

**January 16<sup>th</sup> , 2012**

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 Duff; Councillors O'Leary, Hickman, Hann; Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

City Manager; Deputy City Manager/Director of Public Works & Parks; Director of Planning; Director of Engineering; City Solicitor, Acting City Clerk and Recording Secretary were also in attendance.

#### **Call to Order and Adoption of the Agenda**

##### **SJMC2012-01-16-/34R**

**It was decided on motion of Councillor Hanlon; seconded by Councillor Collins: That the Agenda be adopted as presented with the following additional items:**

- a. Submission from Elizabeth Oliver re 53 Margaret's Place
- b. Parks and Recreation Standing Committee Report dated January 12, 2012
- c. Memorandum dated January 16, 2012 from the Director of Planning  
Re: Development above the 190 Metre Contour Elevation,  
Southwest Development Area (Wards 3 and 4) & Southlands Area (Ward 5)

#### **Adoption of Minutes**

##### **SJMC2012-01-16/35R**

**It was decided on motion of Councillor Galgay; seconded by Deputy Mayor Duff: That the minutes of the January 9<sup>th</sup>, 2011 meeting be adopted as presented.**

**Business Arising**

**Application to Convert Civic No. 53 Margaret’s Place For Residential Condominiums  
Applicant: BAE-Newplan Group Ltd.**

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Under business arising, Council considered a memorandum dated January 12, 2012 from the Director of Planning regarding the above noted.

**SJMC2012-01-16/36R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the following Resolution for St. John’s Development Regulations Amendment Number 529, 2012 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 529, 2012**

**WHEREAS** the City of St. John’s wishes to include “Heritage Use” as a Discretionary Use in the Commercial Office (C) 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:

**Add Section 10.18.2(f) “Heritage Use”.**

**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 16th day of January, 2012.

\_\_\_\_\_  
**Mayor**

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

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

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

\_\_\_\_\_  
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**and further that Approval in Principle be granted to the application from the BAE-Newplan Group Ltd. to convert the existing building at Civic No. 53 Margaret's Place for six (6) residential condominium units subject to the following conditions:**

- a. That "Heritage Use" be added as a Discretionary Use into the Commercial Office (CO) Zone and the amendment be registered by the Department of Municipal Affairs; and**
- b. That the applicant satisfy all applicable requirements of the City's Departments of Engineering, Building and Property Management, Planning and the City's Heritage Officer pertaining to the redevelopment of the building.**

Councillor Hann referenced a submission received from Elizabeth Oliver, co-chair of the Georgestown Neighbourhood Association's Committee on Planning, requesting that a Public Meeting be held on the matter. Councillor Hann pointed out that notices were sent out to approximately 200 property owners within a radius of 150 metres and no other submissions were received and therefore felt that a public hearing is not warranted.

In terms of planning issues, Councillor O'Leary again pointed out that sidewalk installation is being assessed, and as previously pointed out an emergency laneway will be established which was a condition imposed on completion of the Margaret's Place condominium development.

**Following discussion, the motion being put was unanimously carried.**

**Application to Rezone Property to the RRI Zone**  
**Civic Number 110 Howlett's Line, Applicant – Tracy Chafe**

Under business arising, Council considered a memorandum dated January 12, 2012 from the Director of Planning regarding the above noted.

**SJMC2012-01-16/37R**

**It was moved by Councillor Collins; seconded by Councillor Hanlon: That a decision on this rezoning application be deferred pending City staff's review of the written representation from the area resident regarding the matter of the possible road reservation.**

**The motion being put was unanimously carried.**

## **Drive Thru Standards**

Under business arising, Councillor Hann outlined some of the proposed standards for drive thrus and noted that a Public Meeting to discuss the proposed amendments to the St. John's Development Regulations to introduce standards for drive-thru operations will be held on February 9, 2012.

## **Committee Reports**

### **Heritage Advisory Committee Report dated January 10, 2012**

Council considered the following Heritage Advisory Committee Report dated January 10, 2012:

In Attendance: Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O'Leary  
Councillor Tom Hann  
Wayne Purchase, Downtown St. John's  
Anne Hart, Resident Representative  
George Chalker, Heritage Foundation of NL  
Gerard Hayes, Citizen Representative  
David Lane, NL Historic Trust  
Melanie Del Rizzo, Business Owner Representative  
Peter Mercer, Heritage Officer  
Ken O'Brien, Manager of Planning & Information  
Helen Miller, City Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

#### **1. 93 Water St. - King George V Building: Cladding for Rear of Property**

The Committee met with Messrs Phillip Pratt of PHB Group Architects and Mr. Guido Del Rizzo, owner of 93 Water St., to discuss their proposed options for the recladding of the rear of the King George V Building. Four options were outlined in the presentation circulated to the Committee, a copy of which is on file with the City Clerk's Dept.

**The Committee with the abstention of Melanie Del Rizzo recommends approval of option D, as attached and that *canners brown* be selected as the cladding color which is in keeping with the building's other facades. The Committee considers cladding materials with a clapboard profile to be generally inappropriate for Water Street buildings. However, the original cladding material appears to be inadequate to withstand exposure to the severe harbor environment, and visibility of the affected rear façade from public spaces is limited, being**

**obstructed by buildings at the rear and only partially visible from the harbour. In these circumstances, a compromise is warranted.**

## **2. 83 & 90 Duckworth Street: Republic Properties**

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The Committee met with Mr. Jeff Reardon of Republic Properties who conducted a presentation outlining his proposal for the redevelopment of the properties at civic #'s 83 and 90 Duckworth Street into hotel/condominium space with retail and underground parking. Copies of the renderings for these sites are attached to this report. Civic # 83 Duckworth St. (site of the former Crazy Horse pub) has been purchased by the developer. Civic # 90 Duckworth St. is the site of the former fire station and currently owned by the City, though the developer has an option to purchase this land. A Land Use Assessment Report for the sites will have to be prepared as per the City's development review requirements; however, the renderings are referred to the Heritage Advisory Committee at this time for review of the design elements only.

