

Town of Conception Bay South
Municipal Plan Amendment No. 37, 2024
961 & 963 Conception Bay Highway

Town of Conception Bay South

December 2024

Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Municipal Plan Amendment No. 37, 2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South adopts the Conception Bay South Municipal Plan Amendment No. 37, 2024.

Adopted by the Town Council of Conception Bay South on the 17th day of December, 2024.

Signed and sealed this 18th day of February 2024. §

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

I certify that Conception Bay South Municipal Plan Amendment No. 37, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Conception Bay South
Municipal Plan Amendment No. 37, 2024

Under the authority of Sections 16, 17, 18 and 21 of the *Urban and Rural Planning Act, 2000*, the Town Council of Conception Bay South

- a) Adopted the Conception Bay South Municipal Plan Amendment No. 37, 2024 on December 17, 2024.
- b) Gave notice of the adoption of the Conception Bay South Municipal Plan Amendment No. 37, 2024 by advertisement in the Shoreline newspaper on January 17 and 24, 2025.
- c) Scheduled a public hearing to consider objections and submissions on February 5, 2025.
- d) No objections or representations were received by the Town of Conception Bay South within the time stipulated in the notice of public hearing.
- e) The Conception Bay South Town Council cancelled the public hearing.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South approves the Conception Bay South Municipal Plan Amendment No. 37, 2024, as adopted.

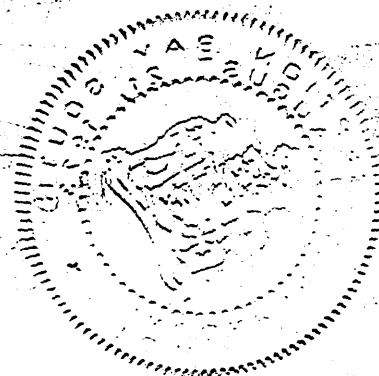
SIGNED AND SEALED this 18th day of February 2025.

Mayor: _____

Clerk: _____

Municipal Plan/Amendment
REGISTERED

Number 1145-0046-2025
Date March 7, 2025
Signature [Signature]



Town of Conception Bay South Municipal Plan Amendment No. 37, 2024

Introduction

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

Background

The Town received a request to change the future land use designation of approximately 2370m² (0.6 acres) of land located at 963 Conception Bay Highway. The applicant is the property owner. The area that is the subject of the request is shown in the image below.



The land is currently designated as “Residential Medium Density” by the Municipal Plan and the applicant requested that the designation be changed to “Commercial”. An amendment to the Conception Bay South Development Regulations to rezone the same lands to “Commercial General (C-2)” is being processed concurrently with this Municipal Plan Amendment.

This amendment is intended to apply a land use designation to the property that can accommodate re-development of the property to accommodate an automotive service centre (express oil change services).

Assessment

The property is located on the south side of Conception Bay South Highway (Route 60) in the Kelligrews area of the Town and within the Ward 4 municipal electoral district. The property abuts an existing commercial property to east. There are residential properties to the south, west and on the opposite side of Conception Bay Highway to the north. There are commercial properties to the north east.

The property is the former location of an ambulance depot with garage space for ambulance vehicles and accommodations for employees. The ambulance depot use of the property was a non-conforming use. The ambulance depot use ceased operations at the property in mid-2024 as a result of Government's consolidation of road ambulance services within the province. The property owner applied to the Town to operate an automotive service centre (characterized as an express oil service and tire change facility) from the existing building. The proposed use is not listed as a permitted or discretionary use within the Residential Medium Density (R-2) where the property is located. Council determined the proposed use was less compatible with the R-2 zoning than the previous use, and therefore concluded the proposal could not be considered as a change to a non-conformity.

The property owner therefore requested that Council consider changing the zoning so that the proposed use could be permitted.

Council considered the request and noted that the subject property and an adjacent property had been used commercially for many years and changing the zoning to reflect those uses was a reasonable consideration. Council therefore agreed to initiate the amendment process and also determined that the adjacent property at 961 Conception Bay Highway should also be included in the proposed re-zoning. Therefore, the total area of the proposed amendment is illustrated in the following image.



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 Regional Plan designates the subject property as "Urban Development" which allows for a range of urban uses connected to municipal water and sewer services. The proposed change in Municipal Plan Designation and Zoning is consistent with the intent of the St. John's Regional Plan.

The Municipal Plan

The properties are designated Residential Medium Density by the Municipal Plan. Section 5.2.3(2) of the Municipal Plan notes that the designation is intended to apply built up and serviced areas of the Town and provide a for a range of residential uses. The current and proposed use of the properties under consideration in this amendment does not align with those policies.

Section 4.3.24 of the Municipal Plan articulates policies for non-conforming uses and notes that Council will encourage non-confirming uses to be discontinued over time. Both properties have a long history of non-residential use and re-development for residential purposes within the current planning period is unlikely.

Sections 9.3.1 of the Municipal Plan guides Council when considering proposed re-zonings. Council is satisfied that the proposal for re-use of the existing property at 963 Conception Bay Highway is detailed enough, in that they propose to use the existing building and traffic access to Conception Bay Highway for the proposed business. Similarly, there are no changes proposed to the property at 961 Conception Bay Highway. Council simply proposes to align the municipal plan designation (and zoning) with the long-standing use of the properties. Council acknowledges that the Town created the non-conforming status of the properties by implementing a municipal plan designation and zoning that did not reflect the uses of those properties. Through this amendment, Council proposes to remove the uncertainty that accompanies a legal non-conformity by implementing a future land use designation and zoning that is reflective of the properties' uses.

