



Subject: *River County Estates Subdivision Ltd. Development Agreement Application*
To: CAO for Planning Advisory Committee, December 14, 2021.
Date Prepared: December 6, 2021
Related Motions: PAC21(40)July and C21(239)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning & Development

Summary

The Municipality has received an application from Troy Matheson of River County Estates Subdivision Ltd. to enable the construction of a self-storage facility at the corner of Highway 214 and Highway 14 in Nine Mile River. Since the initial submission the applicant has amended their design to reduce the number of buildings and increase the setback of buildings from neighbouring properties.

Initial consideration of the development agreement was given at the July 2021 meeting of Council. The public hearing for this application has been scheduled for December 22, 2021.

Financial Impact Statement

Development of the property to create a commercial enterprise will result in the property having a higher taxable value, and therefore generate increased taxes for the Municipality. There are no new municipal roads or services which will be required to support the development.

Recommendation

That Planning Advisory Committee recommend that Council give final consideration and approve the application.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give final consideration and approve entering into a Development Agreement for a self-storage facility at the corner of Highway 214 and Highway 14 in Nine Mile River;*
- *within one year of Council's approval.*

Background

The Municipality received an application from Mr. Troy Matheson, president of River Country Estates Subdivision Limited, for a development agreement to construct a multi-structure self-storage facility within the community of Nine Mile River. The applicant feels that limited storage facilities in the area combined with future expansion of the corridor through residential developments creates a need for self-storage for the community.



Subject Properties

The subject property is located at the corner of Highway 14 and Highway 214 in Nine Mile River. As indicated on the zoning map to the left, the subject property is zoned Highway Commercial (HC). Adjacent properties are zoned Two Dwelling Unit (R2) Zone directly abutting the property on the East side. The property has frontage on Highway 14 and Highway 214. The properties directly across from the subject site along Highway 214 and highway 14 are also zoned Two Dwelling Unit (R2). The property diagonally across Highway 14 at the corner of Matheson Court is zoned Highway Commercial (HC).

The size of the subject property is approximately 12,025.1 m². The site has approximately 200m of frontage on Highway 214 and 158 m of frontage on Highway 14.

