

**AGENDA
REGULAR MEETING**

**APRIL 28nd, 2014
4:30 p.m.**

ST. JOHN'S

MEMORANDUM

April 25, 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 28nd, 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 28nd, 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 22nd, 2014)**
- 4. Business Arising from the Minutes**
 - A. Included in the Agenda:**
 - i. Proposed Rezoning of Properties on Maddox Cove Road**
 - B. Other Matters**
- 5. Notices Published:**
 - a. A Discretionary Use Application** has been submitted requesting permission to occupy 6 Howlett Avenue as a home occupation for a home photography studio. The proposed business will occupy a floor area of approximately 23.2 square metres and will operate Monday to Friday 8:30 am – 4:30 pm, by appointment only with one (1) client per session. Each session is approximately 30 minutes long with a maximum of 5-10 sessions per week. On-site parking is available and the business will employ one full time employee.

No written representations received
- 6. Public Hearings**
- 7. Committee Reports**
 - A. Planning and Development Committee Report – April 15, 2014
 - B. Special Events Advisory Committee – memorandum dated April 24, 2014
- 8. Resolutions**
- 9. Development Permits List – April 17, 2014 to April 24, 2014**
- 10. Building Permits List – April 16, 2014 – April 23, 2014**
- 11. Requisitions, Payrolls and Accounts - for the week ending April 23, 2014**
- 12. Tenders**
- 13. Notices of Motion, Written Questions and Petitions**

14. Other Business

15. Adjournment

April 22, 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, Puddister, Tilley, and Breen.

Regrets: Councillors Collins, Galgay, Davis and Lane.

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

Call to Order and Adoption of the Agenda

SJMC2014-04-22/180R

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

Adoption of Minutes

SJMC2014-04-22/181R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the minutes of April 14, 2014 be adopted as presented.

Business Arising

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)

SJMC2014-04-22/182R

It was decided on motion of Councillor Breen; seconded by Councillor Hann: That the proposed rezoning of properties on Maddox Cove Road be deferred until such time as Councillor Collins is present to speak to the matter.

Notices Published

1. **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).

No Written Submissions.

SJMC2014-04-22/183R

It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Ellsworth: That the application be approved subject to all applicable City requirements.

Heritage Advisory Committee Report – April 11, 2014

Council considered the following report from the Heritage Advisory Committee:

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
Hickman
Co-Chair**

**Councillor Sandy
Co-Chair**

SJMC2014-04-22/184R

It was decided on motion of Councillor Hickman; seconded by Councillor Tilley: That the sign application for 315 Water Street be approved as presented.

Development Permits List

Council considered as information the following Development Permits List for the period of April 10 to April 16, 2014:

**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	Dinnvest 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.	14-014-16

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

INST - Institutional
 IND - Industrial

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

Gerard Doran
 Development Officer
 Department of Planning

Building Permits List

SJMC2014-04-22/185R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the recommendations of the Director of Planning and Development with respect to the following Building Permits list for the period April 22, 2014 be approved:

**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

Requisitions, Payrolls and Accounts

SJMC2014-04-22/186R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending April 15, 2014 be approved:

**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

21 Murphy's Lane

Council considered a memorandum dated April 15, 2014 from the City Solicitor regarding the above noted matter.

SJMC2014-04-22/187R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Tilley: That Council approve the sale of City-owned land situated at the front yard of 21 Murphy's Avenue for \$8,400 as the value determined by the Manager of Real Estate Services, so that the owner may conclude the sale of the overall property at this civic address

Councillor Breen

- Councillor Breen addressed statements made in the media about the City's snow clearing budget being in a surplus position. He clarified that the budget year takes

place from January to December, and so far, \$6 million has been spent for the 2014 fiscal year with \$10 million remaining to get the City through to December 31st 2014. Should there be a deficit in the budget at that time, the remaining funds will come out of the City's snow clearing reserve fund.

Councillor Hickman

- Councillor Hickman requested that staff contact the owners of the Avalon Mall to determine the status of road realignment at the Kenmount Road entrance, specifically whether or not the building for the former car lot is to be removed.

Adjournment

There being no further business the meeting adjourned at 4:54 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

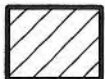


Town of Petty Harbour - Maddox Cove

**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

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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.

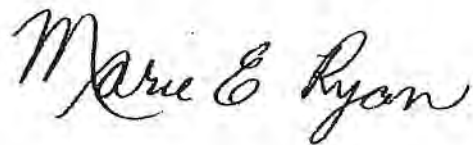
St. John's Development Regulations (*Amendment Number 512, 2013*)

- 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 Tanner, [REDACTED] Petty Harbour, A0A 3H0

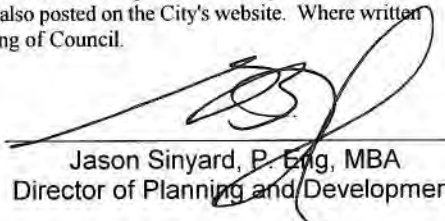
Shelley Bryant, [REDACTED] Petty Harbour, A0A 3H0

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 Monday, April 28, 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	6 Howlett Avenue Residential Low Density (R1) Zone	4	A Discretionary Use Application has been submitted requesting permission to occupy 6 Howlett Avenue as a home occupation for a home photography studio. The proposed business will occupy a floor area of approximately 23.2 m ² and will operate Monday to Friday 8:30 a.m. - 4:30 p.m., by appointment only with one (1) client per session. Each session is approximately 30 minutes long, with a maximum of 5-10 sessions per week. On-site parking is available and the business will employ one full time employee.	23.2	1		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

Report
Planning & Development Standing Committee
Tuesday, April 14, 2014

In Attendance: Councillor Tom Hann, Chairperson
Deputy Mayor Ron Ellsworth
Councillor Danny Breen
Councillor Bruce Tilley
Councillor Wally Collins
Councillor Art Puddister
Councillor Sandy Hickman
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering
Jason Sinyard, Director, Planning and Development
Ken O'Brien, Chief Municipal Planner
Judy Powell, General Manager, Metrobus
Maureen Harvey, Senior Legislative Assistant

Also present was Lacy O'Connell from VOCM and Dan MacEcheran of the Telegram

1. Everard Avenue/Kieley Drive, Ward 5
Proposed Rezoning to Accommodate Development of 44 Residential Building Lots

The Committee met with Mr. John Bidgood regarding the above noted proposed development and also reviewed a memorandum dated April 4, 2014 from the Chief Municipal Planner.

The Chief Municipal Planner advised that the owner has submitted an application to rezone a 1.59 hectare (3.9 acre) block of undeveloped land situated north of Everard Avenue and Kieley Drive from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone. The purpose of the rezoning is to allow development of 44 (22 x 2) building lots for semi-detached houses. A preliminary subdivision development plan has been submitted to the City as part of the rezoning application.

The rezoning would not require a Municipal Plan amendment but will require a Land Use Assessment Report (LUAR) as the R2 Zone is a Conditional Zone in the RLD District.

