

# MEMORANDUM

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Date: February 11, 2015

To: Chair and Members  
Planning & Development Committee

Re: **PDE File Number: MPA1500002**  
**729 Fowler's Road, Ward 5**  
**Application for Development Regulations Text Amendment and Approval to**  
**Develop a Residential Addictions Recovery and Treatment Facility ("Group**  
**Home")**  
**Applicant: Teen Challenge Canada**

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Teen Challenge Canada has applied for a site-specific amendment to the text of the Development Regulations (introduce a "Group Home with an agricultural/forestry component" as a use which could be allowed in the Rural Zone) to accommodate an application to redevelop 10 acres of an 130-acre property situated at 729 Fowler's Road (the former Circle Square Ranch) to a year-round residential addictions recovery and treatment facility. For the first three years the facility would accommodate 12 women and two counsellors.

On the basis of information submitted by the applicant and the characteristics of the subject property, it has been determined that the text amendment does not warrant consideration for approval. Staff recommend that this text amendment application be rejected.

This application could be revisited should the condition of Fowler's Road be upgraded to an acceptable standard with a program of regular winter maintenance. This would have to be implemented and paid for by the applicant. This will be further discussed in the body of this report.

## **BACKGROUND**

The subject property is part of a much larger property that is within three land-use districts and three land-use zones – slightly more than half is Rural, slightly less than half is Forestry, and a small sliver is Agriculture. It has a total area of approximately 53 hectares (130 acres) and has significant frontage along a narrow, gravel-surfaced section of Fowler's Road. The proposed development site is almost two kilometres from the end of the paved surface of Fowler's Road, near the CBS Bypass Road/Fowler's Road overpass. On the subject property are several buildings of varying size and condition which have served different functions for the previous summer camp; it appears that all buildings are located in the Rural District/Zone. The bulk of the property is in a natural, undisturbed state with woods and fields.

# ST. JOHN'S

For the purpose of the Development Regulations, the former, longstanding summer camp would fall within the definition of a Private Park, which is defined as:

**“PRIVATE PARK** means an area owned or operated by any person other than the City of St. John’s, the Province of Newfoundland and Labrador, the Government of Canada, or an administrative/statutory agency, board, commission, or wholly-owned corporation of either of the three levels of government; which is maintained substantially in its natural state and/or landscaped, for the use and enjoyment of the public; and includes playgrounds, playing fields, campgrounds and picnic areas; but does not include a Place of Assembly or a Park.”

A Private Park is a Discretionary Use in the Rural Zone and does not include the activities proposed by Teen Challenge. The existence of the Circle Square Ranch summer camp predated this area coming into the jurisdiction of the City of St. John's.

Beyond the subject property on Fowler’s Road are several seasonal residences. These have frontage on Paddy’s Pond and are located in the Forestry Zone and the Agriculture Zone. The existence of these seasonal residences (Non-Conforming Uses) predated the inclusion of this area in the City’s boundaries in 1990.

An application to rezone the subject property to the Institutional Zone to accommodate the Teen Challenge development proposal was submitted to the City in 2013. Council rejected that rezoning application at its Regular Meeting of August 25, 2014, on the basis that the proposed rezoning and development would not be consistent with the City’s planning objectives. Council also stated that the application was premature by virtue of the site lacking adequate road access and presently being beyond the natural development of the area. This issue has not been addressed with the new application.

## **DISCUSSION**

### **Planning Considerations**

1. The Rural District requires that rural development (with on-site water supply and sewage disposal) must have access to a rural road of not less than two paved lanes with drainage ditches on each side. The road standard of the Municipal Plan and the Development Regulations implements the technical standards for public streets that provide access to firefighting apparatus and other emergency vehicles. The subject property, which had been occupied by a seasonal private park, does not have frontage on such a road.

The applicant does not intend to upgrade Fowler’s Road to the minimum paved standard required by the City, but asserts that the existing gravel road should be considered as meeting the requirements of the St. John’s Regional Fire Department (SJRFD).

