# DECISION/DIRECTION NOTE

**Title:** 45-53 Blackmarsh Road – REZ2400022

**Date Prepared:** December 9, 2024

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning

**Ward:** Ward 3

**Decision/Direction Required:**
To consider rezoning 45-53 Blackmarsh Road from the Industrial Commercial (IC) Zone to the Commercial Mixed (CM) Zone to enable residential and commercial mixed-use development.

**Discussion – Background and Current Status:**
The City has received an application to rezone three (3) properties – 45 Blackmarsh Road (at the corner of Symonds Avenue), 47, and 53 Blackmarsh Road - from the Industrial Commercial (IC) Zone to the Commercial Mixed (CM) Zone to develop Dwelling Units within the existing commercial buildings at 45 and 47 Blackmarsh Road. The three properties each have an existing commercial building, with uses that include St. Pat's Bowling Lanes, Beagle Paws Thrift Store, Campbell's Party Rentals, and other commercial uses. The applicant proposes to rezone the three properties and intends to consolidate them into one lot. The properties are within the Commercial District, so a Municipal Plan amendment is not required.

The property owner sought to develop residential uses within the building at 45 Blackmarsh Road several times over the years, most recently in 2016 when Council approved an amendment to the St. John's Development Regulations, 1994, to allow Dwelling Units on the second floor or higher in the IC Zone. At that time, Council approved four (4) Dwelling Units as a discretionary use at 45 Blackmarsh Road; however, that development did not proceed. The property owner has now submitted the current application to develop Dwelling Units at 45 and 47 Blackmarsh Road. Under the Envision St. John's Development Regulations, 2021, Dwelling Units are not permitted or discretionary in the IC Zone and therefore a rezoning is required to consider the request.

The building at 45 Blackmarsh Road contains commercial uses on the first floor, accessed from Symonds Avenue. There is an Accessory Dwelling Unit (a caretaker's apartment) on the third floor. The second and third floors of the building are accessed from Blackmarsh Avenue. The applicant is proposing to add Dwelling Units, for a total of twelve (12) units within the building (including the caretaker's apartment). Dwelling Units on the second storey or higher are permitted in the CM Zone.

The applicant is also proposing to convert the one-storey commercial building at 47 Blackmarsh Road into four (4) Dwelling Units. In the CM Zone, Dwelling Units on the first floor

of a building are a discretionary use. There is an existing cellphone tower on the property at 47 Blackmarsh Road. This existing tower will eventually be removed from the property, to be replaced by a new cell tower proposed further west along Blackmarsh Road.

The applicant is not proposing to redevelop the property at 53 Blackmarsh Road at this time but is asking that Council rezone it in case they wish to redevelop it in the future. Should the site be rezoned to CM, any uses within the CM Zone could be developed on the site.

Alignment with the Envision St. John's Municipal Plan
Section 4.1 of the Municipal Plan promotes higher-density development in and around key transportation corridors and encourages development in areas that take advantage of existing infrastructure and services. Policy 4.1.2 enables diverse neighbourhoods that include a mix of housing forms and tenures, such as single, semi-detached, townhouses, medium and higher density and mixed-use developments.

The existing neighbourhood contains a mix of low density residential, commercial, and industrial uses. The subject site is serviced by public transit and bike lanes that run along Symonds Avenue and Cashin Avenue Extension. Plan policies 8.5.20 and 8.5.22 encourage buildings that contain a mix of uses, including residential and commercial. The proposed rezoning to the Commercial Mixed (CM) Zone aligns with these policies and would allow the applicant to make better use of the existing buildings by converting underutilized or vacant commercial space to residential and enabling mixed-use development.

Alignment with the Envision St. John's Development Regulations
Under section 4.9(2)(a) of the Development Regulations, Council requires a land use report (LUR) for rezoning applications. However, as per 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. Given that this application is to convert existing space within buildings to develop Dwelling Units, staff recommend accepting a staff report in lieu of an LUR.

