

December 2, 2013

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall at 4:30 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Ellsworth, Councillors Hann, Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis and Collins.

City Manager, Deputy City Manager Corporate Services & City Clerk, Deputy City Manager Planning Development & Engineering, Deputy City Manager Public Works, Deputy City Manager Community Services, Director of Engineering, Chief Municipal Planner, City Solicitor and Manager Corporate Secretariat, were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-12-02/524R

**It was decided on motion of Councillor Tilley; seconded by Councillor Collins:
That the Agenda be adopted as presented.**

Adoption of Minutes

SJMC2013-12-02/525R

**It was decided on motion of Councillor Lane; seconded by Councillor Hann:
That the minutes of November 25th, 2013 be adopted as presented.**

Business Arising

**12-20 Mount Cashel Road
Application for a Townhouse Condominium Development
Proposed New R2 Condominium One
Applicant: 62554 Newfoundland and Labrador Inc.**

Under business arising, Council considered a memorandum dated November 27, 2013 from the Chief Municipal Planner regarding the above noted.

SJMC2013-12-02/526R

It was moved by Councillor Hickman; seconded by Councillor Tilley: That the applicant be directed to prepare a Land Use Assessment Report (LUAR) regarding the proposed development, that the draft terms of reference be approved as presented and that the proposed rezoning and LUAR be advertised publicly review.

During discussion, Councilor Davis asked that the Police and Traffic Committee look at the traffic situation in this area and determine whether or not a traffic study should be conducted.

The motion being put was unanimously carried.

**Proposed Text Amendment to the Agriculture (G) Zone
Land adjacent to 90 Pearltown Road – Lester Farms Inc.**

Under business arising, Council considered a memorandum dated November 20, 2013 from the Chief Municipal Planner regarding the above noted.

SJMC2013-12-02/527R

It was moved by Councillor Collins; seconded by Councillor Hann: That the proposed Aquaculture use on land adjacent to 90 Pearltown Road as a Discretionary Use in the Agriculture (AG) Zone be approved in principle subject to the following conditions:

- **No artificial lighting will be used as part of the greenhouse structure between the hours of 9 pm and 7 am;**
- **A closed-containment system is used in accordance with the regulations outlined in the Fisheries Act provided by Fisheries and Oceans and Oceans; and**
- **Meeting all requirements of the City's Department of Planning, Development and Engineering; and further**

That the following Resolution for St. John's Development Regulations Amendment Number 579, 2013 be adopted, which will be referred to the Department of Municipal Affairs with a request for Provincial registration.

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 579, 2013**

WHEREAS the City of St. John’s wishes to allow “Aquaculture” as a Discretionary Use in the Agriculture (AG) Zone.

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 Urban and Rural Planning Act:

Amend Section 2 of the St. John’s Development Regulations by adding the following:

“AQUACULTURE” Means the breeding, hatching and rearing of fish or other aquatic plants or animals for sale and/or personal use”

Amend Section 10.34.2 of the St. John’s Development Regulations by adding “Aquaculture” as a Discretionary Use to the Agriculture (AG) Zone.

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs 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 2nd day of December, 2013.

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

The motion being put was unanimously carried.

St. John's Municipal Plan Amendment Number 96, 2013
St. John's Development Regulations Amendment Number 514, 2013
Re: 1 Clift's/Baird's Cove, Proposed Site Redevelopment
3-Storey Extension to Parking Garage

Under business arising, Council considered a memorandum dated November 28, 2013 from the Chief Municipal Planner regarding the above noted.

SJMC2013-12-02/528R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That the following Resolutions for the St. John's Municipal Plan Amendment Number 96, 2013 and the St. John's Development Regulations Amendment Number 514, 2013 be adopted; and further, that Dr. Christopher Sharpe, a member of the City's Commissioner List, be appointed as the Commissioner to conduct a public hearing on these amendments:

RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 96, 2013

WHEREAS the City of St. John's wishes to ensure the future use of the A.P. Parking Garage at Civic Number 1 Clift's-Baird's Cove [Parcel ID #34257] is maintained to its historic and current principal use as a parking garage and to allow development of a 3 storey hotel or a residential development atop the existing 8 storey structure.

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 under the provisions of the Urban and Rural Planning Act, 2000:

- 1. Create a new Land Use District in Part III, Section 3 ("Commercial") of the St. John's Municipal Plan to read as follows:**

"3.3.6 A.P. Parking Garage District

- 1. Permitted Zones**

In this District, which applies only to the existing A.P. Parking Garage site located at Civic Number 1 Clift's-Baird's Cove, the City may allow a zone in which a parking garage for public use is the only permitted use. The City may also allow other uses it deems appropriate as discretionary uses.

2. Building Height and Bulk

In this District, the maximum building height is limited to 11 Storeys and the maximum Floor Area Ratio is limited to 2.25.”

- 2. Amend Map III-1 (“General Land Use Map”) of the St. John’s Municipal Plan by redesignating the property at Civic Number 1 Cliff’s-Baird’s Cove from the “Commercial Downtown District” to the A.P. Parking Garage District” as shown on Map III-1B attached.**
- 3. Amend Map III-2 (“Downtown Building Control Map”) of the St. John’s Municipal Plan by adding the property at Civic Number 1 Cliff’s-Baird’s Cove as an “Area allowing a building height not exceeding 11 Storeys and a Floor Area Ratio not exceeding 2.25” as shown on Map III-2 attached.**

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs 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 2nd day of **December, 2013.**

