

**AGENDA
REGULAR MEETING**

**APRIL 22nd, 2014
4:30 p.m.**

ST. JOHN'S

MEMORANDUM

April 17, 2014

In accordance with Section 42 of the City of St. John's Act, the Regular Meeting of the St. John's Municipal Council will be held on Tuesday, **April 22nd, 2014 at 4:30 p.m.**

This meeting will be preceded by a Special Meeting to be held on the same day in Conference Room A at 4:00 p.m.

By Order

A handwritten signature in black ink, appearing to read "Neil Martin". The signature is written in a cursive style with a large initial "N".

Neil A. Martin
City Clerk

ST. JOHN'S

DEPARTMENT OF CORPORATE SERVICES

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

AGENDA
REGULAR MEETING
APRIL 22nd, 2014
4:30 p.m.

At appropriate places in this agenda, the names of people have been **removed or edited out so as to comply with the Newfoundland and Labrador Access to Information and Protection of Privacy Act.**

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Adoption of the Minutes (April 14th, 2014)**
- 4. Business Arising from the Minutes**
 - A. Included in the Agenda**
 - i. St. John's Urban Region Regional Plan Amendment 1, 2012
St. John's Municipal Plan Amendment Number 95, 2013 and Development Regulations Amendment Number 512, 2013
Proposed Rezoning of Properties on Maddox Cove Road (Ward 5)
 - B. Other Matters**
- 5. Notices Published:**
 - A.** Goulds Foods Inc. has submitted an application for a text amendment to the St. John's Development Regulations which would have the effect of allowing a Lounge as a Discretionary Use in the Commercial Neighbourhood (CN) Zone. This is related to a Jungle Jim's/Shamrock City Restaurant at 355 Main Road which was recently approved by Council. The applicant has also applied for approval of a permit for an outside deck for the restaurant/lounge: an outside deck for a restaurant or lounge within 150 metres (500 feet) of a Residential Zone is a Discretionary Use. (Ward 5)
- 6. Public Hearings**
- 7. Committee Reports**
 - A.** Heritage Advisory Committee Report of April 11, 2014
- 8. Resolutions**
- 9. Development Permits List**
- 10. Building Permits List**
- 11. Requisitions, Payrolls and Accounts**
- 12. Tenders**
- 13. Notices of Motion, Written Questions and Petitions**

14. Other Business

- a.** Memo dated April 15, 2014 from City Solicitor re: 21 Murphy's Lane

15. Adjournment

April 14, 2014

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, Tilley, and Collins.

Deputy City Manager of Public Works; the Deputy City Manager of Planning, Development & Engineering; the Acting Deputy City Manager of Corporate Services; the Acting Deputy City Manager of Financial Management; the Director of Engineering; the Chief Municipal Planner; the City Solicitor, Acting City Clerk and Senior Legislative Assistant, were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2014-04-14/171R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the Agenda be adopted with the addition of a request for Mayor Dennis O'Keefe to travel to Houston Texas for "World Energy Partnership" and OTC meetings.

The motion being put was unanimously carried.

Adoption of Minutes

SJMC2014-04-14/172R

It was decided on motion of Councillor Breen; seconded by Councillor Hickman: That the minutes of April 7, 2014 be adopted as presented.

The motion being put was unanimously carried.

Business Arising

Other matters

With the concurrence of the City Solicitor, Councillor Puddister tabled an email sent to him for the Acting Deputy City Manager of Corporate Services, outlining the salary ranges for the Manager of Marketing and Communications and two Communication and Public Relations Officers. He requested that the cumulative total of these three salaries be referred to staff for consideration of a transfer of these funds in the 2015 operating budget to snowclearing. He also suggested, if possible, that staff in these positions be deployed elsewhere in City operations.

Development Permits List

Council considered as information the following Development Permits List for the period of April 3, 2014 to April 9, 2014:

SJMC2014-04-14/173R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Breen : That the recommendation of the Director of Planning and Development with respect to the following Development Permits list be approved:

The motion being put was unanimously carried.

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF April 3, 2014 TO April 9, 2014

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
AG		Crown Land Lease	154 Old Bay Bulls Road	5	Approved	14-04-03

<p>* Code Classification: RES - Residential COM - Commercial AG - Agriculture OT - Other</p> <p>INST - Institutional IND - Industrial</p> <p>** 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.</p>
--

Gerard Doran
Development Officer
Department of Planning

Building Permits List

SJMC2014-04-14/174R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Breen: That the recommendation of the Director of Planning and Development with respect to the following Building Permits list for the period April 3-9, 2014 be approved:

The motion being put was unanimously carried.

**Building Permits List
Council's April 14, 2014 Regular Meeting**

Permits Issued: 2014/04/03 To 2014/04/09

Class: Commercial

271 Duckworth St	Rn	Mixed Use	
57 Rowan St	Rn	Mixed Use	
120 Kenmount Rd. Sign #1	Ms	Car Sales Lot	
120 Kenmount Rd., Sign #2	Ms	Car Sales Lot	
6 Mullaly St	Ms	Warehouse	
180 Portugal Cove Rd	Ms	Hotel	
655 Topsail Rd	Sn	Commercial School	
292 Water St	Sn	Retail Store	
306 Water St	Sn	Retail Store	
671 Southside Rd	Rn	Industrial Use	
136-140 Water St. 2nd. Floor	Rn	Office	
27 Elizabeth Ave	Cr	Restaurant	
201 Water St	Rn	Restaurant	
430 Topsail Rd, The Source	Rn	Retail Store	
48 Kenmount Rd, Winners	Rn	Retail Store	
			This Week \$ 712,875.00

Class: Government/Institutional

This Week \$.00

Class: Residential

32 Balnafad Pl	Nc	Patio Deck	
8 Capulet St, Lot 203	Nc	Single Detached Dwelling	
15 Caravelle Place, Lot 22	Nc	Single Detached & Sub.Apt	
32 Chafe Ave	Nc	Single Detached Dwelling	
130 Empire Ave	Nc	Accessory Building	
20 Galashiels Pl, Lot 129	Nc	Single Detached & Sub.Apt	
24 Harrington Dr	Nc	Accessory Building	
115 Ladysmith Dr, Lot 189	Nc	Single Detached Dwelling	

1 Legacy Pl, Lot 41	Nc	Single Detached & Sub.Apt
16 Main Rd	Nc	Accessory Building
35 Nautilus St	Nc	Accessory Building
413 Newfoundland Dr	Nc	Accessory Building
69 Otter Dr	Nc	Accessory Building
96 Pleasant St	Nc	Fence
523 Thorburn Rd	Nc	Single Detached Dwelling
523 Thorburn Rd	Nc	Accessory Building
166 Waterford Bridge Rd	Nc	Fence
166 Waterford Bridge Rd	Nc	Patio Deck
72 Birmingham St	Co	Home Occupation
25 Queen's Rd	Co	Boarding House(4 Or Less)
79 Ladysmith Dr	Cr	Subsidiary Apartment
50 Battery Rd	Rn	Single Detached Dwelling
13 Hutchings St	Rn	Single Detached Dwelling
124 Military Rd	Rn	Semi-Detached Dwelling
25 Oberon St	Rn	Single Detached Dwelling
62 Patrick St	Rn	Townhousing

96 Pleasant St	Rn	Semi-Detached Dwelling
42 Sgt. Craig Gillam Ave	Rn	Single Detached Dwelling
24 Stanford Pl	Rn	Semi-Detached Dwelling
29 Cornwall Hts	Sw	Single Detached Dwelling
11 Edinburgh St	Sw	Single Detached Dwelling

This Week \$ 1,786,305.00

Class: Demolition

430 Topsail Rd	Dm	Retail Store
430 Topsail Rd	Dm	Retail Store

This Week \$ 95,000.00

This Week's Total: \$ 2,594,180.00

Repair Permits Issued: 2014/04/03 To 2014/04/09 \$ 85,000.00

Legend

Co	Change Of Occupancy	Sn	Sign
Cr	Chng Of Occ/Renovtns	Sw	Site Work
Nc	New Construction	Ex	Extension
Rn	Renovations	Dm	Demolition
Ms	Mobile Sign		

Year To Date Comparisons			
April 14, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$34,547,000.00	\$20,404,000.00	-41
Industrial	\$28,000.00	\$0.00	0
Government/Institutional	\$6,821,000.00	\$42,455,000.00	52
Residential	\$26,364,000.00	\$27,879,000.00	6
Repairs	\$655,000.00	\$471,000.00	-28
Housing Units (1 & 2 Family Dwellings)	79	47	
TOTAL	\$68,415,000.00	\$91,209,000.00	33

Respectfully Submitted,

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

Requisitions, Payrolls and Accounts

SJMC2014-04-14/175R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending April 2, 2014 be approved:

The motion being put was unanimously carried.

**Weekly Payment Vouchers
For The
Week Ending April 9, 2014**

Payroll

Public Works	\$ 493,441.49
Bi-Weekly Administration	\$ 785,363.96
Bi-Weekly Management	\$ 757,791.35

Bi-Weekly Fire Department	\$ 624,649.21
Accounts Payable	\$3,529,697.43
Total:	\$6,190,913.44

Correspondence from City Solicitor re: Boy Scouts of Canada – Acquisition of Property 15 Terra Nova Road

Council reviewed a memorandum from the City Solicitor giving the background and options with respect to the above noted property.

SJMC2014-04-14/175R

It was moved by Councillor Puddister; seconded by Deputy Mayor Ellsworth: That Notice of Expropriation be executed to acquire property at 15 Terra Nova Road (Boy Scouts of Canada) as it needed for city operations.

The motion being put was unanimously carried.

Correspondence from City Solicitor re: Kiwanis Street

Council reviewed a memorandum from the City Solicitor noting that the city had expropriated land at Kenmount Road last August, for the construction of Kiwanis Street for which compensation is now due.

SJMC2014-04-14/176R

It was moved by Councillor Tilley; seconded by Councillor Hickman: That approval be given to compensate the owner of the land at fair market value (\$34,000).

The motion being put was unanimously carried.

Correspondence from City Solicitor re: 506 Logy Bay Road

Council considered a memorandum from the City Solicitor advising of the property owner's interest in purchasing 20 feet of land between the road right of way and the front boundary of 506 Logy Bay Road.

SJMC2014-04-14/177R

It was moved by Councillor Breen; seconded by Councillor Collins: That approval be given to sell a small piece of land to the owner of 506 Logy Bay Road at the appraised amount of \$2 per square foot plus administrative fees and HST.

The motion being put was unanimously carried.

Correspondence from City Solicitor re: 365-367 Water Street, Zorin Industries.

Council reviewed a memorandum from the City Solicitor dated April 9, 2014 with respect to a lease the company has with the City for parking purposes. The lease states it is to be used for parking and no other purpose. The property owner would now like to install a propane tank, a garbage container and electrical box on a portion of the landscaped area and as such requires a revision to the lease.

SJMC2014-04-14/178R

It was moved by Councillor Puddister; seconded by Councillor Tilley: That approval be given to revise the above-noted lease to allow the installation of propane tank, garbage container and electrical box on the leased property and that the annual rental be increased from \$15,000 to \$17,500 to account for the additional utility.

The motion being put was unanimously carried.

Travel Request – Mayor Dennis O’Keefe

Council reviewed a request from Mayor Dennis O’Keefe seeking approval for travel from May 4-9, 2014 to attend World Energy City Partnership meetings and OTC promotional meetings in Houston, Texas.

SJMC2014-04-14/179R

It was moved by Councillor Hickman; seconded by Councillor Collins: That approval be given for Mayor O’Keefe to travel to Houston, Texas for the period May 4 – 9th, the purpose of which is to attend World Energy City Partnership and OTC meetings.

The motion being put was unanimously carried.

Councillor Puddister

Letter of Condolence – Former Federal Finance Minister Jim Flaherty

Council agreed to a request from Councillor Puddister to send a letter of condolence recognizing the recent death of former Federal Finance Minister Jim Flaherty.

Councillor Hickman

Addition to Streets Rehab Program

Councillor Hickman requested that the tender for the Streets Rehab Program (Paving Contract #2) be reviewed to see if it can accommodate the upgrading and paving of the shoulder of Quidi Vidi Village Rd. between the bridge and the Duff home (the old church), so as to allow for a paved, marked parking area for the Village attractions.

Adjournment

There being no further business the meeting adjourned at 5:30 pm

MAYOR

CITY CLERK

MEMORANDUM

Date: April 15, 2014

To: His Worship the Mayor and Members of Council

Re: **Council Directive R2014-03-24/3**
St. John's Urban Region Regional Plan Amendment 1, 2012
St. John's Municipal Plan Amendment Number 95, 2013 and Development
Regulations Amendment Number 512, 2013
Proposed Rezoning of Properties on Maddox Cove Road (Ward 5)

At the Regular Meeting of Council held on March 24, 2014, Council rescinded its previous decision dated August 5, 2013, which rejected an application to rezone property on Maddox Cove Road to the Rural Residential Infill (RRI) Zone, and agreed that the application to rezone property be approved. The subject properties are located on the north side of Maddox Cove adjacent to the municipal boundary with the Town of Petty Harbour-Maddox Cove. An amendment to the St. John's Municipal Plan is required.

Background Information

The application to redesignate and rezone land along Maddox Cove Road from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone has been active since November 2010, where it was considered and recommended for rejection at a meeting of the Planning and Housing Committee based on the following rationale: The properties are located within the Restricted (RES) District of the St. John's Municipal Plan, which applies to lands having steep slopes and unstable soils, where development is unsuitable. Unserved residential development is not supported by the City's planning policies, and such unserved development sets a trend for residential sprawl. The St. John's Urban Region Regional Plan designates Maddox Cove Road as a Scenic Road and every effort should be made to retain the landscape in its natural form. If rezoned to the Rural Residential Infill (RRI) Zone, regulations would allow for four residential building lots with a minimum area of 1860 square metres (0.5 acres), with private on-site wells and septic systems (up to 6 lots could be created if subdivided).

