

# MEMORANDUM

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Date: June 4, 2015

To: Chair and Members  
Planning & Development Committee

Re: **PDE File Number: MPA1400004**  
**198 and 204 Freshwater Road, Ward 2 & 4**  
**Proposed Rezoning to Commercial Neighbourhood (CN) Zone**  
**Dillon Consulting Ltd. on behalf of Shoppers Realty Inc.**

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The City has received an application from Dillon Consulting Limited, on behalf of their clients Shoppers Realty Inc., to have property at 198 and 204 Freshwater Road rezoned from the Residential High Density (R3) Zone to the Commercial Neighbourhood (CN) Zone. The purpose of the rezoning is to accommodate the redevelopment of the Shoppers Drug Mart. To accommodate the rezoning a Land Use Assessment Report (LUAR) would be required, along with an amendment to the Municipal Plan, redesignating the subject property to the Commercial General District.

The application warrants further review.

## BACKGROUND

	<b>St. John's Municipal Plan</b>	<b>St. John's Development Regulations</b>
<b>Current</b>	Residential Medium Density (RMD) District	Residential High Density (R3) Zone,
<b>Proposed</b>	Commercial General (CG) District	Commercial Neighbourhood (CN) Zone

The subject property for redevelopment is made up of both 198 and 204 Freshwater Road, and is split by Liverpool Avenue. The two sites have an approximate area of 2275 square metres. The property is zoned Residential High (R3) Density and designated Residential Medium Density (RMD) under the St. John's Municipal Plan, which makes the existing Shoppers Drug Mart a non-conforming use. Liverpool Avenue was closed off from Freshwater Road decades ago.

The surrounding area consists of residential properties either zoned Residential Medium or High Density, with the exception of the Canada Revenue Agency (Tax Centre) building on Empire Avenue diagonally across the intersection, which is zoned Commercial Office Hotel (COH).

# ST. JOHN'S

The existing Shoppers Drug Mart located at 204 Freshwater Road, has supported a pharmacy operation since the mid 1970's, and in 2007 the business was purchased by Shoppers Drug Mart. At present a pharmacy and retail store operate on the main level, and a medical clinic on the second storey.

The second property included in the application is 198 Freshwater Road, which consists of two buildings, which support independent retail operations. Shoppers Drug Mart acquired 198 Freshwater Road as part of their redevelopment plan, which includes the demolition of all existing structures on both 198 and 204 Freshwater Road. The existing Shoppers Drug Mart (1022 square metres total floor area) will be replaced by a two storey building, with a building footprint of 790 square metres (1,580 square metres in total). The first floor will be comprised of retail and pharmacy space, while the second floor will include a medical clinic for two physicians and a bulk storage area of 185 square metres. During the reconstruction period, a temporary pharmacy would be established at 198 Freshwater Road inside the existing building, so there is no interruption to existing customers.

The proposed redevelopment consists of three main approvals:

- Municipal Plan amendment and rezoning;
- Consideration of the sale of City owned property; and
- Approval of parking relief for proposed expansion.

If the sale of land or parking relief is not able to be approved, the rezoning application could not be considered as proposed.

Vehicular access to the property will be from Winchester Street, same as at present. Currently 198 and 204 Freshwater Road are split by Liverpool Avenue. Shoppers Drug Mart wishes to purchase two parcels of land from the City: Liverpool Avenue (between Freshwater Road and Winchester Street), and a small parcel of land between Empire Avenue and the Shoppers Drug Mart property. The purchase of these two parcels of land will provide for more efficient use and access to the site, along with additional room for parking. Legal Services has reviewed the proposed sale, and have noted there are no issues with the lands being conveyed to Shoppers, as they contain no water or sewage services and do not impact traffic flow. Legal has requested that the description for Liverpool Street specifically reference the right of 196 Freshwater to cross over the lands being conveyed so as to access their property. This change should have no impact upon any plotting of the overall site. Public Works, Roads and Traffic Division, has also reviewed the proposed sale and has no concerns with it.

Based on the proposed size increase to the building, a total of 64 parking stalls are required in accordance with Section 9 of the Development Regulations, however, only 30 stalls have been provided (32 are identified but 2 do not meet size requirements). This is 10 less than currently available on the site; therefore, as part of the application, Shoppers Drug Mart is requesting parking relief. The City's Development Committee reviewed the request for Parking Relief, and suggested that it be considered in reference to the proposed rezoning. It was noted by the Committee, that the floor area increase proposed by the applicant is not significant, and an increase from the current demand for parking would not increase. The applicant had noted that there is currently 62% parking space occupancy during peak hours, thus a 13% increase in floor

area would not greatly affect parking demands, as a large part of the retail trade walks to the site, helping to reinforce parking numbers.

