

May 26, 2008

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

Acting Mayor Duff presided.

There were present also Councillors Hickman, Hann, Puddister, Galgay, Coombs and Collins

Regrets: Councillor Colbert

The Associate Commissioner/Director of Corporate Services and City Clerk, Acting Chief Commissioner and Director of Engineering, Director of Planning, Senior Legal Counsel, and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2008-05-26/309R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That the agenda be adopted as presented with the following additional items:

1. Memorandum dated May 26, 2008 from Acting Mayor Duff re Professional Development Workshop – Asset Based Community Development
2. Memorandum dated May 26, 2008 from Councillor Hickman re City Mural for 2008
3. Letter dated May 25, 2008 from Mr. Randy Wellon re 10 Fort Waldegrave

Adoption of Minutes

SJMC2008-05-26/310R

It was decided on motion of Councillor Puddister; seconded by Councillor Collins: That the Minutes of the May 20th, 2008 meeting be adopted as presented.

Notice of Motion – Councillor Hickman

SJMC2008-05-311R

Pursuant to Notice of Motion, it was moved by Councillor Hickman; seconded by Councillor Collins: That smoking in all areas of Riverhead Towers, including apartments and the outside front entrance, be banned, and further, that the motion be amended to direct staff of the Department of Building and Property Management to conduct a review of all City non profit housing, with the intent of determining the feasibility of declaring all units smoke free.

A discussion ensued following which Council agreed, at the request of Councillor Hickman and in concurrence with the seconder, that the unamended motion be voted on at this time.

**The unamended motion being put there voted for it the mover and seconder.
The motion was lost.**

SJMC2008-05-312R

It was then moved by Councillor Puddister; seconded by Councillor Galgay: That the matter be referred to staff of the Building and Property Management and Legal Departments for review and recommendation, which would involve a review of all City non profit housing, with the intent of determining the feasibility of declaring all units smoke free.

During discussion, Council asked for information on (i) whether the City has legal authority to impose a smoking ban in such premises, (ii) the health hazard from second hand smoke; (iii) the implications of imposing such a ban, and what options there may be to accommodate the current residents, ie. installation of ventilation systems or designating a smoke free area in the buildings.

The motion being put was unanimously carried.

**St. John's Municipal Plan Amendment Number 60, 2008
St. John's Development Regulations Amendment Number 431, 2008
Application to Subdivide for a Proposed Residential Lot
Civic Number 418-420 Back Line (Ward 5), Floyd and Mary Cole**

Council considered a memorandum dated May 22, 2008 from the Director of Planning regarding the above noted.

SJMC2008-05-26/313R

It was moved by Councillor Collins seconded by Councillor Puddister: That the following Resolutions for St. John's Municipal Plan Amendment Number 60, 2008 and St. John's Development Regulations Amendment Number 431, 2008 be adopted; and further that Mr. Glenn Barnes, a member of the City's Commissioner list, be appointed as the Commissioner to conduct a public hearing and to prepare a report with recommendations for Council's consideration of the amendments, the proposed date for the public hearing being Tuesday, June 17, 2008.

**RESOLUTION
ST. JOHN’S MUNICIPAL PLAN AMENDMENT NUMBER 60, 2008**

WHEREAS the St. John’s Municipal Council wishes to permit residential development on partial municipal services (water and sanitary sewage) on the property located at Civic Numbers 418-420 Back Line.

BE IT THEREFORE RESOLVED that the St. John’s Municipal Council hereby adopts the following map amendment to the St. John’s Municipal Plan, in accordance with the Urban and Rural Planning Act, 2000:

Redesignate property at 418-420 Back Line from the Rural Land Use District to the Residential Low Density Land Use District, as shown on Map III–1A attached.

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

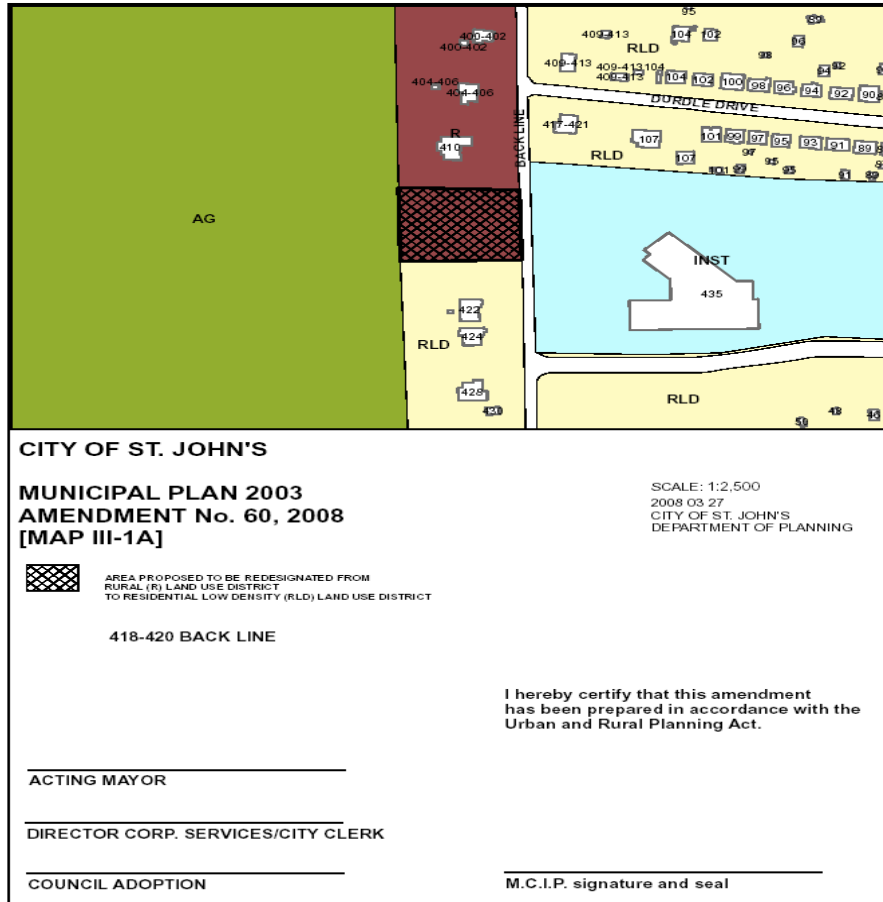
IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services &
City Clerk**

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

MCIP



RESOLUTION

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 431, 2008

WHEREAS the St. John's Municipal Council wishes to permit residential development on partial municipal services (water and sanitary sewage) on the property located at Civic Numbers 418-420 Back Line.