Councillor O'Leary questioned the possibility of the developer's wanting to install a pedway connecting the two buildings at some future point. Mr. Reardon advised that though he did consider this idea, it was eventually agreed that a pedway would not be suitable at this location, particularly considering its prominence as a gateway entrance to the downtown, the effect of which would be obstructed by a pedway structure. The Committee was pleased to hear Mr. Reardon confirm that the proponent does not have any plans to construct a pedway between the two buildings.

**The Committee on motion of Gerard Hayes; seconded by Melanie Del Rizzo recommends approval of the preliminary design as presented, subject to the other planning review considerations taking place, (i.e. finalization of land purchase, submission of the land use assessment report and completion of a public consultation process).**

**The Committee appreciates the care taken by the developer in the creation of the design concept which complements the historic character of the heritage area and which will be an impressive gateway to the eastern end of the Downtown.**

## **3. 295 Water Street – O'Dwyer Block: Proposed Fascia Sign**

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The Committee considered the attached application for a fascia sign to be attached above the entrance to this heritage designated building.

**The Committee with the abstention of Wayne Purchase recommends approval of the fascia sign as presented.**

**Deputy Mayor Shannie Duff  
Chairperson**

**SJMC2012-01-16/38R**

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

**Following discussion, the motion being put was unanimously carried.**

**Parks and Recreation Standing Committee Report dated January 12, 2012**

Council considered the following Parks and Recreation Standing Committee Report dated January 12, 2012.

**Attendees:** Councillor Frank Galgay, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Wally Collins  
Councillor Sheilagh O'Leary  
Councillor Tom Hann  
Councillor Danny Breen  
Councillor Bruce Tilley  
Councillor Gerry Colbert  
Councillor Sandy Hickman  
Robert Smart, City Manager  
Paul Mackey, Deputy City Manager & Director of Public Works & Parks  
Dave Blackmore, Director of Building & Property Management  
Jill Brewer, Director of Recreation  
Tanya Haywood, Manager of Facilities  
Heather Hickman, Manager of Community Development  
Brian Head, Operations Assistant – Parks  
Natalie Godden, Manager – Family & Leisure Services  
Karen Chafe, Recording Secretary

Present from the Media were Mr. Dave Bartlett, The Telegram and Mr. Adam Walsh, CBC Radio.

**Report:**

**1. Goulds Arena Association**

The Committee met with Mr. John Buckley of the Goulds Arena Association who conducted a power point presentation outlining their request for funding for a warm room and paved parking lot for the Goulds Arena. The estimated cost of these projects is \$600,000. A copy of the power point is on file with the City Clerk's Dept. and was circulated to members of the Committee prior to the meeting.

The Goulds Arena Association has proposed entering into a one-third cost-shared arrangement with the City of St. John's and the Province whereby these three parties would contribute \$200,000 each toward the construction of the warm room and paved parking lot. Mr. Buckley provided cost estimates for both projects. The Goulds Lions Club have also provided a letter of support demonstrating they will match government funding for a project of this nature up to \$50,000. **The Committee on motion of Councillor Collins; seconded by Deputy Mayor Duff recommends Council's approval to allocate \$200,000 within the 2012 Capital Works Budget as a contribution toward the construction of a warm room at the Goulds Arena.**

**2. Recreational Infrastructure Replacement Priorities**

The Committee considered a memorandum dated January 9, 2012 from the Director of Recreation regarding the need for Council to determine the priorities for replacement of recreational infrastructure; estimated dates of replacement; possible locations for such and potential partnerships.

**The Committee on motion of Councillor Hann; seconded by Councillor Colbert recommends the following:**

- **That Council allocate funding toward the development of a design concept plan for the reconstruction of the Wedgewood Park facility in anticipation of possible funding from other government levels. It is also recommended that any future expansion of the Wedgewood Park site be subject to the realignment of St. Pat's soccer field (for a lighted minor baseball field) to accommodate the displacement of the Wedgewood Park baseball field as a result of the future facility's expansion.**
- **That the City-owned land currently occupied by the St. John's Transportation Commission be retained within the City's ownership as a prospective site for the new central/west end recreational facility replacing the existing H.G.R. Mews Centre. The land where the H.G.R. Mews Centre now exists should also be retained in public ownership until such time as Council deems it ancillary to its needs.**
- **As there is a lack of direction and consensus among Council about the long-term planning for the replacement of the H.G.R. Mews Centre, Council recommends that staff provide a report back to Council by March 31<sup>st</sup>, 2012 outlining the options available taking**

**into consideration whether or not the facility should be regionally focused with partnership arrangements or specific to the needs of a multi-purpose leisure centre within its own service zone as per the recommendations of the Recreation & Parks Master Plan.**

3. **Grand Concourse Authority Contract – Grooming and Track Setting of Ski Trails**

The Committee considered a memorandum dated January 12, 2012 from the Director of Recreation regarding the above noted. The Department of Recreation has been operating its ski rental and instruction programs from North Bank Lodge located in C.A. Pippy Park for the past two (2) years. This location has proven to be highly successful, with the number of participants utilizing the services doubling during the past year. The Committee on motion of Councillor Colbert; seconded by Deputy Mayor Duff recommends Council's approval of the following:

**That the City seek a five (5) year agreement with the Grand Concourse Authority for provision of grooming/track setting services with a guarantee of a 3-5% increase in fees for services rendered annually.**

**Councillor Frank Galgay  
Chairperson**

**SJMC2012-01-16/39R**

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

Item #2 Motion (Recreational Infrastructure Replacement Priorities) – corrected to reflect Councillor Colbert as seconder of the motion.