On a motion by Councillor Collins; seconded by Councillor Puddister; the Committee recommends that the rezoning application to facilitate the development of a 44 lot residential sub-division on land north of Everard Avenue and Kieley Drive from Residential Low Density (R1) Zone to Residential Medium Density (R2) Zone be subjected to receipt of a Land Use Assessment Report (LUAR) following

which, advertisement as per the requirements of Section 5.5 of the Development Regulations and a public meeting to be chaired by a member of Council.

2. 560-564 Main Road, Ward 5

Application to Rezone Property to Apartment Low Density (A1) Zone and Accommodate and Affordable Housing Apartment Complex

The application is to rezone 7691 m² (1.9 acres) of a slightly larger (8854 m²/2.2 acres) property between Main Road and Mountainview Drive from the Residential Low Density (R1) Zone to the Apartment Low Density (A1) Zone. The purpose of the rezoning is to allow the use of the property for an "affordable housing apartment complex" for low income seniors containing 32 apartment dwelling units. The complex consists of several one-storey buildings arrayed in an elongated U-shape around a private driveway and parking lot.

Recommendation

The Committee recommends, on a motion by Councillor Breen; seconded by Councillor Collins; That approval be given to the Terms of Reference for a Land Use Assessment Report, which when received, the application be advertised in accordance with the requirements of Section 5.5 of the Development Regulations and a public meeting chaired by a member of Council be held. A Municipal Plan amendment would not be required.

3. 369 Blackmarsh Road (Ward 3)

Application for Rezoning and Approval to Develop 2 Apartment Buildings and 10 Row house Dwelling Units

Applicant: Karwood Estates Inc.

Karwood Estates Inc. has applied for approval to develop property at 369 Blackmarsh Road, with an area of approximately 1.7 hectares (4.3 acres) and 20 metres (66 feet) frontage, for the purpose of a 32-unit apartment building, a 60-unit apartment building (each building would be 4 storeys tall), and 10 row houses (each 3 storeys tall), under the umbrella of a single condominium corporation. The development would involve construction of a road from Blackmarsh Road through the property, connecting to the neighbouring residential development of the former Gulliver's Farm called "Westfield". The property is zoned Residential Medium Density (R2) and Open Space (O) and designated Residential High Density and Open Space. This proposal would require rezoning to the Apartment Medium Density (A2) Zone and involve a Municipal Plan amendment.

The Committee discussed the mechanics of a sale transaction for a small parcel of City owned land, requesting assurance that negotiation of the sale of the property does not imply approval of the development, given that a public meeting seeking input and feedback is part of the application process. The Committee was assured that the sale of the land would be contingent upon development approval and such sale would not be finalized until the development application process had been concluded.

Recommendation:

Moved by Councillor Breen; seconded by Councillor Hickman that the application for Rezoning and Approval to Develop 2 Apartment Buildings and 10 Row house Dwelling Units by Karwood Estates Inc. at 369 Blackmarsh Road be referred to a public meeting chaired by a member of Council.

**4. Proposed Expansion to Existing Quarry
East White Hills Road (Ward1)
Capital Ready Mix Limited**

The Committee considered a memorandum dated March 26, 2014 from the Director of Planning and Development regarding the above noted matter along with a memorandum dated March 3, 2014 from the Chief Municipal Planner related to the:

- a. St. John's Urban Region Regional Plan Amendment Number 10, 2013
- b. St. John's Municipal Plan Amendment Number 113, 2013
- c. St. John's Development Regulations Amendment Number 567, 2013

The above noted documents are attached.

Recommendation

Moved by Councillor Tilley; seconded by Councillor Breen that in order to facilitate the expansion of an existing quarry at East White Hills, that Council approve the resolutions for the St. John's Municipal Plan Amendment Number 113, 2013 and St. John's Development Regulations Amendment Number 567, 2013, as adopted by Council on January 20, 2014 following which time the amendments will be referred by City staff to the Department of Municipal Affairs for Provincial Registration.

5. Discussion on Graffiti

The Committee was advised that the current practice when legal action is taken to offenders who place graffiti on City property does not involve the issuance of a victim's impact statement. While litigation often results in a penalty to the offender, it has been determined that the issuance of such statements, will facilitate imposition of repair recovery costs in favor of the City. i.e. the City can recover the costs of repair/graffiti removal from the offender.

Recommendation

The Committee recommends that the City's Legal Department be instructed to follow up on the possibility of issuing victim impact statements during prosecution of graffiti artists that would enable the City to recover costs of graffiti removal and/or repair of graffiti ridden property.

Councillor Tom Hann
Chairperson

MEMORANDUM

Date: March 26, 2014

To: His Worship the Mayor and Members of Council

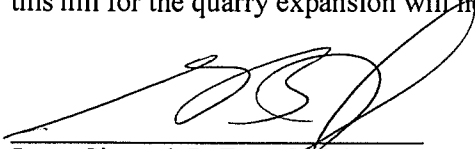
Re: **Proposed Expansion to Existing Quarry
East White Hills Road (Ward 1)
Capital Ready Mix Limited**

Council Directive R2014-13-10/2 instructed staff to provide advice on the meteorological impact of the proposed quarry expansion. This directive precipitated from a request for a climatological assessment from a resident of East Point Landing who had previously experienced odours from the adjacent Robin Hood Bay Waste Management Facility. The resident's concern is that extending the quarry and thereby removing a portion of the hill will have a negative impact in the area. This has been investigated and the following comments provided for Council's consideration.

In 2010 the City received an increase in the number of complaints of landfill odour. The City retained Tech Environmental, a firm specializing in air quality and odour control, to undertake an assessment of the landfill operation and prepare an Odour Response Action Plan. As the City carried out the recommendations in the plan, there was a noticeable improvement in the frequency and intensity of landfill odours and subsequently the odour complaints discontinued. In preparing the Action Plan, Tech Environmental noted that:

- meteorological and terrain conditions play a huge role in conveyance of odour from the landfill
- the landfill is surrounded on two sides by complex terrain (when surrounding hills exceed the elevation of the emitting odour source, the terrain is called "complex terrain")
- in normal terrain, odorous emissions travel along the surface and become diluted as the plume spreads out with distance
- when surrounded by complex terrain, the plume spread can be inhibited, maintaining odour concentration over distance
- odour will still dilute in the vertical direction with complex terrain, unless there is a very still inversion day (low ceiling) when the atmosphere pushes down
- this condition occurs at Robin Hood Bay on foggy days when the wind is from east and landfill odours are pushed towards the neighbourhood with little dispersion in either vertical or horizontal directions

Based on the above findings in the Odour Response Action Plan, it is felt that the removal of a portion of this hill for the quarry expansion will not have a negative impact on odours in the area.



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

JS/dlm

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ST. JOHN'S

DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

MEMORANDUM

Date: March 3, 2014

To: His Worship the Mayor and Members of Council

Re: **St. John's Urban Region Regional Plan Amendment Number 10, 2013**
St. John's Municipal Plan Amendment Number 113, 2013 and
St. John's Development Regulations Amendment Number 567, 2013
Proposed Expansion to Existing Quarry Site
East White Hills Road (Ward 1)
Applicant: Capital Ready-Mix Ltd.

