

DECISION/DIRECTION NOTE

Title: St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019 Rezoning from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone for a hotel and concert hall
MPA1900001
9 Buchanan Street, 426 and 430 Water Street
Applicant: Fougere Menchenton Architecture

Date Prepared: August 20, 2019

Report To: His Worship the Mayor and Members of Council

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

Ward: 2

Decision/Direction Required:

Following provincial release of the proposed amendment for 9 Buchanan Street, 426 and 430 Water Street, Council may proceed and adopt St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019.

Discussion – Background and Current Status:

Fougere Menchenton Architecture, on behalf of the property owner, Steele Hotels Limited, has applied for a rezoning to the Commercial Central Office (CCO) Zone in order to accommodate a hotel (approximately 36metres - 9-storeys) and a concert hall (approximately 21metres - 6-storeys). The property is currently zoned Commercial Central Mixed Use (CCM) in which the maximum building height is 15metres. A rezoning to the CCO Zone is required in order to accommodate the height of the proposed building. A Municipal Plan amendment is also required. The proposed development would attach to the existing building at 115 George Street West (JAG Hotel) by a pedway over Buchanan Street.

The subject property is designated Commercial Downtown under the St. John's Municipal Plan. In order to allow a maximum height of 10 storeys in a Heritage Area, the Downtown Building Control Map (Map III-2) must be amended to allow additional bulk and height at the subject property. Further, Section 3.3.4 of the Municipal Plan speaks to specific conditions for 430 Water Street. A text amendment to this section is required for the development as proposed.

The proposed development requires a rezoning to the CCO Zone; a text amendment to the CCO Zone respecting setbacks; and an amendment to the Downtown Building Control Map (Map F), in order to allow the proposed height. A text amendment to the CCM Zone is also required in order to remove a reference to the building currently located at 430 Water Street. This text amendment was not previously included in the amendment adopted-in-principle by

ST. JOHN'S

Council. The attached amendment has been updated to reflect this change. Within the CCO Zone, a Hotel is a permitted use and General Assembly is a discretionary use. Should the amendment proceed, it is recommended to advertise the Discretionary Use with the Public Hearing notice.

There is currently a parcel of City-owned land at the front of 430 Water Street. During the public consultation stage of this proposal, Council stated that they would like to see the building give life to Water Street which may be accomplished by a parkette on the City land and a public entrance to the hotel from Water Street. From the LUAR, the applicant states "There is also an entry to the lobby from Buchanan St. as well as a public entry at Water Street connecting the park area to the main floor above, with a generous welcoming stair. The entryway and exit directly to this landscaped plaza, will allow staff, users and patrons direct access to this outdoor park and layby." In order to recognize this area as a public space, the City is proposing to rezone the City land from the CCM Zone to the Open Space (O) Zone.

Sale of City Land and Air Rights

The proposed design requires the sale of City land which includes the sale of Hutchings Lane, air rights over Buchanan Street, air rights over City land in front of 430 Water Street and an easement for the land on Water Street affected by the pillars. At its February 11, 2019 regular meeting, Council approved entering into a Purchase and Sale Agreement for the sale of Hutchings Lane and sale of air rights at the above-mentioned sites, subject to conditions, including but not limited to rezoning and development approval. At the July 8, 2019 regular meeting, Council approved an easement for the lands affected by the pillars, subject to development approval.

Parking Relief

For this development, the City requires 70 parking spaces. As proposed in the July 4, 2019 LUAR, the applicant will provide 68 parking spaces; therefore, if this application proceeds, a request will be made to Council for parking relief of 2 spaces.

At its regular meeting on August 5, 2019, Council decided to proceed with the proposed amendments and requested that the Department of Municipal Affairs and Environment issue a provincial release for the amendments. Provincial release has now been issued for St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019. It is now in order for Council to proceed with the next steps in the amendment process.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans:
A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:

Text amendments in the St. John's Municipal Plan and Development Regulations, as well as map changes to the Downtown Building Control maps are required. An amendment to the St. John's Development Regulations is required to rezone the property on the Zoning Map.

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 relief for two spaces is considered.

Recommendation:

It is recommended that Council now adopt the attached resolutions for St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019, as amended. If the resolutions are adopted by Council, it is further recommended that Council appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a public hearing on the proposed amendments. The proposed date for the public hearing is Wednesday, September 25, 2019, at 7 p.m. at St. John's City Hall.

