DECISION/DIRECTION NOTE

Title: 1-5 Petty Harbour Road — MPA2400009

Date Prepared: October 1, 2024

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning

Ward: Ward 5

Decision/Direction Required:
To consider rezoning 1-5 Petty Harbour Road from the Residential 1 (R1) and Rural Residential Infill (RRI) Zones to the Commercial Neighbourhood (CN) Zone to allow an expansion of Brewskies Pub.

Discussion – Background and Current Status:
The City has received an application to rezone land at 1-5 Petty Harbour Road from the Residential 1 (R1) Zone and the Rural Residential Infill (RRI) Zone to the Commercial Neighbourhood (CN) Zone. A Municipal Plan amendment will be required to redesignate the land from the Residential District and the Urban Expansion District to the Commercial District.

There is an existing building on the R1-zoned portion of the site that operates as a Lounge use (Brewskies Pub). This is a legal non-conforming use, as a Lounge is not permitted in the R1 Zone but existed before the current zone was put in place, going back to the Town of Goulds before the 1992 amalgamation with St. John's. The applicant is proposing to extend the building to add a kitchen and restaurant area, reconfigure the parking lot, and construct an accessory building. The proposed addition to the existing building will be 100 square metres.

Restaurant and Lounge uses are discretionary uses in the CN Zone. The subject site consists of two properties that must be consolidated into one to accommodate the development. Should rezoning be approved, any uses within the CN Zone could be developed on the site.

The subject site is located on the corner of Main Road and Petty Harbour Road. The site abuts the R1 and RRI Zones, and there is CN-zoned land across Petty harbour Road (the bakery and convenience store) and immediately west of the site. Bidgood's Plaza to the north is also zoned CN.

<u>Alignment with Envision St. John's Municipal Plan</u>
Policy 8.5.4 of the Municipal Plan encourages the designation of lands for commercial use in appropriate locations along main roads and at intersections to ensure an adequate supply of suitable land for a range of commercial activity. As the subject property is at a main intersection and near other commercial areas, it is an appropriate site for the CN Zone.

Alignment with the Envision St. John's Development Regulations
Staff have reviewed the draft site plan and revisions will be required. As per section 4.9(2)(a) of the Development Regulations, Council requires a land use report (LUR) for rezonings. However, under section 4.9(3), where the scale or circumstances of the proposed development do not merit a land use report, Council may accept a staff report instead. As this application will bring an existing non-conforming use into conformance, and the applicant is proposing to extend an existing building, staff recommend that a staff report is sufficient.

As Lounge and Restaurant uses are discretionary uses for the CN Zone, the proposed expansion will need to be advertised in accordance with section 4.8(3)(a) of the Regulations. In addition, as the applicant is proposing a building line that is less than the minimum normally required for the CN Zone (since the existing building cannot be moved back from the road), the building line for this site will need to be re-established.

Public Consultation
Should Council consider the rezoning, staff recommend public notification (not a public meeting) in accordance with section 4.8 of the Development Regulations. This would take place after an acceptable site plan has been received. As this application involves a Municipal Plan amendment, a commissioner's public hearing will be required later in the process.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.

2. Partners or Other Stakeholders: Property owner; nearby residents, businesses and property owners.

3. 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.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan.

5. Accessibility and Inclusion: Not applicable.

6. Legal or Policy Implications: Map amendments to the Municipal Plan (a redesignation) and the Development Regulations (a rezoning) are required.

7. Privacy Implications: Not applicable.

8. Engagement and Communications Considerations: Public consultation, in accordance with the Development Regulations, will be required. Staff recommend public notification. A commissioner's public hearing would come later.

9. Human Resource Implications: Not applicable.

10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

Recommendation:
That Council consider rezoning land at 1-5 Petty Harbour Road from the Residential 1 (R1) and Rural Residential Infill (RRI) Zones to the Commercial Neighbourhood (CN) Zone.

Further, upon receiving a satisfactory site plan, that Council refer the application to public notification, as the application will require a commissioner's public hearing later in the amendment process.

