

DECISION/DIRECTION NOTE

Title: Application to rezone part of the Synod Lands West Wetland to the Residential Low Density (R1) for a proposed 99-lot residential subdivision
PDE# 09-00158
Penney Crescent and Jackson Place
Applicant: Powder House Hill Investments Ltd.

Date Prepared: October 12, 2016

Report To: Chair and Members, Planning & Development Committee

Councillor & Role: Councillor Art Puddister, Chair, Planning and Development Committee

Ward: 1

Decision/Direction Required:

To consider an application to rezone land from the Open Space Reserve (OR) Zone to the Residential Low Density (R1) Zone to allow the development of a 99-lot residential subdivision with access off Penney Crescent. An amendment to the St. John's Municipal Plan would be required. This would also involve removing the designation of the Synod Wetland as a protected wetland.

Discussion – Background and Current Status:

The applicant has proposed to develop a 99-lot residential development; the application goes back to May 2009. The subject property is undeveloped land that was protected as a wetland as part of the 1987 and 1993 Significant Waterways and Wetlands Studies prepared for the City by LGL Ltd. The portion of the wetland under consideration is owned by the Anglican Church of Canada - Diocesan Synod of Eastern Newfoundland and Labrador. The other portion of the Synod West Wetland is owned by The General Inc. and is not included in the present rezoning application.

The subject property was reserved from development when the Penney Crescent neighbourhood was developed. Three (3) wetlands in the general area were reserved: Synod Lands West Wetland (the present application), Synod Lands East Wetland, and Synod Lands North Wetland. Two of them have a standard development buffer of 15 metres from the 1:100-year high water mark, while the Synod Lands West Wetland has a larger buffer of 50 metres.

The subject property is covered by bog and trees, with some informal walking trails passing through. To the south and east are the houses and streets in the Penney Crescent area, including houses on Jackson Place, Penney Crescent, Slade Place, and Halley Drive. Houses at the end of Ledingham Place border the wetland but not the subject property. Ledingham Place was left open at the end so as not to land-lock the lands behind, even though they are zoned OR. In the same manner, frontage was left open along the Jackson Place cul-de-sac for future access to the subject property. Please note that the current site plan for development shows access from Penney Crescent (at the tot lot, civic numbers 97 and 99 Penney Crescent). The tot lot is proposed to be moved to the new development.

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To the north and west, the subject property is bounded by the highway exit ramp for traffic moving from Portugal Cove Road to the Trans-Canada Highway (Outer Ring Road). A walking trail that runs beneath the highway crosses the land immediately north of the subject property, running along a wet area (the Synod lands North Wetland) which is part of the headwaters of the Virginia River. Finally, the subject property borders property which is owned by The General Inc., it is zoned OR, and is also part of the designated Synod West Wetland.

An underground infiltration system carries water from the Synod West Wetland (the subject property) across Penney Crescent, discharging into the Synod East Wetland.

The rezoning would require a map amendment to the St. John's Municipal Plan. In addition, it would require amendments to the City's wetland maps to remove the Synod West Wetland from the list of designated significant wetlands.

These changes are significant. A land-use assessment report (LUAR) is discretionary in this case (see Section 5.6.3 of the St. John's Development Regulations), and staff recommend that one be prepared. Draft terms of reference are attached.

As part of the application process, the applicant obtained a letter of approval from the NL Department of Environment allowing development in the wetland. The Province uses a different standard than the City to evaluate whether wetlands are significant.

The applicant engaged Stantec Inc. to prepare a report on the wetland and whether it could be developed. That report concluded that the wetland could be developed, and recommended that lands elsewhere in the river system be set aside to compensate for the land lost to this proposed development. The report and the matter were referred to the City's Environmental Advisory Committee in 2012, which did not support the finding about the wetland not being significant.

The application came to Council's Planning and Development Committee, which decided to refer it to an independent consultant hired by the City and paid for by the applicant. The resulting report from CBCL Ltd., *Anglican Synod Wetland - Wetland Functional Assessment*, dated September 2016, states that the Synod Wetland is not significant and could be developed without adversely affecting the downstream environment of Virginia River. At its regular meeting on September 26, 2016, Council agreed to refer the report to the next meeting of the EAC for information.

The proposed development will be serviced with municipal water and sewage services. Stormwater detention will be required, subject to City policy.

People who built or bought houses in the Penney Crescent neighbourhood did so with the expectation that there was a nearby wetland zoned OR and reserved from development. While rezonings do occur and conditions change, this expectation should be considered.

