

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Commercial Neighbourhood Zone for a Lounge and Eating Establishment (Pub and Eatery)
MPA1800006
75 Airport Heights Drive

Date Prepared: October 16, 2019

Report To: His Worship the Mayor and Members of Council

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

Ward: 1

Decision/Direction Required:

To consider a rezoning application for land at 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone to allow for a Lounge and Eating Establishment use. An amendment to the St. John's Municipal Plan is required.

Discussion – Background and Current Status:

The City has received an application for a pub and eatery at 75 Airport Heights Drive. The property is currently zoned Commercial Local (CL) which does not allow a Lounge or Eating Establishment use. The applicant has requested to rezone the property to the Commercial Neighbourhood (CN) Zone in which Lounge and Eating Establishment are discretionary uses. The properties surrounding 75 Airport Heights Drive are zoned Residential Low Density (R1) and a majority of the properties are dwellings apart from two vacant lots adjacent to the property on the western side.

The property is designated Residential Low Density under the St. John's Municipal Plan and applies to those areas characterized by a predominance of single detached dwellings. The CL Zone is permitted under the RLD District, however a rezoning to the CN Zone would require a Municipal Plan amendment to the Commercial General District.

The existing building at 75 Airport Heights Drive was built as a Daycare Centre and was rezoned in June 2018 to the CL Zone to accommodate commercial uses such as office, take-out or hair salon. The same applicant is now asking to rezone the land to CN for a pub and eatery. The development will require 17 parking spaces. The applicants have proposed 10 parking spaces and have requested parking relief for 7 spaces. The applicant's justification for parking relief is that the property is within walking distance to the adjacent residential neighbourhood. The City's Manager of Transportation also notes that there is on-street parking available on the opposite side of the street from 40 Airport Heights Drive to Canso Place. The proposed rezoning was initially advertised for public consultation and brought to Council for consideration on September 3, 2019. Council decided to defer the application to allow for public meeting prior to consideration. The public meeting was advertised on two occasions in

ST. JOHN'S

The Telegram newspaper and was posted on the City's website. Property owners within 150 metres of the application site were notified. The meeting was held on September 26, 2019 at Roncalli Elementary and approximately 70 people were in attendance, including Councillor Stapleton.

There was a mixed reaction from the residents both at the meeting and in the written submissions respecting the proposed restaurant and lounge. Many residents in the overall neighbourhood support the proposal, while residents immediately adjacent to the site have expressed concerns. One aspect that was clear from the public meeting was that the need and desire from residents to have a gathering space within the neighbourhood; however, some suggested that a restaurant, café or library would be more appropriate than a lounge.

Objections for the development include concerns regarding increased number of cars parking on the street, increased noise, decrease in property value, increased vandalism and litter, potential of rodents, and that the proximity of the subject property to Roncalli School and the new seniors complex will create traffic problems. Following the meeting, the applicant sent an email to staff advising on how they plan to mediate the concerns raised at the public meeting (attached).

The applicants are proposing the business will operate from 11am to midnight on weekdays and from 11am to 1am on weekends. They wish to have a family friendly restaurant during the evening and would be able to accommodate kids until 9pm. As a liquor license cannot be issued until the development approval stage, the Newfoundland and Labrador Liquor Corporation (NLC) may include additional conditions. Concerns regarding increased drinking and driving if the Lounge is approved have also been raised. While we appreciate the concern regarding public safety, drinking and driving is regulated by provincial and federal legislation. The NLC would also regulate if video lottery terminals would be permitted on-site dependant on the type of liquor license issued.

With respect to noise, the applicants are proposing to install noise reducing Gyproc on the rear exterior wall and to limit musicians to one-man acoustic solos on weekends only. Please note, while they may propose this type of entertainment, the City cannot regulate the type of musicians at their venue. The property would be subject to the City's Noise By-Law.

There were no concerns raised by the City's Traffic Engineering Division regarding parking relief or increased traffic. With respect to residential properties adjacent to the proposed use, as per Section 8.5.1 of the Development Regulations, a 3 metre landscaped area or a screen at least 1.8 metre in height shall be provided where a Commercial Use adjoins a Residential Use. The applicants have proposed a 1.8 metre fence surrounding the subject property.

