

**COMMISSIONER'S REPORT ON THE
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT No.153, 2020**

and

**ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT No. 700, 2020**

Prepared by:

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Commissioner**

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1.0 INTRODUCTION

At the Regular Meeting of the St. John’s Municipal Council (“Council”) held on December 2, 2019, I was appointed as the Commissioner to conduct a public hearing and prepare a report with recommendations with respect to proposed amendments to both the St. John’s Municipal Plan (*Amendment Number 153, 2020*) and the St. John’s Development Regulations (*Amendment Number 700, 2020*). The intent of these amendments is as follows:

St. John’s Municipal Plan (*Amendment Number 153, 2020*)

Redesignate land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Residential Low Density (RLD) Land Use District to the Commercial General (CG) Land Use District

St. John’s Development Regulations (*Amendment Number 700, 2020*)

Rezone land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone

This redesignation and rezoning of 75 Airport Heights Drive is in response to an application submitted by DRMM Enterprises to allow for a Lounge and Eating Establishment use, specifically a pub and eatery.

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.

This public hearing was scheduled for 7 p.m. on Thursday, January 16, 2020 at St. John’s City Hall. Prior to this date, and as required by legislation, the hearing was advertised in the December 14 and 21, 2019 and January 4 and 11, 2010 editions of The Telegram. Additionally,

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.

the amendments were publicized on the City of St. John’s website (<http://www.stjohns.ca/public-notice/public-hearing-75-airport-heights-drive>). Notices also were mailed out in mid-December, as required, to all property owners within a minimum radius of 150 metres of the subject properties. This notice provided a site plan and advised of the date, time, location and purpose of the upcoming public hearing.

The public hearing was convened on Thursday, January 16, 2020 at 7 p.m. in the Foran/Greene Room of St. John’s City Hall. There were 15 interested persons in attendance, including some representatives of the applicant and a few city residents. Assistance at the meeting was provided to Your Commissioner by the following City staff: Ann-Marie Cashin, MCIP - Planner III, Urban Design & Heritage, Planning, Engineering and Regulatory Services.

Prior to this hearing, 12 written submissions were received. These submissions are referenced in this Report under the section “Written Submissions Received in Advance of the Hearing” (see section 3.0) and the full text of each submission is found in Appendix “A”.

No formal/taped transcript of the public hearing was made, and the notes made by Your Commissioner constitute the record of the hearing. All those requesting the opportunity to speak were accorded that right.

1.1 The issue

The issue for Your Commissioner and the topic for the hearing was whether or not the following two amendments should be approved. In general, the intent of the amendments is:

- **St. John’s Municipal Plan (*Amendment Number 153, 2020*)** – the intent of which is to redesignate land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Residential Low Density (RLD) Land Use District to the Commercial General (CG) Land Use District
- **St. John’s Development Regulations (*Amendment Number 700, 2020*)** – the intent of which is to rezone land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone

2.0 BACKGROUND

2.1 The application

The process leading to the hearing on the proposed amendments was triggered by an application from DRMM Enterprises to rezone land at 75 Airport Heights Drive to allow for both a Lounge and Eating Establishment Use. The existing building at 75 Airport Heights Drive was built as a Daycare Centre and, at the request of the same applicant, was rezoned in June 2018 to the

Commercial Local (CL) Zone to accommodate commercial uses such as an office, take-out or hair salon. Of note, during the public consultation for this initial rezoning in June 2018, there were concerns raised by residents regarding the change to a commercial zone. It was felt that a commercial zone would increase traffic and create a precedent for more requests for commercial uses.

The properties surrounding 75 Airport Heights Drive are zoned Residential Low Density (R1). Additionally, a majority of the properties are residential dwellings apart from two vacant lots adjacent to the property on the western side.

The same applicant, who applied for the 2018 rezoning, is now asking to rezone the land to Commercial Neighbourhood (CN) for a pub and eatery.

2.2 The review processes

The following provides an overview of the relevant correspondence and activity related to the processing of the application from DRMM.

July 17, 2019 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the Committee of the Whole

This correspondence to the Committee of the Whole outlined the application for a pub and eatery at 75 Airport Heights Drive. In addition, the correspondence detailed the required zoning changes, as well as planning and other considerations relative to this proposal.

Planning and zoning considerations

The subject property is currently zoned Commercial Local (CL) which does not allow a Lounge or Eating Establishment use. The applicant has requested to rezone the property to Commercial Neighbourhood (CN) in which a Lounge and Eating Establishment are discretionary uses. This Zone also allows a wider array of permitted and discretionary commercial uses than does the Commercial Local (CL) Zone

The property is designated Residential Low Density (RLD) under the City of St. John's Municipal Plan, which applies to those areas characterized by a predominance of single detached dwellings. The current Commercial Local (CL) Zone is permitted under this District however, a rezoning to the Commercial Neighbourhood (CN) Zone would require a Municipal Plan amendment to redesignate to the Commercial General (CG) District.

It was stated that once the property is rezoned, other Commercial Neighborhood uses may be permitted.

Overall considerations and/or implications for the City

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

- *Partners or Other Stakeholders*: Neighboring residents and property owners
- *Alignment with Strategic Directions/Adopted Plans: A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live
- *Legal or Policy Implications*: An amendment to the St. John’s Municipal Plan and Development Regulations is required
- *Engagement and Communications Considerations*: Advertisement of the proposed amendment

There were no budget/financial, privacy, human resource, procurement or information technology implications.

There were no development or engineering concerns with the proposed amendment. The use would require 17 parking spaces and the applicants had proposed 10, seeking parking relief for seven spaces, because the property is within walking distance to the adjacent residential neighborhood. Further, it was identified that there is on-street parking on the opposite side of the street from 40 Airport Heights Drive to Canso Place.

Recommendations

It was recommended that Council consider the amendments to the St. John’s Municipal Plan and Development Regulations at 75 Airport Heights Drive to rezone land from the Commercial Local (CL) Zone to Commercial Neighbourhood (CN) Zone and that the application be advertised for public review and comment. Following the public consultation, the application would be referred to a regular meeting of Council for consideration of adoption.

August 20, 2019 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the City of St. John’s Mayor and Council

This correspondence once again outlined the background to the application, the necessary amendments to enable rezoning to facilitate the application, relevant implications (e.g., considerations around engagement and communications) and the recently undertaken public notification process (above).

Additional information was provided about the application, including:

Proposed hours of operation: 11a.m. to midnight on weekdays; 11a.m. to 1a.m. on weekends. The intent is to operate a family friendly restaurant during the evening, with children allowed

until 9p.m. (As a liquor license cannot be issued until the development approval stage, the Newfoundland and Labrador Liquor Corporation (NLC) may impose additional conditions.)

Noise considerations: the applicant noted that bands would not be permitted, and musicians would be limited to acoustic solos on weekends only.

Adjacency to residential properties: The applicants have proposed a 1.8m fence surrounding the subject property.

It was stated that, following the advertisement of the application for public review and comment, the City received a mixed reaction (support and concerns) from the residents respecting the proposed restaurant and lounge. Objections for the development included concerns regarding increased number of cars parked on the street, increased noise, a decrease in property values, increased vandalism and litter/rodents.