At the Regular Meeting of Council held on January 20, 2014, Council adopted the resolutions for St. John's Municipal Plan Amendment Number 113, 2013 and St. John's Development Regulations Amendment Number 567, 2013. The amendments are in reference to an application submitted to the City to re-designate and rezone land located off East White Hills Road, from the Rural (R) and Commercial Industrial (CI) Zones to the Industrial General (IG) Zone. The purpose of the rezoning is to allow expansion of the company's existing quarry operations. An amendment to the St. John's Municipal Plan is required.

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.

Council appointed Ms. Marie Ryan as the commissioner to conduct a joint public hearing to consider both the proposed amendment to the St. John's Urban Region Regional Plan and the proposed amendments to the St. John's Municipal Plan and Development Regulations. The public hearing was held at St. John's City Hall on February 6, 2014.

Commissioner Ryan has now submitted her report on the amendments. The Commissioner recommends approval of the amendments. A copy of the Commissioner's report is attached for Council's information and consideration.

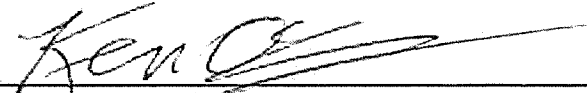
Recommendation

It is recommended that Council now approve the resolutions for St. John's Municipal Plan Amendment Number 113, 2013 and St. John's Development Regulations Amendment Number 567, 2013, as adopted by Council on January 20, 2014. If the Municipal Plan and Development

ST. JOHN'S

Regulations amendments are approved by Council, the amendments will then be referred by City staff to the Department of Municipal Affairs with a request for Provincial registration.

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 10, 2013. A copy of the Commissioner's report has also been sent to the Minister for consideration.



Ken O'Brien, MCIP
Chief Municipal Planner
Department of Planning, Development and Engineering

LLB/sba

Enclosures



**SUBJECT PROPERTY
(PARCEL A)**

EAST WINDY HILLS RD

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 113, 2013**

WHEREAS the City of St. John's wishes to allow the development of property in the area of East White Hills Road in order to permit the expansion of existing quarry operations.

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

Redesignate land in the area of East White Hills Road from the Rural Land Use District to the Industrial Land Use District as shown on Map III-1A attached.

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

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this _____ day of _____, 2014.

Mayor

City Clerk

January 20, 2014

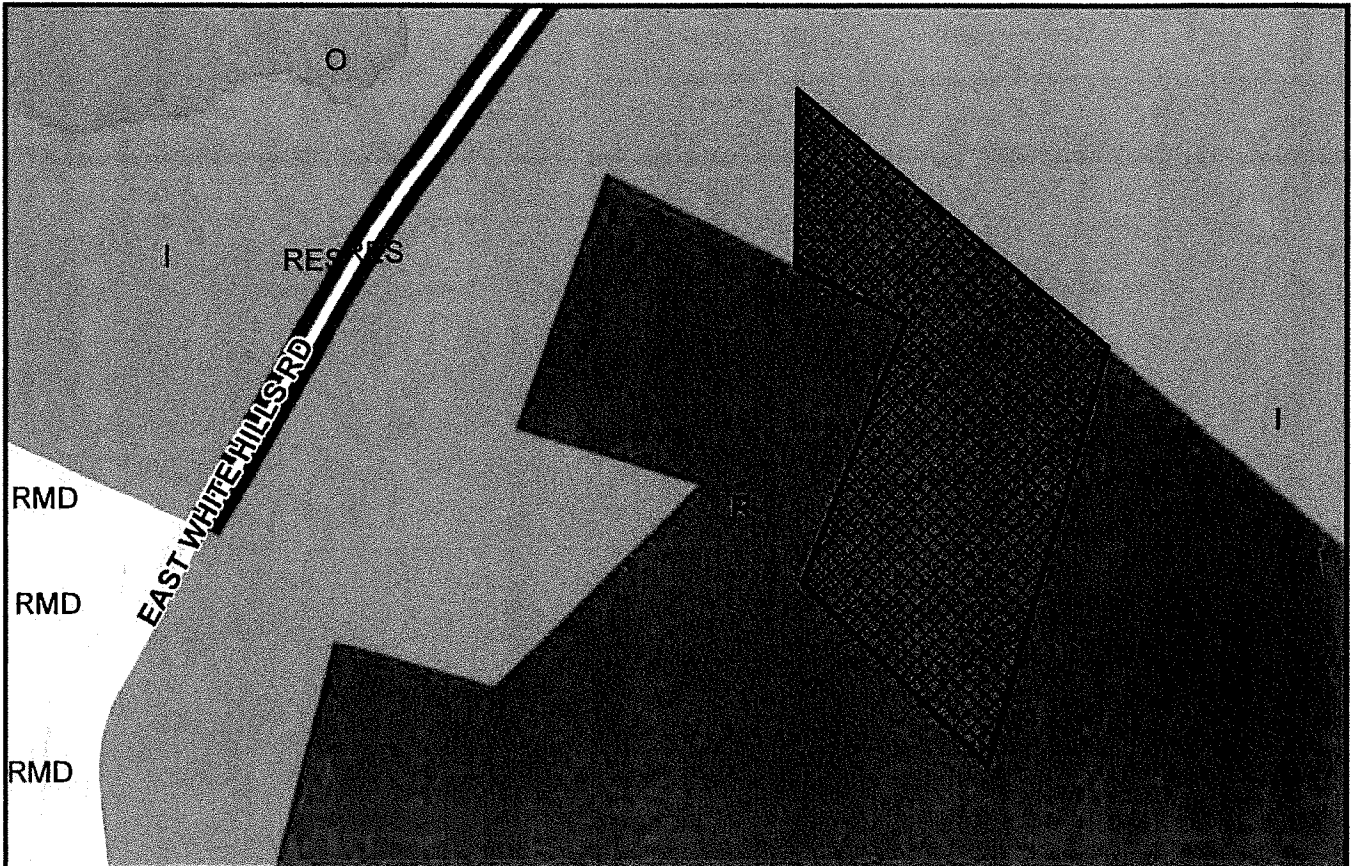
Council Adoption



MCIP

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

Provincial Registration



**CITY OF ST. JOHN'S
MUNICIPAL PLAN
Amendment No. 113, 2013
[Map III-1A]**

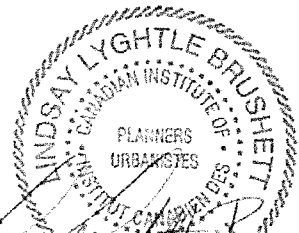
2011 03 28 SCALE: 1:7500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



**AREA PROPOSED TO BE REDESIGNATED FROM
RURAL (R) LAND USE DISTRICT TO
INDUSTRIAL (I) LAND USE DISTRICT**

EAST WHITE HILLS ROAD



M.C.I.P. signature and seal

Mayor

City Clerk

January 20, 2014

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 567, 2013**

WHEREAS the City of St. John's wishes to allow the development of property in the area of East White Hills Road in order to permit the expansion of existing quarry operations.

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

**Rezone land in the area of East White Hills Road from
the Rural (R) Zone and the Commercial Industrial (CI)
Zone to the Industrial General (IG) Zone as shown on
Map Z-1A attached.**

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

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this _____ day of _____, 2014.