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following map amendment to the St. John's Development Regulations, in accordance with the Urban and Rural Planning Act, 2000:

Rezone property at 418-420 Back Line from the Rural Residential Infill (RRI) Zone to the Residential Low Density (R1) Zone, as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the St. John's Municipal Council 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 Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

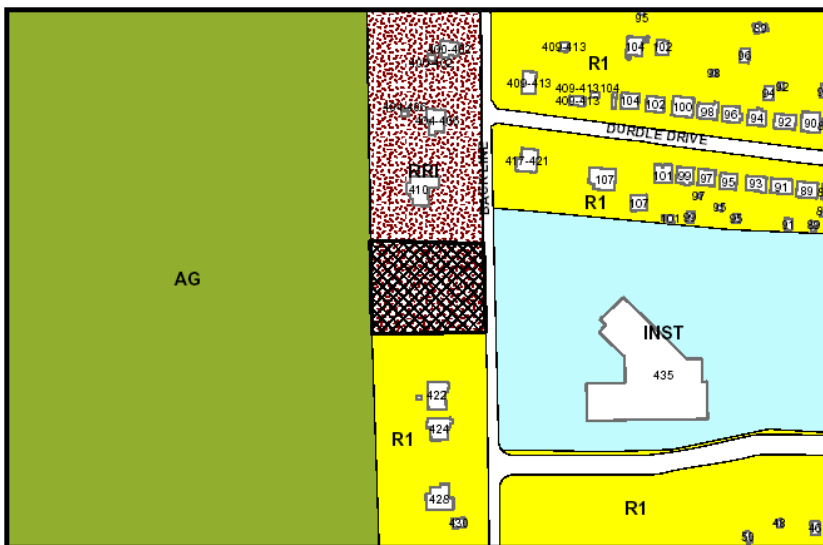
Acting Mayor

**Director of Corporate Services
& 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.



**CITY OF ST. JOHN'S
LAND USE ZONING AND
DEVELOPMENT REGULATIONS 1994
AMENDMENT No. 431, 2008
[MAP Z-1A]**

SCALE: 1:2,500
2008 03 27
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REZONED FROM
RURAL RESIDENTIAL INFILL (RR1) LAND USE ZONE
TO RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE

418-420 BACK LINE

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

ACTING MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

St. John’s Development Regulations Amendment Number 432, 2008
St. John’s Development Regulations Amendment Number 433, 2008
St. John’s Development Regulations Amendment Number 435, 2008

Council considered a memorandum dated May 22, 2008 from the Director of Planning regarding the above noted.

SJMC2008-05-26/314R

It was moved by Councillor Coombs; seconded by Councillor Puddister: That the following Resolutions for St. John’s Development Regulations Amendment Numbers 432, 2008, 433, 2008 and 435, 2008 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendments in accordance with the requirements of the Urban and Rural Planning Act, 2000.

RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 432, 2008

WHEREAS the St. John’s Municipal Council wishes to reclassify “Office” as a Discretionary Use in the Apartment Downtown (AD) Zone.

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

Amend **Section 10.15.1 – APARTMENT DOWNTOWN (AD) ZONE: Permitted Uses** by deleting “(e) Office” and reordering the section accordingly, and

Amend **Section 10.15.2 – APARTMENT DOWNTOWN (AD) ZONE: Discretionary Uses** by inserting “(d) Office” and reordering the section accordingly.

BE IT FURTHER RESOLVED that the St. John’s Municipal Council 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 Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

Director of Corporate Services and City Clerk

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

MCIP

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 435, 2008**

WHEREAS the St. John's Municipal Council wishes to accommodate "Rental Storage Use" as a Discretionary Use in the Commercial Neighbourhood (CN) Zone.

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

Amend **Section 10.17.2 – COMMERCIAL NEIGHBOURHOOD (CN)
ZONE: Permitted Uses** by inserting "**(h) Rental Storage Use (subject to Section 7.24)**" and reordering the section accordingly.

BE IT FURTHER RESOLVED that the St. John's Municipal Council 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 Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**

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

MCIP

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 433, 2008**

WHEREAS the St. John's Municipal Council wishes to update Map G (Arterial Roads-Landscaping) in Section 3 of the St. John's Development Regulations so that it accurately reflects the actual route and limits of the Outer Ring Road.

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

**Remove the present Map G dated 1995 12 01 and replace it with a new
Map G dated 2008 05 07, attached.**

BE IT FURTHER RESOLVED that the St. John's Municipal Council 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 Acting Mayor and the City Clerk on behalf of Council this 26th day of **May**, 2008.

Acting Mayor

**Director of Corporate Services
and 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.

**CITY OF ST. JOHN'S
LAND USE ZONING AND
DEVELOPMENT REGULATIONS 1994
AMENDMENT No. 433, 2008
[MAP G - ARTERIAL ROADS LANDSCAPING]**

SCALE: 1:75,000
2008 05 07
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

AREA PROPOSED TO BE REMOVED FROM
MAP G - ARTERIAL ROADS LANDSCAPING MAP
EAST WHITE HILLS ROAD

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

ACTING MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

Building Application, Proposed Demolition and Replacement of Single Detached Dwelling, 10 Fort Waldegrave (Ward 2) - Garnet Kindervater Limited on behalf of Colin Baxter

Council considered a memorandum dated 22, 2008 from the Director of Planning regarding the above noted.

SJMC2008-05-26/315R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That based on the fact that the proposed new dwelling will not have any significant interference with the private views from other properties and that the design of the proposed new dwelling is in keeping with the character of other dwellings in the area, that the application be approved subject to the following conditions:

- a. **Approval of the building elevations by the City's Heritage Officer; and**
- b. **Compliance with all requirements of the City's Department of Engineering and Department of Building and Property Management.**

The motion being put was unanimously carried.

Notices Published

1. **A Discretionary Use Application** has been submitted by William Earle requesting permission to construct two (2) Infill Housing Dwelling Units at **Civic Number 37 Flower Hill**. Off-street parking will accommodate two (2) vehicles **(Ward 2)**

SJMC2008-05-26/316R

It was moved by Councillor Galgay; seconded by Councillor Collins: That the application be approved.

The motion being put was unanimously carried.

