

DECISION/DIRECTION NOTE

Title: Proposed Rezoning to R2 Condo Zone for 49 Townhouses
315 Torbay Road
PDE file REZ1500008
Applicants: EXP Architects Inc. for REB Holdings Inc.
Council directive CD #R2015-08-10/29

Date Prepared: April 21, 2016

Report To: His Worship the Mayor and Members of Council

Councillor & Role: Councillor Art Puddister, Chairperson, Planning & Development Committee

Ward: 1

Decision/Direction Required:

That Council refer a revised development plan to a second public meeting. The original plan called for a road connection from Stirling Crescent and met significant neighbourhood opposition at a public meeting on January 27, 2016 (minutes attached). In response, the applicant has submitted a revised plan showing the road connection moved to Torbay Road and no connection from Stirling Crescent.

Discussion – Background and Current Status:

The subject property is made up of land owned by REB Holdings (site of a former single detached house on Torbay Road), land owned by Fairview Investments with access to Stirling Crescent, and land owned by the City along the right-of-way of the former Brady's Path. The applicants have asked to purchase some of the City-owned land. There is a large trunk sewer with a walking path on top. City staff have reviewed the request and have advised the applicants that some of the land could be considered for sale. The City would retain enough land for the sewer easement as well as to protect the trail for future use. The trail connects Spruce Meadows Park with Torbay Road across from Gleneyre Street.

At its Regular Meeting on August 10, 2015, Council accepted the recommendation of its Planning and Development Committee to refer this application to a land-use assessment report (LUAR) and a public meeting. The LUAR was submitted later that year, showing a road connection from Stirling Crescent and a development with 44 townhouses. The application and report were brought to a public meeting on January 27, 2016 (minutes attached).

ST. JOHN'S

The proposed rezoning was from Residential Low Density (R1) and a small section of Residential Medium Density (R2) to the Residential Medium Density – Condominium (R2 Condo) Zone. The application met significant public opposition. Council will note that an earlier application for a residential condominium apartment building was rejected by Council.

In response, the applicants have switched the access from Stirling Crescent to Torbay Road across from Gleneyre Street. The proposal has increased the number of townhouses from 44 to 49 (see attached plan). The land on Stirling Crescent would be subdivided from the remainder and developed for one (1) single detached house; this would not require rezoning.

The change in access point should address a number of concerns expressed by area residents. City staff have reviewed the revised plan and will work with the applicant on revisions required. Given the significant opposition expressed in the January public meeting, staff recommend that the revised plan be circulated and referred to a second public meeting before Council votes on the proposed rezoning and development.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:
Area residents and property owners
3. Alignment with Strategic Directions/Adopted Plans: N/A
This would be consistent with “Neighbourhoods build our city”, a strategic direction of the City’s Strategic Plan 2015-18. It is also in line with the St. John’s Municipal Plan’s policy to encourage compact urban form to reinforce older areas and reduce the cost of municipal services.
4. Legal or Policy Implications:
This is consistent with the Municipal Plan’s policy to encourage increased density in all areas where appropriate.
5. Engagement and Communications Considerations:
Public Meeting
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 refer the revised development plan for 315 Torbay Road to a second public meeting. Following that meeting, the application will be referred to Council for

consideration of rezoning. A Municipal Plan amendment is not required, therefore no commissioner's public hearing.

Prepared by//Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

Approved by//Date/Signature:

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

Signature: _____

KO'B/dm

Attachments:

1. Revised development plan
2. Air photo
3. Minutes of the public meeting of January 27, 2016.

MEMORANDUM

Date: July 16, 2015

To: Chair and Members
Planning and Development Standing Committee

Re: **PDE File Number: REZ1500008**
Proposed Rezoning from Residential Low Density (R1) Zone and the Residential Medium Density (R2) Zone to the Residential Medium Density – Condominium (R2-Condominium) Zone
315 Torbay Road (Ward 1)
Applicant: Exp. Architects Inc. for REB Holdings Inc.

An application to rezone property located on 315 Torbay Road has been submitted by EXP Architects Inc. for REB Holdings Inc. The application is to rezone the subject property to accommodate a proposed residential townhouse development. The applicant proposes to construct 43 townhouses, each of which will be three (3) storeys high. A Municipal Plan amendment would not be required for this application, but a Land Use Assessment Report (LUAR) is required.

It is recommended that the rezoning application be considered for further review.

