

**COMMISSIONER'S REPORT ON THE
ENVISION ST. JOHN'S MUNICIPAL PLAN
AMENDMENT No. 13, 2024**

and

**ENVISION ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT No. 39, 2024**

Prepared by:

**Marie E. Ryan
Commissioner**

October 8, 2024

Table of Contents

1.0	INTRODUCTION	1
1.1	THE ISSUE	2
2.0	BACKGROUND	2
2.1	THE APPLICATION	2
2.2	THE REVIEW PROCESSES	3
3.0	WRITTEN SUBMISSIONS RECEIVED DURING THE 30-DAY COMMENT PERIOD	7
4.0	THE HEARING	8
4.1	OVERVIEW OF THE APPLICATION.....	8
4.2	PRESENTATION ON BEHALF OF THE APPLICANT	9
4.3	OVERVIEW OF THE SUBMISSIONS	10
4.4	PRESENTATIONS BY THOSE IN ATTENDANCE	10
5.0	CONSIDERATIONS	12
5.1	CONSISTENCY WITH THE ENVISION ST. JOHN’S MUNICIPAL PLAN	13
5.1.1	<i>Chapter 2 - Framework for Growth</i>	13
5.1.2	<i>Chapter 4 – Healthy Neighbourhoods</i>	13
5.1.3	<i>Chapter 6 – Urban Design</i>	14
5.1.4	<i>Land Use Districts and Redesignation</i>	15
5.1.4.1	<i>Land Use Districts</i>	15
5.1.4.2	<i>Redesignation of the Subject Property</i>	16
5.1.5	<i>Chapter 9 Implementation</i>	16
5.2	ALIGNMENT WITH THE ST. JOHN’S URBAN REGION REGIONAL PLAN.....	17
5.3	ENVISION ST. JOHN’S DEVELOPMENT REGULATIONS.....	17
5.3.1	<i>Proposed amendments</i>	17
5.3.2	<i>Zoning considerations</i>	17
5.3.2.1	<i>Cluster Development</i>	17
5.3.2.2	<i>Parking, parking lots and traffic</i>	17
5.3.2.3	<i>Obstruction of Yards</i>	19
5.3.3	<i>Section 4 General Development Procedures</i>	19
5.3.4	<i>Section 6 Specific Developments</i>	20
6.0	CONCLUSION	20
6.1	CONSISTENCY WITH THE ENVISION ST. JOHN’S MUNICIPAL PLAN	20
6.1.1	<i>Mitigation of Impacts in Relation to the Amendments</i>	21
7.0	RECOMMENDATIONS	23

1.0 Introduction

At the Regular Meeting of the St. John’s Municipal Council (‘Council’) held on August 20, 2024, I was appointed as the Commissioner to conduct a hybrid Public Hearing (in-person and online) and prepare a report with recommendations with respect to proposed amendments to both the Envision St. John’s Municipal Plan (*Amendment Number 13, 2024*) and Envision St. John’s Development Regulations (*Amendment Number 39, 2024*). The intent of these amendments is as follows:

Envision St. John’s Municipal Plan (*Amendment Number 13, 2024*)

Redesignating land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional Land Use District to the Residential Land Use District

Envision St. John’s Development Regulations (*Amendment Number 39, 2024*)

Rezoning land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional (INST) Zone to the Apartment 1 (A1) Zone

This redesignation and rezoning of 50 Bennett Avenue are in response to an application to allow a Cluster Development on the subject property.

It is important to state that the St. John’s Municipal Plan must conform to the St. John’s Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. This Plan applies to all land in the St. John’s Urban Region, which is essentially the Northeast Avalon Peninsula. The SJURRP is the Province’s principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region’s agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.¹

My appointment as Commissioner was made by Council under the authority of Section 19 of the *Urban and Rural Planning Act, 2000*, with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to ‘[...] hear objections and representations orally or in writing [...]’ and, subsequently, to submit a written report on the Public Hearing including recommendations arising from the hearing.

The hybrid Public Hearing session for the proposed amendments related to 50 Bennett Avenue was scheduled for 7 p.m. on Wednesday, September 11, 2024 – in-person and via Zoom.

Prior to this date, and as required by legislation, the session was advertised in the August 24, August 30, and September 6, 2024, editions of The Telegram. Additionally, the amendments were publicized on the City of St. John’s website (<https://www.stjohns.ca/en/news/application-50-bennett-avenue-august-2024.aspx>), and

¹ City of St. John’s. St. John’s Municipal Plan (June 2007). Section I -1.4 Relation to Other Levels of Planning. Pg. 1-4.

background information on the amendments was available from the Engage St. John’s project page. Notices also were mailed out, as required, to all property owners within a minimum radius of 150 metres of the subject property. All of these media advised of the date, time, location, and purpose of the hybrid Public Hearing and noted the end date for submission of comments - 9:30 a.m. Monday, September 9, 2024. The hybrid session was convened, as planned, on Wednesday, September 11, 2024, at 7 p.m. Four residents attended in person, and upwards of 5 or 6 attended via Zoom at any given time. In addition to Your Commissioner, two City staff, a member of Council and three representatives of the applicant also were in attendance.

Over the submission period, prior to the Public Hearing, four submissions were received. Additionally, one was provided to Your Commissioner the evening of the hearing, and four were received and accepted post-hearing from individuals who had attended the hearing and wanted to ensure the full intent of their perspectives were provided in writing. These submissions are referenced in this report under the section ‘Written Submissions Received’ (see Section 3.0), and the full text of the submissions is found in Appendix A.

1.1 The Issue

The issue for Your Commissioner and the focus of the hybrid session and submissions was whether the following two amendments should be approved. In general, the intent of the amendments are:

- **Envision St. John’s Municipal Plan (*Amendment Number 13, 2024*)**
Redesignating land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional Land Use District to the Residential Land Use District
- **Envision St. John’s Development Regulations (*Amendment Number 39, 2024*)**
Rezoning land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional (INST) Zone to the Apartment 1 (A1) Zone

2.0 Background

2.1 The Application

The process leading to the hybrid Public Hearing on the proposed amendments was triggered by an application from JSM properties inc. to rezone land at 50 Bennett Avenue to accommodate a Four-Plex and three Apartment Buildings, to allow for 50 dwelling units on the site. The subject property is an undeveloped site of the former, and now demolished, I. J. Samson Junior High School, at the rear of newly developed Townhouses along Bennett Avenue and Beaumont Street.

2.2 The Review Processes

The following provides an overview of the relevant correspondence and activity related to the processing of the application for rezoning 50 Bennett Avenue.

January 9, 2024 – Correspondence from Ann-Marie Cashin, Planner III, Planning, Engineering and Regulatory Services to the Committee of the Whole

Background and Current Status

This correspondence to the Committee of the Whole outlined that an application had been received to rezone property at 50 Bennett Road from the Institutional (INST) Zone to the Apartment 1 (A1) Zone. The intent of the rezoning was to accommodate a Four-Plex and three Apartment buildings, for a total of 50 units.

Further, this correspondence described the subject property, as previously detailed, and identified that initially the development plan for the area included Townhouses along Bennett Avenue and Beaumont Street – which have been developed, as well as seniors’ apartment buildings behind. Of note, development approval was not provided for the latter interior site.

Residential dwellings such as Apartment Buildings and Four-Plexes are not listed uses under the Institutional (INST) Zone and therefore, rezoning is required. In tandem, a Municipal Plan amendment is required to redesignate the subject property from the Institutional District to the Residential District.

At the time this application was discussed with Council, and as noted in this correspondence, a Four-Plex was required to be on its own lot and so a text amendment was necessary to facilitate such buildings to be on a lot with other buildings. A preliminary site plan was provided.

City staff put forth that the proposed development was in line with the Envision St. John’s Municipal Plan. In relation to requirement for a Land Use Report (LUR) for rezonings, as detailed in Section 4.9(2)(a) of the Envision St. John’s Development Regulations, rationale to accept a staff report is detailed:

[...] as per Section 4.9(3), where the scale or circumstances of the proposed development do not merit a full LUR, Council may accept a staff report. While the subject property has remained within the INST Zone since it was a school, the surrounding land has been rezoned to R2 and partially developed. The overall development plan, including the subject property, was made public during that rezoning. As the proposal has not changed substantially since the initial development plan, staff recommend that Council accept a staff report in lieu of an LUR.

It was noted the staff report would be brought to Council at a later stage, should the rezoning proceed.

Additionally, staff recommended public notification in consideration of the amendment, following which the amendment would be forwarded to the Department of Municipal and Provincial Affairs. It also was identified that given a Municipal Plan amendment was required, a Public Hearing chaired by an independent Commissioner would be required at a later date.

Key Considerations/Implications

In terms of key considerations and/or implications for the City, the following were identified:

- Partners or Other Stakeholders: Neighbouring residents and property owners.
- 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.
- Alignment with Adopted Plans: Envision St. John’s Municipal Plan and Development Regulations
- Legal or Policy Implications: Envision St. John’s Development Regulations (map and text) amendments are required.
- Engagement and Communications Considerations: Engagement will be carried out in accordance with Section 4.8 of the Development Regulations. A project page will also be available on the Planning St. John’s Engage page.

Recommendations

It was recommended that Council consider rezoning 50 Bennett Avenue from the Institutional (INST) Zone to the Apartment 1 (A1) Zone for a Four-Plex and Apartment Buildings and amend the definition/conditions of a Four-Plex to allow multiple buildings on one lot. Further, upon receiving a satisfactory site plan, that Council advertise the amendment for public review and comment.

January 23, 2024, Regular Meeting of Council

Agenda item: January 16, 2024, Committee of the Whole Report

At a January 16, 2024, Committee of the Whole meeting, Council voted unanimously to consider rezoning 50 Bennett Avenue from the Institutional (INST) Zone to the Apartment 1 (A1) Zone for a Four-Plex and Apartment Buildings and amend the definition/conditions of a Four-Plex to allow multiple buildings on one lot. This included that a staff report would

be accepted in lieu of the LUR and upon receiving a satisfactory site plan, Council advertise the amendment for public review and comment.