Further, it was noted that other concerns raised are addressed through provincial and federal legislation – drinking and driving and video lottery terminals (VLTs). Similarly, the City would not regulate the entertainment, although the property would be subject to the City’s Noise By-Law.

In conclusion, the recommendation was that Council adopt-in-principle the resolutions for the amendments: St. John’s Municipal Plan Amendment 153, 2020 and St. John’s Development Regulations Amendment 700, 2020. A map amendment to the Municipal Plan is also required to re-designate the property from the Residential Low Density (RLD) District to the Commercial General (CG) District. As well, this would rezone 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone, to allow consideration of a Lounge and Eating Establishment.

It was further explained that, if the amendments are adopted-in-principle by Council, they will be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the amendments will be referred back to a future regular meeting of Council for consideration of adoption and the appointment of a commissioner to conduct a public hearing, as required by the Urban and Rural Planning Act.

City of St. John’s Council Meeting – September 3, 2019

In consideration of the submissions from area residents related to the application for 75 Airport Heights Drive, Council deferred a decision on the rezoning to allow for a public meeting.

Public Meeting – September 26, 2019

About 70 people attended a public meeting held to discuss the application for 75 Airport Heights Drive. In advance of this meeting, there were over 70 submissions, with just over half being in support. The few people who did provide reasons for their support noted this would be a good addition to the neighbourhood, as a social opportunity and/or a gathering place, it could provide job opportunities for those in the area, and would not add appreciably to the traffic in the area. Almost all of those who were opposed provided reason for their position, similar in nature to those described previously. These included increased traffic in an area which already has a high volume and, in particular, in the context of the local school and students' safety, exacerbation of parking issues in the neighbourhood, the impact it will have on the quality of life of the immediate adjacent neighbours with, for example, increased noise, patrons coming and going later into the night, and the potential for drunken behavior/drunk driving, and impacts on property values.

There was a similar polarization of opinions expressed at the public meeting. While many expressed interest in having a gathering place, those opposed did not see a pub and lounge as the response to this need.

Subsequent to the meeting, the applicant provided additional information re how they would mitigate some of the concerns raised:

- Parking:* Given that this development is being put forth as a walk-to establishment for the residents of Airport Heights, it was felt that there is sufficient parking on-site for the staff and the few that will actually drive. Also, there is on-street parking along Airport Heights Drive that can accommodate extra parking in the event of unforeseen parking constraints from special events. These parking spaces do not impede any residents in the area.

- Property Values:* they consulted with a number of real estate agents and the consensus was that property values would not be affected from a small neighborhood pub. Granted the preferences of some buyers may shift such that some may not wish to purchase next to an eating establishment, and some may seek to buy property near an eating establishment.

- Garbage and Rodents:* They will be using an enclosed steel garbage bin supplied by GFL, stored on the north corner behind a wooden gate, and it will be emptied on a weekly basis by GFL.

- Noise:* They do not anticipate any activities inside the pub to create any noise that will be heard outside the exterior walls. But as an extra precaution, they will install noise-reducing Gyproc on the rear exterior wall. It should be noted this is not a

night club and, at best, will have background music only, with the odd evening having a solo act.

- *Smoking*: they will designate a smoke area to the north corner towards the vacant lot to eliminate any disruption to the neighbors. There will be a cigarette disposal bin placed at this location and will be emptied on a daily basis.

- *VLT*: they have not had any discussions on VLTs in this pub. They stated they are willing to discuss any concerns, but noted they are focused on the rezoning right now and the eatery is their main concern for a revenue generator.

October 16, 2019 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the City of St. John’s Mayor and Council

This correspondence once again outlined the background to the application, the necessary amendments to enable rezoning to facilitate the application, relevant implications (e.g., considerations around engagement and communications), the applicant’s proposed operating hours and related activities, and the provincial and federal regulatory roles (as opposed to the City’s) on issues such as drinking and driving. One additional implication noted was the consideration of parking relief of seven spaces.

The correspondence reviewed the mixed reactions from those who provided submissions in advance of and/or who attended the September 26, 2019 Public Meeting and overviewed concerns therein (previously outlined).

New information included the applicant’s response to the concerns (overviewed previously) which was attached to this correspondence. As well, staff reported that one message from the Public Meeting was the need and desire from residents to have a gathering space within the Airport Heights neighbourhood; however, some suggested that a restaurant, café or library would be more appropriate than a lounge.

Given the neighbourhood interest for a gathering place, the Commercial Neighbourhood (CN) Zone was stated to be appropriate for the 75 Airport Heights Drive property, as it allows many uses which would be considered amenable to the neighbourhood. It was recommended that the Mayor and Council adopt-in-principle the Municipal Plan amendment and the rezoning to Commercial Neighbourhood (CN) at 75 Airport Heights Drive. It was highlighted that, as an Eating Establishment and Lounge are discretionary uses within this Zone, the uses would be advertised with the public hearing notice, should this amendment proceed.

If adopted in-principle, the amendments were to be sent to the Department of Municipal Affairs and Environment with a request for provincial release, following which the amendments would be referred back to Council for consideration of adoption and moving on to a public hearing chaired by an appointed Commissioner.

October 22, 2019 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to Kim Blanchard, MCIP, Department of Municipal Affairs and Environment

This correspondence provides an overview of the application process for 75 Airport Heights Drive and subsequent analysis of the application by the City of St. John's, as well as the related amendments to move the application forward. It requested a Provincial review and release for Municipal Plan Amendment Number 153, 2020 and St. John's Development Regulations Amendment Number 700, 2020.

November 22, 2019 – Correspondence from Kim Blanchard, Senior Planner, Local Governance and Land Use Planning Division, Department of Municipal Affairs and Environment, to Ann-Marie Cashin, Planner III, Planning, Engineering and Regulatory Services

This correspondence detailed that the Minister had reviewed and released the following amendments related to 75 Airport Height Drive to accommodate a Lounge and Eating Establishment: Municipal Plan Amendment 153 and Development Regulations Amendment 700, 2019.

This correspondence further noted that Council could now consider the documents for adoption and to schedule a public hearing.

November 26, 2019 – Correspondence from Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services, to the City of St. John's Mayor and Council

This correspondence once again outlined the background to the application, the necessary amendments to enable rezoning to facilitate the application, relevant implications (e.g., considerations around engagement and communications), the mixed reviews from residents in the Airport Heights neighbourhood to the application under consideration, (arising from submissions and the September 26, 2019 Public Meeting), and efforts the applicant said would be made to address some of the concerns.

Further, this correspondence informed the Mayor and Council that Provincial release had been issued for the St. John's Municipal Plan Amendment Number 153, 2020 and St. John's Development Regulations Amendment Number 700, 2020. As such, it was recommended that Council could proceed with the next steps in the process to adopt the resolutions for the

municipal amendments, appoint Your Commissioner, and proceed with the public hearing. It also was recommended that Council advertise the Lounge and Eating Establishment as a Discretionary Use on the public hearing notices.

3.0 Written submissions received in advance of the hearing

Twelve written submissions (emails) were received in advance of the hearing on the evening of January 16, 2020, all of which were opposed. Given there is much duplication in relation to the types of concerns, the following provides a synopsis of some of the main issues. As previously referenced, the full text of each submission is found in Appendix “A”.