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

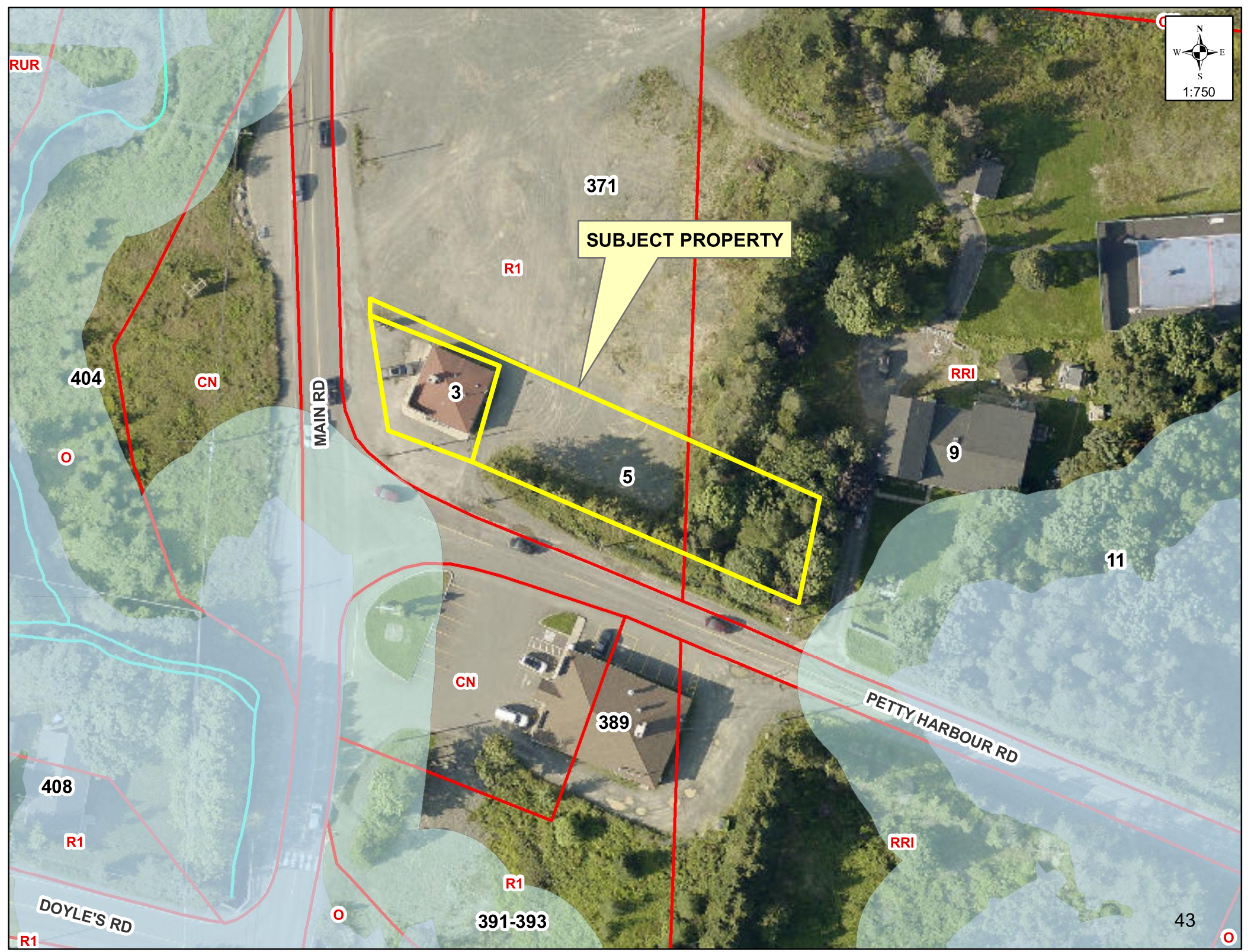
Report Approval Details

Document Title:	1-5 Petty Harbour Road — MPA2400009.docx
Attachments:	- 3-5 PETTY HARBOUR ROAD.pdf - 1-5PettyHrRd-DraftSitePlan1.pdf - CNZoneTable.pdf
Final Approval Date:	Oct 3, 2024

