

# DECISION/DIRECTION NOTE

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**Title:** 42-52 Diamond Marsh Drive, Adoption-in-Principle, MPA2000002

**Date Prepared:** October 20, 2020

**Report To:** Regular Meeting of Council

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

**Ward:** Ward 5

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**Decision/Direction Required:**

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment Number 155, 2020, and St. John's Development Regulations Amendment Number 711, 2020.

**Discussion – Background and Current Status:**

City staff have recommended that Council consider a rezoning from the Open Space (O) Zone to the Residential Low Density (R1) Zone at 42-52 Diamond Marsh Drive to accommodate development of six (6) Single-detached Dwellings. As the Open Space Zone does not include Single-detached Dwellings as a use, a rezoning is required. A Municipal Plan amendment is also required.

During the original rezoning for the Diamond Marsh subdivision, land at 42-52 Diamond Marsh Drive was zoned Open Space to retain it for a proposed playground. During the development approval stage, the land at 42-52 Diamond Marsh Drive was mistakenly proposed as building lots and the subdivision approved as such, inadvertently overlooking the zoning. Water and sewage services have been installed to the lots. This rezoning is proposed to accommodate the lots.

The proposed amendments were advertised on two occasions in *The Telegram* newspaper and posted on the City's website. Property owners within 150 metres of the application site were notified. There were no written submissions received by the City Clerk.

Council referred the application to the City's Environment and Sustainability Experts Panel, who will review it. Should Council adopt the amendments in principle, they will be sent to the Province for review prior to consideration of adoption. Should the Environment Panel have concerns or comments, Council could review their concerns at the adoption stage.

To replace the planned playground for this neighbourhood, Fairview Investments Inc. will sign an agreement with the City to use land west of 15 Bulrush Avenue which is already zoned Open Space (see attached map). Details of the agreement, including a survey of the property and any other requirements, are to be determined. The parcel of land is wet in some areas but has room for a playground. Initial site preparation may be part of the agreement. Should

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Council decide to proceed with the attached amendment, the agreement confirms that open space land for a playground will be available to the residents of this neighbourhood.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and 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: Map amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Advertisement of the proposed amendment in accordance with Section 5.5. of the St. John's Development Regulations.
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 adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 155, 2020 and St. John's Development Regulations Amendment 711, 2020, regarding land at 42-52 Diamond Marsh Drive.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage**

**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

**Report Approval Details**

Document Title:	42-52 Diamond Marsh Drive, Adoption-in-Principle MPA2000002.docx
Attachments:	- 42-52 Diamond Marsh Drive Attachments - AIP.pdf
Final Approval Date:	Oct 21, 2020

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

**Ken O'Brien - Oct 21, 2020 - 12:56 PM**

**Jason Sinyard - Oct 21, 2020 - 8:27 PM**