

January 21st, 2013

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

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors Hickman, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins .

Regrets: Councillor O'Leary.

City Manager; Deputy City Manager/Director of Corporate Services & City Clerk, Deputy City Manager/Director of Public Works & Parks, Director of Planning; Director of Engineering; and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-01-21/33R

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

Adoption of Minutes

SJMC2013-01-21/34R

It was decided on motion of Deputy Mayor Duff; seconded by Councillor Hickman: That the minutes of January 14th, 2013 meeting be adopted as presented.

Business Arising

Proposed Text Amendment to the St. John's Development Regulations Vehicle Storage Yards in the Rural Zone

Under business arising, Council considered a memorandum dated January 17, 2013 from the Director of Planning concerning the above noted.

SJMC2013-01-21/35R

It was moved by Councillor Hann; seconded by Councillor Breen: That the following Resolution for St. John's Development Regulations Amendment Number 554,2013 which will have the effect of introducing a definition for "Vehicle Storage Yard" into the Development Regulations and to introduce requirements for this use as a Discretionary Use into the Rural Zone, be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment:

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 554, 2013**

WHEREAS the City of St. John's wishes to introduce "Vehicle Storage Yard" as a Discretionary Use in the Rural (R) Zone.

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

1. Introduce the following new definition into Section 2 ("Definitions"):

"Vehicle Storage Yard means a yard used for the storage of motorized vehicles and shall exclude the service or maintenance of motorized vehicles and shall exclude the salvage for scrap or recycling of motorized vehicles."

2. Amend Section 7 ("Special Developments") by adding the following as Section 7.34:

"7.34 Vehicle Storage Yard

A Vehicle Storage Yard is subject to the following requirements:

- a) Screening from adjoining land uses by landscaping in accordance with Section 8.5.1 where the Vehicle Storage Yard is adjacent to a Residential Use."**

3. Amend Section 10.38.2 ("Discretionary Uses in the Rural (R) Zone") with the introduction of "Vehicle Storage Yard (subject to Section 7.34)."

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 21st day of January, 2013.

Mayor

City Clerk

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

MCIP

The motion being put was unanimously carried.

**Proposed Text Amendment to the St. John’s Development Regulations
Accessory Buildings**

Council considered a memorandum dated January 17, 2013 from the Director of Planning regarding the above noted.

SJMC2013-01-21/36R

It was moved by Councillor Hann; seconded by Councillor Breen: That the following Resolution for the St. John’s Development Regulations Amendment Number 549, 2013 for the purpose of modifying the regulation of accessory buildings, be adopted, which will be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment.

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 549, 2013**

WHEREAS the City of St. John’s wishes to allow for Accessory Buildings for both residential and non-residential buildings.

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

- 1. Repeal Section 8.3.6 (“Accessory Building, Residential Use”) and replace it with the following new section:**

“8.3.6 Accessory Buildings

(1) General:

- (i) Notwithstanding the definition of Accessory Building, for the purposes of this section an Accessory Building shall not include a Deck, a Swimming Pool or a Carport.

(2) Floor Area:

- (i) Residential Use with a Lot Area of 1,860 m² or less 35% of the area of the Rear Yard of the Lot to a maximum of 55 m²
- (ii) Residential Use with a Lot Area over 1,860 m² and Non Residential Use 35% of the area of the Rear Yard of the Lot

(3) Building Height:

- (i) The maximum Building Height of an Accessory Building (Residential Use) shall be:
 - (a) Residential Use with a Lot Area of 1,860 m² or less 3.5 metres
 - (b) Residential Use with a Lot Area over 1,860 m² 4.5 metres
- (ii) The maximum Building Height of an Accessory Building (Non-Residential Use) shall be 4.5 metres.

(4) Location:

- (i) Accessory Buildings of 55 m² or less shall:
 - (a) be restricted to Side and Rear Yards, subject to Section 8.3.3;
 - (b) be located a minimum of 0.6 metre from the nearest Lot Lines;
 - (c) be located behind the Building Line; and
 - (d) be located a minimum of 2 metres from the Main Building.
- ii) Accessory Buildings in excess of 55 m² shall:
 - (a) be located a minimum of 1.2 metres from the Lot Lines; and
 - (b) be located behind the Building Line.

- iii) Notwithstanding the foregoing:
 - (a) if the Accessory Building has electrical services or a heating appliance, it shall be located a minimum of 1.2 metres from the Lot Lines; and
 - (b) if the Accessory Building is located in an area not provided with municipal water services it shall be located a minimum of 6 metres from any Lot Lines unless otherwise approved by the Director of Regional Fire Services (Fire Chief).”

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 21st day of January, 2013.

Mayor

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____ MCIP</p>
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City Clerk

The motion being put was unanimously carried.