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

Ken O'Brien - Oct 2, 2024 - 4:36 PM

Jason Sinyard - Oct 3, 2024 - 10:37 AM


RUR
371
SUBJECT PROPERTY
R1
404
CN
MAIN RD
3
5
RRI
9
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11
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389
PETTY HARBOUR RD
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R1
RRI
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DOYLE'S RD
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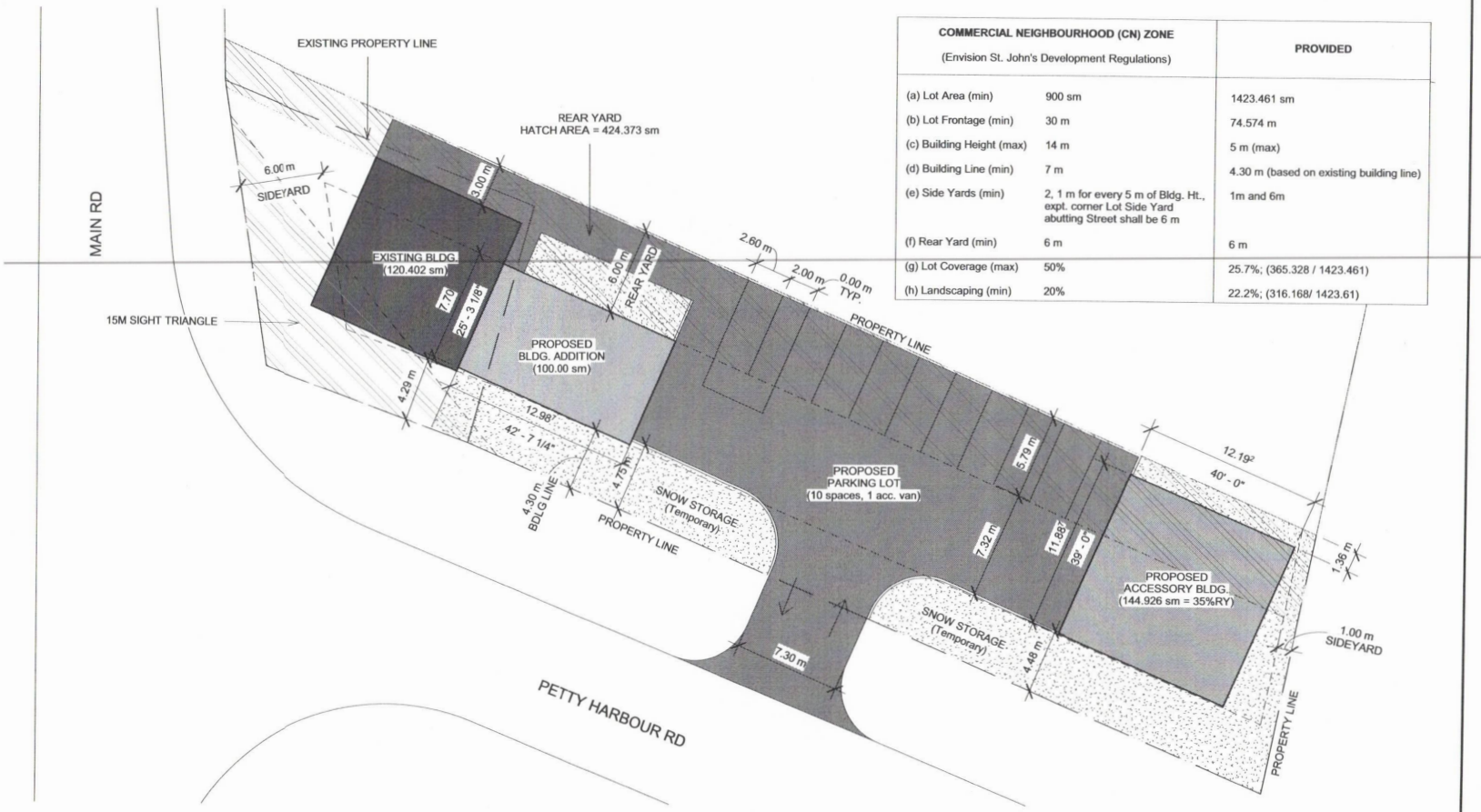

COMMERCIAL NEIGHBOURHOOD (CN) ZONE (Envision St. John's Development Regulations)		PROVIDED
(a) Lot Area (min)	900 sm	1423.461 sm
(b) Lot Frontage (min)	30 m	74.574 m
(c) Building Height (max)	14 m	5 m (max)
(d) Building Line (min)	7 m	4.30 m (based on existing building line)
(e) Side Yards (min)	2, 1 m for every 5 m of Bldg. Ht., expt. corner Lot Side Yard abutting Street shall be 6 m	1m and 6m
(f) Rear Yard (min)	6 m	6 m
(g) Lot Coverage (max)	50%	25.7%; (365.328 / 1423.461)
(h) Landscaping (min)	20%	22.2%; (316.168/ 1423.61)

ct
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Professional Stamp

Client/Project
KIELEY PROPERTIES
1-5 PETTY HARBOUR RD

ISSUED FOR DISCUSSION — 2024.08.22
Revision — YYYY.MM.DD

Title
SCHEMATIC SITE PLAN

Project No. 2404-01 | Scale 1 : 250 | Figure No. SK001

COMMERCIAL NEIGHBOURHOOD (CN) ZONE

CN

(1) PERMITTED USES

Accessory Building	Health and Wellness Centre
Adult Day Centre	Laundromat
Bakery	Library
Bank	Office
Child Care Centre **(2024-03-15)**	Park
Clinic	Public Utility
Community Garden	Retail Use
Convenience Store	Service Shop
Drive Through	Training School
Dwelling Unit – 2nd storey or higher	Veterinary Clinic

(2) DISCRETIONARY USES

Car Sales Lot	Pharmacy
Car Wash	Place of Worship
Dry Cleaning Establishment	Recycling Depot
Gas Station	Restaurant
Heritage Use **(2022-05-27)**	Service Station
Lounge	Taxi Stand
Parking Garage	Warehouse
Parking Lot	Wind Turbine – Small Scale
Pedway **(2022-10-14)**	

(3) ZONE STANDARDS EXCEPT GAS STATION, PARK, PUBLIC UTILITY, PARKING LOT AND PLACE OF WORSHIP (2022-05-27)

(a)	Lot Area (minimum)	900 metres square
(b)	Lot Frontage (minimum)	30 metres
(c)	Building Height (maximum)	14 metres
(d)	Building Line (minimum)	7 metres
(e)	Side Yards (maximum)	2, each equal to 1 metre for every 5 metres of Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (maximum) **(2022-05-27)**	50%
(h)	Landscaping (minimum)	20%

(4) ZONE STANDARDS FOR GAS STATION SHALL BE IN ACCORDANCE WITH SECTION 6.16. (2022-05-27) (2024-03-15)

(5) ZONE STANDARDS FOR PARK, PUBLIC UTILITY, PARKING LOT AND PLACE OF WORSHIP SHALL BE IN THE DISCRETION OF COUNCIL.