

INFORMATION NOTE

Title: 750 Kenmount Road interpret zone lines

Date Prepared: July 29, 2020

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Issue: Interpret zone lines at Kenmount Crossing, Phase 2 – H3 Development – PER file DEV1400357.

Discussion – Background and Current Status:

The property in question is located mostly in the Industrial General (IG) Zone, with its frontage along Kenmount Road in the Commercial Highway (CH) Zone. The zones were introduced several years ago, corresponding to the developer's original development plan.

Recently, in planning for Phase 2 of its Kenmount Crossing development, the developer realized that not all of the subject property is in the IG Zone. There is a sliver in the northwest corner in the Rural (R) Zone; an area in the northeast corner in the Comprehensive Development Area (CDA) Kenmount Zone, and a slice all along the eastern boundary in the CDA Kenmount Zone. A small slice in the Open Space (O) Zone along the eastern boundary will not be changed, as the Open Space Zone is based on floodplain mapping for Ken Brook.

The original rezonings to accommodate what is now called Kenmount Crossing took place in 2013. I interpreted zone lines in 2017 for the boundary between the CH Zone and the IG Zone, as the development plan and the location of a proposed road changed.

At the time of the rezonings in 2013, the City used the property information supplied by the developer. The current property boundaries appear to predate 2013 but were not provided to the City when we did the original rezonings. The developer did not identify the discrepancy between zone boundaries and property boundaries until recently.

Under the St. John's Development Regulations, Section 3.4 "Boundaries of Zones", where the boundary of a zone is uncertain and substantially follows a street or lot lines, the street or the lot lines can be deemed to be the boundary of the zone. Therefore, in this case, I can interpret the boundary between the IG Zone and the other adjoining zones (the Rural Zone and the CDA Kenmount Zone) so that it runs along the property boundaries. Corresponding changes will be made to the Municipal Plan map for the boundaries between the Urban Development – Southlands Kenmount District and the Rural District.

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Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: The property owner and adjoining properties.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
4. Legal or Policy Implications: This is in accordance with rules of interpretation in the St. John's Development Regulations, Section 3.4 "Boundaries of Zones".
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Conclusion/Next Steps: At 750 Kenmount Road, on lands that are part of Kenmount Crossing, Phase 2, by H3 Developments Ltd., the zone boundary between the Industrial General (IG) Zone, the Rural (R) Zone and the Comprehensive Development Area (CDA) Kenmount Zone are interpreted to run along the property boundary. Corresponding changes will be made to the Future Land Use Map of the St. John's Municipal Plan. This accords with the rules of zone interpretation in Section 3.4 of the St. John's Development Regulations.

Report Approval Details

Document Title:	750 Kenmount Rd interpret zone lines.docx
Attachments:	
Final Approval Date:	Jul 29, 2020

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

Jason Sinyard - Jul 29, 2020 - 8:20 PM