2. Application by ND Dobbin Properties Limited to rezone **undeveloped land situated north of Logy Bay Road, south of the Outer Ring Road off-ramp and abutting Stage 3 of the East Point Landing Subdivision**, from the Commercial Regional (CR) Zone to the Residential Low Density (R1) Zone. The purpose of the rezoning is to integrate this 6900 m² 1.7 acres) parcel of land into the East Point Landing Residential Subdivision - Stage 3. This land is known as the Daniel Doran Estate. **(WARD 1)**

SJMC2008-05-26/317R

It was moved by Councillor Puddister; seconded by Councillor Coombs: That the following Resolutions for St. John's Municipal Plan Amendment Number 62, 2008 and St. John's Development Regulations Amendment Number 437, 2008 be adopted in principle subject to Provincial release from the Department of Municipal Affairs:

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 62, 2008**

WHEREAS the St. John's Municipal Council wishes to accommodate the residential development of land situated off Logy Bay Road, south of the Outer Ring Road off-ramp and abutting Stage 3 of the East Point Landing Residential Subdivision;

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

Redesignate land off Logy Bay Road, south of the Outer Ring Road off-ramp and abutting Stage 3 of the East Point Landing Residential Subdivision, from the Commercial General (CG) Land Use District to the Residential Low Density Land Use (RLD) District as shown on Map III-1A attached.

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

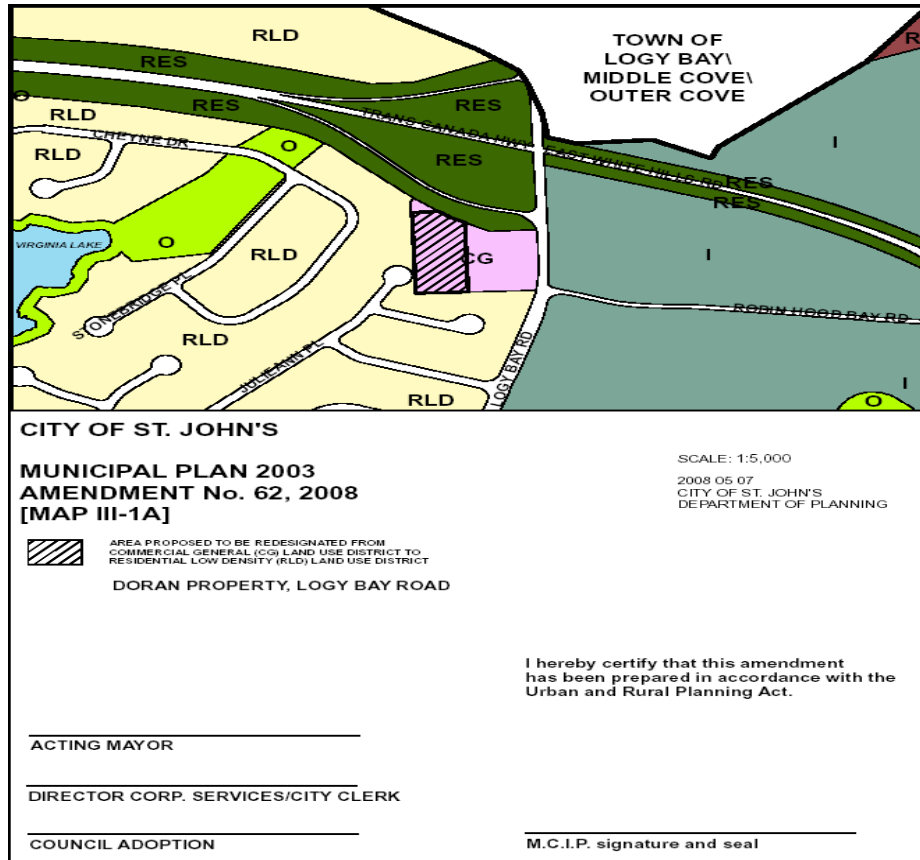
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**

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

MCIP



**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 437, 2008**

WHEREAS the St. John's Municipal Council wishes to accommodate the residential development of land situated off Logy Bay Road, south of the Outer Ring Road off-ramp and abutting Stage 3 of the East Point Landing Residential Subdivision;

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

Rezone land off Logy Bay Road, south of the Outer Ring Road off-ramp and abutting Stage 3 of the East Point Landing Residential Subdivision, from the Commercial Regional (CR) Zone to the Residential Low Density (R1) Zone as shown on MapZ-1A attached.

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

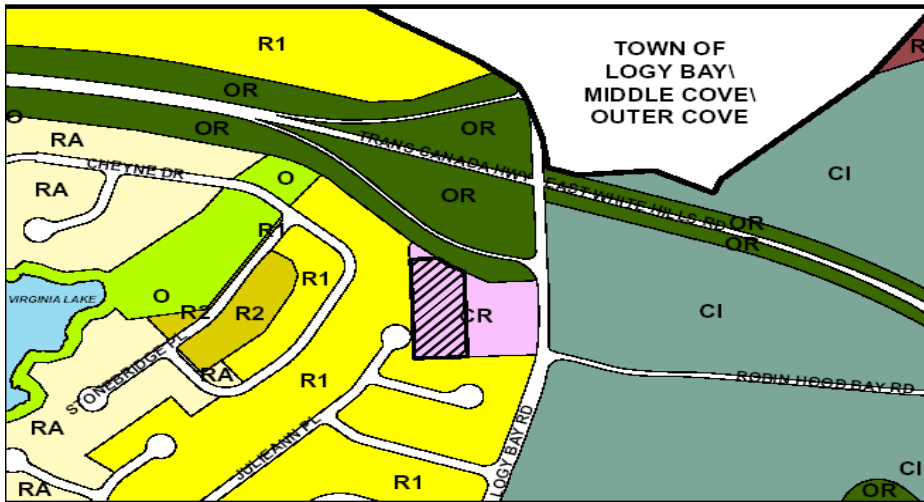
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**


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

MCIP



**CITY OF ST. JOHN'S
LAND USE ZONING AND
DEVELOPMENT REGULATIONS 1994
AMENDMENT No. 437, 2008
[MAP Z-1A]**

SCALE: 1:5,000
2008 05 07
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

 AREA PROPOSED TO BE REZONED FROM
COMMERCIAL REGIONAL (CR) LAND USE ZONE TO
RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE
DORAN PROPERTY, LOGY BAY ROAD

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

ACTING MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

The motion being put was unanimously carried.