Mayor

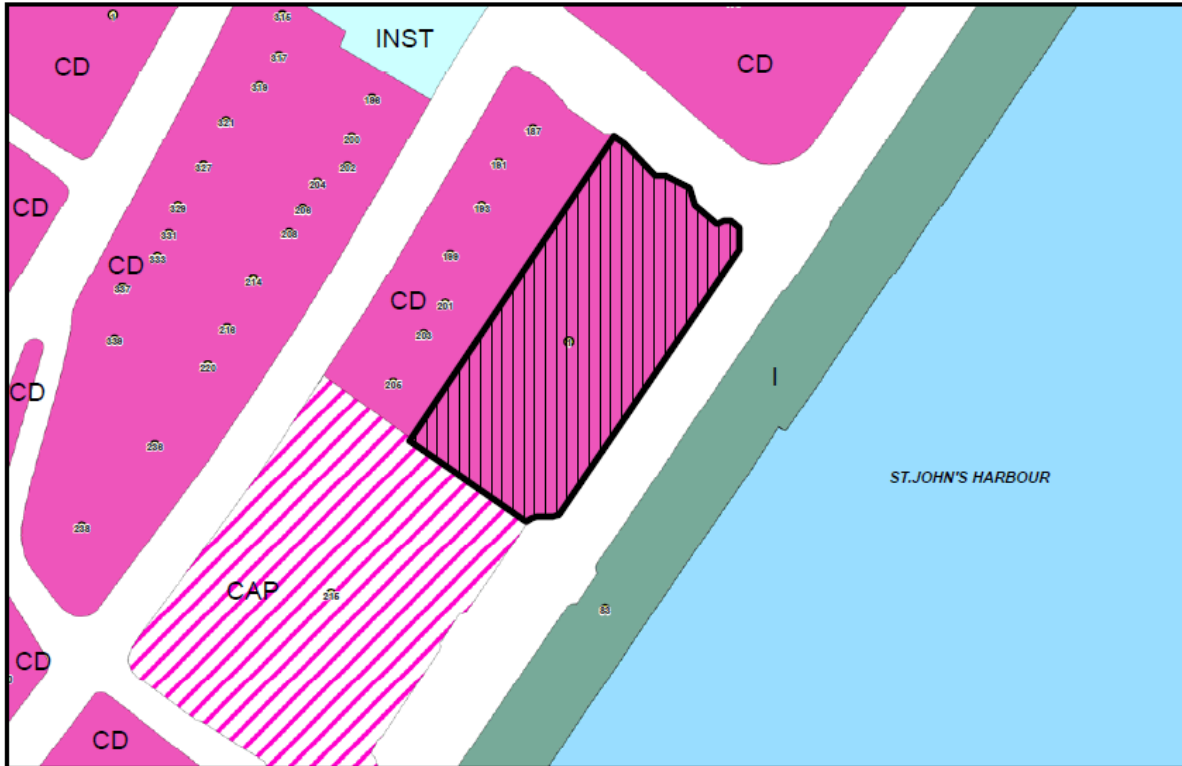
MCIP

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. 96, 2013
[Map III-1B]**

2013 10 03 SCALE: 1:1500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REDESIGNATED FROM
COMMERCIAL DOWNTOWN (CD) LAND USE DISTRICT TO
A.P. PARKING GARAGE LAND USE DISTRICT

1 CLIFT'S BAIRD'S COVE (A.P. Parking Garage)

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 514, 2013**

WHEREAS the City of St. John's seeks to ensure that the future use of the A.P. Parking Garage at Civic Number 1 Clift's-Baird's Cove [Parcel ID #34257] is maintained as its historic and current principal use as a parking garage and to have the power to allow development of a 3 storey hotel or residential development atop the existing 8 storey parking garage.

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 under the provisions of the Urban and Rural Planning Act, 2000:

1. Create a new Zone in Section 10 of the St. John's Development Regulations to read as follows:

“10.49 A.P. Parking Garage Zone

This Zone only applies to the existing A.P. Parking Garage site located at Civic Number 1 Clift's-Baird's Cove.

10.49.1 Permitted Uses

- (a) Parking Garage**

10.49.2 Discretionary Uses

- (a) Hotel located on the 9th and/or higher Storeys of a Building**
- (b) Dwelling Units located on the 9th and/or higher Storeys of a Building**
- (c) Office/Reception uses accessory to or normally associated with a Hotel on any Storey (subject to a Hotel being developed on the 9th and/or higher Storeys of a Building)**

10.49.3 Zone Requirements

- (a) Building Height (maximum): 11 storeys**
- (b) Publicly Available Rental Parking Spaces (minimum): 670:**

- (i) **Discretionary Uses that may be approved in the Zone are subject to the proviso that any such approved Discretionary Use shall be developed, undertaken, maintained, and used in such a manner that Publicly Available Rental Parking Spaces on the 1st through 8th Storeys of the Building shall not number less than 670;**
- (ii) **For the purpose of the A.P. Parking Garage Zone, Publicly Available Rental Parking Spaces shall mean parking spaces that are available to the general public for rental on an hourly, daily, or monthly basis. The foregoing shall not include any parking spaces that are otherwise required by the Regulations in relation to any other Discretionary Uses that may be approved in the Zone**

(c) Floor Area Ratio (maximum) 2.25

- 2. Rezone the existing A.P. Parking site at Civic Number 1 Cliff’s-Baird’s Cove from the Commercial Central Retail (CCR) Zone to the A.P. Parking Garage Zone as shown on Map Z-1B attached.**
- 3. Amend Map F (“Downtown Building Control Map”) of the St. John’s Development Regulations by adding the property at Civic Number 1 Cliff’s-Baird’s Cove as an “Area allowing a building height not exceeding 11 Storeys and a Floor Area Ratio not exceeding 2.25.”**

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs 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 2nd day of December, 2013.