Planning staff have met with staff of the SJRFD and the Streets Division to discuss the gravel roadway and interpretation of parts of the *National Fire Protection Association*

*Standard 1141* and the *National Building Code* Section 3.2.5.6. Staff believe that leaving the road in its current condition could potentially put SJRFD firefighters and others at risk.

2. The part of the subject property for which the applicant seeks the amendment is in the Rural Zone and the Rural District. The Rural District does not permit zones which would allow an institutional-type use as proposed. An amendment to the Municipal Plan would be required and could take the following form (assuming that the road issue could be resolved):

(1) Amend Part III, Section 1.3.2 (Permitted Zones) by adding the following:

“4. Zoning for a Personal Care Home provided it can be shown that the location of the Personal Care Home is essential to its operation; provided the development site has access to a rural road of not less than two paved lanes with drainage ditches on each side and provided the proposed development meets with the approval of the St. John’s Regional Fire Department (SJRFD).”

3. The Development Regulations amendment sought by Teen Challenge is for a “Group Home” - a use which is not part of the Development Regulations

There is no Provincial Government definition for a group home. Commonly, the term is used to describe a temporary residence for juveniles with behavioural problems. In St. John’s there are several group homes operated by or on behalf of the Provincial Department of Child, Youth and Family Services. These occupy regular houses in established neighbourhoods and operate without special approval or permits from the City. To amend the Development Regulations by introducing a definition for a Group Home could draw unwanted attention to existing group homes.

4. An alternative approach to the text amendment requested by the applicant would be to consider the proposed use under the definition of a Personal Care Home:

“**PERSONAL CARE HOME** means a Building or facility designed or converted for the accommodation and care of elderly persons and/or persons with special needs.”

The definition could be updated to reflect the needs of Teen Challenge. Amendments to Section 10.38 of the Development Regulations (Rural (R) Zone) would also be required.

5. Section 5.1.3(3) of the Development Regulations directs that “No permit shall be issued for Development within the City when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the

services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.”

In the case of proposed development, the norm is for the developer to pay for the costs of extending the necessary services to the development site. The City has estimated the cost to upgrade Fowler’s Road to be in the neighbourhood of \$1 million. The applicant has not indicated willingness to pay the full cost of the necessary road upgrade and seeks to have the City waive this requirement. On this basis, rejection of this application for premature development would be justified.

### **Technical/Engineering Considerations**

1. Currently, there is access to the site via Fowler’s Road, a narrow gravel roadway. There are no ditches or other roadway drainage and snow clearing equipment does not regularly maintain the road in the winter months. This would pose an issue for the proposed development. The applicant has not provided information on how the roadway will be upgraded and maintained during year-round operations of the proposed facility. The applicant indicated on January 16, 2015 that it is “willing, as a show of good faith...to fund road widening (where required to meet code), ditching, filling of low spots and the addition of culverts at those locations where they may be required to a maximum of \$70,000.”
2. There are no municipal services in the area. On-site servicing would be required in compliance with Municipal and Provincial standards.
3. Stormwater detention may be required for this development.

### **Other Considerations**

With the proposed change from seasonal to year-round occupancy of the subject property, the St. John’s Regional Fire Department has expressed concern. There would be a need for year-round availability of a water supply for firefighting purposes (installation of an underground cistern, an above-ground tank or a connection to a nearby pond). As well, Fowler’s Road would need significant upgrading and continuous maintenance to ensure year-round access by SJRFD equipment.

The National Building Code (Section 3.5.6 (e) - Access Route Design) requires for the delivery of firefighting services that a road "be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions".

### **CONCLUSION & RECOMMENDATION**

Municipal Plan policies encourage growth from established areas outwards, the management of development to prevent conflict amongst competing land uses, and the provision of appropriate supporting infrastructure. The City is committed to limiting growth in areas where it may

threaten the natural environment and/or require the premature extension of infrastructure networks.