Given the desire of the community to have a gathering space, the Commercial Neighbourhood Zone is an appropriate zone for this property as it allows many of the uses they would like to see in their neighbourhood. Therefore, it is recommended to adopt-in-principle the rezoning to CN at 75 Airport Heights Drive. As Eating Establishment and Lounge are discretionary uses within the CN Zone, the uses will be advertised with the Public Hearing notice, should this amendment proceed. The applicants have provided information on how they would address

the public's concerns, and this will form part of the discussion at the Public Hearing stage prior to Council making a decision on the discretionary uses.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Neighbouring residents and 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:
An amendment to the St. John's Municipal Plan and Development Regulations is required.
5. Privacy Policy: Not applicable.
6. Engagement and Communications Considerations:
Advertisement of the proposed amendment.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications:
Parking relief of 7 spaces is considered.

Recommendation:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 153, 2019 and St. John's Development Regulations Amendment 700, 2019. A map amendment to the Municipal Plan is required to re-designate the property from the Residential Low Density District to the Commercial General District. As well, this would rezone 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone, to allow consideration of a Lounge and Eating Establishment.

If the amendments are adopted-in-principle by Council, they will be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the amendment will be referred back to a future regular meeting of Council for consideration of adoption and the appointment of a commissioner to conduct a Public Hearing, as required by the Urban and Rural Planning Act.

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:

Email from Applicant

Amendments

Location Map

Site Plan

CN Zone Table

Copy of email from 75 Airport Heights Drive applicant, dated October 16, 2019

As per your email request, here are the brief descriptions of the our measures to mediate the concerns addressed at the public consultation

1. Parking: Given that this development is being put forth as a walk to establish for the residents of Airport Heights, we believe we have sufficient parking on site for the staff and the few that will actually drive. Also there is on street parking along Airport Heights road that can accommodate extra parking in the event of unforeseen parking restraints on special events. These parking spaces do not impede any residents in the area.
2. Property Values: we have consulted with a number of real estate agents and this is the consensus. Property values will not be affected from a small neighbor Pub. Granted the preferences of some buyers may shift such that some may not wish to purchase next to a eating Establishment, and some may seek to buy property near an eating Establishment.
3. Garbage and Rodents: We will be using an enclosed steel garbage bin supplied by GFL stored on the north corner behind a wooden gate and will be emptied on a weekly basis by GFL.
4. Noise: We do not anticipate any activities inside the pub to create any noise that will be heard outside the exterior walls. But as an extra precaution we will install noise reducing Gyproc on the rear exterior wall. It should be noted this is not a night club and at best will have background music only with the odd evening having a one man solo act.
5. Smoking: we will designate a smoke area to the north corner towards the vacant lot to eliminate any disruption to the neighbors. There will be a cigarette disposal bin placed at this location and will be emptied on a daily basis.
6. There was some comment about VLTs. We have not had any discussions on VLTs in this pub. Again we willing to discuss any concerns but we are focused on the rezoning right now and the Eatery is our main concern for a revenue generator.

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 153, 2019**

WHEREAS the City of St. John's wishes to allow a Lounge and Eating Establishment at 75 Airport Heights Drive.

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

Redesignate land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Residential Low Density (RLD) Land Use District to the Commercial General (CG) Land Use District as shown on Map III-1A attached.