Mayor


MCIP

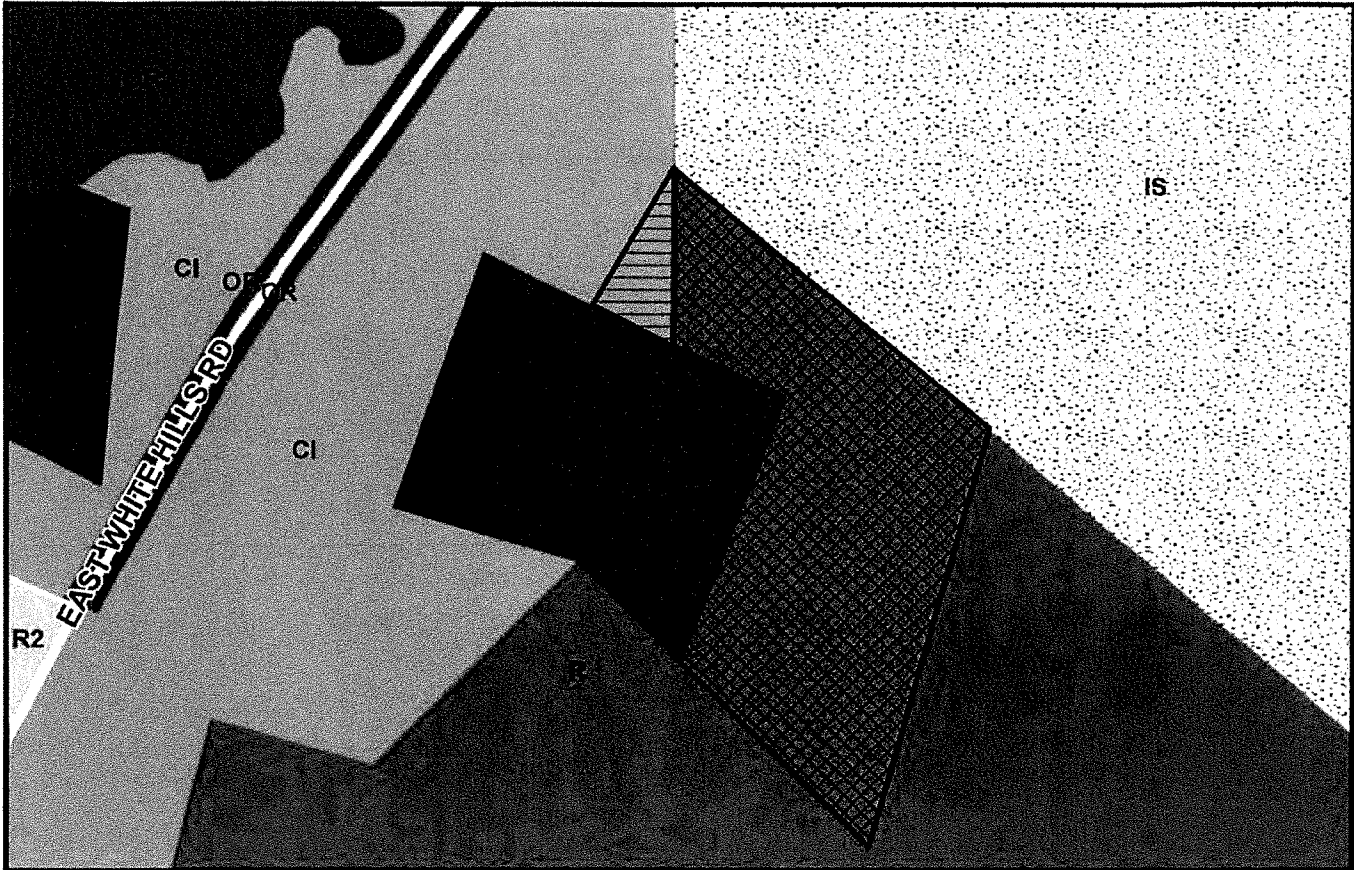
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

January 20, 2014

Council Adoption

Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 567, 2013
[Map Z-1A]**

2013 03 28 SCALE: 1:7500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM
RURAL (R) LAND USE ZONE TO
INDUSTRIAL GENERAL (IG) LAND USE ZONE



AREA PROPOSED TO BE REZONED FROM
COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE
TO INDUSTRIAL GENERAL (IG) LAND USE ZONE