In order to undertake the proposed amendments to the City's Municipal Plan and Development Regulations, it was identified that an amendment to the St. John's Urban Region Regional Plan was also required. A request was sent to the Department of Municipal Affairs for Provincial release of the City's amendments. At this time the Department consulted internal provincial departments and asked the City to consult municipalities on the Northeast Avalon. The applicants were required to undertake a Groundwater Assessment report, subject to the Water Resources Management Division.

ST. JOHN'S

The Department of Municipal Affairs issued a Provincial release for the City's proposed amendments and advised that the Minister agreed to adopt St. John's Urban Region Regional Plan Amendment Number 1, 2012, which would re-designate the identified lands along the north side of Maddox Cove Road to "Rural".

At the Regular Meeting of Council held on April 23, 2013, Council adopted the resolutions for St. John's Municipal Plan Amendment Number 95, 2013 and St. John's Development Regulations Amendment Number 512, 2013, and appointed Ms. Marie Ryan as the commissioner to conduct a joint public hearing to consider the proposed amendments. The public hearing was held at St. John's City Hall on May 21, 2013. Following the public hearing, Commissioner Ryan recommended rejection of the amendments (copy of the Commissioner's report attached for Council's information).

Recommendation

Council should now determine if it wishes to approve the rezoning of Maddox Cove Road property from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone. The Planning & Housing Committee (2010) and Council have previously been advised by the Department of Planning, Development & Engineering that it does not support this rezoning application.

If Council determines that it wishes to proceed with the proposed amendments, it is recommended that Council now approve the resolution for St. John's Municipal Plan Amendment Number 95, 2013 and St. John's Development Regulations Amendment Number 512, 2013, as adopted by Council on April 23, 2013. If the amendments are approved by Council, these will then be sent to the Department of Municipal Affairs with a request for Provincial registration and a request for the Minister of Municipal Affairs to consider approval of St. John's Urban Region Regional Plan Amendment 1, 2012.

Final registration of the City of St. John's amendments is dependent on the Minister's decision to approve St. John's Urban Region Regional Plan Amendment Number 1, 2012.



Ken O'Brien, MCIP
Chief Municipal Planner

LLB/dlm

Attachmet

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 95, 2013**

WHEREAS the City of St. John's wishes to redesignate land on the west end of Maddox Cove Road, adjacent to the municipal boundary of the City with the Town of Petty Harbour-Maddox Cove, to allow residential development with private on-site water and septic sewer services.

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

Redesignate land at the west end of Maddox Cove Road, adjacent to the municipal boundary of the City with the Town of Petty Harbour-Maddox Cove, from the Restricted Land Use District to the Rural Land Use District as shown on Map III-IA attached.

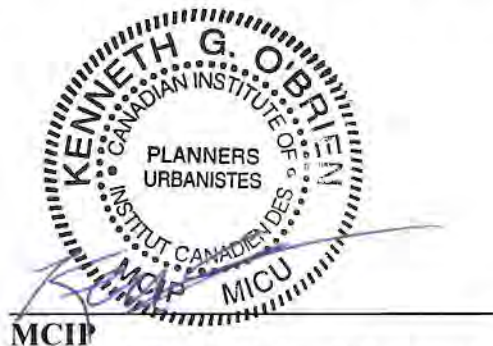
BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

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
day of _____, 2014.

Mayor

City Clerk

Council Adoption



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

Provincial Registration



Town of Petty Harbour - Maddox Cove

**CITY OF ST. JOHN'S
MUNICIPAL PLAN
Amendment No. 95, 2013
[Map III-1A]**

2011 09 21 SCALE: 1:3000
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
RESTRICTED (RES) LAND USE DISTRICT TO
RURAL (R) LAND USE DISTRICT

MADDOX COVE ROAD PROPERTIES



M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

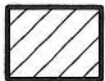


Town of Petty Harbour - Maddox Cove

**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 512, 2013
[Map Z-1A]**

2011 09 21 SCALE: 1:3000
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
OPEN SPACE RESERVE (OR) LAND USE ZONE TO
RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE

MADDOX COVE ROAD PROPERTIES



M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**COMMISSIONER'S REPORT ON THE
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT No.95, 2013
and
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT No. 512, 2013
and
ST. JOHN'S URBAN REGION REGIONAL PLAN
AMENDMENT No. 1**

Prepared by:

**Marie E. Ryan
Commissioner**

July 3, 2013

Table of Contents

1.0 INTRODUCTION	2
1.1 THE ISSUE.....	4
2.0 BACKGROUND	4
2.1 THE APPLICATION.....	4
2.1 APPLICATION AND REVIEW PROCESSES	5
3.0 THE HEARING	14
3.1 OVERVIEW OF THE APPLICATION	15
3.2 PRESENTATIONS.....	15
3.3 WRITTEN SUBMISSIONS.....	18
3.3.1 <i>The appearance and uses of Maddox Cove Road</i>	19
3.3.2 <i>Safety</i>	19
3.3.3 <i>The foundations of building lots</i>	19
3.3.4 <i>Notice for the hearings</i>	19
4.0 CONSIDERATIONS	20
4.1 CONSISTENCY WITH THE MUNICIPAL PLAN.....	20
4.1.1 <i>Efficient patterns of serviced development</i>	20
4.1.2 <i>Restricted Development</i>	22
4.1.3 <i>Blackhead Planning Area (Area 17)</i>	22
4.2 CONSISTENCY WITH THE ST. JOHN’S URBAN REGION REGIONAL PLAN	23
4.2.1 <i>The proposed City amendments and the SJURRP</i>	25
4.3 EXISTING DEVELOPMENT ON MADDOX COVE ROAD.....	28
5.0 CONCLUSION	29
6.0 RECOMMENDATION	30
APPENDIX “A” - WRITTEN SUBMISSION	32

1.0 INTRODUCTION

At the Regular Meeting of the St. John's Municipal Council ("Council") held on April 23, 2013, I was appointed as the Commissioner to conduct a public hearing and prepare a report with recommendations with respect to proposed amendments to both the St. John's Municipal Plan (*Amendment Number 95, 2013*) and the St. John's Development Regulations (*Amendment Number 512, 2013*). The intent of these amendments is as follows:

St. John's Municipal Plan (*Amendment Number 95, 2013*)

- Redesignate land at the west end and north side of Maddox Cove Road, adjacent to the municipal boundary of the City of St. John's with the Town of Petty Harbour-Maddox Cove, from the Restricted (RES) Land Use District to the Rural (R) Land Use District.

St. John's Development Regulations (*Amendment Number 512, 2013*)

- Rezone land at the west end and north side of Maddox Cove Road, adjacent to the municipal boundary of the City of St. John's with the Town of Petty Harbour-Maddox Cove, from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone.

This re-designation and rezoning would allow for the future development of four residential building lots with private on-site water and septic sewer services in the location referenced above. Of note, two of the property owners could subdivide their lots should the development proceed and this would result in a total of 6 lots.

It is important to state that the St. John's Municipal Plan must conform to the St. John's Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. The Regional Plan applies to all land in the St. John's Urban Region, which is essentially the Northeast Avalon Peninsula. The Regional Plan is the Province's principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.¹

¹ City of St. John's. St. John's Municipal Plan (June 2007). Section 1 -1.4 Relation to Other Levels of Planning. Pg. 1-4.

An amendment to the SJURRP (Amendment Number 1, 2012) is required in order to accommodate the aforementioned proposed amendments to the St. John's Municipal Plan and the St. John's Development Regulations. I have concurrently been appointed by the Minister of Municipal Affairs as the Commissioner to conduct a public hearing on this SJURRP amendment, the intent of which is as follows:

- Redesignate land on Maddox Cove Road from "Restricted" to "Rural".

My appointment as Commissioner was made by the Minister of Municipal Affairs and Council under the authority of Section 19 of the *Urban and Rural Planning Act, 2000* with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to "[...] hear objections and representations orally or in writing [...]" and, subsequently, to submit a written report on the public hearing including recommendations arising from same.

The Council and the Department of Municipal Affairs agreed that there would be one joint public hearing to consider the proposed amendments to the SJURRP, as well as the St. John's Municipal Plan and the St. John's Development Regulations.

This public hearing was scheduled for Tuesday, May 21, 2103 at 7 p.m. at St. John's City Hall. Prior to this date and, as required, the hearing was advertised: in the Saturday, April 27, 2013 and Saturday, May 4, 2013 editions of *The Telegram* and additionally the amendments were publicized on the City of St. John's website (www.stjohns.ca). Notices were also mailed out to all property owners within a minimum radius of 150 metres of the subject properties. This notice provided a site plan and advised of the date, time, location and purpose of the upcoming public hearing.

The public hearing was convened on Tuesday, May 21, 2103 at 7 p.m. in the Foran/Greene Room of St. John's City Hall. There were approximately 35 interested persons in attendance, including residents from the Petty Harbour-Maddox Cove area and two City Councillors. Assistance at the meeting was provided to the Commissioner by the following City Staff: Mr. Joe Sampson, Manager of Development, and Lindsay Lyghtle Brushett, Planner, with the Department of Planning, Development and Engineering.

Prior to this hearing, one written submission was received. This submission is referenced in this Report under the section "The Hearing" and the full text of the submission is found in Appendix "A".

No formal/taped transcript of the public hearing was made and the notes made by your Commissioner constitute the record of the hearing. All those requesting the opportunity to speak were accorded that right.

1.1 The issue

The issue for your Commissioner and the topic for the hearing was whether or not the three amendments detailed in section 1.0 and presented below should be approved.

- *St. John's Municipal Plan Amendment Number 95, 2013* the intent of which is to redesignate land at the west end and north side of Maddox Cove Road, adjacent to the municipal boundary of the City of St. John's with the Town of Petty Harbour-Maddox Cove, from the Restricted (RES) Land Use District to the Rural (R) Land Use District.
- *St. John's Development Regulations Amendment Number 512, 2013* - the intent of which is to rezone land at the west end and north side of Maddox Cove Road, adjacent to the municipal boundary of the City of St. John's with the Town of Petty Harbour-Maddox Cove, from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone.
- *St. John's Urban Region Regional Plan Amendment Number 1, 2012* - the intent of which is to redesignate land on Maddox Cove Road from "Restricted" to "Rural" (to accommodate the amendments to the St. John's Municipal Plan and St. John's Development Regulations.)

These amendments are in reference to an application submitted to the City of St. John's (the "City") by property owners to rezone their land located along the west end and north side of Maddox Cove Road to allow for the future development of four residential building lots with private on-site well and septic systems. The building lots would each be a minimum of 1860 square metres (1/2 acre) in size.

2.0 BACKGROUND

2.1 The application

The process leading to the hearing on the proposed amendments was triggered by a multi-party application from a Mr. Murphy, Mr. Chafe, Ms. Stack and Mr. Stack ("the Applicants") to rezone their four properties along Maddox Cove Road. The Applicants' proposal was to rezone the land

from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone in order for the owners to develop their individual properties as unserviced building lots.

The subject properties are vacant land which have frontage along Maddox Cove Road. The properties are tree-covered with a steep slope that drops downwards, away from Maddox Cove Road. There is one nearby dwelling within the City's boundary at #305 Maddox Cove Road, with other houses and a garage located south of the subject properties in the Town of Petty Harbour-Maddox Cove.

2.1 Application and review processes

The following provides a detailed overview of the relevant correspondence and activity related to the processing of this application.

November 19, 2010 – Correspondence from the Director of Planning and the Manager of Planning and Information to the City of St. John's Planning and Housing Committee

The Department of Planning recommended to the City's Planning and Housing Committee that the application for rezoning of the subject properties be rejected. It provided the following information to support this recommendation:

- The properties are located within the Restricted Development District (RES) of the St. John's Municipal Plan which applies to lands having inherent environmental hazards such as steep slopes, unstable soils and other similar characteristics which render the lands unsuitable for development. The Planning Department identified that contour lines for the properties showed steep slopes, which drop off from Maddox Cove (westward) to the rear of the properties in question. Allowing development to occur in this area would also facilitate residential sprawl which goes against the objective of the Municipal Plan for compact and orderly development. A Municipal Plan amendment would be required for the requested rezoning to the Rural (R) District as dwellings are not a permitted or discretionary use within the Restricted District.
- The subject properties are located within the Blackhead Planning Area (Area 17) which sets out the residential zoning in the areas designated for Community Development (the village of Blackhead) and Rural Residential, along a limited section of the Cape Spear Highway. The SJURRP designates Maddox Cove Road as a Scenic Road along which every effort should be made to retain the landscape in its natural form.

- There are no municipal water and sewer services available in the area, and it is not the City's intention to install such services.
- The house located at #305 Maddox Cove Road was developed without permits and contrary to applicable zoning when the area was administered by the St. John's Metropolitan Area Board. This area became part of the City in 1992, when the province disbanded the Metro Board.
- Rezoning land in this location could set a trend for further unserviced residential development in the area. This is not supported by the City's planning policies, which seek to prevent the designation of new lands for unserviced residential development.

Based on this information, the Department of Planning recommended that the Planning and Housing Committee make a recommendation to Council that the proposed rezoning of the subject properties from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone be rejected.

April 4, 2011

At the Regular Meeting of Council held on April 4, 2011, Council rejected the recommendation coming out of the November 24, 2010 meeting of the Planning and Housing Committee that the application to rezone the subject properties be rejected. Council approved the rezoning application.

