

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: September 23, 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 cancellation of the Public Hearing, Council may proceed with the next steps in the amendment process for 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 36 metres - 9-storeys) and a 1400-seat concert hall (approximately 21 metres - 6-storeys). The property is currently zoned Commercial Central Mixed Use (CCM) in which the maximum building height is 15 metres. A rezoning to the CCO Zone is required to accommodate the height of the proposed building. A Municipal Plan amendment is also required. The proposed development would attach to the existing Jag Hotel at 115 George Street West by a pedway over Buchanan Street.

The subject property is designated Commercial Downtown under the St. John's Municipal Plan. 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), to allow the proposed height. A text amendment to the CCM Zone is also required to remove a reference to the building (not demolished) that was located at 430 Water Street.

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This text amendment was not included when the amendment was adopted-in-principle by Council on August 5, 2019 but was added prior to adoption of the amendments on September 3, 2019.

Within the CCO Zone, a Hotel is a permitted use and a Place of Assembly is a Discretionary Use. The development, a 1400 seat, 2 427.8 square metre Place of Assembly (concert hall) at 9 Buchanan Street, 426 and 430 Water Street was advertised as per Section 5.5 of the St. John's Development Regulations. As part of this approval process, it is recommended that Council approve the Place of Assembly as a Discretionary Use at this time.

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 its desire 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 Land Use Assessment Report (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." 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 between George Street West and water Street, 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. These requests by the developer and decisions by Council were made public as part of the City's regular procedures for requests involving City-owned properties.

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, the applicant is requesting parking relief of 2 spaces as per Section 9.1.2(1) (Parking Relief) of the Development Regulations. The applicant cites that the parking requirements are expected to be lower than those required by the City standards due to the proposed building's location downtown with ample parking on streets and in parking garages, and that the majority of the events will be held during off-peak traffic and parking hours for the downtown.

The initial Public Meeting for the proposed amendments was held on July 24, 2019. At its regular meeting on August 5, 2019, Council decided to proceed with the proposed amendments. Following provincial release and adoption of the amendments on September 3, 2019, a Public Hearing was scheduled. The Public Hearing scheduled for September 23, 2019 The hearing was cancelled in accordance with the Urban and Rural Planning Act, as no objections were received in advance. Council may proceed with the next steps in the amendment process.

Submission After the Public Hearing Deadline

The deadline for written submissions to the City Clerk that would trigger the hearing was set at September 23, 9:30 a.m. Since nothing was submitted, City staff cancelled the hearing as per the Urban and Rural Planning Act. After the deadline, Mr. Jerry Dick of the Heritage Foundation of NL, submitted a brief directly to Council in which he calls for a redesign to add street presence and activity along Water Street and Springdale Street. The City has worked with the developer to have a door and stairwell from Water Street to the main floor of the hotel, as well as improvements to the City-owned land. The site is a tight one for space, and parking would need to be reduced (perhaps significantly) if the proposed redesign were to take place. These points were already discussed at the Public Meeting in July.

The Heritage Foundation submitted an alternate proposed design to Council and to the developer earlier in the process. The developer did not formally comment on it but pressed ahead with its own design, including changes based on discussions with the City.

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:
City's Strategic Plan 2019-2029: 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 requested.

Recommendation:

It is recommended that Council approve the attached resolutions for St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019, as adopted. If approved, the amendments will be referred to the Department of Municipal Affairs and Environment, with a request for Provincial Registration in accordance with the Urban and Rural Planning Act.

As part of the approval process, it is also recommended that Council approve the Discretionary Use of 9 Buchanan Street, 426 and 430 Water Street for a Place of Assembly in the Commercial Central Office (CC) Zone, as advertised subject to Section 5.5 of the Development Regulations.

As part of the approval process, it is also recommended Council approve parking relief for 2 spaces for the proposed use of 9 Buchanan Street, 426 and 430 Water Street as per Section 9.1.2(1) (Parking Relief) of the Development Regulations,