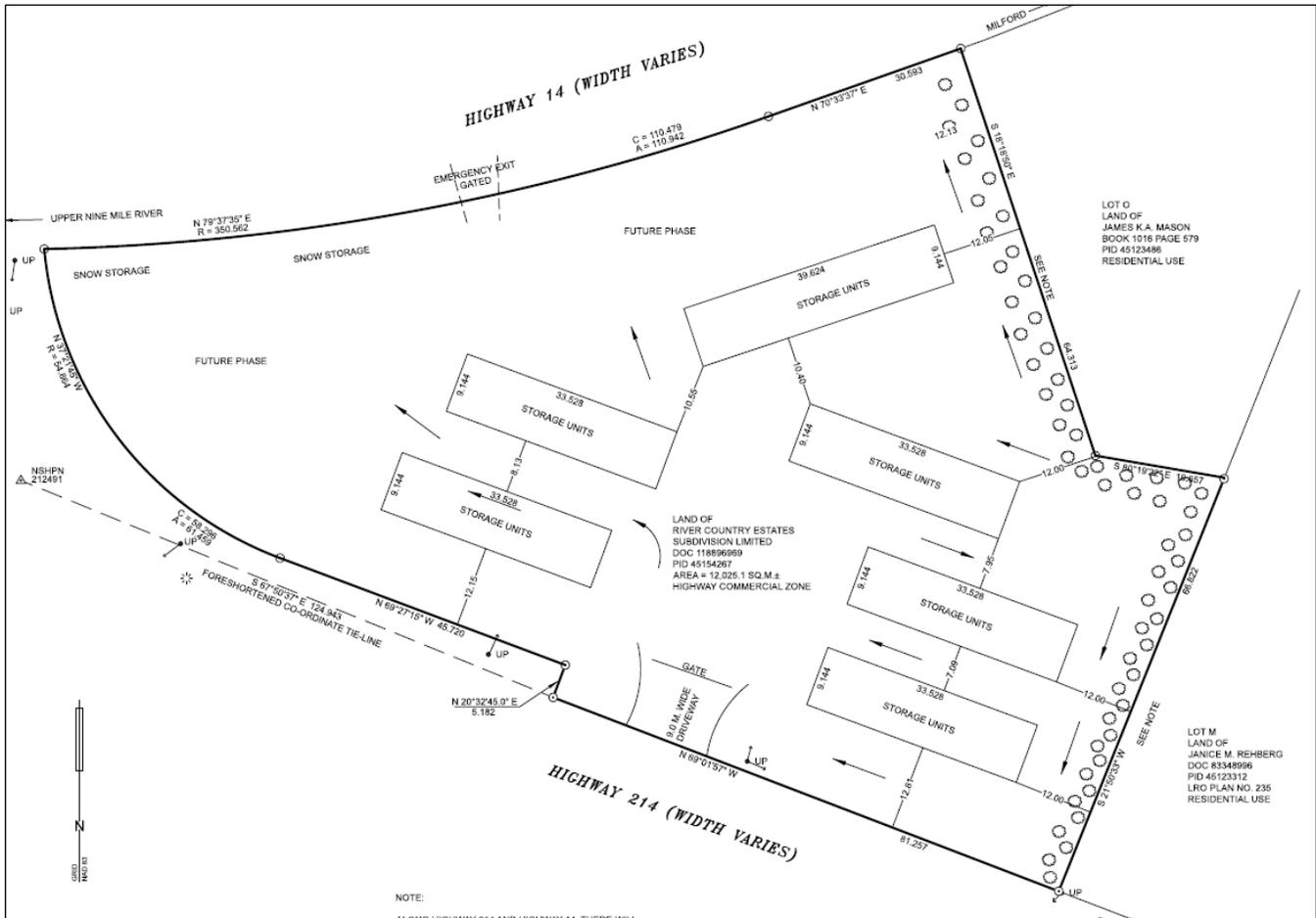


Development Proposal

The application proposes a multi-unit self-storage facility with 6 buildings. Five of the buildings would be 33.5 m by 9 m, and one would be 39.6 by 9 m. The proposed buildings have a combined footprint of 1,894 Sq.m. (20,386 sq.ft). Each building would be one story high and contain approximately 24 storage units, varying in size from 3x3 m to 3x6 m. The main driveway for this property would be located along Highway 214, with a smaller emergency exit located along Highway 14.

A copy of the application plans submitted have been added as Appendix A to this staff report. The site plan has been amended since originally submitted. PAC may remember that the previous proposal involved ten

buildings. The application now includes six buildings. The previous buildings proposed adjacent to Highway 14 have been removed from the current application. The applicant may decide to apply for a substantial amendment to his development agreement for additional buildings as a phase 2 development of the site. This would require amendments to the development agreement and consideration by Council at a public hearing.



Policy Analysis

The Planning and Development Department has reviewed the proposed application based on the applicable policies contained in the Municipal Planning Strategy. Staff have requested comments from internal departments and external agencies, including Nova Scotia Public Works. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies has been attached to this final report.

Comments received

Nova Scotia Public Works have confirmed that the existing commercial access to Highway 214 is acceptable for the proposed changes. The existing access on Highway 14 is for emergency access only. A negative impact to the Provincial Road network is not anticipated.

The RCMP have confirmed they do not have any traffic or safety concerns regarding the proposed development. The Nine Mile River Volunteer Fire Department have also confirmed they have no fire safety concerns with the proposed development.

Design and policy analysis

This development agreement application for this building is enabled through the Municipal Planning Strategy under ED23.

- Policy ED23 enables Council to consider Self-Storage Warehousing uses by development agreement in the Highway Commercial zone.