April 7, 2011 – Correspondence from the Director of Planning to the Acting Mayor and Members of Council

This correspondence informed the Council that the *Urban and Rural Planning Act* required the City to undertake a public consultation process on the proposed rezoning of the subject properties before making a decision re same. Further, this correspondence noted that on completion of this consultation process, and should Council decide to move ahead with the rezoning amendment, Council would have to adopt the amendments in-principle and refer them to the Department of Municipal Affairs with a request for the issuance of a Provincial release. If the release were to be issued, Council could consider formally adopting the amendments and undertaking a Commissioner's hearing. After reviewing the resulting Commissioner's report, the Council could once again determine if it wished to provide formal approval to the amendments to the St. John's Municipal Plan and St. John's Development Regulations. Finally, should the amendments be

formally approved by Council, they would be sent to the Department of Municipal Affairs with a request for Provincial registration.

April 11, 2011

At the Regular Meeting of Council held on April 11, 2011, Council directed the Department of Planning to advertise the proposed rezoning of the subject properties in order to move forward with the rezoning application as per the requirements of the *Urban and Rural Planning Act*.

June 22, 2011 – Correspondence from the Director of Planning to the Mayor and Council

This correspondence stated that the proposed rezoning of the subject properties had been advertised as required.

This correspondence also reiterated that the Department of Planning was not in support of this application and had recommended to the Planning and Housing Committee that the application be rejected. Further the rationale for this rejection was again provided to Council.

This correspondence also stated that the Department of Planning had not yet received the legal surveys and descriptions of the subject properties required to undertake the relevant map amendments to the St. John's Municipal Plan and St. John's Development Regulations. It was recommended that the rezoning process be deferred until such time as this information was received.

June 28, 2011

At the Regular Meeting of Council held on June 28, 2011, Council agreed to defer further processing on the rezoning application until such time as all four applicants had submitted legal surveys and descriptions of their properties. This was necessary to inform the applicable map amendments to the St. John's Municipal Plan and St. John's Development Regulations respecting the proposed rezoning of the subject properties.

September 29, 2011 – Correspondence from the Director of Planning to the Mayor and Members of Council

This correspondence stated that surveys of the four subject properties were received and amendment maps prepared. It was noted that the normal size of a Rural Residential Infill (RRI) zoned building lot is 30 metres frontage by 60 metres depth. Further, it was noted that while two

of the subject properties do not have the 60m depth, they appear to have sufficient land area to meet the minimum lot area requirement.

This correspondence also identified that one of the subject properties straddles the municipal boundary between St. John's and Petty Harbour-Maddox Cove. This property does not have sufficient land area in St. John's to meet the minimum lot area requirements of the Rural Residential Infill (RRI) Zone. If rezoning of this land were to proceed, the future approval of a residential building lot for this property would be contingent on the Town of Petty Harbour-Maddox Cove agreeing to the approval for an unserviced building lot for that portion of the property located in the Town.

This correspondence also reiterated that the Department of Planning was not in support of this application.

October 3, 2011

At the Regular Meeting of Council held on October 3, 2011, Council determined they wished to proceed with the rezoning for the subject properties and adopted (in principle) the resolutions for the St. John's Municipal Plan Amendment Number 95, 2011² and St. John's Development Regulations Amendment Number 512, 2011.

October 11, 2011 – Correspondence from the Director of Planning to the Manager of Land Use Planning, Department of Municipal Affairs

This correspondence details a request from Council to the Department of Municipal Affairs that the Department review the amendments under consideration (i.e. Numbers 95 and 512) against provincial interests and policies, with a request for the issuance of a Provincial release. In addition, it specifically requested clarification on whether or not an amendment to the SJURRP was required in order to allow the proposed City amendments.

November 7, 2011 – Correspondence from the Manager of Land Use Planning to the Director of Planning

This correspondence from the Manager of Land Use Planning advised that the amendments related to the subject properties were contrary to the SJURRP for two reasons:

² The date (2011) reflects the time at which the amendments were first contemplated. In 2013, the date was changed to reflect the time the amendments were adopted by Council.

- The area under consideration for rezoning is designated as “Restricted” in the Regional Plan; lands so designated are intended primarily for preservation, typically due to physical or environmental hazards.
- Maddox Cove Road is classified in the Regional Plan as a Scenic Road and this classification intends to retain the landscape in its natural form.

The correspondence further advised that the Department of Municipal Affairs was not prepared to release the City's proposed amendments at that time. Council was advised that if they wished to pursue their amendments, they would have to submit a request to amend the SJURRP and outline all the pertinent considerations for the Minister of Municipal Affairs to review.

November 9, 2011 – Correspondence from the Director of Planning to the Mayor and Members of Council

This correspondence explained to Council that the St. John's Municipal Plan amendment and St. John's Development Regulations amendment had been referred to the Department of Municipal Affairs requesting the issuance of a Provincial release. It detailed that the Department had advised that the lands in question are designated as “Restricted” under the SJURRP and typically are intended primarily for preservation, and that Maddox Cove Road is classified in the SJURRP as a Scenic Road, with this classification intended to retain landscape in its natural form.

This correspondence stated that “[...] it is most likely that the City zoned the subject properties as OR a number of years ago to conform to the land use designation and policies of the SJURRP to prohibit development along this section of Maddox Cove Road.”

It was stated that the rezoning process for the subject properties could not proceed unless the Minister of Municipal Affairs agreed to undertake the required amendment to the SJURRP and issued a Provincial release. Council would have to request the amendment of the Regional Plan if it wished to proceed.

It was stated once again that the Department of Planning did not support the application for rezoning of the subject properties.

November 30, 2011 – Correspondence from the Director of Planning to the Manager of Land Use Planning

This correspondence outlined that Council agreed to request the Minister of Municipal Affairs undertake an amendment to the SJURRP to enable the rezoning of the subject properties.

It also noted that the Department of Planning had written the Town of Petty Harbour-Maddox Cove about the proposed rezoning of the subject properties and no comments were subsequently received from the Town.

February 3, 2012 – Correspondence from the Minister of Municipal Affairs to the Director of Planning

This correspondence from the Minister of Municipal Affairs informed the Director of Planning that the City could proceed with a public consultation related to the proposed amendment to the SJURRP, as required by Section 14 of the *Urban and Rural Planning Act, 2000*, concurrent with the public consultation required for the City's proposed Municipal Plan and Development Regulations amendments. The Minister also stated that this consultation was to include an opportunity for comment by the Regional Economic Development Board, municipalities that are subject to the SJURRP, and CBCL Limited which is undertaking a comprehensive review of the Regional Plan. The Minister requested a summary of the responses received from those consulted, along with any written representations received by the City.

Of note, in this same correspondence the Minister requested that consideration of the amendments and proposed development for the subject properties take into account the direction provided in the Regional Plan respecting re-designating *Restricted* lands and requirements of development permit along Scenic Roads. The correspondence highlighted the following SJURRP policies.

SJURRP, Section F(c), Restricted Development:

An application for the re-designation of restricted development lands for other purposes may be given due consideration after taking into account:

- the existing environmental and/or physical hazards
- the potential impacts of these hazards
- the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.

SJURRP, Section H, Scenic Roads:

Applications for building or development permits along scenic roads shall be required to meet all appropriate provisions of this Plan affecting the land use in the particular area, and in addition special attention should be given to the following:

- The location of any buildings and their setback from the highway in relation to the scenic attractiveness of the area
- The exterior design of any buildings
- Limitations on outdoor storage of materials.

April 27, 2012 – Correspondence from the Director of Planning to the Manager of Land Use Planning

This correspondence detailed that the City had written all municipalities on the Northeast Avalon Peninsula which are subject to the SJURRP, along with the CBCL Consultants Ltd. to seek their input on a possible amendment to the Plan to redesignate the subject properties. The City received responses from seven municipalities:

- The City of Mount Pearl – no comments on the proposed amendments
- Town of Conception Bay South – no concerns with the proposed amendments
- Town of Portugal Cove-St. Philip’s – no objections to the proposed amendments
- Town of Holyrood – no concerns with the proposed request to make the amendments
- Town of Pouch Cove – supports the proposed amendment
- Town of Petty Harbour-Maddox Cove – supports the applicants in their efforts to have the subject properties rezoned. The Town noted they are struggling with infill properties in this area. They also noted the presence of the river behind the four properties.
- Town of Paradise – while the Town had no objections to the proposed amendments, it did request that the City include provisions outlined in the SJURRP specifically Section “H” Scenic Roads. The Town referenced the following:

Special attention shall be given to the treatment of the natural landscape. Clearing of trees in some areas to open up views may be initiated as well as planting in areas where additional vegetation is necessary.

[...] special attention should be given to the following:

- The location of any buildings and their setback from the highway in relation to the scenic attractiveness of the area

- The exterior design of any buildings
- Limitations on outdoor storage of materials.

Further, the Town encouraged the City to utilize the Regional Plan requirements to [ensure] the proposed residential development is in accordance with the Scenic Roads policies. The Town proposed the following:

- The requirements for a treed buffer to be maintained or created along the front of these properties
- Setbacks and lot sizes to reflect a rural character
- Creation of a larger concept plan which would allow the new lots to front on a newly created side road leaving this stretch of Maddox Cove Road unaltered [in] its scenic potential.

This correspondence requested that the Department of Municipal Affairs advise if the Minister was prepared to move forward to a public hearing on the proposed amendment to the SJURRP in relation to the subject properties.

November 23, 2012 – Correspondence from a Senior Planner (Department of Municipal Affairs) to the Department of Planning

This correspondence noted that the proposed SJURRP amendment for the subject properties had been assessed against several areas of provincial interests and referenced several e-mails and documents in relation to same, as follows:

- The Water Resources Management Division (Department of Environment and Conservation) reviewed an external report on “Residential Development Maddox Cove Road, Level 1 Groundwater Assessment Report, Individual Private Wells”. This report detailed that the groundwater for the subject properties would be of sufficient quantity to support the number of proposed lots. The response provided in the October 16, 2012 correspondence to the report noted that while the Department of Environment and Conservation accepted the assessment provided, additional action had to be taken to confirm and ensure the quantity and quality of the groundwater available to the subject properties.

Of note, this correspondence also stated that, due to “the risk of well interference among wells to be drilled in the proposed development, the increased risk of depleting the groundwater because [of] the increased demand and due to the paucity of the

available groundwater data in the vicinity needed to evaluate these risks”, the Department of Environment and Conservation required monitoring of groundwater levels in one well for a period of two years. Data from this monitoring would be reviewed by the Department to evaluate if the rate of water use was exceeding recharge.

The Department suggested the City could undertake this monitoring in coordination with the homeowners. Of note, this correspondence stated that this data also would benefit the City in planning for alternatives to on-site groundwater in the event the homes to be built depleted the available groundwater and required municipal water services to be provided.

- November 16, 2012, e-mail correspondence from the Director of Planning to the Manager of Land Use Planning and the Senior Planner stated that the City does not have the expertise, staff or equipment to undertake the monitoring referenced above and that it would set a precedent in relation to an expectation that the City would monitor private wells.
- November 19, 2012, e-mail correspondence from the Water Resources Management Division to staff in the Department of Municipal Affairs / Department of Planning acknowledges that this monitoring would normally be the responsibility of a developer working with the municipal authority to establish the water level monitoring and reporting, but there is no one developer for this proposed rezoning.

This correspondence reiterates the concern that there is risk of well interference among wells to be drilled for the development of the subject properties and risk of overuse and depletion of the local groundwater, because of increased demand for the proposed development. It is stated that it would be in the homeowners’ best interests to monitor water levels in the development to ensure viability of long-term sustainability of these wells.

- November 21, 2012 correspondence from the Department of Natural Resources provides an internal report on the assessment of geological hazards at the site of the subject properties. This correspondence concludes that the area is at low risk from geological hazards.

- The speed limit on the road – The Department of Municipal Affairs asked the City about the speed limit in the area of the subject properties and any potential impact relating to the development. Your Commissioner was informed by the City that if any issues arise with the speed limit and the development, the limit can be lowered to address these issues.

February 15, 2013 – Correspondence from the Manager of Land Use Planning to the Director of Planning

This correspondence stated that the Minister had adopted the SJURRP Amendment Number 1. It further stated that in keeping with the requirements of Section 15 of the *Urban and Rural Planning Act, 2000*, the municipal amendments related to the proposed rezoning of the subject properties had been reviewed. It also was noted that the amendments were not found to conflict with any stated provincial policies and so a provincial release was issued for these amendments, thus allowing Council to move forward with appointment of a Commissioner for a public hearing to consider the proposed amendments. Additionally, it was identified that the Minister would consider appointment of the Commissioner engaged by Council to conduct the hearing for the City's amendments.

April 23, 2013

At the Regular Meeting of Council held on April 23, 2013, Council adopted the St. John's Municipal Plan Amendment Number 95, 2013 and the St. John's Development Regulations Amendment Number 512, 2013.

3.0 THE HEARING

Your Commissioner explained the intent of the hearing to those in attendance and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff and presentation by/questions from any in attendance who desired to express their support/objections or concerns regarding the rezoning under consideration. Further, your Commissioner reminded those in attendance at the hearing that the intent of the proceedings was to discuss the merits of the rezoning and not to comment on the merits or lack thereof of the specifics of the proposed development for the subject properties.

3.1 Overview of the Application

Ms. Lindsay Lyghtle Brushett, Planner, with the Department of Planning, Development and Engineering, presented the proposed text amendments to the St. John's Municipal Plan and St. John's Development Regulations, describing the thrust of these amendments as rezoning of the subject properties at the request of four applicants for the purpose of residential development. Ms. Brushett noted that the current Open Space Reserve (OR) zoning does not permit such development. She further explained that there also is a need for an amendment to the St. John's Municipal Plan from the Restricted (RES) Land Use District to the Rural (R) Land Use District.