Based on information provided by the applicant, it is the opinion of staff that at this time the proposed text amendments and development would not be consistent with the City's planning objectives and would be premature by virtue of the site lacking adequate road access and water services for fire-fighting purposes. This application does not warrant consideration for approval and it is recommended that it should be rejected.

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

# DECISION/DIRECTION NOTE

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**Title:**

Application to Develop a Residential Addictions Rehabilitation and Treatment Facility  
729 Fowler's Road  
PDE File Number: MPA1500002  
Applicant: Teen Challenge Canada

**Date Prepared:**

January 13, 2016

**Report To:**

Chair and Members of the Planning and Development Committee

**Ward:**

5

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**Decision/Direction Required:**

To make amendments in the Rural (R) Zone to permit a group home for residential addictions rehabilitation and treatment for up to 25 women and up to eight (8) residential care staff at 729 Fowler's Road. This will require approximately 1.6 kilometres of road upgrading, as this section of Fowler's Road does not meet City standards.

**Discussion – Background and Current Status:**

Teen Challenge Canada has submitted its third application for the former Circle Square Ranch on Fowler's Road. The proposal is for a year-round group home for up to 25 women and eight (8) staff, providing a 12-month program of vocational training and life-skills training, including an agricultural component of growing vegetables, operating a greenhouses, and harvesting berries and Christmas trees.

The first application in 2013 for rezoning to the Institutional (INST) Zone was rejected by Council as being inconsistent with the City's planning objectives, lacking adequate road access, and being beyond the natural development of the area at present. The second one was for a site-specific amendment to allow a group home for 12 women and two (2) staff in the Rural (R) Zone; it was modified to request rezoning the remainder of the property for commercial-industrial use. That application is now being changed to a rezoning or text amendment for a year-round group home for up to 25 women and eight (8) staff, dropping the request for rezoning for commercial-industrial use.

The former Circle Square Ranch is a large rural property that falls within three (3) land-use districts and three (3) zones – slightly more than half is Rural (R), slightly less than half is Forestry (F), and a small portion is Agricultural (AG). These zones align with the land-use designations of the St. John's Urban Region Regional Plan. The ranch ran summer programs for large numbers of campers. It has a total area of approximately 53 hectares (130 acres) and significant frontage along a narrow gravel section of Fowler's Road.

The proposed development site is approximately 1.6 kilometres from the end of the pavement on Fowler's Road, near the CBS Bypass Road/Fowler's Road overpass. The property contains several



buildings which served different functions for the summer camp, including a cookhouse and bunkhouses; it appears that all buildings are in the Rural (R) Zone. The bulk of the property is in a natural, undisturbed state with woods and fields. The present application is for 16.8 hectares (41.5 acres) of the property. The dining hall would be reused and expanded for residential space.

The former camp, which was under the control of the former St. John's Metro Board until the area became part of the City in 1990, would be classed as a Private Park, a discretionary use in the Rural Zone; that use does not include the activities proposed by Teen Challenge.

There are houses and some commercial uses near the beginning of Fowler's Road where it enters the City boundary from the Town of Conception Bay South. There are a few houses and seasonal residences (cabins) further in Fowler's Road beyond the former ranch, located in the Forestry and Agricultural Zones; they are non-conforming uses. The road reaches Paddy's Pond.

### **Planning Considerations**

The Rural District of the St. John's Municipal Plan requires that rural development must have access to a rural road of not less than two paved lanes with a drainage ditch on each side. This requirement implements the technical standards for public streets that provide access to firefighting apparatus and other emergency vehicles. Fowler's Road does not meet the standard.

City staff and staff, along with the St. John's Regional Fire Department, have advised the applicant of the City's required road standards, including widening, paving for 2 lanes, improved drainage in selected areas, and several dedicated turn-arounds (some of which may be on land owned by other parties). Relevant standards include the National Fire Protection Association standard 1141 and the National Building Code section 3.2.5.6. The applicant has agreed to pay the cost of upgrading the road, estimated at \$1,400,000 in 2015.