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

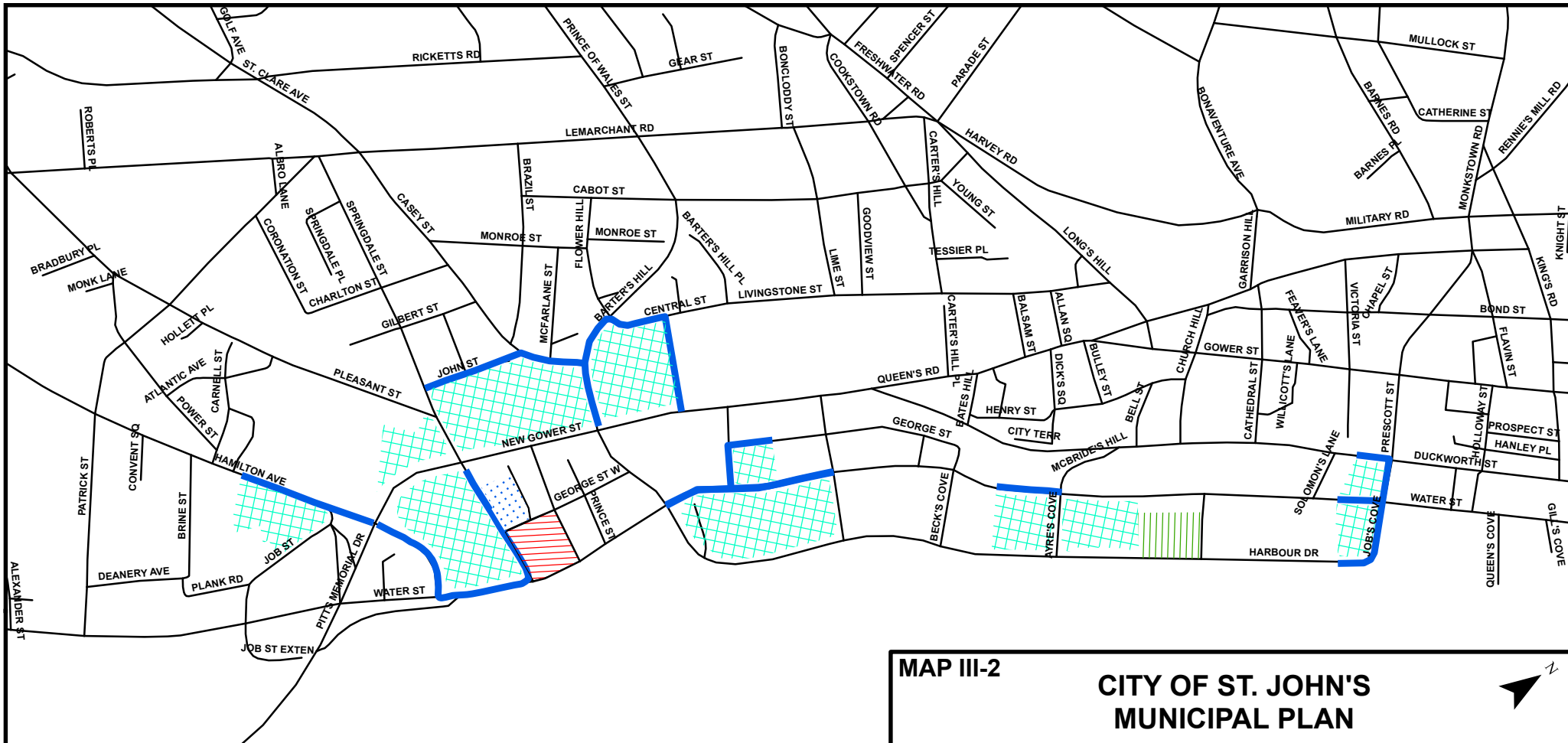
MCIP

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



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

M.C.I.P. signature and seal

Mayor

City Clerk






Council Adoption

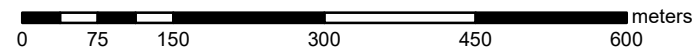
Provincial Registration

MAP III-2

**CITY OF ST. JOHN'S
MUNICIPAL PLAN
DOWNTOWN
BUILDING CONTROL**



- | | |
|---|--|
|  | Streets requiring a light angle of 60 degrees at 15m /4 storeys above grade. |
|  | Areas allowing a floor area ratio in excess of 3.0 and a building height exceeding 4 storeys. |
|  | Areas allowing a building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade |
|  | Areas allowing a building height not exceeding 11 storeys and a floor area ratio not exceeding 2.25 |
|  | Areas allowing a building height not exceeding 5 storeys and not requiring a light angle of 60 degrees at 15 m/4 storeys above grade |



ST. JOHN'S
DEPARTMENT OF PLANNING

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. 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.”