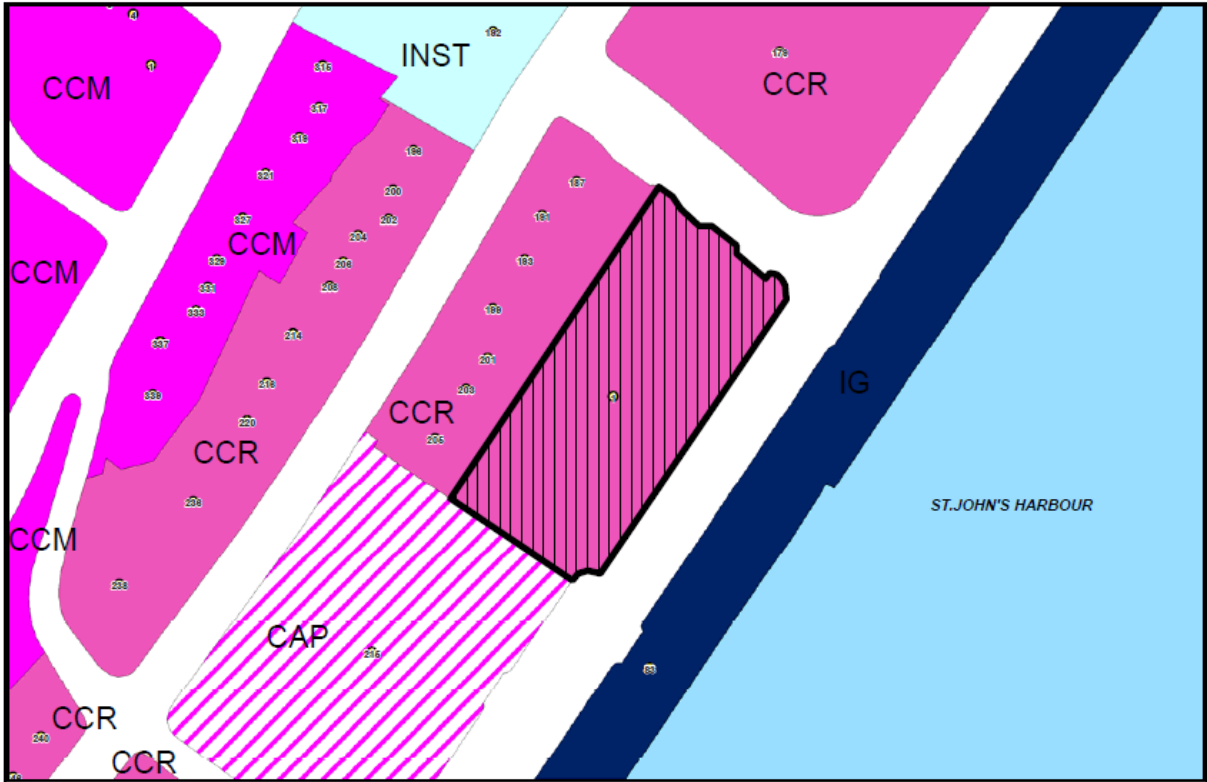
Mayor

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. 514, 2013
[Map Z-1B]**

2013 10 03 SCALE: 1:1500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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 RETAIL (CCR) LAND USE ZONE
TO A. P. PARKING GARAGE LAND USE ZONE

1 CLIFT'S BAIRD'S COVE (A.P. Parking Garage)

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

Councillor Galgay indicated he would like to see amendments to the Provincial Act that would eliminate some of the “red tape” involved in the development process. His Worship the Mayor noted that he is hopeful that these types of issues will be addressed in the new City Act and the Regional Municipal Plan .

The motion being put was unanimously carried.

**Application to Rezone Property Situate at #1 Bergeron Place
(Bergeron Place & Groves Road)**

Under business arising Council considered a memorandum dated November 27, 2013 from the Chief Municipal Planner regarding the above noted.

SJMC2013-12-02/529R

It was moved by Councillor Davis; seconded by Councillor Tilley: That staff be directed to proceed with the rezoning process and prepare the necessary amendments to the Municipal Plan and Development Regulations which will be forwarded to the department of Municipal Affairs with a request for issuance of a Provincial release of the amendments.

The motion being put was unanimously carried.

Notices Published

- 1. A Discretionary Use Application** has been submitted by King Lifts Ltd. requesting permission to establish and operate a fork lift sales and service business from an Accessory Building located at the rear of Bidgood's Plaza, **355-357 Main Road**. The proposed business will occupy 195 m² and employ a staff of two (2). **(Ward 5)**

SJMC2013-12-02/530R

It was moved by Councillor Hann; seconded by Councillor Galgay: That the application be approved subject to all applicable City requirements.

The motion being put was unanimously carried.

- 2. A Discretionary Use Application** has been submitted requesting permission to occupy a portion of civic number **472 Newfoundland Drive** as a Home Occupation for an Esthetics Salon. The proposed business will occupy a floor area of approximately 23 m² and will operate Tuesday to Saturday, 11:00 a.m. to 6:00 p.m.

There will be two clients per day by appointment only. One on-site parking space is available for the business. The applicant is the sole employee. **(Ward 1)**
(Two (2) Submissions)

SJMC2013-12-02/531R

It was moved by Councillor Hann; seconded by Councillor Galgay: That the application be approved subject to all applicable City requirements.

Council agreed with a suggestion by Councillor Breen that no signage be installed on the property as a condition of approval.

The motion being put was unanimously carried.

Public Hearing

Public Hearing Report

**Re: Proposed Rezoning from O Zone to RRI Zone
288 Back Line**

Councillor Puddister presented the report of a public meeting held on November 26, 2013 the purpose of which was to provide an opportunity for public review and comment on the application submitted by Trevor and Charlotte Earle to rezone land located at 288 Back Line from Open Space (O) Zone and Agriculture (AG) Zone to the Rural Residential Infill (RRI) Zone and Agricultural (AG) Zone. The property owner intends to develop a single-family dwelling. No written submissions or representations from the general public were received.