Staff have worked with the applicant to address the zone requirements for the Highway Commercial (HC) Zone and to deal with concerns raised by staff. Since the initial submission of the application, the following changes to the site plan include:

- The number of buildings proposed have been reduced from ten to six.
- The setbacks from the buildings to the property boundaries have been increased from the original proposal to over 12 m along Highway 214 and increased along the property boundary with the adjacent residential properties. All of the yard setbacks meet the requirements of the land use bylaw for the HC Zone.
- Vegetation has been added to the site plan along the abutting residential properties.
- The property boundary screening with Highway 214 and Highway 14 has been increased. The berm height and width has been increased in size and landscaping has been added at the base of the berm. The applicant is proposing a chain link fence to the top of the berm for security.

Staff have assessed the final design against the Highway Commercial zone requirements in the Land Use Bylaw and the design meets most of the requirements of this zone. The proposal does not comply with the maximum commercial floor area in the Highway Commercial Zone. Under the Zone requirement, the maximum is 930sq. m, and this development proposal would have a commercial floor area of 1,894 sq.m. Policy 28d. of the Municipal Planning Strategy enables the proposal to be considered, as it indicates that terms and conditions of the development agreement can include any matter that may be addresses in the Land Use Bylaw, which would include commercial floor area. The size of the property is over 3x the size of the minimum lot size for an unserviced lot. This means that the ratio of the area of property being developed (sq.m of all the buildings) is less than it would be for as-of-right development with a minimum sized lot.

Truck Turning

Planning staff were concerned with the layout of the site as previously proposed and whether larger vehicles could move around the site effectively. In particular staff were concerned with how close the buildings were located to property boundaries. The applicant provided a truck turning plan for the site showing the movement of a 10 metre length truck. The truck turning information demonstrated that in some locations there was not enough room for a vehicle to move around where boundary screening is being provided. Based on comments from staff the applicant has decided to remove three of the buildings which were closest to Highway 14. The applicant has suggested he may seek a substantial amendment to a development agreement at a later date if he is able to deal with the issue of truck turning on the highway 14 side of the property.

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. A letter and questionnaire was mailed to all property owners within 300 m of the subject property asking for comments on the proposed development agreement amendment.

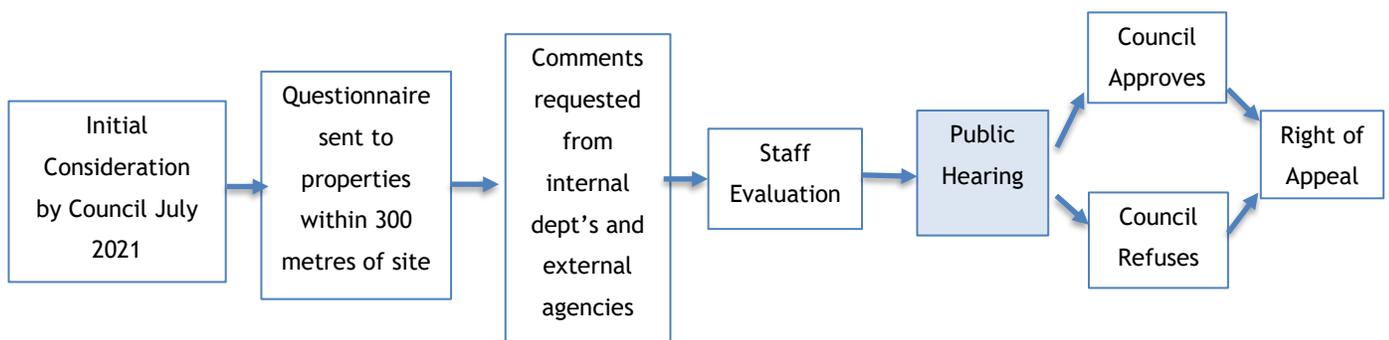
56 questionnaires were mailed to property owners within 300 metres of the application property and ten were returned. Seven were supportive or neutral. The remaining three had concerns or raised questions. These comments or questions include:

- Will this affect my property taxes and value? - we have no evidence that this type of development affects individual property values and takes. However as commercial assessment grows, residential tax rates can be lowered.
- Is a higher volume of traffic in the area expected? - this is not known. The property is located on the corner of two provincial roads. NS Public Works did not raise any concerns or ask for a traffic study.
- Will the site be secured? - the applicant will have security fencing around the site and access to the property will be restricted with a coded pin pad gate.
- This will be an eye sore for the area, should be located in industrial park and not in a highly visible residential area - the property is zoned for Highway Commercial which enables the use to be considered by development agreement. The applicant will be providing some screening with a landscape berm and landscaping at the base of the berm.
- Concerned about setting a precedent for other industrial buildings - this will not set a precedent as the land is zoned to enable this type of development to be considered by development agreement.
- These facilities are accessible 24 hours a day which brings noise after hours - the applicant has suggested that they anticipate the hours of operation to be 7am to 10pm although he acknowledges that there may be some people using the site outside of these hours. As-of-right development in the Highway Commercial Zone are not limited to specific hours of operation. A self-storage use is not anticipated to generate excessive noise for nearby residents.
- Concern about safety for children and pedestrians due to an increase in traffic - NS Public Works and the RCMP did not raise any concerns about impact to safety due to any potential increase in traffic.

A letter confirming the details of the public hearing has been mailed to property owners within 300 metres of the application site and a notice will be placed in the Chronicle Herald for two successive weeks.

Conclusion

Staff have completed a review of the application for a self-storage facility in Nine Mile River. The applicant has amended the site plan to address concerns raised by staff and to setback the buildings in accordance with the setback requirements of the Highway Commercial (HC) Zone. Staff consider that the proposed development will provide a service to the surrounding community, and increase the taxable value for the Municipality. Staff recommend approval of this proposal.



Recommendation

That Planning Advisory Committee recommend that Council give final consideration and approve the application.

Appendix A - Application Plans

Appended as a separate document.

Appendix B - Policy Analysis

Policy	Comments
<p><i>ED23. Council shall consider the following by development agreement in the Highway Commercial (HC) Designation:</i></p>	
<p><i>b) Self-Storage Warehousing</i></p>	<p>This is a self-storage warehousing facility, and therefore may be considered in the HC zone by development agreement.</p>
<p><i>IM27. Council shall consider the following evaluation criteria for any development agreement application:</i></p>	
<p><i>a) The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</i></p>	<p>The property is currently undeveloped and is being used for storage of fill such as sand and soil. The surrounding uses are mostly one and two-unit residential. The impacts on the surrounding residential areas may be increased light and traffic from access to the storage units, and construction during the building phase of the development, as well as visual impacts as there are no current structures on the site. However, the current use of the site means surrounding residents are used to large trucks moving in and out of the site. The proposed buildings are one story and will not be using any municipal water or wastewater services, so should be constructed fairly easily.</p> <p>The developer will provide landscape buffering along the residential sides which will provide screening of the chain link fence, and will provide landscaping along the public right of ways with a berm and landscaping at the base of the berm which will improve the aesthetic appearance of the site for residents across the streets and vehicles passing by. The developer intends the storage facility to be open to clients from 7 am to 10 pm, although some times outside of these hours may occur. Clients will access the site through a pin-pad protected gate. The level of use of the site will likely vary, depending on season and how frequently clients visit their unit. In recognition of the proximity of neighbouring residences, the developer has altered the site plan to provide a 12 m setback between residential property boundaries and any structures built on the site. Lighting on site will be orientated downward, have minimal light spill and will be low wattage and energy efficient.</p>
<p><i>b) The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</i></p>	<p>This property does not access municipal water and wastewater services. The Nine Mile River Fire Department has been contacted by staff for comment and have raised no concerns.</p>