It is further recommended that Council advertise the General Assembly Discretionary Use with the Public Hearing notice.

Prepared by/Signature:

Ann-Marie Cashin, MCIP – Planner III, Urban Design and Heritage

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

AMC/dlm

Attachments:

- Amendment
- Location Map
- Site Plan

RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 152, 2019

WHEREAS the City of St. John's wishes to allow development of a 9-storey hotel and concert hall at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380) and 430 Water Street (Parcel ID #46659 & 19189).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text and map amendments to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000.

1. Amend Section 3.3.4 Commercial - Downtown by removing the following from the Building Height and Area subsection:

“Notwithstanding the above, the City of St. John's may permit development of a building with a height not exceeding 6 storeys on property situate at Civic Number 430 Water Street.”

2. Amend Section 3.3.4 Commercial – Downtown by removing the following from the Building Height in Heritage Areas subsection:

“In addition, any building in excess of four storeys in such areas shall be set back no less than eight metres from the street line; however, this shall not apply to property situated at Civic Number 430 Water Street.”

3. Amend Map III-2 (Downtown Building Control Map) by removing the property at 430 Water Street (Parcel ID #46659 & 19189), and adding the properties at 9 Buchanan Street (Parcel ID # 46415), 426 Water Street (Parcel ID #21380) and 430 Water Street (Parcel ID #46659 & 19189) as the following:

“Areas allowing a building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade”

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

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 698, 2019

WHEREAS the City of St. John's wishes to allow the development of a 9-storey hotel and concert hall at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), 430 Water Street (Parcel ID #46659 & 19189) and City owned land.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text and map amendments to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000:

1. Rezone the properties at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), 430 Water Street (Parcel ID #46659 & 19189) and City owned land from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone and Open Space (O) Zone as shown on Map Z-1A attached.

2. Amend Section 10.23.3 by removing the following subsection:

“(j) Notwithstanding Subsection (b), Council may permit at the property located at Civic Number 430 Water Street, a Building with a Building Height not greater than 6 storeys/21.6 metres.”

3. Repeal Section 10.24.3(1)(c)(ii) and substitute the following:

“the minimum building façade setback on Street shall be 0 metres for first 18 metres of Building Height, 4 metres for greater than 18 metres in Building Height. Where Building façade abuts more than one Street, setback shall be applied to a minimum of 2 Streets, such Streets being determine by the Chief Municipal Planner.”

4. Amend Map F (Downtown Building Control Map) by removing property at 430 Water Street (Parcel ID #46659 & 19189) and adding the properties at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), and 430 Water Street (Parcel ID #46659 & 19189) as the following:

“Areas allowing building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade”

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.

