

DECISION/DIRECTION NOTE

Title: 34 New Cove Road – MPA2300005 - Approval

Date Prepared: March 18, 2025

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning

Ward: Ward 4

Decision/Direction Required:

A commissioner’s public hearing was held for Envision St. John’s Municipal Plan Amendment Number 16, 2024, and Envision St. John’s Development Regulations Amendment Number 48, 2024, regarding an Apartment Building at 34 New Cove Road. Council may now proceed with the final steps in the amendment process.

Discussion – Background and Current Status:

The City has received an application from KMK Capital Inc. to rezone 34 New Cove Road from the Institutional (INST) Zone to the Apartment 3 (A3) Zone to enable the development of a 10-storey Apartment Building. The existing building would be removed. An Apartment Building is a permitted use in the A3 Zone. A Municipal Plan amendment is required to redesignate the property to the Residential District from the Institutional District.

The applicant has also asked Council to amend the Development Regulations so that the proposed building can proceed without a building setback. Text amendments to sections 4.9 and 7.1.4 of the Development Regulations are required to enable an exemption.

The applicant is seeking parking relief. The Development Regulations require 117 parking spaces, and the applicant has asked to provide 111 spaces and be relieved of the remaining six (6) spaces.

Separate from this application, but prompted by it, City staff identified discrepancies in the extent of the Institutional (INST) Zone boundary. It extends northward onto residential property at Chalker Place owned by NL Housing, and also onto a portion of the house at 22 McNaughton Drive. These properties should rightly be zoned Residential 2 (R2), same as the surrounding properties, as they were never part of the former YM/YWCA and Max properties. The Chief Municipal Planner can interpret the zone lines under the authority of Section 10.3 “Interpretation of Zone Boundaries” of the Development Regulations. Corresponding changes will be made to the future land-use map of the Municipal Plan. These changes will be made, no matter what the outcome of the present application is, as they will correct an existing situation.



Additional information on the proposed development at 34 New Cove Road is contained in the attached amendment.

Commissioner's Report

Council appointed Clifford Johnston, MCIP, as the independent commissioner for the public hearing held on February 12, 2025. There were approximately forty-five (45) people in attendance, including in-person and online. Following the hearing, Commissioner Johnston submitted his report dated March 6, 2025, which is attached for Council's consideration.

The commissioner's report summarizes and analyzes the public concerns raised at the hearing. There were three (3) main concerns: vehicle traffic, on-site parking, and building size and setback.

1) Vehicle Traffic

The public comments expressed concern about an increase in traffic and congestion if the proposed apartment building were to proceed. The applicant was required to prepare a traffic memo as part of their land use report. Using the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*, the applicants determined that the number of morning (AM) and evening (PM) peak trips would decrease with the proposed building. Since the traffic counts would decrease and generate less than 100 vehicle trips during peak hours, our Transportation Engineering staff determined that no further analysis was required.

2) On-Site Parking

The applicant is seeking parking relief of six (6) spaces. The public expressed concerns that over 50% of the units in the proposed building will be two-bedroom units, resulting in many of them needing two parking spaces. The neighbours are concerned that spill-over parking will result, because residents of the new building will not have a parking space provided.

The proposed development needs 117 parking spaces, and the applicant has asked to provide only 111. In Section 8.12 of the Development Regulations, where an applicant wishes to provide a different number of spaces than required, Council requires a parking report to examine such things as parking generation rates, available parking in the area, and effects on traffic and local parking. Section H of the land use report provides this information.

City staff were satisfied with the parking proposal due to the proximity to public transit routes, the bicycle parking proposed on site, the availability of nearby amenities (such as stores and parks) within walking distance, and the lack of permitted on-street parking on McNaughton Drive, Kenna's Hill, and the north side of New Cove Road. Staff recommend that Council grant parking relief for six (6) spaces.

3) Building Size and Setback

Section 7.1.4 of the Development Regulations requires tall buildings to step back. A building on a lot that is in or abuts a residential zone (like this lot) that is taller than 12 metres must step back the higher storeys where the building abuts the side or rear lot lines. Note that, in this case, a setback is not required facing Kenna's Hill. For 34 New Cove Road, the proposed apartment building is 32.3 metres high. The applicant is requesting that Council relieve the

requirement of Section 7.1.4 so that the building does not have to be stepped back at the higher storeys. For Council to have the authority to grant relief of Section 7.1.4, a text amendment to the Development Regulations is required.

Public concern was raised in person and in writing about the scale of the proposed apartment building in relation to its surroundings. While some people supported the redevelopment of the site, others were concerned that the building was too large and out of scale with adjacent buildings. The commissioner reviewed the Envision St. John's Municipal Plan, Section 4.4 "Good Neighbours: Reducing Land Use Conflict" and Section 8.4 "Residential District" policies. The commissioner's report recognizes that Council determined "it is important to consider how proposed new developments may affect nearby properties in established neighbourhoods and to consider measures for the protection of established neighbourhoods."

The commissioner acknowledges the shadow study in the land use report shows little difference between a building with a stepback and without one. However, he notes on page 14 of his report that the building stepback "would still have advantageous effects of limiting the effects of a 10-storey building being constructed near low-rise homes with regard to privacy, wind generation, amount of precipitation falling onto adjoining properties and the overall massing of the proposed apartment building." These comments are in line with staff's original discussion of why building stepbacks are a useful tool, intended to reduce conflict when a tall building is proposed in a residential neighbourhood.

The commissioner provided nine (9) recommendations, summarized as follows:

1. *That an appropriate public notification process for the public hearing held on February 12, 2025 has been carried out by the City.*
2. *The proposed redesignation / rezoning of 34 New Cove Road to allow the construction of a 10-storey apartment building, is in accordance with several planning objectives and policies of the Envision St. John's Municipal Plan.*
3. *The proposed new Municipal Plan designation of Residential and the proposed new zone of Apartment 3 (A3) for the entirety of 34 New Cove Road is appropriate for the subject site.*
4. *If Council decides to approve the rezoning of 34 New Cove Road and should the application to construct a 10-storey apartment building on the site proceed, that Council should require the future redevelopment of the property adhere to the current requirements of Section 7.1.4 Building Stepback of the Envision St. John's Development Regulations.*
5. *It is recommended the St. John's Municipal Plan Amendment Number 16, 2024, as adopted, be approved by Council.*
6. *It is recommended the portion of the St. John's Development Regulations Amendment Number 48, 2024 to rezone 34 New Cove Road from the Institutional (INST) Zone to the Apartment 3 (A3) Zone, as adopted, be approved by Council.*
7. *It is recommended the portion of the St. John's Development Regulations Amendment Number 48, 2024, which amends the text in Section 4.9 and in Section 7.1.4 of the Development Regulations, as adopted, be approved by Council.*
8. *Notwithstanding Recommendation 7, should Council approve the amendment, it is recommended that the proposed development of a 10-storey apartment building at 34*

New Cove Road not project above a 45 degree angle as measured from the Rear and Side Yard Lot Lines at a height of 12 metres.

- 9. There are no concerns with the applicant's request for parking relief of six (6) vehicle parking spaces for the proposed apartment building.*

Staff agree with the commissioner's recommendations, except for #4 where he recommends that Council not allow the exemption from a building setback at 34 New Cove Road. While staff agree with his recommendation of a text amendment to enable Council to exempt tall buildings from the setback requirement in certain circumstances, the decision to exempt 34 New Cove Road rests with Council.

Should Council not exempt the building from a setback, the land use report will require revisions to ensure compliance with Section 7.1.4 "Building Setback".

Land Use Report

The land use report is attached for Council's review. The land use report will form part of the applicant's development approval. Should the proposal change during development approval, details will be brought back to Council for review.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Is this a New Plan or Strategy: No
4. 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.

5. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
6. Accessibility and Inclusion: Not applicable at this stage. Accessibility will be evaluated at the development and building permit stages.
7. Legal or Policy Implications: Map amendments to the Envision St. John's Municipal Plan and Development Regulations (redesignation and rezoning) are required, in addition to text changes to the Development Regulations.

8. Privacy Implications: Not applicable.
9. Engagement and Communications Considerations: Engagement was carried out in accordance with the Development Regulations.
10. Human Resource Implications: Not applicable.
11. Procurement Implications: Not applicable.
12. Information Technology Implications: Not applicable.
13. Other Implications: Not applicable.

Recommendation:

That Council:

- 1) *Approve the attached resolutions for St. John's Municipal Plan Amendment Number 16, 2024 and St. John's Development Regulations Amendment Number 48, 2024, as adopted, regarding an Apartment Building at 34 New Cove Road;*
- 2) *Approve parking relief of 6 parking spaces; and*
- 3) *Decide whether to exempt 34 New Cove Road from the building setback requirement, or else require that the land use report be revised to provide it.*

Prepared by: Ken O'Brien, MCIP, Chief Municipal Planner

**Approved by: Jason Sinyard, P.Eng., MBA, Deputy City Manager – Planning,
Engineering and Regulatory Services**

Report Approval Details

Document Title:	34 New Cove Road - MPA2300005 - Approval.docx
Attachments:	<ul style="list-style-type: none">- 34 New Cove Road - Aerial1.pdf- Site Concept Plan - Updated - February 7, 2025.pdf- 34 New Cove Road - Commissioner's Report - March 6, 2025.pdf- MPA 16, 2024 and DRA 48, 2024.pdf- Survey - 34 New Cove Road.pdf
Final Approval Date:	Mar 20, 2025

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

Ken O'Brien - Mar 19, 2025 - 5:43 PM

Jason Sinyard - Mar 20, 2025 - 12:19 PM