Councillor Colbert emphasized the importance of retaining in public ownership the property occupied by St. John's Transportation Commission and the land where H.G.R. Mews Centre now exists until such time the City is able to decide the most useful application for these lands.

Members of Council reiterated the fact that the City cannot move forward with the infrastructure replacement without capital assistance from the Province.



Following discussion, the motion being put was unanimously carried.

**Development Permits List**

Council considered as information the following Development Permits List for the period of January 6 to 12, 2012:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF January 6, 2012, 2012 TO January 12, 2012**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Richard Bruce	Subdivide for 1 Additional Building Lot	1 Drake Crescent/Corner of Montague Street	1	Approved	12-01-09
COM	Chad Whelan	Home Office Electrical Contractor	9 Myrick Place	5	Approved	12-01-06
COM	Redwood Construction	Proposed Orthodontic Clinic	White Rose Drive	1	Approved	12-01-12

<p>* Code Classification:  RES- Residential  COM- Commercial  AG - Agriculture  OT- Other</p>	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**

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**Building Permits List**

**SJMC2012-01-16/40R**

**It was decided on motion of Councillor Tilley; seconded by Councillor O'Leary:  
That the recommendation of the Director of Building and Property  
Management with respect to the following Building Permits List be approved:**

2012/01/11

Permits List

**CLASS: COMMERCIAL**

ACE LIQUIDATORS	313 KENMOUNT RD	MS RETAIL STORE
CHRISTMAS WAREHOUSE	323 KENMOUNT RD	MS RETAIL STORE
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC
CIRCLE K	632 TOPSAIL RD	MS SERVICE STATION
ESSENTIAL CODING LTD	349 KENMOUNT RD	CO OFFICE
KIELLEY ENTERPRISES INC.	99 NEW COVE RD	NC FENCE
TODD PERRIN	8 BARROWS RD	RN LODGING HOUSE
NKG HOLDINGS INC	168 MAJOR'S PATH	RN MIXED USE
DANIEL ZAPPITELLI	20 STAVANGER DR, FUTURE SHOP	RN RETAIL STORE
ROKI HOLDINGS INC.	63 AIRPORT RD	NC CLINIC

THIS WEEK \$ 1,510,200.00

**CLASS: INDUSTRIAL**

SCOTIA RECYCLING	350 EAST WHITE HILLS RD	MS LIGHT INDUSTRIAL USE
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THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

NFLD. LIQUOR COMMISSION	474 TOPSAIL RD	SN ADMIN BLDG/GOV/NON-PROFIT
ST. BONAVENTURE'S SCHOOL	BONAVENTURE AVE	RN SCHOOL
GRAND CONCOURSE AUTHORITY	439 ALLANDALE RD	NC ACCESSORY BUILDING

THIS WEEK \$ 35,300.00

**CLASS: RESIDENTIAL**

61162 NEWFOUNDLAND AND	18 ANTELOPE ST	NC PATIO DECK
PRO-TECH CONSTRUCTION	111 CASTLE BRIDGE DR - LOT 223	NC SINGLE DETACHED DWELLING
KARWOOD CONTRACTING	44 COUNTRY GROVE PL - LOT 67	NC SINGLE DETACHED DWELLING
JEFF MCGRATH	DONOVAN'S RD	NC SINGLE DETACHED DWELLING
MICHAEL COADY	128 GREAT EASTERN AVE	NC ACCESSORY BUILDING
RJC SERVICES	32 KING EDWARD PLACE	NC SEMI-DETACHED DWELLING
RJC SERVICES	34 KING EDWARD PL	NC SEMI-DETACHED DWELLING
BARRY MARTIN	18A MAXSE ST	NC ACCESSORY BUILDING
DAVE BURT	12 MIRANDA ST, LOT 99	NC SINGLE DETACHED & SUB.APT
D C CONTRACTING LIMITED	18 NAUTILUS ST, LOT 114	NC SINGLE DETACHED DWELLING
D C CONTRACTING	20 NAUTILUS ST, LOT 113	NC SINGLE DETACHED DWELLING
FAIRVIEW INVESTMENTS LIMITED	3 OBERON ST - LOT 140	NC SINGLE DETACHED DWELLING
RICHARD GODWIN	36 O'REILLY ST	NC PATIO DECK
WENLY SHIEH	17 MARSLAND PL	NC PATIO DECK
JASON KING	50 ROSALIND ST, LOT 407	NC SINGLE DETACHED & SUB.APT
PRO-TECH CONSTRUCTION	31 ROSE ABBEY ST - LOT 136	NC SINGLE DETACHED DWELLING
PROTECH CONSTRUCTIONC.	35 ROSE ABBEY ST	NC SINGLE DETACHED DWELLING
PROTECH CONSTRUCTION	47 ROSE ABBEY ST - LOT 128	NC SINGLE DETACHED DWELLING
SIOBHAN FOLEY/F MOHAMMED	10 STEAD PL	NC PATIO DECK
GARY E. LANE	19 DUNLEA ST	CO OFFICE
JULIE WHALEN	39 KING'S RD	CO HOME OCCUPATION
CHAD WHELAN	9 MYRICK PL	CO HOME OFFICE
ROY OSMOND	1 BINDON PL	EX SINGLE DETACHED DWELLING
ADRIAN MAHER	7 MAYPARK PL	EX SINGLE DETACHED DWELLING
HANN CONSTRUCTION LIMITED	123 BLUE PUTTEE DR, LOT 83	RN SINGLE DETACHED DWELLING
KARL SORENSEN AND	34 BOULEVARD	RN SINGLE DETACHED DWELLING
EASTERN SEA PRODUCTS	69 COCHRANE ST	RN APARTMENT BUILDING
PAUL RYAN	74 CODROY PL	RN TOWNHOUSING