Ms. Brushett described the subject properties to be rezoned noting, for example, that they are currently undeveloped and slope away at the rear, have frontage on Maddox Cove Road and will allow for half-acre lot developments.

She explained that there is an existing non-conforming house on Maddox Cove Road, east of the subject properties, which was developed during the time of the St. John's Metro Board, before it came under the auspices of the City. As well she stated that this house pre-dates implementation of the St. John's Municipal Plan.

Ms. Brushett stated that the proposed amendments had been referred to the Department of Municipal Affairs for review, and to the Departments of Environment and Conservation and Natural Resources for comment on any concerns arising from the proposed rezoning and development.

She concluded by explaining that the Province requires the City to adopt the amendments and undertake a public hearing to be conducted by a Commissioner. The Commissioner's report will be reviewed by both Council and the Minister of Municipal Affairs for acceptance or rejection of said report.

3.2 Presentations

Ms. Dorothy Chafe – Maddox Cove

Ms. Chafe spoke twice. She questioned why the hearing was considering only one specific side/area of Maddox Cove Road proximal to the Town of Petty Harbour. Ms. Chafe has land on the south side across from the subject properties and wondered when the City might give

consideration to rezoning this area. Staff explained that the rezoning of the subject properties was spurred by an application for redevelopment of this land and not at the request of the City.

Mr. Adrian Tanner - Southside Road

Mr. Tanner stated that he had not been aware of the earlier public meeting regarding the proposed rezoning. He stated that he had been involved in the discussions in the early 1990s on whether or not the Town of Petty Harbour should be amalgamated with the City of St. John's. He also said that he had not been in favor of this amalgamation because of the uniqueness of the community and the need to ensure it retained its character.

Mr. Tanner said that he was speaking from the community perspective and that the community view must be taken into account. He expressed concern that the proposed development threatens the character of the community and will result in an extension of the town, through allowing houses to develop from the boundary of Petty Harbour up onto Maddox Cove Road. Further, Mr. Tanner stated that this development would occur without the Town being able to exercise any control, given the land is under the jurisdiction of the City.

Mr. Tanner also highlighted that through the ongoing review of the SJURRP, larger issues are being considered and debated, including the status of Maddox Cove Road. He noted the City and the region are trying to encourage tourism. He felt that permitting rezoning would undermine the notion of a scenic route and negatively impact the view across the valley.

Another concern raised by Mr. Tanner related to safety. He felt that allowing this rezoning would engender "strip" development, both from the current application and, if the rezoning were to be approved, from many other subsequent applications. He noted that those who access the area for walking/recreation could be in danger from the resulting increase in traffic.

Mr. Tanner's final concern was that the activity undertaken to date (i.e. to clear some of the land under consideration for rezoning) was illegal. He stated that he objects in principle to allowing rezoning which would "reward" applicants for their unlawful behavior.

In conclusion, Mr. Tanner urged your Commissioner to take the community perspective into account.

Ms. Jean Briggs - Maddox Cove

Ms. Briggs stated that she was in agreement with much of what had already been said by the preceding speaker. She acknowledged that the hearing was to deal with the proposed rezoning and not the proposed housing development. However, she felt it was important to note that while it had been determined there were no geological concerns identified, she questioned whether the building platforms might change as a result of the development. She specifically referenced the fact that these lots are to be unserviced – thus requiring septic systems – and raised the question of whether the building platforms would remain stable as a result of this requirement.

Ms. Briggs also built on the preceding speaker's comments regarding safety in the area. She stated that a number of people (both children and adults) use the area as a recreational/walking area and felt their safety could be compromised if the rezoning was allowed and houses were built. Ms. Briggs suggested that matters might be improved if there was green space preserved in front of the development, along with a reduced speed limit to allow a continuation of the current recreational uses in the area.

In addition, Ms. Briggs wondered if, in the event this rezoning occurs, a compromise was possible in relation to the resulting development. She suggested that there be a requirement for the lot sizes to be increased to minimize the look of "strip" development.

Mr. John Dinn, MHA – Kilbride District

Mr. Dinn stated that he has some constituents involved in the property under consideration with some owning land for 30-40 years. He was approached by a few of these constituents in 2010 seeking his assistance in moving forward on rezoning the property. Mr. Dinn said that with the price of land today people should not be forced to seek other building lots when they own land in this area. He also said there is nothing wrong with people building on half-acre lots.

Mr. Dinn felt there would be very little impact arising from rezoning of the subject properties. He noted that the land under consideration is adjacent to the Town of Petty Harbor-Maddox Cove and thus is a logical extension of development which has already occurred. He stated this rezoning would allow the property owners to develop property which they have had for years. He referenced the fact that development had already been allowed on this road further east and on the opposite side from the subject properties.

In terms of any potential concerns emanating from installing septic systems to support the proposed development of the subject properties, Mr. Dinn noted that there would be no concerns. He referenced the regulatory regime provided by both the Province and City to guide such installation and maintenance.

He also referenced speed limits and said there are no safety concerns. Mr. Dinn said that there should not be any restriction on building houses because someone wants to walk or go on a bike.

Mr. Dinn's summary comments included:

- This application has been in process for more than two years;
- The municipalities in the region were contacted and have no concerns;
- If there are traffic concerns, the City's Traffic Engineer said the speed could be reduced;
- The wells would be artesian wells and would sufficiently accommodate the development as shown by a study commissioned by the Applicants; and
- The area where the subject properties are located does not have a scenic view.

Mr. Bernard Chafe – Petty Harbor

Mr. Chafe said he has been living in Petty Harbour since 1954. He stated that he had purchased his land (one of the subject properties) 35 to 40 years ago with the sole purpose of eventually providing building lots for his children when they were of the age to build.

Mr. Chafe said that his children now want to build on the land and raise their children there. He highlighted that land is expensive and as well one cannot buy a piece of land in the Town of Petty Harbor-Maddox Cove. He felt that the land along Maddox Cove Road is the only choice they have for a building lot.

In response to the issue of the impact this rezoning and proposed development would have on the "scenic" route, Mr. Chafe said this did not make sense given that residential development had already been allowed on one side of the road.

Note: Your Commissioner sought additional input from those in attendance but none was forthcoming.

3.3 Written submissions

A written submission was received from Ms. Jean Briggs, Mr. Adrian Tanner, Ms. Lori Clarke and Ms. Shelly Bryant ("the writers"). Of note, Mr. Tanner and Ms. Briggs attended the public hearing and provided input, as presented above. Several points were raised in this submission. These are summarized below:

3.3.1 The appearance and uses of Maddox Cove Road

The writers would be very distressed if "rezoning of this one small area of the road were to be followed by rezoning of either longer stretches of the road, or wider parts of the valley behind the road, with the aim of permitting strip development, worse, development of a subdivision along this road." They wrote that many residents value the rural nature of Petty Harbour-Maddox Cove very highly, and they use this 'hinterland' for recreational purposes. They hoped that the City equally values the open space nature of the Maddox Cove Road area.

They stated that if this rezoning occurred and development were permitted, then there should be a requirement for one-acre lot sizes. Half-acre lots would create the look of "strip development", which is not in keeping with the rural nature of the area and would detract from the attractiveness of the Town of Petty Harbour-Maddox Cove, both for the tourists that Petty Harbour hopes to attract and for present residents.

3.3.2 Safety

The writers stated that pedestrians and cyclists already run considerable danger from traffic. They cite speeding being an existing concern along this road and stated that houses along the road would increase the volume of traffic and create hazards for those using the roadway for recreational purposes. To mitigate these dangers, as well as to encourage recreational use of the road, they cited the need for reduced speed limits and as well provision of a trail/walkway space between the subject properties and the road way.

3.3.3 The foundations of building lots

The writers stated that "the ground along most of this 250-metre length of road in its 'normal' state drops off sharply to the valley behind. This drop-off has been built up with fill of earth and gravel so that it is level with the road." They felt that this was not sufficiently stable to support development arising from the proposed rezoning, in particular with the potential of erosion of the edge of these platforms from weather and with digging to support septic systems.

3.3.4 Notice for the hearings

The writers noted their appreciation of the City's advertising of the hearing, but stated that residents of another municipality likely do not attend to the City's activity, and so easily could miss a hearing which had relevance to them. They suggested that perhaps in future, notices concerning Maddox Cove Road could be posted on signs on the road itself.

4.0 CONSIDERATIONS

In reaching a conclusion on the merits of the proposed amendments, your Commissioner considered the following information.

4.1 Consistency with the Municipal Plan

4.1.1 *Efficient patterns of serviced development*

As stated in Section III-1 "Urban Form" of the St. John's Municipal Plan, the broadest objective of land use policies is to facilitate an efficient pattern of development. It is further noted in Section III-1.1 "Objective" that, in relation to development, the objective is to encourage compact urban form to reinforce the older areas of St. John's, to reduce the cost of municipal services, and to ensure orderly development in new areas.

It is further identified in Section III-1.2 "General Policies" that achieving a compact city requires, as one component, that the City must also limit growth in areas where it may threaten the natural environment and require the extension of infrastructure networks at undue cost.

Further to this vision and approach, the St. John's Municipal Plan speaks to development in serviced and unserviced areas, both of which reinforce information provided by the Department of Planning in relation to the subject properties. In particular, there are no municipal water and sewer services available in the area and it is not the City's intention to install such services.

III-1.2.1 Development in Serviced Areas

The City shall encourage new development and redevelopment in areas serviced with municipal water and sewer extending existing networks in adjacent areas where capacity is sufficient but, especially, emphasizing opportunities within currently serviced areas where existing systems can accommodate increased density or infill.

III-1.2.14 Municipal Services in Unserviced Areas

Residential Development shall not be permitted unless adequately serviced with municipal roads, water distribution, sewage disposal, and electrical distribution systems. Where such development is contemplated in unserviced areas, it shall

only be permitted after evaluation of the level of municipal services required, and the adequacy of private water and sewage disposal systems provided. [...]

Of note, in the November 19, 2010, correspondence from the Director of Planning and the Manager of Planning and Information to the City of St. John's Planning and Housing Committee, concern was expressed that rezoning land the subject properties could set a trend for further unserviced residential development in the area.

As previously detailed, the Water Resources Management Division (Department of Environment and Conservation) reviewed an external report which concluded that groundwater for the subject properties would be of sufficient quantity to support the proposed development should the proposed amendments be accepted. The Department of Environment and Conservation accepted the assessment as presented by the consultant, but also took the position that additional action was required to confirm and ensure the quantity and quality of the groundwater available to the subject properties.

Also as previously noted, concern was expressed that, "the risk of well interference among wells to be drilled in the proposed development, the increased risk of depleting the groundwater because [of] the increased demand and due to the paucity of the available groundwater data in the vicinity needed to evaluate these risks", the Department of Environment and Conservation required monitoring of groundwater levels in one well for a period of two years. Further they stated that the resulting data would benefit the City in planning for alternatives to on-site groundwater in the event the homes to be built depleted the available groundwater and required municipal water services to be provided.

As stated herein and of note once again, providing municipal services to the subject properties and more generally in the area is not the intent of the City. Also it would appear that if such monitoring is required in light of concerns with the quality and quantity of groundwater, this would contravene the St. John's Municipal Plan's policy on unserviced development which speaks to the need for adequacy of private water systems.

Section III-1.2.3 speaks to the City undertaking orderly and planned residential development.

The City shall:

1. increase densities in residential areas where feasible and desirable from a general planning and servicing point of view; [...]

4. minimize sprawl by encouraging large-scale integrated developments in all expansion areas.

The Municipal Plan recognizes three overall forms of development including “Rural Infill”. It is important to note that Section III-1.3 (Land Use District Policies) of the Municipal Plan identifies that this form of development is exempt for Scenic Roads:

[...] rural infill development is limited rural development in partly developed, unserviced areas along public roads existing as of January 1, 1992, exempt for Arterials and Scenic Roads as identified in the Regional Plan. Infill is allowed to rationalize the provision of limited municipal services for such unserviced areas, provided it does not necessitate premature installation of full municipal services.

4.1.2 Restricted Development

The subject properties are located within the Restricted Development District (RES) of the St. John’s Municipal Plan (Section III-8.3.5):

The Restricted Development District applies to those lands having inherent environmental hazards such as steep slopes, unstable soils, poor drainage, flood susceptibility, or similar physical conditions that make them unsuitable for urban development. Lands so designated are to be managed in such a fashion as to complement adjacent land uses and protect them from any physical hazards or their effects.

Buildings

No buildings or structures are to be permitted except those incidental and/or accessory to uses permitted in the District, and structures required for erosion and flood control.

The November 21, 2012 report on the assessment of geological hazard for the subject properties identified that the area has some, albeit low, risk for slope failure.

4.1.3 Blackhead Planning Area (Area 17)

Part IV of the Municipal Plan addresses local planning within the City of St. John’s. It identifies that the City has been divided into a number of Planning Areas (unique recognizable neighbourhoods) and that:

The general policies of the Municipal Plan can be translated into detailed neighbourhood land use plans in the form of Planning Area Development Plans (PADPs). [...] PADPs are to be policy documents. They should provide general direction for the development of the area they address.

The subject properties are located within the Blackhead Planning Area (Area 17), which sets out residential zoning in the areas designated for Community Development (the village of Blackhead) and Rural Residential along a limited section of the Cape Spear Highway.

