

# DECISION/DIRECTION NOTE

**Title:** 366-374 Empire Avenue, REZ2100013

**Date Prepared:** February 1, 2023

**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 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) Zone to allow a Townhouse development.

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

The City has received an application to rezone land at 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) Zone to accommodate a townhouse development. The applicant is proposing to create a new public cul-de-sac and each lot would be sold individually, so this would not be a private Townhouse Cluster condominium development; but simply privately owned townhouses on a new public street.

The subject properties were rezoned in 2015 from Residential 2 (R2) to Apartment 1 (A1) for the purpose of developing two apartment buildings. The applicant is now asking to rezone to R3 to allow Townhouses. Given the slope of the land down from Empire Avenue toward the rear of the lots, a substantial amount of fill and a large retaining wall would be required to develop the apartment buildings. The applicant believes that townhouses on a cul-de-sac may be a better fit for the neighbourhood. Townhouse is a permitted use in the A1 Zone, but the R3 Zone allows smaller frontage, enabling more townhouses. The property is designated Residential under the Envision St. John's Municipal Plan, so a Municipal Plan amendment is not needed.

The proposed development will require a sanitary sewer lift station and a stormwater detention chamber to be located on the applicant's property. The attached site plan is conceptual and may be altered prior to development approval to incorporate the stormwater chamber. The number of lots may be reduced, however the intent is the same: a rezoning to allow a cul-de-sac with townhouses.

Section 4.1 of the Envision Municipal Plan encourages the City to enable a range of housing to create diverse neighbourhoods with a mix of housing forms and tenures. Further, it promotes higher density development along key transportation corridors to support increased access to housing and transportation options and to reduce service and infrastructure costs. The proposed development meets these policies. The adjacent properties are primarily single-detached houses and apartment buildings. The townhouse proposal will add another housing

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form to the neighbourhood and is located along or near Metrobus transit routes, with significant shopping and park space available at Ropewalk Lane and Mundy Pond nearby.

As per Section 4.9(2)(a) of the Envision St. John's Development Regulations, a land use report (LUR) is required for rezonings. However, as per Section 4.9(3), where the scale or circumstances of the proposed development does not merit a full land use report, Council may accept a staff report in lieu of one. Given that this development is proposing townhousing which is already permitted in the existing A1 Zone, staff recommend accepting a staff report in lieu of a land use report. The staff report will be completed following public consultation.

If Council decides to consider this amendment, staff recommend a public meeting chaired by an independent facilitator. It is further recommended to hold the meeting at the Mews Centre as it is a public facility located nearby.

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

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents 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.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: A map amendment (rezoning) to the Envision St. John's Development Regulations is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Envision Development Regulations. A project page will be available on the Engage St. John's website ([www.engagestjohns.ca/planning](http://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 rezoning 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) to allow a Townhouse development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

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**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

### Report Approval Details

Document Title:	366-374 Empire Avenue, REZ2100013.docx
Attachments:	- 366-374 Empire Avenue - COTW Attachments.pdf
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This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Feb 2, 2023 - 11:07 AM**

**Jason Sinyard - Feb 2, 2023 - 3:02 PM**