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

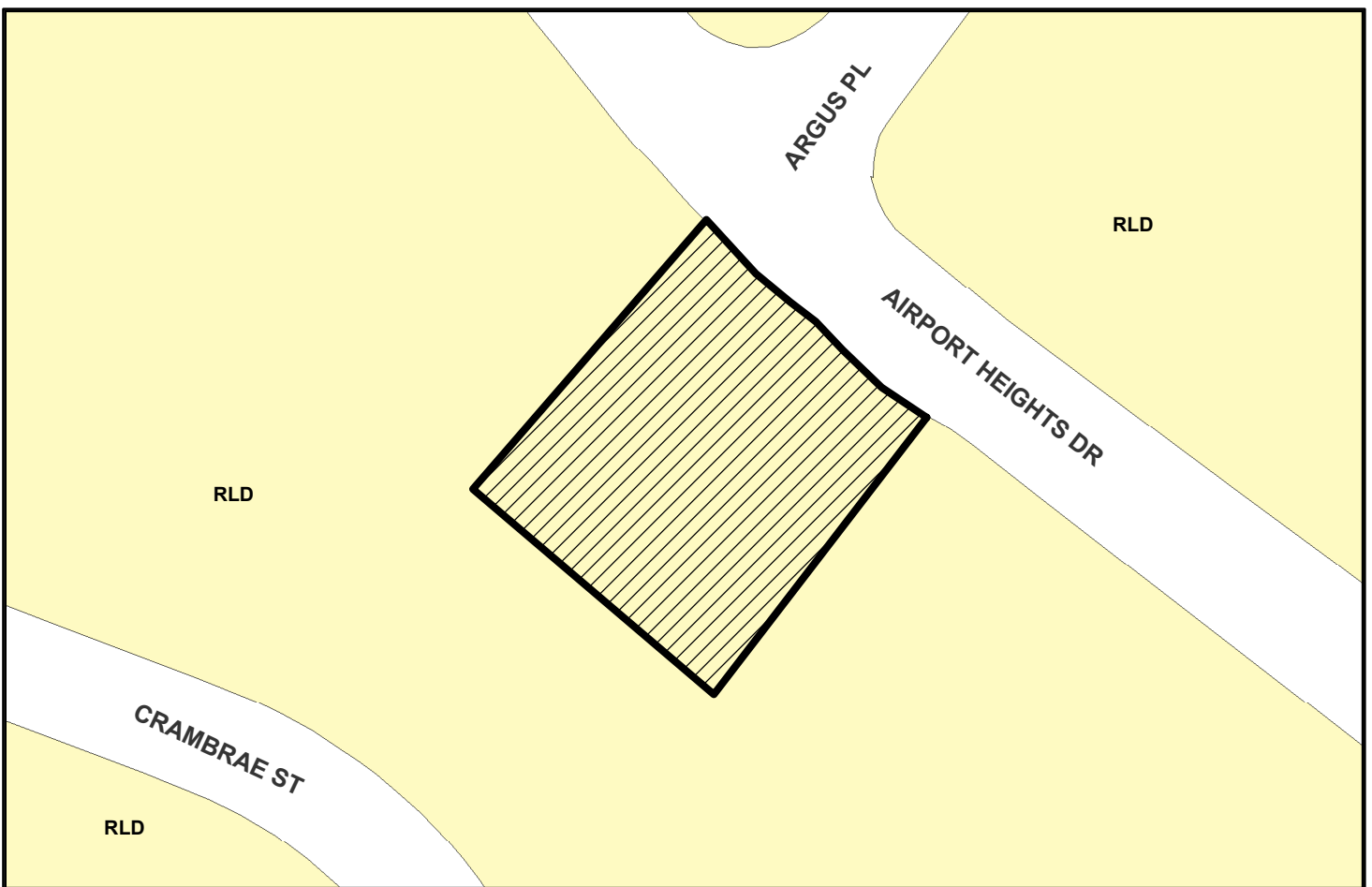
MCIP

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
MUNICIPAL PLAN
Amendment No. 153, 2019
[Map III-1A]**

2019 08 22 Scale: 1:750
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 REDESIGNATED FROM
RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT
TO COMMERCIAL GENERAL (CG) LAND USE DISTRICT**

**75 AIRPORT HEIGHTS DRIVE
Parcel ID 46595, 145223**

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 700, 2019**

WHEREAS the City of St. John's wishes to allow a Lounge and Eating Establishment at 75 Airport Heights Drive.

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

Rezone land at 75 Airport Heights Drive [Parcel ID#46595 & 145223] from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone as shown on Map Z-1A attached.

