

# DECISION/DIRECTION NOTE

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**Title:** 42-52 Diamond Marsh Drive, Approval MPA2000002

**Date Prepared:** February 2, 2021

**Report To:** Regular Meeting of Council

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

**Ward:** Ward 5

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## **Decision/Direction Required:**

Following cancellation of the Public Hearing, Council may proceed with the next steps in the amendment process for St. John's Municipal Plan Amendment Number 155, 2021, and St. John's Development Regulations Amendment Number 711, 2021, concerning 42-52 Diamond Marsh Drive.

## **Discussion – Background and Current Status:**

City staff 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, rezoning is required. A Municipal Plan amendment is also required to re-designate the land from Open Space to Residential Low Density.

During the original rezoning for the Diamond Marsh subdivision, land at 42-52 Diamond Marsh Drive was zoned Open Space for a proposed playground. During the development approval stage, the subject land was mistakenly proposed as building lots and 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.

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. Details of the agreement, including a survey of the property and any other requirements, are to be finalized soon.

At its regular meeting on September 28, 2020, Council decided to proceed with the proposed amendments. Following public consultation, provincial release, and adoption of the amendments on January 11, 2021, a Public Hearing was scheduled for February 3. The hearing was cancelled in accordance with the Urban and Rural Planning Act, as no objections were received in advance. Now, Council may proceed with the next steps in the process. If the attached amendments are approved by Council, they will be forwarded to the NL Department of Environment, Climate Change and Municipalities for registration.

## **Key Considerations/Implications:**

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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. Alternative land nearby has been set aside for the neighbourhood playground.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
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 attached resolutions for St. John's Municipal Plan Amendment Number 155, 2021 and St. John's Development Regulations Amendment Number 711, 2021, as adopted, regarding 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, Approval MPA2000002.docx
Attachments:	- 42-52 Diamond Marsh Drive Attachments - Approval.pdf
Final Approval Date:	Feb 3, 2021

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

**Ken O'Brien - Feb 2, 2021 - 3:20 PM**

**Jason Sinyard - Feb 3, 2021 - 3:28 PM**