

**September 9<sup>th</sup>, 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 O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Tilley Hanlon and Collins.

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

#### **Call to Order and Adoption of the Agenda**

##### **SJMC2013-09-09/392R**

**It was decided on motion of Councillor Collins; seconded by Councillor Hanlon: That the Agenda be adopted as presented with the following additional item:**

- a. Memorandum dated September 9, 2013 from Deputy Mayor Duff, Chair Arts Advisory Committee Arts Procurement Recommendations - Revised

#### **Adoption of Minutes**

##### **SJMC2013-09-09/393R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hann: That the minutes of September 3<sup>rd</sup>, 2013 be adopted as presented.**

**Notices Published**

**1. Proposed Rezoning of Property Situate 200-232 Newfoundland Drive, Virginia Park Plaza, Applicant: Regal Realty Limited (Ward 1)  
Three (3) Submissions**

Council considered a memorandum dated September 5, 2013 from the Chief Municipal Planner concerning the proposed rezoning of property situate 200-232 Newfoundland Drive, Virginia Park Plaza. Verbal and written representations, some expressing concern or opposition to the proposed development were received.

Councillor Danny Breen outlined details of the proposal which includes Phase 1 residential condominium with commercial space; Phase 2, a two-storey commercial building facing onto Newfoundland Drive and Phase 3, 5 storey residential units on the east side of the parking lot. Councillor Breen advised that he attended an informal meeting to discuss the proposed development with area residents and the applicant on September 4, 2013 at the Virginia Park Community Centre. He noted that though he received positive response to the proposal, concern was expressed relative to traffic, insufficient parking spaces and the potential loss of a pathway. He put forward the following motion:

**SJMC2013-09-09/394R**

**It was moved by Councillor Breen; seconded by Councillor Hann: That Phases 1 and 2 of the proposed redevelopment of Virginia Park Plaza for residential and commercial use be approved; and that phase 3 be referred to a public meeting.**

Discussion ensued during which members of Council, though supportive of the proposal, were not in favour of supporting the project in “piecemeal fashion” and felt that as a matter of principle, normal process should be followed, and the entire project referred to a public hearing. The following motion was put forward.

**SJMC2013-09-09/395R**

**It was moved by Deputy Mayor Duff; seconded by Councillor O’Leary: That the motion be amended to refer the entire project to a public meeting.**

Councillor Breen indicated that he has no objection to a public meeting being held on the entire proposal, however, pointed out that he is merely following the recommendation of the Planning Committee and subsequent approval of Council that a LUAR be prepared by the developer, that the proposed rezoning and assessment report be advertised to the area residents and property owners for public review and comment. Councillor Breen took exception to the inference that he was trying to deviate from the normal process. He suggested that perhaps the rules should be changed to make public hearings mandatory, noting that he intends to bring forward notice of motion to that effect.

**Following discussion, the motion as amended being put was unanimously carried.**

- 2. A Discretionary Use Application** has been submitted requesting permission to construct a single detached dwelling at **Civic No. 52 Pennywell Road** to create a two-unit infill dwelling. Two off-street parking spaces will be provided. **(Ward 2)**

**SJMC2013-09-09/396R**

**It was moved by Councillor Galgay; seconded by Deputy Mayor Duff; That the application be approved subject to all applicable City requirements.**

**The motion being put was unanimously carried.**

**Public Hearing Report**

Public Hearing Report dated August 14, 2013  
RE: 12-20 Mount Cashel Road  
Application for Townhouse Condominium Development  
Proposed New R2 Condominium Zone  
Applicant: 62554 Newfoundland and Labrador Inc.

Councillor Colbert presented the report of a public meeting held on August 14, 2013 to discuss an application for Townhouse Condominium Development, 12-20 Mount Cashel Road. In this regard, Council also considered a memorandum dated September 4, 2013 from the Chief Municipal Planner as well as written submissions received from area residents which included a request that an Land Use Assessment Report be completed.

**SJMC2013-09-09/397R**

**It was moved by Councillor Colbert; seconded by Councillor Hanlon: That staff be directed to proceed with the rezoning process for 12-20 Mount Cashel Road proposed new R2 Condominium Zone; and further, agreed that the following Resolution for St. John's Development Regulations Amendment Number 584, 2013 be adopted:**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 584, 2013**

**WHEREAS** the City of St. John's wishes to modify the St. John's Development Regulations to establish a site-specific zone for property located at 12-20 Mount Cashel Road.