**Proposed Text Amendment to the St. John’s Development Regulations
Reduced Lot Housing Developments**

Under business arising, Council considered a memorandum dated January 17, 2013 from the Director of Planning regarding the above noted.

SJMC2013-01-21/37R

It was moved by Councillor Hann; seconded by Councillor Breen: That the following Resolution for St. John’s Development Regulations Amendment Number 553, 2013 which will have the effect of deleting/repealing all existing

references in the St. John’s Development Regulations to Reduced Lot Housing, be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendments:

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 553, 2013**

WHEREAS the City of St. John’s wishes to repeal all references to “Reduced Lot Housing” presently contained in the St. John’s Development Regulations.

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

- 4. Repeal the definition of “Reduced Lot Housing” as contained in Section 2 (Definitions).**
- 5. Repeal Section 7.14 (“Reduced Lot Housing Development”).**
- 6. Repeal all references to “Reduced Lot Housing” contained in Section 10 (“Use Zone Schedules”).**

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 21st day of **January, 2013.**

Mayor

City Clerk

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____ MCIP</p>

The motion being put was unanimously carried.

Proposed Rezoning of Property, Land North of Coventry Way/South of Team Gushue Highway Applicant: Nosegard Holdings Ltd.

Under business arising, Council considered a memorandum dated January 16, 2013 from the Director of Planning regarding the above noted.

SJMC2013-01-21/38R

It was moved by Councillor Hann; seconded by Councillor Breen: That Resolutions for St. John's Municipal Plan Amendment Number 108, 2012 and St. John's Development Regulations Amendment Number 552, 2012 be formally approved, which will be forwarded to the Department of Municipal Affairs with a request for Provincial registration of the amendments.

The motion being put was unanimously carried.

**Proposed Text Amendment to the St. John's Development Regulations
Proposed Tree Planting Fee**

Under business arising, Council considered a memorandum dated January 10, 2013 from the Director of Planning regarding the above noted which was deferred at last Regular Meeting of Council pending further clarification on the issues raised by members of Council.

SJMC2013-01-21/39R

It was moved by Deputy Mayor Duff; seconded by Councillor Hickman: That the deferral of this matter be extended to provide an opportunity for Council to meet with Parks staff to clarify some of the concerns raised by Council concerning the Tree By Law.

The motion to extend deferral being put was unanimously carried.

Committee Reports

Council considered the following Development Committee Report dated January 15th, 2013:

RECOMMENDATION

- 1. Application to Redevelop and Extend the Former Avalon Telephone Building
Civic Number 345-353 Duckworth Street (Ward 2)
Applicant: Henry Bell Developments Ltd.**

The Development Committee recommends that Council now grant an Approval-in-Principle to the application to redevelop and extend the former Avalon Telephone Building at Civic No. 345-353 Duckworth Street and that final approval is subject to the following conditions:

- i. Compliance with all requirements of the City's Department of Engineering;
- ii. Compliance with all requirements of the St. John's Development Regulations;
- iii. Compliance with all requirements of the City's Department of Buildings and Property Management;
- iv. Completion of the new parking garage now under construction on the north side of Duckworth Street prior to City approval to occupy the extended and redeveloped building at Civic No. 345-353 Duckworth Street; and
- v. Final approval of the application in the form of a Development Agreement between Council and the Developer that specifies all conditions of the development.

**2. Application for a Proposed Residential Townhouse Development
Civic Number 12-20 Mount Cashel Road (Ward 4)
Applicant: 62554 Newfoundland and Labrador L Inc.**

The Development Committee recommends that Council direct the Department of Planning, in conjunction with the Legal Department, to draft an amendment to the St. John's Development Regulations which would have the effect of establishing a new site-specific zone for the property at Civic Number 12-20 Mount Cashel Road which would allow the development of the proposed townhouse development.

The Committee further recommends that once the new zone is drafted, that it be referred to a public meeting, to be chaired by a member of Council, so that residents/property owners in the vicinity of the application site would have an opportunity to review and comment on the proposed new zone.

**3. 61 Hamilton Avenue
Conversion of Existing Commercial Building to Multi-Unit Residential
Occupancy
Proposed Rooftop Gardens/Green Roof**

The Development Committee recommends approval of this proposal.



