

DECISION/DIRECTION NOTE

Title: 42-52 Diamond Marsh Drive, Adoption MPA2000002

Date Prepared: January 5, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 5

Decision/Direction Required:

Following provincial release of the proposed amendment for 42-52 Diamond Marsh Drive, Council may proceed and adopt St. John's Municipal Plan Amendment Number 155, 2021 and St. John's Development Regulations Amendment Number 711, 2021.

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.

Council referred the application to the City's Environment and Sustainability Experts Panel. The minutes from the October 23, 2020 meeting are attached for Council's review. After considerable discussion, members concluded that they agree with the recommendation and requested that staff review considerations made by the committee.

A Panel member raised concerns about length of two parcels located at 42 and 44 Diamond Marsh Drive. They felt that having the lot extend past a standard size would unnecessarily encroach the forest area. In this case, land ownership determined the shape of the parcels of land. The Development Regulations do not set a maximum length of lot, and the City would avoid approving a subdivision that would landlock a parcel at the rear of a lot. Further, if the Open Space zone was retained at the rear of the lot, it would be difficult for the City to enforce people keeping the trees in their own back yards and the Open Space zone would still permit the development of Accessory Buildings.

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The Panel agreed that considerations should include:

- Ensuring that the space provided in-leu accommodates an adequate and equivalent recreational space for the neighbourhood.
- Ensuring the rock line ditch in the open space that is being provided in leu of these two lots can handle stormflow and/or ensure this is remedied during development of the playground.
- That public review and comment is sought after for the neighbourhood to ensure the space fits their needs.

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 aerial photo). 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 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.

At its regular meeting on October 26, 2020, Council decided to proceed with the proposed amendments and requested that the Department of Environment, Climate Change and Municipalities issue a provincial release for the amendments. Provincial release has now been issued for St. John's Municipal Plan Amendment Number 155, 2021 and St. John's Development Regulations Amendment Number 711, 2021. It is now in order for Council to proceed with the next steps in the amendment process.

Should the application proceed to a Public Hearing, if no objections to the amendment are received up to two days prior to the Hearing, Council may cancel the Public Hearing.

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: If adopted, a Public Hearing will be advertised in accordance with the St. John Development Regulations and the Urban and Rural Planning Act, 2000.

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 the attached resolutions for St. John's Municipal Plan Amendment Number 155, 2021 and St. John's Development Regulations Amendment Number 711, 2021, and appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a virtual Public Hearing on the proposed amendments. The proposed date for the Public Hearing is Wednesday, February 3, 2021, at 7 p.m.

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

Report Approval Details

Document Title:	42-52 Diamond Marsh Drive, Adoption MPA2000002.docx
Attachments:	- 42-52 Diamond Marsh Drive Attachments - Adoption.pdf
Final Approval Date:	Jan 7, 2021

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

No Signature - Task assigned to Ken O'Brien was completed by workflow administrator Maureen Harvey

Ken O'Brien - Jan 7, 2021 - 8:37 PM

No Signature - Task assigned to Jason Sinyard was completed by workflow administrator Maureen Harvey

Jason Sinyard - Jan 7, 2021 - 8:37 PM