Public consultation (as detailed in a June 2024 ‘amendment package’ developed by City staff)

‘The proposed Municipal Plan and Development Regulations amendment was advertised on three occasions in The Telegram newspaper on June 8, June 15 and June 22, 2024. A notice of the amendment was also mailed to property owners within 150 metres of the application site and posted on the City’s website. Background information on the amendment was available at the Engage St. John’s project page. Feedback on the proposal has been mixed.’

Comments/Submissions received in relation to the notices published as detailed above

The response to the public consultation included both email and comments provided on the Engage St. John’s page, which could have some crossover in terms of submissions/comments being provided by the same residents. Your Commissioner reviewed the information provided.

Overall, the comments/submissions identified mixed views. Some of those providing comments and/or emailing were in favor noting, for example, an increase in housing meets an unmet demand; it is a good location – close to amenities; increased density is needed; and/or the number of units could be higher. Of those expressing support, some also identified caveats – e.g., the development would be appropriate if the road infrastructure were in place or green space were maximized.

Others expressed concerns and/or identified specific issues including the following:

- Traffic and parking – e.g., there has been less traffic with the closure of the school; the zoning change will result in additional traffic which will negatively impact the neighbourhood that is described as shifting to a more family demographic; the previous proposed development of seniors’ housing would have generated less traffic; parking is already at a premium in this area; concerns regarding entry/exit points.
- Privacy – e.g., insufficient space between buildings and adjacent existing properties to provide visual screening and noise reduction.
- Property values/concerns: - e.g., if this is low-income housing, it potentially could impact property values in the area; seniors’ housing would have been more amenable; the apartments could result in an increase in Airbnbs and short-term rentals in the area.
- Other issues included some concerns with the site plan, fencing and/or snow storage.

August 8, 2024 – Correspondence from Christopher Hardy, Department of Municipal and Provincial Affairs, to Ann-Marie Cashin, Planner III, Planning, Engineering and Regulatory Services

This correspondence was in response to a July 11, 2024, request from the City to the Department of Municipal and Provincial Affairs for Provincial review and release of the Envision St. John’s Municipal Plan Amendment Number 13, 2024 and Envision St. John’s Development Regulations Amendment Number 39, 2024.

This correspondence detailed that, in keeping with the requirements of section 15 of the Urban and Rural Planning Act, 2000, staff with the Local Governance and Land Use Planning Division reviewed the amendments and documentation provided by the City to determine any provincial or agency interests. Based on this review, the documents were released from provincial review on behalf of the Department. This correspondence further noted that Council could now consider the amendments for adoption and schedule a Public Hearing.

August 15, 2024 – Correspondence from Ann-Marie Cashin, Planner III, Planning, Engineering and Regulatory Services, provided to the August 20, 2024, Regular Meeting of Council

This correspondence once again referenced the application for rezoning of 50 Bennett Avenue from the Institutional (INST) Zone to the Apartment 1(A1) Zone to accommodate a Four-Plex and Apartment Buildings on one lot (as opposed to two cited in earlier correspondence) arising from the City’s new Cluster Development use. It was noted that the proposed buildings would be about 9m in building height at grade.

It was detailed that should Council adopt the amendments, they would proceed to a hybrid Public Hearing conducted by a Commissioner.

Further, this correspondence informed the Mayor and Council that Provincial release had been issued for the Envision St. John’s Municipal Plan Amendment Number 13, 2024 and Envision St. John’s Development Regulations Amendment Number 39, 2024. As such, it was recommended that Council could proceed with the next steps in the process to adopt the resolutions for the amendments, appoint Your Commissioner, and proceed with the hybrid Public Hearing.

Key Considerations/Implications

An additional consideration at this stage related to the aforementioned Public Hearing, i.e., Engagement and Communication Considerations: The Public Hearing will be advertised in accordance with the Development Regulations.

3.0 Written Submissions Received During The 30-Day Comment Period

As highlighted earlier, nine written submissions (email or hard copy) were received regarding the rezoning of 50 Bennett Avenue. There were mixed views, with some opposing the rezoning and others in general agreement but expressing concerns they would like addressed if the rezoning were to occur. The following provides a summary of the issues referenced in the submissions, the full text of which is found in Appendix A.

- The potential of increasing low-income housing in the area.
- Insufficient parking required as compared to the proposed number of units, and in consideration of parking constraints in the neighbourhood.
- Inadequate space for snow clearing/storage, garbage collection/storage.
- The placement of the buildings will: impact privacy (e.g., proximity to the existing residences and the height which allows tenants to 'look down' on the residents); create hard surface water run-off and water management issues; increase shadowing; and result in unequal distribution of setbacks which in turn will have more impact on existing residential properties than commercial ones.
- Unless properly developed, the back areas of the buildings could encourage loitering and group gatherings contributing to drug use in the neighbourhood.
- The sewer easement will traverse private properties and could impact existing mature trees on the property.
- Will a fence around the entire property transform it into a 'gated community'?

A lengthy submission was made on behalf of residents of Beaumont Street. It further discussed issues noted above:

- The inequity of setbacks for Beaumont Street and Bennett Avenue residents as compared to those identified for Blackmarsh Road.
- The storm sewer easement which will extend onto Beaumont Street properties.
- Potential placement of balconies on the apartment buildings that back onto Bennett Avenue and Beaumont Street should result in additional setback to accommodate for the width of the balconies.
- Given the change in elevation from one corner to the other of the site, and the presence of hard surfaces, asphalt, sidewalks and roofs, will there be an adequate retention system to mediate potential flooding?
- There could be a significant grade differential for properties on Beaumont Street and potentially Bennett Avenue residents, resulting in the proposed buildings behind them being significantly higher than the other proposed buildings and the existing

residences. This creates privacy concerns for these residents. It was noted that this was a supposition at the time of the submission, given there was insufficient information on the concept drawings to sufficiently analyze this potential issue.

- Has there been a study to assess the impact of north and northwesterly winds on snow accumulation in low lying areas specifically at the back of properties on Beaumont Street?

Requests for specific changes included:

- The apartments be set back 12m from the development property line to the adjacent quadraplexes.
- The height of the apartment buildings backing on Beaumont Street be 9m in line with the eave height of existing units on this street and raise progressively as the Bennett Avenue elevation increases from East to West.
- An analysis be undertaken of the effect of rain, blowing snow, and melting of stored snow on adjacent properties, in particular those below the elevation of the apartment buildings - especially the Beaumont Street quadriplexes.
- The subject property be rezoned to R2.
- Integrate green infrastructure – e.g., implement permeable surfaces, rain gardens and bioswales.

4.0 The Hearing

Your Commissioner explained the intent of the hearing to those participating and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff, presentation on behalf of the applicant, an overview of the submissions received and presentation by/questions from any in attendance (in-person or via Zoom) who desired to express their support or objections/concerns regarding the amendments under consideration. Your Commissioner requested that they be respectful in their comments during the hearing.

4.1 Overview of the Application

Ms. Ann-Marie Cashin, Planner III, Planning, Engineering and Regulatory Services presented the proposed amendments to the Envision St. John's Municipal Plan and St. John's Development Regulations in relation to 50 Bennett Avenue. (Ms. Cashin's PowerPoint presentation is available from the City's Engage Page - <https://www.engagestjohns.ca/50-bennett-avenue> - Public Hearing Presentation, September 11, 2024.)

She displayed a view of the subject property, noting it is undeveloped land at the rear of newly developed townhouses and an apartment building fronting on Blackmarsh Road. She highlighted this was the site of a former school and thus was zoned institutional. Further,

the land is no longer required for that type of use and so institutional zoning is no longer needed.

As Ms. Cashin explained, the neighbourhood is predominantly mixed in terms of zoning including, for example, Residential 2 (R2), Residential 1 (R1), Commercial Office Hotel (COH), Industrial Commercial (IC) and Commercial Neighbourhood (CN).

She described the proposed development as a 'Cluster Development', a recent text amendment/addition to the Envision St. John's Development Regulations, which came into effect in July 2024. This type of development allows multiple apartment buildings, including Triplex and Four-Plex, on the same site. Previous to July, a Four-Plex required its own lot; within a Cluster, it can be on the same lot.

In the Apartment 1(A1) Zone, the minimum landscaping required would be 35% of the site. Further, as a component of the Cluster Development, with 20+ units, there is an additional requirement of 6m² of green space per unit.

In terms of specifics for the development, Ms. Cashin explained that there would be four buildings with a total of 50 units. The proposed 56 parking spaces were noted to meet the City's parking standards.

It was highlighted that at the rezoning stage, the elevations might change, but the schematic helped to understand what was proposed, including balconies located at the rear of the apartments.

In closing, she provided a graphic showing the municipal amendment process and where the current application was on this continuum. Ms. Cashin overviewed the next steps, i.e., the Commissioner would prepare a report to Council with recommendations; however, the authority lies with Council to accept or reject the recommendations and approve or reject the amendments. If the amendments were approved, they would be forwarded to Province for registration.

4.2 Presentation on Behalf of the Applicant

Keith Buis, Co-owner of Gibraltar Homes, and partner in the development application for 50 Bennett Avenue, spoke on behalf of the proponents. He highlighted that there is a housing crisis, which has been recognized by all levels of government. He noted that, as homebuilders, they have typically been focused on single and 2-apartment housing but physically they cannot build enough houses to address the need.

Mr. Buis identified a need for multi-family housing. He stated that the proposed development is not providing affordable or subsidized housing; rather, it will be market rental housing to address a gap in the St. John's and broader provincial markets.

He described the development at 50 Bennett Avenue as consisting of 50 units across four low-rise buildings: two buildings which are 8.5m in height and two which are 6.6 m in height. He highlighted that while the Apartment 1 Zone allows for 14m building heights, they did not think this would be appropriate for the site or the neighbourhood. Mr. Buis

further explained that from a height standpoint, the 8.5m buildings would be 2.5 stories in front and three in back; the 6.6m buildings would be 2 stories in front and 2.5 in back. He specifically referenced that they did not want to tower over existing buildings.

