

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Residential Medium Density (R2) Zone for development of 32 Semi-Detached Dwellings
MPA1800004
47A Heavy Tree Road – Diamond Marsh Subdivision Stage 4
Applicant: Fairview Investment Limited

Date Prepared: July 25, 2018

Report To: Committee of the Whole

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

Ward: 5

Decision/Direction Required:

To consider a rezoning application for land at 47A Heavy Tree Road (Diamond Marsh subdivision) from the Rural (R) Zone to the Residential Medium Density (R2) Zone for the development of 32 Semi-Detached Dwellings. An amendment to both the St. John's Urban Region Regional Plan and the St. John's Municipal Plan would be required.

Discussion – Background and Current Status:

The City received an application to develop 32 Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision stage 4). The area is currently zoned Rural and would need to be rezoned to Residential Medium Density (R2). The property is approximately 1.32 hectares (3.3 acres), and is vacant, undeveloped land between Heavy Tree Road and Diamond Marsh Drive. The proposed rezoning is identified as stage 4 of the Diamond Marsh subdivision, which was redesignated and rezoned in 2010/2011 to Residential Low Density (R1) Zone for the development of a predominately single-family neighbourhood. Stage 4 is additional land the developer has incorporated into the larger development. Land to the west of the proposal is zoned Residential Medium Density (R2) and is comprised of one storey townhomes in the Twin Brooks development (Gisborne Place), while land to the south is zoned Rural (R) and Agriculture (AG).

The area proposed for development is designated Rural under the St. John's Municipal Plan. The Rural District is applied to lands not intended for urban development within the 10-year planning period and contemplates development on lands that do not have municipal water and sewer services. The property can be serviced with municipal water and sewer services from the Diamond Marsh subdivision.

The Municipal Plan encourages increased density in residential areas where feasible and desirable from a general planning and servicing point, while improving quality and variety of housing. A Municipal Plan amendment would be required, and land would need to be redesignated from Rural (R) to the Residential Low Density (RLD) District. Subject to a Land Use Assessment Report (LUAR), the RLD District allows conditional zones for residential medium density uses. In cases where the scale and circumstances of a proposed change do not merit such an extensive analysis, Council may deem that a

ST. JOHN'S

Staff Report shall constitute a LUAR. As the proposed semi-detached dwellings are compatible with the surrounding development, it is recommended that this staff report be accepted as the LUAR.

Storm water detention is required for the proposal. Extensive modelling has been completed by the developer to demonstrate that the existing detention pond within the Diamond Marsh subdivision can accommodate the stage 4 lots. There are no further engineering or development concerns with respect to rezoning. Prior to final development approval, detailed plans would need to be submitted for review and approval.

An amendment to the St. John's Urban Region Regional Plan is required. The subject land is designated Rural and would need to be redesignated to Urban Development under the Regional Plan to allow the City's proposed amendments to be considered.

Key Considerations/Implications:

1. Budget/Financial Implications: Not Applicable.
2. Partners or Other Stakeholders:
Neighbouring residents and property owners, along with municipalities under the St. John's Urban Region Regional Plan.
3. Alignment with Strategic Directions/Adopted Plans:
City's Strategic Plan 2015-18: Neighbourhoods Build Our City – Increase access to range/type of housing.
4. Legal or Policy Implications: Not Applicable.
5. Engagement and Communications Considerations:
Public advertisement for the proposed amendments. If the amendments are considered by Council and the Minister of Municipal Affairs and Environment, consultation on the Regional Plan amendment with all municipalities subject to the St. John's Urban Region Regional Plan is required. A Public Hearing chaired by an independent commissioner would be required at a later date.
6. Human Resource Implications: Not Applicable.
7. Procurement Implications: Not Applicable.
8. Information Technology Implications: Not Applicable.
9. Other Implications: Not Applicable.

Recommendation:

It is recommended that the rezoning application for 47A Heavy Tree Road (Diamond Marsh subdivision stage 4) from the Rural (R) Zone to the Residential Medium Density (R2) Zone be considered for the development of 32 Semi-Detached Dwellings. It is recommended that the amendments be advertised for

public review and comment. Following public consultation, the application would be referred to a regular meeting of Council for consideration.