EAST WHITE HILLS ROAD

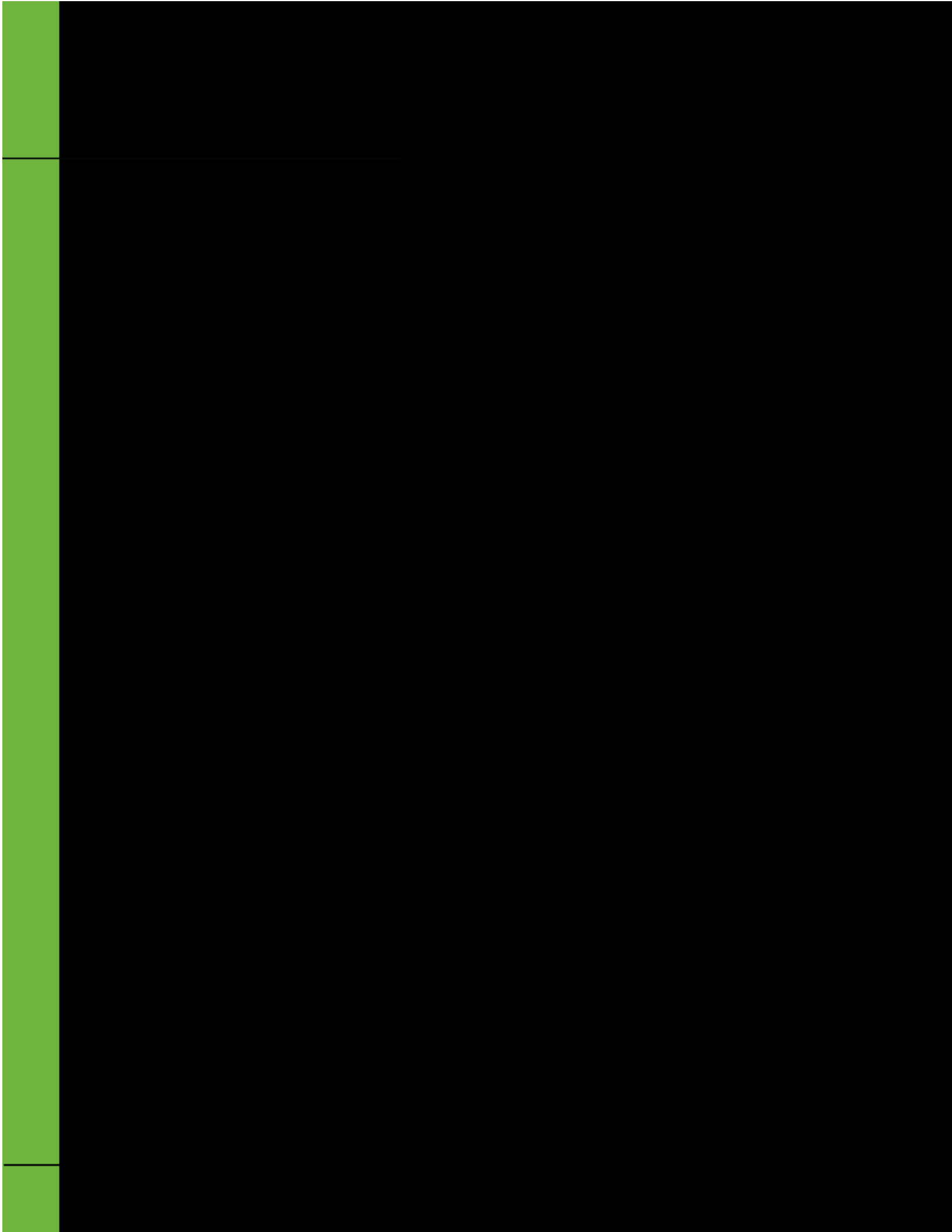
Mayor

City Clerk

January 20, 2014

Council Adoption

Provincial Registration



**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF April 17, 2014 TO April 24, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
AG		Proposed Subdivide for 1 Residential Building Lot	304 Old Bay Bulls Road	5	Rejected- Land Development Advisory Authority has rejected Agriculture use.	14-04-17
COM		Home Office-Blue Oak Construction	30 Woodwyn Street	1	Approved	14-04-24
COM		Home Office – Writing Services	43 Keane Place	2	Approved	14-04-24
RES		Building Lot on Crown Land	Adjacent to 1020 Main Road	5	Rejected- Contrary to Development Outside of Goulds Ultimate Service Area	14-04-24

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

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

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

Council's April 28, 2014 Regular Meeting

Permits Issued: 2014/04/16 To 2014/04/23

Class: Commercial

25 Aberdeen Ave, Tim Horton's	Rn	Restaurant	
115 Duckworth St., Granite Rest	Sn	Restaurant	
115 Duckworth St., Dovre	Sn	Office	
38-42 Ropewalk Ln. Pro Hockey	Cr	Commercial School	
135 Harbour Dr The Keg	Rn	Restaurant	
45 Pepperrell Rd	Nc	Accessory Building	
5 Hallett Cres	Rn	Office	
			This Week \$ 928,284.00

Class: Government/Institutional

This Week \$.00

Class: Residential

26 Almond Cres	Nc	Accessory Building	
5 Almond Cres	Nc	Accessory Building	
26 Athlone Pl	Nc	Accessory Building	
10 Biscay Pl, Lot 7	Nc	Single Detached Dwelling	
25 Cappahayden St	Nc	Fence	
5 Cypress St	Nc	Fence	
16 Huntingdale Dr	Nc	Fence	
75 Jasper St	Nc	Patio Deck	
230 Ladysmith Dr, Lot 512	Nc	Single Detached & Sub.Apt	
208 Mundy Pond Rd	Nc	Accessory Building	
29 Park Lane	Nc	Accessory Building	
147 Pleasant St	Nc	Fence	
365 Airport Heights Dr	Nc	Accessory Building	
21 Ridgemount St	Nc	Accessory Building	
28 Rostellan Pl	Nc	Single Detached Dwelling	
25 Sequoia Dr	Nc	Accessory Building	
25 Sequoia Dr	Nc	Fence	
490 Southside Rd	Nc	Single Detached Dwelling	
1 Stoneyhouse St	Nc	Fence	
7 Torngat Cres	Nc	Accessory Building	
3 Barter's Hill Pl	Co	Office	
501 Main Rd	Co	Home Occupation	
310-316 Petty Harbour Rd	Co	Home Occupation	
50 Castle Bridge Cr	Cr	Subsidiary Apartment	
104 Pearltown Rd	Cr	Subsidiary Apartment	
10 Powell Pl	Ex	Single Detached Dwelling	
36 Riverside Dr W	Ex	Mobile Home	
27 Sudbury St	Ex	Patio Deck	
168 Brookfield Rd	Rn	Single Detached Dwelling	
6 Gooseberry Lane	Rn	Single Detached Dwelling	
4 Sycamore Pl	Rn	Single Detached Dwelling	
8 Tansley St	Rn	Single Detached Dwelling	
70 Hennessey's Line	Sw	Vacant Land	
			This Week \$ 1,246,400.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 2,174,684.00

Repair Permits Issued: 2014/04/16 To 2014/04/23 \$ 219,540.00

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 28, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$40,523,000.00	\$21,756,000.00	-46
Industrial	\$28,000.00	\$0.00	0
Government/Institutional	\$7,121,000.00	\$42,455,000.00	50
Residential	\$31,269,000.00	\$31,100,000.00	-1
Repairs	\$832,000.00	\$708,000.00	-15
Housing Units (1 & 2 Family Dwellings)	98	60	
TOTAL	\$79,773,000.00	\$96,019,000.00	20

Respectfully Submitted,

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

MEMORANDUM

Weekly Payment Vouchers For The Week Ending April 23, 2014

Payroll

Public Works	\$ 383,936.91
Bi-Weekly Administration	\$ 715,244.46
Bi-Weekly Management	\$ 713,958.36
Bi-Weekly Fire Department	\$ 626,144.00
Accounts Payable	\$3,756,265.65
Total:	\$ 6,195,549.38

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
HARVEY & COMPANY LTD.	00067023	MISCELLANEOUS EXPENSE	\$1.00
CABOT PEST CONTROL	00067024	PEST CONTROL	\$8,537.15
DAVE CARROLL	00067025	BAILIFF SERVICES	\$589.29
HUMPHRY'S RESTAURANT & PUB	00067026	REAL PROGRAM	\$41.07
KELLOWAY CONSTRUCTION LIMITED	00067027	CLEANING SERVICES	\$13,012.19
DAVE CARROLL	00067028	BAILIFF SERVICES	\$240.21
HUMPHRY'S RESTAURANT & PUB	00067029	REAL PROGRAM	\$1,226.13
FIRST CANADIAN GROUP LTD.	00067030	PROGRESS PAYMENT	\$373,976.20
RICK MAGILL	00067031	CLEANING SERVICES	\$140.00
NEWFOUNDLAND POWER	00067032	ELECTRICAL SERVICES	\$8,348.29
CITY OF ST. JOHN'S	00067033	REPLENISH PETTY CASH	\$136.86
DARLENE SHARPE	00067034	CLEANING SERVICES	\$600.00
PUBLIC SERVICE CREDIT UNION	00067035	PAYROLL DEDUCTIONS	\$6,112.31
DAVID BEST	00067036	OVERPAYMENT OF OPTIONAL INSURANCE PREMIUM	\$74.30
GREGORY & JANE CONNORS	00067037	COURT OF APPEAL REFUND	\$60.00
WALSH, MARY	00067038	REIMBURSEMENT TUITION	\$1,186.57
CROWE, DAVID	00067039	REIMBURSEMENT TUITION	\$470.69
RALPH, SUSAN	00067040	TRAVEL REIMBURSEMENT	\$94.99
GRANT THORNTON	00067041	PROFESSIONAL SERVICES	\$2,055.47
NEWFOUNDLAND EXCHEQUER ACCOUNT	00067042	REGISTRATION OF EASEMENT	\$50.00
BELL MOBILITY	00067043	CELLULAR PHONE USAGE	\$8,129.54
RECEIVER GENERAL FOR CANADA	00067044	PAYROLL DEDUCTIONS	\$111,571.13
RECEIVER GENERAL FOR CANADA	00067045	PAYROLL DEDUCTIONS	\$4,322.19
POWER TINA	00067046	REIMBURSEMENT FOR BOOKS	\$84.75
SERVICEMASTER CONTRACT SERVICE	00067047	CLEANING SERVICES	\$2,036.60
ATLANTIC OFFSHORE MEDICAL SERV	00067048	MEDICAL SERVICES	\$1,271.25
CABOT AUTO GLASS & UPHOLSTERY	00067049	CLEANING SERVICES	\$587.60
ATLANTIC PURIFICATION SYSTEM LTD	00067050	WATER PURIFICATION SUPPLIES	\$445.64
AVALON FORD SALES LTD.	00067051	AUTO PARTS	\$767.35
MIGHTY WHITES LAUNDROMAT	00067052	LAUNDRY SERVICES	\$72.72
COSTCO WHOLESALE	00067053	MISCELLANEOUS SUPPLIES	\$451.98
BRINK'S CANADA LIMITED	00067054	DELIVERY SERVICES	\$1,058.07
KELLOWAY CONSTRUCTION LIMITED	00067055	CLEANING SERVICES	\$10,869.64
NEWFOUNDLAND EXCHEQUER ACCOUNT	00067056	REGISTRATION OF EASEMENT	\$79.10
HERCULES SLR INC.	00067057	REPAIR PARTS	\$638.87
GRAND CONCOURSE AUTHORITY	00067058	MAINTENANCE CONTRACTS	\$158,512.63