BACKGROUND

The subject property is currently vacant and located on the west side of Torbay Road, north of Newfoundland Drive, east of Stirling Crescent and opposite Gleneyre Street. A lone house was removed several years ago. The property is rectangular in shape and has an area of 8,100 square metres (2 acres or 0.81 hectare) with frontage on Stirling Crescent between civic numbers 20 and 24. This is a stable neighbourhood with single detached houses to the west on Stirling Crescent, townhouses to the north on Prim Place and a variety of commercial uses to the south and east.

This property is not in the vicinity of a wetland but is within the general vicinity of the Virginia River. The site is full of vegetation and trees and has an established walking path between Torbay Road and the residential properties along Stirling Crescent. Municipal water and sewer services are available in the area. The path runs along an old right-of-way formerly known as Brady's Path. There is major municipal infrastructure underground beneath this right-of-way. There are no overlay districts or zones affecting this property.

Previous applications to develop this site were not successful. In 2005 a commercial development was proposed for the site, consisting of two commercial, two (2) storey buildings; the application was withdrawn. In 2013 there was an application for a six (6) storey, 88 unit residential condominium building. This application was withdrawn in March of 2015.

ST. JOHN'S

DISCUSSION

In the St. John's Development Regulations there was a new zone created in 2014 - the Residential Medium Density – Condominium (R2-Condo) Zone, which was specifically created to encourage medium density residential infill developments. This is a form of development whereby a condominium corporation would maintain all infrastructure (including private access parking lot, snowclearing, garbage collection, and so on). Water and sewer infrastructure on this site would also be privately owned and maintained.

Planning Considerations

	St. John's Municipal Plan	St. John's Development Regulations
Current	Residential Low Density (RLD) District	Residential Low Density (R1) Zone and Residential Medium Density (R2) Zone
Proposed	Same	Residential Medium Density – Condominium (R2-Condominium) Zone

PLANNING CONSIDERATIONS

St. John's Municipal Plan

Under the St. John's Municipal Plan, the property is located in the Residential Low Density (RLD) District, where single family dwellings are predominately permitted. The subject site has an area of 8,100 square metres (2 acres or 0.81 hectare) with a proposed 43 townhouses and access off Stirling Crescent.

Section 2.3.1 of the Municipal Plan states that the RLD District may permit zones to allow Medium Density Residential uses if Council deems them to be compatible with single detached dwellings, subject to a Land Use Assessment Report (LUAR).

One objective of the Municipal Plan is to achieve compact urban form. Another is to maintain neighbourhood character. This application appears to be aligned with these objectives of the Municipal Plan. A Municipal Plan amendment would not be required to accommodate this rezoning.

The compatibility of the proposed development with the surrounding neighbourhood would best be determined through the LUAR and public review. Draft Terms of Reference are attached to this report.

St. John's Development Regulations

The subject lands are zoned Residential Low Density (R1) Zone and Residential Medium Density (R2) Zone. The R1 zone can only accommodate single family detached homes whereas the R2 zone can permit higher density residential forms. The property owner wishes to redevelop the site to accommodate a 43 unit townhouse condominium development. Consequently, this requires rezoning to the R2-Condo Zone.

Higher density housing makes efficient use of land at a time when there is a great demand. Sound Planning principles encourage a diversity of housing types and tenures to accommodate the widest range of individuals.

TECHNICAL CONSIDERATIONS

Building Line

Certain Arterial Roads have increased building lines (setbacks from the street edge). Torbay Road has a Building Line of 25 metres as measured from the centre line of the street. This is intended to allow for landscaped areas, space to store snow and unobstructed views for driveway access.

The houses at 325 to 337 Torbay Road and the end-unit houses on Prim Place are closer than 25 metres to the center line of Torbay Road. If the proposed new townhomes were required to meet the 25 metre building line, it would set the townhomes closer to the single-detached homes on Stirling Crescent. City staff suggest that the building line for the development be decreased to 11 metres. The reasoning was two-fold; 1) by establishing a smaller front-yard setback the townhomes could be moved closer to Torbay Road to define the street edge and; 2) moving the townhomes closer to Torbay Road would ensure a separation between the higher density residential, the public space along the walking trail and the private space of the single detached residences along Stirling Crescent.

Density and other R2-Condo Zone requirements

The total area of approximately 8,100 square metres (2 acres or 0.81 hectare) would permit a maximum 45 units at a minimum lot area of 180 square metres. The overall development meets the required minimum 20 metre frontage on a public road along Stirling Crescent. No semi-detached dwellings are permitted in the R2-Condo Zone, which would eliminate four (4) units from the submitted concept plan.