Consultation

A notice regarding the proposed amendments was distributed to known property owners in the area of the proposed changes. In addition, notices were published in the September 23, September 30, and October 7 2024 editions of the Shoreline Newspaper. The notice was also posted on the Town's website and social media.

A public information session to discuss the proposed amendments was held on October 9, 2024 at the Town Hall and written submissions will be accepted until October 15, 2024.

The Town received one written submission and two individuals attended the information session. The written submission expressed concern with potential impacts on property values and the existing condition of one of the properties subject to the amendment process. The discussion at the information session centred on operations of the proposed automotive oil and tire service business.

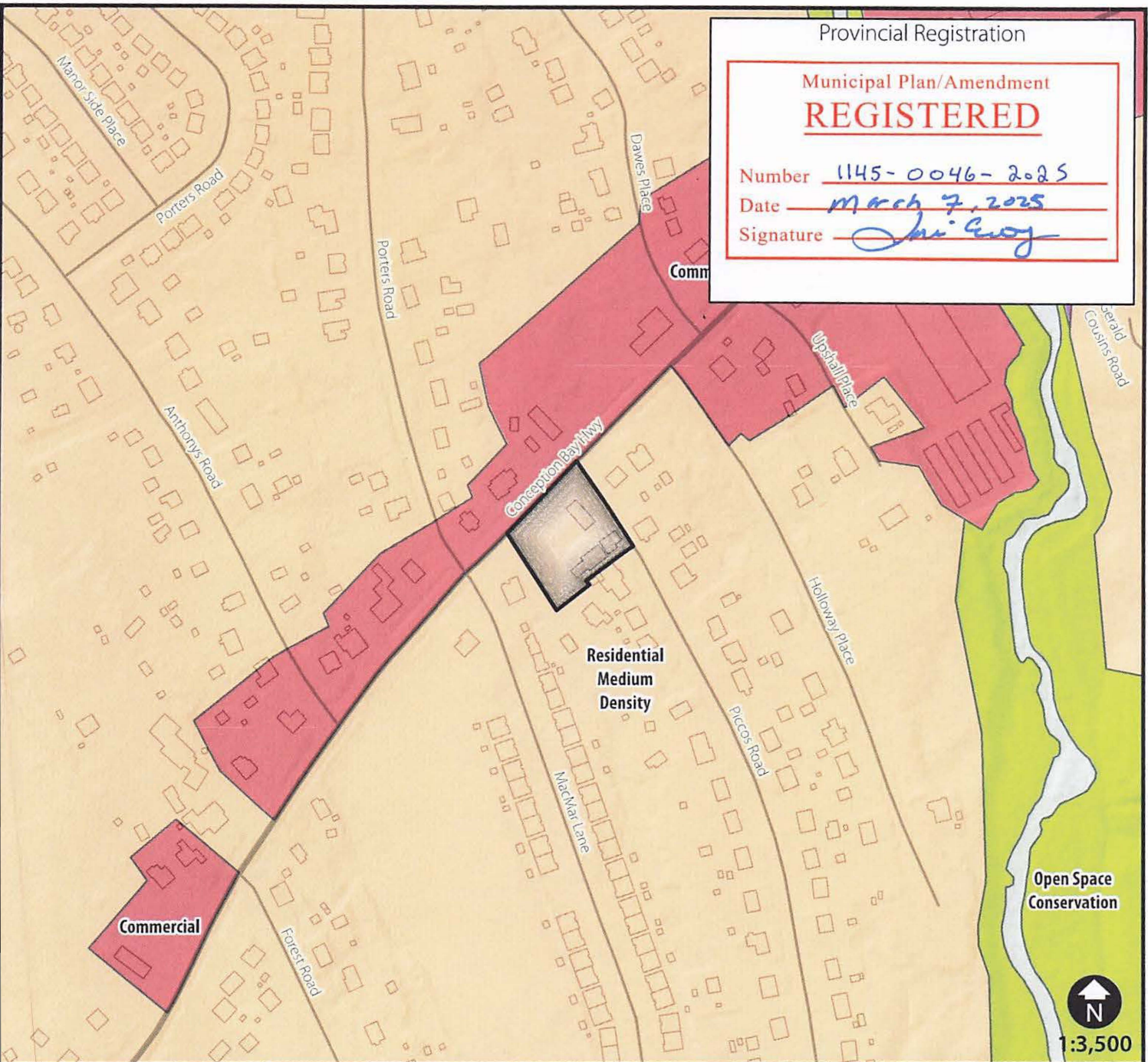
Council considered the feedback received through the consultation process and determined that there were no actual concerns raised related to the proposed change in future land use designation and zoning. The comments related to property condition and potential business operations.

The Town determined that the consultation effort was reflective of the size, structure and complexity of planning and policy issues under consideration for the proposed amendments.

Amendment

The Conception Bay South Municipal Plan Future Land Use Map shall be amended as follows:

1. The Future Land Use Map is amended as shown on the attached plan.



Town of Conception Bay South
Municipal Plan
Amendment No. 37, 2024
Future Land Use

Signed and sealed at the Town of Conception Bay South, NL
This 18th day of February, 2024

Mayor

Town Clerk

From: Residential Medium Density
To: Commercial

I certify that this Municipal Plan Amendment has been prepared in
accordance with the requirements of the Urban and Rural Planning Act 2000.

10-10-1964

