

# DECISION/DIRECTION NOTE

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**Title:** St. John's Development Regulations Amendment 699, 2019  
Text Amendment to the Commercial Mixed Use (CM) Zone to allow  
a 6-Storey Mixed-Use Building in the Churchill Square Retail Area  
REZ1800009  
43-53 Rowan Street (Churchill Square)  
Applicant: KMK Properties Inc.

**Date Prepared:** August 14, 2019

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Maggie Burton, Planning and Development Lead

**Ward:** 4

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**Decision/Direction Required:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment 699, 2019 and associated parking arrangement for the proposed development.

**Discussion – Background and Current Status:**

The City received an application from KMK Properties Inc., who are an agent for Loblaw Properties Ltd., to develop a 6 storey (21.5 metre) mixed-use building at 43-53 Rowan Street (site of the old Dominion Store in Churchill Square). The property is zoned Commercial Mixed Use (CM) and is located within the Churchill Square Retail Area. The proposed building will have ground floor commercial, with the top 5 storeys containing 78 dwelling-units; a mixture of one and two-bedroom rental apartments.

The proposed height of the building would be 21.5 metres; however, the zone currently allows 15 metres (rooftop mechanical structures and ornamental features are not used when calculating building height). As well, the proposed Floor Area Ratio for the building would increase from the permitted 1.5 up to 4.7, while residential density would increase from the permitted 1 Dwelling Unit per 50m<sup>2</sup> to 1 dwelling unit per 29m<sup>2</sup>. A text amendment to the CM Zone will be required to accommodate this development.

Parking for the proposed commercial uses would be accommodated within the exiting Churchill Square parking lot. Existing parking located between the proposed building and the neighbouring pub/restaurant is owned by the developer and would be eliminated by expansion of the building. A 6-metre wide service easement would be maintained and developed into a pedestrian corridor between the two buildings. The proposed development also requires 78 residential parking spaces (1 space per dwelling unit); the developer (originally) proposed 120 spaces: 40 underground spaces and requested 80 parking spaces in the Churchill Square parking lot. The number of requested spaces within the parking lot has since been reduced to 68.

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# ST. JOHN'S

To consider the proposed development, a text amendment to the CM Zone would be required, which would apply to buildings only within the Churchill Square Retail Area. This amendment would allow for greater Building Height, Floor Area Ratio and Residential Density. Parking requirements under Section 9 for the Churchill Square Parking Development Plan would also need to be amended in order to allow residential parking within the designated retail area.

In August 2018, Council gave direction to consider the proposed text amendment to the CM Zone and required that a Land Use Assessment Report (LUAR) be completed, followed by a public meeting. The public meeting was held on July 3, 2019, chaired by independent facilitator, Marie Ryan. Approximately 100 people were in attendance and the minutes from the public meeting are attached, along with all public submissions. Concerns raised during the meeting included: reduced parking spaces, snow clearing, traffic and the overall impact on the Churchill Square neighbourhood (building height, design and noise).

#### Parking & Snow Maintenance:

Parking and the use of City-owned spaces for the residential component of the proposed development is a major concern to those who attended the public meeting. People felt the reduction of parking spaces would mean insufficient parking for other businesses, parking overflowing onto adjacent streets, issues with snow storage during the winter months, and other concerns outlined in the minutes. Following the public meeting, additional discussions between Councillors, City staff, the proponent, and business owners on the Square took place, and identify a parking arrangement for the proposed development that would address the needs and concerns of all parties. The final arrangement recommended by staff has three main points. Additional background information is provided in an Appendix.

##### A: Rowan Place

Approximately 32 dedicated parking stalls on Rowan Place are proposed to be leased to the proponent. This number is to be tied to the total unit count, less the on-site parking provided. As such, the residential portion of the development will benefit from 1 dedicated parking stall per unit as required by City regulation. These leased spaces will be the responsibility of the proponent to enforce.

