken O'Brien - Dec 9, 2021 - 10:41 AM**

**Jason Sinyard - Dec 9, 2021 - 10:55 AM**