SJMC2013-12-02/532R

It was moved by Councillor Puddister; seconded by Councillor Collins: That staff be directed to proceed with the rezoning process, and that the following Resolutions for St. John's Municipal Plan Amendment Number 120, 2013 and St. John's Development Regulations Amendment number 590, 2013 be adopted, which will then be referred to the Department of Municipal Affairs for provincial release.

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 120, 2013**

WHEREAS the City of St. John's wishes to allow a residential development at Civic Number 288 Back Line [**Parcel ID #21041**].

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

Redesignate the land at 288 Back Line from the Open Space (O) Land Use District to the Rural (R) 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 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 2nd day of **December, 2013**.

Mayor

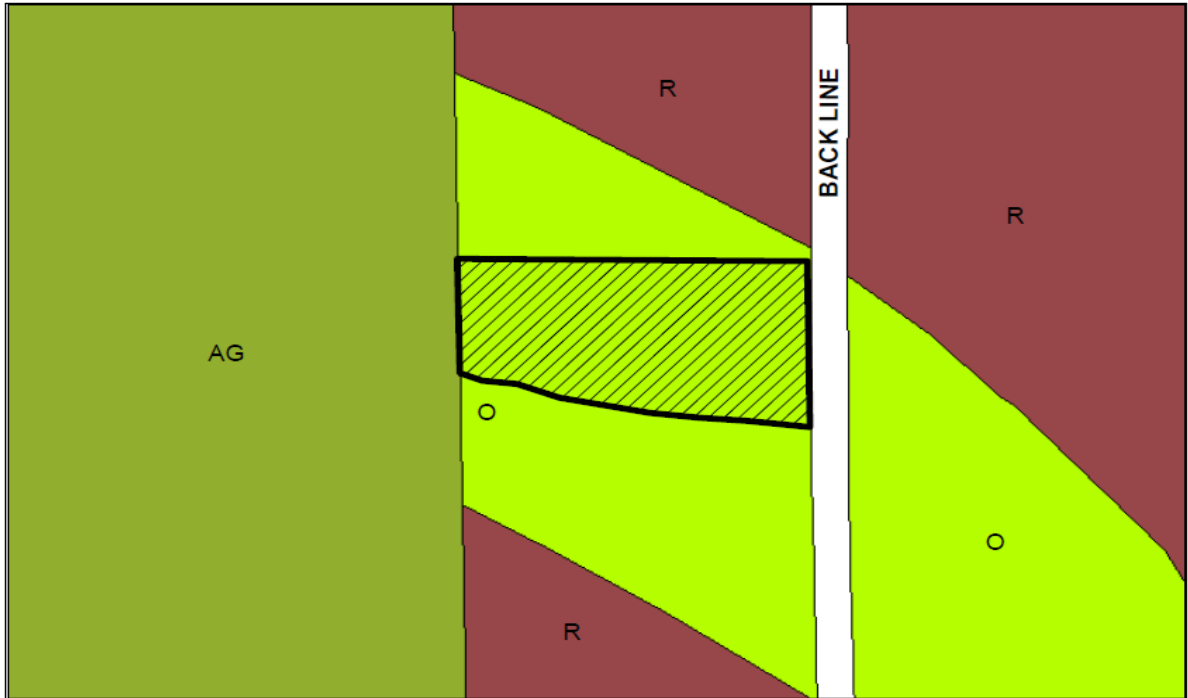
MCIP

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. 120, 2013
[Map III-1A]**

2013 11 04 SCALE: 1:1000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

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



AREA PROPOSED TO BE REDESIGNATED FROM
OPEN SPACE (O) LAND USE DISTRICT TO
RURAL (R) LAND USE DISTRICT

288 BACK LINE

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 590, 2013**

WHEREAS the City of St. John's wishes to allow a residential development at Civic Number 288 Back Line[Parcel ID #21041]. .

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

**Rezone land at Civic Number 288 Back Line from the
Open Space (O) Zone to the Rural Residential Infill
(RRI) 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 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 2nd day of **December, 2013.**