##### B: Churchill Square Parking

Approximately 36 additional residential permits are proposed to be made available to the proponent. This number will be determined by subtracting the number of stalls leased on Rowan Place from the total requested (68). These residential permit holders, as well as those with employee/ commercial permits, will be restricted to a defined 'permit corral' to ensure they are not in 'prime' perimeter stalls. The spaces in this corral would also be available for general public use. From Dec 1 to April 30 each year, these residential permit holders to be further limited to a defined winter maintenance corral between 6PM and 8AM.

##### C: Winter Maintenance

The City will increase winter maintenance on the Square to a commercial 'curb to curb' snow clearing standard.

#### Traffic

There were concerns about increased traffic in the Churchill Square area, especially along Rowan Place and connecting streets. As part of the Land Use Assessment Report, the

developer was asked to provide a preliminary layout showing possible modifications to Rowan Place, between Elizabeth Avenue and Milbanke Street. The preferred option presented includes two-way traffic flow on Rowan Place, with a row of perpendicular parking on one side (closest to the proposed development) and a row of parallel parking on the opposite side (see Appendix). These upgrades to Rowan Place will help improve traffic flow and clarify parking locations. If the rezoning is approved, staff will finalize the design during the development phase and the developer will be responsible for construction.

### Overall Impact

There was concern regarding the new building height and its impact on the Square. The building is proposed 6 storeys (21.5 metres). Other buildings around the Square range from three storeys along the eastern side, to one and two storeys along the west. The clock tower on the Terrace on the Square building (although not included in the building height) measures 22.5 metres, adding to the prominence of the building. The neighbouring Aliant Building (48 Allandale Road), which backs onto Rowan Place, is 18.8 metres in height. The proposed height allows for a design that yields an acceptable risk level and return for the developer, and staff have no concerns with the proposed height.

Concerns expressed at the public meeting were in regard to the development not meeting the character of the larger Churchill Square neighbourhood in terms of scale, density, and height. A rendering showing the proposed building in relation to the overall Square has been included in the Appendix.

Concerns were also raised regarding noise associated with the building's heating, ventilating and air condition (HVAC) units. A letter (Appendix) was provided by the Architect, with additional information on noise levels. Commercial HVAC units will be located at the rear of the building (podium facing Rowan Place) to minimize noise, while proposed noise levels are minimal. Residential HVAC units will be located on the roof and consist of commercial grade, residential heat pump systems that have a decibel level lower than typical residential heat pump systems used for a single-family dwelling.

### Additional Information:

Air rights for the balconies which extend over the City-owned sidewalk was approved at the June 10, 2019 Regular Meeting of Council, subject to the proposed development meeting all rezoning and development approval requirements.

Bell Alliant (48 Allandale Road) had provided the City and the developer with reports relating to noise and air quality based on their current operations as regulated by the Province, along with additional concerns about the location of their cellular antennas. If the rezoning is considered, an agreement between the developer and Bell Alliant should be in place regarding noise, air quality and the placement of the cellular antennas, prior to development approval.

### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:  
Property owners, customers of the businesses in Churchill Square and neighbouring residents.

3. Alignment with Strategic Directions/Adopted Plans:  
City's Strategic Plan 2019-29: A Sustainable City – plan for land use/be business and industry friendly.
4. Legal or Policy Implications:  
An agreement is needed between the developer and Bell Aliant regarding noise/air quality concerns, along with the placement of cellular antennas, prior to development approval. Sale of air rights for the portion of the development (balconies), which extends over City-owned land, subject to rezoning and development approvals.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications:  
Parking arrangement to be approved in relation to the proposed development. The overall design concept for Rowan Place will be finalized during the development review stage, completed by the developer during the construction period.

**Recommendation:**

It is recommended that Council adopt St. John's Development Regulations Amendment Number 699, 2019, which will amend text in the Commercial Mixed Use (CM) Zone, to allow the proposed 6-Storey Mixed-Use Building at 43-53 Rowan Street within the Churchill Square Retail Area and related residential parking within the designated retail area. If the attached amendment is adopted by Council, it will then be referred to the Department of Municipal Affairs and Environment with a request for Provincial Registration in accordance with the provisions of the *Urban and Rural Planning Act*.

