

**Public Meeting – 73-75 Airport Heights Drive
Thursday, September 26, 2019
Roncalli School Gymnasium, 130 Airport Heights Drive**

Present: **City of St. John's**
Marie Ryan, Facilitator
Ken O'Brien, Chief Municipal Planner
Ann Marie Cashin, Planner III, Urban Design & Heritage
Maureen Harvey, Legislative Assistant

Proponents
David Brazil representing the proponent
Randy Patey, VRMM, Proponent

There were approximately sixty people in attendance including Councillor Deanne Stapleton

Residents in attendance included:

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|----------------------|-------------------------|---------------------|
| 1. Scott Kent | 25. Michelle Snow | 45. Mike Foley |
| 2. Gord Dunphy | 26. Jason Lake | 46. Peter Gosse |
| 3. Trina Noseworthy | 27. Craig Bugden | 47. Ray Stoodley |
| 4. Carol Hawco | 28. Curtis French | 48. Stella Stoodley |
| 5. Pat Rose | 29. Kathy Pollett | 49. Cherilyn Slaney |
| 6. Belinda Loder | 30. Jeff Pollett | 50. Josh Kendell |
| 7. Ruby Legge | 31. Alex Symonds | 51. Justin Barnes |
| 8. Michelle Sheppard | 32. Theresa Symonds | 52. Brandon Kelly |
| 9. Shawn Bateman | 33. Kathryn Phelan | 53. Zac Cooper |
| 10. Paul Bat??? | 34. George Rushton | 54. Kevin Srickland |
| 11. Kim Barnes | 35. Rose McNeil | 55. Sonya Abbott |
| 12. Eileen McNiven | 36. Anthony McNeil | 56. Scott Benson |
| 13. George Walter | 37. Jamie Dower | 57. Jamel Tinker |
| 14. Mary Walter | 38. Derek Singleton | 58. Jessica Pitcher |
| 15. L. Myrden | 39. Glenda Leyte | 59. Corinne Parrell |
| 16. Todd Stanley | 40. Kelly Blenkinsopp | 60. Marie Doyle |
| 17. Dean ???? | 41. Richard Blenkinsopp | |
| 18. Donny Bailey | 42. Scott Galloway | |
| 19. Jeff Oates | 43. Keith Sherman | |
| 20. Rachelle Cribb | 44. Valerie Galloway | |
| 21. Lillian Stewart | 45. Mike Foley | |
| 22. Jim Wells | | |
| 23. Dominic Ros-Bian | | |
| 24. Jen Rosh-Bian | | |

CALL TO ORDER AND BACKGROUND PRESENTATIONS

Marie Ryan opened the meeting at 7:04 pm. She provided her role as facilitator. There are polarized positions on this development. She advised she was present to facilitate the meeting, and to keep the process efficient, effective and respectful acknowledging that there are polarized positions on this application. She then invited the City's Planning Officials to speak about the proposed development which was followed by comments from the developer and feedback from the residents in attendance.

The Chair acknowledged the 100+ submissions which will be appended to this report.

This report highlights the points made without reference to the person responsible for making them. The Chair, however, did encourage those who wished to have their comments registered and accountable to a respective person or persons, to make a written submission which, would be appended to this report.

PURPOSE OF MEETING

Ann Marie Cashin, Planner III for the City outlined the purpose of the meeting which is to consider a rezoning application for land at 73-75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighborhood (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 Establishments are discretionary uses. The properties surrounding 75 Airport Heights Drive are zoned Residential Low Density (R1) and 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 City of 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 existing 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 an office, take-out or hair salon. The same applicant is now asking to rezone the land to CN for a

pub and eatery. The development will require 17 parking spaces. The applicants have proposed 10 parking spaces and have requested parking relief for 7 spaces. The applicant's justification for parking relief is that the property is within walking distance to the adjacent residential neighbourhood and that there is on-street parking on the opposite side of the street from 40 Airport Heights Drive to Canso Place.

This rezoning was initially advertised for public input in The Telegram, was posted on the City's website and sent to property owners within 150 metres of the site. Given the number of submissions received, Council directed to set a public meeting. Notice of this public meeting was advertised in the same manner.

The applicants are proposing the business will operate from 11am to midnight on weekdays and from 11am to 1am on weekends. Further, they wish to have a family friendly restaurant during the evening and would be able to accommodate kids until 9pm. As a liquor license cannot be issued until the development approval stage, the Newfoundland and Labrador Liquor Corporation (NLC) may include additional conditions. Concerns regarding increased drinking and driving if the Lounge is approved have also been raised. While we appreciate the concern regarding public safety, drinking and driving is regulated by provincial and federal legislation. The NLC would also regulate if video lottery terminals (VLT) would be permitted on-site, dependant on the type of liquor license that is issued.