Mr. Buis stated that the apartments would not have a common space (e.g., at the entrance) as one would see in a standard apartment building. Rather each apartment would have its own entrance. He referenced that common space becomes worn over time when used by multiple tenants; whereas, when each apartment has its own entrance, it can invoke a pride of ownership with more care taken of individual properties, even if these are tenancies. Removing common space also provides the developer the ability to introduce larger units to the market – 2-bedroom, 2-bathrooms, 1,100ft², which he noted responds to the ‘sweet spot’ in the market.

In terms of specifics of the site, Mr. Buis stated that the development will be landscaped to meet City requirements, and buildings B and D will have tiered planter boxes on the front entrances. Additionally, all site boundaries, and parking and bike allotments meet City requirements, with no variances requested.

4.3 Overview of the Submissions

Your Commissioner explained that there had been four submissions received from city residents in relation to the proposed amendments for 50 Bennett Avenue. She provided a summary of their comments, some of which are presented in Section 3.0. To note, the number of submissions overviewed at the hearing were those which had been received in *advance* of same.

4.4 Presentations by those in Attendance

The following comments were provided by attendees at the hybrid session in relation to the proposed amendments for 50 Bennett Avenue. Note that if a speaker presented multiple times, their comments are compiled.

Speaker #1: This speaker presented the comprehensive and lengthy submission summarized in Section 3.0 and provided in full in Appendix A, which was given on behalf of residents of Beaumont Street. It is important to note that this speaker stated the residents were not opposed to the development but rather had concerns which they would like addressed.

In addition to the issues in the written submission, this speaker wondered if an architect had been engaged for the development to address the critical architectural issues. Overall, this speaker referenced that everything would be much clearer to the ordinary citizen if more information were available.

Speaker #2: This speaker identified living on Beaumont Street. They feel that the development as currently laid out on the site plan ‘does not make sense’, stating that the larger buildings should not be placed on Bennett Avenue and Beaumont Street. As it stands

now, this speaker said the third-floor balconies will be looking into their bedrooms and office spaces.

This speaker also referenced the placement of the sewer easement and the damage which it could cause to the fence they are erecting. They suggested if it were to be moved back 5ft this would not impact anyone vs the cost to the developer to repair and replace the fence.

This speaker is not worried about the type of tenant which would occupy the units but reiterated if people are living together in an area, there should be more privacy. They felt they could not even put in a tree to enhance privacy because it would impact the sewer.

They also had concerns about the inadequate parking allotment (car-centric province so the number is too low for the number of units) and whether there would be permit parking from the development on the adjacent streets.

This speaker felt the fence would address concerns about people loitering.

This speaker was not against the development but wants it to make more sense. They felt the development is designed to get as many people as possible on the site and that the 'giant' buildings will defeat the goal; they want the configuration changed.

Dave Kelly, President – Gibraltar Homes, responded to the concern about the sewer easement: He was almost certain that the easement on the drawing is existing from a previous development. He stated that if this were not the case, they would not take action on the easement without consultation.

Speaker #3: This speaker asked about the proposed fence. They are living on Bennett Avenue, which has a well traversed green space behind it – with constant foot traffic from the pharmacy parking lot. They wondered if the fence was a requirement, as they felt it would help curb crime in the area.

Ms. Cashin responded: Whenever a parking lot is a component of a development, the City requires a buffer and a fence, unless there is a request to exempt this requirement at the development phase, following rezoning, and this exemption is granted. The current plan shows the fence.

Speaker #4: This speaker was in attendance on behalf of a friend who grew up in the area and will be moving back. They took issue with the questions around the 'right type of tenant', in particular since this was not going to be affordable or subsidized housing. They said they 'tip to their hat' to the developer for bringing forward this development.

Nevin Hollett, co-owner Gibraltar Homes, responded to the question of the tenant profile: He stated that for the current development it is the 'missing middle'. He identified that he practices as a licensed real estate broker and knows there is great demand for housing and rentals. He referenced that there have been questions as to

why the proposed development does not include even higher buildings and underground parking, for example. The reason – they are trying to provide housing at market rates.

Mr. Hollett concluded by stating that the profile for the development includes those who can afford market rate rent, and are looking for 2-bedroom, 2-bathrooms, and 1,100ft², including accessible units.

Speaker #5: This resident of Beaumont Street said that previous remarks were well-placed. They noted their issues were articulated by Speaker #1, with their biggest concerns being encroachment on their property for the easement, and lack of planning for environmental considerations. They wondered about the decision not to have communal space. This speaker also wanted to know more about how the space would be used and the management of the rental properties. This speaker said that a robust landscaping plan would allay some concerns.

They concluded by saying they are excited about the development.

Nevin Hollett responded to some issues raised by the previous speaker: In relation to the common space, he said one common entrance would be usual for an apartment building, but for this development, each unit would have its own entrance.

At this point, there is not a detailed landscape plan as this is a requirement at the development stage, but he highlighted they are above the minimum green space requirements.

Mr. Hollett concluded by noting they have now engaged an architect for the development, the landscape plan will be provided at the development stage, and they will have a property management firm for the development as well as contracted services for landscaping and snow management.

Speaker #6: This speaker lives on Bennett Avenue. They cited their main concern as parking, stating there is limited parking now, and they have to address off-street parking during snow removal. They emphasized that 50 units for ‘middle of road’ people will mean each will have two vehicles. This will aggravate an existing problem.

5.0 Considerations

In reaching a conclusion on the merits of the proposed amendments, Your Commissioner considered the following information.

5.1 Consistency with the Envision St. John's Municipal Plan

5.1.1 Chapter 2 - Framework for Growth

As detailed in Section 2.3 of the Envision St. John's Municipal Plan, the vision for the city includes that:

[...] This city has active, healthy citizens, living in affordable, accessible, complete neighbourhoods. [...]

As presented in Section 2.4, the Municipal Plan has five key themes including 'Healthy Neighbourhoods'. Input during the public consultation reflected on healthy neighbourhoods:

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services. There was also recognition that a greater mix of uses and higher density residential development will be required to support such initiatives. [...] Neighbourhoods change and evolve over time, therefore it is the City's intent to implement policies that maintain the essential character of the neighbourhood, while allowing appropriate growth and development. [...]

Further, as detailed under the 'Urban Design' theme:

[...] Care will be taken with the design of new buildings to provide appropriate buffers and design solutions to minimize the impact on adjoining established residential neighbourhoods.[...]

5.1.2 Chapter 4 - Healthy Neighbourhoods

The goal in relation to healthy neighbourhoods includes to design neighbourhoods with a range of housing options.

Section 4.1 Housing

Strategic objectives laid out in Section 4.1 Housing include:

- Encourage a range of housing options that contribute to community health, sustainable growth and economic security.
- Identify appropriate areas for future growth and development that take advantage of existing infrastructure and services, which would in turn create financial efficiencies and limit urban sprawl.
- Limit impacts to established neighbourhoods, heritage districts and employment areas.

Further, Section 4.1 identifies a number of actions to be taken to enable a mix of housing forms including:

- Enable a range of housing to create diverse neighbourhoods that include a mix of housing forms and tenures, including single, semi-detached, townhousing, medium and higher density and mixed-use residential developments.
- Promote a broad range of housing choice for all ages, income groups, and family types by supporting the development of housing that is appropriate, accessible and affordable for low-income and moderate-income households.

Section 4.3 Enhancing Neighbourhood Character

Section 4.3 states:

Over the next decade, additional growth will be encouraged within developed areas of the city through intensification and redevelopment in targeted areas along identified corridors and at key nodes. Such change can affect adjacent established residential neighbourhoods. As a result, attention to urban design will be required so that development can be achieved in a manner that enhances and adds value to the character of existing neighbourhoods.

One action to achieve this result is stated to be:

4.3.2 Ensure that infill development complements the existing character of the area.

Section 4.4 Good Neighbours: Reducing Land-Use Conflict

This section recognizes that:

Conflict often arises where a land use or building is proposed next to a residential or open space use, or where a building is proposed that is considered out of scale or character with the form of adjacent buildings. Many different uses and building forms can co-exist, provided proper consideration is given to site and building design, and measures to reduce or eliminate potential land-use conflicts.

Policy 4.4.1 states: Ensure that the review of development proposals considers how new development may affect abutting properties and uses.

5.1.3 Chapter 6 – Urban Design

Section 6.4 Building Height

Some of the most contentious issues in the city involve the height of buildings, particularly in the downtown. The city's built form consists largely of low-rise buildings, while taller buildings such as office towers, hotels and a range of institutional buildings are dispersed throughout the city. [...] Concerns about increasing the height and bulk of buildings revolve around the effect on privacy and shadowing on adjoining properties, and generally whether taller buildings 'fit' into the landscape.

It is stated that:

1. The height of buildings within the city shall be dealt with in the following manner:
[...]

b. **Areas identified for Intensification** – In areas identified for future intensification through redevelopment of vacant or underutilized sites, the height of buildings may be greater, but still compatible with the existing built form. The design of buildings must account for appropriate height, separation distance, lighting and other privacy requirements. [...]

5.1.4 Land Use Districts and Redesignation

5.1.4.1 Land Use Districts

Section 8.8 of the Envision St. John’s Municipal Plan overviews the Institutional Land Use District, which is the current designation for the subject property at 50 Bennett Avenue. This Land Use District does not contemplate residential uses:

The Institutional Land Use District applies to lands owned and used by Government and institutions such as hospitals, place of worship and educational institutions. These lands represent a significant element of St. John’s land use structure, and cooperation for their use and development is important. [...] Many of the Institutional lands in St. John’s are currently in transition as the roles of government and religious organizations evolve. As some schools, hospitals, and place of worship close, the lands on which they are situated become prime areas for redevelopment within the city. [...]

Policy 8.8.1 sets out the various permitted and discretionary uses.