3. Application by Mr. Douglas O'Reilly to rezone property situated at **Civic Number 429 and 431-435 Main Road** from the Residential Low Density (R1) Zone to the Commercial Neighbourhood (CN) Zone. The purpose of the rezoning is to accommodate development of a self storage facility (Rental Storage Use) as a Discretionary Use. An existing sawmill at the rear of the subject property would be removed. Council is also considering making a text amendment to the St. John's Development Regulations to add "Rental Storage Use" as a Discretionary Use in the CN Zone. **(WARD 5)**

SJMC2008-05-26/318R

It was moved by Councillor Collins; seconded by Councillor Hann: That the following Resolutions for St. John's Municipal Plan Amendment Number 61, 2008 and St. John's Development Regulations Amendment Number 436, 2008 be adopted in principle, subject to Provincial Release from the Department of Municipal Affairs:

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 61, 2008**

WHEREAS the St. John's Municipal Council wishes to accommodate the commercial development of land situated at 429 and 431-435 Main Road;

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

Redesignate land at 429 and 431-435 Main Road from the Residential Low Density Land Use (RLD) District to the Commercial General (CG) Land Use District and the Open Space Land Use District as shown on Map III-1A attached.

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

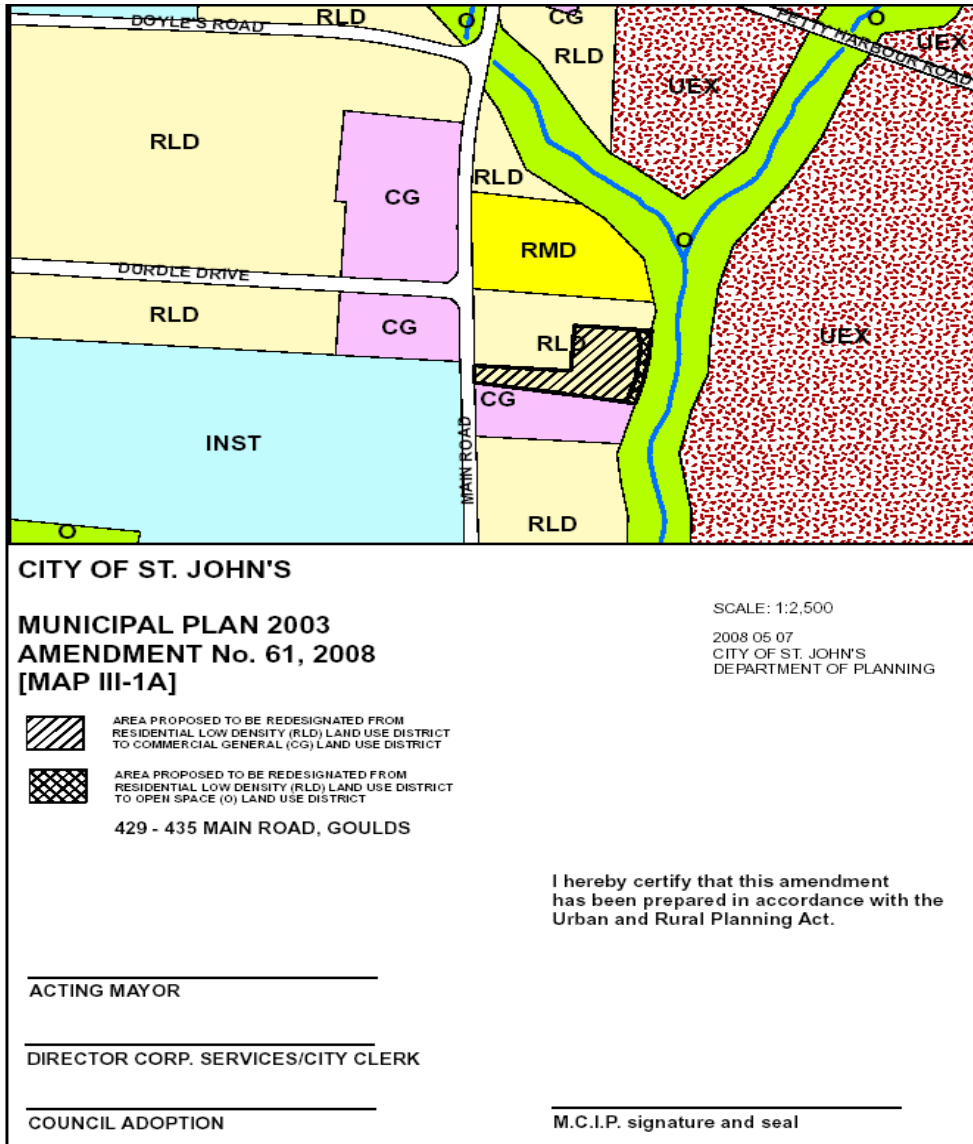
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Acting Mayor

**Director of Corporate Services
and City Clerk**

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

MCIP



RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 436, 2008

WHEREAS the St. John's Municipal Council wishes to accommodate the commercial development of land situated at 429 and 431-435 Main Road;

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

Rezone land situated at 429 and 431-435 Main Road from the Residential Low Density (R1) Zone to the Commercial Neighbourhood (CN) Zone and the Open Space (O) Zone as shown on MapZ-1A attached.

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

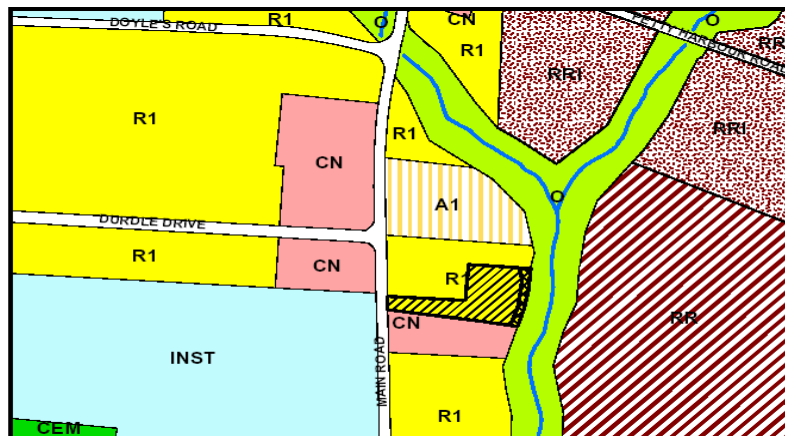
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**

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


MCIP



**CITY OF ST. JOHN'S
LAND USE ZONING AND
DEVELOPMENT REGULATIONS 1994
AMENDMENT No. 436, 2008
[MAP Z-1A]**

SCALE: 1:2,500
2008 05 07
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

 AREA PROPOSED TO BE REZONED FROM RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE TO COMMERCIAL NEIGHBOURHOOD (CN) LAND USE ZONE

 AREA PROPOSED TO BE REZONED FROM RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE TO OPEN SPACE (O) LAND USE ZONE

429 - 435 MAIN ROAD, GOULDS

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

ACTING MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

The motion being put was unanimously carried.