The part of the subject property where the buildings are located is in the Rural District and Zone. The Rural District does not permit a group-home use as proposed. One approach is to consider rezoning. Staff recommend, however, adding the proposed use to the existing Rural (R) Zone as a discretionary use, using the definition for a Personal Care Home:

*“PERSONAL CARE HOME means a Building or facility designed or converted for the accommodation and care of elderly persons and/or persons with special needs.”*

The associated uses proposed by Teen Challenge could be carried out in the existing Rural (R), Forestry (F) and Agricultural (AG) Zones.

An associated amendment to the Municipal Plan would be required, adding the following to Part III, Section 1.3.2 (Conditional Zones):

*“4. Zoning for a personal care home provided that it can be shown that a location in a rural area is essential to its operation, and provided that the development site has access to a rural road of not less than two paved lanes with a drainage ditch on each side, which road meets with the approval of the St. John's Regional Fire Department.”*

There are no municipal water and sewage services in this area. On-site servicing would be required in compliance with municipal and provincial standards, including a year-round water supply for firefighting. Storm water detention may be required for the development.

Municipal Plan policies encourage growth from established areas outwards, managing development to prevent conflict amongst competing land uses, and providing appropriate supporting infrastructure. The City limits growth where it may threaten the natural environment or require the premature extension of infrastructure. In the present application, the site presents certain advantages for Teen Challenge; these advantages could be realized in other rural locations where there could be space for growing vegetables, harvesting Christmas trees and so on. Fowlers Road is not the only location possible for the proposed group home, but it is the one being applied for.

**Key Considerations/Implications:**

1. Budget/Financial Implications:  
Cost of upgrading the road was estimated at \$1.4 million in 2015. This cost is to be borne by the developer. The road upgrade is required when introducing a new land use in this rural area, to ensure year-round access for firefighting and emergency vehicles. It should be noted that this was an estimated cost and the actual cost may be higher or lower.
2. Partners or Other Stakeholders:  
Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
  - This would be consistent with two directions from the City's Strategic Plan 2015-18:
    - Neighbourhoods Build Our City
    - Fiscally Responsible
4. Legal or Policy Implications:  
This would be consistent with longstanding municipal planning policies to limit development in rural areas.
5. Engagement and Communications Considerations:
  - A public meeting chaired by a member of Council is recommended.
  - A public hearing chaired by an independent commissioner appointed by Council would be required later for the Municipal Plan amendment.
6. Human Resource Implications: N/A
7. Procurement Implications: N/A
8. Information Technology Implications: N/A
9. Other Implications: N/A

**Recommendations:**

It is recommended that Council consider directing staff to prepare amendments to the Municipal Plan and Development Regulations to accommodate a group home for residential addictions rehabilitation and treatment for up to 25 women and up to eight (8) residential care staff at 729 Fowler's Road. The cost of road upgrades is to be borne by the developer.

**Prepared by:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

**Approved by:**

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

Signature: \_\_\_\_\_

KO'B/dlm

**Attachments:**

1. Location Plan
2. Graphics from the application

# DECISION/DIRECTION NOTE

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**Title:** Proposed Text Amendment for Personal Care Home in the Rural (R) Zone  
St. John's Municipal Plan Amendment No. 137, 2016, and  
St. John's Development Regulations Amendment No. 628, 2016  
PDE File # MPA1500009  
Applicant: Teen Challenge Canada  
729 Fowler's Road, Ward 5

**Date Prepared:** May 24, 2016

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

**Councillor & Roles:** Councillor Art Puddister, Chair, Planning and Development Committee

**Ward:** 5

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**Decision/Direction Required:**

Following Provincial release, Council may proceed with the next steps in the amendment process for St. John's Municipal Plan Amendment Number 137, 2016, and St. John's Development Regulations Amendment Number 628, 2016.

