

DECISION/DIRECTION NOTE

Title: 20 George's Pond Road, LUR Terms of Reference, REZ2000003

Date Prepared: August 2, 2022

Report To: Committee of the Whole

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 3

Decision/Direction Required:

To consider rezoning a portion of the land at 20 George's Pond Road from the Rural (RUR) Zone to the Apartment 2 (A2) Zone, Residential 3 (R3) Zone and Commercial Mixed Use (CM) Zone for a residential and commercial development.

Discussion – Background and Current Status:

The City has received an application from Nosegard Holdings Limited to rezone a portion of land at 20 George's Pond Road to accommodate a residential and commercial development. The applicant has requested to rezone land from the Rural (RUR) Zone to the Apartment 2 (A2), Residential 3 (R3) and Commercial Mixed Use (CM) Zones. The proposed development would also require a Municipal Plan Amendment to redesignate the land from the Rural District to the Residential and Commercial Districts, and well as an amendment to the St. John's Urban Region Regional Plan to redesignate the land from Rural to Urban Development. The full property includes land above the 190 metre elevation, which is the current service limit until major new infrastructure is built. The current rezoning application only includes the portion of the property below 190 metres.

At the April 14, 2022, Council meeting, Council directed staff to draft terms of reference for a Land Use Report (LUR), which included servicing studies needed to fully analyze how development should proceed at this location and bring it back to Council for consideration.

Kenmount Concept Plan

The City commissioned a Kenmount Concept Plan for Lands Above 190 Metres, which also examined some lands below 190 metres, from Kenmount Hill to the Team Gushue Highway, including the area of the subject property. This 2017 study included approximately 365 hectares of land owned by several private and public landowners. The intent of the report was to create a comprehensive land-use development plan, to recommend a layout for various types of land uses and a road layout, determine municipal infrastructure requirements, and identify and reserve environmentally important and sensitive lands in the study area. This report is in draft form and has not been adopted by Council to date, however it presents a conceptual basis for future development in this area. Therefore, staff have evaluated the current application for 20 George's Pond Road against the Kenmount Concept Plan and have

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recommended that the proposed development align with the Kenmount Concept Plan to accommodate future development of the area.

Land Use Report (LUR) Terms of Reference

The site is located west of Team Gushue Highway and has limited municipal services. Except for a few unserviced dwellings and buildings, this area on the southern flanks of Kenmount Hill is undeveloped. The proposed development would open this area for future development. Therefore, the road network, and sizing and location of pipes for this development will need to be situated to accommodate the proposed development in the Kenmount Concept Plan. Staff have requested that the initial site plan (attached) be updated to reflect the road network and pipe routing in the Kenmount Concept Plan.

As indicated in Council's directive, there are a number of servicing studies required to fully analyze how development should proceed. These are noted in the attached draft Land Use Report Terms of Reference and summarized below.

- Stormwater
 - The Kenmount Concept Plan identified a number of storm sub catchments as part of the Kitty Gaul Brook Drainage Basin. However, neither climate change rainfall data nor the current modelling software utilized by the City were used in this analysis. Because the flows from these sub catchments drain into the proposed development area, the developer is required to calculate storm water inflows for all sub catchments that are part of the Kitty Gaul Brook Drainage Basin using acceptable software and climate change rainfall data.
 - Stormwater detention is required for the development. The proposed location for stormwater detention on the applicant's site plan appears to be located on Crown Land. The applicant will be required to show the location on their own land or acquire the land prior to rezoning approval.
- Floodplain
 - Floodplain mapping in Kitty Gaul Brook has not been updated to include climate change rainfall data. As per the Kenmount Concept Plan, the sanitary system for the development must cross through the floodplain and the storm system has to connect into Kitty Gaul Brook. Therefore, the applicant is required to provide the extents of the 100-year climate change floodplain, as well as its 15-metre buffer. As per Sections 4.10 (4) and (5) of the Development Regulations, referral to the Environment and Sustainability Experts Panel and approval by Council is required for infrastructure in the floodplain or buffer. This would be referred to the Panel following completion of the LUR.
- Sanitary Sewer
 - The Kenmount Concept Plan identified 20 George's Pond Road as part of *Sanitary Catchment E* which will connect into the existing sanitary sewer at Blackmarsh Road and Canada Drive. The applicant will be required to show how they propose to extend sanitary sewer from their site to Blackmarsh Road, in agreement with the Kenmount Concept Plan. The Plan further identified limited sanitary sewer capacity and the Blackmarsh Road/Canada Drive intersection; therefore, the applicant will need to provide updated sanitary sewer calculations for the proposed development. Based on the calculations, the City will comment

on the available capacity in the existing downstream sanitary sewer and if an upgrade will be required as part of the development.