Key Considerations/Implications:

1. Budget/Financial Implications:
Any cost of changing the underground drainage that links the Synod West wetland to the Synod East wetland is to be borne by the developer.
2. Partners or Other Stakeholders:
Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
This will require amendments to the St. John's Municipal Plan and Development Regulations. As well, at an earlier stage the City's Department of Recreation recommended the provision of public open space in the neighbourhood; this will form part of development review should the rezoning proceed.
4. Legal or Policy Implications:
Removing the designation of the Synod West Wetland and rezoning the land for residential development must consider all impacts – on water flow, wildlife habitat, neighbouring houses, the underground connection to the lower wetland, and the capacity of the local roads and municipal water and sewage systems.
5. Engagement and Communications Considerations:
The rezoning process requires public engagement, typically with a public meeting chaired by a member of Council. At a later stage, this will require a public hearing chaired by an independent commissioner.
6. Human Resource Implications: N/A
7. Procurement Implications: N/A
8. Information Technology Implications: N/A
9. Other Implications: N/A

Recommendation:

It is recommended that Council adopt the attached terms of reference for a land-use assessment report (LUAR). The report would be carried out at the applicant's expense.

Once the report has been received and accepted, then it is recommended that the proposed rezoning, the LUAR, and the removal of the designation of the Synod West Wetland be referred to a public meeting chaired by a member of Council. At a later stage, a public hearing chaired by an independent commissioner would be required, as this application requires amendments to the St. John's Municipal Plan.

From a wider perspective, the City's 1993 report on Significant Waterways and Wetlands should be considered for review and updating, as recommended by the City's Environmental Advisory Committee when the current application was first reviewed.

Prepared by - Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

Approved by - Date/Signature:

Jason Sinyard, P.Eng., MBA – Deputy City Manager – Planning, Development and Engineering

Signature: _____

KO'B/dlm

Attachments:

Zoning Map

Site Plan

LUAR Terms of Reference



Lot #	Area	Lot #	Area	Lot #	Area	Lot #	Area
1	583.29	35	472.50	75	450.18	55	681.51
16	451.29	36	472.50	76	478.09	56	450.00
17	451.02	37	472.50	77	582.99	57	450.00
18	450.75	38	472.50	78	577.02	58	450.00
19	450.48	39	472.50	79	450.00	59	450.00
20	450.20	40	472.50	80	450.00	60	450.00
21	320.59	41	627.38	81	509.83	61	450.00
22	605.93	42	825.66	82	603.29	62	450.00
23	907.64	43	450.00	83	450.00	63	450.00
24	1235.32	44	450.00	84	450.00	64	450.00
25	896.14	45	514.83	85	450.00	65	450.00
26	784.62	46	649.25	86	450.00	66	450.00
27	619.14	47	450.00	87	450.00	67	450.00
28	493.64	48	622.46	88	450.00	68	450.00
29	472.50	49	709.80	89	450.00	69	450.00
30	472.50	50	786.70	90	450.00	70	450.00
31	472.50	51	471.11	91	450.00	71	586.30
32	472.50	52	450.00	92	450.00	72	710.77
33	472.50	53	500.86	93	450.00	73	459.38
34	472.50	54	629.69	94	450.00	74	510.04

Lot #	Area
95	471.55
96	450.00
97	450.47
98	450.00
99	450.08

STREET LENGTHS

STREET 'A'	= 60.5m
STREET 'B'	= 700.5m
STREET 'C'	= 62.9m
STREET 'D'	= 20.9m
TOTAL LENGTH	= 844.8m

NOTES:

1. DO NOT SCALE FROM DRAWINGS.

No.	REVISIONS	BY	DATE
C	RE-ISSUED FOR CLIENT REVIEW	ATC	04/28/15
B	RE-ISSUED FOR CLIENT REVIEW	ATC	02/02/15
A	ISSUED FOR CLIENT REVIEW	ATC	09/19/14



A	B
A	A - PLAN, SECTION, ELEVATION, OR DETAIL No.
B	B - No. OF DRAWING WHERE ABOVE IS DRAWN

REFERENCE:

STAMP:

PERMIT STAMP:

PROVINCE OF NEWFOUNDLAND AND LABRADOR

PEG PERMIT HOLDER
This Permit Allows

DYNAMIC ENGINEERING LTD.

To practice Professional Engineering in Newfoundland and Labrador Permit No. as issued by PEG 00579 which is valid for the year 2015.

DYNAMIC ENGINEERING LTD.

PROJECT MANAGEMENT, ENGINEERING & CONSULTING

62 CAMPBELL AVENUE ST. JOHN'S, NL A1E 2Z6 TEL: (709) 368-1669 FAX: (709) 368-0318 info@DynamicEngineering.ca

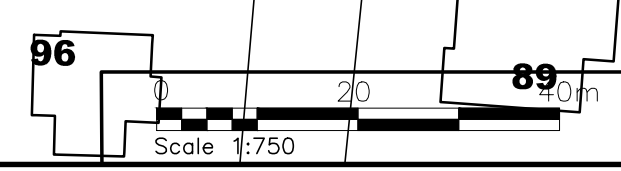
PRELIMINARY ONLY NOT FOR CONSTRUCTION

CLIENT: POWDER HOUSE HILL INVESTMENTS LTD.