If considered, Council will have to request for the Minister of Municipal Affairs and Environment to consider a Regional Plan amendment, followed by regional consultation and a public hearing chaired by an independent commissioner.

Prepared by/Signature:

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Zoning Map
Concept Plan

DECISION/DIRECTION NOTE

Title: St. John's Municipal Plan Amendment Number 150, 2018 and
St. John's Development Regulations Amendment Number 686, 2018
Application to Rezone Land to the Residential Medium Density (R2) Zone for
development of 32 Semi-Detached Dwellings
MPA1800004
47A Heavy Tree Road – Diamond Marsh Subdivision Stage 4
Applicant: Fairview Investment Limited

Date Prepared: September 11, 2018

Report To: His Worship the Mayor and Members of Council

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

Ward: 5

Decision/Direction Required:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment Number 150, 2018, and St. John's Development Regulations Amendment Number 686, 2018, to redesignate and rezone land at 47A Heavy Tree Road (Diamond Marsh Subdivision Stage 4). Council should also request for the Minister of Municipal Affairs and Environment to consider an amendment to the St. John's Urban Region Regional Plan in regard to the City's amendments.

Discussion – Background and Current Status:

The City received an application to develop 32 Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision stage 4). The area is currently zoned Rural and would need to be rezoned to Residential Medium Density (R2). Stage 4 is additional land the developer has incorporated into the larger Diamond Marsh development which was redesignated and rezoned in 2010/2011 to the Residential Low Density (R1) Zone. Amendments to both the St. John's Urban Region Regional Plan and the St. John's Municipal Plan are required.

The proposed rezoning was advertised three (3) times in The Telegram newspaper and was posted on the City's website. Property owners within 150 metres of the application site, along with residents of the Diamond Marsh Subdivision were notified. Written submissions were received by the City Clerk and are included in the agenda for the Regular Meeting of Council.

Key Considerations/Implications:

1. Budget/Financial Implications: Not Applicable.
2. Partners or Other Stakeholders:
Neighbouring residents and property owners, along with municipalities under the St. John's Urban Region Regional Plan.
3. Alignment with Strategic Directions/Adopted Plans:

ST. JOHN'S

City's Strategic Plan 2015-18: Neighbourhoods Build Our City – Increase access to range/type of housing.

4. Legal or Policy Implications: Not Applicable.
5. Engagement and Communications Considerations:
If considered by Council and the Minister, consultation on the Regional Plan amendment with all municipalities subject to the St. John's Urban Region Regional Plan will be required, along with a Public Hearing chaired by an independent commissioner at a later date.
6. Human Resource Implications: Not Applicable.
7. Procurement Implications: Not Applicable.
8. Information Technology Implications: Not Applicable.
9. Other Implications:

Recommendation:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment Number 150, 2018, and St. John's Development Regulations Amendment Number 686, 2018, to redesignate and rezone 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone for the development of 32 Semi-Detached Dwellings. An amendment to the St. John's Municipal Plan is required.

Council should also request for the Minister of Municipal Affairs and Environment to consider an amendment to the St. John's Urban Region Regional Plan, to redesignate land at 47A Heavy Tree Road from Rural to Urban Development in order to support the City's proposed amendments as adopted-in-principle.

Prepared by/Signature:

Lindsay Lyghtle-Brushett, MCIP, Planner III

Signature: _____

Approved by - Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Amendments
Location map

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 150, 2018**

WHEREAS the City of St. John's wishes to allow the development of Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

Redesignate land at 47A Heavy Tree Road from the Rural (R) Land Use District to the Residential Low Density (RLD) Land Use District as shown on Map III-1A attached.

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this ____ day of _____, 2018.

