

COMMISSIONER'S REPORT

MOUNT PEARL MUNICIPAL PLAN 2010
AMENDMENT NO. 14, 2015

MOUNT PEARL DEVELOPMENT REGULATIONS 2010
AMENDMENT NO.43, 2015

KENMOUNT HILL

GEORGE D. TRAINOR

COMMISSIONER

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Introduction

YOUR COMMISSIONER was appointed by letter March 13, 2015 from the City of Mount Pearl to conduct a public hearing and prepare a report with respect to the Mount Pearl Municipal Plan Amendment No. 14 and Development Regulation No. 43, (hereinafter referred to as Kenmount Hill Amendment).

Notice of hearing was advertised as required on the 14th day of March, 2015 and the 28th day of March, 2015 in The Telegram.

The hearing was convened as scheduled on the 7th day of April, 2015 at 7:03 pm at Council Chambers , City Hall, Mount Pearl. Present was your Commissioner, Stephen B. Jewczyk, Director of Planning and Development, and Christopher Hardy, Planner., Planning and Development.

Opening Remarks

As Commissioner I welcomed all in attendance and mentioned the outline on how the hearing would be conducted : Introducing yourself before speaking; sign the attendance record; please no interrupting speakers; everyone will get the opportunity to speak; and address all comments to me.

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Written presentations that had been received prior to the Hearing ;

Fred Drover, President-----Keyin College Proposal-----In attendance

In Support of Keyin College Proposal and not in attendance;

Craig Finch; Terri Valone; Dr. Gary Mac Donald; and Tina Brenton.

Written presentations in support of rezoning and in attendance;

Gordon Howell-----President --Redwood Management LTD.
Redwood Construction Limited

Darryl Howell-----Progressive Engineering & Consulting Inc.
Representing:
Leopard Canada Limited
61272 Newfoundland & Labrador Limited

Written presentations in support of rezoning and not in attendance;

Lisa Pike-Lawton----Representing Dr. Cosmos Ho

Written presentations for concerns of rezoning and in attendance;

Caryll Rossiter-----28 Wyatt Blvd.

In addition , a written notice was received from John McCormick indicating his intention to present an oral presentation at the hearing.

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Your Commissioner was in possession of background information prepared by the City of Mount Pearl including but not limited to the minutes of the Public Briefing Session of 25th day of November,2014, and the Background Report , March 2015 proposed by the City of Mount Pearl, and the above mentioned written presentations.

I will note the attendance record shows 18 people signed the attendance form.

Your Commissioners Notes ;

Constitute the record of the Hearing as no formal transcript of the proceedings was made., and the following is not intended to be a verbatim record of the proceedings, but the general commentary of each individual .

Issues

FIRST Issue

The FIRST Issue to be dealt with, at this hearing was Mount Pearl Municipal Plan Amendment No.14, 2015, which states as follows:

Mount Pearl Municipal Plan 2010:

1.Amend the Text of the Municipal Plan as follows:

a. In Section 2.2 ,Changes to the Municipal Plan, after the second paragraph add the following:

“Based on the province's indications that it is prepared to consider municipal plan amendments to permit the urbanization of lands above the 190 -metre contour and servicing studies that indicate that there is servicing capacity in the regional water and sewer systems to accommodate development above the 190-metre servicing contour, municipal plan amendments are proposed to permit the urbanization of these lands provided sufficient municipal water and sewer services are available.”

b. In Section 4.2.1 , Community Structure; under Objectives, delete;

“In accordance with provincial planning policy, to prevent urban development on lands situated above the 190-metre contour regional servicing limit.”

c. In Section 6, Land Use Policies; Subsection 6.2; Specific Land Use Designations; Policies (i) , add “Urban-Comprehensive Development Area” to end of the list of designations.

d. In Section 6, Land Use Policies; Subsection 6.2.19, Specific Land Use Designations- Rural remove Subsection 6. 2.19 (iii) and renumber subsequent items sequentially.