MARILYN MAHLE	17 COLLEGE SQ	RN SINGLE DETACHED DWELLING
DAVID & AMY COPELAND	6 FALCON PL	RN SINGLE DETACHED DWELLING
JEFFREY MARTIN AND	5 FRANKLYN AVE	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	10-24 GRAVES STREET	RN TOWNHOUSING
TERRY GRANT	94 HAMILTON AVE	RN SINGLE DETACHED DWELLING
ELLEN FOULKES	15 LAKE AVE	RN SINGLE DETACHED DWELLING
ADRIANA MAGGS	67 MILITARY RD	RN TOWNHOUSING
LOIS LUKE & MICHAEL BANNISTER	19 MOUNTBATTEN DR	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	57 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	59 NEW PENNYWELL RD	RN TOWNHOUSING
MICHAEL J. SULLIVAN	23 LAUGHLIN CRES	SW SINGLE DETACHED DWELLING
WENLY SHIEH	17 MARSLAND PL	SW SINGLE DETACHED DWELLING
MAX ATHLETICS	NEW COVE RD, YMCA	SN CLUB

THIS WEEK \$ 5,449,064.00

**CLASS: DEMOLITION**

WILLIAM BRENNAN AND	12 CATHEDRAL ST	DM SEMI-DETACHED DWELLING
EASTERN SCHOOL DISTRICT	110 MUNDY POND RD ST THERSA'S	DM PARISH HALL
		THIS WEEK \$ 5,000.00

THIS WEEK'S TOTAL: \$ 6,999,564.00

REPAIR PERMITS ISSUED: 2012/01/05 TO 2012/01/11 \$ .00

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	

**Payrolls and Accounts**

**SJMC2012-01-16/41R**

**It was decided on motion of Councillor Tilley; seconded by Councillor O'Leary:  
That the following Payrolls and Accounts for the week ending December 12,  
2011 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending January 12, 2012**

**Payroll**

Public Works	\$ 479,783.61
Bi-Weekly Casual	\$ 6,429.60
<b>Accounts Payable</b>	<b>\$ 4,026,477.80</b>
<b>Total:</b>	<b>\$ 4,512,691.01</b>

**Notice of Motion**

Councillor Hanlon gave the following Notice of Motion:

**TAKE NOTICE** that I will at a future regular meeting of Council bring forward a motion to have an independent review of the current Council's Terms of Reference including but not limited to structure, size, duties and responsibilities.

\_\_\_\_\_  
Councillor Debbie Hanlon

**Storm Sewer Easement – 44 Bay Bulls Road – William and Madeline Crane**

Council considered a memorandum dated January 12, 2012 from the City Solicitor regarding the above noted.

**SJMC2012-01-16/42R**

**It was moved by Councillor Colbert; seconded by Councillor Tilley: That a storm sewer easement over property at 44 Bay Bulls Road, owned by William and Madeline Crane be acquired for \$600.00, which funds will be used to credit the owners' civic assessment account.**

**The motion being put was unanimously carried.**

**67 Pitcher's Path – Glen and Rosalind Hudson**

Council considered a memorandum dated January 9, 2012 from the City Solicitor regarding the above noted.

**SJMC2012-01-16/43R**

**It was moved by Councillor Hanlon; seconded by Councillor Hickman: That a small parcel of land left between the new street line and the property at 67 Pitcher's Path when the cul de sac at Pitcher's Path was moved due to residential development, be sold to the owners of 67 Pitcher's Path at a rate of \$2.00 per square foot, approximately \$800.00, plus usual administration fees and HST.**

**The motion being put was unanimously carried.**

**3 Pringle Place – David Winter**

Council Memorandum dated January 9, 2012 from the City Solicitor regarding the above noted.

**SJMC2012-01-16/44R**

**It was moved by Councillor Hanlon; seconded by Councillor O'Leary: That land as outlined at Pringle Place be sold to the owner of #3 Pringle Place at a rate of \$3.00 per square foot (approximately \$3,700.00) plus usual administration fees and HST.**

**The motion being put was unanimously carried.**

**Memorandum dated January 6, 2012 from the Director of Building & Property Management Re Request from The General Protestant Cemetery Trustee Board for waiver of the permit fee associated with Phase 1 of the Memorial Gardens Cemetery, Southlands**

**SJMC2012-01-16/45R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That a request from The General Protestant Cemetery Trustee Board for waiver of the permit fee associated with Phase 1 of the Memorial Gardens Cemetery, Southlands, be approved.**

**The motion being put was unanimously carried.**

**Development above the 190 Metre Contour Elevation, Southwest Development Area (Wards 3 and 4) & Southlands Area (Ward 5)**

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Council considered a memorandum dated January 16, 2012 from the Director of Planning regarding the above noted.

Councillor O’Leary asked that the matter be deferred and referred to the Planning Committee meeting to be held tomorrow given the fact that the information has just been received by Council.

As the request of the Mayor the Director of Planning provided an overview of the issue.

**SJMC2012-01-16/46R**

**It was then moved by Councillor O’Leary: That the matter be deferred and referred to tomorrow’s Planning and Housing Committee meeting. The motion failed for lack of a seconder.**

**SJMC2012-01-16/47R**

**It was then moved by Councillor Hann; seconded by Councillor Tilley: That the following Resolutions for St. John’s Municipal Plan Amendment Number 69, 2012 and St. John’s Development Regulations Amendment Number 457, 2012 be adopted:**

**PROPOSED RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN  
AMENDMENT NUMBER 69, 2012**

**WHEREAS** the City of St. John’s wishes to make provision for potential future urban development of lands located above the 190 metre contour in the Southlands area and the Kenmount Road area.

**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 pursuant to the provisions of the Urban and Rural Planning Act, 2000:

- 1. Introduce a new Land Use District to Part III of the Municipal Plan to read as follows:**

**“Urban Development – Southlands/Kenmount Land Use District**

**This Land Use District identifies lands in the Southlands area and the Kenmount Road area located above the 190 metre contour which have**

**the potential to be developed in the future for a range of land uses utilizing municipal water and sewer services. No development utilizing municipal water and sewer services or on-site water and sewer services shall be permitted in these areas until such time as the City’s Department of Engineering determines that the areas are available for serviced development. The range of Permitted Zones and Conditional Zones in this Land Use District shall be determined by Council.”**

- 2. Delete Part IV – Section 5.2.4 – “Servicing Limits – Planning Area 9 – South West Expansion Area”.**
- 3. Redesignate lands in the Southlands area and the Kenmount Road area from the Rural Land Use District and the Restricted Land Use District to the Urban Development – Southlands/Kenmount Land Use District as shown on Map III-1A and amend Map IV-3 (“Southwest Expansion Area Development Concept”) to reflect the new designations proposed to be set out in Map III-1A.**

**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 16<sup>th</sup> day of January, **2012**.

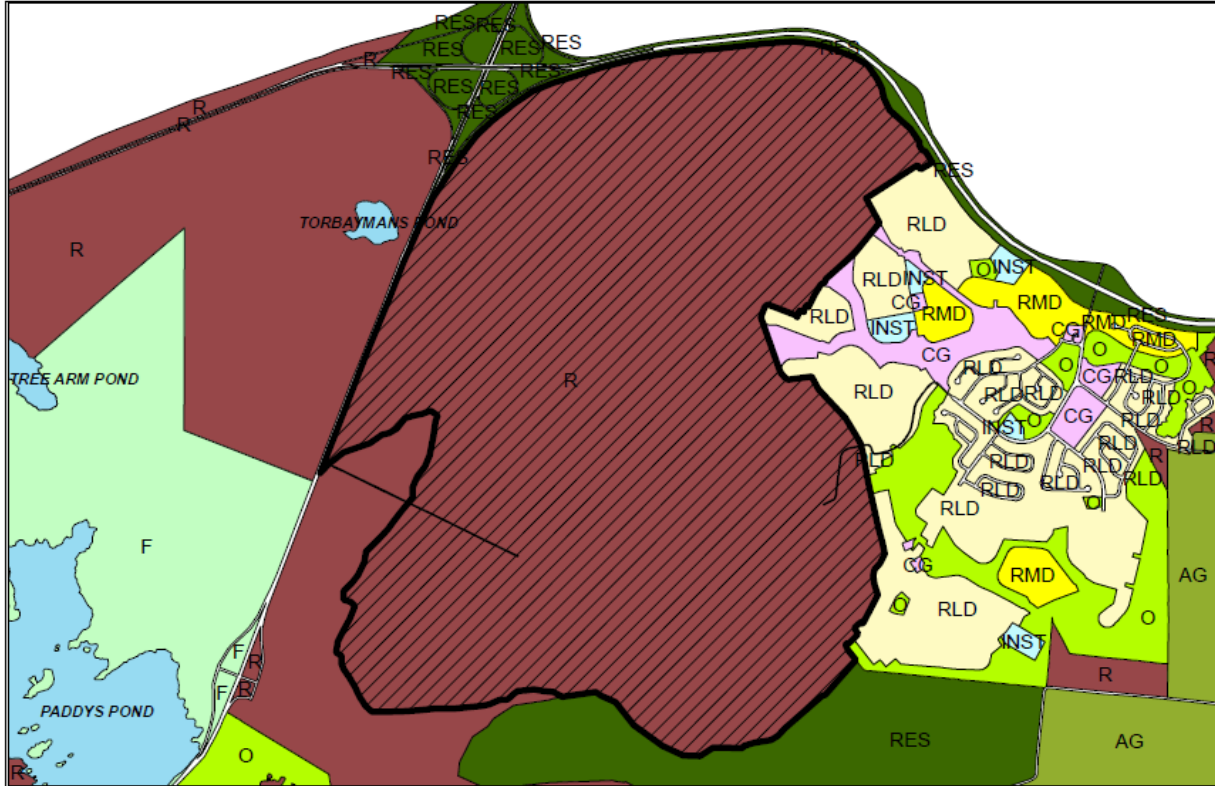
\_\_\_\_\_  
**Mayor**

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

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

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

\_\_\_\_\_  
MCIP



**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 69, 2012  
[Map III-1A] Map 1 of 2**

2012 17 01 SCALE: 1:35000  
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  
RURAL (R) LAND USE DISTRICT TO  
URBAN DEVELOPMENT - SOUTHLANDS/  
KENMOUNT LAND USE DISTRICT