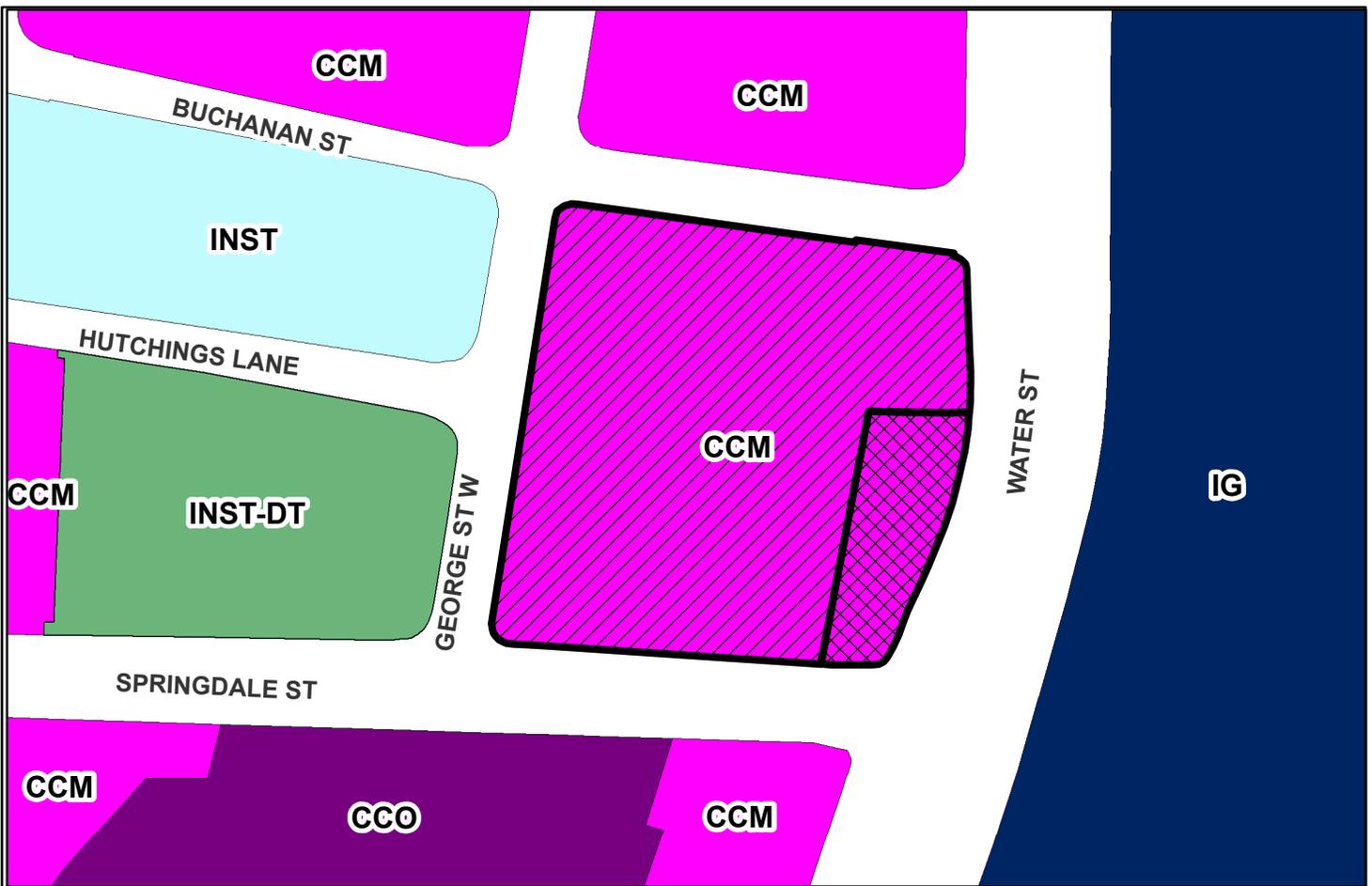
Mayor

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

City Clerk

Council Adoption

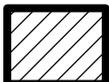
Provincial Registration

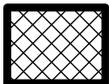


**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 698, 2019
[Map Z-1A]**

2019 08 01 Scale: 1:1000
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**

 AREA PROPOSED TO BE REZONED FROM
COMMERCIAL CENTRAL MIXED (CCM) LAND USE ZONE TO
COMMERCIAL CENTRAL OFFICE (CCO) LAND USE ZONE