1. The Institutional Land Use District will accommodate a variety of permitted and discretionary institutional uses including government, institutional, public administration, public services, and non-profit, along with other related and complementary uses that fit into an institutional context within the permitted and discretionary uses as set out in the institutional land use zones in the Development Regulations.

Section 8.4 overviews the Residential Land Use District, which considers a range of housing options.

The Residential Land Use District applies to established and developing residential neighbourhoods of the city. Residential neighbourhoods should contribute to the maintenance and improvement of quality of life through housing design and variety of form, good subdivision design, effective management of non-residential land use and appropriate infill. [...]

As per policies related to Residential Neighbourhoods:

Policy 8.4.2 - Recognize and protect established residential areas. Support the retention of existing housing stock, with provision for moderate intensification, in a form that respects the scale and character of the neighbourhood.

Policy 8.4.3 - Support neighbourhood revitalization, redevelopment and residential infill that contributes to the livability and adaptability of established neighbourhoods, is sensitive to existing development and is economically viable for a range of socio-economic groups. [...]

Policy 8.4.11 - Promote the development of infill, rehabilitation, and redevelopment projects, thereby better utilizing existing infrastructure. [...]

5.1.4.2 Redesignation of the Subject Property

To accommodate the proposed development on the subject property, a zoning change is required from the Institutional (INST) Zone to the Apartment 1(A1) Zone. Rezoning the subject property to Apartment 1(A1) would require a redesignation from the Institutional Land Use District to the Residential Land Use District.

5.1.5 Chapter 9 Implementation

Section 9 of the Envision St. John's Municipal Plan sets out considerations for planned growth in the city. This includes Section 9.5 Considerations for Rezoning which states that in considering requests for rezoning, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

[...]

The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;

Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;

Whether the proposed use will alter the intended mix of land uses in the District or neighbourhood. [...]

The Land Use Report

Section 9.7 describes the Land Use Report (LUR) as 'a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff.' This section further notes that 'Council shall prepare and approve Terms of Reference setting out the matters that require assessment in an LUR.'

5.2 Alignment with the St. John’s Urban Region Regional Plan

The proposed Municipal Plan amendment is identified as being in line with the SJURRP and so an amendment to the SJURRP would not be needed. The subject property is within the Urban Development designation of the Regional Plan.

5.3 Envision St. John’s Development Regulations

5.3.1 Proposed amendments

Under the Envision St. John’s Development Regulations, the subject property at 50 Bennett Avenue is located in the Institutional (INST) Zone, although there is no longer an association with an institution. As the name implies, this Zone does not contemplate dwelling units as proposed for the subject property at 50 Bennett Avenue.

To accommodate the proposed use of Apartment Buildings and a Four-Plex on one lot, it is proposed the site be rezoned to Apartment 1(A1).

5.3.2 Zoning considerations

5.3.2.1 Cluster Development

The Apartment 1 (A1) Zone includes ‘Cluster Development’ as a permitted use. This use is defined in Section 2 Definitions of the Envision St. John’s Development Regulations as:

CLUSTER DEVELOPMENT means two or more Buildings, each of which is comprised of a Townhouse Cluster, Triplex, Four-Plex, or Apartment Building, or any combination thereof, on one Lot, as a condominium or common ownership. **(2024-07-19)**

Of note, Cluster Development is one of a series of recent text amendments designed to support the City’s goal of promoting densification and improving internal processes and policies that accelerate the development of diverse housing types throughout St. John’s, as noted in a report to the Committee of the Whole dated April 11, 2024.

As previously referenced, and detailed in the definition, a Cluster Development allows for a Four-Plex to be combined with other buildings on one lot, as opposed to needing a separate lot.

In terms of specific Zone standards for Cluster Development, these include a minimum of 6m for the Rear Yard, a minimum of 35% landscaping, and a maximum Building Height of 14m.

5.3.2.2 Parking, parking lots and traffic

The issue of increased traffic and concerns with sufficiency of parking were raised in relation to the proposed rezoning of 50 Bennett Avenue.

Parking

As set out in Section 8 Parking Requirements in the Envision St. John’s Development Regulations, there are differing requirements depending on whether parking is required for residential or non-residential developments.

Subsection 8.3 Parking Standards details parking, required for a Cluster Development as seen below.

Type of building	Range of parking spaces	
	Minimum	Maximum
Cluster Development (2024-07-19)	<u>Dwelling Size</u> Micro Unit (not exceeding 42 metres square (450 square feet)) Studio - 0.8 1 Bedroom Dwelling - 0.9 2 Bedroom Dwelling - 1.0 3 Bedroom Dwelling or > - 1.2 Visitor parking: 0 visitor parking spaces for the first 7 Dwellings; 1 visitor parking space per 7 Dwellings thereafter	<u>Dwelling Size</u> Micro Unit (not exceeding 42 metres square (450 square feet)) – 1 parking space for every 4 units Studio - 1.2 1 Bedroom Dwelling - 1.2 2 Bedroom Dwelling - 1.5 3 Bedroom Dwelling or > - 2.0 Maximums are cumulative for building and inclusive of visitor parking
Note: Based on 50 units proposed for 50 Bennett Avenue, and as per the requirements set out above, the applicant is meeting the minimum standards of 56 parking spaces: 1 per each of the 50 two-bedroom units and 6 to accommodate visitors		

Parking lot

Subsection 8.8 Parking Lots Outside The Downtown Parking Area speaks to requirements for a parking lot – including fencing:

- (1) A Parking Lot outside the Downtown Parking Area shall:
 - (a) be situated on the same Lot as the Use which it serves, or is associated with, unless Council determines otherwise or the Parking Lot does not serve, or is not associated with, any other Use;
 - (b) have a Buffer of 6 metres from any Street Line and a Buffer of 3 metres from any other Lot Line, and where abutting a Residential Use have a privacy fence not less than 1.8 metres in height, unless otherwise approved by Council; **(2022-05-27)** [...]

Bicycle parking

Subsection 8.14 Bicycle Parking details the parking requirements for bicycles for a Cluster Development, noting this would be 1 bicycle parking space for every 2 residential units.

Traffic

It was identified in the City's amendment package that the application for 50 Bennett Avenue was reviewed by the City's Transportation Division, and no concerns were raised.

5.3.2.3 Obstruction of Yards

As detailed in Subsection 7.2.5, no Building shall encroach upon a required Yard except:

[...] (b) structures attached to the Building as follows:

(ii) except as provided in Subsection 7.2.5(b)(iii), Decks or steps at or above grade not more than 2 metres into any required front Yard and 0.3 metres from any side or rear Lot Line;

(iii) Decks or steps at or above grade not more than 2 metres into any required Side Yard where the Side Yard abuts a Street; [...]

5.3.3 Section 4 General Development Procedures

Section 4.1 overviews control of development.

4.1.1 Compliance

All Development shall be carried out and maintained in accordance with the Act, the Municipal Plan, these Regulations and any policy adopted thereunder.

Section 4.4.1 overviews what a submitted application should include:

4.4.1 Submission

[...]

(2) An application shall include such plans, specifications and drawings as necessary to evaluate the application, together with the applicable fee.

This subsection identifies that at a minimum, an application for Development shall include a storm water management plan and snow storage plan.

Land Use Reports

Subsection 4.9.3 identifies that 'where a Land Use Report is required, but in the opinion of Council the scale or circumstances of the proposed Development does not merit a Land Use Report, Council may accept a staff report in lieu of the Land Use Report.'

As previously stated, the rationale to accept a staff report without requiring a Land Use Report (LUR) for the proposed development was detailed in the January 9, 2024 correspondence to the Committee of the Whole.

5.3.4 Section 6 Specific Developments

This section cites provisions which are supplemental to those provisions set out in Section 10 for all Use Zones. Subsection 6.1 further states that the provisions noted under Section 6 take precedence over those noted in Section 10 in instances where there is a conflict therein.

Subsection 6.9 identifies the following in relation to Cluster Developments:

6.9 CLUSTER DEVELOPMENT

(1) A Cluster Development shall contain no more than one (1) Driveway, but may require a secondary access as determined by a City engineer or the St. John's Regional Fire Department.

(2) All parking as required under Section 8.3 shall be provided on a Parking Lot.

(3) A Cluster Development with 20 or more Dwelling Units shall, in addition to minimum landscape requirements, include a minimum of 6 metres square per Dwelling Unit of useable green space for the benefit of the Cluster Development. Green space area is to be contained entirely within the Lot boundaries, continuous on the Lot, covered with Soft Landscaping and subject to the said area being acceptable to the City.

6.0 Conclusion

In reaching a conclusion on the merits of the proposed Amendments, Your Commissioner considered the following:

6.1 Consistency with the Envision St. John's Municipal Plan

Overall vision and approach

As discussed in the Envision St. John's Municipal Plan, the vision is that St. John's has active, healthy citizens, living in affordable, accessible, complete, and healthy, quality neighbourhoods, that provide for walkable access to local shops and services. It is recognized that to achieve such neighbourhoods, a greater mix of uses and higher density residential development will be required.

The Plan contemplates a range of housing options to create diverse neighbourhoods. Introduction of Apartment Buildings and Four-Plexes adds to the diversity of housing types in the area of the subject property.

Residential Land Use District

The proposed development also meets the intent of Residential Neighbourhoods as described for the Residential Land Use District: supporting moderate intensification, in a form that respects the scale and character of the neighbourhood; supporting neighbourhood redevelopment and residential infill that contributes to the livability and adaptability of established neighbourhoods; and thereby maximizing use of existing infrastructure.

Redesignation

The proposed development for 50 Bennett Avenue is consistent with the vision, intent and direction of the Envision St. John's Municipal Plan – facilitating increased density, balanced development, and proximal to a range of local services. Redesignation of the subject property from an Institutional Land Use District to a Residential Land Use District is appropriate.

6.1.1 Mitigation of Impacts in Relation to the Amendments

The Envision St. John's Municipal Plan identifies a role for the City in ensuring that impacts associated with particular zones are compatible with policies adopted under the Plan. The challenge for the developer and the City, in relation to the proposal for 50 Bennett Avenue, is to ensure that all due care and attention are paid to mitigating impacts of the development on the abutting residential areas.