Mayor

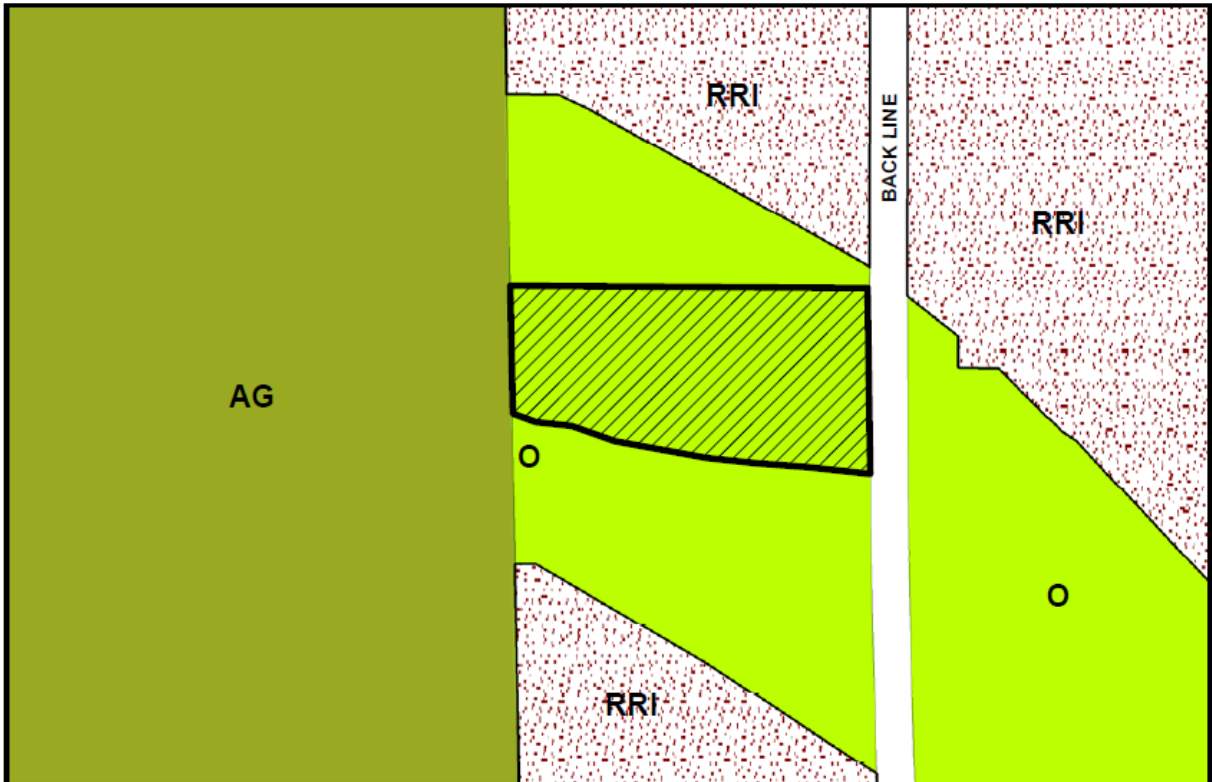
MCIP

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. 590, 2013
[Map Z-1A]**

2013 11 04 SCALE: 1:1000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

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

 AREA PROPOSED TO BE REZONED FROM
OPEN SPACE (O) LAND USE ZONE TO
RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE

288 BACK LINE

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

The motion being put was unanimously carried.

Public Hearing Report

Re: Proposed Text Amendment to allow additional height in the Commercial Central Mixed (CCM) Zone, Civic No. 21-47 LeMarchant Road

Councillor Galgay presented a report of a public meeting held on September 5, 2013 to provide an opportunity for public review and comment on an application submitted by Pinnacle Developments Inc. at Civic Number 21-47 LeMarchant Road. The application is for the development of a 5-storey, 55 unit residential condominium development on the site of the now demolished Tulk's Glass and Key Shop.

In this regard Council considered a memorandum dated November 27, 2013 from the Chief Municipal Planner as well as written public representations received by the City Clerk's Department on the application.

SJMC2013-12-02/533R

It was moved by Councillor Galgay; seconded by Deputy Mayor Ellsworth: That the public meeting report dated September 5, 2013 be adopted as presented.

The motion being put was unanimously carried.

SJMC2013-12-02/534R

It was moved by Councillor Galgay; seconded by Councillor Collins: That the application be rejected.

Discussion ensued during which Councillor Galgay indicated that the proposed development is located in a heritage zone and is not satisfied that it is suitable for the proposed location and not reflective of the architecture in the area. He expressed concern that Coady's Metal Works which is located next to the proposed development could be negatively affected by the development. He also expressed concern relative to traffic.

Councillor Collins noted he would support the project if Coady's Metal Works concerns were addressed.

Members of Council objecting to the motion commended the project indicating it will enhance the area, has underground parking, will create jobs and felt confident that the developer will work towards mitigating the issues of concern.

**The motion to reject being put there voted for it the mover and seconder.
The motion was defeated.**

SJMC2013-12-02/535R

It was then moved by Councillor Puddister; seconded by Councillor Hann: That the following Resolution for St. John’s Development Regulations Amendment Number 592, 2013, be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment.

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 592, 2013**

WHEREAS the City of St. John’s wishes to allow the construction of a residential condominium building at Civic Number 21-47 LeMarchant Road [**Parcel ID # 23408 & 46868**] (former Tulks Glass and Key Shop).

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.

Add the following new subsection to Section 10.23.3 (“Zone Requirements for the Commercial Central Mixed (CCM) Zone”).

“(k) Notwithstanding Subsections (a), (b) and (c), Council may permit at its discretion, at the property situated at Civic Numbers 21-47 LeMarchant Road (the former Tulks Glass and Key Shop), a Building with a Building Height not greater than 18 metres as measured from LeMarchant Road, with a Floor Area Ratio not greater than 4.0, and a Residential Density not greater than 1.5 dwelling units per 50m² of Lot Area.”

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs 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 **2nd** day of **December, 2013**.

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

The motion being put was carried with Councillors Galgay and Collins objecting.

Committee Reports

Development Committee Report dated November 26, 2013

Council considered the following Development Committee Report dated November 26, 2013:

The following matter was considered by the Development Committee at its meeting held on November 26, 2013. A staff reports is attached for Council's information.

- 1. Planning, Development and Engineering File No. 11-00341
Proposed Extension to Building and Lounge
369 Duckworth St. (backing onto George Street) Ward 2
Commercial Central Mixed (CCM) Zone**
-

Recommendation

The Development Committee recommends Council permit the 0.5 increase in the FAR of the Development in accordance with Section 10.23.3(a) of the St. John's Development Regulations and allow the development to proceed subject to compliance with:

1. The project meeting all the conditions as determined by the Department of Planning, Development and Engineering.
 2. The building is constructed in accordance with the Heritage Area 2 guidelines.
 - 2. Department of Planning, Development and Engineering File No. 13-00023
Proposed 5-Townhouse Development
Applicant: RDG Holdings Limited
Nunnery Hill/Holloway Street
Residential Downtown (RD) Zone (Ward 2)**
-

Summary

The City has been advised by the abutting property owner that there may be a portion of land (3 metres x 7 metres) within the proposed development area which may not belong to RDG Holdings Limited. The abutting property owner, Republic Properties, has made adverse claim to this small portion of land.