Mayor

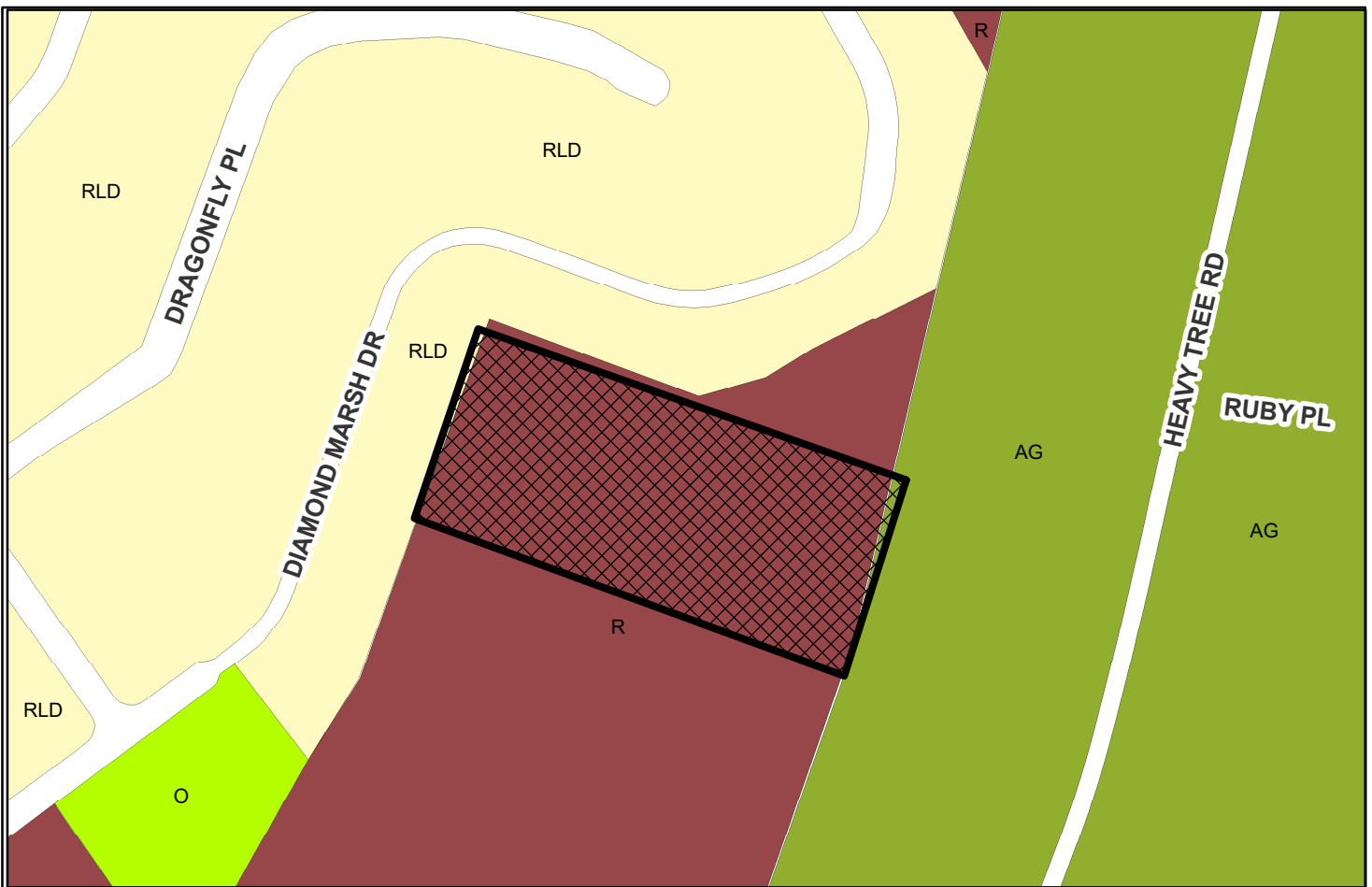
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption


Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 150, 2018
[Map Z-1A]**

2018 09 13 Scale: 1:750
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**

 **AREA PROPOSED TO BE REDESIGNATED FROM
RURAL (R) LAND USE DISTRICT TO
RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT**

47A HEAVY TREE RD

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 686, 2018

WHEREAS the City of St. John's wishes to allow the development of Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

Rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this ____ day of _____, 2018.