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

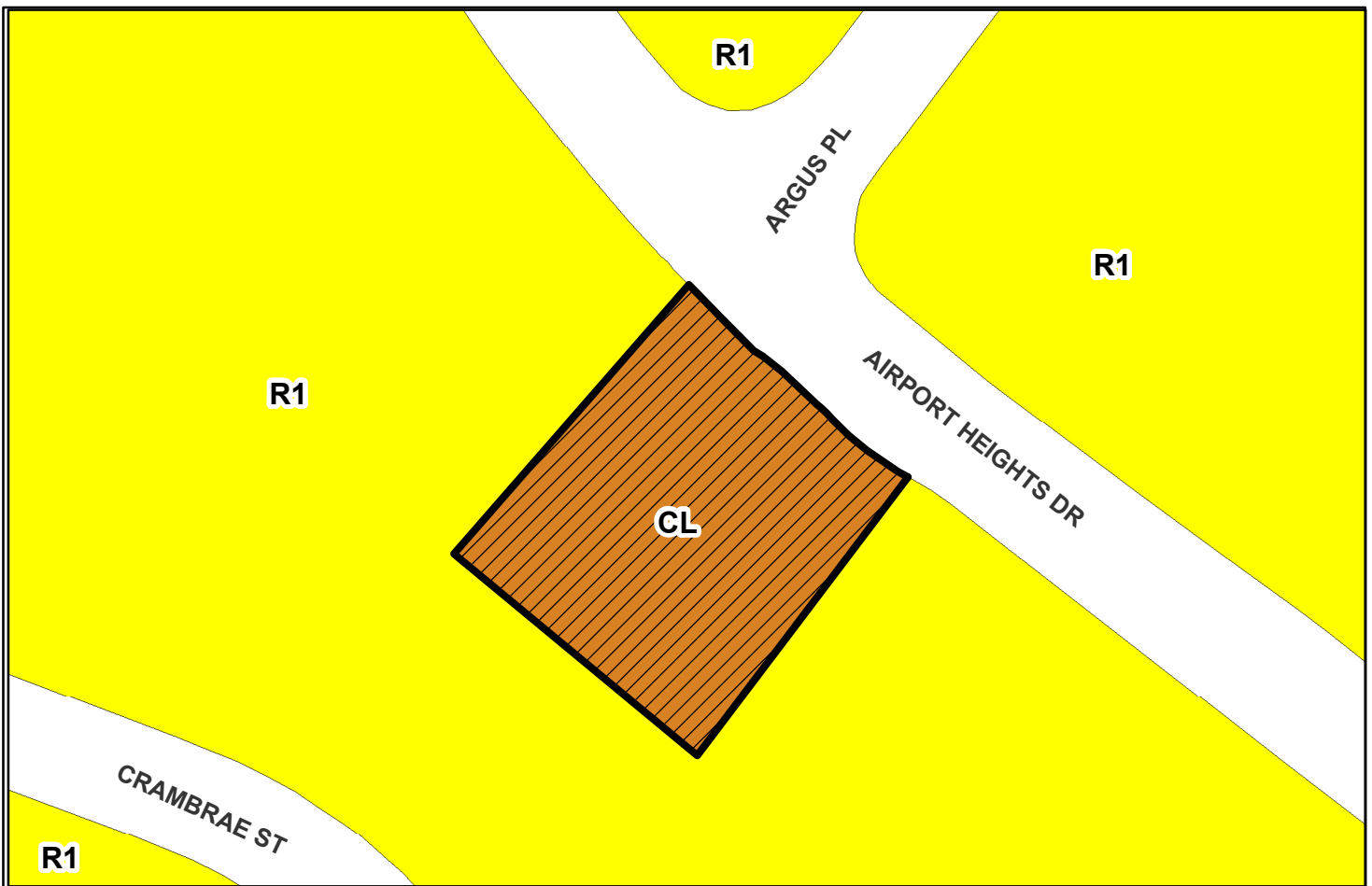
MCIP

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

City Clerk

Council Adoption

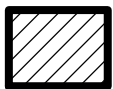
Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 700, 2019
[Map Z-1A]**