 AREA PROPOSED TO BE REZONED FROM
COMMERCIAL CENTRAL MIXED (CCM) LAND USE ZONE
TO OPEN SPACE (O) LAND USE ZONE

430 WATER STREET
Parcel ID 46659
Parcel ID 19189
426 WATER STREET
Parcel ID 21380
9 BUCHANAN STREET
Parcel ID 46415

M.C.I.P. signature and seal

Mayor

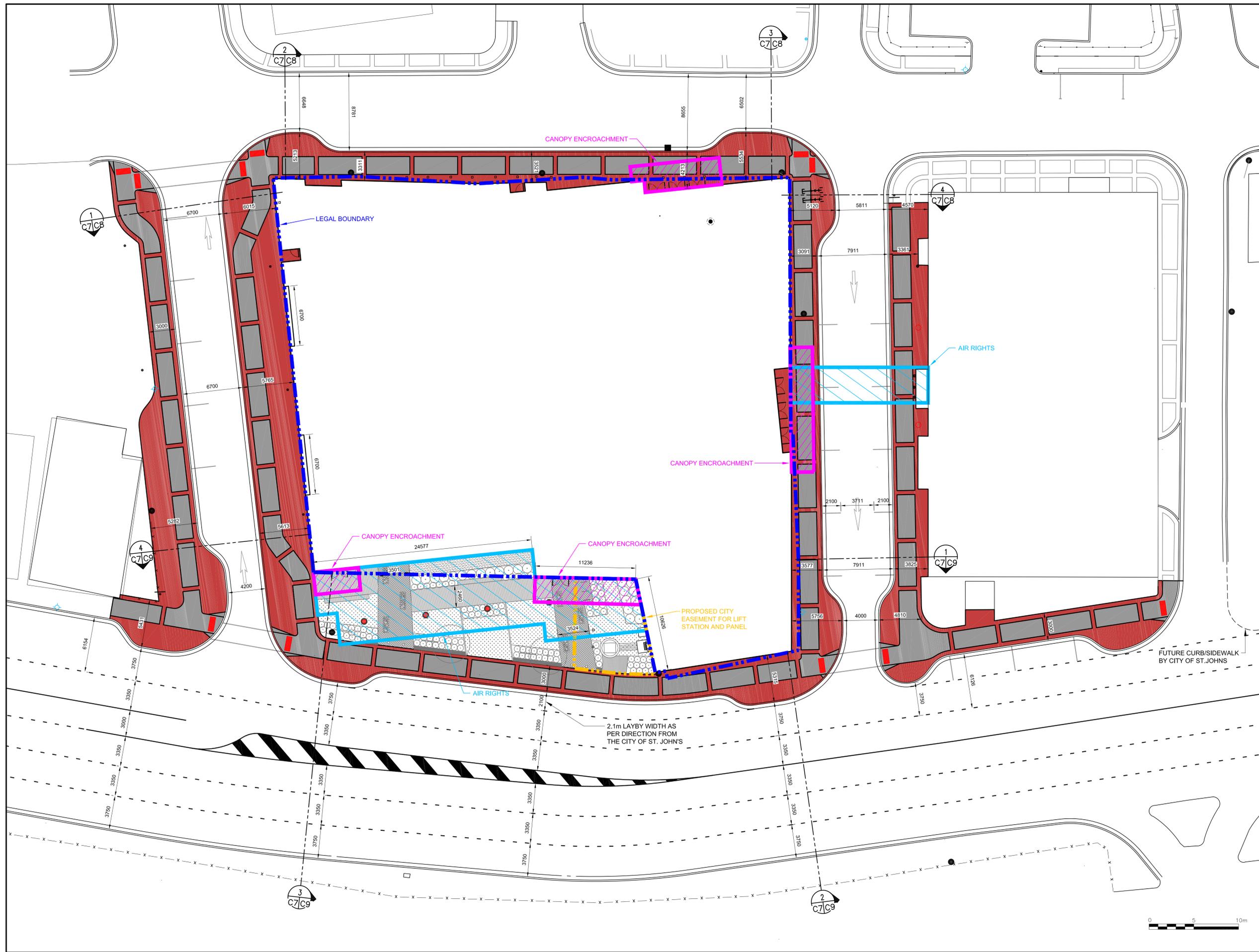
City Clerk

Council Adoption

Provincial Registration



DISCLAIMER: This map is based on current information at the date of production.



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A - PLAN, SECTION, ELEVATION, OR DETAIL No.
 B - No. OF DRAWING WHERE 'A' IS ON SITE PLAN
 C - No. OF DRAWING WHERE 'A' IS DETAILED

LEGEND	
SYMBOL	DESCRIPTION
— FM —	EXISTING SANITARY SEWER MAIN
— FM —	EXISTING FORCEMAIN
○	EXISTING MANHOLE
—	EXISTING STORM SEWER MAIN
□	EXISTING CATCH BASIN
—	EXISTING WATERMAIN
—	EXISTING GATE VALVE
⊕	EXISTING FIRE HYDRANT
•	POLE
—	EXISTING CULVERT
x — x — x	FENCE
W — W — W	RETAINING WALL
100.00	EXISTING ELEVATION

PROGRESS PRINT

2019/07/04

A	ISSUED FOR APPROVALS		
No.	REVISIONS	APP	DWN

NORTH:

STAMP:

Progressive Engineering & Consulting Inc.

PERMIT STAMP:

PROVINCE OF NEWFOUNDLAND AND LABRADOR

PEG PERMIT HOLDER
This Permit Allows

PROGRESSIVE ENGINEERING & CONSULTING INC.

To practice Professional Engineering in Newfoundland and Labrador, Permit No. as issued by PEG N0566 which is valid for the year 2019

OWNER/CLIENT NAME:

PROJECT TITLE:

JAG HOTEL EXPANSION

DRAWING TITLE:

NEW ROAD INFRASTRUCTURE PLAN

DRAWN BY:	DESIGNED BY:	APPROVED BY:
J.P.P.	J.P.P.	
MAE No:	DATE:	SCALE:
N/A	JULY 2019	AS SHOWN
PROJECT No:	DRAWING No:	REV:
2018-042	C7	A

