

Planning Advisory Committee
April 15, 2025

Planning & Development Department



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 a mixed-use development 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.



Background

- 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 single-storey commercial building has been completed and is occupied by NS Public Health and the four-storey mixed-use building is under construction. These two buildings will provide all the total required ground floor commercial for the whole development.

Background

- 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.





Four-storey mixed-use building under construction



Single storey building occupied by NS Public Health





Approved Buildings

- Four-storey mixed-use building (right).
- Six-storey residential building (below).





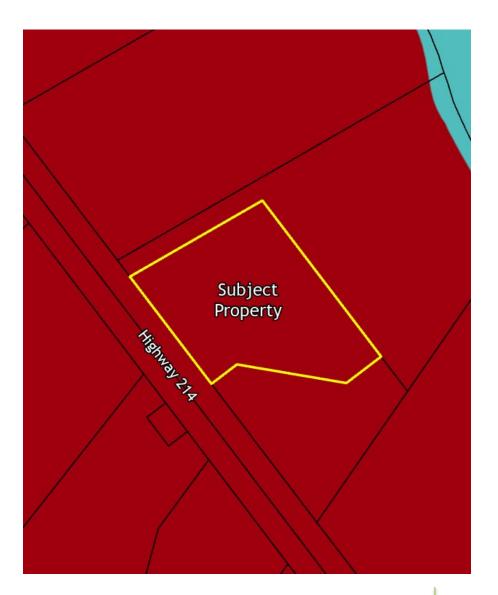


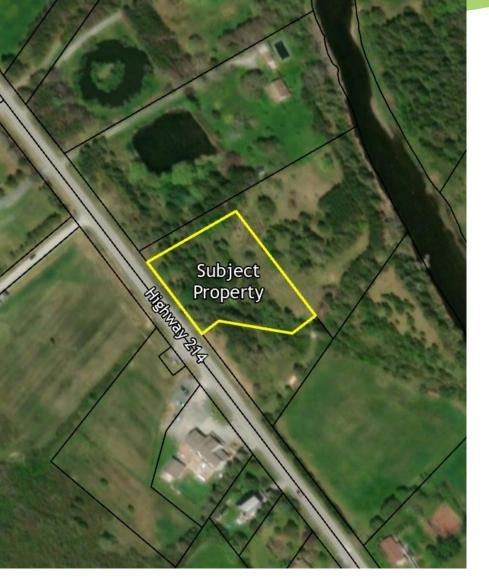
Approved Site Plan



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).









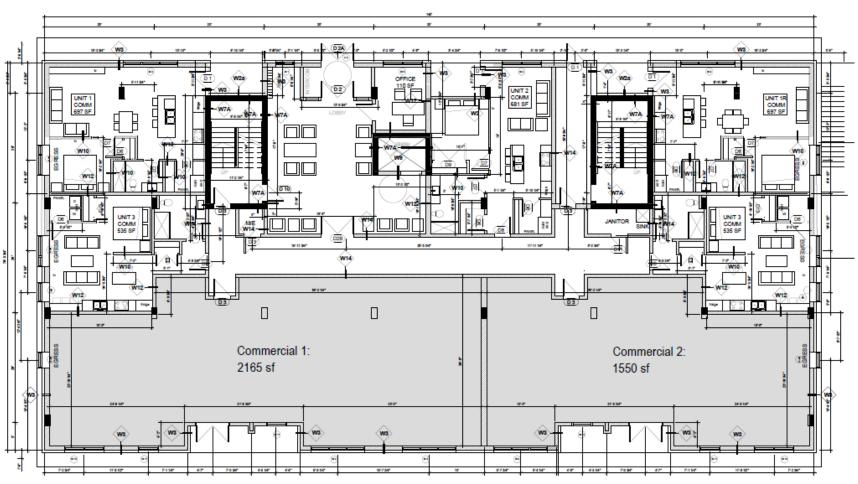
Development Proposal

- 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.





Development Proposal



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

Discussion

- This application differs form 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.
- Amendments to Policy ED34 of the MPS are needed. Staff will review if other
 amendments to policies of the MPS are needed to enable the current proposal to
 continue, whilst considering the impact to the overall policies to maintain 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 also be needed to enable the change in ground floor of the mixed-use building.

- 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.

Discussion

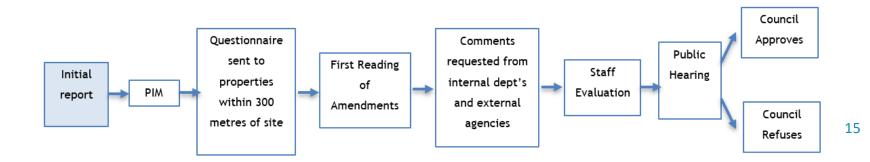
- At this point, planning staff have not formed an opinion regarding the proposal. If Council gives approval to schedule a PIM for this application, planning staff will begin processing the application which will include, but is not limited to the following:
 - Host a Public Information Meeting (PIM) 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 comments in support of the application which are included in the staff report and a copy of the application letter has been added as Appendix B to the 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.
- The graphic relates to amendments to the Municipal Planning Strategy.
 The amendments to the development agreement are dependent on approval of the requested amendments to the MPS. The amendments to the DA can be processed concurrently with the MPS amendments.
- 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.

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.