As part of the approval process Council should also approve the following parking recommendations:

**A: Rowan Place**

Approximately 32 dedicated parking stalls on Rowan Place are proposed to be leased to the proponent. This number is to be tied to the total unit count, less the on-site parking provided. As such, the residential portion of the development will benefit from 1 dedicated parking stall per unit as required by City regulation. These leased spaces will be the responsibility of the proponent to enforce.

**B: Churchill Square Parking**

Approximately 36 additional residential permits are proposed to be made available to the proponent. This number will be determined by subtracting the number of stalls leased on Rowan Place from the total requested (68). These residential permit holders as well as those with employee/ commercial permits to be restricted to a defined 'permit corral' to ensure they

are not in 'prime' perimeter stalls. The spaces in this corral would also be available for general public use. From Dec 1 to April 30 each year these residential permit holders to be further limited to a defined winter maintenance corral between 6PM and 8AM.

**C: Winter Maintenance**

The City to increase winter maintenance on the square to a commercial 'curb to curb' snow clearing standard.

**Prepared by/Signature:**

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: \_\_\_\_\_

**Approved by - Date/Signature:**

Ken O'Brien, MCIP, Chief Municipal Planner

Signature: \_\_\_\_\_

LLB/dlm

**Attachments:**

- Resolutions
- Site Plan
- Building Renderings
- Staff Review of Churchill Square Parking
- Letter from Architect
- Preliminary layout to Rowan Place
- Public Meeting Minutes

**RESOLUTION**  
**ST. JOHN'S DEVELOPMENT REGULATIONS**  
**AMENDMENT NUMBER 699, 2019**

**WHEREAS** the City of St. John's wishes to allow the development of a 6 storey, mixed-use building at 43-53 Rowan Street.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

1. Repeal Section 10.22.3 (1)(a) Floor Area Ratio under the Zone Requirements of the Commercial Mixed Use (CM) Zone and substitute the following:

“(a) Floor Area Ratio (maximum) 2.0”

2. Amend Section 10.22.3 Zone Requirements under the Commercial Mixed Use (CM) Zone by adding the following:

“(2) The following requirements shall apply to all Uses except Parks and Service Stations within the Churchill Square Retail Area (as shown on Map H):

(a) Floor Area Ratio (maximum) 4.7

(b) Building Height (maximum) 6 Storeys (not exceeding 21.5 metres)

(c) Residential Density (maximum) 1 Dwelling Unit per 29 square metres of Lot Area”

3. Repeal Section 9.1.2.5 Churchill Square Parking Development Plan and substitute the following:

“The parking requirement for any Commercial Development in the Churchill Square Retail Area as set out in Map H of Section 3 shall be established at one (1) parking space per 40 square metres of net Floor Area. All public parking within the Churchill Square Retail Area is reserved for public use”.

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs and Environment to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed, and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this \_\_\_\_ day of \_\_\_\_\_, **2019**.

