

Town of Conception Bay South
Municipal Plan Amendment No. 38, 2025
2703 & 2707 Topsail Road

Town of Conception Bay South

April 2025

**Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Municipal Plan Amendment No. 38, 2025**

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. 38, 2025.

Adopted by the Town Council of Conception Bay South on the 15th day of April, 2025.

Signed and sealed this 22 day of July 2025.

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

I certify that Conception Bay South Municipal Plan Amendment No. 38, 2025 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. 38, 2025

Under the authority of Sections 16, 17 and 18 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. 38, 2025 on April 15, 2025.
- b) Gave notice of the adoption of the Conception Bay South Municipal Plan Amendment No. 38, 2025 by posting notices at the Conception Bay South Town Hall and the Conception Bay South Arena on April 25, 2025 and by advertisement in the Shoreline News on May 1 and 8, 2025.
- c) Held a public hearing to consider objections and submissions on May 21, 2025.

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. 38, 2025 as adopted.

SIGNED AND SEALED this 22 day of July 2025.

Mayor: _____

Clerk: _____

Municipal Plan/Amendment
REGISTERED

Number 1145-0047-2025

Date August 22, 2025

Signature Doni Guay

Town of Conception Bay South Municipal Plan Amendment No. 38, 2025

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 changes and to provide background information for the public and Council.

Background

The Town received a request to change the future land use designation of approximately 4300m² (1.1 acres) of land located at 2703 and 2707 Topsail Road. 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 bisected by a boundary between land use designations. The western portion of the property to a depth of approximately 50m from Topsail Road and the existing commercial building that houses a car sales office and automotive repair garage is within the area designated as "Residential Mixed". The eastern portion of the property, that includes the existing residential building at 2703 Topsail Road is within the "Residential Medium Density" land use designation. The applicant requested that the designation for the properties, excluding the driveway to 2703 Topsail Road, be changed to the "Commercial" land use designation. 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 recognizes the exiting use of 2707 Topsail Road as an automotive repair shop and to allow the expansion of parking and storage related to that business to include 2703 Topsail Road.

Assessment

The property is located on the east side of Topsail Road (Route 60) in the Chamberlains area of the Town and within the Ward One municipal electoral district. There are residential properties to the north, south, and east. There are institutional properties (Villa Nova High School and St. Edward's church) on the opposite side of Topsail Road immediately to the west of the subject property.

2703 Topsail Road is a dwelling and was purchased by HQ Automotive Inc. in August 2024. The building at 2707 Topsail Road houses an automotive repair shop (servicing light duty vehicles) and a used car sales office. "Automotive repair shop" is not listed a permitted or discretionary use under the current zoning of the property. The property was first re-developed to accommodate automotive sales with a wash bay in 2010. The use of the property was changed in 2018 as a change to a legal non-conformity to allow automotive repair services not associated with the automotive sales use. An expansion to the building was approved in 2019 as a further expansion of non-conformity regarding the automotive repair shop. Under the current zoning, the use of the property as an automotive repair shop remains a legal non-conformity.

The property owner requested that Council consider changing the zoning so that the existing uses would no longer be considered a non-conformity. The property owner also indicated that they may consider further expansion of the automotive repair shop in the future. The property owner intends to incorporate 2703 Topsail Road into the commercial use by expanding the parking lot and converting the dwelling at 2703 Topsail Road to a storage building.

Council considered the request and noted that the subject 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.

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 use is consistent with the intent of the St. John's Regional Plan.

The Municipal Plan

The properties are designated Residential Medium Density and Residential Mixed Development by the Municipal Plan as described above.

For the Residential Medium Density designation, Section 5.2.3(2) of the Municipal Plan notes that

that designation is intended to apply built up and serviced areas of the Town and provide a for a range of residential uses.

For the Residential Mixed Development designation, Section 5.2.3(3) of the Municipal Plan notes that it applies to areas of mixed commercial and residential uses that are in transition. However, the policy only accommodates a limited range of commercial uses including child care, retail, professional services and general services.

The current and proposed use of the property 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. The property at 2707 Topsail Road has had long history of non-residential use and re-development for residential purposes within the current planning period is unlikely. The property at 2703 Topsail Road was most recently a residential property, and the policies do not support its transition to the type of commercial use proposed by the owner.

Sections 9.3.1 of the Municipal Plan guides Council when considering proposed re-zonings. Council proposes to align the municipal plan designation (and zoning) with the long-standing use of 2707 Topsail Road. Council also acknowledges that the potential expansion of the parking area and provision of storage space for the existing business is reasonable and would not create or magnify any land use conflicts in the area.

Council also acknowledges that the existing residential property at 2705 Topsail Road currently abuts the existing commercial use. The owner and resident of 2705 Topsail Road expressed their support in writing to Council for the proposed amendment.

Council acknowledges that the Town created the non-conforming status of the property by implementing the municipal plan designation and zoning in 2012 that did not reflect the use of the property. 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 property's use.