NAME	CHEQUE #	DESCRIPTION	AMOUNT
BELBIN'S GROCERY	00067059	CATERING SERVICES	\$64.86
SMS EQUIPMENT	00067060	REPAIR PARTS	\$225.23
CABOT PEST CONTROL	00067061	PEST CONTROL	\$1,179.97
WASTE MANAGEMENT	00067062	PROFESSIONAL SERVICES	\$350.62
ROCKWATER PROFESSIONAL PRODUCT	00067063	CHEMICALS	\$2,776.94
NEWCAP BROADCASTING LTD.	00067064	PUBLIC ANNOUNCEMENTS	\$237.30
STANTEC CONSULTING LTD. (SCL)	00067065	PROFESSIONAL SERVICES	\$5,204.87
THE BIG "R" RESTAURANT-BLACKMARSH	00067066	MEAL ALLOWANCES	\$519.94
BLACK & MCDONALD LIMITED	00067067	PROFESSIONAL SERVICES	\$2,647.60
OVERHEAD DOORS NFLD LTD	00067068	PROFESSIONAL SERVICES	\$250.86
BRENKIR INDUSTRIAL SUPPLIES	00067069	PROTECTIVE CLOTHING	\$874.39
PAUL MURPHY SERVICES INC	00067070	REPAIR PARTS	\$2,858.40
BROWNE'S AUTO SUPPLIES LTD.	00067071	AUTOMOTIVE REPAIR PARTS	\$324.85
JLG TRANSPORATION LTD.	00067072	TAXI SERVICES	\$21.00
OFFICEMAX GRAND & TOY	00067073	OFFICE SUPPLIES	\$805.25
WESTERN HYDRAULIC 2000 LTD	00067074	REPAIR PARTS	\$719.81
BDI CANADA INC	00067075	REPAIR PARTS	\$104.07
AMEC EARTH & ENVIRONMENTAL	00067076	WEATHER REPORTS	\$21,571.03
LEXISNEXIS CANADA INC.	00067077	PUBLICATION	\$786.38
TRIWARE TECHNOLOGIES INC.	00067078	COMPUTER EQUIPMENT	\$1,224.92
CHESTER DAWE CANADA - O'LEARY AVE	00067079	BUILDING SUPPLIES	\$143.54
AIR LIQUIDE CANADA INC.	00067080	CHEMICALS AND WELDING PRODUCTS	\$1,351.45
CANAVAN'S AUTO APPRAISERS LTD.	00067081	PROFESSIONAL SERVICES	\$259.90
WAL-MART 3196-ABERDEEN AVE.	00067082	MISCELLANEOUS SUPPLIES	\$483.12
AVALON HYDRAULICS LTD.	00067083	REPAIR PARTS	\$1,032.77
SOBEY'S INC	00067084	PET SUPPLIES	\$86.89
NORTRAX CANADA INC.,	00067085	REPAIR PARTS	\$6,823.44
ROLEY CONSTRUCTION LTD.	00067086	RENTAL OF EQUIPMENT	\$237.30
MAC TOOLS	00067087	TOOLS	\$374.86
COASTAL MOUNT PEARL	00067088	PROTECTIVE CLOTHING	\$135.59
BRAEMAR PEST CONTROL SERVICES	00067089	PEST CONTROL	\$110.74
MEC CONCRETE CUTTING LTD	00067090	DRILLING SERVICES	\$203.40
DULUX PAINTS	00067091	PAINT SUPPLIES	\$1,065.95
PETER'S AUTO WORKS INC.	00067092	TOWING OF VEHICLES	\$10,170.00
MARY BROWN'S MILA FOODS INC.	00067093	LUNCHEON	\$151.52
COUNTRY TRAILER SALES 1999 LTD	00067094	REPAIR PARTS	\$2,695.05