\_\_\_\_\_  
Mayor

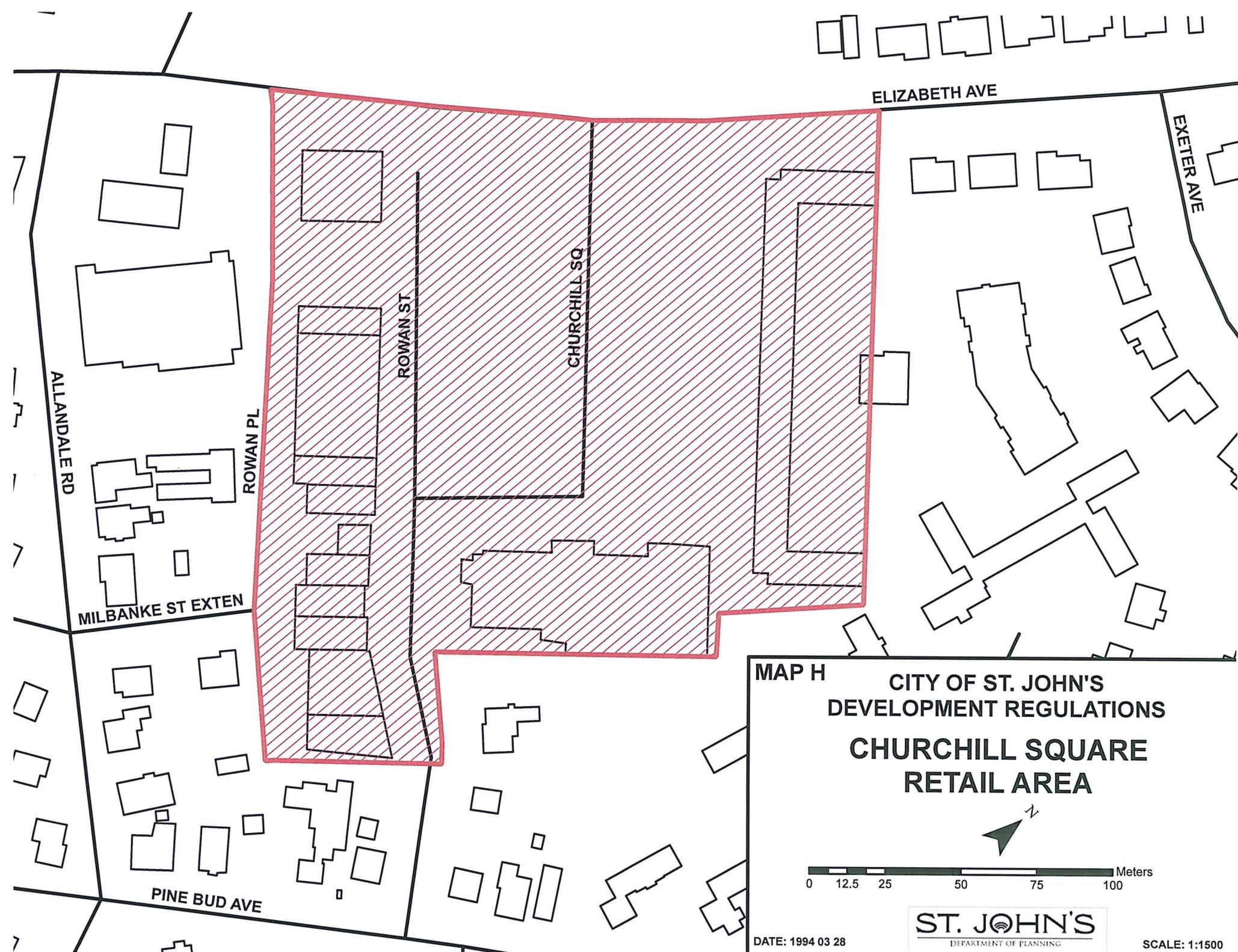
\_\_\_\_\_  
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

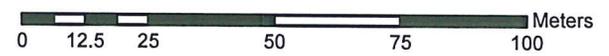
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

\_\_\_\_\_  
Provincial Registration



**MAP H**  
**CITY OF ST. JOHN'S**  
**DEVELOPMENT REGULATIONS**  
**CHURCHILL SQUARE**  
**RETAIL AREA**



DATE: 1994 03 28

SCALE: 1:1500



**SUBJECT PROPERTY**

ELIZABETH AVE

CHURCHILL

ROWAN ST

ROWAN PL

ALLANDALE RD

MILBANKE ST EXTEN

ALLANDALE PL

5559  
55-59

4953  
47-51

8-108  
10

197

CM

48

39

37

33

29

27

23-2525  
23

1721  
15-19

59  
3-7

199

43

146

41

R1

39

37

35

33

44

42

R1

20

40

R1

R1

46

R1

AA

O

CM

CM

CM

R1

R1

R1



Facing Rowan Street (Churchill Square)



Facing Rowan Place



## Staff Review of Churchill Square Parking

The proposed development will be constructed on the site of the former Dominion supermarket and dry-cleaners and the adjacent vacant parcel that currently operates as a surface parking lot with approximately 26 spaces. The development will provide approximately 40 underground parking spaces. Development will also include upgrading Rowen Place to provide sidewalks as well as formalized parking. It is anticipated that street upgrade will provide about the same number of parking spaces that are currently being informally used. In addition, a landscaped easement and pedestrian walkway will be created between the new building and the adjacent commercial building at 55/59 Rowan Street.