- The location will have a direct impact on those immediately adjacent to the subject property, in particular those located directly behind (e.g., noise, smoking, smells, decreased property values.
- There is insufficient parking for the proposed use. This will directly impact those on adjoining streets, particularly Argus Place, which will likely contend with the overflow parking. This issue will be exacerbated in the winter, both for the on-site spaces which are being proposed and for surrounding streets which will be impacted by snow cover.
- Traffic in the area is already impacted by the school and will increase with the opening of the seniors’ residence. The proposed pub and eatery will further exacerbate the traffic in the neighbourhood and could result in more drinking and driving.
- If VLTs are on-site, the location could become a hang-out - day and night.
- Real estate/property values will drop in the area with the opening of a pub.
- This could worsen the rodent problem in the area, especially without adequate trash controls.
- The area in question is family-oriented and friendly. The use is incompatible with this environment.

4.0 The Hearing

Your Commissioner explained the intent of the hearing to those in attendance and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff and presentation by/questions from any in attendance who desired to express their support

or objections/concerns regarding the rezoning under consideration. Further, Your Commissioner reminded those in attendance at the hearing that the intent of the proceedings was to discuss the rezoning and not to comment on the merits or lack thereof of the specifics of the proposed development.

Your Commissioner explained to those in attendance what was within her purview to consider and requested that they be respectful in their comments during the hearing.

4.1 Overview of the Application

Ms. Ann-Marie Cashin, MCIP- Planner III, Urban Design and Heritage, Planning, Engineering and Regulatory Services presented the proposed amendments to the St. John's Municipal Plan and St. John's Development Regulations.

Ms. Cashin explained that the purpose of the public hearing was to consider a rezoning application for land at 73- 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone to allow for a Lounge and Eating Establishment, which are discretionary uses in the zone. The Commercial Neighbourhood (CN) Zone allows for more commercial uses than the existing Zone. Further, she noted that an amendment to the St. John's Municipal Plan also is required from the Residential Low Density (RLD) to the Commercial Neighbourhood (CN) District.

She provided the background to the application, noting that the existing structure had been built to accommodate a Daycare Centre. The current applicant requested a rezoning to the Commercial Local (CL) Zone in June 2018 and is now asking for the rezoning to Commercial Neighborhood (CN) to accommodate a pub and eatery. If the property is rezoned, the owners could apply for any use within that zone.

Ms. Cashin overviewed the applicant's proposed business hours and focus, as well as what they have intended to mitigate concerns that have been raised. She referenced that the applicant is seeking parking relief.

She finished by noting to those in attendance that following the hearing, Your Commissioner would prepare a report with recommendations for consideration by Council, who can accept or reject the recommendations. A decision on the Discretionary Use also will be made at that time.

Your Commissioner explained that 12 submissions had been received from city residents in the area of Airport Heights and in relation to the proposed rezoning. She provided a summary of the comments, as presented in section 3.0.

4.2 Presentation on behalf of the Applicant

Mr. David Brazil presented on behalf of the applicant. He stated that the impetus for the application and the concept of an eatery and pub were raised by some area residents, as an opportunity to provide a place for community and social engagement. The applicant sees this proposal as beneficial for the neighbourhood – re-using a vacant commercial building which could have many uses. They feel that providing a pub and eatery will benefit residents and workers and provide a family-friendly gathering place.

He acknowledged that the proposed use is a shift from the previous use, and there might be some apprehension in this regard. However, he referenced the multiple regulatory processes (provincial, municipal, health and safety) to which they would have to adhere should the development proceed.

He said they wanted to address the legitimate concerns – and felt that they had listened and hoped they had addressed these concerns. For example, he highlighted that there would be acoustic music, and this should offset noise concerns; a secure waste management company will be responsible for securing and disposing of waste; the back of the property would be secured, with a privacy fence erected, and only owners and operators would be able to access this area; and if they become aware of someone parked illegally, they would make a call to the City.

In conclusion, D. Brazil stated that, at the end of the day, their intent is to ensure the pub and eatery benefits the local area, while having minimal negative impact. He assured those in attendance that they would address any concerns within their purview.

4.3 Presentations by those in attendance

4.3.1 Concerns with the rezoning/the proposed pub and eatery

The following comments were provided by area residents who had concerns with the rezoning and/or pub and eatery

- This resident indicated they were not concerned about the pub, but rather the fact the City would allow this use with a 40% deficiency in parking. They noted that this would result in patrons parking on and blocking adjacent streets.

- This resident was concerned that the applicant is proposing a pub in the middle of residential properties and near a school with students walking to and from their houses. They referenced the increase in traffic and parking in the past when the building was used for a constituency office. They felt that just soundproofing the back of the building would not be sufficient, and that the use would negatively impact property values (noting that there are already houses in the area that

are not selling), increase the potential for drinking and driving and could result in VLTs in the area – which they felt would negatively impact its social fabric.

▪This resident said that that, given people cannot smoke within 15 ft of an entrance, they will move closer to adjacent properties, and this is a legitimate concern.

▪This resident stated they live directly behind the property. They reiterated a number of safety concerns related to the proximity of this proposed pub and eatery to the school and those walking to/from the school; the lack of parking for the use; and how the parking spots on the street are not available after midnight once the parking ban comes into effect. This resident also stressed that we are not living in a walking society – especially in the winter, safe walking is impossible. This resident felt that the City needs to have a serious look at the exemption to the parking and proximity to school. They felt that the proposed 1.8m fence will not provide the needed degree of privacy or sound-proofing due to the grading and how it will need to be constructed.

▪This resident stated they overlook the property. They do not feel a bar is an appropriate use in the middle of the subdivision. They will hear the noise from the bar every night from the back of their house, if the windows are open.

Several questions were raised by those in attendance who were not in support of the rezoning or pub and eatery:

How does the Noise By-Law apply?

Response from City Staff: The Noise By-Law is applicable between 11 p.m. to 7 a.m. in residential areas. The By-Law provides a list of what is not permitted.

Response from D. Brazil: In terms of noise and disruptions, he stated that residents are more protected with a business entity. As the owner of the establishment, you can have problematic patrons removed and banned. Further, there are a number of regulatory controls.

How will snow clearing be addressed?

Response from D. Brazil: If it is too much on the lot, it can be trucked away. He said they are trying to acquire the adjacent vacant lot.

How many customers would be expected and/or how many are needed for the operation to be viable?

Response from D. Brazil: They would expect 35 to 45 patrons during normal operations. However, he further explained that, as per a business plan, it is not the number of clients;

rather, it is the volume of what is sold so even 8 to 15 patrons is profitable for a small pub. The plan is to promote the pub as a local service.

They are aware of the parking concerns. They plan to mitigate the parking as much as possible, and they are investigating every avenue. He again mentioned the potential of purchasing the adjacent property for parking.

How will the 1.8m fence be placed on the property?

Response from D. Brazil: He noted that the fence will be built to the property line.

Response from City staff: The grade impacts the height of the fence.