Public Engagement
Staff have reviewed the application and provided initial comments to the applicant; additional information and a revised site plan is required. Should Council decide to consider the application, staff recommend public notification (not a public meeting) once all required information is received. The proposed discretionary use of first floor Dwelling Units at 47 Blackmarsh Road would be advertised along with the proposed rezoning, in accordance with Section 4.8(3) of the Development Regulations.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.

2. Partners or Other Stakeholders: Neighbouring residents 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 and Development Regulations.

5. Accessibility and Inclusion: Any accessibility requirements from the National Building Code or Service NL will be applied at the building permit stage.

6. Legal or Policy Implications: A map amendment to the Envision St. John's Development Regulations is required.

7. Privacy Implications: Not applicable.

8. Engagement and Communications Considerations: Public consultation will be carried out in accordance with the Envision St. John's Development Regulations. Staff recommend public notification (not a public meeting).

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 45, 47, and 53 Blackmarsh Road from the Industrial Commercial (IC) Zone to the Commercial Mixed (CM) Zone.

Further, upon receiving a satisfactory site plan, that the application be advertised for public review and input.

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

**Report Approval Details**

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|---|---|
| Document Title: | 45-53 Blackmarsh Road - REZ2400022.docx |
| Attachments: | - 45-53 BLACKMARSH ROAD.pdf<br>- CMZone-Development Regulations.pdf |
| Final Approval Date: | Dec 10, 2024 |

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

**Ken O'Brien - Dec 9, 2024 - 5:05 PM**

**Jason Sinyard - Dec 10, 2024 - 2:34 PM**

**Report Approval Details**

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|---|---|
| Document Title: | 45-53 Blackmarsh Road - REZ2400022.docx |
| Attachments: | - 45-53 BLACKMARSH ROAD.pdf<br>- CMZone-Development Regulations.pdf |
| Final Approval Date: | Dec 12, 2024 |

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

**Ken O'Brien - Dec 11, 2024 - 2:51 PM**

**Jason Sinyard - Dec 12, 2024 - 9:56 AM**




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## COMMERCIAL MIXED USE (CM) ZONE

CM

**(1) PERMITTED USES, *except 615 Empire Avenue (PID #46166)***

| | |
|---|---|
| Accessory Building | Health and Wellness Centre **(2023-06-02)** |
| Accessory Dwelling Unit | Hotel |
| Adult Day Centre | Library |
| Adult Massage Parlour | Office |
| Bakery | Park |
| Bank | Place of Worship |
| Bed and Breakfast | Public Use |
| Child Care Centre **(2024-03-15)** | Public Utility |
| Clinic | Restaurant |
| Community Garden | Retail Use |
| Convenience Store | Service Shop |
| Drive Through | Service Station |
| Dry Cleaning Establishment | Taxi Stand |
| Dwelling Unit – 2nd storey or higher | Training School |
| Gas Station | |

**2) DISCRETIONARY USES, *except 615 Empire Avenue (PID #46166)***

| | |
|---|---|
| Aquaculture | Lounge |
| Aquaponics | Parking Garage |
| Car Wash | Parking Lot |
| Craft Brewery/Distillery | Pedway **(2022-10-14)** |
| Dwelling Unit – 1st storey | Pharmacy |
| Heritage Use **(2022-05-27)** | Place of Amusement (except Churchill Square (Map 3)) |
| Horticulture | Place of Assembly |
| Hydroponics | Recycling Depot |
| Light Industrial Use | |

**(3) PERMITTED USE – *615 EMPIRE AVENUE (PID #46166)***

| |
|---|
| Light Industrial Use |

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

| | | |
|---|---|---|
| (a) | Building Height (maximum), except 615 Empire Avenue (PID#46166) and 43-53 Rowan Street (PID#18955) | 18 metres |
| (b) | Building Height (maximum) 615 Empire Avenue (PID#46166) except 43-53 Rowan Street (PID#18955) 8 metres | 8 metres |
| (c) | Building Height (maximum) 43-53 Rowan Street (PID#18955), except 615 Empire Avenue (PID#46166) | 21.5 metres |

(d) All other zone Standards shall be in the discretion of Council

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

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