



Subject: *Riverstone 214 Ltd. - Amendments to Official Community Plan & DA*
To: CAO for Planning Advisory Committee, April 15, 2025
Date Prepared: April 4, 2025
Related Motions: None
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Riverstone 214 Ltd. to amend an existing development agreement which was approved by Council in April 2020. Amendments to the Municipal Planning Strategy are needed to enable the amendments to the development agreement.

Financial Impact Statement

A financial impact analysis has not been undertaken for this proposal. A summary of any financial impacts will be provided in the final staff report.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to schedule a Public Information Meeting.

Recommended Motion

Planning Advisory Committee recommends that Council:
authorize staff to schedule a Public Information Meeting to consider a proposal to amend the Municipal Planning Strategy to enable the development agreement application from Riverstone 214 Ltd. to be considered.

Background

The land the subject of this application has been zoned for commercial use for several years. Amendments were made to the Regional Commercial (RC) Zone in the 2016 Official Community Plan to enable mixed-use developments along the Nine Mile River side of Highway 214. This amendment to the policies and regulations of the RC Zone was following a request at that time from a developer to enable some residential on the Nine Mile River side of Highway 214.

Approval was given in April 2020 by Council for a mixed-use development on the property in the Regional Commercial (RC) Zone. This decision was appealed by local residents to the NSUARB but this appeal was not successful and the development agreement was signed and entered into in March 2021. The developer purchased the property with the approved development agreement in place.

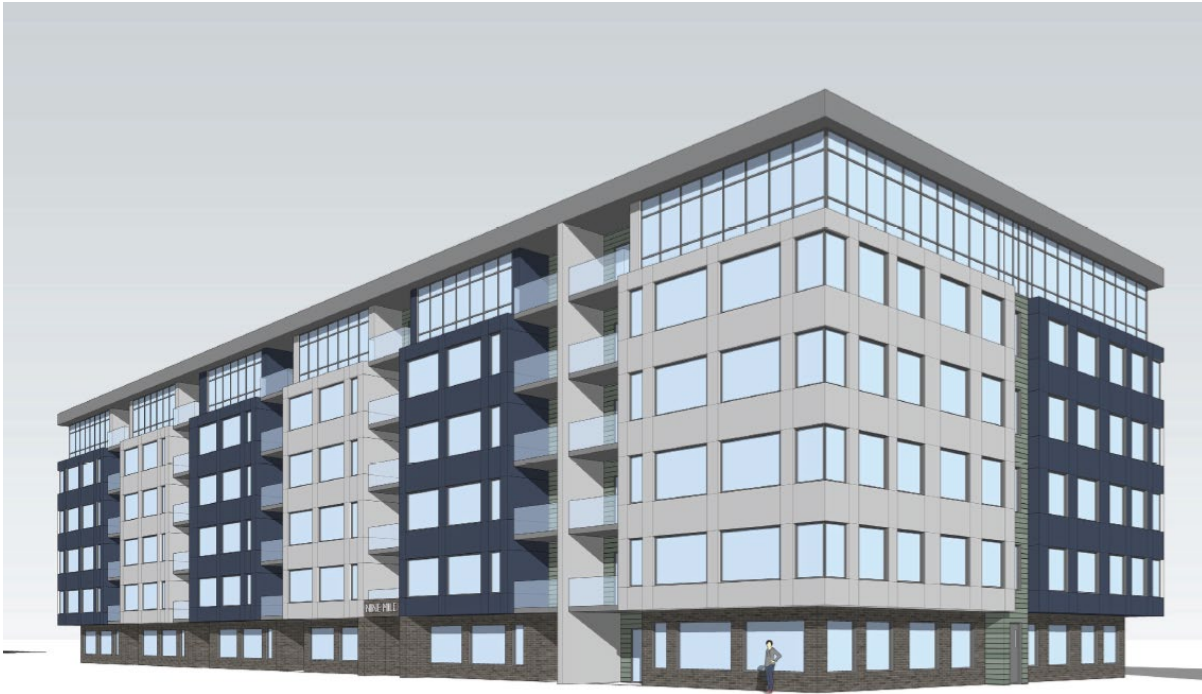
The development agreement requires:

- that at least 50% of the total ground floor area of all building be commercial. At no point shall the total residential ground floor area surpass the combined commercial ground floor area for all buildings.
- that the single storey building is commercial and that the ground floor of the four-storey building is commercial.