4. Application by Ms. Krista St. Croix to rezone **land situated off the Main Road, near its intersection with Robert E. Howlett Memorial Drive (the Goulds by-Pass Road)** from the Rural (R) Zone to the Rural Residential Infill (RRI) Zone. The purpose of the rezoning is to permit development of the subject property as a residential building lot. Council is also considering rezoning several neighbouring properties (# 1002, # 1006, # 1010, # 1005 and # 1009 Main Road) from the Rural (R) Zone to the Rural Residential Infill (RRI) Zone. Each of these properties is currently occupied by single-detached houses and has the status of a Non-Conforming Use. **(WARD 5)**

SJMC2008-05-26/319R

It was moved by Councillor Collins; seconded by Councillor Hann: That a decision on the proposed rezoning of land that Ms. St. Croix wishes to rezone as well as the proposed rezoning of adjacent lands to the RRI Zone be deferred until Ms. St. Croix can document to the satisfaction of the City that she has clear title the subject land.

The motion being put was unanimously carried.

5. Application by Mr. Harold Benson to rezone property situated at Blackhead Road (Parcel "B"), east of **Civic Number 1094 Blackhead Road**, from the Rural (R) Zone to the Rural Residential (RR) Zone. The purpose of the rezoning is to accommodate development of the subject property as a residential building lot. Associated with the Benson application is the proposed rezoning of an adjoining parcel of Crown Land which would be combined with the subject property to become an approved RR Zone building lot; and the rezoning of the nearby properties up, to the last house at 1094 Blackhead Road: 1094 Blackhead Road would be rezoned to the RR Zone and become a Permitted Use in that zone and an adjacent wetland that would be rezoned to Open Space (O) to protect it from development. **(WARD 5)**

SJMC2008-05-26/320R

It was moved by Councillor Collins; seconded by Councillor Hann: That the following Resolution for St. John's Development Regulations Amendment Number 438, 2008 be adopted:

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 438, 2008**

WHEREAS the St. John's Municipal Council wishes to accommodate the rural residential use of land situated off Blackhead Road between civic number 1160 Blackhead Road and up to and including civic number 1094 Blackhead Road, and also protect a wetland in this area from development;

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

Rezone land situated off Blackhead Road between civic number 1160 Blackhead Road and up to and including civic number 1094 Blackhead Road, from the Rural (R) Zone to the Rural Residential (RR) Zone and the Open Space (O) Zone as shown on MapZ-1A attached.

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

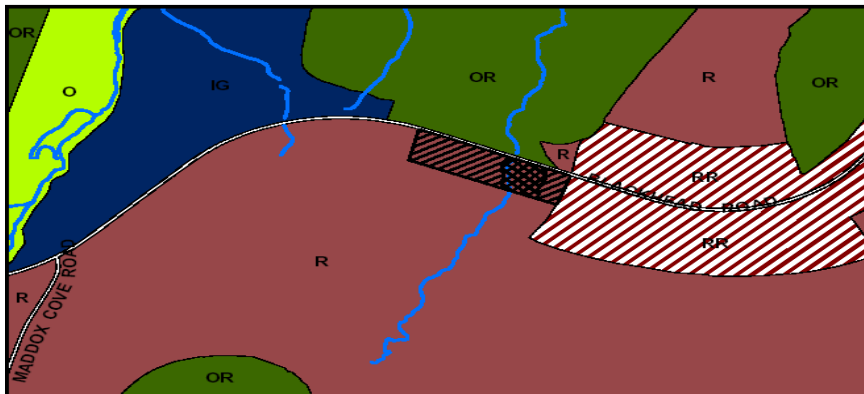
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Acting Mayor and the City Clerk on behalf of Council this 26th day of May, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**



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

MCIP



**CITY OF ST. JOHN'S
LAND USE ZONING AND
DEVELOPMENT REGULATIONS 1994
AMENDMENT No. 438, 2008
[MAP Z-1A]**

SCALE: 1:12,500
2008 05 07
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

-  AREA PROPOSED TO BE REZONED FROM RURAL (R) LAND USE ZONE TO RURAL RESIDENTIAL (RR) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM RURAL (R) LAND USE ZONE TO OPEN SPACE (O) LAND USE ZONE

BLACKHEAD ROAD

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

ACTING MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

The motion being put was unanimously carried.

Finance and Administration Standing Committee Report dated May 8th, 2008

Council considered the following Finance and Administration Standing Committee Report dated May 8th, 2008:

In Attendance: Councillor Art Puddister, Chairperson
Councillor Shannie Duff
Councillor Tom Hann
Councillor Wally Collins
Mr. Ron Penney, Chief Commissioner & City Solicitor
Mr. Art Cheeseman, Associate Commissioner/Director of Engineering
Mr. Neil Martin, Associate Commissioner/Director of Corporate Services & City Clerk
Mr. Bob Bishop, Director of Finance & City Treasurer
Mr. Paul Mackey, Director of Public Works & Parks
Mr. Dave Blackmore, Director of Building & Property Management
Mr. Kevin Breen, Director of Human Resources
Ms. Jill Brewer, Director of Recreation
Ms. Elizabeth Lawrence, Director of Economic Development, Tourism & Culture
Ms. Elizabeth Clarke, Risk Manager
Ms. Kelly Butler, Recording Secretary.

1. Promotion of Employee Wellness

The Committee considered the **attached** memorandum dated April 30, 2008, from the Director of Human Resources regarding the above noted matter.

The Director of Human Resources suggested that by taking a proactive role in the promotion of employee wellness, the City would see a long-term benefit through a reduction in Workers Compensation premiums, reduction in group insurance premiums, reduction in accidents and sick leave, increased employee health, increased productivity, etc. The Committee then discussed the pros and cons of having dedicated staff resources for an employee wellness program. The Director of Human Resources noted that there is funding available in the City's Benefit Management Fund to cover the cost of the program.