The Development Committee is of the opinion that if Republic Properties is successful in obtaining ownership of the aforementioned disputed property, the non-inclusion of this disputed property will not affect this development regardless of the outcome of the adverse claim.

There are no apparent reasons to prevent this development from proceeding to permitting stage.



Robert F. Smart, City Manager
Chair – Development Committee

SJMC2013-12-02/536R

Regarding Item #1, It was moved by Councillor Hann; seconded by Councillor Galgay: That the Committee’s recommendation be approved.

The motion being put was unanimously carried.

SJMC2013-12-02/537R

Regarding Item #2, It was moved by Councillor Hann; seconded by Councillor Collins: That the Committee’s recommendation be approved.

Members of Council supporting the motion were satisfied that if Republic Properties is successful in obtaining ownership of the disputed property, the non inclusion of this disputed property will not affect this development regardless of the outcome of the adverse claim.

Councillors Lane and Hickman objected to the building’s elevations and setback, as well as its impact on the view.

Following discussion, the motion to approve the Committee’s recommendation being put was carried with Councillors Hickman and Lane dissenting.

Planning and Development Standing Committee Report dated November 20, 2013

Council considered the following Planning and Development Standing Committee Report dated November 20, 2013:

In Attendance: Councillor Tom Hann, Chairperson
Mayor Dennis O’Keefe (1:15 pm)
Deputy Mayor Ron Ellsworth
Councillor Wally Collins
Councillor Bruce Tilley
Councillor Danny Breen
Councillor Art Puddister
Councillor Dave Lane
Councillor Sandy Hickman
Robert Smart, City Manager
Dave Blackmore, Deputy City Manager, PDE
Brendan O’Connell, Director, Engineering
Jason Sinyard, Director, Planning and Development
Ken O’Brien, Chief Municipal Planner
Judy Powell, General Manager - Metrobus
Maureen Harvey, Recording Secretary

The following matters were considered by the Planning and Housing Committee at its meeting held on November 20, 2013.

1. Keg Propane Tanks – Leo Power

The Committee met with Mr. Leo Power on behalf of The Keg and Mr. Corey Locke of North Atlantic Propane who made a presentation in support of an application to remove 12 existing propane tanks located immediately west of the Keg and replace it with one 5,000 gallon tank. The applicants state that the 5,000 gallon tank, which is 33 feet high, is required to efficiently operate three major restaurants on the harbour front – The Keg (which is currently operating) and two newly proposed restaurants (Legros & Motti and Jack Astors).

There are similar propane structures in the city – one at McDonalds on Torbay Road and the other located in the parking lot to the north of the Avalon Mall.

Recommendation:

The Committee recommends, on a motion put forth by Councillor Tilley; seconded by Councillor Puddister that approval be given for the erection of a 33 ft propane tank adjacent to The Keg Restaurant, as proposed, subject to the painting of an aesthetically pleasing mural on the structure and the planting of a tree screen in close

proximity to the structure. Given the limited amount of soil in the proposed location, it was agreed the City's Parks Division determine the appropriate species for planting.

2. Maddox Cove Road - Rezoning

At a regular meeting of Council held on April 23, 2013 Council adopted resolutions for a municipal plan amendment and development regulations amendment in reference to an application to rezone land from the Open Space Reserve Zone to the Rural Residential Infill Zone for future residential building lots, with private on-site well and septic systems.

In order to undertake the proposed amendments it was identified that an amendment was also required to the St. John's Urban Region Regional Plan.

A public hearing was held in May and the Commissioner recommended rejection of the amendments.

Discussion took place and it was recommended based on a motion by Councillor Collins; seconded by Councillor Breen; that any further consideration to rezone this property be deferred until new municipal plan is completed in 2014.

3. Letter from Minister of the Department of Municipal Affairs re: St. John's Urban Region Regional Plan

The Committee reviewed a letter from the Minister requesting a meeting with regional Mayors on Monday, December 2, 2013 to discuss the above noted plan.

Recommendation

On a motion put forth by Councillor Hickman; seconded by Councillor Tilley that a letter be sent to the Minister of Municipal Affairs advising that given the work ongoing to complete the revised St. John's Municipal Plan (anticipated for the Spring of 2014), it would be premature to address the St. John's Urban Region Regional Plan at this time.

Councillor Tom Hann
Chairperson

SJMC2013-12-02/538R

It was moved by Councillor Hann; seconded by Councillor Breen: That the Committee's recommendations be approved.

Regarding Item # 1, Councillors Galgay and Davis objected to the recommendation for the erection of a 33 ft. propane tank adjacent to the Keg Restaurant and felt that the Keg can come up with a more acceptable solution.

Members of Council supporting the motion were satisfied that the Keg will hire an architect to integrate the tank with the harbour walkway.

Following discussion, the motion being put to approve the Committee's recommendations was carried, with Councillor Puddister abstaining on Item #2, and Councillors Galgay and Davis dissenting on Item #1.

Economic Development, Tourism and Public Engagement Report dated November 19, 2013

Council considered the following Economic Development , Tourism and Public Engagement Report dated November 19, 2013:

Attendees:

- Councillor Tilley, Co-Chairperson
- Councillor Dave Lane, Co-Chairperson
- Deputy Mayor Ron Ellsworth
- Councillor Danny Breen
- Councillor Sandy Hickman
- His Worship the Mayor
- Bob Smart, City Manager
- Dave Blackmore, Deputy City Manager of Planning, Development and Engineering
- Jill Brewer, Deputy City Manager of Community Services
- Elizabeth Lawrence, Director of Strategy & Engagement
- Heather Hickman, Manager of Community Development
- Deborah Cook, Manager of Tourism and Culture
- Victoria Etchegary, Manager of Strategic Development
- Karen Chafe, Recording Secretary

Report:

1. Business Registration System Update

The Committee considered the attached information related to the Business Registration System:

- Pamphlet: Business Registration Information Guide
- Business Registration Form

The development of the Business Registration System came about as the result of a council directive from the Regular Meeting of January 7, 2013. All commercial enterprises operating within the City of St. John's (with the exception of mobile and transient vendors) will be required to submit a business registration form at no cost. This will enable the City to maintain data on individual businesses operating in St. John's and to develop an on-line business directory available on the City's website. It will also serve as an outreach and engagement tool.