Mayor

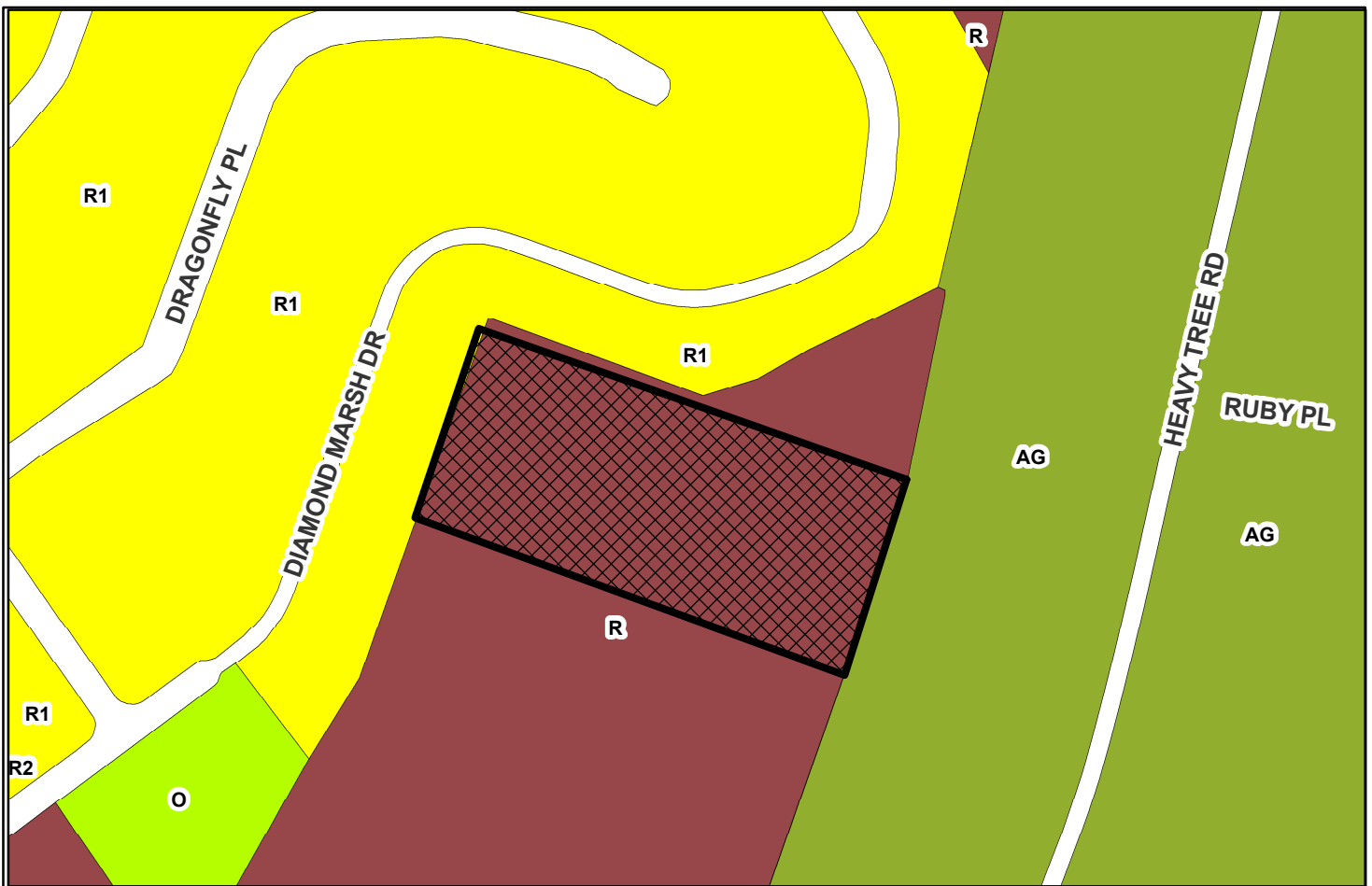
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption

Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 686, 2018
[Map Z-1A]**

2018 09 13 Scale: 1:750
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**



AREA PROPOSED TO BE REZONED FROM
RURAL (R) ZONE TO THE RESIDENTIAL MEDIUM DENSITY (R2) ZONE

47A HEAVY TREE RD

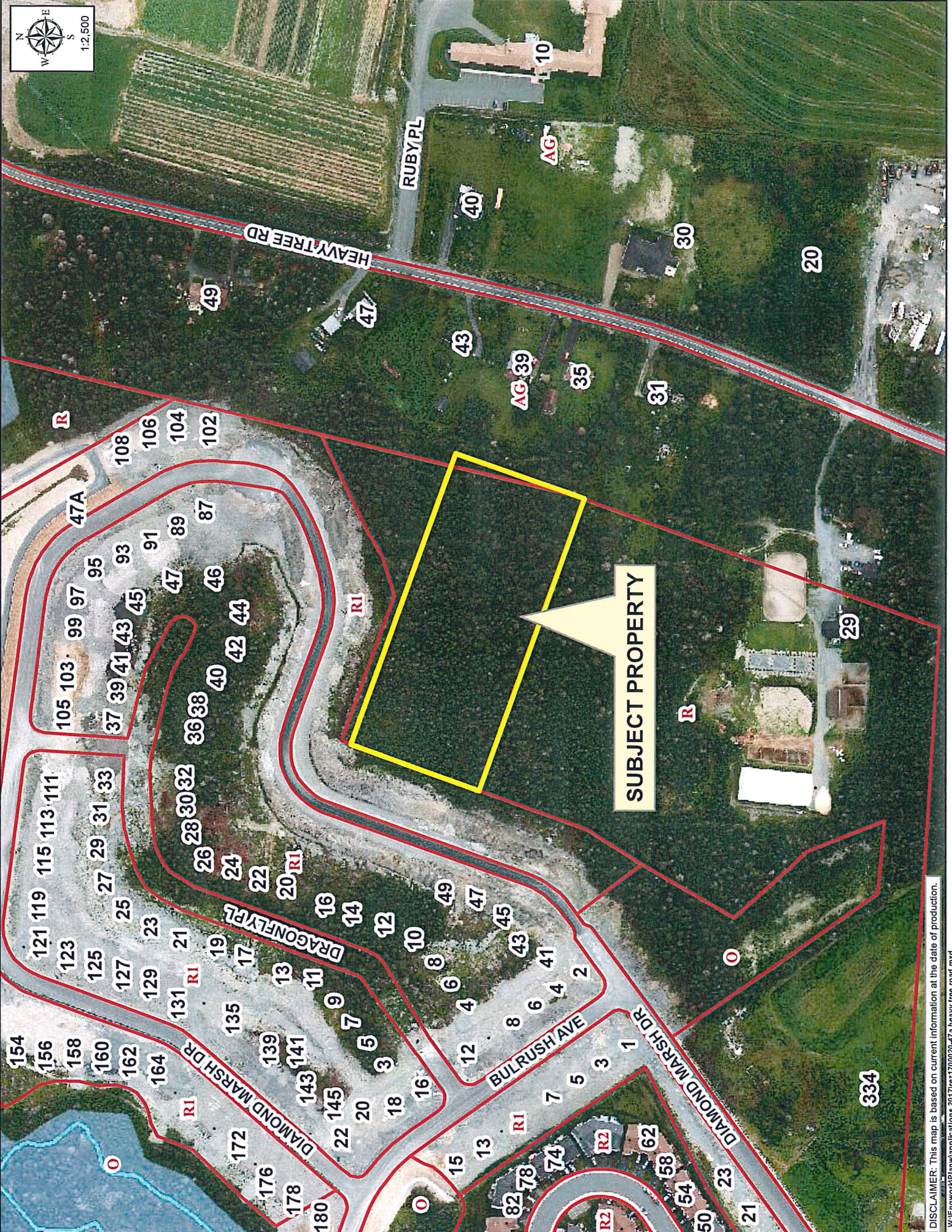
M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration



SUBJECT PROPERTY