Following the discussion, the Committee recommended that Council approve:

- a. **the creation of the position of Employee Wellness/Health Educator, whose mandate will be to educate, motivate, and encourage City employees to take action on improving their health and wellness through healthy eating and physical activity, at an approximate salary of \$60,000 annually; and**

- b. the position of Employee Wellness/Health Educator will be for a trial period of one year only, to be further evaluated after that time. The salary cost will be funded from the City's Benefit Management Fund.**

Councillor Art Puddister
Chairperson

SJMC2008-05-26/321R

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

The motion being put was unanimously carried.

Joint Committee of Council & the Downtown Development Commission, May 21st, 2008

Council considered the following Joint Committee of Council & the Downtown Development Commission Report, May 21st, 2008:

Attendees: Acting Mayor Shannie Duff, Chairperson
Peter Belbin, Chairman, DDC
John McCarthy, Vice-Chair, DDC
Charlie Cook, Treasurer, DDC
Scott Cluney, Executive Director, DDC
Ron Penney, Chief Commissioner
Art Cheeseman, Associate Commissioner/Director of Engineering
Dave Blackmore, Director of Building & Property Management
Paul Mackey, Director of Public Works & Parks
Bob Bishop, Director of Finance & City Treasurer
Robin King, Transportation Engineer
Jim Clarke, Manager of Streets & Parks
Karen Chafe, Recording Secretary

Report:

Downtown Parking Study Proposal Review

The Committee reviewed the attached memo dated May 14th, 2008 from the Associate Commissioner/Director of Engineering regarding the proposals received for the Downtown Parking Study. In total, three proposals were received from qualified consultants, and all three were evaluated by an internal committee using a matrix point rating system based on the consultants understanding of the work, the consultant's capability to perform the work and on the methodology proposed by the consultant to complete the work. The Downtown Development Commission has received copies of all three proposals for their review prior to this meeting.

The Committee on motion of Charlie Cook; seconded by Peter Belbin: recommends Council's approval of the Department of Engineering's recommendation that the Downtown Parking Study be awarded to the IBI Group in association with Tract Consulting and the UVH Group.

Acting Mayor Shannie Duff
Chairperson

SJMC2008-05-26/322R

It was moved by Councillor Galgay; seconded by Councillor Hann: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

Development Permits List for the period May 15, 2008 to May 22, 2008

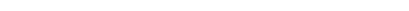
Council considered the following Development Permits List for the period May 15, 2008 to May 22, 2008:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF May 15, 2008 TO May 22, 2008**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	John Connolly	Proposed Convenience Store	45 Quidi Vidi Road	2	Rejected Contrary to Section 10.5	08-05-21
RES	Mary Swanson	Building Lot	Main Road, Goulds	5	Approved	08-05-21
RES	Pat Clarke	Building Lot	Main Road, Goulds	5	Approved	08-05-21

<p>* Code Classification: RES- Residential COM- Commercial AG - Agriculture</p>	<p>INST - Institutional IND - Industrial</p>
<p>** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.</p>	

**Gerard Doran
Development Officer
Department of Planning**



Building Permits List

SJMC2008-05-26/323R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits list, be approved:

2008/05/21

Permits List

CLASS: COMMERCIAL

THE WELL C/O JODY TEMPLE	14 GEORGE ST	OC TAVERN
LA SENZA CORPORATION	79A ABERDEEN AVE, LA SENZA	MS RETAIL STORE
GOULDS CHILDREN'S CENTRE INC.	31 DOYLE'S RD, CHILDRENS	MS DAY CARE CENTRE
MARY BROWN'S	140 FRESHWATER RD, MARY BROWNS	MS RESTAURANT
TOYS "R" US (CANADA) LTD.	58 KENMOUNT RD, TOYS R US	MS RETAIL STORE
CHRISTINE'S PLACE	210 LEMARCHANT RD, CHRISTINES	MS TAVERN
EAST RIDER/(SELWYN ROX)	203-205 NEW GOWER ST	SN SERVICE SHOP
CANADA BREAD	57 OLD PENNYWELL RD, BAKERY	MS RETAIL STORE
CASH STORE	30 ROPEWALK LANE, CASH STORE	MS RETAIL STORE
STASSIS INVESTMENTS INC.	38 ROPEWALK LANE	MS EATING ESTABLISHMENT
SHOPPERS REALTY INC.	390 TOPSAIL RD, SHOPPERS	MS RETAIL STORE
KARITSIOTIS ENTERPRISES LTD.	662 TOPSAIL RD	MS EATING ESTABLISHMENT
COUNTRY KEEPSAKES	286 TORBAY RD, COUNTRY KEEPSAK	MS RETAIL STORE
SHOPPERS DRUG MART	TORBAY ROAD, SHOPPERS DRUG MAR	MS RETAIL STORE
B & M APPLIANCES	288 MAIN RD	CR RETAIL STORE
MEXI FOODS INC	36 GEORGE ST	RN RESTAURANT
DOMINION STORE # 934	20 LAKE AVE, GARDEN CENTER	NC ACCESSORY BUILDING
AUTISM SOCIETY	70 CLINCH CRES	NC PATIO DECK
NOEL O'DEA	221 DUCKWORTH ST	RN MIXED USE
OLD TIME SPORT	138 PENNYWELL RD (HEATERS)	RN PLACE OF AMUSEMENT
ANDREW MCKIM	138 PENNYWELL RD	RN PLACE OF AMUSEMENT
CIBC	215 WATER ST	RN BANK
OLD TIME SPORTS INC.	138 PENNYWELL RD (CEILING)	RN PLACE OF AMUSEMENT
FORTIS PROPERTIES CORPORATION	139 WATER ST	RN OFFICE
CROSBIE GROUP (1991) LTD.	136 CROSBIE RD-3RD & 4TH FLOOR	RN OFFICE

THIS WEEK \$ 350,850.00
TO DATE \$ 16,266,785.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 1,755,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00
TO DATE \$ 20,315,583.00

CLASS: RESIDENTIAL

BEVERLY & MILLARD STARR	BLACKHEAD RD	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	4 BLUE PUTTEE DR, LOT 12	NC SINGLE DETACHED DWELLING
DARREN MARTELL	10 BUTTERWORTH PL	NC FENCE
DARREN MARTELL	10 BUTTERWORTH PL	NC ACCESSORY BUILDING