e. In Section 6 Land Use Policies , subsection 6.2, Specific land Use Designations, add immediately after subsection “6.2.19-”Rural”, a new subsection “6.2.20-Urban -Comprehensive Development Area with the accompanying statements and

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policies as outlined in Schedule A

f. In Section 7, Municipal Infrastructure and Services; Subsection 7.1, Introduction, after Paragraph 2, add the following:

“Improvements have been made to the municipal water system including the construction of a water reservoir on Kenmount Hill. These improvements have addressed the water pressure problem and provide for future growth opportunities.”

g. Update the table of contents accordingly.

2. Amend Map 1, Future Land Use Map, as follows:

a. Re-designate the subject lands on Kenmount Hill from “Rural “ to “Urban”- Comprehensive Development Area”.

Those lands not being re-designated shall maintain their present designation.

SECOND ISSUE

The Second Issue to be dealt with, at this hearing was Mount Pearl Development Regulations Amendment No. 43, 2015, which states as follows:

Mount Pearl Municipal Plan 2010 :

1. Amend the text of the Mount Pearl Development Regulations 2010 as follows:

a. In Section 3, under Subsection 3.3 Use Zones, Special Zones , in the list of use

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zones; add immediately after “Conservation” and abbreviation “(CON)”:
“ Comprehensive Development Area (Kenmount Hill)”and Abbreviation
“(CDA-Kenmount Hill)”, and

- b. In Section 11, under Special Zones, add immediately after, subsection
“11.27-Conservation (CON)” use zone, subsection “ 11.28-Comprehensive
Development Area (Kenmount Hill)”with the accompanying permitted
uses and conditions as outlined in Schedule A.
- c. Renumber subsequent subsections accordingly.
- d. Update the table of contents accordingly.

2. Amend Map 1, Land Use Zoning Map, as follows:

- a. Rezone the subject land on Kenmount Hill currently zoned as “ Rural'
(Rural)”to Comprehensive Development Area-- Kenmount Hill'
(CDA- Kenmount Hill)”.

Those lands not being re-zoned shall maintain their present zoning.

The Hearing

The City Planner , Mr. Jewczyk, was asked to address the hearing and outlined the background for the proposed amendments to Kenmount Hill. He stated that the proposed amendments came about based on the province's indications that it is prepared to consider municipal plan amendments to permit the urbanization of lands above the 190-metre contour and servicing studies that indicate that there is servicing capacity in the regional water and sewer systems to accommodate development above the 190-metre servicing contour, municipal plan amendments are proposed to permit the urbanization of these lands provided sufficient municipal water and sewer services are available. This conversation led to referring to the mapping on display around the room showing:

- (1) The zoning as it is- Rural
- (2) Mapping denoting the purpose of the hearing to change the zoning to Comprehensive Development Area.
- (3) St. John's Urban Region Regional Plan 1976-Amendment No. 3, 2014 and the insert showing the pertinent area Kenmount Hill.
- (4) Aerial Photo of the subject site.

The Director went on to outline the boundaries and note adjacent properties such as the

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City of St. John's boundary lines. Also, identified was the access road to the current water tower. The above comments led to the purpose of this evening's hearing of the amendments to rezone those lands in the Kenmount Hill area of Mount Pearl currently zoned as Rural and located above the 190m contour to "Comprehensive Development Area- Kenmount Hill."

The amendments are to signal Council's intention to encourage the development of these lands for a range of urban purposes subject to the approval of further detailed rezoning of the lands, with such rezoning to be subject to ensuring that adequate municipal services are in place to accommodate any proposed urbanization of these lands.

Council has received correspondence from owners in this area presently zoned Rural wishing to use their lands for other uses- Council is now seeing if development - urbanization of these lands are possible at this time.

Mr. Jewczyk wanted to highlight the importance of the new zoning – it is a holding zone- Comprehensive Development Area. This designation identifies lands in the Kenmount Hill area which are located above the 190 m contour which have the potential to be development in the future for a range of urban land uses on the basis of municipal water and sewer services.