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

- Rezone the property at 12-20 Mount Cashel Road from the Residential Medium Density (R2) Zone to the Residential Medium Density – Condominium (R2- Condominium) Zone, as shown on Map Z-1A attached; and
- Amend Section 10 of the Development Regulations by adding the following new zone:

**10.4.(B) RESIDENTIAL MEDIUM DENSITY - CONDOMINIUM (R2  
Condominium) ZONE**

(See Section 5.1.4 - Development Above the 190-Metre Contour)

The purpose of this land-use zone is to allow land development under condominium ownership, where the overall development has frontage on a public road but individual units within the development do not have frontage on a public road.

10.4.(B).1 Permitted Uses

Residential Condominium:

- (a) Accessory Building (subject to Section 8.3.6)
- (b) Home Office (subject to Section 7.9)
- (c) Townhousing

10.4.(B).2 Discretionary Uses (subject to Section 5.8)

- (a) Home Occupation (subject to Section 7.8)
- (b) Parking Lot (subject to Section 7.13)
- (c) Public Utility

10.4.(B).3 Zone Requirements

The following requirements shall apply to all types of residential development:

- (a) Lot Area (minimum) 180 square metres per Dwelling Unit
- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Side Yard for End-Unit Townhouses (minimum) 1.2 metres
- (e) Side Yard (as oriented from the public street frontage) (minimum) 6 metres
- (f) Rear Yard (as oriented from the public street frontage) (minimum) 1.2 metres
- (g) Building Height (maximum): 3 storeys
- (h) Off-Street Parking Spaces (minimum): 1 space per Dwelling Unit
- (i) Landscaping (minimum): 30% of entire Lot Area

**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.

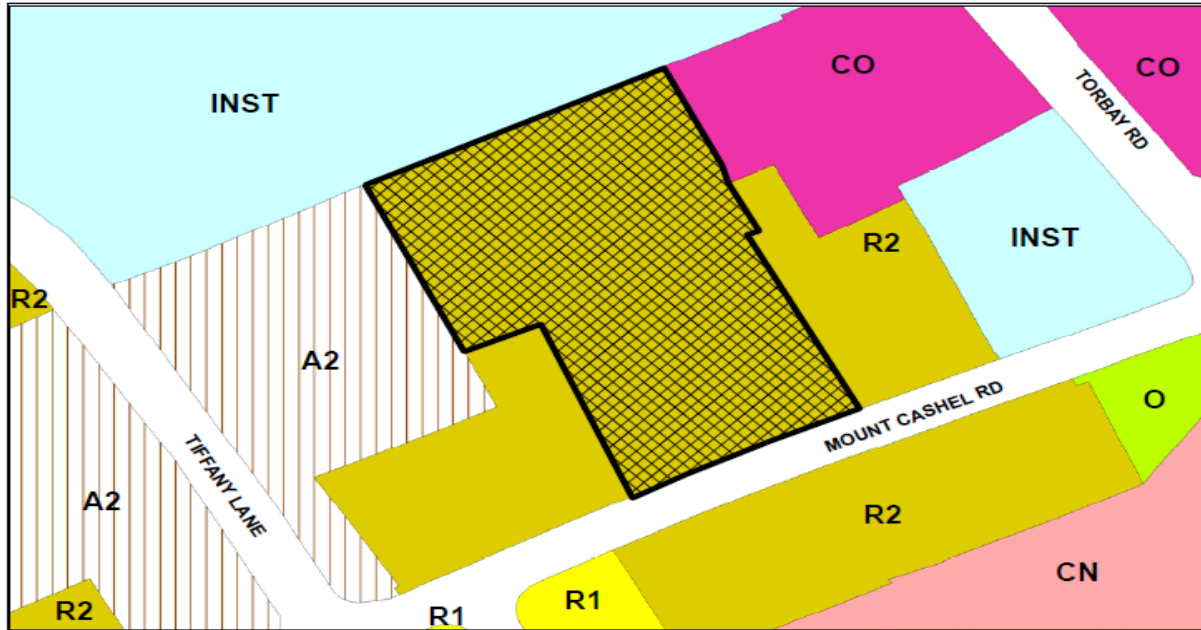
**IN WITNESS THEREOF** the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 9<sup>th</sup> day of **September, 2013**.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

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

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MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 584, 2013  
[Map Z-1A]**

2013 09 05 SCALE: 1:1250  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & ENGINEERING

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



AREA PROPOSED TO BE REZONED FROM  
RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE TO  
RESIDENTIAL MEDIUM DENSITY - CONDOMINIUM ZONE  
(R2 CONDOMINIUM) LAND USE ZONE

12-20 Mount Cashel Road

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

\_\_\_\_\_  
Provincial Registration

Members of Council indicated their support of the proposed development and were satisfied that issues of concern have been satisfactorily addressed.