The description of Planning Area 17 (see Section IV-8) notes that the balance of the Planning Area is entirely rural in character. The objectives of the PADP for this Area (Section IV-8.1) speak to preservation of its rural character:

1. to establish Blackhead as an attractive rural village with safe and dependable private water supply and waste disposal services; and
2. to protect the recreational/cultural potential of the rural area and Cape Spear National Historic Park by prohibiting incompatible urban and rural land uses outside the Community of Blackhead.

There are no municipal water and sewer services available in this Area and as per the City's policies, it is not their intention to install such services in this Area as highlighted in Section IV-8.2.4 Water Supply and Waste Disposal Services:

Water supply and waste disposal are to be provided privately in accordance with the City's regulations. Is not intended that a municipal system be provided.

Section IV-8.2.6 highlights that Maddox Cove Road is one of two roads in Area 17 which is designated as a scenic road:

Blackhead Road and Maddox Cove Road are classified as Scenic Roads. To maintain and improve the scenic quality of these roads, development of these roads shall be processed in accordance with the requirements of the SJURRP.

4.2 Consistency with the St. John's Urban Region Regional Plan

As previously stated, and as detailed in Section I-1.4 of the Municipal Plan (Relation to Other Levels of Planning) the St. John's Municipal Plan must conform to the SJURRP, which was adopted by the Province in 1976. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas, and designated scenic roads.

The SJURRP's regional objectives, as set out in Section "B" (Objectives), include:

2. To guide the location of new development in the best interests of the entire region.
5. [...] to preserve in its natural state land that should not be developed due to its physical characteristics
11. To allow for and to encourage the fullest growth and development of individual communities within the Region within limits set by:
 - a) the existing and likely future extent of municipal services; [...]
 - c) the need to protect regional resources including [...] scenic resources; [...]
12. to encourage development to concentrate within defined urban areas; [...]
14. to conserve the rural qualities of the region by discouraging non-rural development outside of areas designated for urban uses.

The SJURRP speaks to the importance of concentrating development primarily within an urban core while allowing limited infill as set out in Section "D" (Basis of the Plan):

[... T]he future form of development in the region will essentially be a strengthening of the St. John's-Mount Pearl/Newtown-Conception Bay axis. An evaluation of alternative ways in which the anticipated population increase [in the region] can be accommodated within this structure has led to the selection of a concentrated form of development, recognizing the advantages of developing areas adjacent to St. John's as opposed to directing significant additional growth beyond the infilling level of existing settlements outside the present urban area.

However it is intended that communities outside the Regional Centre shall be able to develop to the extent possible within the limits described in Objective #11 by

means of infilling and by designation where appropriate of a core area in which some development in depth may be possible.

Within this concept of concentration it is the intent of the St. John's urban Region Regional Plan to ensure that development takes place so that available land may realize its fullest potential, but in such a way that will be of greatest benefit to all members of the community.

As this section details, the SJURRP provides a basic division between urban and rural areas. It states that in the rural parts of the region the general intent of the Plan is “[...] to confine development to uses not requiring urban services, to protect the region’s natural resources, and to maintain a rural environment.” Further it notes that the only development permitted shall be limited infill in already developed areas and in accordance with the Plan’s policies. As with the City’s approach, the SJURRP has a focus on planned development.

4.2.1 The proposed City amendments and the SJURRP

The November 7, 2011 correspondence from the Manager of Land Use Planning to the Director of Planning advised that the amendments related to the subject properties were contrary to the SJURRP for two reasons:

- The area under consideration for rezoning is designated as “Restricted” in the Regional Plan; lands so designated are intended primarily for preservation, typically due to physical or environmental hazards.
- Maddox Cove Road is classified in the SJURRP as a Scenic Road and this classification intends to retain the landscape in its natural form.

Restricted Development

Section “F” (Non-Urban Development) of the SJURRP, includes a section (“c”) on Restricted Development. The policy related to this type of development states that:

Lands designated as Restricted Development are intended primarily for preservation and conservation for the natural environment. Such uses as agriculture, outdoor recreation, nursery, gardening, forestry and conservation shall be permitted. In addition, public or private parks or other outdoor recreation functions such as golf courses, hunting and fishing shall also be permitted. No

buildings, nor the placing, nor removal or fill of any kind whether originating on the site or elsewhere, shall be permitted in areas subject to periodic flooding or physical limitation.

This policy does identify that an application for the re-designation [of] restricted development lands for other purposes can be contemplated after consideration of the existing environmental and/or physical hazards, the potential impacts of these hazards and the methods by which these hazards may be overcome. As stated previously, the report on the assessment of geological hazards for the subject properties identified that the area has some, albeit low, risk for slope failure.

Scenic Roads

Section "H" (Transportation) of the SJURRP speaks to "Scenic Roads".

Scenic roads are intended to provide both traffic service and access but the principle behind the development of such roads is to develop leisurely routes where scenic potential is of greater importance than the speed of traffic and optimum grades.

The policy associated with Scenic Roads speaks to these areas being amenable to leisurely and tourist use, e.g. provision of picnic sites and toilet facilities; highlighting views of communities and other features of historic or special tourist interest; limiting advertising and signage; and paying special attention to the treatment of the natural landscape – enabling views/planting to supplement vegetation. This policy states that "[i]n general, every effort should be made to retain the landscape in its natural form."

This policy also contemplates building or development permits along scenic roads. However it states that "[...] such development shall be required to meet all appropriate provisions of the Plan affecting the land use in the particular area, and in addition, special attention should be given to [for example] the location of any buildings and their setback from the highway in relation to the scenic attractiveness of the area."

As referenced previously, correspondence from the Department of Planning to the Mayor and Members of Council, stated that "[...] it is most likely that the City zoned the subject properties as OR a number of years ago to conform to the land use designation and policies of the SJURRP to prohibit development along this section of Maddox Cove Road." A review of Section 10.37

“Open Space Reserve” of the St. John’s Development Regulations details uses in keeping with the SJURRP’s Restricted Development and Scenic Roads policies:

10.37.1 Permitted Uses

Recreational:

(a) Wilderness Activities; that is activities usually associated with undeveloped natural lands accessible to the general public, and which are not prohibited under any government regulations. Such activities may include: hiking, swimming, skiing, fishing, berry picking, hunting and wood cutting.

Rural Uses

The SJURRP contemplates residential development in rural areas as described in Section “F” (Non-Urban Development) under section “b” (Rural Uses). It provides for residential demand while still retaining the qualities of a rural environment:

This designation makes provision for the demand for residential and other forms of development in the rural areas. The main objectives is to provide for such demand while still retaining the qualities of a rural environment.

The related policy does articulate concerns with “strip” or “ribbon” development along major roads and highways, noting that the exceptions shall be infilling in presently developed areas along local and collector roads. This section does however note that residential development may be permitted in Rural areas when several criteria are met including the following:

...b) the site can accommodate the proposed development with minimal impact on the natural landscape by reason of the tree cover and its retention, proposed layout and landscaping, topography and where possible screening from public roads and public viewpoints;

c) it is not located on lands which [...] present certain hazards such as flooding and steep slopes [...].

It is important to reflect on whether or not the aforementioned objectives can be met should the rezoning of the subject properties occur and residential development be permitted. A visual inspection of the site identified that some preliminary and premature clear-cutting of the subject

properties has been done without the required City permits or permission. Additionally, some of the subject properties cannot meet the 60m depth standard for an Rural Residential Infill (RRI) zone building lot, due to lack of a 60m depth. It would seem therefore that these properties might be constrained in their capacity to retain the trees along their frontage for screening from the public road and thus to preserve the rural attractiveness and nature of the scenic road.

Also as previously stated, the November 21, 2012 report on the assessment of geological hazard for the subject properties identified that the area has some, albeit low, risk for slope failure.

4.3 Existing development on Maddox Cove Road

During the course of the hearing reference was made to the existing dwellings along Maddox Cove Road. As previously referenced, the existing dwelling at #305 Maddox Cove Road was developed without permits and contrary to applicable zoning when the area was administered by the St. John's Metropolitan Area Board. It is important to state that this dwelling was developed illegally under this regulatory Board and, as well, would be prohibited under the current City and SJURRP regulatory framework.

On the south side and further east of the subject properties on Maddox Cove Road are a limited number of one acre lots which have a wide frontage and a shallow depth. These lots, located in the Rural Zone, comprise the Cape Spear Estates development.

At the time of the application for this development, the Rural Zone permitted residential development as an Accessory Dwelling Unit, which as defined in the St. John's Development Regulations (Section 2 – Definitions) is:

A Dwelling Unit for a caretaker or essential workmen accessory to a permitted Use when the unit is included in the main Building or, in the case of land extensive uses such as Agriculture, Forestry or Salvage Yards, when the Dwelling Unit is situated on the same property as the use and forms part of the Use.

In other words, a residential dwelling would be allowed, but only if it was accessory to another permitted use within the Rural Zone.

Also at the time of the application for the Cape Spear Estates development, Section 10.38 (Rural (R) Zone of the St. John's Development Regulations did not define in detail the depth and scope of the other permitted uses with which the Accessory Dwelling Unit would be associated, i.e. a

Forestry, Agriculture-Livestock or Horticulture operation. As a result, this allowed the developer for the Estates to identify that low impact activity such as a “hobby farm” or greenhouse would qualify as an Agricultural use.

Following the approval of the Cape Spear Estates development on Maddox Cove Road, Section 10.38 of the St. John’s Development Regulations was amended to set out very detailed and specific guidelines of the operations which must be present in order to allow for the development of an Accessory Dwelling Unit. The focus is now on large scale and intensive Agriculture-Livestock, Farming and Horticultural uses which include a stipulation that only one (1) Accessory Dwelling Unit shall be permitted on any given property.

Through these amendments to Section 10.38 of the St. John’s Development Regulations, the City has undertaken action to prevent further residential subdivisions and/or strip development along Maddox Cove Road and more broadly land in the Rural Zone. It is clear that in approving these amendments in 2009 the Council of the time recognized the importance of protecting the rural nature and integrity of areas such as Maddox Cove Road.

5.0 CONCLUSION

It is clear to your Commissioner that the St. John’s Municipal Plan and the SJURRP contemplate the need to and importance of protecting the rural nature of the subject properties through designation of same as Restricted Districts, and as well through the SJURRP’s identification of Maddox Cove Road as a “Scenic Road”. Further, and as previously stated, under the St. John’s Development Regulations, this area is zoned as Open Space Reserve (OR) to conform to the land use designation and policies of the SJURRP so as to prohibit development along this section of Maddox Cove Road.

While the SJURRP contemplates some development along Scenic Roads, it is respectfully suggested that this is not the primary or desired intent, given the many and varied restrictions to be imposed should this be contemplated. It is important to reiterate that the existing dwelling at #305 Maddox Cove Road was erected illegally under the former regulatory regime of the St. John’s Metropolitan Board and would not be permitted under the current regulatory regimes of either the SJURRP or the St. John’s Municipal Plan. Further, while the Cape Spear Estates development was allowed to proceed, required action was taken by the City and endorsed by the Council of the time to prevent such development in the future and thus protect both the rural nature and integrity, as well as the scenic value of, areas such as Maddox Cove Road.

Section “D” (Basis of the Plan) of the SJURRP also notes that an increasing part of the region’s economy in the foreseeable future will be related to the tourist industry. The policies which speak to Scenic Roads in the Regional Plan also consider uses which would make the Scenic Roads more amenable – not less amenable – to tourists. Your Commissioner respectfully suggests that allowing infill/strip development along Maddox Cove Road will significantly detract from the rural nature of the road and thus its tourism value.

It is equally clear that both the SJURRP and the St. John’s Municipal Plan recognize that it is important to prevent urban sprawl and strip development. Your Commissioner is of the opinion that by allowing the amendments under consideration, this intent will be compromised. Several properties along Maddox Cove Road are privately owned and the presence of one of the owners at the hearing for the subject property – who questioned why their request for rezoning had been previously rejected and who noted they would be watching the outcome of this hearing with interest – supports the belief that rezoning of the subject properties will spur numerous other applications for both sides of Maddox Cove Road. Rezoning land in this location could set a trend for similar applications from other private property owners along the Road wishing to develop their land, resulting in further unserviced residential development in the area. This is of even more concern when one reflects on the fact that the Department of Environment and Conservation stated that there is “[...] risk of well interference among wells to be drilled in the proposed development, the increased risk of depleting the groundwater because [of] the increased demand and [...] paucity of the available groundwater data in the vicinity needed to evaluate these risks”.

Rezoning of the subject properties is not supported by the City’s or the Province’s planning policies, which seek to prevent the designation of new lands for unserviced residential development, to enable orderly and planned urban development not urban sprawl, and to protect the rural nature of areas so zoned.

In conclusion, your Commissioner is of the view that the original zoning and designations for the subject properties were instituted to protect the rural and scenic nature of the properties in question and more broadly of the Maddox Cove Road area, and to prevent disorderly unplanned development of unserviced areas.

6.0 RECOMMENDATION

Based on the foregoing considerations, your Commissioner recommends the following:

Rejection of the following amendments:

St. John's Municipal Plan (*Amendment Number 95, 2013*)

- Redesignate land at the west end of Maddox Cove Road, adjacent to the municipal boundary of the City with the Town of Petty Harbour-Maddox Cove, from the Restricted Land Use District to the Rural (R) Land Use District.

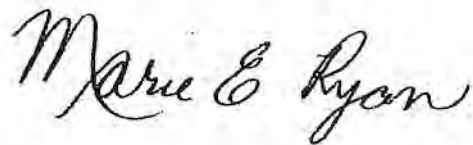
St. John's Development Regulations (*Amendment Number 512, 2013*)

- Rezone land at the west end of Maddox Cove Road, adjacent to the municipal boundary of the City with the Town of Petty Harbour-Maddox Cove, from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone.