<p>c) <i>The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</i></p>	<p>NS Public Works have confirmed that the existing commercial access is acceptable for the proposed changes. The existing access on Highway 14 is for emergency access only. They confirmed that a negative impact to the Provincial Road network is not anticipated.</p> <p>The developer has provided a truck turning plan at the request of staff. This plan identified that in some locations there were issues with a 10 metre length truck moving through the site. The applicant has amended the site plan to remove three buildings which were closest to Highway 14.</p>
<p>d) <i>Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</i></p>	<p>No new streets are proposed. The proposed use is vehicle orientated development. It's a commercial use which is single storey and will be screened to some extent from Highway 214 and Highway 14. The development does not promote visual variety or interest to active transportation users. Staff are not concerned about this however as it's a highway commercial use.</p>
<p>e) <i>The suitability and availability of other appropriately zoned sites for the proposed use.</i></p>	<p>The site is zoned appropriately for the land use of the property.</p>
<p>f) <i>The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.</i></p>	<p>A professionally drawn site plan has been submitted showing the location of the proposed buildings and landscaping.</p>
<p>g) <i>Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</i></p>	<p>The property is adequately sized for the proposed development. Buffering will be provided in the form of a vegetated screen along the residential properties, and with a 1 m high berm and trees planted at the base of the berm adjacent to Highway 14 and 214.</p>
<p>h) <i>Potential for significantly reducing the continuation of agricultural land uses.</i></p>	<p>Not applicable.</p>
<p>i) <i>The proposed density and urban form, including height, massing, bulk, setbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</i></p>	<p>The size of the buildings proposed are one story. The setbacks are compatible with or exceed land use bylaw requirements for the HC zone. The development will have a larger floor area than permitted in the HC Zone as-of-right but due to the size of the property staff consider this acceptable. Self storage facilities require more space than other commercial uses as all the units are accessible on the ground level. This is consistent with typical self-storage developments.</p>
<p>j) <i>If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</i></p>	<p>The fiscal impact of the proposed development will have a positive impact to the Municipality. No new roads or services are required to be installed. Due to the increased commercial</p>

	footprint of the property, the taxes collected by the Municipality will increase.
<i>IM28. Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:</i>	
<i>a) The use and size of any new structures or any expansions of existing structures.</i>	The footprint of the proposed buildings combined will be approximately 1,894 sq.m. At full build out there will be five buildings 33.5 m by 9.1 m, and one building 39.6 m by 9 m. There are currently no buildings on the site.
<i>b) The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.</i>	The structures will have a similar design to typical self-storage units. The buildings will be reasonably consistent with other highway commercial development within Nine Mile River and surrounding areas.
<i>c) Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</i>	The draft development agreement requires that the applicant provide adequate vegetation buffers to screen their land use from residential properties within three years of the development agreement being passed. The buildings have been amended since the original site plan to provide larger setbacks from the residential properties. Lights will be directed downwards so as to avoid light spilling onto adjacent residential properties.
<i>d) Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.</i>	All items not identified in the development agreement shall be applicable to the LUB.
<i>e) Time limits for the application for a development permit and the initiation and completion of construction.</i>	One year to enter into the agreement, one year to apply for a development permit and two years to make the property consistent with the terms of the development agreement.
<i>f) The establishment of hours of operation and maintenance of the proposed use.</i>	Staff do not recommend limiting the hours of operation, although the applicant suggests that hours of operation are likely to be 7am to 10 pm. The site is zoned Highway Commercial and as-of-right development in the HC Zone does not limit hours of operation. The proposed use is not anticipated to generate excessive noise so as to disturb the peace and tranquility of nearby residential properties.
<i>g) The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</i>	There is no parking on this site. The developer does not intend to use any directional signage at this point.
<i>h) Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</i>	Signage will be as per the requirements of the LUB.
<i>i) Methods of protection of the land and watercourses and mitigation practices during</i>	As per NSE regulations.

	<i>and after construction of the proposed development.</i>	
j)	<i>Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</i>	A stormwater drainage plan is not required for an unserved lot.
k)	<i>Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</i>	New trees are proposed as part of the development and details of the location of the trees are included on the site plan and added into the development agreement, as are specifics regarding any trees which die.