To identify serviced urban development the City has engaged two firms to assist in the

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decision making process Tract Consulting doing a Comprehensive Plan Study and SNC Lavalin for a Servicing Study.

Also, noted was the new St. John's Urban Region Regional Plan, 1976 (STURRP) Amendment No. 3, 2014 approved mapping which has caused further changes to the Regional Plan Map which states:

“Rural and Restricted Development to “Urban Development” in vicinity of Kenmount Hill in the City of Mount Pearl to accommodate residential development.

Before closing the Director wished to note that the City had advised this hearing twice in The Telegram, March 14th and 28th, 2015, sent out to property owners within 150 m of the Kenmount Hill Amendments approximately 425 notices and all pertinent information was available on the web site for the City of Mount Pearl.

Written Representations

The next input to the hearing will be the written representations and or adding additional commentary they may have at this time.

Support of Rezoning

1. Keyin College Proposal -Fred Drover-President -No comment at this time.

In support of Keyin College Proposal

- A. Craig Finch—Not in Attendance
- B. Terri Valone---Not in Attendance

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- C. Dr. Gary MacDonald---Not in Attendance
- D. Tina Brenton---Not in Attendance
- 2. Gordon Howell –President –Redwood Management Ltd. & Redwood Construction Limited. No comment at this time.
- 3. Darryl Mills –Progressive Engineering & Consulting—Representing Leopard Canada Limited and 61272 Newfoundland & Labrador. No comment at this time.
- 4. Lisa Pike -Lawton for Dr. Cosmos Ho. Not in Attendance.

Concerns of Zoning

- 5. Caryll Rossiter -28 Wyatt Blvd.
-No comment at this time -but wished to submit
4 additions photo's showing water damage to her property.

Verbal Representation

At this time your Commissioner asked all in attendance if anyone wished to speak on the Kenmount Hill Amendments to please come to the podium.

Notice

Your Commissioner reviewed the commentary of all speakers and instead of showing comments in order of speaking compressed individual comments under

each person's name.

The first speaker will be John McCormick as he had written to City of Mount Pearl expressing his desire to submit a verbal representation.

John McCormick:

- Council has ignored /disrespected citizens in the past
- Doesn't doubt that professionals will do a good job
- That notifications should be sent to a wider area
- Not enough notices-all streets in the area
- 78 people showed up to a past meeting
- Some people don't use internet or get the Telegram
- Doesn't like all these little changes in pockets that Council is doing in this area
- Not in agreement with changes – feels Council is doing things against their own amendments
- Let developers do what they want to do- review past records of approvals
- 250 people signed a petition – nothing done
- City of St. John's has voted against development above 190m contour

Travis Faulkner:

- Amendments going in right direction- Need dollars to pay for aging infrastructure
- Opportunity for a Nature Park- City should support a get out and get active idea. He is still awaiting a reply from Briefing Session of November 25, 2014.
- City of Mount Pearl has made comments in 2012 to the City of St. John's briefing session against this type of development above the 190m contour
- Now City of Mount Pearl has no objections to theses amendments- but should more details re the development.
- We're in the dark re proposed development
- Mount Pearl pushed for a Comprehensive Development Scheme.
- Hearing shouldn't be held until study is done.

Geoff Carberry

- Letters – written briefs and the report for this hearing to be available publicly.
- Would like to know cost to pump water up Kenmount Hill with assumptions made for costs.
- Who would cover the ongoing costs (not the initial costs to developers0 ?
- Commissioner reminded everyone that the zoning is general not specific.
- Transportation – Public Transit is horrible in Mount Pearl- Should be looking at walking distances to work.
- Look at developments regarding transportation, employment and housing, hazardous materials.