## Regulatory

Parking provided in Churchill Square includes 377 spaces that are City owned and maintained within the main parking area and along Rowan Street, as shown in **Figure 1** below. This inventory does not include private off-street parking provided in the area for Terrace on the Square (approximately 60 spaces) and does not include the additional informal parking areas along Rowan Place (approximately 50 spaces) or the surface parking currently provided on a portion of the development site (approximately 28 spaces).

**Figure 1 Churchill Square Parking Areas**



The Churchill Square zoning requirement for commercial land use is for 1 parking space per 40 m<sup>2</sup> of net commercial floor area. Net floor area is calculated as 80% of gross floor area (GFA). The existing buildings on the Square, including the existing developed building area on the proposed site, total 16,083 m<sup>2</sup> GFA or 12,866 m<sup>2</sup> net floor area. Therefore, a total of 322 spaces are required to meet zoning regulations. Given the existing City managed parking inventory of 377 spaces, a ‘surplus’ of 55 spaces are provided in addition to those required to meet bylaw without considering the additional area parking.

**Table 1** summarizes the parking requirements of the proposed mixed-use building, based on City bylaw regulations.

**Table 1: Proposed Development Parking Requirements**

Land Use	Intensity	Bylaw Rate	Required Parking
Residential	78 dwelling units	1 space per dwelling unit	78 spaces
Commercial	1,584 m <sup>2</sup>	1 space per 40m <sup>2</sup>	40 spaces

It is noted that the proposed ground floor commercial area is approximately equal to the area of the commercial property currently constructed on the development site and the associated required 40 parking spaces are already accounted for in the commercial bylaw requirement calculation above.

As such, the proposed development requires a minimum of 78 of spaces to meet the residential requirement. Discounting the proposed underground parking supply of 40 spaces from this requirement equates to 38 additional required spaces. While parking relief could be considered for these spaces, the existing ‘surplus’ of 55 spaces in the Churchill Square inventory could also be considered to accommodate this regulatory requirement.

## Field Observations

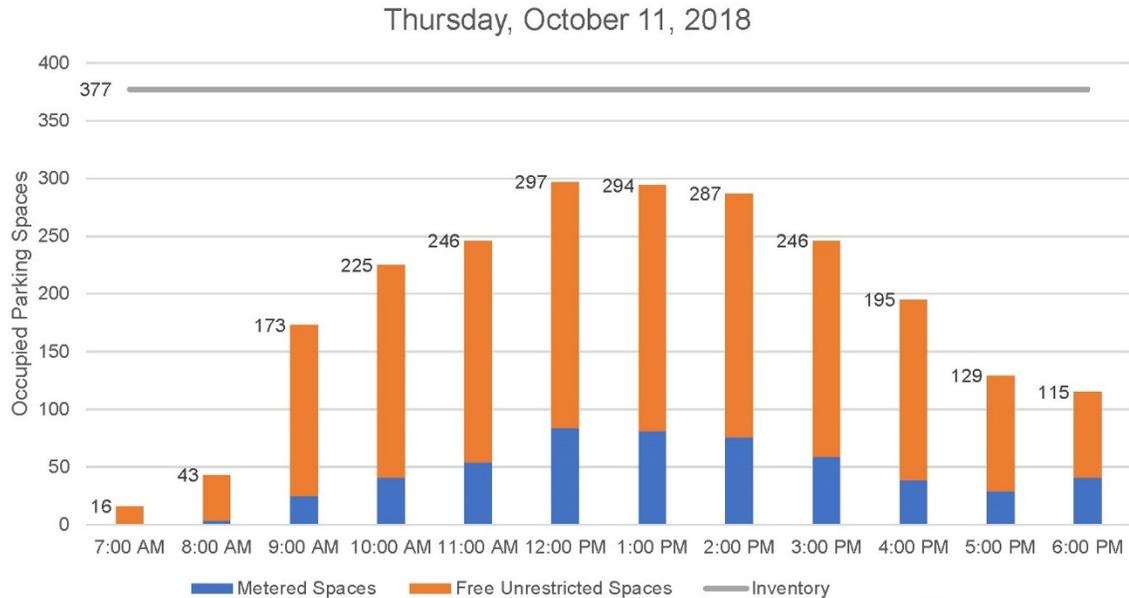
The City conducted parking accumulation counts in the Churchill Square area on the following dates in order to determine current area parking demands:

- Tuesday, October 9, 2018 from 1:00 PM – 4:00 PM;
- Wednesday, October 10, 2018 from 7:00 AM – 6:00 PM;
- Thursday, October 11, from 7:00 AM – 6:00 PM; and,
- Friday, October 12, 2018 7:00 AM – 6:00 PM

Peak parking accumulation in the area was observed on Thursday, October 11 at 12:00 PM when 297 vehicles were parked in Churchill Square occupying 79% of the available 377-space inventory with 80 spaces vacant. It is noted that during the period of peak demand, approximately 40 additional parking spaces were vacant in the area in the Terrace on the Square parking lot and along Rowan Place.

**Figure 2** presents the parking accumulation observed over the peak survey day and illustrates the change in parking demand over the course of the day.

**Figure 2 - Churchill Square Parking Demand**



At the time of the count, 147 spaces of the 377 total spaces were controlled with operating meters while 107 spaces that typically operate with meter control were considered free parking due to out-of-service meters. Given that over 100 additional parking spaces in the square were not managed through payment as they typically would be, the parking demand observed may reflect an over-representation of demand generated by users not associated with land use in Churchill Square. This ‘community demand’ can be most effectively managed through paid parking and time restrictions.

During peak occupancy, 63 spaces controlled by meters were vacant and 17 free unrestricted spaces were vacant. This data reflects the fact that paid parking management creates availability and turnover. Provisions for long-term parking associated with Churchill Square land use needs to be managed so that the needs of employees and residents of the Square are accommodated while turnover is encouraged to maintain parking availability for customers of the commercial uses. By implementing a permit system that offers long-term parking options and using paid meters to manage all of the Churchill Square parking, community demand can be managed and the peak parking demand experienced can be better controlled through rate manipulation.

## Engineering

Parking demand of different user groups fluctuates based on the time of day and day of week. Industry research and guidance shows that parking associated with residential uses is at its peak from 9:00 PM to 5:00 AM and that demand during the midday is

between 65% and 70% of the peak demand. This reduction in demand during the daytime corresponds with the increase in demand for other uses at the square during the midday. As such these two uses are considered complimentary and good candidates for sharing the same parking area.

The peak residential parking demand generated by mid-rise apartment buildings located in an urban setting is typically 1 space per dwelling unit. Given this and the anticipated time-of-day demand variation, the proposed 78 unit development could be expected to generate a demand of approximately 50 to 55 spaces. Many of these occupied spaces will be located in the provided on-site parking garage so the effective residential surface parking demand may be as little as 10 to 15 spaces.

### Parking Request for 39 Rowan Street

The proponent initially requested that 80 parking permits be issued or use by the residential tenants of the development. The proponent has since reduced the number of requested permits to 68.

### Permit Considerations

The City will work with stakeholders of Churchill Square to engage more and develop the required permit program for the area and the following considerations will be addressed:

#### Permit Area Location

Snow clearing operations in Churchill Square occur overnight and in the early morning hours when the majority of the lot is empty with some additional maintenance plowing occurring during daytime hours. Given that the peak parking demand associated with the proposed residential use will occur overnight, careful consideration must be given to manage the location of this parking activity and limit this impact on snow clearing operations.

The location of residential parking in the square must also consider the needs of the local businesses as well as other seasonal retail uses in the square. Parking located closest to the storefronts should be maintained for commercial use and managed to create higher turnover.

While some of the proposed residential parking demand will be accommodated in the new underground parking garage, any permit parking areas designated in Churchill Square must be located with these considerations in mind.