## COMMENTS

### Planning Considerations

1. The subject property is within the Residential Medium Density (RMD) District, which is applied to areas accommodating a variety of housing types. As previously noted, the Shoppers Drug Mart has been a long standing use in the neighbourhood, but is a non-conforming use. The Commercial General District allows commercial uses that service residential areas; therefore, it is desirable to place commercial facilities close to residential neighbourhoods. As the existing Shoppers Drug Mart is looking to expand in order to provide more services to its customer base, it would be appropriate to redesignate the property to the Commercial General (CG) District. This would also accommodate rezoning to the Commercial Neighbourhood (CN) Zone and make the Shoppers Drug Mart a conforming use within the new zone.
2. A Land Use Assessment Report (LUAR) will be necessary prior to rezoning, as the Commercial Neighbourhood (CN) Zone is considered as a Conditional Zone within the Commercial General Land Use District.
3. The Commercial Neighbourhood (CN) Zone permits such uses as a clinic and retail store. Subject to Section 8.5 Landscaping and Screening, the development will require a 3 meter landscaped area and a screen of at least 1.8 metres in height where a commercial use adjoins a residential area.
4. Section 7.4 Commercial Development Adjacent Residential Areas shall apply, and be addressed in the LUAR in reference to landscaping, snow storage, parking areas and vehicle circulation.
5. A minimum of 64 off-street parking stalls would be required under Section 9 of the Development Regulations, while only 30 spaces have been provided. Parking relief of 34 spaces (a 47% shortfall) is required in order for the development to be viable. 40 space are available at the current location.
6. As noted, the applicant wishes to purchase both Liverpool Avenue (between Freshwater Road and Winchester Street) and a small area of land next to Empire Avenue along the boundary of the Shoppers Drug Mart property from the City. The Legal Division has reviewed the proposal and has no issue. Prior to the sale, Legal has requested that the description for Liverpool Street make specific reference to the right of 196 Freshwater Road to cross over the lands being conveyed so as to access their property. The sale would need to be approved in order for the rezoning application to be considered.
7. As noted, Public Works, Roads and Traffic Division, have also reviewed the proposal and have no concerns with the impact in traffic flow or snowclearing.

## Technical/Engineering Considerations

The Department of Engineering has provided the following comments:

1. Municipal water, storm and sanitary sewer mains are available along the property boundaries to service the proposed development.
2. The development must comply with the City's Commercial Landscape Policy prior to final development approval.
3. 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.

## CONCLUSION

The Municipal Plan encourages mixed use development within the City, and the provision of commercial services close to residential neighbourhoods. The proposal is consistent with the policies of the Municipal Plan. The redevelopment helps to ensure a long-standing commercial business is retained, helping to maintain the viability of an older residential area, while continuing to provide local commercial services.

The proposal warrants further consideration. If the Planning & Development Committee agrees, it is recommended that after Council's approval of the attached draft Terms of Reference and subsequent receipt of a satisfactory Land Use Assessment Report, the application be referred to a public meeting chaired by a member of Council. 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

LLB/dlm

Attachment



266  
268  
270  
272

R2

EMPIRE AVE

241

243

R3

204

16

14

12

50

R3

46

48

55

R3

WINCHESTER ST

LIVERPOOL AVE

196

198

R3

FRESHWATER RD



COH

203

201

R2



**TERMS OF REFERENCE**  
**LAND USE ASSESSMENT REPORT (LUAR)**  
**APPLICATION TO REZONE PROPERTY AT 198 AND 204 FRESHWATER ROAD**  
**TO THE COMMERCIAL NEIGHBOURHOOD (CN) ZONE**  
**FOR THE REDEVELOPMENT OF SHOPPERS DRUG MART**  
**PROPONENT: DILLION CONSULTING on behalf of SHOPPERS REALTY INC.**

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The proponent shall identify significant impacts and, where appropriate, also 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. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

**A. Building Use**

- Identify all proposed uses/occupancies within the building by their respective floor area.

**B. Elevation & Building Materials**

- Provide elevations of the proposed building.
- Identify the finish and colour of exterior building materials.

**C. Building Height & Location**

Identify graphically on a site plan the exact location and height of the proposed building.

Identify the effect of the proposed building height on properties adjoining the development site in terms of the following criteria:

- Property boundaries/lot lines;
- Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks; and
- Identify any rooftop structures.

**D. Exterior Equipment and Lighting**

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining residential properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building. Identify possible impacts on adjoining residential properties and measures to be instituted to minimize these impacts.

**E. Landscaping & Buffering**

- Identify with a landscaping plan, details of site landscaping (hard and soft) and measures to be undertaken to buffer the adjoining residential properties from activities on the building site. The City's Commercial Landscaping Plan shall also apply.
- Identify the location and proposed methods of screening of any electrical transformers on the site.
- Identify the location for refuse storage to be used at the site.

**F. Snowclearing/Snow Storage**

- Identify proposed method of snow clearing and location of snow storage area(s) on the site.

**G. Off-street Parking and Site Access**

- Identify the number and location of off street parking spaces to be provided and means by which parking area storm water runoff is to be managed.
- Identify the location of all access and egress points.
- Identify how deliveries will be accommodated on the site.

**H. Municipal Water and Sewer Services**

- Provide design flows for sanitary and storm sewers.
- Identify points of connection to City water, sanitary and storm sewer mains.

**I. Traffic**

- Provide the anticipated traffic generation rates associated with the proposed development.

**J. Construction Timeframe**

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan where workers' parking is to be accommodated during the construction period and designated areas for equipment and materials during the construction period.