- Water System
 - There is a water connection point adjacent to George's Pond Place. This watermain stub should be used to supply water to the development area.
- Transportation
 - The Kenmount Concept Plan proposes a 29-metre right-of-way for collector roads and 24-metre right-of-way for local roads. For the proposed development, George's Pond Road would be a collector road, and the remaining streets, including George's Pond Place, will be local roads. The applicant will need to acquire the land for the rights-of-ways now to ensure the development allows for expansion into to Comprehensive Development Area 9 (CDA9) Zoned areas for future development. While we will require the full rights-of-ways to be secured should the rezoning proceed, the applicant will only be required to upgrade George's Pond Road to provide 2 travel lanes, a shared use path on one side, a sidewalk on one side and landscape boulevards for each side. The cross-section will be finalized at the development stage. The City will also require morning and evening peak hour trips for the development and intersection upgrades may be required once the transportation information is evaluated.
- Parks and Open Space
 - For the proposed development, Parks and Open Spaces Division has not requested park amenities and have recommended payment in lieu of land, as per Section 5.4.2 of the Development Regulations.
 - The Kenmount Concept Plan does propose a trail connection at the northern edge of the subject property. The applicant will be required to show this on their revised site plan to ensure future trail opportunity when lands above the 190-metre contour are developed.
- Legal Requirements
 - For any work that will require land acquisition (for example, securing rights-of-ways for roads beyond the existing property boundaries), the applicant must acquire the lands now and this will need to be confirmed by the City prior to rezoning approval.
 - For any work where future easements are required (for example, routing of storm and/or sanitary sewers), a registered agreement will need to be in place prior to rezoning approval that shows an easement will be provided for development.

The above studies are significant but necessary to identify how best to service this undeveloped land and ensure that development meets our current policies and regulations. In addition to the transportation and servicing studies, the applicant's site plan will need to be updated to reflect lot standard requirements for each applicable zone (lot area, frontage, setbacks, building height, etc.) and parking requirements.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.

2. Partners or Other Stakeholders: Neighbouring residential and property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

An Effective City: Ensure accountability and good governance through transparent and open decision making.
4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: The development will be required to meet any accessibility requirements at the building permit stage.
6. Legal or Policy Implications: A map amendment to the Envision St. John's Municipal Plan and Development Regulations is required; a St John's Urban Region Regional Plan Amendment is also required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation, as required by the Envision St. John's Development Regulations, will be required after a Land Use Report acceptable to staff is submitted. A project page will also be available on EngageStJohns.ca (www.engagestjohns.ca/planning)
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council consider a rezoning from the Rural (RUR) Zone to the Residential 3 (R3), Apartment 2 (A2) and Commercial Mixed Use (CM) Zone at 20 George's Pond Road; and request that the Minister of Municipal and Provincial Affairs consider an amendment to the St. John's Urban Region Regional Plan to redesignate the proposed development area from the Rural designation to the Urban Development designation.

Further, that Council approve the attached draft terms of reference for a Land Use Report (LUR). Upon receiving a satisfactory Land Use Report, that Council refer the application to a public meeting chaired by an independent facilitator for public input and feedback.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage
Approved by: Lindsay Lyghtle Brushett, MCIP, Supervisor – Planning & Development

Report Approval Details

Document Title:	20 George's Pond Road, LUR Terms of Reference, REZ2000003.docx
Attachments:	- 20 George's Pond Road - LUR TOR and Attachments.pdf
Final Approval Date:	Aug 3, 2022

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

No Signature - Task assigned to Ken O'Brien was completed by delegate Lindsay Lyghtle Brushett

Ken O'Brien - Aug 2, 2022 - 4:34 PM

Jason Sinyard - Aug 3, 2022 - 1:44 PM