Robert F. Smart
City Manager
Chair – Development Committee

SJMC2013-01-21/40R

**It was moved by Councillor Hann; seconded by Councillor Hanlon:
That the Committee’s recommendation be approved.**

Regarding Item #2 – Proposed Residential Townhouse Development Civic Number 12-20 Mount Cashel Road, Deputy Mayor Duff expressed concerns about the density of the Project.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period January 11, 2012 to January 17, 2013;

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF January 11, 2013 TO January 17, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Nino Construction Ltd	Demolition & Reconstruction of Property	6 Diefenbaker Street	1	Approved	13-01-11
COM	Kavanagh Associates	Sanitary Sewer Upgrade	292 Kenmount Road	4	Approved	13-01-11
IND	Department of Natural Resources	Three (3) Quarry Renewals-Cabot Ready Mix	Incinerator Road	5	Approved	13-01-11
IND	Department of Natural Resources	Quarry Renewal-City Sand and Gravel	Topsail Road/Outer Ring Road-Broad Cove River Watershed	4	Rejected-Contract to Uses allowed in Watershed (W) Zone	13-01-11
COM		Home Office – Off Site Teaching Children	38 Turnberry Street	4	Approved	13-01-11
RES		Building Lot	16 Adams Avenue	2	Approved	13-01-15
COM	John Hearn Architect Inc.	Commercial Office Building	69 Mews Place	4	Approved	13-01-16
COM		Home Office – Cleaning Business	294 Frecker Drive	3	Approved	13-01-16
RES		Two (2) Building Lots	204 Forest Road & 2 Cuckhold's Cove Road	2	Approved	13-01-16

**Gerard Doran
Development Officer
Department of Planning**

*	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.		

Building Permits List

SJMC2013-01-21/41R

**It was moved by Councillor Colbert; seconded by Councillor Tilley:
That the recommendation of the Director of Building and Property
Management with respect to the following Building Permits List be approved:**

**Weekly Permits List
Council's January 21, 2013 Regular Meeting**

Permits Issued: 2013/01/10 To 2013/01/16

CLASS: COMMERCIAL

385 EMPIRE AVE	MS	OFFICE
68 KENMOUNT RD	SN	RESTAURANT
790 KENMOUNT RD	SN	WAREHOUSE
222 LEMARCHANT RD	SN	HOTEL
10 FORT WILLIAM PL	RN	OFFICE
50 MEWS PL	NC	ACCESSORY BUILDING
187 KENMOUNT RD	NC	COMMUNICATIONS USE
AVALON MALL NO. 1	RN	RETAIL STORE
301 HAMILTON AVE	RN	TAVERN
AVALON MALL-EMPIRE THEATRES	RN	PLACE OF AMUSEMENT
418 WATER ST	NC	HOTEL

THIS WEEK \$ 14,159,273.00

CLASS: INDUSTRIAL

349 INCINERATOR RD	EX	LIGHT INDUSTRIAL USE
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THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

BLACKMARSH RD, LOT 34, UNIT 1	NC	CONDOMINIUM
BLACKMASH RD, LOT 34, UNIT 2	NC	CONDOMINIUM
BLACKMARSH RD, LOT 34, UNIT 3	NC	CONDOMINIUM
BLACKMARSH RD, LOT 34, UNIT 4	NC	CONDOMINIUM
BLACKMARSH RD, LOT 35, UNIT 1	NC	CONDOMINIUM
BLACKMARSH RD, LOT 35, UNIT 2	NC	CONDOMINIUM
BLACKMARSH RD, LOT 35, UNIT 3	NC	CONDOMINIUM
BLACKMARSH RD, LOT 35, UNIT 4	NC	CONDOMINIUM
BLACKMARSH RD, LOT 36, UNIT 1	NC	CONDOMINIUM
BLACKMARSH RD, LOT 36 UNIT 2	NC	CONDOMINIUM
BLACKMARSH RD, LOT 36, UNIT 3	NC	CONDOMINIUM
BLACKMARSH RD, LOT 36, UNIT 4	NC	CONDOMINIUM
BLACKMARSH RD, LOT 37, UNIT 1	NC	CONDOMINIUM
BLACKMARSH RD, LOT 37, UNIT 2	NC	CONDOMINIUM
BLACKMARSH RD, LOT 37, UNIT 3	NC	CONDOMINIUM
BLACKMARSH RD, LOT 37, UNIT 4	NC	CONDOMINIUM
23 CAPPAHAYDEN STREET - LOT 1	NC	SINGLE DETACHED & SUB.APT
54 COUNTRY GROVE PL, LOT 72	NC	SINGLE DETACHED DWELLING
876 MAIN RD	NC	ACCESSORY BUILDING
3 GEORGINA ST	CR	SUBSIDIARY APARTMENT
62 LADY ANDERSON ST	CR	SINGLE DETACHED & SUB.APT
9 1/2 WHITEFORD PL	CR	SUBSIDIARY APARTMENT
92 CIRCULAR RD	RN	SINGLE DETACHED DWELLING
21 FIRST AVE	RN	SINGLE DETACHED DWELLING
25 FITZGIBBON ST	RN	SINGLE DETACHED DWELLING
54 FRANCIS ST	RN	SINGLE DETACHED DWELLING
6 GUY ST	RN	SINGLE DETACHED DWELLING
20 KERR ST	RN	SINGLE DETACHED DWELLING
49 QUEEN'S RD	RN	APARTMENT BUILDING
19 SMITHVILLE CRES	RN	SINGLE DETACHED DWELLING
18 WATERFORD HTS N	RN	SINGLE DETACHED DWELLING
55 KENAI CRES, LOT 224	SW	SINGLE DETACHED & SUB.APT
3 MOONEY CRES	SW	TOWNHOUSING
280 TORBAY RD	SN	RESTAURANT