ENGINEERING CONSIDERATIONS

1. Trip generation rates must be provided for this development to fully assess the traffic impacts.
2. Prior to final approval, we will require a detailed site plan to confirm the parking requirements, and lane widths and confirm any trails/pedestrian crossing locations.
3. The proposed development must comply with the City's stormwater detention policy.
4. There is a 750mm trunk sanitary sewer which runs through the rear of this property. It would be preferable for the developer to connect to this. The Department of Public Works & Parks requires an 11 metre easement over this trunk sewer.
5. Given that this development will be serviced from a private water main on the site, it will need to comply with the City's Water Meter and Premises Isolation By-Laws.

CONCLUSION AND RECOMMENDATION

An overall objective of the Municipal Plan is to encourage compact urban form by accommodating development with higher densities and infill development where appropriate. This development proposal would be consistent with the Municipal Plan and make good use of this site by providing new housing

while maintaining the character of the neighbourhood. Given the infill nature of the site, this development proposal would make efficient use of existing infrastructure.

It is recommended that the applicant be directed to prepare a Land Use Assessment Report (LUAR). Upon completion of the LUAR and its review by City staff, it is recommended that the proposed rezoning and LUAR be advertised publicly for review. Given the previous applications for this property, staff recommends that this rezoning and LUAR be referred to a public meeting chaired by a member of Council. A commissioner's public hearing would not be required.

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

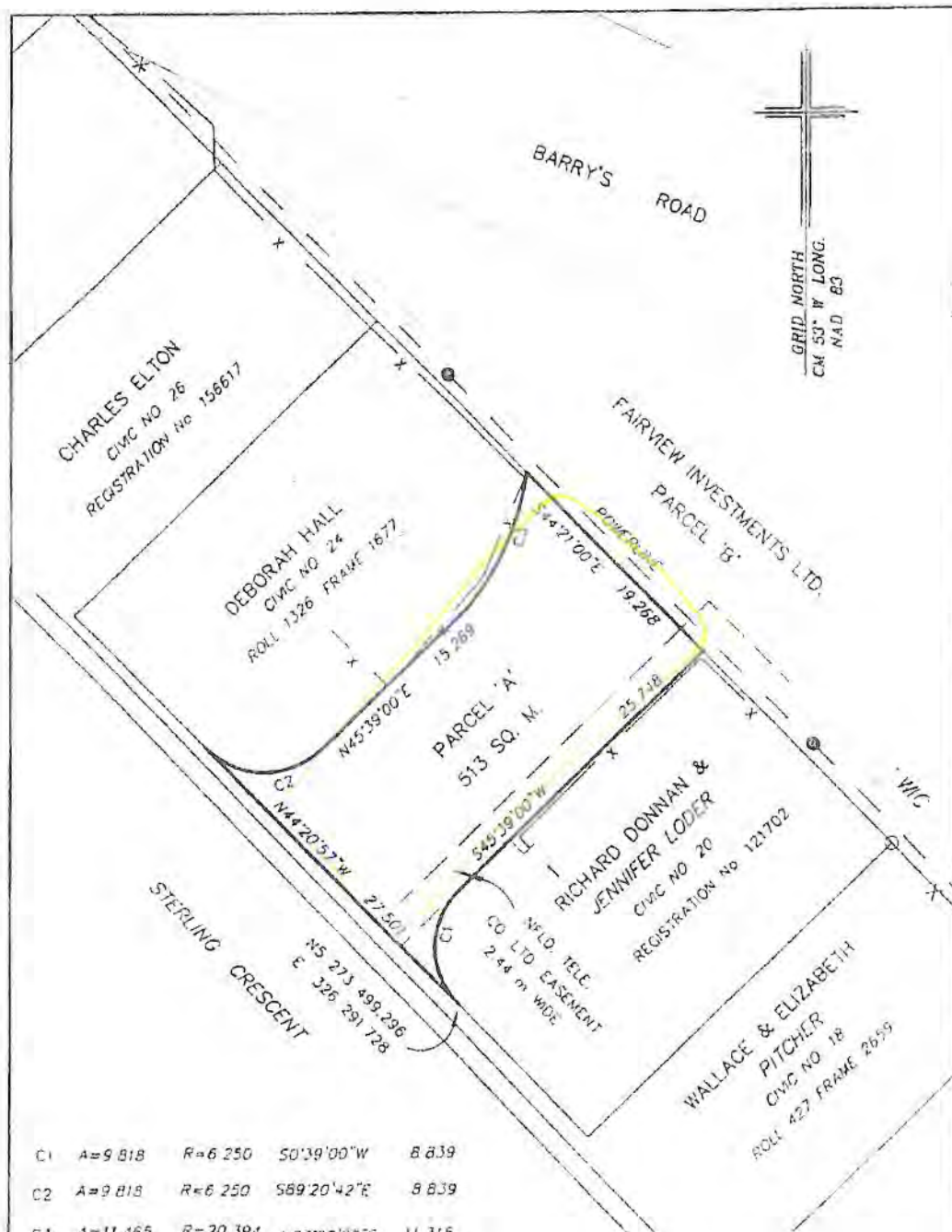
Ken O'Brien, MCIP
Chief Municipal Planner

