

# DECISION/DIRECTION NOTE

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**Title:** Discretionary Use Hours of Operation Change  
83 Duckworth Street  
DEV2100008

**Date Prepared:** February 16, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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**Decision/Direction Required:** To consider a Discretionary Use application, received by Tap Wagon Inc., to change the hours of operation for a Lounge/Eating Establishment at 83 Duckworth Street.

**Discussion – Background and Current Status:** A Discretionary Use application was approved by Council on March 9, 2020 for Brewdock Bar & Eatery to allow both an indoor and outdoor Lounge and Eating Establishment. The approved hours of operation for the indoor area were 12 p.m. to 12 a.m. daily and 12 p.m. to 11 p.m. for the outdoor area.

The applicant wishes to amend the hours of operation for the indoor area to 7a.m. to 12 a.m. and for special events from 12 a.m. to 2 a.m. The hours of operation for the outdoor area will remain unchanged.

The proposed application site is in the Commercial Central Mixed Use (CCM) Zone.

13 Submissions were received.

Many of the submissions expressed concern regarding the proposed hours of operation and that a special event could allow the business to remain open until 2 a.m. each night. After a discussion with the applicant, it is recommended that the proposed hours of operation (indoor operations) be revised: Sunday to Thursday 7 a.m. - 1 a.m. and Friday and Saturday 7a.m. – 2 a.m. These proposed hours of operation would also be in line with a similar type of business across the street.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.

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3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Not applicable.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the application subject to revised hours of operation (indoor operation) of Sunday to Thursday 7 a.m. - 1 a.m. and Friday and Saturday 7a.m. – 2 a.m. and other applicable requirements.

**Prepared by:**

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Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P. Eng, MBA Deputy City Manager  
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**Report Approval Details**

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This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Feb 17, 2021 - 1:34 PM**

**Jason Sinyard - Feb 17, 2021 - 3:25 PM**