PROJECT TITLE: PROPOSED RESIDENTIAL SUBDIVISION PENNEY CRESCENT, ST. JOHN'S

DRAWING TITLE: PRELIMINARY LOT LAYOUT

DRAWN/DESIGNED BY: A. CHAISSON	DATE: JAN. 2014
APPROVED BY: D. MADDEN	SCALE: AS SHOWN
PROJECT No.: 08203	DRAWING No.: PR1
	REV.: C



Terms of Reference
Land-Use Assessment Report (LUAR)
Application to Rezone Property at Penney Crescent and Jackson Place
(Synod West Wetland) to the Residential Low Density (R1) Zone
Applicant: Powder House Hill Investments Ltd.

The proponent shall identify significant impacts and, where appropriate, identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review, including an electronic Portable Document Format (PDF) version with a maximum file size of 15 MB. The numbering and ordering scheme in the report shall correspond with that used in these Terms of Reference, and a copy of the Terms shall be included in the report. A list of those persons/companies who prepared the report shall be included in the report. The following items shall be addressed by the proponent at his/her expense:

A. Subdivision Design; Building Location and Height

- Identify the lot locations and sizes with reference to the requirements of the R1 Zone.
- Identify graphically the location and height of the proposed houses relative to property boundaries, showing the relation to existing houses on adjacent properties. This is important to show in any areas where the lot grading will be significantly higher than adjoining existing lots.
- Using cross-section drawings, show the effect of the proposed lots and houses on properties in the vicinity of the development site in terms of:
 - Possible loss of sunlight / shadowing / loss of privacy for adjacent properties.
 - Potential construction of patios and balconies.

B. Landscaping & Buffering

- In accordance with the City's Open Space Master Plan, indicate the location of walking trails, links to existing trails, links to existing and proposed streets, and the landscaping around the proposed detention pond.
- For the proposed trail around the detention pond, indicate the distance to the boundaries of proposed lots; indicate any proposed tree plantings or other methods to ensure privacy for home owners.
- Identify any proposed buffering for the lots that are near the off-ramps between Portugal Cove Road and the Trans-Canada Highway (Outer Ring Road).

C. Open Space

- Identify the location and size of proposed open space in the development, and its relation to the existing wetland area.
- Identify the benefit of running a road through the existing recreational tot lot at 97 and 99 Penney Crescent instead of using the vacant lot at 101 Penney Crescent.
- Identify the area of trees to be removed for the proposed development, and any plans to plant new trees or transplant existing trees.
- Identify the displacement of wildlife (as described in the wetland report prepared by Stantec Inc.) and any methods to mitigate the displacement. This will include following the requirements of the Migratory Bird Act for nesting birds.

D. Offstreet Parking

Identify the number and location of off street parking spaces/lots to be provided and means by which parking area storm water runoff is to be managed.

E. Roads and Traffic

- Provide a traffic impact statement, including the anticipated traffic generation rates for the proposed development. Depending on the impacts, a traffic study may be required.
- Identify all public streets within the development and connections to existing streets. Please note that road realignment (including horizontal and vertical geometrics) may be required at the development stage which follows the rezoning.
- Reserve access points for potential future development in the remainder of the Synod West Wetland area.
- Identify and confirm St. John's Regional Fire Department access in relation to the proposed density of development on a single access road (normally limited to 50 lots).

F. Municipal Water and Sewer Services and Stormwater Detention

- Provide information as required by the City on the proposed installation of municipal water and sewer services to the site, including stormwater detention.
- Identify how the municipal water supply will be looped. Verify adequate water pressure and flow for firefighting.
- For sanitary sewage, indicate the rate of discharge at the point of connection.
- Stormwater cannot be discharged to the existing underground infiltration system that leads to the Synod East Wetland. Indicate how stormwater (surface run-off and groundwater) will be handled for the existing wetland area, the proposed new lots, and the existing lots adjoining the subject property. This includes accommodating the remaining portion of the Synod West wetland on the adjoining property north of Ledingham Place.
- Indicate the treatment of the drainage ditch behind houses on Halley Crescent as well as the underground infiltration system that connects the Synod West wetland to the Synod East wetland, built beneath Penney Crescent.
- Indicate the emergency overflow route for the detention pond. The pond may make it necessary for nearby houses to be built as slab-on-grade without basements.

G. Public Transit and Canada Post

- Consult Metrobus (the St. John's Transportation Commission) regarding public transit infrastructure requirements (such as a bus stop, bus lay-by, and/or shelter) and their provision as part of the proposed development.
- Consult Canada Post regarding the likely onsite location of a group mailbox.

H. Construction Timeframe

- Indicate the approximate timelines for beginning and completing the development.
- Show on a site plan how workers' parking, equipment storage, and material lay-down areas are to be accommodated during the construction period.