3. 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

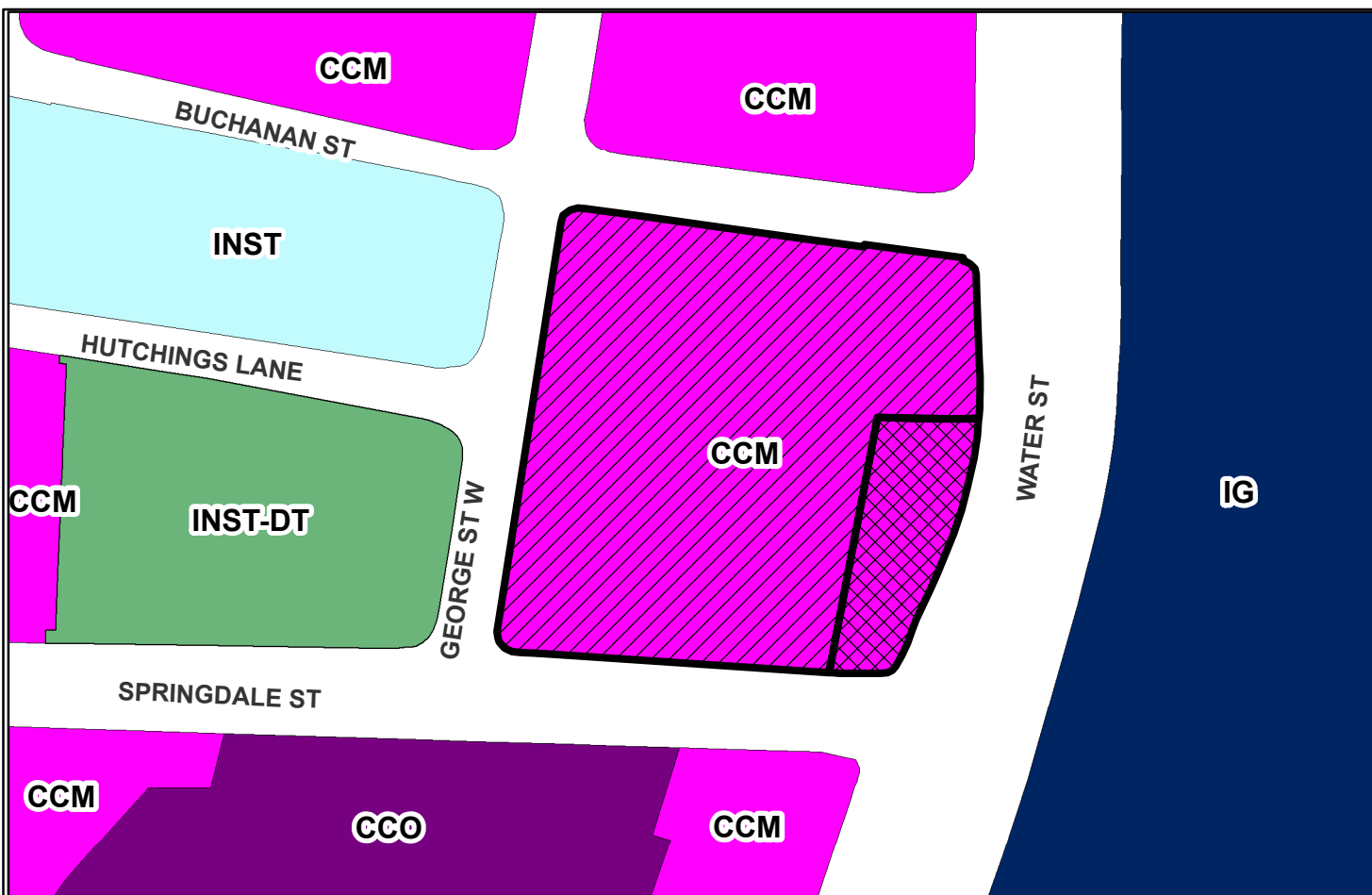
MCIP

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

City Clerk

Council Adoption

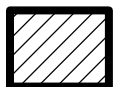
Provincial Registration



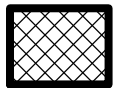
**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 698, 2019
[Map Z-1A]**