**Following discussion, the motion being put was unanimously carried.**

**Development Committee Report dated September 3, 2013**

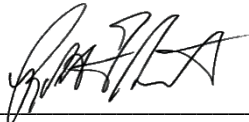
Council considered the following Development Committee Report dated September 3, 2013:

**1. Request for a Variance  
Hebron Way**

KMK Capital has requested a variance in the height requirements for a proposed four-storey office building to be located in the new commercial subdivision off Hebron Way.

The proposed building will have a finished roof height of 15.84 meters which is within the 10% variance, which may be permitted by Council as per Section 8.4 of the Development Regulations.

It is recommended that Council approve this request.



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Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2013-09-09/398R**

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

**The motion being put was unanimously carried.**

**Heritage Advisory Committee Report dated July 26<sup>th</sup>, 2013**

Council considered the following Heritage Advisory Committee Report dated July 26<sup>th</sup>, 2013:

**Attendees:** Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O’Leary  
Dave Lane, NL Historic Trust  
Gerard Hayes, Citizen Representative  
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering  
Ken O’Brien, Manager of Planning & Information  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**Report:**

1. **488 Water St. – Application to Replace Front Door**

The Committee considered the above-noted application. The building known as Apothecary Hall is a heritage designated structure. The Heritage Officer has consulted with the owner who has agreed to replace the door with a fiberglass ¾ windowed door which will line up with the existing window sill façade.

**The Committee recommends approval as per the recommendation of the Heritage Officer.**

Deputy Mayor Shannie Duff  
Chairperson

**SJMC2013-09-09/399R**

**It was moved by Deputy Mayor Duff; seconded by Councillor O’Leary:  
That the Committee’s recommendation be approved.**

**The motion being put was unanimously carried.**

**Memorandum dated September 9, 2013 from Deputy Mayor Duff, Chair Arts Advisory Committee Arts Procurement Recommendations - Revised**

Council considered the following Report from Deputy Mayor Duff, Chair Arts Advisory Committee:

Date: September 9, 2013

To: Mayor Dennis O’Keefe  
and Members of Council

From: Deputy Mayor Shannie Duff, Chair Arts Advisory Committee

**Re: 2013 Arts Procurement Recommendations - Revised**

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Council at their Regular meeting of September 3, 2013 accepted the Art Procurement Jury’s recommendation to purchase art totalling \$20,390.

Unfortunately two pieces originally chosen having a value of \$4,700 have since been sold so it was necessary for the Jury to make alternate selections having a value of \$4,120.

**SJMC2013-09-09/400R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That the recommendations of the Arts Advisory Committee for art procurement as outlined in the following revised table totalling \$19,810.00, be approved.**

Art Procurement 2013 - Recommendations		
Artist's Name	Title of Artwork	Price
Cory Collins	Free University of Iqaluit	\$ 1,325.00
Boyd Chubbs	Scat at the Peter Easton	\$ 1,950.00
Erika Stephens-Moore	Point Pleasant	\$ 2,450.00
Laurie Leehane	Bond Street	\$ 2,300.00
John Goodyear	The Ring	\$ 1,750.00
Michael Young	The Fox	\$ 2,200.00
Kathleen Knowing	Lonely House, McDougal Street	\$ 700.00
<del>John McDonald</del>	<del>Lately</del>	<del>\$ 2,700.00</del> *
Jonathan Green	Even Here it Was Impossible to Escape	\$ 525.00
Audrey Hurd	Ghost Shoes	\$ 180.00
Philippa Jones	Universal Equation Solver	\$ 1,200.00
John MacCallum	The Discussion	\$ 800.00
<del>Jonathan O'Dea</del>	<del>Jellybeans</del>	<del>\$ 2,000.00</del> *
Jennifer Morgan	Postcards: Cathedral	\$ 310.00
Annette Manning	Layering Green	\$ 750.00 **
Margaret Walsh Best	Winter Hike to Fort Amherst	\$ 600.00 **
Ellie Yonova	Opus 6056	\$ 2,450.00 **
Kelly Burton	Tea Towel Kitchen	\$ 320.00 **
<b>TOTAL</b>		<b>\$ 19,810.00</b>

Notes: \* Art work sold as per memo and excluded from the total reflected above.

