

DECISION/DIRECTION NOTE

Title: Outdoor Eating Area and Lounge – 115 Duckworth Street – DEV2100034

Date Prepared: April 13, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required: To consider a Discretionary Use application for an Outdoor Eating Area and Lounge at 115 Duckworth Street.

Discussion – Background and Current Status: The proposed Use is for an Outdoor Eating Area and Lounge at The Vu. The outside area will be approximately 74.31 m² and located in the parking area. Hours of operation for the Outdoor Area will be seasonal, seven days a week from 7 a.m. to 11 p.m. Parking relief has been requested. The proposed application site is in the Commercial Central Mixed Use (CCM) Zone.

Two submissions were received. Concerns raised pertained to reducing the hours of operation for the patio use, no outdoor music and no invasive lighting. Although this is an annual Use on the site, the operating months and hours of operation proposed are in line with the Parklet program. The proposed hours of operation also follow the requirements of the City's Noise Bylaw. It is recommended that no outdoor speakers be allowed on the patio.

The proposed patio would take up 6 parking spaces and parking relief is requested for these spaces due to the temporary nature of the patio extension (May 22 to October 31 annually).

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
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: St. John's Development Regulations Section 5.5, Section 7.21(5) and Section 9.1.1.

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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 posted 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 for an Outdoor Eating Area and Lounge at 115 Duckworth Street, subject to all applicable requirements. The use of outdoor speakers will not be permitted. It is also recommended that Council approve the temporary parking relief for 6 parking spaces to accommodate the Outdoor Eating Area and Lounge.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P. Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

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

Lindsay Lyghtle Brushett - Apr 13, 2021 - 4:13 PM

Jason Sinyard - Apr 14, 2021 - 6:38 PM