4.3.2 No concerns with the rezoning/proposed pub and eatery

The following comments were provided by area residents who had no concerns with the rezoning and/or pub and eatery:

- This resident has been in the neighbourhood for many years. They felt that a deficit in the area is lack of amenities to a large degree and, so, they endorse the use. They highlighted that currently, the building is vacant, and the pub and eatery offers potential, in particular as it is within walking distance.
- This resident noted that driving down Airport Heights Drive in the morning and when the school lets out for the afternoon, there are cars parked on both sides of the road. They felt that, if residents are concerned they will have a parking issue on their street, there should be parking restrictions implemented and/or a parking permit system. They noted that selling alcohol should not be an issue – e.g., a local convenience store sells alcohol. This resident further stated that the Municipal Plan talks about livability for an area. They think the proponent is trying to encourage people to walk and that this type of development is not unique, referencing that some of the issues being raised in relation to 75 Airport Heights Drive also were raised for a microbrewery which has since opened in the downtown. This resident supported the use.
- This resident said that they do not understand what the concern is about people hanging around outside the building. They do not think this would be an issue – as it will be a respectable establishment.
- This resident also said that there is nothing in Airport Heights for socializing, and so the pub is an excellent idea. They felt that the concerns they are hearing are arising from the City and poor planning. They fully support the idea.

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 St. John's Municipal Plan

5.1.1 *Urban Form*

As stated in Section III-1 "Urban Form" of the St. John's Municipal Plan:

1.2.4 Mixed Use: The City shall encourage the mixture of land uses in all areas.

5.1.2 *Residential Land Uses*

The St. John's Municipal Plan speaks to residential land uses in Section III-2 'Residential':

[...] Residential Districts are areas that will be developed primarily for residential purposes. Within these Districts the functioning of the evolving residential environment will be protected from other residential or non-residential land use that may be determined to be incompatible. That being said, it is implicit in the Vision for the City of St. John's and in the foregoing objectives and policies pertaining to Urban Form that the City will encourage mixed land use and higher density development where it is opportune. Provisions are included to allow the development of neighbourhood-supportive commercial uses like convenience stores, day care centres, and parking areas.

III-2.2.1 Maintain and Improve Neighbourhood Character and Quality

The City views the neighbourhood as the basis for comprehensive planning of the residential environment. [...] Through public initiatives and appropriate development, the City shall encourage and guide the development of such areas so as to conserve and improve their individual quality.

III-2.2.5 Maintain and Improve Housing Quality and Variety

The City, through this Plan and appropriate zoning regulations, shall work toward:

1. protecting residential neighbourhoods from undesirable impacts of traffic and incompatible or non-residential uses [...]

5.1.3 *Commercial Land Uses*

The St. John's Municipal Plan speaks to commercial land uses in Section III-3 'Commercial':

[...] The role of the City is to ensure an adequate level of commercial services throughout St. John's by facilitating appropriate development in new areas, maintaining the viability of older areas, and minimizing the impact of commercial development on residential neighbourhoods and municipal services. [...]

The objective in relation to commercial land uses is found in Section III-3.1 'Objective':

To ensure an adequate supply of suitable land to accommodate a range of commercial activity throughout the City to meet the needs of residents and to offer opportunities for work and employment.

A number of general policies expand on this objective:

III-3.2 General Policies

Retail uses in Commercial areas directly serve residential areas [...]. It is, therefore, necessary and desirable to place commercial facilities close to developed residential neighbourhoods. [...]

III-3.2.2 Development Impacts

The City shall ensure adequate control of commercial developments to limit any detrimental effects that may result from such developments.

In terms of commercial land use district policies, it is detailed under section III-3.3 that:

Retail and personal service facilities are provided at levels pertaining to the area of the city that they serve. In establishing satisfactory service levels, this Plan recognizes and accommodates commercial development in the following Districts:

Commercial Neighbourhood

Retail and personal services for residential areas provided as convenience stores or in other uses and forms compatible with residential environments located in or near such areas. [...]

5.1.4 Redesignation of the subject property

The subject property at 75 Airport Heights Drive is located within the Residential Low Density (RLD) District. As of June 2018, this property was rezoned to Commercial Local (CL), which is permitted under this District.

To accommodate a pub and eatery on the subject property, a zoning change is required to Commercial Neighbourhood (CN). Rezoning to Commercial Neighbourhood (CN) would require a redesignation from the Residential Low Density (RLD) District, which does not allow this Zone, to the Commercial General (CG) District, which does allow this Zone.

5.2 The St. John's Development Regulations

5.2.1 Proposed zoning

Under the St. John's Development Regulations, the subject property at 75 Airport Heights Drive is currently zoned Commercial Local (CL). This Zone has a limited number of permitted and discretionary commercial uses, as respectively detailed in Sections 10.16.1 and 10.16.2 of the St. John's Development Regulations. This includes, for example, permitted commercial uses - a convenience store, library and office, and discretionary commercial uses – recycling depot and take-out.

To accommodate a pub and eatery on the subject property, it is proposed that subject property be rezoned to Commercial Neighbourhood (CN). This Zone has an expanded number of permitted and discretionary commercial uses as per Sections 10.17.1 and 10.17.2 of the St. John's Development Regulations respectively, including the commercial uses proposed by the applicant. This includes, for example, permitted commercial uses – a bank, retail store, vet clinic, dry-cleaners and laundromat; conditional commercial uses - car wash, eating establishment, lounge, take-out and service station.

Discretionary Use

As per Section 2 “Definitions” of the St. John's Development Regulations, a Discretionary Use is defined as follows:

Discretionary Use, as described in Section 5.8 of these Regulations, means a Use which may be permitted by Council to be established subject to special conditions or controls.

Section 5.8 of the St. John's Development Regulations sets out that:

Discretionary Uses may only be considered for approval where they are set out as Discretionary Uses in Section 10, subject to the requirements of these Regulations [...].

As stated above, Section 10.17.2 presents the Discretionary Uses in the Commercial Neighbourhood (CN) Zone including: 10.17.2.(e) Eating Establishment and 10.17.2(f) Lounge. Both of these uses are subject to Section 7.0 – Special Developments of the St. John's Development Regulations, which speaks to the discretionary powers of Council where these uses are proposed within 150m of a Residential Zone:

7.21 Lounges and Eating Establishments

[...]

(3) An application for a Lounge shall be processed as a Discretionary Use where a Lounge is proposed to be located with 150 metres of a Church, a School or a Residential Zone or an Apartment Zone.

[...]

(5) An application for an outdoor eating area associated with an Eating Establishment shall be a Discretionary Use where the Eating Establishment is located within 150 metres of a Residential Zone, an Apartment Zone, a Church or a School.

5.2.2 Zoning considerations

5.2.2.1 Parking and traffic

Traffic

The issue of increased traffic was raised in relation to this proposed rezoning and the subject property at 75 Airport Heights Road. The City's Traffic and Engineering Division has no concerns with the potential for increased traffic.

Parking

Off-street parking requirements are detailed in Section 9 of the St. John's Development Regulations. As per Section 9.1.1 General Parking Requirements, the requirement in relation to a restaurant or tavern is one parking space per 5m² of seating area (Section 9, pg. 5).

The proposed development requires 17 parking spaces; the applicant has indicated that there are ten spaces on the property. They are seeking parking relief of seven spaces. Their rationale is that the property is within walking distance to the adjacent residential neighbourhood, and there is on-street parking on the opposite side of Airport Heights Drive from 40 Airport Heights Drive to Canso Place. There were no concerns raised by the City's Traffic and Engineering Division with respect to the reduction of off-street parking spaces.