This means that the single-storey commercial building and the four-storey mixed-use building have to be constructed before the six-storey residential building is completed. The developer has completed the construction of the single-storey building and this building is now occupied by Nova Scotia Public Health. The four-storey mixed-use building is currently under construction.



(Above - approved four-storey building)



(Above - approved six-storey building)



(Above - approved site plan)

Development Agreement Amendment application - June 2024

In 2024 the developer submitted an application to amend the existing development agreement. In support of that application the developer indicated that despite active promotion for over a year they hadn't found

tenants due to low demand for commercial floor area. They suggested that the commercial component was not supported by market need. There were two elements to the application:

1. Relocation of Commercial Activities: The applicant applied to move commercial activities from the four-storey building to the proposed six-storey building. This adjustment would have enabled the conversion of the four-storey building entirely to residential use.
2. Introduction of Short-term Rentals: The applicant was seeking to add a definition of commercial use into the DA to include short-term rental accommodations. The developer had indicated that this would give greater flexibility to lease the commercial floor area.

The application was refused by Council in June 2024.

Subject Property

The existing development agreement (DA) is applied to 3 properties along Highway 214 which are identified as 411 & 427 Highway 214 and the property located behind # 427 (PID 45428810). These were originally one property but since the approval of the DA in 2020 the property has been subdivided.

The subject site and surrounding properties are zoned Regional Commercial (RC). A small portion of the rear of PID 45428810 is zoned High Risk Floodplain (HF) which is the area of the property over the bank on the rear of the property.

The four storey building which is the subject of this application is currently being constructed.



The single storey commercial building has been completed and is occupied by NS Public Health.



Development Proposal

The applicant has requested substantial amendments to the Municipal Planning Strategy and amendments to the development agreement:

1. The developer is requesting an amendment to the development agreement that would enable the rear of the first floor for the four-storey building be used for residential. This would mean the front of the first floor of the building would be commercial and the rear would be residential. To enable this the policies in the Municipal Planning Strategy would need to be amended and then amendments would be needed in the development agreement.

Further details of the request is included in the application letter which has been added as Appendix B to this staff report. The initial application included a request to amend the development agreement regarding parking but following discussions with planning staff this has been removed from the application. A full review of the proposed changes will be provided in future reports.

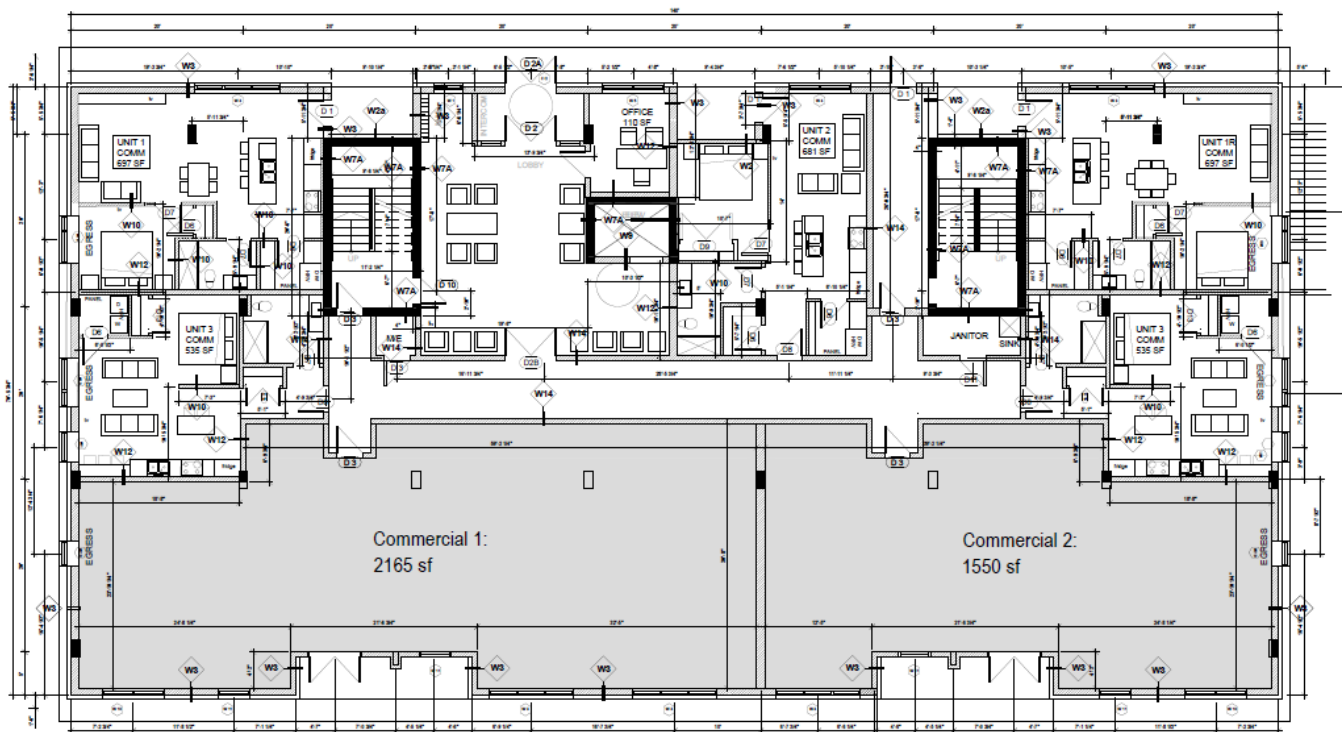
The external design of the four storey building is proposed to be amended as detailed in the drawings below:



The proposal includes two commercial units with entrances facing towards Highway 214 (above).



The rear of the building (above) includes two entrances to the apartment building.



Proposed Ground Floor : Commercial 3,315 SF
Residential 5,666 SF

The floor plan for the first floor includes two commercial units with a combined floor area of 308 sq.m (3,315 sq.ft) and a residential floor area of 526 sq.m (5,666 sq.ft).

Discussion

This application differs from the development agreement application submitted in 2024 in that the applicant is now proposing to retain some commercial floor area on the ground floor and the application also includes a request to amend policies in the Municipal Planning Strategy to enable the development agreement to be amended. The amendments to the Municipal Planning Strategy will impact all Regional Commercial Zoned properties adjacent to the Nine Mile River.

The Policy Goal for the Regional Commercial (RC) Designation and Zone is to “facilitate the development of a regional, large-scale service-based commercial area with a wide range of retail goods and services, and business uses in a land-intensive, vehicular dependant environment. A regional-scale commercial area will allow for a convenient shopping environment for East Hants residents and the traveling public and for large-scale commercial with minimum impact to the built and natural environment.”

This goal means that the Regional Commercial area Zone is a commercial zone and not a mixed-use zone. Policy ED24. does provide an exception to this by enabling some residential uses in areas adjacent to the Nine Mile River. It's under this policy that the original property owner was able to negotiate a development agreement for the 3 properties (originally one property).

ED34. Council shall consider mixed Use Developments in the Regional Commercial (RC) designation provided the requirements below, as well as the requirements regarding Walkable Comprehensive Development District developments are met.

- a) The property must be serviced by water and wastewater services.
- b) The property shall connect to an existing sidewalk or trail network, if such a network is accessible.
- c) Proposed residential uses should have frontage on the Nine Mile River.
- d) Mixed use areas shall not be serviced by a right-of-way easement. All lots shall have public road frontage.
- e) The proposed commercial ground floor must equal or surpass the residential ground floor area.
- f) Proposed residential uses should be in the rear yard, or above commercial uses.

To enable some of the ground floor of the mixed-use building to be used for residential, amendments to policy ED 34 of the MPS are needed. The main amendment needed is to ED34.e, as enabling more residential and less commercial will mean that the proposed residential for the original development agreement will surpass the commercial ground floor area. Staff will consider whether other amendments to policies of the MPS are needed to enable the current proposal to continue, whilst maintaining the integrity of the Regional Commercial (RC) Zone. If amendments are permitted to the policies of the MPS, then amendments to the development agreement will be needed to enable the change in ground floor of the mixed-use building.

At this point, planning staff have not formed an opinion regarding the proposal. If Council gives approval to schedule a PIM for this application, planning staff will begin processing the application which will include, but is not limited to the following:

- Host a Public Information Meeting (PIM) to enable members of the public to ask questions and provide feedback.
- Review of relevant policies in the Municipal Planning Strategy.
- Jurisdictional scan of other municipalities policies regarding similar commercial areas to the Regional Commercial (RC) zone.
- Consult with the municipal Economic & Business Development team.