NAME	CHEQUE #	DESCRIPTION	AMOUNT
MASK SECURITY INC.	00067095	TRAFFIC CONTROL	\$4,216.93
J-3 CONSULTING & EXCAVATION LIMITED	00067096	RENTAL OF EQUIPMENT	\$1,570.70
CRANE SUPPLY LTD.	00067097	PLUMBING SUPPLIES	\$2,409.76
JAMES G CRAWFORD LTD.	00067098	PLUMBING SUPPLIES	\$620.26
CROSBIE INDUSTRIAL SERVICE LTD	00067099	RENTAL OF EQUIPMENT	\$1,982.21
THOMAS GLASS INCORPORATED	00067100	GLASS INSTALLATION	\$429.40
FASTENAL CANADA	00067101	REPAIR PARTS	\$391.25
HARTY'S INDUSTRIES	00067102	STEEL FLAT BAR	\$323.18
CUMMINS EASTERN CANADA LP	00067103	REPAIR PARTS	\$1,147.15
KENDALL ENGINEERING LIMITED	00067104	PROFESSIONAL SERVICES	\$6,144.39
SUNRISE ANIMAL HOSPITAL LTD.	00067105	PROFESSIONAL SERVICES	\$100.00
DICKS & COMPANY LIMITED	00067106	OFFICE SUPPLIES	\$1,843.17
MIC MAC FIRE & SAFETY SOURCE	00067107	REPAIR PARTS	\$531.10
HITECH COMMUNICATIONS LIMITED	00067108	REPAIRS TO EQUIPMENT	\$777.44
REEFER REPAIR SERVICES LTD.	00067109	REPAIR PARTS	\$2,536.77
DOMINION RECYCLING LTD.	00067110	PIPE	\$815.98
THYSSENKRUPP ELEVATOR	00067111	ELEVATOR MAINTENANCE	\$211.88
CAHILL INSTRUMENTATION LTD.	00067112	PROFESSIONAL SERVICES	\$789.31
RUSSEL METALS INC.	00067113	METALS	\$678.00
CANADIAN TIRE CORP.-ELIZABETH AVE.	00067114	MISCELLANEOUS SUPPLIES	\$357.13
CANADIAN TIRE CORP.-KELSEY DR.	00067115	MISCELLANEOUS SUPPLIES	\$234.73
JAMES R EALES EQUIP RENTAL LTD	00067116	RENTAL OF EQUIPMENT	\$4,407.00
COLE-PARMER CANADA INC.	00067117	REPAIR PARTS	\$919.16
EAST COAST CONVERTERS LTD.	00067118	SANITARY SUPPLIES	\$94.69
EAST COAST MARINE & INDUSTRIAL	00067119	MARINE & INDUSTRIAL SUPPLIES	\$813.49
EAST CHEM INC.	00067120	CHEMICALS	\$2,073.78
ELECTRIC MOTOR & PUMP DIV.	00067121	REPAIR PARTS	\$395.50
MSE RESTAURANT LIMITED	00067122	MEAL ALLOWANCES	\$301.01
ELECTRONIC CENTER LIMITED	00067123	ELECTRONIC SUPPLIES	\$268.94
ENVIROMED ANALYTICAL INC.	00067124	REPAIR PARTS AND LABOUR	\$2,391.83
THE TELEGRAM	00067125	ADVERTISING	\$8,926.13
EXECUTIVE COFFEE SERVICES LTD.	00067126	COFFEE SUPPLIES	\$140.56
HOME DEPOT OF CANADA INC.	00067127	BUILDING SUPPLIES	\$437.32
DOMINION STORE 935	00067128	MISCELLANEOUS SUPPLIES	\$164.18
ST. PAT'S BOWLING ALLEYS	00067129	REAL PROGRAM	\$106.50
IMPACT SIGNS AND GRAPHICS	00067130	SIGNAGE	\$768.40

NAME	CHEQUE #	DESCRIPTION	AMOUNT
STELLAR INDUSTRIAL SALES LTD.	00067131	INDUSTRIAL SUPPLIES	\$988.75
NEWALTA INDUSTRIAL SERVICES	00067132	INDUSTRIAL SUPPLIES	\$155.60
PROVINCIAL FENCE PRODUCTS	00067133	FENCING MATERIALS	\$762.75
ISLAND OFFICE FURNITURE	00067134	OFFICE FURNITURE	\$1,556.01
THE WORKS	00067135	MEMBERSHIP FEES	\$157.64
EASTERN PROPANE	00067136	PROPANE	\$268.24
INSTITUTE OF CHARTERED ACCOUNTANTS OF	00067137	MEMBERSHIP FEES	\$1,282.55
HARRIS & ROOME SUPPLY LIMITED	00067138	ELECTRICAL SUPPLIES	\$2,667.29
HARVEY & COMPANY LIMITED	00067139	REPAIR PARTS	\$5,874.22
A HARVEY & CO. LTD.	00067140	ROAD SALT	\$1,292.27
HARVEY'S OIL LTD.	00067141	PETROLEUM PRODUCTS	\$113,151.53
BDO CANADA LLP	00067142	PROFESSIONAL SERVICES	\$8,186.85
HATCH MOTT MACDONALD	00067143	PROFESSIONAL SERVICES	\$5,305.35
BRENNTAG CANADA INC	00067144	CHLORINE	\$42,699.71
GRAYMONT (NB) INC.,	00067145	HYDRATED LIME	\$20,169.31
HICKMAN MOTORS LIMITED	00067146	AUTO PARTS	\$143.69
VICTOR STANLEY INC.	00067147	PROFESSIONAL SERVICES	\$4,330.53
HISCOCK RENTALS & SALES INC.	00067148	HARDWARE SUPPLIES	\$1,078.81
FLEET READY LTD.	00067149	REPAIR PARTS	\$5,795.41
TELUS GOING MOBILE (WIRELESS)	00067150	TELEPHONE CASE	\$135.58
FRONTLINE PAINTBALL	00067151	YOUTH PROGRAM	\$225.00
SPORTCHEK-ABERDEEN DRIVE	00067152	PROTECTIVE CLOTHING	\$225.98
IMPRINT SPECIALTY PROMOTIONS LTD	00067153	PROMOTIONAL ITEMS	\$3,173.63
ONX ENTERPRISE SOLUTIONS LIMITED	00067154	SOFTWARE RENEWAL	\$25,056.39
UMBRELLA SECURITY	00067155	ALARM MONITORING	\$3,308.64
PRINTER TECH SOLUTIONS INC.,	00067156	REPAIRS TO EQUIPMENT	\$144.93
ZOETIS	00067157	REPAIR PARTS	\$1,059.70
E3 OFFICE FURNITURE	00067158	OFFICE FURNITURE	\$726.95
GARDA CANADA SECURITY CORP	00067159	SECURITY SERVICES	\$21,708.76
ETHREE CONSULTING	00067160	PROFESSIONAL SERVICES	\$1,130.00
ATLANTICA MECHANICAL SERVICES	00067161	PROFESSIONAL SERVICES	\$1,851.29
VOHL INC.,	00067162	REPAIR PARTS	\$162.72
WATERTEC	00067163	REPAIR PARTS	\$314.66
DR. PAUL JOHNSTON	00067164	MEDICAL EXAMINATION	\$20.00
MCLOUGHLAN SUPPLIES LTD.	00067165	ELECTRICAL SUPPLIES	\$1,261.16
MIKAN INC.	00067166	LABORATORY SUPPLIES	\$2,363.95
WAJAX INDUSTRIAL COMPONENTS	00067167	REPAIR PARTS	\$1,997.91