5.2.2.2 Non-residential developments adjacent to dwellings in a residential area

Several sections of the St. John's Development Regulations speak to mitigating potential impacts arising from a non-residential development adjacent to dwellings in a residential area.

7.4 Commercial Development Adjacent [to] Residential Areas

Where a commercial development adjoins a residential area:

[...]

(b) landscaping of the commercial properties shall Screen outdoor parking, shipping, and storage areas directly visible from adjacent Dwellings;

(c) snow piling areas shall be provided away from common Fences with residential properties and away from Streets;

(d) Parking Lots and motor vehicle circulation areas for Commercial Uses shall be situated to minimize the impact on adjoining residential properties.

8.5.1 Landscaped Area and Screens

A 3m landscaped area or a Screen at least 1.8m in height shall be provided where a Commercial, Industrial or Public Use adjoins a Residential Use.

6.0 CONCLUSION

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

6.1 Consistency with the St. John's Municipal Plan

Overall vision and approach

The vision for the city, as provided in the St. John's Municipal Plan, includes a focus on ensuring its residents have employment opportunities and access to supporting services. In addition, specific Municipal Plan policies speak to having a mixture of land uses in all areas.

Commercial Land Uses

The City has a role in ensuring appropriate and adequate commercial land use by facilitating appropriate development in new areas and minimizing the impact of commercial development on residential neighbourhoods and municipal services. Redesignation of the subject property from Residential Low Density (RLD) Land Use District to the Commercial General (CG) Land Use District provides for a wider range of commercial uses and allows for a mix of land uses in the area.

6.1.1 Compatibility of zones and mitigation of impacts

The 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 primary issues of concern raised by those who attended the public meeting and/or public hearing, as well as those who provided written submission for one or both of these public processes were fairly consistent and, in summary, primarily related to:

Traffic

The issue of increased traffic was raised in relation to this proposed rezoning and uses for 75 Airport Heights Road. While there likely will be a few more cars in the area at specific times of day – e.g., lunch, supper and evening, given the proposed use and maximum number of patrons

that could be accommodated at one time, an increase of traffic would not appear to be likely. As previously noted, increased traffic was not considered a concern by the City for the proposed uses.

Parking

As previously explained, the applicant is seeking parking relief of seven spaces, as they feel people in proximity will walk, and there is on-street parking on the opposite side of Airport Heights Drive from 40 Airport Heights Drive to Canso Place.

Reduction of the number of parking spaces for the proposed use was a significant concern for many of those who sent emails, made a submission and/or attended the public meeting and/or public hearing. For example, at the time of the public meeting, which took place at Roncalli Elementary School, and which was very well attended by residents in the neighbourhood, the parking lot was full. Despite the proximity to the residences in the neighbourhood and the time of year (September and pre-snow/inclement weather), it appeared that most people had driven to the meeting. (Your Commissioner facilitated this meeting.)

It is recognized that there is off-street parking in the area which could accommodate overflow from the proposed uses. Your Commissioner respectfully points out that some of this parking is a distance away from the subject property, some of this parking would be reduced in light of a significant snowfall and/or over time during several snowfalls, and the off-street parking ban would conflict with the proposed hours of operation of the pub and eatery until 1a.m. on the weekends.

Residents of Argus Place also participated in the consultations for this proposed rezoning. They spoke from experience that their cul-de-sac has experienced parking overflow from the property at 75 Airport Heights Drive when it was used temporarily as office space for political parties during an election. As described by residents of the cul-de-sac, each time the building has been used since the closing of the daycare (e.g., election headquarters), the egress to Argus Place has been untenable. They reported that users of that building habitually used Argus Place as supplemental parking, because it is the closest available parking, once the few spaces on the subject property are occupied. The vehicles park at the entrance to the street resulting in a situation where the residents cannot safely enter or exit.

Should the City proceed with the rezoning and, depending on the ultimate use of this building/property, the concerns regarding parking on local residential streets will need to be monitored and addressed.

Garbage and rodents

It was noted that rodents have been problematic in the past (in particular due to the construction in the area – the school and the seniors’ complex) and that, with an increase in use, there is a potential for additional trash which can increase the rodent problem.

The applicant notes they will use an enclosed steel garbage bin, which will be emptied weekly by GFL.

As the proposed use does not require any major construction/redevelopment of the property, it is unlikely that the use will appreciably add to any existing rodent issue in the neighbourhood.

Noise/late night hours of operation

Concerns were raised about the increase in noise emanating from the use and the associated late-night hours - primarily from the pub aspect – e.g., indoor and outdoor music/speakers.

The applicant has stated that they will install noise-reducing gyprock in the exterior and the focus will be on solo acts/background music.

The St. John’s Noise By-Law is relevant to the issue of noise concerns. As detailed in this By-Law:

[...]

2. In this By-Law

[...]

(c) ‘Point of Reception’ means any exterior point on the property of a person where sound, originating from another property, is received;

[...]

3. No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a Point of Reception:

(1) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.

[...]

(4) Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects between 11:00 p.m. and 7:00 a.m daily in, or within 100 metres of, a Residential Zone.

[...]

(7) The operation of solid waste bulk lift or refuse compacting equipment between 11:00 p.m. and 7:00 a.m. daily in, or within 100 metres of, a Residential Zone.

It is important to reiterate that, while the property would be subject to the Noise By-Law, the City cannot regulate the entertainment on the property – i.e., in the event that there was a band vs a solo act.

The current application is proposing extended evening hours - 11 a.m. to midnight on weekdays; 11 a.m. to 1 a.m. on weekends. The intent is to operate a family friendly restaurant during the evening, with children allowed until 9 p.m.

Liquor license and VLTs

The issue of the liquor license and drinking and driving were raised. Also, a number of concerns were highlighted regarding the increased patronage of the pub/eatery, if there were VLTs on-site.

Concerns were also raised about issues which are addressed through provincial and federal legislation: liquor licenses are the purview of the Newfoundland and Labrador Liquor Corporation (NLC) and cannot be issued until the development stage. The NLC also would regulate if VLTs would be permitted.

Overall impacts on quality of life

As can be seen herein, there were a number of issues raised regarding the proposed pub use for 75 Airport Height Drive which relate to potential disruptions in the neighbourhood and/or negative impacts on the quality of life of the neighbourhood, in particular for those living most proximal to the development.

Your Commissioner respectfully asks that Council consider the following:

There are residences on Cambrae Street which are directly behind 75 Airport Heights Drive. A number of residents spoke to the impact the proposed pub use will have on their capacity for continued peaceful and quiet enjoyment of their properties. While the applicant is proposing that there will be some sound-proofing and only low-impact interior music (e.g., solo acts), one has to consider the situation in which these and other proximal neighbours now find themselves.

They live in a residential area. This is not an area where one would expect to be subjected to the increased noise and disruption from, for example, music, patrons, smoking outside, as well as noise from vehicles every night until 11 p.m. and later on the weekends. While there will be a privacy fence, this does not detract from the loss of privacy and loss of peaceful enjoyment that adjacent property owners will experience.