**Discussion – Background and Current Status:**

Teen Challenge Canada applied to develop a personal care home on 16.8 hectares (or 41.5 acres) of the 53-hectare (130-acre) property at 729 Fowler's Road (the former Circle Square Ranch). The facility will be used year-round for residential addictions recovery and treatment for up to 25 adult women and up to eight (8) residential care staff. For the first three years the facility would accommodate 12 women and two (2) counsellors. Teen Challenge will provide a 12-month program of vocational and life-skills training, including potentially an agricultural component of growing vegetables, operating greenhouses, and harvesting berries and Christmas trees. As the proposed use is not an included land use in the Rural (R) Zone, a text amendment would be required, as well as a text amendment to the St. John's Municipal Plan.

The application will require approximately 1.6 kilometres of road upgrading, as this section of Fowler's Road does not meet City standards for year-round use, particularly where the proposed development would increase the number of people living along the road in the winter months. The cost of upgrading the road will be borne by the developer.

A public meeting chaired by Councillor Puddister was held on February 24, 2016. At the Regular Meeting of Council on March 7, 2016, Council agreed to proceed with the proposed amendments and requested that the Department of Municipal Affairs issue a Provincial Release for the amendments. Provincial release has now been issued for St. John's Municipal Plan Amendment Number 137, 2016 and St. John's Development Regulations Amendment Number 628, 2016. It is now in order for Council to proceed with the next steps in the amendment process.

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**Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:  
Neighbouring property owners and residents.
3. Alignment with Strategic Directions/Adopted Plans: N/A
4. Legal or Policy Implications: N/A
5. Engagement and Communications Considerations: N/A
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 now adopt the attached resolutions for St. John's Municipal Plan Amendment Number 137, 2016 and St. John's Development Regulations Amendment Number 628, 2016, to add Personal Care Home as a Discretionary Use in the Rural (R) Zone. This amendment would accommodate the group home proposed by Teen Challenge Canada for residential addictions rehabilitation and treatment for up to 25 women and up to eight (8) staff at 729 Fowler's Road. The cost of road upgrades is to be borne by the developer.

If the resolutions are adopted by Council, it is further recommended that Council appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a public hearing on the proposed amendments. The proposed date for the public hearing is Tuesday, June 28, 2016, at 7pm at St. John's City Hall.

**Prepared by - Date/Signature:**

Lindsay Lyghtle-Brushett, MCIP – Planner III

Signature: \_\_\_\_\_

**Approved by - Date/Signature:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

LLB/dlm

**Attachments:**

Amendments  
Location Map



FOWLER'S RD

F

SUBJECT PROPERTY

R

F

R

AG

AG

**RESOLUTION  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 137, 2015**

**WHEREAS** the City of St. John's wishes to accommodate personal care homes as a land use that could be considered in the Rural Land-Use District;

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text amendment to the St. John's Municipal Plan under the provisions of the Urban and Rural Planning Act, 2000:

**Add the following subsection to Part III, Section 1.3.2 (Rural - Conditional Zones) on page III-17:**

*“4. zoning for a personal care home provided that it can be shown that a location in a rural area is essential to its operation, and provided that the development site has access to a rural road of not less than two paved lanes with a drainage ditch on each side, which road meets with the approval of the St. John's Regional Fire Department.”*

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal and Intergovernmental Affairs to register the proposed amendment in accordance with 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            , 2016.

\_\_\_\_\_  
**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 628, 2015**

**WHEREAS** the City of St. John's wishes to accommodate personal care homes as a discretionary land use in the Rural (R) Zone;

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations under the provisions of the Urban and Rural Planning Act, 2000:

**Add the following land use to Section 10.38.2 (Rural (R) Zone – Discretionary Uses), section 10, page 85:**

*(l) Personal Care Home*

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal and Intergovernmental 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        , 2016.

\_\_\_\_\_  
**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**