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 March 6th and 13th 2025 editions of the Shoreline Newspaper. The notice was also posted on public bulletin boards at the Town Hall and CBS Arena and on the Town's website and social media. Notices were mailed to known property owners within the general area of the subject property.

A public information session to discuss the proposed amendments was scheduled for March 26^h 2025 at the Town Hall and written submissions were accepted until March 31st, 2025.

No one other than the applicant attended the information session.

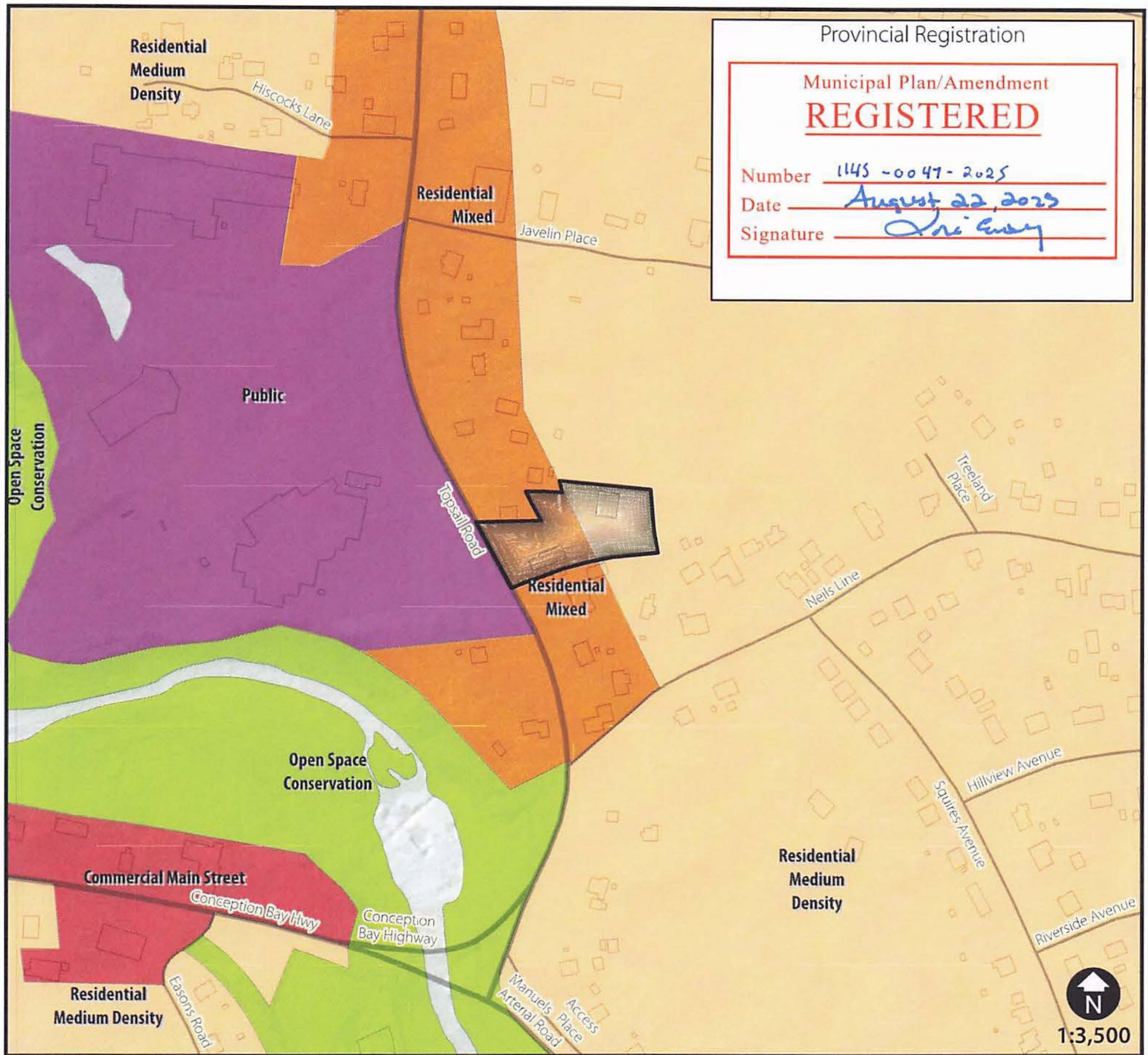
The Town received one written submission that expressed concerns with the increasing intensity and expansion of the existing automotive repair garage at the property. The submission also noted concerns about noise, environmental impacts and property values. Council considered the submissions and determined the existing business likely has a minimal impact on adjacent properties, and has not been the subject of any complaints to the Town regarding nuisances. Council also believe that the proposed changes should not create any significant land use conflicts.

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

Municipal Plan Amendment No 37. 2025

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. 38, 2025
Future Land Use

From: Residential Mixed and
Residential Medium Density
To: Commercial

Signed and sealed at the Town of Conception Bay South, NL
This 22 day of July, 2025

Mayor

Town Clerk



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