

# MEMORANDUM

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Date: March 14, 2014

To: Chair and Members  
Planning & Development Committee

Re: **PDE File Number: REZ14-00005**  
**146-148 Ladysmith Drive, Ward 5**  
**Proposed Rezoning to Apartment Medium Density (A2)**  
**11368 NL. Ltd.**

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The City has received an application from 11368 NL Ltd. to have property at 146-148 Ladysmith Drive rezoned from the Institution (INST) Zone to the Apartment Medium Density (A2) Zone. The purpose of the rezoning is to accommodate the subdivision of land for development of 28 rowhouse lots along Ladysmith Drive and development of a large lot to the rear of the rowhouse lots on which would be located three apartment buildings containing a total of 181 apartment units. The applicant has provided preliminary subdivision and development concept plans/survey drawings.

To accommodate the rezoning a Land Use Assessment Report (LUAR) and an amendment to the Municipal Plan, redesignation of the subject property to the Residential Medium Density District, will be required. Subject to completion of the review by the Department of Engineering and relevant concerns being addressed, this application and could be considered for referral to the rezoning process.

## **BACKGROUND**

The subject property has an approximate area of 2.95 hectares (7.29 acres) and 258 metres (847 feet) frontage along Ladysmith Drive. The undeveloped property is zoned Institutional as it was intended to accommodate the future development of a school or other public use in this area. It has since been determined that the Eastern School District has no intention of developing a school in the Kenmount Terrace area.

Along its north (rear) side of the subject property is land occupied by a watercourse and associated wetlands. This land is zoned Open Space.

Abutting the subject property on the east and west, and on the opposite side of Ladysmith Drive, are properties that are in the Residential Kenmount (RK) Zone and occupied by single detached houses. A little west of the subject property at the corner of Ladysmith Drive and Lady Anderson street is vacant land that is zoned Commercial Neighbourhood (CN) and will eventually accommodate development of commercial services for this area.

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## COMMENTS

### Planning Considerations

	<b>St. John's Municipal Plan</b>	<b>St. John's Development Regulations</b>
<b>Current</b>	Institutional (INST) District	Institutional (I) Zone
<b>Proposed</b>	Residential Medium Density (RMD) District	Apartment Medium Density (A2) Zone

1. The subject property is in the Institutional (INST) District. This designation is applied to lands which are or could be used for the delivery of public services by a government or non-governmental entity. In this case, it has been determined that reservation of this land for development of a public school is not warranted. Therefore, it would be appropriate to redesignate this property to the Residential Medium Density (RMD) District to accommodate the rezoning to A2. A Land Use Assessment Report (LUAR) will be necessary before the rezoning could be considered as the A2 Zone is a Conditional Zone in the RMD District.
2. An overall objective of the Municipal Plan is to encourage compact urban form by accommodating development with higher densities and infill development. A residential objective of the Municipal Plan is to maintain neighbourhood character and quality of life in residential neighbourhoods.

The Kenmount Terrace area in which the subject property is situated is occupied solely by single detached houses. The uses proposed, rowhouse dwellings and five storey apartment buildings, make efficient use of land, respond to the need for more housing, and allow the City to be more efficient its delivery of services. The compatibility of the proposed development with the surrounding neighbourhood could be determined through the LUAR (draft Terms of Reference attached) and public review of this application.

3. The portion of the subject property where the development of three apartment buildings is proposed abuts or encroaches upon the Yellow Marsh Wetland - an Environmentally Valuable Area (EVA). A minimum 15 metres (15 m) development buffer is required to be maintained from the edge of the EVA. The extent of the buffer limits will have to be identified and appropriate mitigative measures taken during construction to prevent intrusion into the EVA and damage to it. This can be addressed by the applicant through the LUAR.
4. Council has the discretion, following review by the Environmental Advisory Committee (EAC) and receipt of advice, to allow limited development within the EVA buffer zone. This can also be addressed by the applicant through the LUAR.

### Technical/Engineering Considerations

The Department of Engineering has not had the opportunity to review and comment on the preliminary development plan recently submitted by the applicant. However, it is noted that

review and approval of a site development plan, including controlled site access, parking lot layout and landscaping/buffering, would ordinarily be addressed at the time an application for development approval is submitted to the City.

Until the Department of Engineering has completed its review, the Committee should be aware that:

1. Municipal water and sewer services are available in the area of the subject property to service the proposed development. The applicant may have to extend them along the entire frontage of the subject property to be able to connect to City systems.
2. The proposed development is subject to the City's Net Zero Runoff Policy. Onsite stormwater detention may be required.
3. The Transportation Engineer will have to determine if the intensity of the mixed-form development (number of proposed dwelling units) requires the undertaking of a Traffic Impact Study by the applicant. This may be done as part of the Land Use Assessment Report, if required.