THIS WEEK \$ 2,961,200.00

CLASS: DEMOLITION

129 CAMPBELL AVE	DM	SINGLE DETACHED DWELLING
133 CAMPBELL AVE	DM	SINGLE DETACHED DWELLING

THIS WEEK \$ 32,500.00

THIS WEEK'S TOTAL: \$ 17,152,973.00

REPAIR PERMITS ISSUED: 2013/01/10 TO 2013/01/16 \$ 24,300.00

LEGEND

CO	CHANGE OF OCCUPANCY	SN	SIGN
CR	CHNG OF OCC/RENOVTNS	MS	MOBILE SIGN
EX	EXTENSION	CC	CHIMNEY CONSTRUCTION
NC	NEW CONSTRUCTION	CD	CHIMNEY DEMOLITION
OC	OCCUPANT CHANGE	DV	DEVELOPMENT FILE
RN	RENOVATIONS	WS	WOODSTOVE
SW	SITE WORK	DM	DEMOLITION
TI	TENANT IMPROVEMENTS		

YEAR TO DATE COMPARISONS			
January 21, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$3,600,200.00	\$14,600,700.00	306
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$37,300.00	\$0.00	-100
Residential	\$6,800,200.00	\$6,100,800.00	-10
Repairs	\$55,000.00	\$36,200.00	-34
Housing Units (1 & 2 Family Dwellings)	17	11	
TOTAL	\$10,492,700.00	\$20,737,700.00	98

Respectfully Submitted,

David Blackmore, R.P.A.
 Director Of Building & Property Management.

Payrolls and Accounts

SJMC2013-01-21/42R

It was moved by Councillor Colbert; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending January 17, 2013 be approved:

**Weekly Payment Vouchers
 For The
 Week Ending January 17, 2013**

Payroll

Public Works	\$ 500,547.16
Bi-Weekly Administration	\$ 789,646.95
Bi-Weekly Management	\$ 694,476.01
Bi-Weekly Fire Department	\$ 589,561.62
Accounts Payable	\$ 7,125,715.49
Total:	\$ 9,699,947.23

The motion being put was unanimously carried.

Notice of Motion

Councillor Hanlon gave the following Notice of Motion:

TAKE NOTICE that at a future meeting of Council I will move that CD#R2012-10-29/20 be rescinded, and will further move that Council approve entering into an arrangement, with the specific nature of the arrangement being deemed appropriate by the City Manager, with the Yellow Belly Brewery so as to permit it, at a cost of \$15,000.00, to utilize an approximately 12 x 40 foot subterranean section of the Beck's Cove portion of George Street to allow for the expansion of the brewery operation.

Other Business

Council considered as information the Quarterly Travel Report for the fourth quarter of 2012, in accordance with the City's Freedom of Information By-Law.

Snow Clearing Report

Council considered the snow clearing report for the period January 1st to January 18th, 2013 showing a negative variance of \$21,941.

1 Hawthorne Place

Council considered a memorandum dated January 13, 2013 from the City Solicitor Regarding the above noted.

SJMC2013-01-21/43R

It was moved by Councillor Colbert; by Councillor Breen: That His Worship the Mayor and City Clerk be authorized to execute the Release of Easement for the encroached upon City water line by the house at 1 Hawthorne Place.

The motion being put was unanimously carried.

Councillor Hanlon

Councillor Hanlon advised that the Police and Traffic Committee will be reviewing the parking situation on Ridge Road relative to the ongoing student and resident issues.

Councillor Tilley

Councillor Tilley referenced a letter from Mr. Burford Ploughman asking if the City can use a more durable road paint for its road lines. The Director of Public Works advised that the solution is to apply more than one coat of the paint and using as much Thermoplastic as possible, which is very expensive. However, he noted that latex paint is not practical due to our high humidity and damp climate.

Councillor Tilley asked that staff provide information on the cost of using thermoplastic for the City's road markings.

Retirement of Director of Planning

Councillor Hann advised of Mr. Cliff Johnston's (Director of Planning) plans to retire from service with the City effective the end of February 2013. He acknowledged him for his many years of service and for his tremendous contribution to the City and wished him "all the best in his retirement".

The Deputy Mayor also acknowledged Mr. Johnston and wished him well.

Adjournment

There being no further business, the meeting adjourned at 5:15 p.m.

MAYOR

CITY CLERK