Some of these residents have lived in the same address for years. The previous longer-term use of the property was a day-care, which had regular day-time weekday work hours. There was no disruption to the peaceful enjoyment of their property late into the night.

As another example, it is always difficult to predict the impact of a development on property values. However, one has to ask who would purchase a residence in a suburban neighbourhood (not in an entertainment district), knowing they would be adjacent to a pub, which could challenge the peaceful enjoyment of their properties.

While the issue of a liquor license and the presence of VLTs are not under the purview of Council, the discretionary use of pub/lounge is. If Council accepts the proposed use, then there will be significant impacts on those living closest to the property.

It is important to state that there were many submissions and comments received which were in favor of the proposed use. There is an expressed interest in having a place/space in the neighbourhood where people can gather socially. However, there is an issue of fairness and balance in relation to this application which cannot be overstated.

The use of this building as a restaurant provides a space for the community to socialize and gather. The pub does as well, but it brings with it a myriad of concerns for the proposed location, not the least of which is the impact it will have on adjacent properties.

Even if the location was a convenience store or other commercial establishment as allowed under the Commercial Neighbourhood Zone, the impacts would be diminished.

7.0 RECOMMENDATIONS

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

Acceptance of the St. John's Municipal Plan *Amendment Number 153, 2020*

Redesignate land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Residential Low Density (RLD) Land Use District to the Commercial General (CG) Land Use District

Acceptance of the St. John's Development Regulations (*Amendment Number 700, 2020*)

Rezone land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone

Further, Your Commissioner **recommends** that the City exercise its discretion to **not** allow the pub use as requested by the applicant for the numerous reasons articulated herein.

RESPECTFULLY SUBMITTED THIS 17TH DAY OF FEBRUARY 2020

A handwritten signature in blue ink that reads "Marie E. Ryan". The signature is written in a cursive style with a large initial "M".

Marie. E Ryan,
Commissioner

APPENDIX “A” – Written Submissions

Elaine Henley

From: [REDACTED]
Sent: Tuesday, January 14, 2020 10:31 AM
To: CityClerk
Subject: 73-75 Airport Heights Drive Rezoning Application

To Whom It May Concern,

I have previously written in to express my concerns regarding the rezoning application for the above noted property. I am unsure as to whether or not the previous emails are sufficient or if new correspondence is required.

I have many concerns with the rezoning of this property. As mentioned previously both by email and at the public meeting there are many people who are not in favor of this application. The location directly affects numerous people (my family and I live at [REDACTED] which shares a back yard with this location) all of which are opposed to this application. There are issues relating to parking, safety for pedestrians, noise, rodents, smell from kitchen equipment, etc. which have all previously been presented. Those in favor of the application do not live in areas that are directly affected. They are people who live far enough away that they can choose whether or not this establishment will have an impact on their lives. Those of of who border the property don't have this choice. There are families with young children directly located adjacent to and behind the building and having this type of establishment so close will definitely have a negative impact.

Another concern is if this application is approved and the pub fails the building will have a commercial zoning attached to it and can now operate numerous types of business some of which may not be appropriate for a residential area.

This area of Airport Heights is almost 100% residential and is not ideal for a commercial establishment of this type.

[REDACTED]

St. John's, NL

[REDACTED]

Elaine Henley

From: [REDACTED]
Sent: Sunday, January 12, 2020 2:18 PM
To: CityClerk
Subject: 73-75 Airport Heights Drive - Public Hearing

We are writing in opposition of the proposal to rezone 73-75 Airport Heights Drive for the purpose of allowing the property to be used as an Eating Establishment/Lounge.

According to information provided by the city regarding this proposal, there is a 40% deficit in the parking spaces REQUIRED BY THE CITY at this location for this purpose. With no parking allowed on the same side of Airport Heights Drive, the opposite side of the road, and more likely the quiet cul-de-sac, Argus Place which is directly opposite the property, will become a target for patrons to use for parking. We would like the city to address what they intend to do to avoid problems for winter snow clearing (including regular plow road clearing) for both Argus Place and Airport Heights Drive. Argus Place narrows to a very basic two lane road with no sidewalk in winter even without people parking on it. With parked cars, there will be nowhere for residents to put their snow for their own property snow clearing, and little room for safe negotiation, especially of the blind corner on this street. The snow that will be left by the plow which will have to go round parked cars, will be a safety hazard and nuisance for residents.

75 Airport Heights Drive has no adjoining land to place built-up snow that will need to be removed from parking spaces. The 10 spaces it will have, will become less when the snow arrives – this being the very time that residents will not walk to use the facility (if they ever do). The proposed opening hours of the bar overlap the the winter parking ban, creating an additional conflict. While the city might believe that this is an issue for traffic enforcement, the reality is that the nearby residents will be the ones punished for this.

The city simply saying that there is no issue with parking is not good enough – you only need to look at what they allowed at 70 Airport Heights Drive, where they expropriated land, leaving the resident with not enough parking for vehicles, and absolutely nowhere to put built up snow. This, for a cycle lane that had a shelf life of no more than a couple of years. The lack of thought in situations that can't be reversed, is inexcusable. So, before allowing this proposal to go ahead, lets hear how the city intends to deal with this situation.

Thus far, the City of St. John's has disregarded the issues raised by residents at the previous public hearing for this project, which far outweighed the supporters of this proposal. The City cannot forever ignore regulations, to the detriment of residents, simply to suit their desire for additional revenue (taxes). While some residents of Airport Heights have expressed their support for a bar in the area, there seems to be no justification for it. There are other similar establishments close by (Clancy's at the Comfort Hotel, The Rock Bar & Grill going in close to the Holiday Inn Express and Amelia Lounge at the Best Western Hotel), all of which I'm sure would

welcome the business of our community. Regardless of which end of Airport Heights you live, one of these establishments is within reasonable walking distance, and safe pedestrian crossings are at several points along the busy Portugal Cove Road. They also have adequate parking at these facilities.

We also support those on adjoining properties, who will be disrupted by late night noise, smoking (including weed) and smells from cooking. This severely affects quality of life for those living in adjoining properties. And these problems won't be for once a year festivals. It will be constant.



St. John's

Elaine Henley

From: [REDACTED]
Sent: Thursday, December 19, 2019 1:22 PM
To: CityClerk
Cc: Ken O'Brien; Ann-Marie Cashin; Jason Sinyard; Govern PDE Multi Media Mail
Subject: RE: 73-75 Airport Heights Drive public hearing - file no. MPA1800006

Sorry, the last sentence should have read "please confirm that you have received this e-mail and that only item #4 will be included in the submission to Council."

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
Sent: December 19, 2019 1:19 PM
To: [CityClerk](#)
Cc: [Ken O'Brien](#); [Ann-Marie Cashin](#); [Jason Sinyard](#); [Govern PDE Multi Media Mail](#)
Subject: RE: 73-75 Airport Heights Drive public hearing - file no. MPA1800006

Ms. Henley:

Further to my e-mail to Mr. O'Brien dated 18-Dec-2019, you can include the comment about soundproofing (item #4) for the entire building but please do not include the other items in the submission to Council, since they are an expression of opinion and not fact. I would prefer to raise these other concerns directly with the proponent [REDACTED] at the public meeting.