2019 08 22 Scale: 1:750
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 LOCAL (CL) LAND USE ZONE TO
COMMERCIAL NEIGHBOURHOOD (CN) LAND USE ZONE

**75 AIRPORT HEIGHTS DRIVE
Parcel ID 46595, 145223**

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration



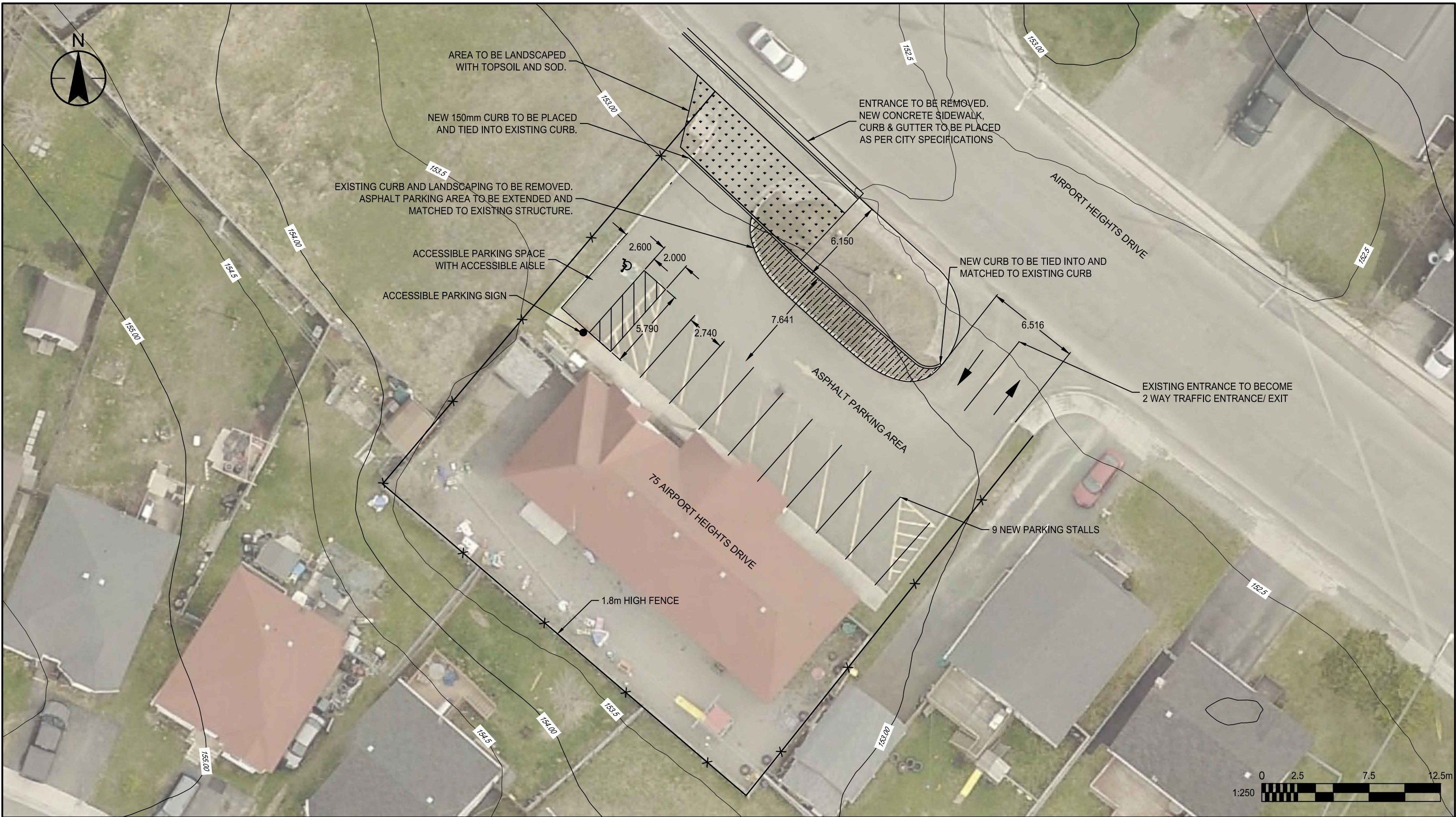
SUBJECT PROPERTY



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

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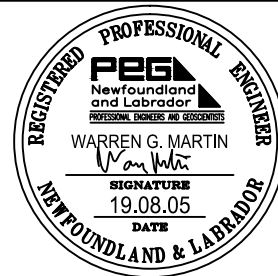
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Notes

