

# DECISION/DIRECTION NOTE

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**Title:** 1-5 Petty Harbour Road — MPA2400009

**Date Prepared:** October 1, 2024

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning

**Ward:** Ward 5

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## **Decision/Direction Required:**

To consider rezoning 1-5 Petty Harbour Road from the Residential 1 (R1) and Rural Residential Infill (RRI) Zones to the Commercial Neighbourhood (CN) Zone to allow an expansion of Brewskies Pub.

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

The City has received an application to rezone land at 1-5 Petty Harbour Road from the Residential 1 (R1) Zone and the Rural Residential Infill (RRI) Zone to the Commercial Neighbourhood (CN) Zone. A Municipal Plan amendment will be required to redesignate the land from the Residential District and the Urban Expansion District to the Commercial District.

There is an existing building on the R1-zoned portion of the site that operates as a Lounge use (Brewskies Pub). This is a legal non-conforming use, as a Lounge is not permitted in the R1 Zone but existed before the current zone was put in place, going back to the Town of Goulds before the 1992 amalgamation with St. John's. The applicant is proposing to extend the building to add a kitchen and restaurant area, reconfigure the parking lot, and construct an accessory building. The proposed addition to the existing building will be 100 square metres.

Restaurant and Lounge uses are discretionary uses in the CN Zone. The subject site consists of two properties that must be consolidated into one to accommodate the development. Should rezoning be approved, any uses within the CN Zone could be developed on the site.

The subject site is located on the corner of Main Road and Petty Harbour Road. The site abuts the R1 and RRI Zones, and there is CN-zoned land across Petty harbour Road (the bakery and convenience store) and immediately west of the site. Bidgood's Plaza to the north is also zoned CN.

## Alignment with Envision St. John's Municipal Plan

Policy 8.5.4 of the Municipal Plan encourages the designation of lands for commercial use in appropriate locations along main roads and at intersections to ensure an adequate supply of suitable land for a range of commercial activity. As the subject property is at a main intersection and near other commercial areas, it is an appropriate site for the CN Zone.

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# ST. JOHN'S

### Alignment with the Envision St. John's Development Regulations

Staff have reviewed the draft site plan and revisions will be required. As per section 4.9(2)(a) of the Development Regulations, Council requires a land use report (LUR) for rezonings. However, under section 4.9(3), where the scale or circumstances of the proposed development do not merit a land use report, Council may accept a staff report instead. As this application will bring an existing non-conforming use into conformance, and the applicant is proposing to extend an existing building, staff recommend that a staff report is sufficient.

As Lounge and Restaurant uses are discretionary uses for the CN Zone, the proposed expansion will need to be advertised in accordance with section 4.8(3)(a) of the Regulations. In addition, as the applicant is proposing a building line that is less than the minimum normally required for the CN Zone (since the existing building cannot be moved back from the road), the building line for this site will need to be re-established.

### Public Consultation

Should Council consider the rezoning, staff recommend public notification (not a public meeting) in accordance with section 4.8 of the Development Regulations. This would take place after an acceptable site plan has been received. As this application involves a Municipal Plan amendment, a commissioner's public hearing will be required later in the process.

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

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner; nearby residents, businesses 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.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: Map amendments to the Municipal Plan (a redesignation) and the Development Regulations (a rezoning) are required.
7. Privacy Implications: Not applicable.

8. Engagement and Communications Considerations: Public consultation, in accordance with the Development Regulations, will be required. Staff recommend public notification. A commissioner's public hearing would come later.
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 land at 1-5 Petty Harbour Road from the Residential 1 (R1) and Rural Residential Infill (RRI) Zones to the Commercial Neighbourhood (CN) Zone.

Further, upon receiving a satisfactory site plan, that Council refer the application to public notification, as the application will require a commissioner's public hearing later in the amendment process.

**Prepared by: Faith Ford, MCIP, Planner III**

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

**Report Approval Details**

Document Title:	1-5 Petty Harbour Road — MPA2400009.docx
Attachments:	- 3-5 PETTY HARBOUR ROAD.pdf - 1-5PettyHrRd-DraftSitePlan1.pdf - CNZoneTable.pdf
Final Approval Date:	Oct 3, 2024

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

**Ken O'Brien - Oct 2, 2024 - 4:36 PM**

**Jason Sinyard - Oct 3, 2024 - 10:37 AM**