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

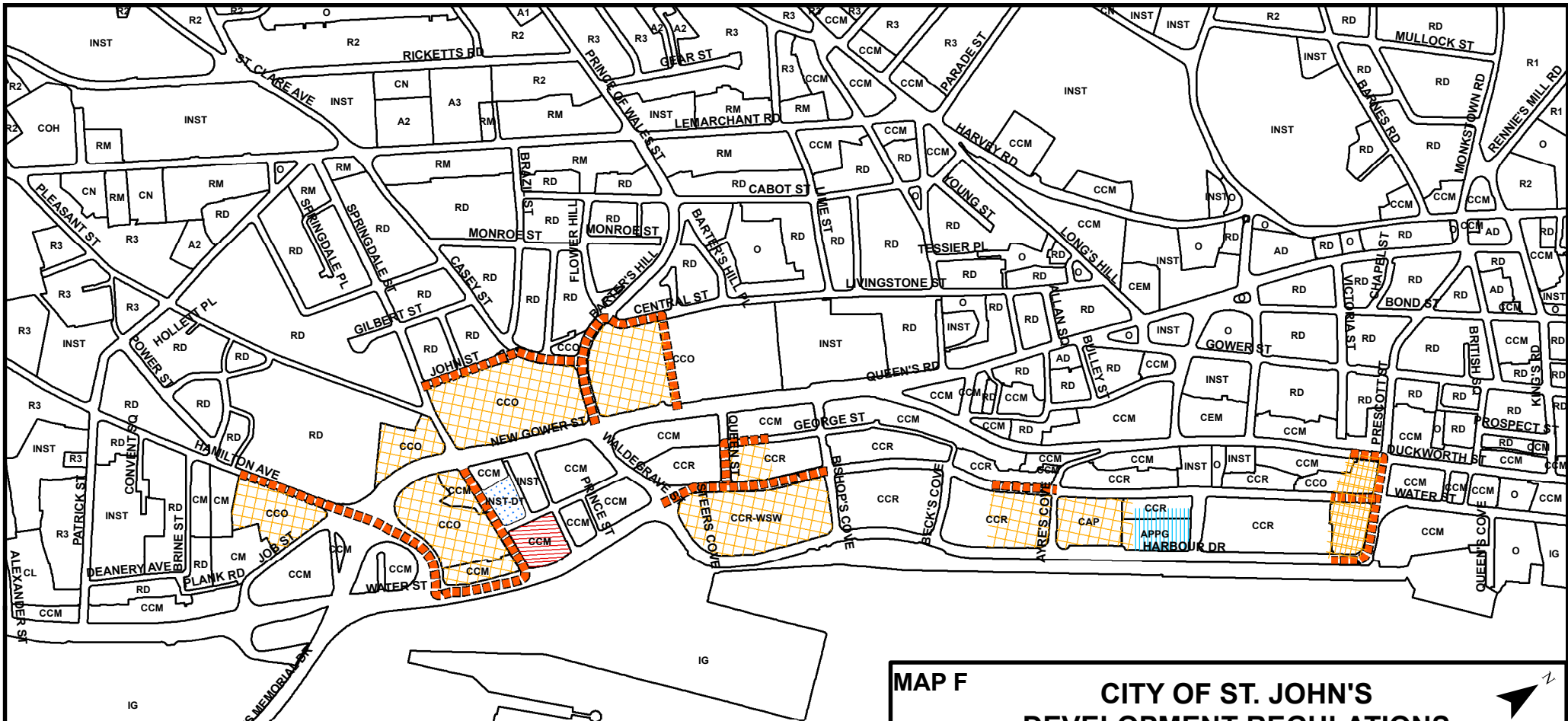
M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration



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

M.C.I.P. signature and seal

Mayor






City Clerk

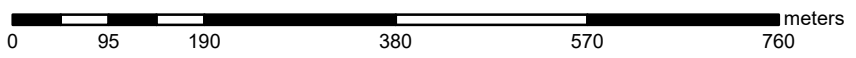
Council Adoption

Provincial Registration

MAP F

CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS DOWNTOWN BUILDING CONTROL

-  Streets requiring a light angle of 60 degrees at 15m/4 storeys above grade
-  Areas allowing a floor area ratio in excess of 3.0 and a building height exceeding 4 storeys.
-  Areas allowing building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade
-  Areas allowing a building height not exceeding 11 storeys and a floor area ratio not exceeding 2.25
-  Areas allowing a building height not exceeding 5 storeys and not requiring a light angle of 60 degrees at 15 m/4 storeys above grade