Kevin O'Keefe

- Objects to mapping here tonight not being marked “Draft”
- Objects to notices not being sent out to more individuals.
- Concerns- about water and sewer capacity – pumping station and water tank.
- Ongoing repairs to present services.
- Property values being lowered.
- Concerns on wetlands.
- Yes good improvements- but some have not been that good. Such as water pressure is most pressing.
- Feels no capacity available for development
- Roads- access and egress to CDA area – Very Concerned.
- Report on this hearing when available and where can it be found on web site?
- Concerns Mount Carson Realignment- Kenmount Road Access.

Brian O'Keefe

- Notices for this hearing- feels a larger number like 2500 notices should have been sent out.
- Its what we leave to the next generation that concerns me.
- Wants to see continued use of bike trails etc. in area for his children.
- Retention Ponds- Wants better above the minimum. Re Brian Butt Report 2014 – Research Project.
- Noted 25 years ago- environment – grand concourse authority was being paid to landscaping – walkways, green space, waterways, wet lands. Look at places like Torbay and St. John's and other municipalities.
- Needs Master Plan for parks- nature like the Johnson Foundation is doing. Kenmount Hill can be Mount Pearl's jewel. Also, noted improved use of the train track going through Mount Pearl.
- Sees a need for a town hall meeting on nature- feels the citizens of Mount Pearl want it.
- Again going back to Johnson Foundation – Grand Concourse layout- Built trail ways- funding for future work.
- Public Consultation in all neighborhoods following the Grand Concourse Plan.

Rod Keeping

- Former mayor of Port Aux Basques
- Concern with road access to Mount Carson Avenue ,Wyatt Boulevard and Kenmount Road.
- Status of greenery on back of his home on Montclair Street

Tom Kendall

- Support of development.
- Should establish CDA Kenmount Road, Commercial/ Industrial.
- Other CDA area designated Residential.

Tom Kendall- Continued

- Need to co-operate with City of St. John's- 50% of boundary line with the City.
- Joint arrangement on development is needed with the City of St. John's.
- This CDA zoning and studies will lead to Residential and Commercial Development.
- Roads – streets- Prepare plans and ask the citizens of Mount Pearl for feed back.
- Lots of input- further on-services etc.
- A lot of work to be done – must move forward now.
- Contractors would like to see Kenmount Road Frontage Area developed first.

Paula Walsh

- Green Space is why I moved to Montclair Street 21 years ago.
- Away for 3 years – a major consideration to development- Hardly a tree left on North Side of Kenmount Road.
- Not against development – has to be with consideration .
- Tamper with wet lands- Environment an issue with bird species(family of loons in the area.)
- Has the regional Plan Amendment been received to change the zoning from Rural to Urban Development?

Director of Planning & Development Stephen Jewczyk replied that it had been received this afternoon. The province is making changes. Now Urban Development Area decision has to be made at Council level.

- In section 7 of amendments- Water System – These improvements have not addressed the water pressure and is there enough infrastructure available for development. Also, refer to Section 2.2- Province -provided that sufficient municipal water and sewer services are available.
- Change from Rural to CDA by the Province – Why are we here?
Again Mr Jewczyk indicated the City of Mount Pearl must make changes to our plans to be in line with Regional Planning from Provincial Government.
- If Urban Area – Will Council take the opportunity to use funds for studies like water and sewer etc.?

The Director Of Planning & Development Stephen Jewczyk replied that the

Paula Walsh – Continued

Council had decided to fund two studies -Tract Consulting doing a Comprehensive Plan Study and SNC Lavalin for a Servicing Study.

- Can we look at Green Space in Powers Pond area- prefer to keep green spaces.
- This type of meeting should have someone recording all conversations or equipment in place to record same. People who have contributed/spoke at this hearing should receive a copy of the report to City to see if there comments have been accurately recorded for review by the Commissioner.

Darryl Mills

- He represents some developers for the Kenmount Hill development.
- More hand shaking for promotion of developments with other cities.
- Engineering aspects—every bodies concerns can be respected – be it bog land - roads -residential development.
- This is the right approach to develop the land and concerns of citizens of Mount Pearl.
- Concept plans from developers will be reviewed by Council.

Caryll Rossiter

- All for development.
- Here to protect her home and property.
- Submitted 4 pictures to show interior and exterior damage caused to her property on Wyatt Boulevard.

As Commissioner for the hearing I asked if anyone present had any other comments/questions for Council or any submission made this evening.

No reply from anyone in attendance.

Meeting Adjourned- 9:15 pm.

Consideration & Recommendation

The purpose of this hearing was to re-designate/rezone those lands in the Kenmount Hill area of Mount Pearl greater than 190 metre in elevation and currently designated/zoned as “Rural” to “Urban - Comprehensive Development Area.”

I have reviewed the minutes of the Briefing Session held on November 25, 2014 in which Four (4) members of the public submitted written responses to the notice and one person indicated he will be giving a verbal submission. At this meeting eight (8) individuals gave verbal submissions.

For Public hearing of April 7, 2015 members of the general public five (5) individuals submitted written submissions with one (1) person indicating he would submit a verbal submission. Ten (10) members of the public gave a verbal submission.

Many comments were expressed on road networks, water & sewer and the environment.

The City of Mount Pearl had sent letters to all of the municipalities in the St. John's

Consideration & Recommendation

Urban Region: The following municipalities replied ;

- The Town of Pouch Cove
- The City of St. John's
- The Town of Petty Harbour- Maddox Cove
- The Town of Portugal Cove St. Philips
- The Town of Paradise
- The Town of Bay Bulls
- The Town of Conception Bay South

Most of the above municipalities had no issues with the proposed zoning/designation change except a request that the St. John's Regional Water Board be included in the discussion regarding these amendments to ensure sufficient water capacity will be available to accommodate any development in the subject area.

The Town of Conception Bay South is concerned that development above the 190m contour will put strain on infrastructure that was designed to service development below the 190m contour only.

Also, the Department of Environment and Conservation was contacted for input on zoning around and protection of water courses in the subject area. The Department indicated any development requiring water and/or sewer services that will be connected to publicly owned and operated drinking water and/or wastewater systems may

Consideration & Recommendation

require approval under Section 36 and 37 of the Water Resources Act..The water Resources Management Division does not recommend approval for the development of wetland areas for residential and some Commercial purposes. These areas should be left natural with a buffer around them. Any work that is in a body of water (including wetland) will require a permit under Section 48 of the Water Resources Act prior to the start of construction.

I feel the majority of people who submitted written and verbal submissions do agree with development in the area but would like to see greater input from citizens in the Mount Carson Avenue and Wyatt Boulevard area's together with concerns of water and sewer – boglands and environment which I feel the City will review in the two studies being conducted by Tract Consulting and SNC Lavalin.

And finally the City of Mount Pearl had approached the Minister of Municipal and Intergovernmental affairs to re- designate the subject area in the St. John's Urban Regional Plan from “Rural” and “ Restricted” to “Urban Development.”

On April 7, 2015 the City of Mount Pearl received the approval of St. John's Region Regional Plan ,1976 (SJURRP) Amendment No. 3 , 2014 with the approved

Consideration & Recommendation

amendment:

“Rural” and “Restricted Development” to “ Urban Development” in vicinity of Kenmount Hill in the City of Mount Pearl to accommodate residential development.

Your Commissioner has reviewed and considered the Background Report prepared by the City of Mount Pearl including but not limited to the minutes of the Briefing Session of November 25, 2014, and written and verbal submissions containing comments and representations made during the hearing on April 7, 2015 .

It is your Commissioner's recommendation that:

The City of Mount Pearl Municipal 2010 Amendment No. 14, 2015 and Development Regulation 2010 Amendment No. 43, 2015 be approved.

Respectfully submitted , this 4th day of May, 2015.



George D. Trainor

Commissioner