St. John's Urban Region Regional Plan (*Amendment Number 1, 2012*)

- Re-designate land on Maddox Cove Road from "Restricted" to "Rural".

RESPECTFULLY SUBMITTED THIS 12TH DAY OF JULY 2013.



Marie. E Ryan,
Commissioner

APPENDIX "A" - Written Submission

2013-05-17

Re: Department of Planning File # B-17-M.10

To the Department of Planning and Development:

We understand that four requests have been made to the City Planning Dept for the rezoning of land on the north side of the Maddox Cove Road, adjacent to the City Limit—and in one case straddling the City Limit, with one foot in Petty Harbour-Maddox Cove.

These zoning changes were requested by the owners of this land – about 250 metres in total length – for the purpose of enabling houses to be built on their land. We understand that the City is considering ½-acre building lots, each with 30 metre road frontage, and no deeper than 62 metres.

We also know that the process of granting building permits is separate from the process of rezoning, and understand that rezoning in and of itself does not entail the granting of building permits.

We understand the wish of these landowners to build on the land they have inherited. And in principle, we are not opposed to houses being built on this 250-metre stretch of road, 62 metres deep, if the City judges the site suitable for houses, despite the fact that the land seems to fit rather well the criteria for Restricted Development: steep slopes, unstable soils....

However, we have several concerns:

Re: the appearance and uses of the Maddox Cove Road:

Although 8 houses on 1/2-acre lots with 30-metre frontage would fit in this 250-metre stretch, we would strongly prefer that only 4 houses on 1-acre lots be permitted. Half-acre lots look like 'strip development', which is not in keeping with the rural nature of the area and would detract from the attractiveness of Petty Harbour-Maddox Cove, both for the tourists that Petty Harbour hopes to attract and for present residents.

We would also be very distressed if rezoning this one small area of the road were to be followed by rezoning either longer stretches of the road, or wider parts of the valley behind the road, with the aim of permitting strip development, or, worse, development of a subdivision along this road. Many residents value the rural nature of Petty Harbour-Maddox Cove very highly, and they use this 'hinterland' for recreational purposes: walking, berry picking, and so on. We hope that the City values the open space nature of the Maddox Cove Road as we do.

The road is also widely used by residents as a place to walk and cycle for exercise. Pedestrians and cyclists already run considerable danger from traffic – which often goes faster than the legal 80 kph. Houses along the road would increase the volume of traffic and create hazards for children who live in the houses, as well as for the present pedestrians and cyclists, as cars emerge from driveways.

To mitigate these dangers, as well as to encourage recreational use of the road, we would like to see the speed limit reduced to 60 kph. We would also like to see a trailway for the use of pedestrians and cyclists built along the north side of the road between the houses and the road. Eventually, we would like to have such a trailway extend from one end of the road to the other, a distance of approximately

3 km. For now, however, we would like to have house-building permits require space to be designated for such a path between the lot and the road. 2

Re: the foundations of building lots:

The ground along most of this 250-metre length of road in its 'normal' state drops off sharply to the valley behind. But this drop-off has been built up with fill of earth and gravel so that it is level with the road. This foundation doesn't seem to us stable enough to support houses, especially houses built on unserviced lots, into which wells and septic systems would have to be dug. The edges of these platforms could also erode in the heavy weather we are subject to.

Comment on the Notice given by the City concerning this rezoning proposal and the Public Hearing to follow:

The undersigned only learned of this proposal and attendant hearing by chance on Monday (5/13), from a friend who lives in St. John's and reads the City's website. We appreciate that the City does attempt, by various means, to notify the Public of impending Hearings. However, as we Petty Harbour residents are not usually concerned with City matters, we don't read the Telegram carefully (or at all, in some cases), nor do we keep track of the City's postings on social media or their website. Perhaps in future, notices concerning the Maddox Cove Road could be posted on signs on the road itself. We are sure other residents of the Town would have been interested, too, if they had known about these proposed changes to the road.

(signed)

Jean Briggs [redacted] Petty Harbour, A0A 3H0

Lori Clarke [redacted] Petty Harbour, A0A 3H0 & [redacted] Fleming Street, St. John's, A1C 3A2

Adrian Tann [redacted] Petty Harbour, A0A 3H0

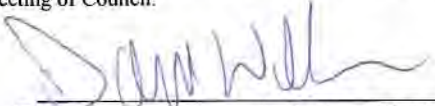
Shelley Bryson [redacted] Petty Harbour, A0A 3H0

NOTICES PUBLISHED

Applications which have been advertised in accordance with the requirements of Section 5.5 of the St. John's Development Regulations and which are to be considered for approval by Council at the **Regular Meeting of Council on Tuesday, April 22, 2014**

Ref #	Property Location/ Zone Designation	Ward	Application Details	Floor Area (square metres)	# of Employees (includes the applicant)	# of On-Site Parking Spaces	Written Representations Received	Planning and Development Division Notes
1	355 Main Road Commercial Neighbourhood (CN) Zone	5	Goulds Food Inc. has submitted an application for a text amendment to the St. John's Development Regulations which would have the effect of allowing a Lounge as a Discretionary Use in the Commercial Neighbourhood (CN) Zone. This is related to a Jungle Jim's/Shamrock City Restaurant at 355 Main Road which was recently approved by Council. The applicant has also applied for approval of a permit for an outside deck for the restaurant/lounge: an outside deck for a restaurant or lounge within 150 metres (500 feet) of a Residential Zone is a Discretionary Use.				No submission received	The Planning and Development Division recommends approval of the application subject to all applicable City requirements.

The Office of the City Clerk and the Department of Planning, Development & Engineering, in joint effort, have sent written notification of the applications to property owners and occupants of buildings located within a minimum 150-metre radius of the application sites. Applications have also been advertised in The Telegram newspaper on at least one occasion and applications are also posted on the City's website. Where written representations on an application have been received by the City Clerk's Department, these representations have been included in the agenda for the Regular Meeting of Council.


 Jason Sinyard, P. Eng, MBA
 Director of Planning and Development

MEMORANDUM

Date: April 15, 2014

To: His Worship the Mayor and Members of Council

Re: **St. John's Development Regulations Amendment Number 597, 2014
Proposed Text Amendment to Allow a Lounge in the CN Zone and the
Establishment of a Lounge at 355 Main Road (Bidgood's Plaza), Ward 5
Applicant: Goulds Food Inc.
PDE File: 13-00012**

Goulds Food Inc. has submitted an application for an amendment to the text of the St. John's Development Regulations which would have the effect of allowing a Lounge as a Discretionary Use in the Commercial Neighbourhood (CN) Zone. This is associated with an application by Goulds Food Inc. to establish a *Jungle Jim's/Shamrock City* restaurant (Eating Establishment) at Bidgood's Plaza which was recently approved by Council as a Discretionary Use.

At the Regular Meeting of Council held on January 27, 2014 Council accepted the recommendation of the Planning and Development Committee of January 21, 2014 that the text amendment application be considered, and that the City proceed to advertise the application to establish a lounge as part of the *Jungle Jim's/Shamrock City* restaurant operation at Bidgood's Plaza, and to construct an outside deck for the seasonal use of the business. The proposed text amendment and the Discretionary Use application for 355 Main Road are scheduled to be referred to the agenda for the Regular Meeting of Council to be held on April 22, 2014 for consideration of adoption and approval.

The amendment and the Discretionary Use application have been advertised on two occasions in *The Telegram* newspaper and have been posted on the City website. In addition, notices have been mailed out to registered owners of property within 150 metres of the subject property. No written representations were received by the City Clerk's Department on the proposed amendment or Discretionary Use application.

RECOMMENDATION

Council should now determine if it wishes to move ahead with the amendment process for the Development Regulations text amendment; and the Discretionary Use application for Civic Number 355 Main Road. The Department of Planning, Development and Engineering recommends that:

ST. JOHN'S

1. Council proceed with the amendment process and formally adopt the St. John's Development Regulations Amendment Number 597, 2014.
2. Council approve the Discretionary Use application to allow an outside deck and a Lounge as part of Jungle Jim's/Shamrock City restaurant operation.

If the attached amendment is approved by Council, it will then be sent in accordance with the provisions of the *Urban and Rural Planning Act* to the Department of Municipal Affairs with a request for Provincial registration.



Ken O'Brien, MCIP
Chief Municipal Planner

PDB/dlm

Attachments

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 597, 2014**

WHEREAS the St. John's Municipal Council wishes to allow for the possibility of the Discretionary Use of property in the Commercial Neighbourhood (CN) Zone for a "Lounge".

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following text amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

**Amend Section 10.17.2. COMMERCIAL NEIGHBOURHOOD (CN)
ZONE – Discretionary Uses** by adding the following:

“(f) Lounge (subject to Section 7.21)”

and relabeling the remaining articles in Section 10.17.2 as required.

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 day of **April, 2014**.

Mayor


MCIP

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

City Clerk

22 April 2014
Council Adoption

Provincial Registration

**Report/Recommendations
Heritage Advisory Committee
April 11, 2014**

In Attendance: Councillor Dave Lane, Co-Chairperson
Councillor Sandy Hickman, Co-Chairperson
George Chalker, Heritage Foundation
Taryn Sheppard, Nexter Representative
Grant Genova, NL Historic Trust (alternate for Peter Jackson)
Wayne Purchase, Downtown St. John's
Melanie Del Rizzo, Business Representative
Sylvester Crocker, Manager of Technical Services
Lindsay Lyghtle Brushett, Planner
Peter Mercer, Heritage Officer
Karen Chafe, Recording Secretary

Report:

1. **315 Water Street – Sign Application**

The Committee considered an application for a sign to be situated at the corner of the building facing the alleyway. The sign is smaller than the maximum permitted and meets the Heritage Sign By-Law Regulations.

The Committee recommends approval of the sign as outlined in the application.

**Councillor Dave Lane
Co-Chair**

**Councillor Sandy Hickman
Co-Chair**

ONE11

chophouse



709-738 1011

one11chophouse.ca



MURRAY PREMISES
HOTEL
HOTEL,
RESTAURANTS
&
SHOPS
←

THE

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF April 10, 2014 TO April 16, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Proposed Building Lot	488-490 Southside	5	Approved	14-04-10
RES		Proposed Demo/Rebuild	58 Donovan's Road	5	Approved	14-04-14
RES	Dinvest Holdings Ltd.	Proposed Demo/Rebuild	66 Shoal Bay Road	5	Approved	14-04-15
COM		Home Office-Fashion Design Consultant	3 Barter's Hill Place	2	Approved	14-04-15
IND	Pennecon Ltd	Test Pits for Geological Analysis	4175 Trans Canada Hwy	5	Approved	14-04-16
COM	Pinnacle Engineering Ltd	Milestones Restaurant	10 Hebron Way	1	Approved	14-04-16
COM		Home Office – Software Development & Design	137 Ennis Avenue	1	Approved	14-04-16
COM		Home Office - Off site Consulting for Economic & Community Development	39 Mansfield Crescent	3	Approved	14-04-16
AG		Composting Facility	990 Power's Road	5	Rejected- Land Development Advisory Authority has rejected Agriculture use.	14-04-16

* Code Classification:
 RES - Residential INST - Institutional
 COM - Commercial IND - Industrial
 AG - Agriculture
 OT - Other

**Gerard Doran
Development Officer
Department of Planning**

** 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.

Building Permits List

Council's April 22, 2014 Regular Meeting

Permits Issued: 2014/04/10 To 2014/04/15

Class: Commercial

50 Aberdeen Ave	Ms	Retail Store
193 Kenmount Rd	Ms	Retail Store
431-435 Main Rd	Ms	Take-Out Food Service
57 Old Pennywell Rd	Ms	Retail Store
22 O'leary Ave	Ms	Restaurant
3 Stavanger Dr	Ms	Retail Store
390 Topsail Rd	Ms	Retail Store
390 Topsail Rd	Ms	Retail Store
340 Torbay Rd	Ms	Service Station
660 Torbay Rd	Ms	Retail Store
141 Torbay Rd	Ms	Restaurant
611 Torbay Rd	Ms	Retail Store
168 Water St., Del Sol	Sn	Retail Store
164 Major's Path	Co	Warehouse
146-152 Water St	Rn	Retail Store
82 O'leary Ave	Cr	Office
48 Kenmount Rd - Canada Post	Rn	Office
12 Gleneyre St, 2nd Floor	Rn	Office
260 Blackmarsh Rd-Optical	Rn	Clinic
238 Water St	Rn	Bank
This Week \$ 423,500.00		

Class: Government/Institutional

This Week \$.00

Class: Residential

19 Caravelle Pl, Mlot 20	Nc	Single Detached Dwelling
40 Cherrybark Cres	Nc	Single Detached Dwelling
103 Frecker Dr	Nc	Accessory Building
226 Ladysmith Dr, Lot 510	Nc	Single Detached & Sub.Apt
5 Legacy Pl	Nc	Accessory Building
7 Legacy Pl	Nc	Accessory Building
413 Newfoundland Dr	Nc	Accessory Building
20 Point Leamington St	Nc	Accessory Building
1 Prospero Pl-Unit 1	Nc	Semi-Detached Dwelling
1 Prospero Pl, Unit 2	Nc	Semi-Detached Dwelling
1 Prospero Pl, Unit 3	Nc	Semi-Detached Dwelling
1 Prospero Pl, Unit 4	Nc	Semi-Detached Dwelling
19 Stanford Pl, Lot 32	Nc	Single Detached Dwelling
250 Stavanger Dr, Lot 70	Nc	Single Detached Dwelling
26 Gil Eannes Dr	Co	Home Office
23 Otter Dr	Co	Home Office
26 Gil Eannes Dr	Cr	Single Detached Dwelling
121 Ladysmith Dr	Cr	Subsidiary Apartment
19 Waterford Hts S	Cr	Subsidiary Apartment
66 Stamp's Lane	Ex	Single Detached Dwelling
81 Calver Ave	Rn	Single Detached Dwelling
2 Chapel St	Rn	Townhousing
16 Collier's Lane	Rn	Single Detached Dwelling
14 Colonial St	Rn	Townhousing