\_\_\_\_\_  
M.C.I.P. signature and seal

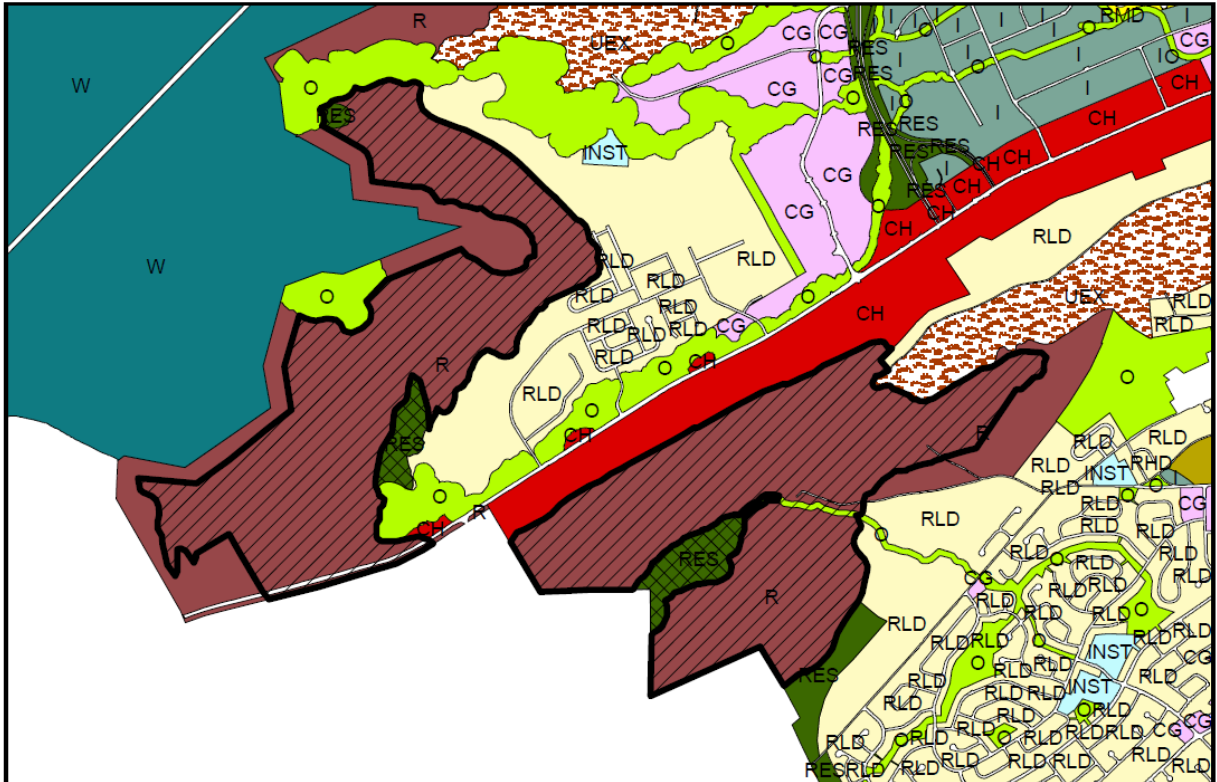
\_\_\_\_\_  
Mayor

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

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

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







**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 69, 2012  
[Map III-1A] Map 2 of 2**

2012 17 01 SCALE: 1:30000  
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 RURAL (R) LAND USE DISTRICT TO URBAN DEVELOPMENT - SOUTHLANDS/ KENMOUNT LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM RESTRICTED (RES) LAND USE DISTRICT TO URBAN DEVELOPMENT - SOUTHLANDS/ KENMOUNT LAND USE DISTRICT

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

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

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

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

**PROPOSED RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 457, 2012**

**WHEREAS** the City of St. John's wishes to make provision for potential future urban development of lands located above the 190 metre contour in the Southlands area and the Kenmount Road area.

**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 pursuant to the provisions of the Urban and Rural Planning Act, 2000:

- 1. Repeal Section 5.1.4 – Development Above the 190 Metre Contour Line and replace it with the following new Section.**

**“5.1.4 Development Above the 190 Metre Contour Line**

**Notwithstanding the provisions of Section 10 – the Comprehensive Development Area – Southlands (CDA – Southlands) Zone and the Comprehensive Development Area – Kenmount (CDA – Kenmount) Zone, no residential development utilizing municipal water and/or sewer services or on-site water and/or sewer services, shall be permitted above the 190 metre contour line.”**

- 2. Add two new Zones to Section 10 of the Regulations.**

- a) **“Comprehensive Development Area – Southlands (CDA – Southlands) Zone.**

**Permitted Uses**

- (a) **Existing Uses**
- (b) **Reconstruction and replacement of and additions to existing buildings provided that Council may refuse permission for a replacement or reconstruction or addition if Council is of the opinion that such a Development would adversely affect the development of the Comprehensive Development Area.**

**With the exception of uses listed above, no Development may be permitted in this Comprehensive Development Area until such time as the City's Department of Engineering determines that the area is available for serviced urban development. Council will consider the rezoning of lands in this Comprehensive Development Area to an appropriate zone to accommodate a development.”**

**b) “Comprehensive Development Area – Kenmount Road (CDA – Kenmount) Zone**

**Permitted Uses**

- (a) Existing Uses
- (b) Reconstruction and replacement of and additions to existing buildings provided that Council may refuse permission for a replacement or reconstruction or addition if Council is of the opinion that such a Development would adversely affect the development of the Comprehensive Development Area.

With the exception of uses listed above, no Development may be permitted in this Comprehensive Development Area until such time as the City’s Department of Engineering determines that the area is available for serviced urban development. Council will consider the rezoning of lands in this Comprehensive Development Area to an appropriate zone to accommodate a development.”

- 3. Rezone lands in the Southlands area from the Rural (R) Zone to the Comprehensive Development Area – Southlands (CDA-Southlands) Zone as shown on the Map Z-1A attached.
- 4. Rezone lands in the Kenmount Road area from the Rural (R) Zone, the Open Space Reserve (OR) Zone and the Open Space (O) Zone to the Comprehensive Development Area – Kenmount (CDA-Kenmount) 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.