The City has also consulted with Downtown St. John's and the Board of Trade and both organizations understand the value of the business registration tool. The City's ACCESS St. John's will have staff trained to collect and process the data. The business registration system will soon be unveiled and Co-chair Councillor Tilley will be the spokesperson.

The Committee recommends approval of the implementation process for the Business Registration System and attached documents.

2. Scoping Document for Public Engagement

The Committee considered the attached scoping document regarding the framework for public engagement in the City of St. John's. Ms. Victoria Etchegary was also introduced to the Committee as the new Manager of Strategic Development.

The Committee on motion of Councillor Lane; seconded by Councillor Hickman: recommends approval of the attached scoping document: *A Framework for Public Engagement in the City of St. John's.*

Councillor Bruce Tilley
Co-Chairperson

Councillor Dave Lane
Co-Chairperson

SJMC2013-12-02/539R

It was moved by Councillor Tilley; seconded by Councillor Lane: That the Committee's recommendations be approved.

The motion being put was unanimously carried.

Regional Fire Services Committee Report dated November 21, 2013

Council considered the following Regional Fire Services Committee Report dated November 21, 2013:

Attendees: Councillor Danny Breen, Co-Chairperson, City of St. John's
Councillor Bruce Tilley, City of St. John's
Councillor Dave Aker, City of Mount Pearl
Councillor Stirling Willis, Town of Paradise
Bob Bishop, Deputy City Manager of Financial Management
Michael J. Dwyer, Director of Regional Fire Services (Fire Chief)
Kevin Breen, Director of Human Resources
Brendan O'Connell, Director of Engineering
Derek Coffey, Manager of Budget & Treasury
Norman Snelgrove, City of Mount Pearl
Gord Tucker, Manager of Property Management
Dallis Hamlyn, Manager of Administrative Services
Terry Lynn Smith, Town of Paradise
Karen Chafe, Recording Secretary

Report:

1. **Goulds Volunteer Fire Department Honorarium**

The Committee considered a briefing note from the Director of Regional Fire Services (Fire Chief) seeking approval of the Policy and Operation Guideline (POG) #01-03-12 which outlines how the yearly GVFD Honorariums are established during the budget process and how they are allocated to members.

The Committee on motion of Councillor Aker; seconded by Councillor Tilley: recommends that the POG # 01-03-12 be approved as attached for determining the yearly honorariums budget for the GVFD and distribution of such to its members.

2. **Review of SJRFD Emergency Service Protection Agreements**

The Committee considered the report related to the above noted matter, a copy of which is included in the Committee's agenda.

The Committee on motion of Councillor Tilley; seconded by Councillor Aker recommends approval of the recommendations outlined in the report.

3. **2014 SJRFD Budget Review**

The Committee considered the above noted, a copy of which was included with the Committee agenda, including a detailed breakdown for all the programs associated with the Regional Fire Department.

The Committee on motion of Councillor Tilley; seconded by Councillor Aker recommends approval of the 2014 SJRFD Budget Projections.

**Councillor Danny Breen
Co-Chairperson**

**Councillor Dave Aker
Co-Chairperson**

SJMC2013-12-02/540R

**It was moved by Councillor Breen; seconded by Councillor Tilley:
That the Committee's recommendations be approved.**

The motion being put was unanimously carried.

Weekly Permits List

Council considered the following Development Permits List for the period November 21 to 27 , 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF November 21, 2013 TO November 27, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Proposed Construction of Wharf	62-92 King's Hill Road – Portugal Cove-St. Philips		Rejected – Located in the Watershed	13-11-21
RES		Demolition and Rebuild of Dwelling	94 Linegar Avenue	5	Approved	13-11-22
RES		Proposed Building Lot	38-40 Ryan's River Road	5	Rejected - Lot area insufficient in accordance with Section 10.41.3(1)(a)	13-11-25
RES	New East Development Corp	Duplex Dwelling	57 Carter's Hill	2	Approved	13-11-22
RES	NL Housing	Four (4) Unit Multiple Dwelling	1 Prospero Place	4	Approved	13-11-22
COM	Ron Fougere Associates	Proposed Renovations to Current Space	16 Rowan Place	4	Approved	13-11-27
RES		Proposed Building Lot	136 Old Petty Harbour Road	5	Approved	13-11-27
RES		Proposed Home Office	2-215 L'Anse Aux Meadows Cres.	3	Approved	13-11-27
RES		Proposed Home Office	24 Portugal Cove Road	4	Approved	13-11-27

* Code Classification:
 RES - Residential
 COM - Commercial
 AG - Agriculture
 OT - Other

INST - Institutional
 IND - Industrial

** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List – December 02, 2013

SJMC2013-12-02/541R

It was decided on motion of Councillor Collins; seconded by Councillor Galgay: That the recommendation of the Director of Planning and Development with respect to the following building permits, be approved:

**Building Permits List
Council's December 02, 2013 Regular Meeting**

Permits Issued: 2013/11/21 To 2013/11/27

Class: Commercial

162 Duckworth St	Co	Retail Store
82 O'leary Ave	Co	Warehouse
162 Duckworth St Crafted Treas	Sn	Office
57 Old Pennywell Rd	Sn	Office
350 Torbay Rd-Pet Zone	Sn	Retail Store
50 White Rose Dr-Party City	Sn	Retail Store
430 Topsail Rd Mobile Snap	Co	Retail Store
390 Topsail Rd-O'lever Oil/Vin	Cr	Retail Store
1 Austin St	Rn	Office
61 James Lane	Rn	Warehouse
4 East White Hills Rd/T-954	Ex	Light Industrial Use
696 Water St	Sw	Eating Establishment
364 Kenmount Rd	Ex	Commercial Garage
130 Water St	Rn	Office
82 Harvey Rd	Rn	Place Of Assembly
386 Stavanger Dr	Rn	Clinic
275 East White Hills Rd	Nc	Accessory Building
456 Logy Bay Rd	Nc	Warehouse
5-7 Pippy Pl	Rn	Office

This Week \$ 4,237,830.00

Class: Industrial

267 Incinerator Rd	Sw	Industrial Use
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This Week \$ 194,000.00

Class: Government/Institutional

This Week \$.00

Class: Residential

19 Antelope St	Nc	Accessory Building
44 Cherrybark Cresent, Lot 228	Nc	Single Detached & Sub.Apt
14 Colonial St	Nc	Patio Deck
10 Douglas St, Lot 251	Nc	Single Detached & Sub.Apt
16 Duke St, Lot 215	Nc	Single Detached Dwelling
22 Gorman Ave	Nc	Patio Deck
36 Curling Pl	Nc	Patio Deck
68 Julieann Pl	Nc	Swimming Pool
2 Ophelia Pl	Nc	Patio Deck
113 Ladysmith Dr, Lot 188	Nc	Single Detached Dwelling
513-515 Back Line	Co	Service Shop
106 Barnes Rd	Cr	Subsidiary Apartment
415 Elizabeth Ave	Cr	Subsidiary Apartment
2 Ophelia Pl	Cr	Single Detached & Sub.Apt
14 Colonial St	Rn	Townhousing

5 Cypress St	Rn	Subsidiary Apartment
105 Elizabeth Ave	Rn	Single Detached Dwelling
44-46 Cookstown Rd	Rn	Single Detached & Sub.Apt
47 Gairlock St	Rn	Single Detached Dwelling
1 Gooseberry Pl	Rn	Single Detached Dwelling
39 Prescott St	Rn	Townhousing
55 Stamp's Lane	Rn	Subsidiary Apartment
48 Groves Rd	Sw	Single Detached Dwelling
318 Newfoundland Dr	Sw	Single Detached Dwelling
2 Primrose Pl	Sw	Single Detached Dwelling

This Week \$ 978,100.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 5,409,930.00

To 2013/11/27 \$ 43,200.00

Repair Permits Issued: 2013/11/21

Legend

Co	Change Of Occupancy	Sn	Sign
Cr	Chng Of Occ/Renovtns	Ms	Mobile Sign
Ex	Extension	Cc	Chimney Construction
Nc	New Construction	Cd	Chimney Demolition
Oc	Occupant Change	Dv	Development File
Rn	Renovations	Ws	Woodstove
Sw	Site Work	Dm	Demolition
Ti	Tenant Improvements		

Year To Date Comparisons			
December 2, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$212,800,100.00	\$100,000,000.00	-53
Industrial	\$5,000,000.00	\$2,300,000.00	-54
Government/Institutional	\$16,200,900.00	\$79,800,000.00	393
Residential	\$171,100,400.00	\$153,700,400.00	-10
Repairs	\$5,000,700.00	\$4,600,700.00	-8
Housing Units (1 & 2 Family Dwellings)	571	427	
TOTAL	\$410,102,100.00	\$340,401,100.00	-17

Respectfully Submitted,
 Jason Sinyard, P. Eng., MBA
 Director of Planning & Development

Payrolls and Accounts

SJMC2013-12-02/542R

It was decided on motion of Councillor Collins; seconded by Councillor Galgay: That the following Payrolls and Accounts for the week November 27th, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending November 27, 2013**

Payroll

Public Works \$ 386,076.60

Bi-Weekly Casual \$ 24,228.53

Accounts Payable \$3,811,657.87

Total: \$4,203,963.00

Tenders

- a. Tender – Bay Bulls Big Pond Water Treatment Plant
Main Plant – Roof Replacement

SJMC2013-12-02/543R

It was moved by Councillor Lane; seconded by Councillor Puddister: That the recommendations of the Director of Engineering be approved and the tender awarded as follows:

- a. McCarthy’s Roofing Ltd. @ \$901,062.00 including HST

Other Business

Bill 20 (Act to Amend the City of Corner Brook Act, the City of Mount Pearl Act, the City of St. John’s Act and the Municipalities Act, 1999)

Council expressed concern that the City was not consulted on Bill 20 and therefore had no input in the Act to amend the 1999 Municipalities Act. Council agreed that His Worship the Mayor write the Minister in this regard.

Economic Update December 2013

Councillor Tilley presented the highlights of the Economic Update December 2013.

Councillor Puddister

Councillor Puddister commended WestJet's announcement that it will be commencing its first transatlantic flights with service from St. John's International Airport to Dublin Airport, operating between June and October, starting in 2014. In addition to the daily direct flight to and from Dublin, WestJet will be adding daily service from St. John's to and from Toronto and Ottawa that will facilitate connections to the daily Dublin service. He asked that the City host a reception to honor WestJet.

Councillor Lane

Councillor Lane, who represented the City at the 2013 Downtown Christmas Parade Awards, presented the City with an award thanking staff for their contribution towards making the parade a success.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth referred to a letter from the Bowring Park Foundation congratulating the City on its Santa Claus Parade Float and winning in the Corporate Challenge Category. He asked that a letter of congratulations be forwarded to the staff members involved in the preparation of the float.

Adjournment

There being no further business the meeting adjourned at 6:30 p.m.

MAYOR

CITY CLERK