ST. JOHN'S

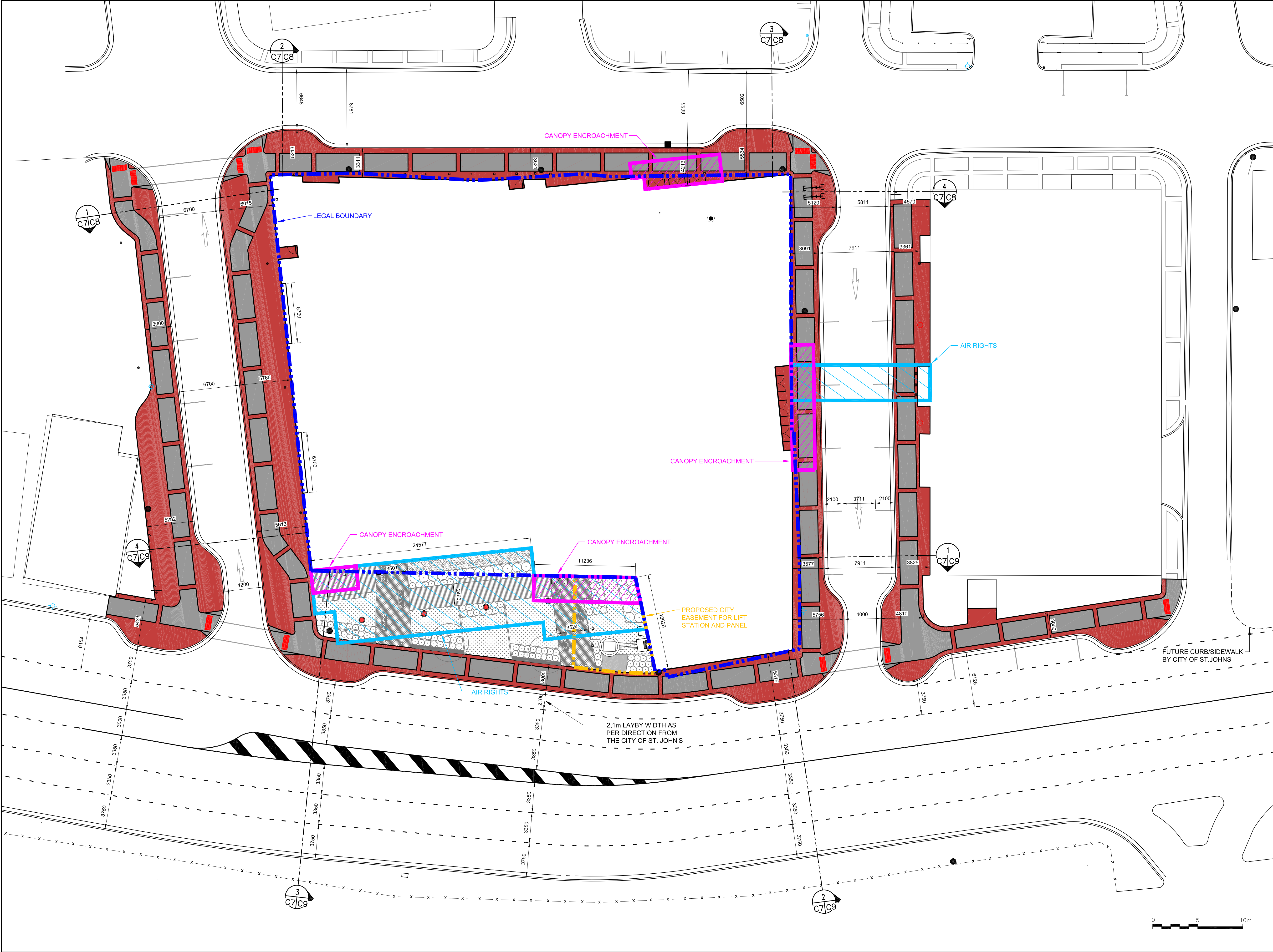


1:1,500

SUBJECT PROPERTY

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

W:\Engwork\Planw\2109 projects\430 water street.mxd



CONTRACTOR MUST VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE PROCEEDING WITH ANY PORTION OF THIS WORK. REPRODUCTIONS OF THIS DRAWING MAY HAVE BEEN REDUCED OR ENLARGED. REFER TO GRAPHIC SCALE. DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

A
B/C

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
— FM —	EXISTING MANHOLE
— FM —	EXISTING STORM SEWER MAIN
— FM —	EXISTING CATCH BASIN
— FM —	EXISTING WATERMAIN
— FM —	EXISTING GATE VALVE
— FM —	EXISTING FIRE HYDRANT
— FM —	POLE
— FM —	EXISTING CULVERT
— FM —	FENCE
— FM —	RETAINING WALL
100.00	EXISTING ELEVATION

PROGRESS PRINT

2019/07/04

A	ISSUED FOR APPROVALS			
No.	REVISIONS	APP	DWN	DATE

NORTH:

STAMP:

Progressive Engineering
& Consulting Inc.

PERMIT STAMP:

PROVINCE OF NEWFOUNDLAND AND LABRADOR

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