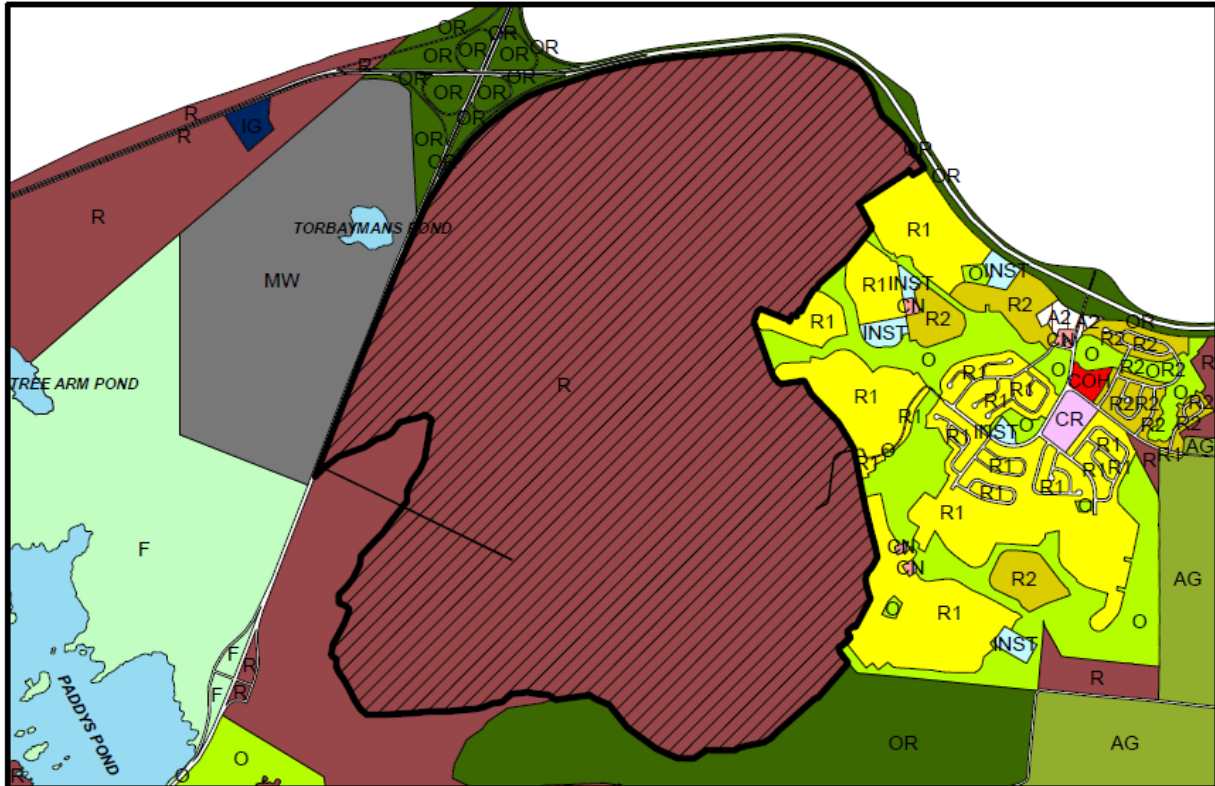
**IN WITNESS THEREOF** the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 16<sup>th</sup> day of January, 2012.

\_\_\_\_\_  
**Mayor**

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

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

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p>   <p>_____ MCIP</p>
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**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 457, 2012  
[Map Z-1A] Map 1 of 2**

2012 17 01 SCALE: 1:35000  
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  
RURAL (R) LAND USE ZONE TO  
COMPREHENSIVE DEVELOPMENT AREA - SOUTHLANDS  
(CDA-SOUTHLANDS) LAND USE ZONE

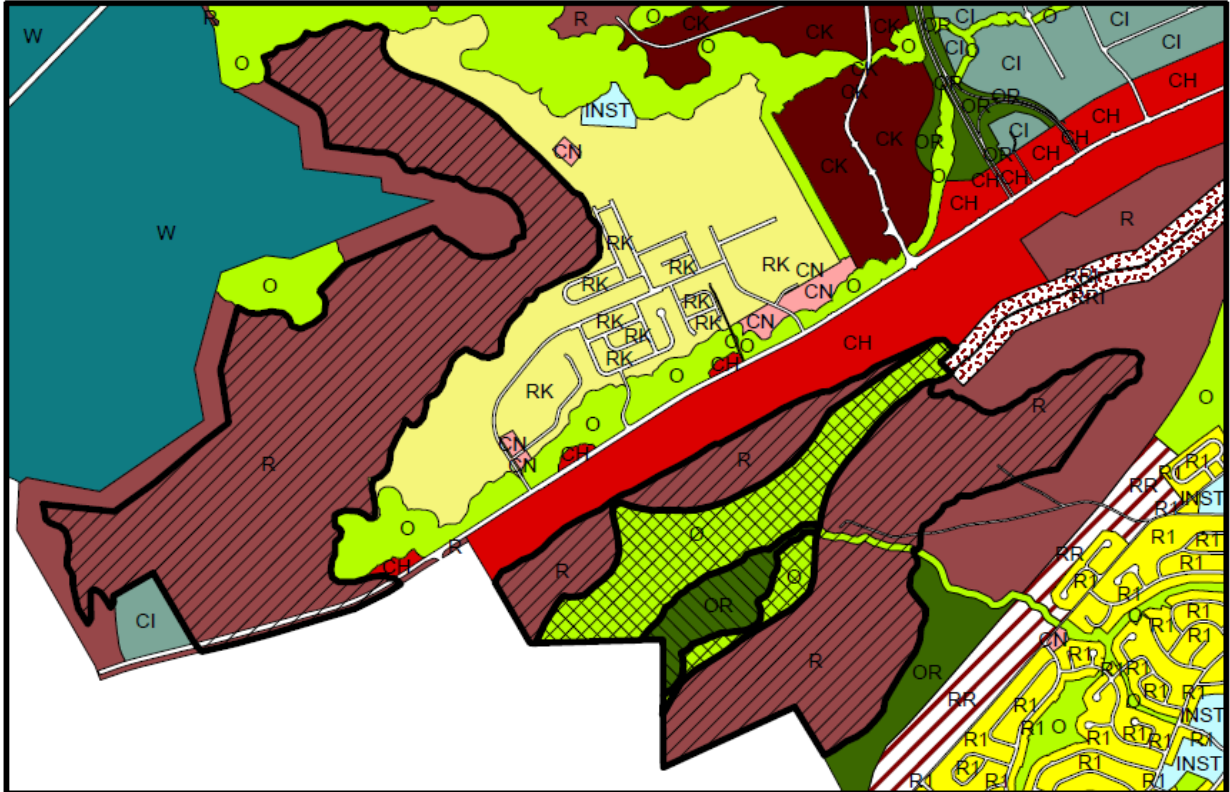
\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