1. AERIAL IMAGERY AND LIDAR INFORMATION PROVIDED BY THE CITY OF ST. JOHN'S.
2. ALL WORK TO BE COMPLETED IN ACCORDANCE TO CITY OF ST. JOHN'S SPECIFICATIONS.



PROVINCE OF NEWFOUNDLAND AND LABRADOR



ENGINEERING
PERMIT J0291

STANTEC CONSULTING LTD.

05371

Signature or Member Number
(Member-in-Responsible Charge)

Client/Project

RANDY PATEY

75 AIRPORT HEIGHTS DR.

Project No.

133348530

Title

PROPOSED SITE PLAN

Revision

1 - STAMPED

Reference Sheet

Date

2019.08.05

Figure No.

CSK1

10.17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.17.1 Permitted Uses

Residential:

- (a) Dwelling Units located in the second and/or higher Storeys of a Building **(1995-12-08)**
(2007-04-05)

Public:

- (b) Library
- (c) Adult Day Care Facility (subject to Section 7.2)

Commercial:

- (d) Bakery
- (e) Bank (Subject to Section 7.30) **(2012-06-29)**
- (f) Clinic
- (g) Commercial School
- (h) Custom Workshop
- (i) Dry-cleaning Establishment
- (j) Laundromat
- (k) Office
- (l) Parking Area
- (m) Printing Establishment
- (n) Retail Store
- (o) Service Shop
- (p) Sign Maker's Shop
- (q) Veterinary Clinic

Recreational:

- (r) Park

Other:

- (s) Public Utility

CN

10.17.2 Discretionary Uses (subject to Section 5.8)

- | | | |
|-----|--|--------------|
| (a) | Car Washing Establishment (Subject to Section 7.30) | (2012-06-29) |
| (b) | Car Sales Lot | (2007-09-07) |
| (c) | Church | (1998-05-29) |
| (d) | Day Care Centre (subject to Section 7.6) | |
| (e) | Eating Establishment (subject to Section 7.21)(Subject to 7.31) | (1995-09-15) |
| | | (2012-06-29) |
| (f) | Lounge (subject to Section 7.21) | (2014-06-06) |
| (g) | Private Park | (2007-10-05) |
| (h) | Recycling Depot (provided the site is not located
in a Residential Land Use District of the
St. John's Municipal Plan) | (1997-11-21) |
| (i) | Rental Storage Use (subject to Section 7.23) | (2008-07-18) |
| (j) | Service Station and Gas Bar (Subject to Section 7.30) | (2012-06-29) |
| (k) | Small Scale Wind Turbine | (2012-06-01) |
| (l) | Take-Out Food Service (Subject to Section 7.30) | (2012-06-29) |
| (m) | Taxi Business | |

10.17.3 Zone Requirements

- (1) The following requirements shall apply to all Commercial and Institutional Uses:

- | | | |
|-----|--|------------------------|
| (a) | Lot Area (minimum) | 900 square metres |
| (b) | Lot Frontage (minimum) | 30 m |
| (c) | Lot Coverage (maximum) | 50% |
| (d) | Gross Floor Area used exclusively for a
Commercial Use shall not exceed | 9000 square metres |
| (e) | Floor Area Ratio maximum) | 1.0 |
| (f) | Building Height (maximum) | 3 Storeys |
| (g) | Building Line (minimum) | 7 m |
| (h) | Side Yards (minimum) | 1 m per Storey |
| (i) | Side Yard on Flanking Road (minimum) | 6 m |
| (j) | Rear Yard (minimum) | 6 m |
| (k) | Landscaping on Lot (minimum) | Subject to Section 8.5 |

- (2) All other uses:
As determined by Council

CN