

**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    | <b>Approved</b>                | 14-04-10 |
| RES  |                       | Proposed Demo/Rebuild                 | 58 Donovan's Road     | 5    | <b>Approved</b>                | 14-04-14 |
| RES  | Dinvest Holdings Ltd. | Proposed Demo/Rebuild                 | 66 Shoal Bay Road     | 5    | <b>Approved</b>                | 14-04-15 |
| COM  |                       | Home Office-Fashion Design Consultant | 3 Barter's Hill Place | 2    | <b>Approved</b>                | 14-04-15 |
| IND  | Pennecon Ltd          | Test Pits for Geological Analysis     | 4175 Trans Canada Hwy | 5    | <b>Approved</b>                | 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          |    |            |

| <b>YEAR TO DATE COMPARISONS</b>        |                        |                        |                         |
|----------------------------------------|------------------------|------------------------|-------------------------|
| <b>April 22, 2014</b>                  |                        |                        |                         |
| <b>TYPE</b>                            | <b>2013</b>            | <b>2014</b>            | <b>% VARIANCE (+/-)</b> |
| 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                     |                         |
| <b>TOTAL</b>                           | <b>\$73,991,000.00</b> | <b>\$93,624,000.00</b> | <b>27</b>               |

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 31<sup>st</sup> 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

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**MAYOR**

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**CITY CLERK**