The issues of concern raised by those who attended the Public Hearing, as well as in the submissions received, were fairly consistent and, in summary, related to the following:

Fencing

In relation to the proposed fence, it was felt by some that this would be important to reduce the potential for non-residents traversing the property and / or finding areas to 'hang out' and contribute to existing issues in the area. Others noted the potential for damage to existing fencing related to snow build-up/storage.

As described herein, a fence is required on the subject property, arising from the parking lot associated with the development. Where existing fencing is in place, the new fence would be required to join into the existing structure.

The proponent could, at the development phase, request an exemption for this requirement.

Your Commissioner notes that a component of the development plan will be to address snow storage. Additionally, there is no indication that the applicant is planning to ask for a variance or to waive the requirement for fencing.

Parking

The issue of parking is often raised in relation to new developments proximal to existing residences, especially in older areas such as Bennett Avenue and Beaumont Street where parking is already limited and at a premium.

The applicant has identified that they will meet the minimum standard for parking for the proposed zoning and use. Should the City proceed with the rezoning, the concerns regarding parking on local residential streets will need to be monitored and addressed.

Traffic

No concerns were raised by the City's Transportation Division in relation to potential traffic emanating from the proposed development. It is important to state that this area would have been subject to less traffic in recent years following the closure of I.J. Samson School. Your Commissioner feels it is fair to say that while there will once again be an increase in traffic in the area generated by the development, it will be less than what was created by the school. Additionally, traffic in and out of the site would vary depending on the occupants of the units, unlike traffic associated with a school which would see a more substantial increase at two specific points during the day.

Sewer easement

Following the Public Hearing, Your Commissioner was advised that at the time the property owner sold the lots on Beaumont Street, the easement was included, as the property owner had planned to develop the internal site and would have needed the easement for this purpose. The surveys for properties on Beaumont Street do include this easement, although at this point there is no existing infrastructure.

Based on the proposed development, the easement would be mainly on the subject property, but it does extend onto some neighbours' properties on Beaumont Street. Of note, addressing this issue will be a private matter between the developer and the impacted property owners.

Building Heights/Loss of privacy

It is important to state that there are many areas of the city where development is possible adjacent to existing residential developments. When residences are built and occupied, there is no guarantee that future development will not occur nearby. In relation to the subject property, it has been known for some time that there would be development on the site.

As per Municipal Plan policies, Council must attend to height and scale of proposed developments. The development under consideration is noted to include buildings which at a maximum would be 9m in height and thus in keeping with the existing residences on Beaumont Street and Bennett Avenue.

Several issues were raised during the consultation and in submissions regarding loss of privacy for existing residences given, for example, the grade differential on the site at 50 Bennett Avenue could result in the apartment buildings backing on Beaumont Street being higher than existing residences.

At the development stage, it would be incumbent on the developer and the City to ensure that within the context of the regulations, the configuration and height of the proposed Apartment Buildings and Four-Plexes on the site would minimize impacts on the existing residences along Beaumont Street and Bennett Avenue.

7.0 Recommendations

Based on the foregoing considerations, Your Commissioner recommends the following:

Acceptance of the Envision St. John's Municipal Plan *Amendment Number 13, 2024*

Redesignate land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional Land Use District to the Residential Land Use District

Acceptance of the Envision St. John's Development Regulations *Amendment Number 39, 2024*

Rezone land at 50 Bennett Avenue [Parcel ID# 46400] from the Institutional (INST) Zone to the Apartment 1 (A1) Zone

RESPECTFULLY SUBMITTED THIS 8TH DAY OF OCTOBER 2024



Marie. E Ryan,
Commissioner

Appendix A

Written Submissions

From: [REDACTED]
To: [CityClerk](#)
Subject: Rezoning Bennett Ave
Date: Tuesday, September 10, 2024 11:03:58 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

I am a resident of Carson Ave.....

The last thing Carson Ave. needs is more WELFARE in our area. We have enough in this area of St. John's ?.....

Thank you consider another area.

From: [REDACTED]
To: [CityClerk](#)
Subject: Re: Comments on I. J. SAMSON development
Date: Sunday, September 8, 2024 4:36:00 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

Some more questions - will a privacy fence be erected along the backyard property lines of the townhouses on Beaumont and Bennett where they meet the property lines of the apartment complexes?

Lastly, Bill and Ryan Clarke told us that the area was going to be filled in with more townhouses NOT 50 apartment units (potentially 200 people or more, plus 50 cars or more). Is there a reason townhouses are not being placed in here to match the rest of this new block development?

On Sep 8, 2024 15:54, [REDACTED]

Hello there! [REDACTED] Some of our concerns is for the city to ensure that there is AMPLE water drainage for all these units (50 units could be as many as 200 people, or more, in such a small space) as we have already seen that in the spring, water is excessively pooling directly [REDACTED]. Additionally, ensuring ample parking spaces to support enough for 200 people since street parking IS FULL and basically impossible down Beaumont and Bennett (and barely possible during winter). Lastly, ensuring that the back walls of these buildings that face the backyards of the Bennett and Beaumont townhouses do not have excessive doorways/first floor concrete pads/gathering patios to "linger/hang out" where people could gather to smoke, drink, do drugs etc. If any areas such as that are being built, these areas should all be forward facing into the apartment complex's parking lot as it will be amply lit and therefore more easy for police and numerous apartment neighbours to patrol/identify bad behaviors, and for garbage build up to not be an issue directly [REDACTED]

Thank you for your time in reading this,

[REDACTED]

From: [REDACTED]
To: [CityClerk](#)
Subject: 50 Bennett Avenue
Date: Wednesday, August 28, 2024 12:29:31 PM

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the Report a Phish button to report it.

I am opposed to this proposed development : too many buildings and therefore too many people in a tight, contained and surrounded (by existing buildings) parcel of land with only one narrow exit !
Space allowance for parking, snow storage/clearing, garbage storage/ collection, and arrival of emergency vehicles appears inadequate
This proposal will change the density of the neighbourhood significantly
A public hearing is a must!

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Submission for 50 Bennett Street application MPA2300007
Date: Sunday, September 8, 2024 5:49:11 PM

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the Report a Phish button to report it.

Hello,

My name is [REDACTED] Building D of this proposed development. We were aware of the developer's intention to build an apartment complex when we purchased our property and are generally in support of a project like the one planned. However, I have a few concerns I would like to raise. Specifically, the distance between [REDACTED] proposed building [REDACTED] [REDACTED]

Upon review of the plans, it appears that the properties on Blackmarsh Road that back onto Buildings A and B have the pleasure of almost 11 metres of space between them, with many mature trees for added privacy. Meanwhile there is only 6 meters proposed between the houses on Beaumont Street and Building D with no tree coverage. This is not even considering the patios that will be added onto the back of these units, bringing the tenants within only a few metres [REDACTED]

These new buildings are intended to be 9 meters high, making Building D taller [REDACTED] This means that the height of the patios will allow tenants to look down [REDACTED] [REDACTED] regardless of any fences built. This raises major concerns for us with respect [REDACTED] privacy.

Also, I'm not an expert, but I do question how this 6 metre gap will affect wind and snow build up. If possible, some sort of assessment that could inform us of the potential impact this apartment building would have on the wind and snow would be appreciated.

Due to the privacy concerns and potential snow build up, I would suggest that the plan be amended to increase the rear yard of Building D to 10 metres with a requirement that there be trees planted along the property line that will grow to provide privacy in the future.

Another concern I saw raised in the online comments was regarding parking. I would agree that there is a potential issue if there is only 1 space provided per unit. If a household has more than one vehicle or has a guest visiting, they will be required to park on the street — likely on Bennett or Beaumont. I can see this being an issue in the winter months as the snow build up on the street is significant and finding on street parking is difficult.

Thank you so much for hearing my concerns.

[REDACTED]

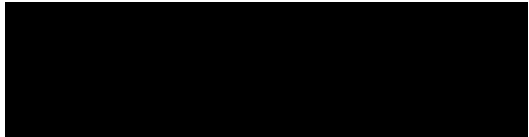
From: [REDACTED]
To: [CityClerk](#); [Ken O'Brien](#); [Ann-Marie Cashin](#)
Subject: 50 Bennett Avenue Questions and Concerns from a Beaumont Resident
Date: Wednesday, September 11, 2024 5:57:52 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[50 Bennett Avenue Development](#) [REDACTED]

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

Hi,

I was hoping to be able to bring this up during the zoom meeting this evening on the 50 Bennett Avenue proposal. But wanted to submit it officially to ensure that my questions, asks and concerns are on the record. I have the document in the email as well as attached as a pdf. I am hoping that changes can be made to the proposal to the benefit of the community and the immediate neighbours as its current form is quite flawed.



50 Bennett Avenue Development by [REDACTED]

I am a Homeowner on [REDACTED]
[REDACTED] When purchasing the house, we were shown what was to be Beaumont Gardens. A large green filled property with lots of trees and open spaces. This was a feature in what helped [REDACTED] decide [REDACTED] home. The new development proposed is a complete departure and one that affects the row houses on Beaumont and Bennett in a negative way. Here are some of the issues that have been raised by myself and with speaking with my neighbours:

The layout of the buildings does not make sense, with the tallest and largest building being so close to 13 properties. Based on current treelines and

commercial properties on Campbell Avenue, it would make sense for privacy to have Building C in front of 66-76 Bennett Avenue. Building A in front of 64-70 Beaumont Street. Move Building B and D to encircle the area that backs onto Blackmarsh and Campbell.

These changes would allow for more privacy for all residents in the neighbourhood. As now 3rd floor windows and balconies will not directly look into the second floor of homes. These will now face commercial buildings and tall trees.

With the current development proposed, Building D shows first floor concrete pads/gathering patios where people could gather to smoke, drink, do drugs, etc, while being 6m or less to properties on Beaumont and Bennett. This would make it difficult for police to patrol and be lit enough for neighbours to be able to monitor. With the move of buildings, commercial property light would be beneficial in deterring criminal activity.

The distance to the property lines of the houses on Bennett and Beaumont are listed at 6.02 to 6.04m. This is far closer than on the Blackmarsh side which has 10.77m to 12.2m between property lines and buildings on that side. There should be more of an increase to become even on both sides to ensure fairness with all residents in the area, everyone should get 10m. What environmental studies were done for this when addressing wind tunnelling and sunlight availability?

With how close the property is to the houses on Beaumont Street, we would have a sewer easement go right under a constructed fence on the property. How would construction of this easement affect the homeowners here when it comes to creating a green space in [REDACTED] yards (planting trees for privacy or other garden structures)? What would be the timeline to fix any damages caused by the construction of this easement? Is there no way to move it a few feet over so that it does not affect the units of 64 to 70 Beaumont.

Is there a way we can block consent of this easement in its current proposed location? What documentation would need to be signed by homeowners? We need permits for our own properties and changes, why would this be different?

The current land is on different grading, would the new development be on similar grading to ensure proper water drainage? With the current construction area, we get large puddling (often attracting ducks).

On the Blackmarsh side, there is also a proposed sewer easement, with such beautiful, mature trees already established, would these be taken down to afford such an easement, or how would their roots come into play? It does not seem that the developer understands the environmental benefits these trees provide.

Easements should be clear on the development property without interfering with the neighbouring properties. Any damages caused by their placement would be costly for the developer in repairing what nature has given us and the structures that are already created. Negligence by the developer is not at the cost of others.

The proposal shows a fence around the entire property, is this now a gated community? What materials will be used in its construction? How will it interact with the fences built on the properties it goes up against? Will there be a space for a walkway between the properties, if not, why?

Will there be trees planted throughout the development to ensure privacy for surrounding buildings like the original plan?

What is the current plan of mixture for the units proposed? 1-bedroom, 2-bedroom, 3-bedroom? With 59 units, there could be well over 100+ people with potential of over 200 people.

With this many people, how would it accommodate the proposed 56 parking spaces, with some designated as visitor and accessible. It would mean that many would require street parking due to the car-oriented nature of St. John's and Newfoundland in general. Many households have more than 1 vehicle and where would these cars now park? The streets surrounding the property are already filled with vehicles and barely passable during winter times when snow has amassed? Is there now going to be a permit system put into place to crowd the streets unnecessarily?

From: [REDACTED]
To: [Ann-Marie Cashin](#); [Ophelia Ravencroft](#); [CityClerk](#)
Subject: 50 Bennett Avenue Development
Date: Friday, September 13, 2024 4:46:54 PM

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

Dear Ann-Marie,

After the public hearing on Wednesday September 11, 2024, I have spoken with neighbours as well as with [REDACTED]. The meeting was to change the designation of the area from an R2 zoning to an A1 zoning.

As stated before, when [REDACTED], we were sold on a vibrant community setting by the developer at that time. This was beautiful and green and provided many r2 units for at the time, adult-oriented living. Whether it was for adults or families is not the concern. Whatever this developer submitted to the city or not, is not my concern.

My concern is with the new proposal as stated in the document I had submitted earlier (and can provide to Ophelia, if requested). I don't understand wanting to tear up private property for a sewer easement (that can be moved a couple meters to prevent property damage) and the placement of the buildings which create issues such as lack of privacy, hard-surface water run-off and lack of sunlight availability for back gardens, among other issues raised in my letter.

I intend to speak with the developers as well to see if we can persuade them to change their plans for the current site plan provided to the city. If they cannot adjust the type of buildings or alter the locations of the ones they submitted, then I will have to oppose an A1 zoning for the developer and request it remain at an R2 zoning.

On a side note, I received responses to my questions on the Engage St. John's website, and find it disconcerting that current residents' properties mean so little to the City of St. John's. The city should be looking for an ideal solution to an area rather than approving something that meets the bare minimum required when it comes to rear and side yard requirements. It should be looking for it to be optimal for the community and present an area that Newfoundlanders are known for: a kind, embracing community that loves its neighbours and looks out for them.

I hope that this could be passed to council and Marie White to show how this zoning measure is affecting current homeowners.

[REDACTED]

Public Hearing September 11 2024

Application - 50 Bennett Avenue Development

Good evening, my name is [REDACTED]
[REDACTED]
[REDACTED]

I am here on behalf of residence of Beaumont Street, who are trying to understand the complex details of the new development that will be built behind their home.

We understand that the city is committed to its "Envision St. John's Municipal Plan" - the plan to increase the density of housing within a sustainable city. My understanding is that the plan is not only about building as many units on a piece of land, but also meeting the needs of sustainability as St. John's moves into the future.

What is meant by sustainability from an architectural and building perspective goes beyond just pure densification. This concept goes far beyond a civil engineering plan for the future of our city. There are many different programs within our city, the province and the country that would meet the criteria for sustainability, such programs as LEED (Leadership in Energy and Environment Designation). The LEED rating system has seven areas of concentration; Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, Innovation in Design Process, and Regional Priority. I only mentioned this program because there were also multiple other types of programs that are available to create sustainable communities. I might add that the lead program is used quite extensively by architects and engineers throughout our province including my firm that has multiple LEED projects built throughout the province. I also do understand that the high standards of LEED is not required for such projects as the 50 Bennett Ave. project. However, "The Envision St. John's Municipal Plan" does speak to the concept of sustainability.

Now to the details of the plans presented for "The 50 Bennett Avenue Project" that we are currently reviewing this evening.

Our presentation is mainly based upon the residence property and their ability to obtain their privacy within the confines of their knowledge that there would be a development behind their homes for this project.

1) All resident of the Quadplexes including those on Bennett Avenue and Beaumont Street have a setback property line of approximately 12 meters from their exterior walls. The setback for the new apartment buildings is noted to be only 6 meters for both the Bennett Avenue and Beaumont Street side. The property on Blackmarsh Road has a setback of approximately 10 - 12 m as noted on the site plan from the new development. Now we understand that on the Blackmarsh Road there is an easement at the back of the property we assume for a sewer line. (See Note 1 on Site Plan)

2) If you note on the site plan drawings there is an easement for a storm sewer line for the new development that is actually shown to be encroaching on the property of those residences on Beaumont Street. Not only that issue, but it appears that the easement for the storm sewer for that new parking lot storm sewer line is probably in the range of 3 meters onto the Beaumont Street properties. This is not acceptable to the Beaumont Street Property Owners. Why not the same parameters for Beaumont Street properties

as for the Blackmarsh Road property setbacks on the site plan. (See Note # 2 on Site Plan)

3) If we look at the site plan, we also note that there is no indication of the balconies on the site plan yet are indicated on the elevations for the apartment buildings that back on Bennett Ave and Beaumont Street. We can only assume that the balconies are part of the apartment buildings and therefore should be noted on the site plans. Thus, if the balconies are 4 feet wide then the setback for the building should be another 4 feet. Balconies, as we understand the plan, are located in two places on the site plan, adjacent to Blackmarsh Road.

4) Presently, the plan development for the land behind the Bennett Avenue and Beaumont Street Quadplex properties is undeveloped. We know that during rainfalls any rain at the back of the homes on both streets is absorbed into the large undeveloped ground area. There does not appear to be any flooding. As well, from East to West on Bennett Avenue and South to North from Beaumont / Bennett corner to the corner of Blackmarsh / Campbell Avenue, there is quite an elevation change to the undeveloped site. With all the hard surfaces asphalt, sidewalks and roofs, will there be retention systems adequate to mediate flooding onto the Bennett Avenue / Beaumont Street Properties. This question also refers the snow storage areas as referenced on the site plan.

5) The presentation indicates that the new apartment buildings will be 2 1/2 stories in heights or approximately 9 to 11 m high. However, this information only relates to the front of the properties and to the underside of their roof lines from the newly proposed street level. For property owners on Beaumont Street because of the elevation changes from Beaumont Street to Blackmarsh Road area this will not be the case. The back of the homes on Beaumont Street are two stories high when you walk out onto your patio deck at the back of their properties. The difference between the properties on Beaumont Street to the new apartment building that back up the street is more like 3 1/2 stories. This only takes into account, that there is no grade differential between the properties. If you add in the grade changes, there could be a grade differential of 4 to 4 1/2 stories. No elevations are presented on the site plan to indicate grade changes on the site nor to understand the grade differentials between the apartment buildings and the quadplexes. This is only a proposition on this argument as there has been no cross-sections done between the properties on Beaumont Street and the properties on the new apartment complex to indicate grade differentials. The concept drawings presented do not provide enough information to analyze.

6) As related to item number five, which I have presented, there seems to be no reference to heavy rains and snow during the winter time that may accumulate on the back properties of Beaumont Street. As it relates to snow fall and snow storms, most snow comes from the north and northwesterly directions and generally accumulates in low areas. Has there been any study done to show the effects of the north and north westerly winds as they relate to snow accumulation in low lying areas specifically at the back of properties on Beaumont Street.

7) When we consider the existing concept plan and effects as noted in items 1 to 6, there is also the issue with the privacy of the homeowners as it relates to the 4 1/2 stories or there above that overlook quadplexes on Beaumont Street and potentially Bennett Ave. New owners on Beaumont Street are planning to construct fences between their properties (side yards) and at the back of our properties for outdoor privacy. The close proximity of the apartment buildings presently shown on the site plan presented, which will be probably 4 1/2 stories high above those properties, will take away the privacy of the owners of both on street properties.

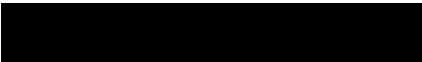
8) Although there is parking presented on the site plan, I will not address at this time however, my only comment would be, how does this plan fit into "Envision St. John's Municipal Plan" for future traffic and transportation systems that are addressed in future sustainable plans such as LEED Programs.

9) Finally, the presentation for development has some details missing from the site plan, civil drawings. As well, the conceptual drawings presented for the new building apartment development are lacking any sense of sustainability as it relates to the adjacent properties. There is not even any floor plans or cross-sections of the apartment buildings presented here today, although I assume that floor plans would have been developed in order to show the elevations that are presented. The "Envision St. John's Municipal Plan" is more than about densification of housing units, squeezing in as many units as possible. The Envision Plan relates more to how a community can live together in a sustainable peaceful way with all the sustainable components considered not just housing unit density.

In summary, based upon the information provided and the analysis indicated we request the following adjustments to the development plan:

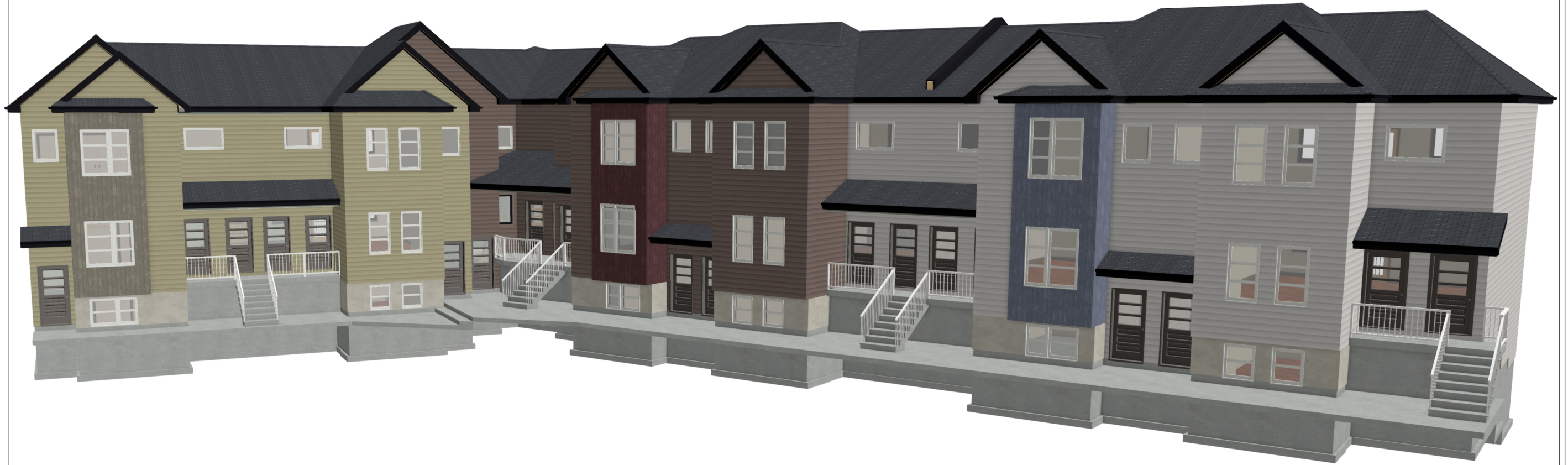
- 1) The set back of the apartments be 12 meters from the development property line to adjacent quadplexes.
- 2) The height of the apartment buildings be 9 meters at back of the apartment building in line with the eave height of units on Beaumont Street for those backing on Beaumont Street and progressively raised as Bennett Avenue elevation increases from East to West.
- 3) An analysis be carried out on the impact of rain and western / North western snows and melting of stored snow on adjacent properties especially those below the elevation of the apartment buildings especially Beaumont Street quadplexes.

Regards,



Enclosed are Drawings:
Preliminary Site Layout – 50 Bennett Avenue
Emerald Meadows, 20 Unit Building. Elevation
20 Unit 2.5 Story, Perspective View Front

20 Unit 2.5 Story, Perspective View Back



Plans show intended layout, dimensions and general appearance. Actual construction details may vary. To ensure that specific details are incorporated a written request must be agreed to.

Use of these plans without the permission of GDL Homes Ltd. is a copyright infringement

**PERSPECTIVE
VIEW**

SITE: **20 unit 2.5 storey**

DATE:
9/22/2023

SCALE:

**GDL HOMES LTD.
33 PIPPY PL.
ST. JOHN'S NL.
A1B 3X2**



Plans show intended layout, dimensions and general appearance. Actual construction details may vary. To ensure that specific details are incorporated a written request must be agreed to.

Use of these plans without the permission of GDL Homes Ltd. is a copyright infringement

SITE: **20 unit 2.5 storey**

DATE:
9/22/2023

SCALE:

GDL HOMES LTD.
33 PIPPY PL.
ST. JOHN'S NL.
A1B 3X2



GDL HOMES LTD.
33 PIPPY PL.
ST. JOHN'S, NL.
A1B 3X2

SCALE:

4/16/2024

DATE:

SITE:

Emerald Meadows

20 unit Building

Use of these plans without the
permission of GDL Homes Ltd. is a
copyright infringement

Plans show intended layout, dimensions and
general appearance. Actual construction details
may vary. To ensure that specific details are
incorporated a written request must be agreed to.

APARTMENT 1 (A1) REGULATIONS
APARTMENT BUILDING

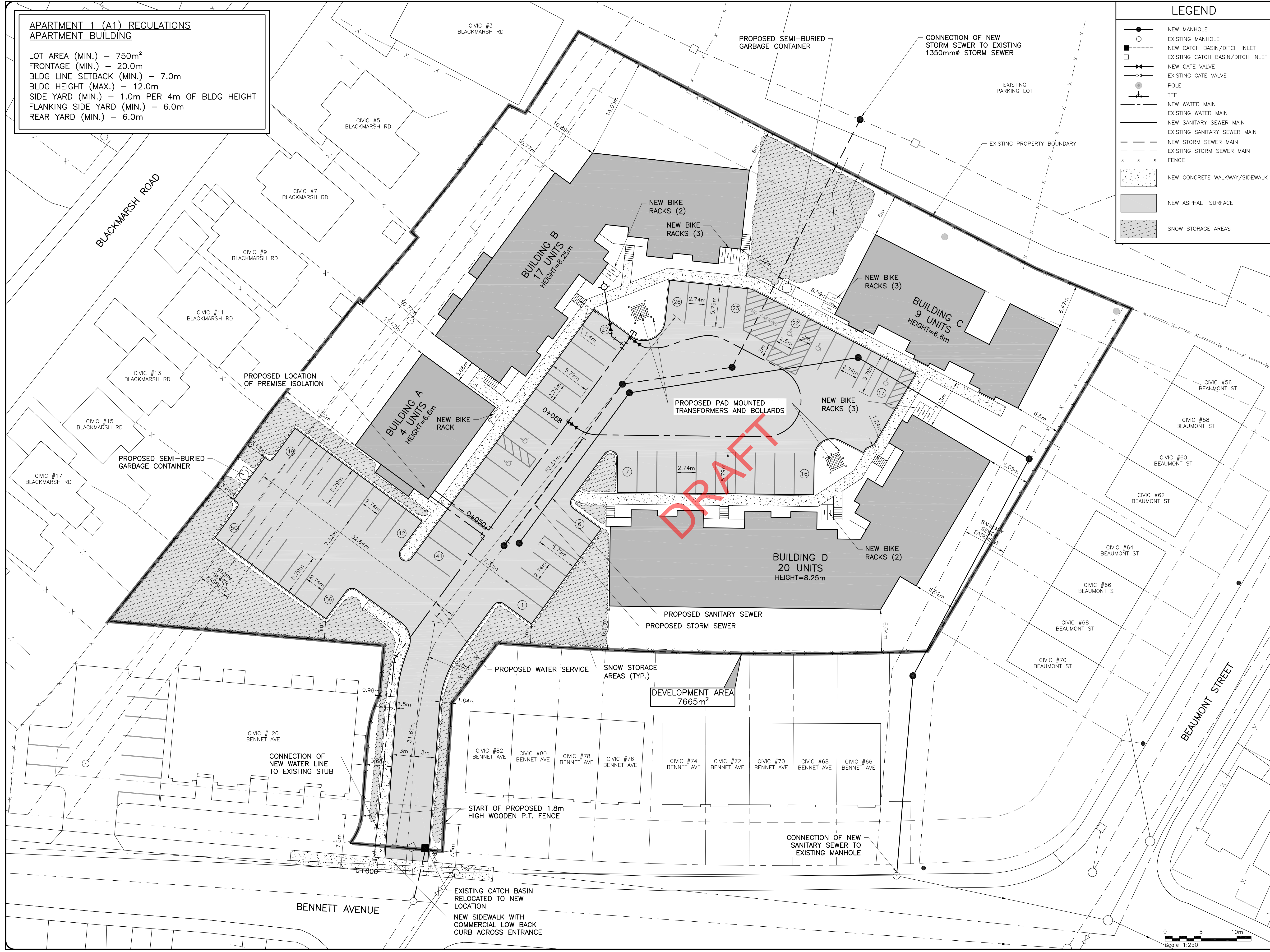
LOT AREA (MIN.) – 750m²
 FRONTAGE (MIN.) – 20.0m
 BLDG LINE SETBACK (MIN.) – 7.0m
 BLDG HEIGHT (MAX.) – 12.0m
 SIDE YARD (MIN.) – 1.0m PER 4m OF BLDG HEIGHT
 FLANKING SIDE YARD (MIN.) – 6.0m
 REAR YARD (MIN.) – 6.0m

LEGEND

- NEW MANHOLE
- EXISTING MANHOLE
- NEW CATCH BASIN/DITCH INLET
- EXISTING CATCH BASIN/DITCH INLET
- ⊕ NEW GATE VALVE
- ⊖ EXISTING GATE VALVE
- POLE
- ⊕ TEE
- NEW WATER MAIN
- - - EXISTING WATER MAIN
- NEW SANITARY SEWER MAIN
- - - EXISTING SANITARY SEWER MAIN
- NEW STORM SEWER MAIN
- - - EXISTING STORM SEWER MAIN
- - - - - FENCE
- ▨ NEW CONCRETE WALKWAY/SIDEWALK
- NEW ASPHALT SURFACE
- ▨ SNOW STORAGE AREAS

NOTES:

D	REVISED FOR CLIENT REVIEW	DJM	04/16/24
C	REVISED FOR CLIENT REVIEW	DJM	02/20/24
B	REVISED FOR CLIENT REVIEW	DJM	02/19/24
A	ISSUED FOR CLIENT REVIEW	DJM	10/20/23
No.	REVISIONS	BY	DATE



REFERENCE:

A - PLAN, SECTION, ELEVATION, OR DETAIL No.
 B - No. OF DRAWING WHERE ABOVE IS DRAWN

STAMP:

PERMIT STAMP:

DYNAMIC
 ENGINEERING LTD.