FRANK BRENTON & DENISE GALWAY	61 DONOVAN'S RD	NC ACCESSORY BUILDING
YVONNE WALSH	17 EARHART ST	NC ACCESSORY BUILDING
BRIAN AND DAWN COOMBS	65 GAIRLOCK ST	NC FENCE
STEPHEN GUY	9 GREEN ST	NC ACCESSORY BUILDING
JOSHUA & TINA STREET	204 GREEN ACRE DR	NC ACCESSORY BUILDING
TREVOR JENKINS & VIKKILYNN	199 GREEN ACRE DR	NC ACCESSORY BUILDING
ADAM KING	252 GROVES ROAD	NC SINGLE DETACHED DWELLING
CHRISTINE PARSONS	67 HAMLYN RD	NC PATIO DECK
EDWARD & DOROTHY LOCKE	6 HAWKER CRES	NC ACCESSORY BUILDING
ERCO HOMES	65 LARNER ST, LOT 255	NC SINGLE DETACHED DWELLING
LEO GULLIVER	98 MACBETH DR	NC SINGLE DETACHED DWELLING
JUDITH MOAKLER	6 MCLOUGHLAN ST	NC ACCESSORY BUILDING
TERRY & ROXANNE HURLEY	44 MAIN RD	NC FENCE
SKYMARK CONTRACTING LTD.	9 MARGARET'S PL	NC SEMI-DETACHED DWELLING
SKYMARK CONTRACTING LTD.	11 MARGARET'S PL	NC SEMI-DETACHED DWELLING
SKYMARK CONTRACTING LTD.	13 MARGARET'S PL	NC SEMI-DETACHED DWELLING
FRANK TOBIN	17 MEEHAN'S LANE	NC PATIO DECK
SARA ELIZABETH DOWNEY	66 MOSS HEATHER DR	NC FENCE
RAYMOND & JULIE COLLINS	11 NAVAJO PL	NC FENCE
CATHERINE WARD & EZEKIAH WARD	313 NEWFOUNDLAND DR	NC FENCE
DWAYNE & WENDY SEAWARD	13 OAKLEY PL	NC PATIO DECK
PETER MURPHY & JANET L.RIDEOUT	14 OLD PETTY HARBOUR RD	NC PATIO DECK
GLEN PUTT	34-36 PARK LANE	NC SINGLE DETACHED DWELLING
DON & HEATHER LEWIS	110 PEARLTOWN RD	NC SINGLE DETACHED DWELLING
OLIVER HILLIER	29 RIDGEMOUNT ST	NC FENCE
WAYNE GULLIVER	1 RUNNEYMEDE PL	NC FENCE
LLOYD GRANDY	1 RUSS HOWARD ST, LOT 117	NC SINGLE DETACHED DWELLING
BERNARD FRANCIS ROPSON	33 RUTLEDGE CRES	NC ACCESSORY BUILDING
KEITH & VICTORIA O'LEARY	SAVANNAH PARK DR, LOT 2	NC SINGLE DETACHED DWELLING
PRO TECH CONSTRUCTION	24 SHORTALL ST, LOT 35	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	3 SHORTALL ST, LOT 22	NC SINGLE DETACHED DWELLING
JEROME RICHARDS	14 SKANES AVE	NC FENCE
HANN CONSTRUCTION LTD.	20 SOLDIER CRES - LOT 37	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	13 SOLDIER CRES - LOT 49	NC SINGLE DETACHED DWELLING
DESMOND & CEANNE BUTT	89 STIRLING CRES	NC ACCESSORY BUILDING
PAUL ROSSITER	8 WADLAND TERR	NC PATIO DECK
MARY A. MCGRATH	44 WATSON ST	NC PATIO DECK
DANA HANRAHAN & KEVIN MILLER	68 WISHINGWELL RD	CO SUBSIDIARY APARTMENT
AUBREY & BRENDA WILLIAMS	143 MAIN RD	CR HOME OFFICE
DANIEL MADDEN & TAMMY HYNES	26-28 HENNESSEY'S LINE	EX SINGLE DETACHED DWELLING
JUANITA NICHOLL	139 NEW COVE RD	EX SINGLE DETACHED DWELLING
IAN JORDAAN	7 EAST MIDDLE BATTERY RD	RN SINGLE DETACHED DWELLING
WALLACE COLLINS	407 BAY BULLS RD	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	303-337 BLACKMARSH RD	RN TOWNHOUSING
LYNN A. WALSH	96 BRAZIL ST	RN SINGLE DETACHED DWELLING
VINCENT LEONARD	39 CABOT ST	RN CONVENIENCE STORE
LORNE W. COMBDEN	3 DUNDAS ST	RN SINGLE DETACHED DWELLING
HEATHER MYERS	173 GOWER ST	RN SINGLE DETACHED DWELLING
JOHN PROWSE CONSTRUCTION	10 HOPEDALE CRES	RN SINGLE DETACHED DWELLING
WILLIAM CULL	14 KING'S RD	RN TOWNHOUSING
MR. WILLIAM BASSETT	11 LAKE AVE	RN SINGLE DETACHED DWELLING
DANIEL BENOIT	112 MILITARY RD	RN BOARDING HOUSE (4 OR LESS)
KAM & JESSIE MONG	123 PORTUGAL COVE RD	RN SINGLE DETACHED DWELLING
KAM & JEESIE MONG	125 PORTUGAL COVE RD	RN SINGLE DETACHED DWELLING
TERRY & DEBRA ADEY	600 SOUTHSIDE RD	RN SINGLE DETACHED DWELLING
MICHAEL HOGAN	144 WATERFORD BRIDGE RD	RN SINGLE DETACHED DWELLING
LINDA COOK	108 CORNWALL AVE	SW SINGLE DETACHED DWELLING
PATRICK CLARKE	26-28 MAIN ROAD	SW MIXED USE
JEROME RICHARDS	14 SKANES AVE	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 3,379,990.00
TO DATE \$ 30,550,076.00

CLASS: DEMOLITION

THIS WEEK \$.00
TO DATE \$ 374,000.00

THIS WEEK'S TOTAL: \$ 3,730,840.00

TOTAL YEAR TO DATE: \$ 69,261,444.00

REPAIR PERMITS ISSUED: 2008/05/15 TO 2008/05/21 \$ 72,450.00
2007/12/13 TO 2008/05/21 \$ 962,060.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2008-05-26/324R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending May 22, 2008 be adopted as presented:

**Weekly Payment Vouchers
For The
Week Ending May 22, 2008**

PAYROLL

Public Works	\$ 280,786.22
Bi-Weekly Casual	\$ 14,366.28

ACCOUNTS PAYABLE

Cheque No. 132303 – 132582	\$3,556,523.80
Total:	\$3,851,676.30

Tenders

- a. Tender - Cisco Adaptive Security Applicant
- b. Tender – Supply of Tactical Clothing (St. John’s Regional Fire Dept)
- c. Tender – Supply of Socks (St. John’s Regional Fire Dept)
- d. Tender – Supply of Shoes (St. John’s Regional Fire Dept)
- e. Tender - Ready Mix Asphalt
- f. Tender – Ready Mix Concrete
- g. Tender – Road Gravel
- h. Tender – Ballfield Sand & Gravel
- i. Tender – Playground Equipment

SJMC2008-05-26/325R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the recommendation of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:

- a. **Aliant in the amount of \$14,797.60 (taxes not included)**
- b. **R. Nicholls Distributors in the amount of \$31,878.00 (Taxes not included)**
- c. **R. Nicholls Distributors in the amount of \$9,000.00 (Taxes not included)**
- d. **Professional Uniforms in the amount of \$16,468.17 (Taxes not included)**
- e. **Cabot Ready Mix in the amount of \$172,500.00 (Taxes not included)**
- f. **Cabot Ready Mix in the amount of \$20,330.00 (Taxes not included)**
- g. **Municipal Construction in the amount of \$94,300.00 (Taxes not included)**
- h. **3C Enterprises Ltd. in the amount of \$31,750.00 (Taxes not included)**
- i. **Murray’s in the amount of \$139,000; Apex in the amount of \$14,427.00; Provincial Fence in the amount of \$11,104.00; Chester Dawe in the amount of \$9,956.00 and Provincial Fence in the amount of \$18,330.00 (Taxes not included) (As detailed in memo dated May 21, 2008 from the Director of Finance and City Treasurer)**

22 Bell’s Turn – Brenda O’Reilly

Council considered a memorandum dated May 21, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-06-26/326R

It was decided on motion of Councillor Coombs; seconded by Councillor Puddister: That the recommendation of the Chief Commissioner and City Solicitor that Brenda O’Reilly be compensated in the amount of \$12,190.00 for land expropriated by the City at 22 Bell’s Turn for street realignment purposes, and \$750.00 for the removal of a tree plus legal fees, be approved.

Torbay Road Area, Water Line Easement – Cabot Development Corporation Limited

Council considered a memorandum dated May 20, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-05-26/327R

It was decided on motion of Councillor Coombs; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that three easements required by the City for a proposed water line on lands of Cabot Development Corporation Limited on Stavanger Drive and Aberdeen Avenue, be acquired for the appraised values of \$7,550.00; \$389.00 and \$22,324.00, plus legal fees, be approved.

Phone Polls

- a. Travel by Councillor Duff – Bonavista NL
- b. Public Information Session – Clovelly Park Green Space

SJMC2008-05-26/328R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That the above noted phone polls be ratified.

Councillor Puddister reminded residents that the information session regarding the playground facilities, etc. for the Clovelly Trails Residential Area is scheduled to be held on Thursday, June 5, 2008 and encouraged the residents of that area to attend the meeting.

The motion being put was unanimously carried.

Letter dated May 9, 2008 to Acting Mayor Duff from Lieutenant-Commander, Commanding Officer Barry J. Walsh thanking the City for supporting their recent ceremonies to commemorate the Battle of the Atlantic

Council considered the above noted letter.

Professional Development Workshop – Asset Based Community Development

Council considered a memorandum dated May 26, 2008 from Acting Mayor Duff regarding the above noted.

SJMC2008-05-26/329R

It was moved by Councillor Hann; seconded by Councillor Hickman: That approval be granted Acting Mayor Duff to attend two sessions of the

Professional Development Workshop on Asset Based Community Development, sponsored by the Community Youth Network, to be held June 3 and June 4,2008, at a total cost of the \$140.00 be approved.

The motion being put was unanimously carried.

Councillor Hickman

City Murals for 2008

Councillor Hickman tabled a memorandum dated May 26, 2008 regarding the above noted.

Council unanimously endorsed the Mural Planning Committee's recommendation with respect to the Call for Expressions of Interest recommending Derek Holmes and April Norman to be the muralists for 2008, as well as the recommended mural sites, a wall on Outer Battery Road and a small wall on the top of Flowers Hill.

Councillor Hickman congratulated local youths Mike Noftall and Shane Boland who were selected last week to Canada's Junior National Softball Team which will compete in June at the International Softball Federation World Junior Championship in Whitehorse, Yukon. Council agreed that letters of congratulations be forwarded on their behalf.

Councillor Hann

Councillor Hann congratulated a group of 90 Gonzaga students, teachers and chaperones who attended the Heritage Festival of Music in New York, who under the direction of Ms. Jacinta Mackey-Graham, received awards as follows: Jazz Band and Chamber Choir both received Gold Awards. Concert band received a Silver Award. The choir was also awarded the Most Outstanding Choral Ensemble Award. Gonzaga was awarded the "Spirit of the Festival" award as well as the Festival Sweepstakes Award for having the highest average scores over the entire competition. Liam Tobin received an individual award for his Solo Performance. The Concert Choir was invited to return next year to sing at Carnegie Hall during the Festival of Gold. Council agreed that a letter of congratulations be forwarded the group.

Councillor Puddister

Councillor Puddister tabled an email from Mr. Tony Murray, The Ship Pub, and The Rock House, regarding the rewinding of poles in the downtown and asked that the matter be referred to staff to determine the circumstances surrounding the late rewinding of poles on May 22, 2008 which did not coincide with the date posted on the City's website, and also to determine what safeguards can be taken to ensure this does not happen again.

Councillor Puddister advised that he received a complaint from a resident of Portugal Cove Road concerning tractor trailer Jacob Brakes. He asked that staff write the Truckers Association reminding them of the Noise By-Law Regulations in this regard and he encouraged residents to continue to report such incidents.

Adjournment

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

A/MAYOR

CITY CLERK