

DECISION/DIRECTION NOTE

Title: Notices Published – 141 Torbay Road - DEV2100062

Date Prepared: May 26, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 1

Decision/Direction Required: A Discretionary Use application has been submitted by The Newfoundland Chocolate Factory for an Outdoor Eating Area at 141 Torbay Road.

Discussion – Background and Current Status: The Outside Area will be approximately 33.44 m² and will be located at the front of the building on the sidewalk. Hours of operation for the Outdoor Area will be annually from May 1 – November 1, seven days a week from 8 a.m. - 8 p.m. The proposed application site is in the Commercial Neighbourhood (CN) Zone.

Five submissions were received. Concern was raised regarding sidewalk accessibility due to the location of the Outdoor Eating Area. The parklet is located on private land, which includes both the sidewalk and the paved area on the property. A neighbouring business also has an outdoor fenced area (garden centre) and access along the sidewalk is already limited.

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: 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 site. 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.

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- 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 at 141 Torbay Road.

Prepared by:

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Approved by:

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Report Approval Details

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

Lindsay Lyghtle Brushett - May 26, 2021 - 4:38 PM

Jason Sinyard - May 26, 2021 - 9:52 PM