11 Douglas St	Rn	Single Detached Dwelling
16a Drugget Pl	Rn	Single Detached Dwelling
69 Freshwater Rd	Rn	Single Detached Dwelling
48 Kenai Cres	Rn	Single Detached Dwelling
73 Long's Hill	Rn	Townhousing
77 Pearson St	Rn	Single Detached Dwelling

This Week \$ 1,975,900.00

Class: Demolition

62 Blackler Ave	Dm	Single Detached Dwelling
-----------------	----	--------------------------

This Week \$ 4,000.00

This Week's Total: \$ 2,403,400.00

Repair Permits Issued: 2014/04/10 To 2014/04/15 \$ 17,400.00

21 Fagan Drive - Your application for an accessory building is rejected as contrary to Section 8.3.6(2)(1).

Legend

Co	Change Of Occupancy	Sn	Sign
Cr	Chng Of Occ/Renovtns	Sw	Site Work
Nc	New Construction	Ex	Extension
Rn	Renovations	Dm	Demolition
Ms	Mobile Sign		

YEAR TO DATE COMPARISONS			
April 22, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$37,685,000.00	\$20,827,000.00	-45
Industrial	\$28,000.00	\$0.00	0
Government/Institutional	\$7,121,000.00	\$42,455,000.00	50
Residential	\$28,446,000.00	\$29,853,000.00	5
Repairs	\$711,000.00	\$489,000.00	-31
Housing Units (1 & 2 Family Dwellings)	85	56	
TOTAL	\$73,991,000.00	\$93,624,000.00	27

Respectfully Submitted,

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

MEMORANDUM

Weekly Payment Vouchers For The Week Ending April 15, 2014

Payroll

Public Works \$ 351,738.54

Bi-Weekly Casual \$ 22,520.34

Accounts Payable \$4,560,879.85

Total: \$ 4,935,138.73

ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

NAME	CHEQUE #	DESCRIPTION	AMOUNT
CANCELLED	00066796	CANCELLED	\$0.00
PARDY'S WASTE MANAGEMENT	00066797	WASTE DISPOSAL	\$795.76
MICROSOFT CANADA	00066798	SOFTWARE RENEWAL	\$229,542.37
NEWFOUNDLAND POWER	00066799	ELECTRICAL SERVICES	\$28,018.66
NEWFOUNDLAND EXCHEQUER ACCOUNT	00066800	PAYROLL DEDUCTIONS	\$134,443.90
PUBLIC SERVICE CREDIT UNION	00066801	PAYROLL DEDUCTIONS	\$8,595.83
JANES, SEAN	00066802	TRAVEL REIMBURSEMENT	\$2,366.90
PARDY'S WASTE MANAGEMENT	00066803	WASTE DISPOSAL	\$70.95
PARDY'S WASTE MANAGEMENT	00066804	WASTE DISPOSAL	\$72.09
BELBIN'S GROCERY	00066805	CATERING SERVICES	\$1,085.73
SAFWAY SERVICES CANADA INC.	00066806	PROGRESS PAYMENT	\$40,593.02
THE IDEA FACTORY	00066807	PRINTER SERVICES	\$5,881.65
POMERLEAU INC.,	00066808	PROGRESS PAYMENT	\$1,814,754.71
NEWFOUNDLAND POWER	00066809	ELECTRICAL SERVICES	\$49,427.47
PUROLATOR COURIER	00066810	COURIER SERVICES	\$46.63
LESTER FARMS INC. & JIM LESTER	00066811	DAMAGE CLAIM	\$1,300.64
WATERWORKS SUPPLIES DIV OF EMCO LTD	00066812	REPAIR PARTS	\$351.90
PINNACLE OFFICE SOLUTIONS LTD	00066813	PHOTOCOPIES	\$103.29
DICKS & COMPANY LIMITED	00066814	OFFICE SUPPLIES	\$54.04
MANNA EUROPEAN BAKERY AND DELI LTD	00066815	REFRESHMENTS	\$144.28
MICRO-TECH COMPUTER CENTER INC	00066816	COMPUTER EQUIPMENT	\$90.39
WORKPLACE HEALTH, SAFETY AND COMPENSA	00066817	PAYROLL DEDUCTIONS	\$1,946.46
THE NEWFOUNDLAND QUARTERLY	00066818	SUBSCRIPTION RENEWAL	\$76.95
AUTOMOTIVE SUPPLIES 1985 LTD.	00066819	AUTO SUPPLIES	\$111.77
HATCH MOTT MACDONALD	00066820	PROFESSIONAL SERVICES	\$15,255.00
KAVANAGH & ASSOCIATES	00066821	PROFESSIONAL SERVICES	\$42,165.49
MCLOUGHLAN SUPPLIES LTD.	00066822	ELECTRICAL SUPPLIES	\$2,854.18
CITY OF ST. JOHN'S	00066823	REPLENISH PETTY CASH	\$323.30
RECEIVER GENERAL FOR CANADA	00066824	PAYROLL DEDUCTIONS	\$687,008.63
RECEIVER GENERAL FOR CANADA	00066825	PAYROLL DEDUCTIONS	\$227,797.02
CPA NATIONAL OFFICE	00066826	REGISTRATION FEE	\$56.50
ANNETTE OLDFORD	00066827	TUITION FEE	\$394.80
WATER ENVIRONMENT FEDERATION	000000770	MEMBERSHIP FEE	\$209.16
WONDERLIC	000000771	REPAIR PARTS	\$909.15
CITRIX SYSTEMS, INC.	000000772	SOFTWARE RENEWAL	\$18,975.94
EVOQUA WATER TECHNOLOGIES LLC	000000773	REPAIR PARTS	\$6,200.49

NAME	CHEQUE #	DESCRIPTION	AMOUNT
ACKLANDS-GRAINGER	00066828	INDUSTRIAL SUPPLIES	\$1,278.74
AE CONSULTANTS LTD.	00066829	PROFESSIONAL SERVICES	\$2,188.25
ASHFORD SALES LTD.	00066830	REPAIR PARTS	\$187.35
ATLANTIC OFFSHORE MEDICAL SERV	00066831	MEDICAL SERVICES	\$2,632.80
B & B SALES LTD.	00066832	SANITARY SUPPLIES	\$152.55
BABB LOCK & SAFE CO. LTD	00066833	PROFESSIONAL SERVICES	\$339.00
COSTCO WHOLESALE	00066834	MISCELLANEOUS SUPPLIES	\$252.60
KELLOWAY CONSTRUCTION LIMITED	00066835	CLEANING SERVICES	\$2,135.70
ROBERT BAIRD EQUIPMENT LTD.	00066836	RENTAL OF EQUIPMENT	\$4,392.60
DISCOUNT CAR & TRUCK RENTALS	00066837	VEHICLE RENTAL	\$758.15
NEWFOUNDLAND EXCHEQUER ACCOUNT	00066838	RENEWAL OF CERTIFICATES	\$1,000.05
HERCULES SLR INC.	00066839	REPAIR PARTS	\$983.62
STAPLES THE BUSINESS DEPOT - OLD PLACEN	00066840	STATIONERY & OFFICE SUPPLIES	\$20.61
TOWN OF CONCEPTION BAY SOUTH	00066841	SNOW CLEARING	\$250.00
TONY'S TAILOR SHOP	00066842	PROFESSIONAL SERVICES	\$231.65
CABOT PEST CONTROL	00066843	PEST CONTROL	\$583.65
ROCKWATER PROFESSIONAL PRODUCT	00066844	CHEMICALS	\$4,062.15
STANTEC CONSULTING LTD. (SCL)	00066845	PROFESSIONAL SERVICES	\$3,164.00
BLACK & MCDONALD LIMITED	00066846	PROFESSIONAL SERVICES	\$745.80
S & L ENTERPRISE	00066847	RENTAL OF EQUIPMENT	\$34,771.71
BLAZER CONCRETE SAWING & DRILL	00066848	PROFESSIONAL SERVICES	\$7,051.20
FORBES STREET HOLDINGS LTD	00066849	REFURBISH VACANT UNIT	\$7,354.04
TRACT CONSULTING INC	00066850	PROFESSIONAL SERVICES	\$19,534.44
BRENKIR INDUSTRIAL SUPPLIES	00066851	PROTECTIVE CLOTHING	\$1,491.14
JLG TRANSPORATION LTD.	00066852	REFUND OVERPAYMENT OF TAXES	\$25.19
PINNACLE OFFICE SOLUTIONS LTD	00066853	PHOTOCOPIES	\$1,527.93
SPECTRUM INVESTIGATION & SECURITY 1998 L	00066854	SECURITY SERVICES	\$5,096.55
MAX DUFFETT & SONS LTD.	00066855	RENTAL OF EQUIPMENT	\$508.50
STAPLES THE BUSINESS DEPOT - STAVANGER	00066856	STATIONERY & OFFICE SUPPLIES	\$20.91
CABOT BUSINESS FORMS/CABOT PROMOTIONS	00066857	BUSINESS FORMS	\$1,124.35
SPARTAN ATHLETIC PRODUCTS	00066858	SPORTING SUPPLIES	\$169.50
TRIWARE TECHNOLOGIES INC.	00066859	COMPUTER EQUIPMENT	\$4,521.13
CHESTER DAWE CANADA - O'LEARY AVE	00066860	BUILDING SUPPLIES	\$318.98
CABOT FORD LINCOLN SALES LTD.	00066861	REPAIR PARTS	\$94.92
CANADIAN CORPS COMMISSIONAIRES	00066862	SECURITY SERVICES	\$8,232.53
AIR LIQUIDE CANADA INC.	00066863	CHEMICALS AND WELDING PRODUCTS	\$4,920.06

NAME	CHEQUE #	DESCRIPTION	AMOUNT
HISCOCK'S SPRING SERVICE	00066864	REPAIR PARTS	\$1,844.39
DAVE CARROLL	00066865	BAILIFF SERVICES	\$829.50
CARSWELL DIV. OF THOMSON CANADA LTD	00066866	PUBLICATIONS	\$765.52
WAL-MART 3196-ABERDEEN AVE.	00066867	MISCELLANEOUS SUPPLIES	\$45.06
ROGERS CABLE	00066868	INTERNET SERVICES	\$287.42
ROLEY CONSTRUCTION LTD.	00066869	RENTAL OF EQUIPMENT	\$1,265.60
NORTH ATLANTIC SUPPLIES INC.	00066870	REPAIR PARTS	\$216.28
CLEARWATER POOLS LTD.	00066871	POOL SUPPLIES	\$3,541.71
COLONIAL GARAGE & DIST. LTD.	00066872	AUTO PARTS	\$263.78
CONSTRUCTION SIGNS LTD.	00066873	SIGNAGE	\$64.97
THE IDEA FACTORY	00066874	PRINTER SERVICES	\$994.41
MARY BROWN'S MILA FOODS INC.	00066875	LUNCHEON	\$55.84
J-3 CONSULTING & EXCAVATION LIMITED	00066876	RENTAL OF EQUIPMENT	\$1,727.78
CRANE SUPPLY LTD.	00066877	PLUMBING SUPPLIES	\$313.32
THOMAS GLASS INCORPORATED	00066878	GLASS INSTALLATION	\$192.10
CURTIS DAWE	00066879	PROFESSIONAL SERVICES	\$41,778.21
KENDALL ENGINEERING LIMITED	00066880	PROFESSIONAL SERVICES	\$2,474.70
AUTOCHOICE	00066881	AUTO PARTS	\$142.73
DICKS & COMPANY LIMITED	00066882	OFFICE SUPPLIES	\$1,160.20
WAJAX POWER SYSTEMS	00066883	REPAIR PARTS	\$4,222.86
REEFER REPAIR SERVICES LTD.	00066884	REPAIR PARTS	\$340.51
CAHILL INSTRUMENTATION LTD.	00066885	PROFESSIONAL SERVICES	\$226.00
CANADIAN TIRE CORP.-KELSEY DR.	00066886	MISCELLANEOUS SUPPLIES	\$283.32
EAST CHEM INC.	00066887	CHEMICALS	\$621.50
ELECTRONIC CENTER LIMITED	00066888	ELECTRONIC SUPPLIES	\$14.63
EMM HARDCHROME & HYDRAULIC LTD	00066889	REPAIR PARTS	\$929.20
HOME DEPOT OF CANADA INC.	00066890	BUILDING SUPPLIES	\$140.01
DOMINION STORE 935	00066891	MISCELLANEOUS SUPPLIES	\$19.49
EMERGENCY REPAIR LIMITED	00066892	AUTO PARTS AND LABOUR	\$4,453.20
FRESHWATER AUTO CENTRE LTD.	00066893	AUTO PARTS/MAINTENANCE	\$3,357.58
JENNIFER GILL	00066894	RECREATION PROGRAM REFUND	\$56.00
PRINCESS AUTO	00066895	MISCELLANEOUS ITEMS	\$333.23
MANULIFE FINANCIAL	00066896	LTD PREMIUMS	\$413.22
DALHOUSIE UNIVERSITY	00066897	TUITION FEES	\$12,530.00
GLOBALSTAR CANADA SATELLITE CO	00066898	SATELLITE PHONES	\$112.95
STELLAR INDUSTRIAL SALES LTD.	00066899	INDUSTRIAL SUPPLIES	\$2,198.09