MH/dlm/ss



SUBJECT PROPERTY





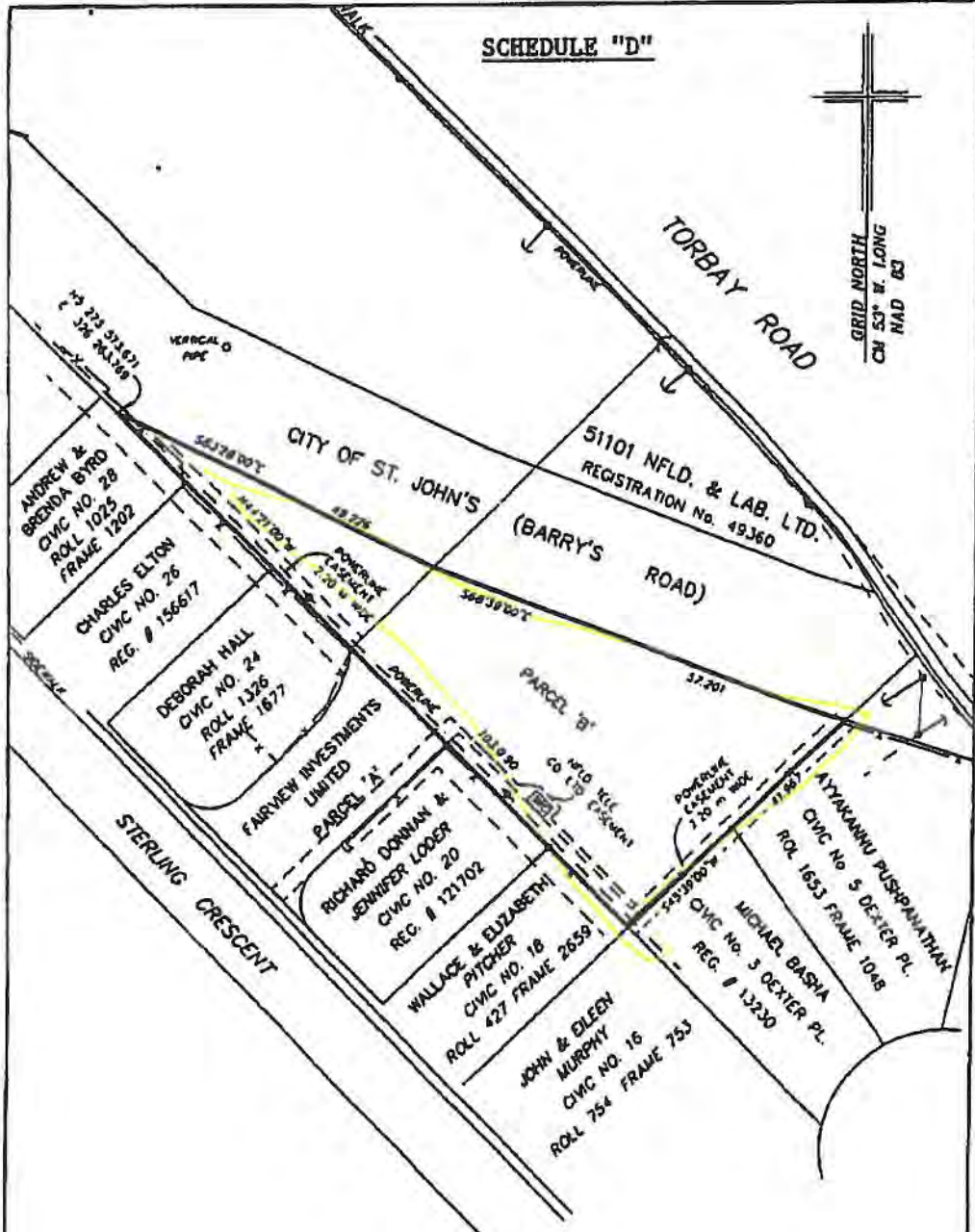
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