Parking along Rowan Place can also be considered in conjunction with changes to parking operations within Churchill Square. By converting parking on Rowan Place to a permit area this can also be managed. Employees and tenants of Rowan Place would need some eligibility for the Churchill Square permits as they would be displaced from the existing informal parking on Rowan Place.

### Permit Pricing and Eligibility

The cost, administration, and eligibility for a long-term parking permit for Churchill Square is still to be determined. Further engagement with stakeholders on these issues is required. The importance of developing a system that can work for a variety of users has been identified through initial stakeholder feedback.

The long-term permit parking needs to accommodate residents, routine weekday employees of the Square, casual or part time workers, and workers whose employment hours are early/late in the day and do not coincide with a full day of paid parking. To meet these needs, a system of permit management that provides a pay-per-use option as well as monthly and/or annual renewal options will be considered.

### Recommended Arrangement for 39 Rowan Street

Discussions between Councilors, City staff, the proponent, and existing business owners on the square took place to identify a parking arrangement for 39 Rowan Street that would address all needs and concerns as well as possible. The final arrangement recommended by staff has three main points as follows.

#### A Rowan Place

Approximately 32 dedicated parking stalls on Rowan Place to be leased to the proponent. This number to be tied to the total unit count, less the on-site parking provided. As such the residential portion of the development will benefit from 1 dedicated parking stall per unit as required by City regulation.

These leased spaces will be the responsibility of the proponent to enforce.

#### B Main Lot

Approximately 36 additional residential permits will be made available to the proponent. This number will be determined by subtracting the number of stalls leased on Rowan Place from the total requested (68).

These residential permit holders as well as those with employee/commercial permits to be restricted to a defined 'permit corral' to ensure they are not in 'prime' perimeter stalls. The spaces in this corral would also be available for general public use.

From Dec 01 to April 30 these residential permit holders to be further limited to a defined winter maintenance corral between 6PM and 8AM.

#### C Winter Maintenance

The City to increase winter maintenance on the square to a commercial 'curb to curb' snow clearing standard.

# POWERS BROWN ARCHITECTURE

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brown  
archi  
ecture

July 23, 2019

Keith Noseworthy, PTEch  
Project Manager  
KMK Capital Inc.  
Suite 202 - 40 Aberdeen Avenue  
St. John's, NL Canada A1A 5T3

**Re: Churchill Square**

Dear Keith,

Powers Brown Architecture is the Architect of Record for the above referenced project. We understand that there has been some concern noted regarding the anticipated noise impact of the development and its HVAC equipment. As a bit of background, the development consists of one level of retail with 5 levels of residential above and one level of underground parking below. The retail is anticipated to be subdivided into one large tenant and two smaller subsidiary tenant spaces. While the building systems are still being designed as the building gets more refined, we are able to confirm the following information and sound control measures that we feel will mitigate any impacts on the surrounding area. The air conditioning units for the residential units will be commercial grade quality residential heat pump split systems with the condensers located on the uppermost roof. The outdoor sound level in decibels for the residential units on the six-story roof will typically range between 50-56 decibels which is comparable to an individual talking which usually falls between 40-60 decibels. Typical residential heat pumps on single family dwellings installed with minimal setback and at grade will be between 50 and 75 decibels.

The commercial units will be located to minimize any impact on the users of the square and the residents of the building. They will be at the rear of the building on top of the retail podium level roof away from the square. These units will be the most efficient units available with the sound levels anticipated to be in the 65-80 decibel range as measured at the source which is comparable to a washer or dryer when running but these sound levels drop dramatically as you move away from the source. It is felt that the low sound emission of these units combined with the optimal location on top of the retail level will completely mitigate any effect a pedestrian might hear at ground level. It is also worth noting that the noise from an arterial road such as Elizabeth Avenue is generally in the 60-65 decibel range.

Should you have any questions with regard to the above, please contact the undersigned.

Best Regards,



Peter Jackson, NLAA

Senior Architect

Powers Brown Architecture of Canada Atlantic, Inc.