NAME	CHEQUE #	DESCRIPTION	AMOUNT
NEWFOUND DISPOSAL SYSTEMS LTD.	00067168	DISPOSAL SERVICES	\$1,214.98
NEWFOUNDLAND DISTRIBUTORS LTD.	00067169	INDUSTRIAL SUPPLIES	\$720.61
RECREATION NL	00067170	RECREATION SUPPLIES	\$625.00
BELL ALIANT	00067171	TELEPHONE SERVICES	\$52.60
TOROMONT CAT	00067172	AUTO PARTS	\$1,241.53
PBA INDUSTRIAL SUPPLIES LTD.	00067173	INDUSTRIAL SUPPLIES	\$872.75
GCR TIRE CENTRE	00067174	TIRES	\$4,991.70
PERIDOT SALES LTD.	00067175	REPAIR PARTS	\$615.29
PETER PAN SALES LTD.	00067176	SANITARY SUPPLIES	\$4,280.10
PETRO PLUS INC.	00067177	REPAIR PARTS	\$700.94
J & J SEARCHING SERVICES	00067178	LIEN SEARCH	\$282.50
PROFESSIONAL UNIFORMS & MATS INC.	00067179	PROTECTIVE CLOTHING	\$215.23
RIDEOUT TOOL & MACHINE INC.	00067180	TOOLS	\$164.25
NAPA ST. JOHN'S 371	00067181	AUTO PARTS	\$354.94
S & S SUPPLY LTD. CROSSTOWN RENTALS	00067182	REPAIR PARTS	\$1,884.56
ST. JOHN'S VETERINARY HOSPITAL	00067183	PROFESSIONAL SERVICES	\$535.11
ST. JOHN'S TRANSPORTATION COMMISSION	00067184	CHARTER SERVICES	\$1,420.00
BIG ERICS INC	00067185	SANITARY SUPPLIES	\$697.43
SANSOM EQUIPMENT LTD.	00067186	REPAIR PARTS	\$192.10
SPEEDY AUTOMOTIVE LTD.	00067187	AUTOMOTIVE SUPPLIES	\$1,824.50
STATE CHEMICAL LTD.	00067188	CHEMICALS	\$288.15
SUPERIOR OFFICE INTERIORS LTD.	00067189	OFFICE SUPPLIES	\$3,499.61
SUPERIOR PROPANE INC.	00067190	PROPANE	\$424.33
TULKS GLASS & KEY SHOP LTD.	00067191	PROFESSIONAL SERVICES	\$451.27
URBAN CONTRACTING JJ WALSH LTD	00067192	PROPERTY REPAIRS	\$226.00
WATERWORKS SUPPLIES DIV OF EMCO LTD	00067193	REPAIR PARTS	\$3,018.80
WEIRS CONSTRUCTION LTD.	00067194	ROAD GRAVEL	\$757.12
WAL-MART 3092-KELSEY DRIVE	00067195	MISCELLANEOUS SUPPLIES	\$284.87
RECEIVER GENERAL	00067196	PROFESSIONAL SERVICES	\$87.57
ELTON, DOUG	00067197	REAL PROGRAM	\$881.40
DR. CHIN C. TAN	00067198	MEDICAL EXAMINATION	\$40.00
DR. WAYNE BUTTON	00067199	MEDICAL EXAMINATION	\$20.00
NFLD BLIZZARD	00067200	REAL PROGRAM	\$1,412.50
SPARTAN FITNESS	00067201	FITNESS EQUIPMENT	\$447.71
CHARLENE FARRELL	00067202	REFUND SWIMMING LESSONS	\$160.00
THE GATHERING PLACE	00067203	GRANT	\$150,000.00
DR. KATHY CHAYTOR	00067204	MEDICAL EXAMINATION	\$20.00
KATRI BERESFORD	00067205	REFUND SWIMMING LESSONS	\$80.00

NAME	CHEQUE #	DESCRIPTION	AMOUNT
DR. MARK PORTER	00067206	MEDICAL EXAMINATION	\$20.00
HUNGRY HEART CAFE	00067207	FOOD & REFRESHMENTS	\$311.12
STAPLES THE BUSINESS DEPOT - KELSEY DR	00067208	OFFICE SUPPLIES	\$223.75
CLUETT, DR. JOY	00067209	MEDICAL EXAMINATION	\$20.00
DR. SHEILAGH MCGRATH	00067210	MEDICAL EXAMINATION	\$40.00
COMMON GROUND COMMUNITY DEVELOPME	00067211	REFUND EVENT INSURANCE	\$50.00
HOMEWORX	00067212	REFUND BUILDING PERMIT	\$853.20
THE PEOPLE CENTRE	00067213	PROFESSIONAL SERVICES	\$85.00
STELLA'S CIRCLE	00067214	GRANT	\$5,750.00
DR. A.R. ROLFE	00067215	MEDICAL EXAMINATION	\$20.00
PIZZA DELIGHT	00067216	FOOD & REFRESHMENTS	\$61.48
JANICE RUSSELL	00067217	REFUND HALF ADOPTION FEE	\$60.00
AVALON JUNIOR CAPITALS	00067218	GRANT	\$400.00
A.J. FAGAN CONSULTING INC.	00067219	REGISTRATION FEES	\$904.00
BUDGET RENT-A-CAR	00067220	PROFESSIONAL SERVICES	\$1,280.40
ENTERPRISE RENT-A-CAR CANADA LTD.	00067221	PROFESSIONAL SERVICES	\$862.42
ALBERT & VALERIE PEDDLE	00067222	LOSS SETTLEMENT	\$2,800.00
STACEY O'DEA	00067223	REFUND SWIMMING LESSONS	\$40.00
19TH ST. JOHN'S SPARKS	00067224	REFUND BOOKING	\$114.00
GAIL MANNING	00067225	REFUND SWIMMING LESSONS	\$40.00
LINDA COURAGE	00067226	REFUND SEWER DIG	\$500.00
HELEN PUTT	00067227	EXPROPRIATION	\$34,000.00
THOMAS, RHONDA	00067228	REIMBURSE PASSPORT	\$217.90
WALSH, MARY	00067229	MEMBERSHIP FEES	\$500.88
PENNEY, LISA	00067230	MILEAGE - CROSSING GUARD PROGRAM	\$126.40
MARGARET HUTCHINGS	00067231	REIMBURSE CANADA POST	\$38.80
WHALEN, VANESSA	00067232	MEMBERSHIP FEES	\$59.00
STRAIT, MARIE	00067233	MILEAGE - CROSSING GUARD PROGRAM	\$93.41
HAYWARD, SARAH	00067234	REFUND SWIMMING LESSONS	\$80.00
CHRISTA NORMAN	00067235	MILEAGE	\$37.81
TOBIN, JUDY	00067236	MILEAGE	\$34.47
KIM BARRY	00067237	CLOTHING	\$180.00
BENNETT, GLENN	00067238	MILEAGE - CROSSING GUARD PROGRAM	\$139.00
KINSELLA, PAULA	00067239	MILEAGE - CROSSING GUARD PROGRAM	\$117.14
ALLISON VINCENT	00067240	MILEAGE	\$38.93
SUSAN HOWLETT	00067241	CLOTHING	\$180.00
SQUIRES, RICK	00067242	TRAVEL REIMBURSEMENT	\$380.88
KAY FILLIER	00067243	REIMBURSE COURSE FEES	\$50.00

NAME	CHEQUE #	DESCRIPTION	AMOUNT
BREWER, JILL	00067244	TRAVEL REIMBURSEMENT	\$267.50
GORDON BARNES	00067245	PROFESSIONAL SERVICES	\$2,400.00
ROYAL BANK VISA	00067246	VISA PAYMENT	\$1,327.80
LEONARD, MATTHEW	00067247	REIMBURSE COURSE FEES	\$930.62
SMART, ROBERT	00067248	REFUND REGISTRATION FEES	\$200.00
NORTH ATLANTIC PETROLEUM	00067249	PETROLEUM PRODUCTS	\$25,696.85
ALLIED CONSTRUCTORS INC.	00067250	PROGRESS PAYMENT	\$82,190.08
NEWFOUNDLAND POWER	00067251	ELECTRICAL SERVICES	\$60,394.05
ALLIED CONSTRUCTORS INC.	00067252	PROGRESS PAYMENT	\$2,230,184.73
Total:			<u>\$3,756,265.65</u>