Please confirm that you have received and this e-mail.

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
Sent: December 19, 2019 12:21 PM
To: [CityClerk](#)
Cc: [Ken O'Brien](#); [Ann-Marie Cashin](#); [Jason Sinyard](#); [Govern PDE Multi Media Mail](#)
Subject: Re: 73-75 Airport Heights Drive public hearing - file no. MPA1800006

Ms. Henley:

I assumed that all correspondence would be used to review the application. Is there anything in my correspondence that you would consider problematic?

Sent from my iPhone

On Dec 19, 2019, at 11:41 AM, CityClerk <cityclerk@stjohns.ca> wrote:

Good Morning [REDACTED]

For clarity, do you want this included in the submissions that will be presented to Council?

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

From: [REDACTED]
Sent: Wednesday, December 18, 2019 11:40 AM
To: Ken O'Brien <kobrien@stjohns.ca>
Cc: Ann-Marie Cashin <acashin@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Govern PDE Multi Media Mail <govpdemm@stjohns.ca>
Subject: RE: 73-75 Airport Heights Drive public hearing - file no. MPA1800006

Ken:

Thanks for clarifying the purpose of the second public meeting. With reference to the changes proposed by the applicant:

[REDACTED]

4. They intend to install soundproofing on the rear of the building only, but noise can travel from the front and sides as well, so the same measures should be taken for the entire building. For clarification purposes, would this operation be subject to the City's noise by-laws?

[REDACTED]

Elaine Henley

From: [REDACTED]
Sent: Monday, January 13, 2020 9:13 PM
To: CityClerk
Subject: 73-75 Airport Heights Drive

Hi, I am forwarding my statement regarding 73-75 Airport Heights Drive.

[REDACTED]
[REDACTED]

While we agree an eating establishment would do well in airport heights, we do not agree with it being in our backyard. We purchased our home as it was in a quiet neighborhood with little commotion to disturb our dogs that enjoy the freedom of our backyard. This business plans to include an outdoor area which means our dogs will become upset and bark every time they are outside. The noise and commotion of people directly behind our fence will dramatically affect the privacy and enjoyment of our backyard. We will not be able to open the windows in our house due to noise and cigarette smoke. We are also concerned about the increased rat activity a food establishment will cause, as airport heights already has an ongoing rat problem. Another concern is the risk of trash, bottles, or cigarette butts being thrown over our fence. We also worry the business will affect the resale of our house, because no one wants a bar in their backyard. A bar does not belong in a quiet, family neighborhood. We are **STRONGLY** opposed to this proposal.

Elaine Henley

From: [REDACTED]
Sent: Thursday, December 19, 2019 9:46 AM
To: CityClerk
Subject: Rezoning 73-75 Airport Heights drive

Dear City Council,

I am writing this email to oppose the above mentioned property from being rezoned to allow for a “lounge/ eating establishment “ I think that a better description should be a bar/pub.

I am opposed to the rezoning of this property because of numerous reasons which I would like to point out!

I am in close proximity to the proposed bar, I feel that if this property was rezoned to allow a bar to open I would face a financial loss in the property value of my family home. [At the very least it would be extremely difficult to sell if I wanted to move.](#)

I also feel that my right as a resident of St. John’s to experience peaceful enjoyment of my property will be disrupted by bar patrons who will be outside this facility in the late hours talking, laughing , smoking all of which will disturb my family’s ability to enjoy our property, [or allow our children to sleep without being disturbed by music or loud voices,](#) especially in the summer when we need to open our windows to cool our home. [The applicant acknowledged during the last public hearing held on this matter that he would have no control over bar patrons outside the business.](#)

[The proposal does not mention anything about a commercial kitchen which inevitably will require venting and fans that will definitely disturb all the adjacent property’s. The roof line of the existing structure would place any venting and fans directly onto the backyards of the neighboring property’s](#)

The property does not have adequate parking (7 spots which includes and under sized handicap parking spot) ! The proposal suggest that an exception be given to the parking requirement for the bar. I suggest that this will cause great risk to our children and drivers in Airport Heights ! There are only two crosswalks on Airports Heights drive neither of which are located anywhere near this prior residential property! I can imagine persons parking across the street and dodging across the road! Parking on Turnberry and Airport Heights road suffers all ready from a music school operating out of a home on Airport Heights Drive. It is inconceivable that more parking would be allotted on residential streets that are choked with snow in the winter and barely allow for cars to pass at times once people park on the roads! We have not yet experienced the parking and traffic issues when the opening of the new senior center happens. You cannot possibly add more traffic and vehicles to this area.

The applicant states that he has the community support based on a social [media](#) post on Facebook. This can hardly count as any type of official support! This proposal on the other hand has divided the community and at times caused very disrespectful conversations generated by people not living in this area.

Currently there are numerous restaurants/bars in our area with another being built at the entrance to the airport off Portugal Cove road. This is obviously a more suitable location and placing another business of this type right in the middle of a residential area is a slap in the face to the neighboring households. You need to ask yourself this question, would you place this business in your own backyard? This is not the proverbial "not in my backyard" argument this truly is in our backyards. You only have to look at the aerial picture provided in the proposal.

There has been resistance to this proposal from the residents since it was proposed, Council has ignored and has pushed it further and further along taking no consideration for its impact on the residents in the immediate area. It appears that this was a forgone conclusion by the actions of this council and it seems that who the applicant is may be playing a role in its decisions.

This property should never have been rezoned and should not be rezoned again at the detriment of the nearby residents.



Sent from my iPhone

Elaine Henley

From: [REDACTED]
Sent: Saturday, December 14, 2019 5:56 PM
To: CityClerk
Subject: 73-75 Airport Heights Drive - Public Hearing

I would not like a restaurant/lounge/bar next to my home.
Therefore I cannot wish it on someone else. I also think it is too close to a grammar school. So I am
unable to support this application.

Kindest regards,

[REDACTED]

Sent from my iPad

Elaine Henley

From: Planning
Sent: Tuesday, January 7, 2020 10:53 AM
To: CityClerk
Subject: FW: 73-75 Airport Heights Drive - Public Hearing

Donna Mullett, WPIII
City of St. John's
Dept. of Planning, Engineering and Regulatory Services
Phone: 576-8220
Email: dlmullett@stjohns.ca

-----Original Message-----

From: [REDACTED]
Sent: Sunday, January 5, 2020 5:46 PM
To: Planning <planning@stjohns.ca>
Subject: 73-75 Airport Heights Drive - Public Hearing

We have some concerns with the sound bylaws with a pub? We live [REDACTED] and do not want loud music or drunk people outside our house late at nights. Our main concerns are the rules on sound, parking, hours open? As we moved to a subdivision not to be next to a bar. Restaurant with normal hours wouldn't be a bit deal but pub/lounge makes me nervous as that implies drunk people and loud music at times ? And issues with parking ?

Thanks
[REDACTED]

Sent from my iPhone

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

Elaine Henley

From: [REDACTED]
Sent: Tuesday, January 14, 2020 12:17 PM
To: CityClerk
Subject: 73-75 Airport Heights Drive

[REDACTED]
St.Johns NL

We are writing to inform the council that we are totally against a proposal to redone this property for a number of reasons

*First and foremost this is a residential area with a K-6 school 150 meters from the proposed lounge...not safe for the children in this area

*No adequate parking for this establishment....our community mailbox is on the cul de sac opposite so we probably won't have access to that as parking is already limited. We counted 7 parking spaces on the property.

*Owner publicly stated that patrons will not have access to the back of the building so that means patrons will be smoking in the front of building...not exactly street friendly for the children of this neighbourhood

*Traffic in this area has reached maximum. There are 450 students attending school at Ron Calli. Two new buildings for Lane Retirement Homes ...184 suites. This area has enough traffic.

*Real estate value will drop in this area. We are paying over 6000. a year property taxes to live in a residential area...not commercial

*This property has been turned down twice before...a business school...and an estetics business...so why is a lounge\restaurant being considered

*I was raised next to a pub in center city. It was a nightmare. Men would urinate on our property. My Dads driveway was always blocked when he came home after a long day at work and the noise was outrageous. Airport Heights is a family oriented neighbourhood. If people in this neighbourhood want a lounge\restaurant they can travel a very short distant to the airport...lots of new establishments there to accommodate their needs

Sincerely
[REDACTED]

Elaine Henley

From: [REDACTED]
Sent: Tuesday, January 14, 2020 12:14 AM
To: CityClerk
Subject: 75 Airport Heights Drive rezoning objection

I am writing to express my objections to the rezoning application for 73-75 Airport Heights Drive for an Eating Establishment and Lounge.

The existence of quiet low density residential streets in close proximity to an Elementary School and outdoor recreation facilities make this area a very desirable neighborhood for Families and Seniors.

The new Seniors complex 500M from this establishment is going to add a further 200 residents to the area along with Staff and Family. The facility is going to create a drastic increase in traffic along an already congested road during school hours.

The Roncalli Elementary School is located just 400M from this property and has 440 students in addition to the staff. A large number of these students are within the 1.6 km bus exclusion radius. Previously raised concerns regarding the traffic in the area led to protests from which Council had previously discussed and voted to put traffic calming measures in place for the safety of the children.

As with all these such establishments around the city there are patrons outside smoking. This will be right along the sidewalk not 150M from the posted start of the school zone on Airport Heights Drive.

The approval also includes an exemption to the parking requirements based on the patrons parking along the roadway along airport heights drive right up to the entrance to the school. The approval of a Lounge with intentional on street parking next to a school will create some serious safety concerns in this area. Further to that, in the winter months during snow clearing operations you will have patrons of this establishment parking their vehicles on the road. After a few drinks the decision to leave their vehicle and find alternate transportation is further complicated by the dilemma having their vehicles ticketed and towed. Effectively by approving on street parking in this area for a lounge which is open past the hours for the snow clearing parking ban effectively is encouraging people to drink and drive.

In the City's decision note there is a statement that states "While we appreciate the concern regarding public safety, drinking and driving is regulated by provincial and federal legislation". This is a very irresponsible approach for the elected representatives of the residents of this City.

Further concerns regarding the issuance of a Liquor Licence and use of VLTs are also being passed off as a Provincial Responsibility. Other Jurisdictions in the country have legislation preventing the issuance of Liquor and VLT license in the area of Elementary schools. Some of the examples found include exclusion zones from 1.5 to 3.2 km.

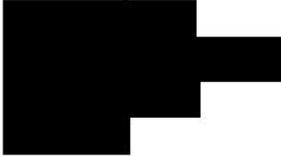
These issues have to be taken into consideration by Council as they will only exist if the City approves this application.

One of the proponents already has other similar establishments which both have VLTs and people lined up in the morning waiting to get in.

Some of the documents collected include 44 detailed emails sent to the City opposing this, a petition currently signed by 75 residents of Airport Heights, minutes of the public meeting showing 11 speaking against and 7 speaking for the proposal, Decision note details from the City of St. John's passing off safety concerns for the Students , Residents and Seniors in the area as a Provincial issue.

Based on this and the other issues previously raised the only responsible decision for the elected members of council is to put the safety and wishes of the residents of this City first and foremost and reject the application.

Sincerely

A large black rectangular redaction box covering the signature and name of the sender.

Elaine Henley

From: [REDACTED]
Sent: Sunday, January 5, 2020 9:25 AM
To: CityClerk
Subject: 73-75 Airport Heights Drive - Public Hearing

I think a bar is a bad Idea we have enough trouble with people speeding at Airport Heights Drive, now if you involve alcohol at 1 o'clock in the morning is not going to be good, There are peoples homes 10 feet away from that building

Sent from my iPhone

Elaine Henley

From: [REDACTED]
Sent: Saturday, January 4, 2020 10:14 AM
To: CityClerk
Subject: Pub/Eatery in Airport Heights Concerns

Hi,

I am writing to voice my concerns over rezoning this property to allow a pub/eatery in Airport Heights. I believe it wouldn't be good for the area. There is a school nearby and I am afraid of intoxicated drivers increasing in the area. Airport heights has a lot of children in this neighborhood which is very family oriented. Also, Where are people going to park? The parking lot is small and we do not need more people parking on street as it will increase congestion. Not to mention the people living close to this proposed establishment having to deal with an increase of noise well into late hours. It isn't the right area for this just like I would not want to see a nightclub opened in the area.

Thank you,
[REDACTED]

Elaine Henley

From: [REDACTED]
Sent: Wednesday, December 18, 2019 6:48 PM
To: CityClerk
Subject: Rezoning of 73-75 Airport Heights Drive

My name is [REDACTED] and I live at [REDACTED], the cul-de-sac directly across from the property in question, 73-75 Airport Heights Drive.

My position has not changed on this amendment since the last opportunity to provide comments in August of 2019. I disagree with both the amendment to the Municipal Plan and to the opening of an eating establishment and lounge at that location.

1. Right now, the developer is promising all kinds of concessions for his business however if for whatever reason, this business does not work out, the city plan amendment will allow many other businesses to open in that location which are in conflict with a residential neighborhood. This is a big risk.
2. Parking in that location is minimal for an eating establishment/lounge. The parking on-site is barely enough for the staff let alone customers. Argus Place will be used for overflow parking and in the winter particularly, our street is not high priority for snow clearing as it is only a cul-de-sac. As the winter goes on, our street, while a very wide street normally, becomes little more than one lane making it impossible to park on the street.
3. There is a school just up the road and increased traffic is a concern.
4. The noise level from a lounge being open until midnight and 1 am on weekends is unacceptable for a residential neighborhood with people needing to get up early for work and school.
5. The space between the back of the building and the street is minimal causing enormous issues for the people living in direct line of sight to the building. Past uses of the building (ex. election headquarters) has proven it is not sound proof and noises carry a long way.
6. Given that you cannot smoke inside the building, the outside will be used for smoking and those toxins will be carried into the neighborhood homes.
7. If VLT's are installed like many other restaurants/lounges, this will become a hangout both day and night which is also not good for the neighborhood.
8. Houses in the immediate vicinity of this establishment will take a big hit from the market and become very difficult to sell.

I am not available to attend the public meeting on Jan 16 but I wish to have my comments become a matter of record connected to this application for re-zoning and the opening of an eating establishment/lounge.

thanks,

[REDACTED]