Civil • Management • Consulting

62 CAMPBELL AVENUE TEL: (709) 368-1669
 ST. JOHN'S, NL FAX: (709) 368-0318
 A1E 2Z6 info@DynamicEngineering.ca

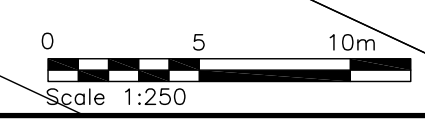
PRELIMINARY ONLY
NOT FOR CONSTRUCTION

CLIENT:
JSM PROPERTIES INC.

PROJECT TITLE:
50 BENNETT AVENUE

DRAWING TITLE:
PRELIMINARY SITE LAYOUT

DRAWN/DESIGNED BY:	JLC	DATE:	OCT. 2023
APPROVED BY:	DJM	SCALE:	AS SHOWN
PROJECT No.:	23235	DRAWING No.:	PR1
		REV.:	D



From: [REDACTED]
To: [CityClerk](#)
Cc: [Ken O'Brien](#); [Ann-Marie Cashin](#)
Subject: 50 Bennett Avenue Application - Opposition to A1 Rezoning
Date: Sunday, September 15, 2024 10:45:08 AM
Attachments: [Letter-toComissionerWhite-50BennetAve-20240915.pdf](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

Greetings,

Please find remarks for inclusion in the Commissioner's consideration of the above-noted application in the attached letter.

Kind regards,

[REDACTED]

September 15, 2024

To: Commissioner M. White
c/o Planning St. John's
PO Box 908, St. John's, NL, A1C 5M2.
cityclerk@stjohns.ca

Re: **50 Bennett Avenue - Opposition to A1 Rezoning and Support for Moderate R2 Rezoning**

Dear Commissioner White,

I am following up on the September 11th hearing concerning the proposed rezoning of 50 Bennett Avenue from the Institutional (INST) Zone to the Apartment 1 (A1) Zone. After careful consideration, I wish to reaffirm my support for moderate rezoning while opposing the proposed A1 zoning. Below, I have outlined key points in light of the St. John's Municipal Plan's vision for sustainable development. In doing so, I am advocating for a balanced, community-focused approach to development. I suggest that, at this design stage, approval for R2 zoning would be the more prudent and judicial course.

Community vs. Commercial Interests

While I understand the need for residential rezoning, the A1 proposal emphasizes high-density development, which risks prioritizing commercial interests over community needs. Drastic densification can strain local infrastructure, including stormwater management, and already limited access to parking and other essential community resources such as medical care in our city. In contradiction with the city's vision for sustainable development, tall buildings proposed to accommodate density also means minimal setbacks on Beaumont St. Given the limited details in the application and the applicant's lack of thorough consultation at this stage I am concerned that fiscal motivations, driven by long-term rental income, are being prioritized over housing accessibility, project longevity, and community well-being. Whereas A1 zoning poses a risk of significant, far-reaching effects on the current community and future residents, R2 density would suit the neighbourhood's existing low-rise character and ensure the project remains in touch with human and social needs.

Neighbourhood Sustainability

In advocating for R2 zoning, moderate growth is necessary to mitigate the adverse effects of gentrification arriving from sudden, high-density development. A more balanced approach would better align with the existing neighbourhood character and address the legitimate concerns of community members related to the following:

- Loss of privacy due to the construction of tall structures.
- Obstruction of natural sunlight, which affects horticulture.
- A potential decline in property values in surrounding areas.
- Unequal distribution of setbacks, affecting property rights.
- Hardscape runoff, easement access, and water management issues.
- Increased parking demand, especially during winter months.

The city's plan emphasizes sustainable urban design, yet the current proposal for 50 Bennett Ave. does not adequately incorporate key sustainability measures that would demonstrate thoughtful integration with the surrounding areas. R2 zoning would accommodate density and allow for green space development, which aligns more closely with the municipality's sustainability goals.

Environmental Stewardship Concerns

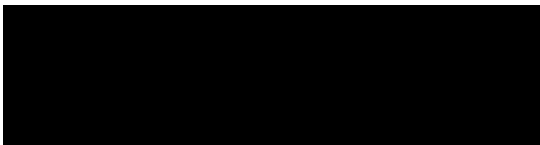
In its current state, the proposal conflicts with environmental stewardship goals, particularly regarding stormwater management. The proposed 6-meter setback is insufficient to provide the green space needed to mitigate the effects of hardscaping. Minimal setbacks and storm sewer encroachment on adjacent properties increase the risk of flooding and undermine efforts to protect natural water systems. The additional hardscapes will further reduce the land's capacity to absorb runoff, which could negatively affect neighbouring properties' ability to support horticulture and green spaces, directly contradicting the city's commitment to sustainability.

Suggested Resolutions

Before approving the A1 rezoning, developers must prioritize sustainable growth and community well-being through wider consultation among diverse and qualified professionals. Approval at this stage would signal privilege for commercial interests, whereas relocating the sanitary sewer and increasing the development's setbacks would help address many concerns by safeguarding homeowners' rights, enhancing privacy, and supporting the development of green spaces for generations to come. This approach would align more closely with the city's overall vision for sustainable development. Specifically, I recommend the following actions be taken into consideration by the developers when revising the current application:

1. **Adopt R2 zoning:** This would better align with the neighbourhood's low-rise character, reduce strain on local infrastructure, and prioritize sustainable growth for future generations over fiscal profitability.
2. **Relocate the sanitary sewer:** Position the easement within the development's boundaries to protect neighbouring properties and avoid encroachment issues.
3. **Increase setbacks:** Expanding setbacks would allow for the creation of green spaces, improve stormwater management, reduce flood risks, and maintain privacy for adjacent properties.
4. **Integrate green infrastructure:** Implement permeable surfaces, rain gardens, and bioswales to enhance natural stormwater absorption in alignment with the Municipal Plan's environmental goals.
5. **Increase hybrid zoning:** This would balance moderate density with the surrounding area's character, ensuring the sustainability of local infrastructure and fostering a community-centred approach.
6. **Improve community consultation:** Engage with residents and experts to address concerns related to privacy, setbacks, environmental impacts, and potential flooding due to hardscapes.

I urge you to consider these recommendations to ensure that the development at 50 Bennett Ave. supports sustainable growth, protects the community's interests, and aligns with the city's long-term vision.



cc: City of St. John's Department of Planning, Engineering & Regulatory Services

Ken O'Brien Chief Municipal Planner

kobrien@stjohns.ca

Ann-Marie Cashin Planner III — Engineering & Regulatory Services

acashin@stjohns.ca

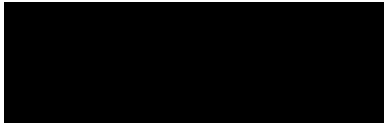
From: [REDACTED]
To:
Cc: [Ken O'Brien](#); [Ann-Marie Cashin](#); [Ophelia Ravencroft](#)
Subject: 50 Bennett Avenue - Opposition and Concerns to rezoning
Date: Sunday, September 15, 2024 3:23:37 PM
Attachments: [240915 Letter to Commissioner White.pdf](#)

Some people who received this message don't often get email from [REDACTED]m. [Learn why this is important](#)

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

Hello,

Please find attached my comments and concerns regarding the application for the rezoning of 50 Bennett Avenue.



Commissioner M. White
C/O Planning St. John's
PO Box 908, St. John's, NL, A1C 5M2
cityclerk@stjohns.ca

Dear Commissioner White,

I am writing to express my concerns and objections regarding the proposed rezoning of 50 Bennett Avenue from the INST zone to an A1 zone, following the September 11 hearing. As a resident [REDACTED] I believe this development will have significant and lasting effects on both the enjoyment and value of my home. While I understand the city's need to densify and recognize that this site has potential for residential development, there are considerable shortcomings in the current proposal that will negatively impact both existing and future residents in the neighborhood.

My main concerns are as follows:

- **Inadequate soft landscaping to manage runoff and provide natural absorption and cooling:**

The large structures, minimal setbacks, and extensive impermeable surfaces will worsen existing drainage issues. The limited space for planting trees and other vegetation will reduce biodiversity and increase cooling costs during the summer due to the lack of shade.

- **Loss of privacy and peaceful enjoyment of properties:**

The current site plan does not incorporate adequate natural or physical barriers to ensure privacy for both existing and new residents.

- **Inequitable setbacks and suboptimal use of available space:**

The proposed buildings and easements disproportionately impact residential properties along Bennett Avenue and Beaumont Street, while commercial areas on Blackmarsh Road and Campbell Avenue are spared the most significant effects.

Additionally, I must highlight concerns regarding the sanitary sewer easement that spans the developer's property and several lots on Beaumont Street and Bennett Avenue. These properties, both existing and under construction, will not benefit from this infrastructure, but will instead face hardship, uncertainty, and potential costs related to its installation and maintenance. I strongly believe that the city should ensure this infrastructure is placed entirely on the developer's property or under the roadways to avoid encroaching on the rights of other property owners.

Given these concerns, I urge the city to:

- Require the developer to increase setbacks to allow for greater privacy and space for greenery.
- Ensure that all sewer and electrical infrastructure is located within the developer's property boundaries.
- Consider the strong objections from the community, many of whom are dissatisfied with the current proposal.
- Deny the A1 zoning request and limit the rezoning to R2.
- Be transparent with residents regarding why the development has shifted from smaller buildings to the current, larger proposal.

Thank you for your attention to these matters. I hope the city will take the necessary steps to minimize the negative impact on existing residents.

Kind regards,