There were no concerns raised by the City's Traffic Engineering Division regarding the reduced off-street parking spaces or the potential of increased traffic. With respect to residential properties adjacent to the proposed use, as per Section 8.5.1 of the Development Regulations, a 3 metre landscaped area or a screen at least 1.8 metre in height shall be provided where a Commercial Use adjoins a Residential Use. The applicants have proposed a 1.8m fence surrounding the subject property.

PRESENTATION BY REPRESENTATIVE FOR DEVELOPER – DAVID BRAZIL

Mr. Brazil opened comments by stating that he is a resident of the area and had never intended to divide the community as it appears to have been done. He noted the building is a vacant commercial building that previously housed a daycare. He asserted the proposal is for a neighborhood eatery and pub for the benefit of the people in the area as a positive amenity.

He welcomed comments of those in attendance with the hope that it would allay some of the concerns.

Of approximately 25 people who spoke at the meeting approximately 7 were in favor of the proposal and 11 were against, while others required clarification.

The following is a summary of comments for represents the position of people who spoke and opposed the development at the meeting. It is noted that the majority of those opposed to the proposed development live in close proximity to the subject property.

- The location is inappropriate
- If rezoned, the property can be opened up to any kind of business in the future. Note, the list of permitted and discretionary uses in the CN Zone was read aloud by the facilitator at the end of the meeting for clarification.
- Parking is a concern already in the area. People are already parking on Argus Place and this establishment will create a greater parking problem.
- The property is large enough to establish two residential lots which would be a better fit.
- The property in question is in very close proximity to the yards of neighbouring properties.
- The business owners will not be able to control the activity that goes on outside the building – i.e. smoking, drugs, drinking, loitering, swearing – all which will be in the vicinity of family living with small children being exposed.
- The idea and concept are welcomed, but the proposed location is not appropriate.
- There is already a home-based business on Argus Place which creates parking issues in the area.
- The requirement for the building to be 6m from adjacent properties is questionable.
- Because of the elevation patrons of the establishment will be able to view neighbouring back yards and homes.
- Fencing will not generate the required privacy.
- The soundproofing of the existing building is inadequate
- The establishment will generate unwanted noise from entertainment, VLT's and patrons that go outside to smoke.
- People in the immediate area do not want to lose the quiet neighborhood atmosphere.
- Not enough parking spaces and there is already a parking restriction on the same side of the street.
- There are bus stops in the area and as such overflow parking will spill over onto the cul-de-sac.
- Young children play on the street and there is concern for their safety.

- Concern that if VLT's are installed the level of activity at the establishment and parking issues will increase. Also, the presence of liquor and VLT machines make for unsavory behavior from patrons.
- Additional garbage from the establishment will result in a greater presence of rodents.
- There is already a high volume of pedestrian traffic with children at the nearby school
- Property values will plummet
- People are fearful of the precedent that would be set in approving this application.
- Parking during the winter months is already a problem and to bring in such a business would intensify the problem.
- The large development next to Roncalli School will already have significant negative impact on the neighborhood particularly from a parking perspective.
- It is not realistic to expect that most people from the area will walk to the site. They would be more likely to drive
- Philly's store would be a better location.
- People do not want it in their back yards.

The following is a summary of comments which represents the position of people who spoke and were in favour of the development:

- The establishment will be great for the community.
- They don't think it will negatively affect property values
- Had hoped with would be a welcomed place to congregate and bring families
- The benefits of such a business outweighs the disadvantages
- They see it as providing an opportunity to become more neighbourhood friendly and instill a sense of cohesion among the community.
- People are more willing to patronize a local operation as opposed to a chain franchise.
- There is a need for these types of uses in the Airport Heights Neighbourhood.

CONCLUDING REMARKS

Facilitator Marie Ryan read into the record Section 10.17.1 from the City's Development Regulations, which delineates the list of establishments that are permitted in the zone.

It was noted that once the minutes of this meeting are prepared and combined with written submissions, the matter will be referred to Council at a regular meeting within the next month.

Ms. Cashin stated that because the proposed rezoning will require a Municipal Plan Amendment, Council will need to consider the application “in principle” and if approved, will submit same to the Province. Once reviewed, it will come back to Council for adoption at which time there will be a Public Hearing chaired by a Commissioner. Following that report the matter is brought before Council for final approval.

When questioned on the time this matter will be brought before Council, it was noted it will be included in the Regular Meeting agenda which will be published on the City’s website.

ADJOURNMENT

The meeting adjourned 8:10 pm.

Marie Ryan
Chairperson/Facilitator