DECISION/DIRECTION NOTE

Title: 500 Kenmount Road – MPA2500002

Date Prepared: April 8, 2025

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning

Ward: Ward 4

Decision/Direction Required:
To consider rezoning a portion of land at 500 Kenmount Road above the 190-metre elevation contour, near Huntsman Place and Tigress Street, from the Residential 1 (R1) to the Comprehensive Development Area 9 (CDA 9) Zone.

Discussion – Background and Current Status:
A portion of land at 500 Kenmount Road, near Huntsman Place and Tigress Street (the subject site), is zoned Residential 1 (R1) but is above the 190-metre contour elevation. This area of land is identified as the "Subject Property" on the attached map.

In this area, the zone line generally follows the 190-metre contour elevation, with lands below 190 metres designated in the Residential District and zoned for residential development, and lands above 190 metres designated in the Urban Expansion District and primarily zoned Comprehensive Development Area 9 (CDA 9).

The current limit of servicing for the Kenmount/Southwest Development Area is the 190-metre contour elevation. The limit is based on the capacity of the City's water, wastewater and stormwater infrastructure systems. Public Works staff in the Water and Wastewater Division confirm that servicing is available only up to the 190-metre contour elevation. A portion of the subject site extends beyond the 190-metre contour and thus is beyond the limit of servicing.

To ensure the land-use zoning reflects the availability of municipal services, staff are proposing to rezone the subject area from R1 to CDA 9. A Municipal Plan amendment is also required to redesignate the land from the Residential District to the Urban Expansion District.

<u>Alignment with Envision St. John's Municipal Plan</u>
The City's water, wastewater and stormwater systems were originally designed to accommodate development up to the 190-metre contour elevation. Policy 7.6.1 of the Municipal Plan states that, unless infrastructure improvements deemed necessary by Council are carried out, development shall be limited to lands below 190 metres in the Kenmount/Southwest Development Area. Significant infrastructure upgrades would be needed to enable municipal servicing at higher elevations here.

Lands within the Urban Expansion District of the Municipal Plan are identified for future development once infrastructure is extended to service the lands. Under Policy 8.15.1, a comprehensive development plan must be prepared and approved by Council prior to the development of an Urban Expansion area. Land that is within the CDA9 Zone and in the Urban Expansion District could be developed in the future under a comprehensive development plan, once there is servicing available.

History and Existing Development

In 2013, under the St. John's Development Regulations, 1994, as amended, the subject area was rezoned from Comprehensive Development Area-Kenmount (CDA-K) to Residential Kenmount (RK). The RK Zone was eliminated with the adoption of the Envision St. John's Development Regulations, 2021, and the RK Zoned lands became R1.

Approximately 30 residential lots were developed along Tigress Street above the 190-metre contour elevation; staff acknowledge the existing houses that are outside (above) the current limit of servicing. There are steep grades here, and when Tigress Street was developed, some of the lots on the upper side of the street extended back and above 190 metres. At that time, City staff confirmed these properties that were slightly above 190 metres could be serviced. Staff believe that these properties should remain zoned R1 to reflect their existing development, rather than making them non-conforming. However, while there is some development above the servicing limit, this should not be made worse by allowing further development above 190 metres. This would place more pressure on the municipal infrastructure.

Alignment with Envision St. John's Development Regulations

Section 4.9(2)(a) of the Envision St. John's Development Regulations requires a land use report (LUR) for rezonings. Under Section 4.9(3), where a land use report is required but the scale or circumstances do not merit a full LUR, Council may accept a staff report in lieu. As this application is intended to adjust the zoning to reflect servicing availability, staff recommend accepting this staff report in lieu of an LUR.

Public notification is required as per Section 4.8 of the Development Regulations. Public notification (not a public meeting) is recommended. As this application involves a Municipal Plan amendment, a commissioner's public hearing would be required later in the process.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.

2. Partners or Other Stakeholders: Property owner of 500 Kenmount Road.

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.

   An Effective City: Ensure accountability and good governance through transparent and open decision making.

5. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.

6. Accessibility and Inclusion: Not applicable.

7. Legal or Policy Implications: Map amendments to the Municipal Plan and Development Regulations are required.

8. Privacy Implications: Not applicable.

9. Engagement and Communications Considerations: To be advertised (public notice) as per the Development Regulations requirements. This application involves a Municipal Plan amendment, so a commissioner's public hearing will be required later.

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 consider rezoning land above the 190-metre contour elevation at 500 Kenmount Road from the Residential 1 (R1) Zone to the Comprehensive Development Area 9 (CDA 9) Zone to ensure the zoning reflects the current limits of servicing.

Prepared by: Faith Ford, MCIP, Planner III
Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	500 Kenmount Road - MPA2500002.docx
Attachments:	- HUNTSMAN PL-TIGRESS ST R1 ABOVE 190 (CONTOURS).pdf
Final Approval Date:	Apr 10, 2025

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

Ken O'Brien - Apr 8, 2025 - 11:34 AM

Jason Sinyard - Apr 10, 2025 - 11:30 AM