\*\*Recommended alternate selections

**The motion being put was unanimously carried.**

**Development Permits**

Council considered as information the following Weekly Development Permits for the period August 30, 2013 to September 5, 2013:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING  
FOR THE PERIOD OF August 30, 2013 TO September 5, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Demolition & Rebuild of Dwelling	4 Empire Avenue	2	Approved	13-09-03
RES	ALLNORTH Consultants Ltd	Nineteen (19) residential building lots	Parsonage Drive	1	Approved	13-09-04
RES	APM Construction	Two (2)-Four(4) Story Residential Buildings, 64 + 39 Units	St. John's Place – Block #6	1	Approved	13-09-05
COM		Home Office for Event Planning	2 First Avenue	4	Approved	13-09-05

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

**Gerard Doran  
Development Officer  
Department of Planning**

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**Building Permits List – September 9, 2013**

**SJMC2013-09-09/401R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the recommendation of the Deputy City Manager, Planning, Development & Engineering with respect to the following building permits, be approved:**

### Building Permits List Council's September 9, 2013 Regular Meeting

Permits Issued: 2013/08/29 To 2013/09/04

**Class: Commercial**

16-72 Hamlyn Rd-Halloween Ally	Co	Place Of Amusement
3-11 Rowan St	Rn	Mixed Use
16-72 Hamlyn Rd Halloween Ally	Sn	Retail Store
38-42 Ropewalk Lane Sign #2	Ms	Tavern
655 Topsail Rd, Discovery Ctr.	Cr	Commercial School
27 Elizabeth Ave	Co	Eating Establishment
454 Water St	Rn	Mixed Use
75 Aberdeen Ave	Rn	Retail Store

This Week \$ 1,780,700.00

**Class: Industrial**

This Week \$ .00

**Class: Government/Institutional**

Clancey Dr (Quidi Vidi Lake)	Nc	Recreational Use
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This Week \$ .00

**Class: Residential**

346 Anspach St	Nc	Fence
5 Ariel Pl	Nc	Accessory Building
57 Beothuck St	Nc	Patio Deck
72 Blue Puttee Dr	Nc	Fence
17 Caribou Pl	Nc	Accessory Building
19 Chafe Ave	Nc	Patio Deck
356 Duckworth St	Nc	Patio Deck
13 Dunford St	Nc	Semi-Detached Dwelling
44 Dunkerry Cres Lot 268	Nc	Single Detached Dwelling
501 Foxtrap Access Rd	Nc	Fence
20 Georgina St	Nc	Fence
8 Hamel St	Nc	Patio Deck
16 Huntingdale Dr	Nc	Fence
3 Kenai Cres, Lot 245	Nc	Single Detached Dwelling
11 Kenai Cres, Lot 241	Nc	Fence
15 Kerr St	Nc	Fence
69 Ladysmith Dr	Nc	Accessory Building
83 Newtown Rd	Nc	Fence
4 Nonia St	Nc	Fence
35 Old Bay Bulls Rd	Nc	Fence
3 Organ Pl	Nc	Accessory Building
82 Pitcher's Path	Nc	Accessory Building
16 Rose Abbey St	Nc	Accessory Building
6 Sequoia Dr, Lot 297	Nc	Single Detached & Sub.Apt
206 Stavanger Dr, Lot 4	Nc	Single Detached Dwelling
29 Sitka St	Nc	Fence
51 William St	Nc	Accessory Building
30 Winthrop Pl	Nc	Fence
46 Cypress St	Cr	Subsidiary Apartment

13 Dorset St	Cr	Single Detached & Sub.Apt
9 Long Beach St	Ex	Single Detached Dwelling
43 Parade St	Ex	Single Detached Dwelling
20 Blackwood Pl	Rn	Single Detached Dwelling
20 Blackwood Pl	Rn	Single Detached Dwelling
2 Capulet St	Rn	Subsidiary Apartment
16 Circular Rd	Rn	Single Detached Dwelling
32 Cookstown Rd	Rn	Single Detached Dwelling
20 Fleming St	Rn	Single Detached Dwelling
17 Country Grove Pl	Sw	Single Detached & Sub.Apt
11 Elm Pl	Sw	Single Detached Dwelling
16 Griffin's Lane	Sw	Single Detached Dwelling
16 Rose Abbey St	Sw	Single Detached Dwelling
24 Whiteford Pl	Sw	Single Detached Dwelling

This Week \$ 1,244,815.00

**Class: Demolition**

81 Thorburn Rd	Dm	Mixed Use
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This Week \$ 45,000.00

This Week's Total: \$ 3,070,515.00

Repair Permits Issued: 2013/08/29 To 2013/09/04 \$ 43,000.00

30 Gullage Street New Driveway Rejected As Per Section 10.3.3(1)(G)Of The City Of St. John's Development Regulations As At Least 50% Of The Front Yard Shall Be Landscaped.