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

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




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



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 457, 2012  
[Map Z-1A] Map 2 of 2**

2012 17 01 SCALE: 1:25000  
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 RURAL (R) LAND USE ZONE TO COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT (CDA-KENMOUNT) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM OPEN SPACE RESERVE (OR) LAND USE ZONE TO COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT (CDA-KENMOUNT) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM OPEN SPACE (O) LAND USE ZONE TO COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT (CDA-KENMOUNT) LAND USE ZONE

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

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

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

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

**And further, that Dr. Chris Sharpe be appointed as the commissioner to conduct a public hearing on the proposed amendments to the St. John's Municipal Plan and Development Regulations, who will also consider the proposed amendments to the Regional Plan at the same public hearing and would subsequently prepare a single report with recommendations for the consideration of both the Minister of Municipal Affairs and Council.**

**The motion being put was carried with Councillor O'Leary dissenting**

### **Councillor Tilley**

Councillor Tilley noted that the deadline for submission of Grant Applications for the special events and festivals for 2012 is February 17, 2012 and application can be received through the City Clerk's office.

Councillor Tilley advised that he received a number of calls from concerned drivers respecting citizens, children and students walking on City streets not facing the traffic flow. He put forward the following recommendations for consideration by the Police and Traffic Committee and noted he would be very happy to head up this safety initiative:

1. Put forth an effective communications program through the media and press as community announcements for the safety of our citizens, children and students and for automobile operators.
2. Ask the hosts of various radio shows and DJ's to communicate the seriousness of the situation.
3. Ask the RNC to issue tickets or warning tickets to people who do not exercise walking facing traffic.
4. With respect to schools, develop a brochure to send to schools informing students to walk facing the traffic.

**Councillor Galgay**

Councillor Galgay advised that he received emails and calls from Mrs. Romykh of 70 Merrymeeting Road with respect to flooding in her house on three occasions which she alleges is caused by a water main at Merrymeeting Road/Mayor Avenue. He asked that the matter be referred to the Deputy City Manager/Director of Public Works and Parks for a status report.

**Councillor Breen**

At the request of Councillor Breen the Deputy City Manager/Director of Public Works and Parks provided an update on the status of the situation surrounding the recent water main break on Portugal Cove Road, noting that staff are in the process of engaging a contractor to reopen its asphalt plant to carry out the road repairs, which he anticipates will take approximately ten days to complete. He also advised that it is hoped that Mayor Avenue /Merrymeeting Road will be paved as well.

**Councillor Colbert**

Councillor Colbert asked the status of the Department of Recreation Office Space. The City Manager advised that a report will be presented to Council on the matter.

**Councillor Hann**

Councillor Hann reported illegal dumping on an abandoned road off Blackhead Road. He asked that consideration be given to the City purchasing video cameras and placed in areas where people are known to be dumping garbage, on a rotation basis. The matter was referred to the Public Works, Environment & Protection Standing Committee for consideration.

**Councillor Hickman**

At the request of Councillor Hickman the Deputy City Manager/Director of Public Works & Parks provided an update on sidewalk ice control. He advised that sidewalk plow crews check the routes and apply salt where necessary.

**Councillor O'Leary**

Councillor O'Leary advised that there have been complaints with the new Para transit bus service. She noted that the City's Accessible Transit Co-ordinator indicated that the service is still in its transitional stage and there are more buses to come on, and asked for the public's cooperation until all the issues are addressed.

In this regard Councillor Hann noted that not all buses have been delivered and that it will likely take a couple of weeks before all the buses are in place. He also noted that the number of requests for service has increased substantially since the startup of the new system.

Councillor O'Leary noted she attended the St. John's Citizens for Crime Prevention event on behalf of the City where the City's Neighbourhood Watch Program's huge success was discussed. She encouraged residents to take part and contact the Jennifer McGrath, Neighbourhood Fieldworker, Department of Recreation or the RNC when an issue arises.

**Deputy Mayor Duff**

Deputy Mayor Duff referred to the Notice of Motion given by Councillor Hanlon re independent review of Council and asked for background information including costs.



**His Worship the Mayor**

His Worship the Mayor provided an update on meetings held last week with representatives of the Provincial government; City staff, various municipal leaders in the metro area and across the Province regarding a new fiscal arrangement with the Province. He noted that the municipalities can no longer provide the level of service that people expect, renew its infrastructure and develop new infrastructure solely dependent on property tax revenue. He noted that he would like to see the Province provide a refund on the HST paid on the services provided and a two percent share of the provincial gas tax. He encouraged all municipalities in the metro area and across Newfoundland Labrador to lobby the government for a new fiscal arrangement and to deliver the message in time for the 2012 budget discussions.

**Adjournment**

There being no further business, the meeting adjourned at 5:45 p.m.

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**MAYOR**

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**CITY CLERK**