

MEMORANDUM

Date: October 22, 2012

To: Chairperson and Members
Planning and Housing Committee

Re: **Department of Planning File Number B-17-B.27**
Blackhead Road and Blackhead Crescent (Ward 5)
Proposed Rezoning from Open Space Reserve (OR) to Rural Residential Infill (RRI)

Earlier this year, the owner of 391 Blackhead Road applied for the rezoning of the property from the OR Zone to the RRI Zone. The purpose was to allow the construction of a single detached house. The rezoning application was reviewed by staff and considered for a recommendation of rejection.

However, given that much of this stretch of Blackhead Road as well as Blackhead Crescent has long-standing houses, but that they are non-conforming uses in the OR Zone, it may be worthwhile to consider rezoning a portion to the RRI Zone to make them conforming land uses. This would have the effect of facilitating a potential handful of new houses to be built on existing road frontages.

BACKGROUND

	St. John's Municipal Plan	St. John's Development Regulations
Existing	Restricted and Rural Districts	Open Space Reserve (OR) Zone
Proposed	Rural District	Rural Residential Infill (RRI) Zone

The OR Zone has been in place in this neighbourhood since Shea Heights became part of St. John's in 1982. All the houses along Blackhead Road and Blackhead Crescent in the OR Zone are non-conforming uses. There are no municipal water and sewer services available in the area (they end further north on Blackhead Road), and it is not the City's intent to extend the services.

This area is south of Beaver Pond, along both sides of Blackhead Road. There are also some houses on Blackhead Crescent. For the most part, the rezoning would recognize houses that have been in existence for decades, along with a few that were built more recently to replace earlier houses. Over the past decade, a number of property owners in this area have applied to develop new residential lots and have been rejected based on the land-use zoning as well as the City's wish to curb sprawl along the road.

PLANNING CONSIDERATIONS

The properties fall within two land-use districts: Restricted and Rural. The Restricted District applies to those lands having inherent environmental hazards such as steep slopes, unstable soils and other similar characteristics, which makes them unsuitable for urban development. The Rural District is applied to lands that are intended for rural uses.

ST. JOHN'S

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Existing houses in this area are zoned Open Space Reserve (OR), making them non-conforming uses. The OR Zone does not permit any form of residential use. A number of rezoning applications have been rejected in this area, since new residential development is not supported by the Municipal Plan policies. However, given that the houses have been in place for decades, and that there are a small number of properties where infill development could accommodate a few more houses, rezoning would not foster any more sprawl. There would be no houses allowed further out from Shea Heights than what already exists.

The St. John's Urban Region Regional Plan designates Blackhead Road / Cape Spear Highway as a Scenic Road, where every effort should be made to retain the landscape in its natural form.

The City would not want to set a trend for further unserved residential development, but very limited infill development might accommodate some of the desire by area residents to remain in the neighbourhood. In the face of this desire, there is almost no land available for new houses in Shea Heights.

CONCLUSION AND RECOMMENDATION

The Municipal Plan's policies seek to curb sprawl and new unserved residential development along Blackhead Road. However, there are houses that have been in place longer than this area has been part of St. John's. Rezoning some lands along Blackhead Road and Blackhead Crescent to allow a small amount of unserved infill residential development would not increase sprawl or be detrimental to the visual character of the designated Scenic Road under the Regional Plan.

Therefore, staff recommend that the Planning and Housing Committee consider rezoning some lands along Blackhead Road, south of Beaver Pond, and along part of Blackhead Crescent, from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone.

A Municipal Plan amendment would be required for some of the lands. This would require a public hearing chaired by an independent commissioner appointed by Council.

If Council wishes to consider the rezoning, staff recommend that public advertisement would be sufficient as a first step.

This is provided for the Committee's consideration.

Ken O'Brien, MCIP
Manager of Planning and Information

Cliff Johnston, MCIP
Director of Planning

KOB/dlm

Attachment