34 Glenlonan Street Driveway Extension Rejected As Per Section 10.3.3(1)(G)Of The City Of St. John's Development Regulations As At Least 50% Of The Front Yard Shall Be Landscaped.

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		

<b>YEAR TO DATE COMPARISONS</b>			
<b>September 9, 2013</b>			
<b>TYPE</b>	<b>2012</b>	<b>2013</b>	<b>% VARIANCE (+/-)</b>
Commercial	\$156,700,000.00	\$70,200,800.00	-55
Industrial	\$3,600,100.00	\$131,000.00	-96
Government/Institutional	\$15,500,500.00	\$71,800,700.00	363
Residential	\$134,200,100.00	\$114,300,100.00	-15
Repairs	\$3,700,600.00	\$3,500,400.00	-5
Housing Units (1 & 2 Family Dwellings)	445	322	
<b>TOTAL</b>	<b>\$313,701,300.00</b>	<b>\$259,933,000.00</b>	<b>-17</b>

Respectfully Submitted,

David Blackmore, R.P.A.  
Deputy City Manager - Planning, Development & Engineering

**Payrolls and Accounts**

**SJMC2013-09-09/402R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen:  
That the following Payrolls and Accounts for the week ending August  
September 5<sup>th</sup>, 2013 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending September 5, 2013**

**Payroll**

**Public Works** **\$ 459,536.41**

**Bi-Weekly Casual** **\$ 111,357.14**

**Accounts Payable** **\$4,471,043.17**

**Total:** **\$ 5,041,936.72**

**238 Portugal Cove Road**

Council considered a memorandum dated September 4, 2013 from the City Solicitor regarding the above noted.

**SJMC2013-09-09/403R**

**It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That compensation in the amount of \$750.00, plus legal fees, be approved for expropriation by the City of an easement over land at 238 Portugal Cove Road, for replacement of the water transmission line.**

**The motion being put was unanimously carried.**

**Grace Hospital Site**

Council considered a memorandum dated August 29, 2013 from the City Solicitor regarding the above noted.

**SJMC2013-09-09/404R**

**It was decided on motion of Councillor Hann; seconded by Councillor Galgay: That authority be granted to execute the lease between the City and Coady Construction Ltd. for a six month period at no cost, for the storage of materials on the Grace Hospital Site for the Craigmillar Avenue infrastructure replacement project.**

**The motion being put was unanimously carried.**

**Councillor Collins**

Councillor Collins advised that he intends to investigate with staff the possibility of installing a turning lane on Doyles Road in the vicinity of Goulds Elementary School due to heavy traffic congestion in that area.

**Councillor Hanlon**

Councillor Hanlon asked that a letter of congratulations and support be forwarded by His Worship the Mayor on behalf of Council to Stephen Dunn , local film maker on winning a national competition which will see him further his career in the film development area.

**Councillor Tilley**

Councillor Tilley asked that the Police and Traffic (1) consider installing a left turning lane on Mundy Pond Road at the Cross Town Arterial and (2) installing a left turning lane at Mercer's Lane and Backmarsh Road.

**Councillor Galgay**

Councillor Galgay asked for a status report on the proposed Condominium Development - Roosevelt Properties Ltd. - Civic No. 181 Hamilton Avenue, former CEI Club.

**Councillor Hann**

Councillor Hann asked that staff look at the possibility of establishing a St. John's Walk of Fame in front of the Convention Centre as a tribute to the community of actors and musicians of the province of NL who succeeded both nationally and internationally.

**Councillor Hickman**

Councillor Hickman noted he has received complaints about problems associated the Military Road/Garrison Hill/Bonaventure Avenue intersection and asked that the matter be referred to the Police and Traffic Committee.

**Councillor O'Leary**

Councillor O'Leary advised that she received a complaint on the issue of "bed bugs" and asked on behalf of the resident, if the City, from a health and safety perspective, would post information on the matter on its web site.

Councillor O'Leary noted problems due to increased transport traffic in the King's Bridge Road/Forest Road area and asked that the matter be referred to the Police and Traffic Committee to discuss options on how to heighten patrols in that area.

**Adjournment**

There being no further business the meeting adjourned at 5:35 p.m.

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**MAYOR**

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**CITY CLERK**