NAME	CHEQUE #	DESCRIPTION	AMOUNT
ATLANTIC OILFIELD & INDUSTRIAL SUPPLY	00066900	INDUSTRIAL SUPPLIES	\$160.69
DW MECHANICAL	00066901	REPAIR PARTS	\$2,955.90
SIMPLEX GRINNELL	00066902	PROFESSIONAL SERVICES	\$416.01
WOLSELEY CANADA WATERWORKS	00066903	REPAIR PARTS	\$710.03
THE WORKS	00066904	MEMBERSHIP FEES	\$315.28
KEITH W. BUSSEY EXCAVATING LTD	00066905	RENTAL OF EQUIPMENT	\$3,032.92
HARVEY & COMPANY LIMITED	00066906	REPAIR PARTS	\$9,064.13
A HARVEY & CO. LTD.	00066907	ROAD SALT	\$128,425.22
HARVEY'S OIL LTD.	00066908	PETROLEUM PRODUCTS	\$61,858.36
PRACTICAR CAR & TRUCK RENTALS	00066909	VEHICLE RENTAL	\$2,822.74
HISCOCK RENTALS & SALES INC.	00066910	HARDWARE SUPPLIES	\$20.34
CAR GUYS APPEARANCE CENTER INC.	00066911	AUTO CLEANING	\$180.74
HUMPHRY'S RESTAURANT & PUB	00066912	LUNCHEON	\$1,267.20
ON GRADE (NL) INC.,	00066913	SURVEY EQUIPMENT	\$2,796.75
SCOTIA RECYCLING (NL) LIMITED	00066914	PROFESSIONAL SERVICES	\$806.31
CERTIFIED LABS	00066915	REPAIR PARTS	\$705.06
SPARTAN INDUSTRIAL MARINE	00066916	SAFETY SUPPLIES	\$271.09
ISLAND HOSE & FITTINGS LTD	00066917	INDUSTRIAL SUPPLIES	\$409.23
PRINTER TECH SOLUTIONS INC.,	00066918	REPAIRS TO EQUIPMENT	\$1,065.61
CDMV	00066919	VETERINARY SUPPLIES	\$424.48
HOME APPLIANCE REPAIR LTD.	00066920	REPAIRS TO APPLIANCES	\$3,125.11
VITALAIRE CUSTOMER CARE	00066921	PROFESSIONAL SERVICES	\$68.69
BF KENNEDY SOUND SYSTEMS LTD	00066922	PROFESSIONAL SERVICES	\$2,373.00
XYLEM WATER SOLUTIONS CANADA	00066923	REPAIR PARTS	\$1,708.00
ATLANTICA MECHANICAL SERVICES	00066924	PROFESSIONAL SERVICES	\$1,665.44
CENTINEL SERVICES	00066925	PROFESSIONAL SERVICES	\$694.96
RENEE PHAIR HEALEY, REGISTERED PSYCH.	00066926	PROFESSIONAL SERVICES	\$135.00
COLLEGE OF THE NORTH ATLANTIC	00066927	TRAINING	\$259.90
BLACKOUT DRIVEWAY SEALING	00066928	PROFESSIONAL SERVICES	\$282.50
DR. WILLIAM MOORES	00066929	MEDICAL EXAMINATION	\$20.00
DATARITE.COM	00066930	STATIONERY & OFFICE SUPPLIES	\$178.54
MANNA EUROPEAN BAKERY AND DELI LTD	00066931	REFRESHMENTS	\$275.79
MARK'S WORK WEARHOUSE	00066932	PROTECTIVE CLOTHING	\$305.04
JT MARTIN & SONS LTD.	00066933	HARDWARE SUPPLIES	\$385.44
MARTIN'S FIRE SAFETY LTD.	00066934	SAFETY SUPPLIES	\$341.26
MIKAN INC.	00066935	LABORATORY SUPPLIES	\$563.87

NAME	CHEQUE #	DESCRIPTION	AMOUNT
WAJAX INDUSTRIAL COMPONENTS	00066936	REPAIR PARTS	\$207.22
NU-WAY EQUIPMENT RENTALS	00066937	RENTAL OF EQUIPMENT	\$2,712.00
NEWFOUNDLAND DISTRIBUTORS LTD.	00066938	INDUSTRIAL SUPPLIES	\$63.60
TRC HYDRAULICS INC.	00066939	REPAIR PARTS	\$1,745.59
NEWFOUNDLAND POWER	00066940	ELECTRICAL SERVICES	\$1,115.31
BELL ALIANT	00066941	TELEPHONE SERVICES	\$57.57
TOROMONT CAT	00066942	AUTO PARTS	\$1,117.44
PERIDOT SALES LTD.	00066943	REPAIR PARTS	\$1,190.74
PINCHIN LEBLANC ENV. LTD	00066944	PROFESSIONAL SERVICES	\$1,017.00
POWERLITE ELECTRIC LTD.	00066945	ELECTRICAL PARTS	\$55.37
K & D PRATT LTD.	00066946	REPAIR PARTS AND CHEMICALS	\$2,254.35
RIDEOUT TOOL & MACHINE INC.	00066947	TOOLS	\$357.60
ROYAL FREIGHTLINER LTD	00066948	REPAIR PARTS	\$1,129.05
S & S SUPPLY LTD. CROSSTOWN RENTALS	00066949	REPAIR PARTS	\$4,430.23
BIG ERICS INC	00066950	SANITARY SUPPLIES	\$433.15
SAUNDERS EQUIPMENT LIMITED	00066951	REPAIR PARTS	\$669.41
STRONGCO	00066952	REPAIR PARTS	\$50.64
SMITH'S HOME CENTRE LIMITED	00066953	HARDWARE SUPPLIES	\$209.04
SUPERIOR OFFICE INTERIORS LTD.	00066954	OFFICE SUPPLIES	\$5,836.45
SUPERIOR PROPANE INC.	00066955	PROPANE	\$14.13
TRACTION DIV OF UAP	00066956	REPAIR PARTS	\$6,777.93
K & D PRATT INSTRUMENTATION	00066957	REPAIR PARTS	\$2,538.58
TULKS GLASS & KEY SHOP LTD.	00066958	PROFESSIONAL SERVICES	\$363.52
URBAN CONTRACTING JJ WALSH LTD	00066959	PROPERTY REPAIRS	\$226.00
NEWFOUNDLAND EXCHEQUER ACCOUNT	00066960	ECONOMIC OVERVIEW 2013	\$1,815.00
DR. KARL MISIK	00066961	MEDICAL EXAMINATION	\$20.00
CRAFT COUNCIL CLAY STUDIO	00066962	CLAY WORKSHOP - LSFY PARKSIDE GROUP	\$175.00
SPARTAN FITNESS	00066963	MAINTENANCE CHECK ON EQUIPMENT	\$169.50
DR. WENDY WHELAN	00066964	MEDICAL EXAMINATION	\$20.00
THE ARTIST'S WORKSHOP INC.	00066965	PURCHASE OF PAINTINGS	\$549.16
BELL MOBILITY INC. RADIO DIVISION	00066966	MAINTENANCE CHARGES & REPAIRS	\$7,255.17
SAFETY SERVICES NEWFOUNDLAND & LABRAO	00066967	WORKSHOP FEES	\$480.00
BMO BANK OF MONTREAL	00066968	REFUND OVERPAYMENT OF TAXES	\$1,255.61
TRAVELERS INSURANCE COMPANY OF CANADA	00066969	DAMAGE CLAIM	\$48,443.00
KEYASSETS FOSTERING	00066970	ROOM RENTAL	\$84.75
STELLA'S CIRCLE	00066971	EMPLOYMENT RELATED EXPENSE - BRUCE PEARCE	\$170.00

NAME	CHEQUE #	DESCRIPTION	AMOUNT
MCINNES COOPER	00066972	PROFESSIONAL SERVICES	\$1,871.73
NANCY AND FRASER ELLIS	00066973	REFUND OVERPAYMENT OF TAXES	\$4.65
COLLEEN SQUIRES	00066974	REFUND OVERPAYMENT OF TAXES	\$287.12
FIRST NATIONAL	00066975	REFUND OVERPAYMENT OF TAXES	\$1,102.00
MARIAM KHRAIM	00066976	RECREATION PROGRAM REFUND	\$80.00
KIM BURT	00066977	RECREATION PROGRAM REFUND	\$45.00
EDWARD & ROSALIND KENDALL	00066978	REFUND OVERPAYMENT OF TAXES	\$3,130.40
GORDON REID	00066979	REFUND OVERPAYMENT OF TAXES	\$3,359.83
MARY THERESA RYAN	00066980	REFUND OVERPAYMENT OF TAXES	\$3,647.50
DEPARTMENT OF ADVANCE EDUCATION & SKIL	00066981	REFUND OVERPAYMENT OF TAXES	\$457.50
WENDY DUNNE	00066982	REFUND OVERPAYMENT OF TAXES	\$177.97
TIMOTHY B. SHEARS	00066983	REFUND OVERPAYMENT OF TAXES	\$1,664.59
HAROLD & TINA MARIE BENSON	00066984	REFUND OVERPAYMENT OF TAXES	\$3,647.50
EDWARD MCGRATH	00066985	REFUND DAMAGE DEPOSIT	\$76.68
KIMBERLY VEY	00066986	REFUND DAMAGE DEPOSIT	\$120.35
MICHAEL FURLONG	00066987	REFUND PLUMBING DEPOSIT	\$2,000.00
NL TABLE TENNIS ASSOCIATION	00066988	TRAVEL ASSISTANCE GRANT	\$125.00
MUGFORD, WENDY	00066989	REIMBURSEMENT NLOWE REGISTRATION	\$56.50
JONES, CHRISTINA	00066990	MILEAGE	\$38.33
JEFF CHUBBS	00066991	REIMBURSEMENT DRIVER'S MEDICAL	\$50.00
WINSOR, LYNNANN	00066992	VEHICLE BUSINESS INSURANCE	\$129.00
HARRIS, BRYANT	00066993	MILEAGE	\$114.91
WILLIAMSON, HELEN	00066994	MILEAGE	\$129.00
BARFITT, ANGELA	00066995	MILEAGE	\$27.54
MAHER, TRAVIS	00066996	MILEAGE	\$94.49
HODDINOTT, CORY	00066997	VEHICLE BUSINESS INSURANCE	\$202.00
MCGRATH, CINDY	00066998	MILEAGE	\$43.71
FOWLER, TINA	00066999	MILEAGE	\$41.85
WILLIAMS, NICOLE	00067000	MILEAGE	\$7.71
COURAGE, SCOTT	00067001	MILEAGE	\$52.74
MARK HEFFERTON	00067002	REIMBURSEMENT API MEMBERSHIP	\$425.51
HILLIER, HEATHER	00067003	MILEAGE	\$40.78
BRUCE PEARCE	00067004	VEHICLE BUSINESS INSURANCE & WORK EXPENSES	\$906.32
CRAWFORD & COMPANY CANADA INC	00067005	ADJUSTING FEES	\$1,705.00
AE CONSULTANTS LTD.	00067006	PROFESSIONAL SERVICES	\$10,953.26
AIRTITE SHEET METAL LIMITED	00067007	PROFESSIONAL SERVICES	\$14,125.00

NAME	CHEQUE #	DESCRIPTION	AMOUNT
CBCL LIMITED	00067008	PROFESSIONAL SERVICES	\$8,582.35
KENDALL ENGINEERING LIMITED	00067009	PROFESSIONAL SERVICES	\$1,574.66
ROGERS BUSINESS SOLUTIONS	00067010	DATA & USAGE CHARGES	\$18,334.70
BOSCH REXROTH CANADA CORP.	00067011	SUPPLIES FOR PRINTER	\$578.79
NEWFOUNDLAND POWER	00067012	ELECTRICAL SERVICES	\$1,348.98
BELL MOBILITY	00067013	CELLULAR PHONE USAGE	\$18,557.12
MATTHEW WRIGHT	00067014	DAMAGE CLAIM	\$7,567.61
O'KEEFE, DENNIS	00067015	TRAVEL REIMBURSEMENT	\$5,819.29
YETMAN, RONALD	00067016	TRAVEL REIMBURSEMENT	\$167.49
WARFORD, JOHN	00067017	REIMBURSEMENT IPHONE CAR CHARGER & CASE	\$107.33
CONNOLLY, CHRIS	00067018	TRAVEL REIMBURSEMENT	\$100.46
HART, DUNCAN	00067019	TRAVEL REIMBURSEMENT	\$100.46
DANIEL MARTIN	00067020	TRAVEL REIMBURSEMENT	\$418.14
WILLOW ANDERSON	00067021	TRAVEL ADVANCE	\$742.44
MAGNA CONTRACTING & MANAGEMENT	00067022	PROGRESS PAYMENT	\$588,476.11
Total:			<u>\$4,560,879.85</u>

MEMORANDUM

Date: April 15, 2014

To: His Worship the Mayor and Members of Council

From: Robert J. Burse, City Solicitor

Re: **21 Murphys Avenue**

The front yard of 21 Murphy's Avenue is actually owned by the City, due to street realignment in the 1970's.

The Property at 21 Murphy's Avenue is being sold and the owner wishes to buy this front yard for the sale to conclude.

The Manager – Real Estate Services has determined the value of the land to be \$3 a square foot (approximately \$8,400.00). It is recommended that the land be sold at its value as determined.

I request this matter be brought before Council at its next Regular Meeting.

Robert J. Burse
City Solicitor

RB/mp

ST. JOHN'S

LEGAL DEPARTMENT

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA