

Town of Conception Bay South
Development Regulations Amendment No. 60, 2024

40A Foxtrap Access Road

**Prepared by the
Town of Conception Bay South**

November 2024

**Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South Development Regulations
Amendment No. 60, 2024**

Be it so resolved, that under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, Development Regulations Amendment No. 60, 2024, be adopted.

Adopted by the Town Council of Conception Bay South on the 19th day of November, 2024.

Signed and sealed this 26 day of November, 2024.

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

I certify that Amendment No. 60, 2024 to the Conception Bay South Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Corrie Davis
Corrie Davis, MCIP



Development Regulations/Amendment	
REGISTERED	
Number	<u>1145 - 0045 - 2024</u>
Date	<u>20 DEC 2024</u>
Signature	<u>[Signature]</u>

**Town of Conception Bay South
Development Regulations Amendment No. 60, 2024**

1. Introduction

The Conception Bay South Municipal Plan and Development Regulations came into legal effect on July 20, 2012. Council is considering amending the Development Regulations. This report has been prepared to explain the proposed change, and to serve as a background information for Council and the public.

2. Background

The Town received an application to expand the use of an existing commercial heavy equipment repair and maintenance garage at 40A Foxtrap Access Road. The proposed expansion of use is to allow the business to service heavy equipment in addition to the company's equipment.

The current wording of Section 10.23.11 of the Development Regulations limits any proposed expansion of uses at the property. This amendment would remove aspects of the Regulations that restrict the operation of the garage for private maintenance.

The applicant is the business owner at the property, Eric Taylor Ltd.

3. Assessment

St. John's Urban Region Regional Plan

The St. John's Urban Region Regional Plan (Regional Plan) identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre. The area is serviced with municipal water and sewer services and designated as "Urban Development" by the Regional Plan. The Regional Plan defers regulation of specific land uses to the Conception Bay South Municipal Plan and Development Regulations. The proposed amendment does not conflict with the Regional Plan.

The Conception Bay South Municipal Plan

There are no restrictions within Section 5.5.3 (regarding industrial uses) of the Municipal Plan related to the subject property.

Section 9.3.2 of the Municipal Plan guides Council when considering amendments to the Development Regulations and requires that Council consider impacts on adjacent properties. Council determined that removing the limitation on the private use of the existing garage should not impact the adjacent properties. The business owner indicate that they expect no more than

one or two additional pieces of heavy equipment visiting the property each week beyond the current traffic associated with their fleet of heavy equipment.

The Conception Bay South Development Regulations

The property is located within the Industrial General (IG) Zone and is used as a heavy civil construction yard. The use of the property as a construction yard pre-dates the Town's Municipal Plan and Development Regulations. Prior to 2021, the use of the property was a legal non-conformity. In 2021, Council changed the future land use designation and zoning at the property. The intent of the 2021 re-zoning decision was to remove uncertainty for the business given that under the previous zoning, its use was classified as legal non-conformity and was subject to statutory limitations on change in use or expansion of buildings associated with the business.

The proposed amendment would delete two site specific restrictions for this property that are noted in the regulations.

4. Consultation

In accordance with section 14 of the *Urban and Rural Planning Act, 2000*, notices seeking feedback on the proposed amendment was published in the October 28 and November 4, 2024 editions of *The Shoreline* newspaper. A similar notice was also published on the Town's website and social media and mailed to 75 known property owners in the general vicinity of the property. The draft amendment document was also posted to the Town's website. One written submission was received by the Town in response to the Public Notice. The submission was supportive of the proposed changes.

A public information session was held November 6, 2024 that was attended by two residents and a representative of the applicant. Issues involving traffic on Foxtrap Access Road and the absence of a privacy fence between the existing development and abutting residential properties was discussed.

Council considered the feedback received through the consultation process and determined that the amendment should proceed as proposed.

The Town determined that this consultation opportunity was reflective of the size, structure and complexity of planning issues under consideration and provided reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

5. Development Regulations Amendment No. 60, 2024

The Conception Bay South Development Regulations are amended as follows:

Section 10.23.11 that currently states:

10.23.11 40 Foxtrap Access Road

Future development of the existing industrial property at 40 Foxtrap Access Road is limited to the following:

- (1) Any expansion of the existing private maintenance garage is limited to addition of one additional service bay such that the extension is no greater than 100m².*
- (2) The addition of an office space through an expansion to the existing private maintenance garage or development of a separate building such that the office area is limited such that the expansion is not greater than 60m².*
- (3) Industrial activity, such as processing of granular material and screening of topsoil, will not be permitted at the property.*
- (4) Storage of heavy equipment, construction and granular materials, and topsoil must be limited to reasonable amounts as determined by Council.*
- (5) Activities at the site shall not produce noise, dust or light that would detract from the peaceful enjoyment by adjacent residential property owners and residents.*

Is modified by deleting subsections (1) and (2) and re-numbering the remaining sub sections so that it now reads:

10.23.11 40 Foxtrap Access Road

Future development of the existing industrial property at 40 Foxtrap Access Road is limited to the following:

- (1) Industrial activity, such as processing of granular material and screening of topsoil, will not be permitted at the property.*
- (2) Storage of heavy equipment, construction and granular materials, and topsoil must be limited to reasonable amounts as determined by Council.*

(3) Activities at the site shall not produce noise, dust or light that would detract from the peaceful enjoyment of adjacent residential properties by their owners and residents.

- 6.** All other sections of the Conception Bay South Development Regulations not referenced in this amendment retain their current wording.