In addition to the requested changes to the MPS policies, the application also includes a request to amend the existing development agreement and this will include questionnaires being sent to property owners within 300 metres of the application site seeking comments and comments will be sought from other stakeholders.

The applicant has offered the following comments in support of the application

The changing nature of commercial activities impacts land use. Since the Covid-19 pandemic, there has been a shift away from “bricks and mortar” stores toward e-commerce, which has dramatically reduced the demand for retail space. Work from home, flexible workspaces, and hybrid work model, similarly have reduced the demand for office space. Conversely, the demand for residential space in Nova Scotia is currently considered high. All levels of government, developers, not for profit entities, and other stakeholders continue to prioritize housing initiatives aimed at addressing the continuing housing shortage.

Commercial spaces on the subject properties face competition from those in Elmsdale Business Park and plaza, given their proximity to the highway and the presence of anchor tenants. The surrounding area lacks the population to form a consumer base supporting commercial services of smaller scale, such as restaurants, pubs, hair salons, and personal care. There is no foot traffic here, and the site is not a destination that would attract customers. Areas east of the highway are more suitable locations for such services, given the presence of residential neighbourhoods branching off from Highway 2 and the Village Core area.

The single-storey commercial building is constructed and occupied. However, our client has encountered significant difficulties leasing the commercial space after aggressive promotional efforts.

STRATEGIC ALIGNEMENT

One of the Key Strategies from the Strategic Plan is Economic Prosperity. This proposal compromises the intent of the Regional Commercial (RC) Zone.

LEGISLATIVE AUTHORITY

The legislative authority and processes for amending planning documents and entering into a development agreement are set out in the Municipal Government Act, Part VIII.

FINANCIAL CONSIDERATIONS

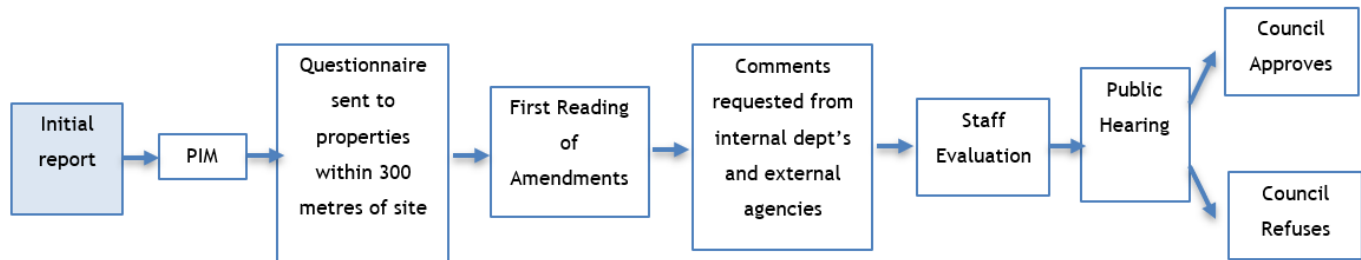
A financial impact analysis would be provided with a final staff report.

Citizen Engagement

As this application includes amendments to the Municipal Planning Strategy a Public Information Meeting is required. Questionnaires will also be mailed out to property owners and residents within 300 metres of the application property regarding proposed changes to the development agreement.

Conclusion

Staff are requesting approval for a Public Information Meeting be given for this application. This will enable staff to begin processing the application. Future reports will include a review of policies relevant to the proposal.



The above graphic relates to amendments to the Municipal Planning Strategy. The application also includes a request for changes to the approved development agreement. The amendments to the MPS and the requested amendments to the development agreement can be processed concurrently. The amendments to the development agreement are dependent on approval of the requested amendments to the MPS.

There is no right of appeal to the Nova Scotia Utility and Review Board for amendments to the Municipal Planning Strategy. If approved by Council, amendments to the MPS will be reviewed by the Nova Scotia Government.

Alternatives

Staff have identified the following alternative:

1. Planning Advisory Committee recommends to Council that Council refuse the application by Riverstone 214 Ltd. to amend the Municipal Planning Strategy and to amend the existing development agreement.

Attachments

- Appendix A - Copy of original development agreement.
- Appendix B - Copy of application letter