## **CONCLUSION**

An overall objective of the Municipal Plan is to encourage compact urban form by accommodating development with higher densities and infill development where appropriate, and making better use of municipal infrastructure. This development would be consistent with the Municipal Plan and make good use of this site by providing needed housing. Rezoning of the subject property to allow a mix of residential land uses would also be responsive to changing local demographics and housing affordability concerns. It therefore has merit and warrants consideration.

Following completion of the review by the Department of Engineering; if the Planning & Development Committee concurs, it is recommended that upon Council's confirmation and approval of the attached draft Terms of Reference and subsequent receipt of a satisfactory Land Use Assessment Report, the application be advertised in accordance with the requirements of Section 5.5 of the Development Regulations and a public meeting chaired by a member of Council be held. At a later stage, a public hearing chaired by an independent commissioner will be required.

This is provided for the consideration of the Planning and Development Committee.

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Ken O'Brien, MCIP  
Chief Municipal Planner

PDB/dlm

Attachment

**RESOLUTION  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 131, 2014**

**WHEREAS** the City of St. John's wishes to achieve increased efficiency in the delivery of municipal services and encourage higher density development on a parcel of undeveloped, vacant land situated at 146-148 Ladysmith Drive [Parcel ID # 400474].

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

**Redesignate land that is situated at 146-148 Ladysmith Drive [Parcel ID # 400474] from the Institutional (INST) District and the Open Space (O) District to the Residential Medium Density (RMD) District, as more specifically shown on the Map III-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**MCIP**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Council Adoption**

\_\_\_\_\_  
**Provincial Registration**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 606, 2014**

**WHEREAS** the City of St. John's wishes to achieve increased efficiency in the delivery of municipal services and encourage higher density development on a parcel of undeveloped, vacant land situated at 146-148 Ladysmith Drive [Parcel ID # 400474].

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

**Rezone land that is that is situated at 146-148 Ladysmith Drive [Parcel ID # 400474]  
from the Institutional (INST) Zone and the Open Space (O) Zone to the Apartment  
Medium Density (A2) Zone, as more specifically shown on the Map Z-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this                      day  
of                      , 2014.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**MCIP**  
I hereby certify that this Amendment has been prepared in  
accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Council Adoption**

\_\_\_\_\_  
**Provincial Registration**

# MEMORANDUM

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**Date:** August 21, 2014

**To:** His Worship the Mayor and Members of Council

**From:** Jason Sinyard, P. Eng.  
Director of Planning & Development

**RE:** **PDE File Number: REZ14-00005**  
**146-148 LADYSMITH DRIVE (Ward 5)**  
**Proposed Rezoning to Apartment Medium Density (A2)**  
**11368 NL. Ltd. on behalf of Northern Property REIT**

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11368 NL. Ltd., on behalf of Northern Property REIT, has submitted an application to have vacant property at 146-148 Ladysmith Drive rezoned from the Institutional (INST) Zone to the Apartment Medium Density (A2) Zone. The proposed rezoning is to accommodate the development of three apartment buildings, each 4 storeys in height, containing a total of 229 dwelling units. The requested rezoning will require an amendment to the St. John's Municipal Plan.

The undeveloped property is mostly zoned Institutional with a small area zoned Open Space (O). It has since been determined that the Eastern School District has no intention of developing a school in the Kenmount Terrace area, therefore the site is proposed to be rezoned. The subject property abuts the Yellow Marsh Wetland Environmentally Valuable Area (watercourse and associated wetlands) which is zoned Open Space.

At the Regular Meeting of the St. John's Municipal Council held on March 24, 2014 Council accepted the recommendation from the City's Planning and Development Committee, that the applicant undertake a Land Use Assessment Report (LUAR) for the property at 146-148 Ladysmith Drive.

In the course of preparing the LUAR, the development buffer of the Yellow Marsh Wetland EVA was revised as result of the May 26, 2014 decision by Council implementing the recommendations of the Rennie's River Stormwater Management Plan. This adjustment of the EVA buffer caused Northern Property REIT to revise its site development plan so that there would be no intrusion into the newly enlarged buffer area.

## **Recommendation**

It has been the practice of the City of St. John's to place watercourses, wetlands and associated development buffer areas in the Open Space (O) Zone. In light of the recent adjustment of the Yellow Marsh Wetland EVA boundary, it is recommended that along the eastern side of the subject

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property the zone boundary designating Open Space lands be shifted to coincide with the new EVA boundary, rezoning a portion of the land zoned Open Space (O) to the Apartment Medium Density (A2) Zone. This rezoning can be considered as part of 11368 NL. Ltd./ Northern Property REIT application.

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Jason Sinyard, P. Eng., MBA,  
Director of Planning and Development

JS/dm

Attachs.



FLOODPLAIN AREA

SUBJECT PROPERTY

INST

CK

RK

LADYSMITH DR

RK

RK

CN

LADY ANDERSON ST

RK

PETITE FORTE DR

RK

GEORGINA ST

RK

ROSALIND ST

RK

ARIEL PL

RK

TIGRESS ST

RK

RK