

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Commercial Neighbourhood (CN) Zone for a Lounge and Eating Establishment (Pub and Eatery)
MPA1800006
75 Airport Heights Drive

Date Prepared: July 17, 2019

Report To: Committee of the Whole

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

Ward: 1

Decision/Direction Required:

To consider a rezoning application for land at 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone to allow for a Lounge and Eating Establishment use. An amendment to the St. John's Municipal Plan is required.

Discussion – Background and Current Status:

The City has received an application for a pub and eatery at 75 Airport Heights Drive. The property is currently zoned Commercial Local which does not allow a Lounge or Eating Establishment use. The applicant has requested to rezone the property to Commercial Neighbourhood in which Lounge and Eating Establishment are discretionary uses. The properties surrounding 75 Airport Heights Drive are zoned Residential Low Density (R1) and a majority of the properties are dwellings, apart from two vacant lots adjacent to the property on the western side.

The property is designated Residential Low Density (RLD) under the St. John's Municipal Plan and applies to those areas characterized by a predominance of single detached dwellings. The current Commercial Local Zone is permitted under the RLD District, however a rezoning to the Commercial Neighbourhood (CN) Zone would require a Municipal Plan amendment to the Commercial General District, as the CN Zone allows for more commercial uses than the CL Zone.

The building at 75 Airport Heights Drive was built as a Daycare Centre and was rezoned in June 2018 to the CL Zone to accommodate commercial uses such as office, take-out or hair salon. The same applicant is now requesting the CN Zone for a pub and eatery. During the public consultation for the rezoning in 2018, there were concerns raised by residents regarding the change to a commercial zone. The neighbourhood felt that a commercial zone would increase traffic and create a precedent for more requests for commercial uses. However, the

ST. JOHN'S

applicant states that they have neighbourhood support for a pub and eatery, and it is a desired service in the area.

There are no development or engineering concerns with the proposed amendment. The development will require 17 parking spaces. The applicants have proposed 10 parking spaces and have requested parking relief for 7 spaces. The applicant is asking for parking relief because the property is within walking distance to the adjacent residential neighbourhood. Further, there is on-street parking available on the opposite side of the street from 40 Airport Heights Drive to Canso Place. Please note, the attached site plan will be updated prior to public consultation to display a 1.8 metre fence surrounding the property.

Once the property is rezoned other Commercial Neighbourhood uses may be permitted. The list of permitted and discretionary uses in the CN Zone is attached. Given that the applicant has indicated that there is a desire and need for this use within the neighbourhood, it is recommended to advertise the proposed amendment for public consultation to determine any concerns from the neighbourhood. At a later date, the Municipal Plan amendment would require a commissioner's public hearing.

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:
A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:
Amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations:
Advertisement of the proposed amendment.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

It is recommended that Council consider the amendments to the St. John's Municipal Plan and Development Regulations at 75 Airport Heights Drive to rezone land from the Commercial Local (CL) Zone to Commercial Neighbourhood (CN) Zone and that the application be advertised for public review and comment. Following the public consultation, the application would be referred to a regular meeting of Council for consideration of adoption.

Prepared by/Signature:

Ann-Marie Cashin, MCIP – Planner III, Urban Design and Heritage

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

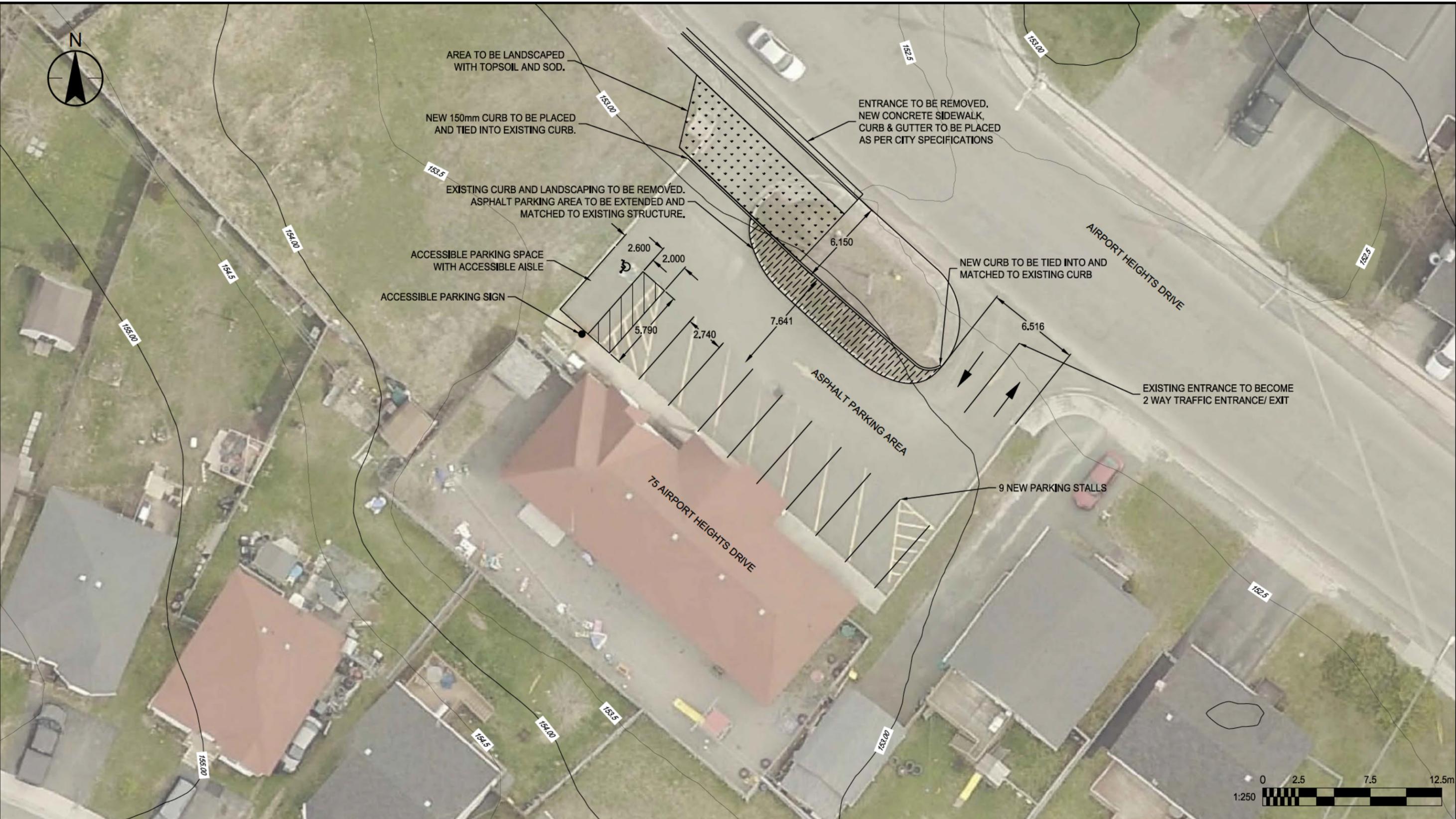
Signature: _____

AMC/dlm

Attachments:

Zoning Map
Site Plan
CN Zone Table

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- Notes
1. AERIAL IMAGERY AND LIDAR INFORMATION PROVIDED BY THE CITY OF ST. JOHN'S.
 2. ALL WORK TO BE COMPLETED IN ACCORDANCE TO CITY OF ST. JOHNS SPECIFICATIONS.

Client/Brief
 [REDACTED]

75 AIRPORT HEIGHTS DR.

Project No.
 133348530

Title
 PROPOSED SITE PLAN

Revision	Date
	2019.07.09
Reference Sheet	Figure No.
	CSK1

10.17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.17.1 Permitted Uses

Residential:

- (a) Dwelling Units located in the second and/or higher Storeys of a Building **(1995-12-08)**
(2007-04-05)

Public:

- (b) Library
- (c) Adult Day Care Facility (subject to Section 7.2)

Commercial:

- (d) Bakery
- (e) Bank (Subject to Section 7.30) **(2012-06-29)**
- (f) Clinic
- (g) Commercial School
- (h) Custom Workshop
- (i) Dry-cleaning Establishment
- (j) Laundromat
- (k) Office
- (l) Parking Area
- (m) Printing Establishment
- (n) Retail Store
- (o) Service Shop
- (p) Sign Maker's Shop
- (q) Veterinary Clinic

Recreational:

- (r) Park

Other:

- (s) Public Utility

CN

10.17.2 Discretionary Uses (subject to Section 5.8)

- (a) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
- (b) Car Sales Lot (2007-09-07)
- (c) Church (1998-05-29)
- (d) Day Care Centre (subject to Section 7.6)
- (e) Eating Establishment (subject to Section 7.21)(Subject to 7.31) (1995-09-15)
(2012-06-29)
- (f) Lounge (subject to Section 7.21) (2014-06-06)
- (g) Private Park (2007-10-05)
- (h) Recycling Depot (provided the site is not located
in a Residential Land Use District of the
St. John's Municipal Plan) (1997-11-21)
- (i) Rental Storage Use (subject to Section 7.23) (2008-07-18)
- (j) Service Station and Gas Bar (Subject to Section 7.30) (2012-06-29)
- (k) Small Scale Wind Turbine (2012-06-01)
- (l) Take-Out Food Service (Subject to Section 7.30) (2012-06-29)
- (m) Taxi Business

10.17.3 Zone Requirements

- (1) The following requirements shall apply to all Commercial and Institutional Uses:
 - (a) Lot Area (minimum) 900 square metres
 - (b) Lot Frontage (minimum) 30 m
 - (c) Lot Coverage (maximum) 50%
 - (d) Gross Floor Area used exclusively for a
Commercial Use shall not exceed 9000 square metres
 - (e) Floor Area Ratio maximum) 1.0
 - (f) Building Height (maximum) 3 Storeys
 - (g) Building Line (minimum) 7 m
 - (h) Side Yards (minimum) 1 m per Storey
 - (i) Side Yard on Flanking Road (minimum) 6 m
 - (j) Rear Yard (minimum) 6 m
 - (k) Landscaping on Lot (minimum) Subject to Section 8.5
- (2) All other uses:
As determined by Council

CN