

1.0 Recommendation

That the Planning Advisory Committee recommend that Council defer a decision on entering into a Development Agreement to permit medical clinic uses at 77 Starrs Road until the Municipal Planning Strategy and Land Use By-law review has been completed.

2.0 Report

Executive Summary

This report outlines a Development Agreement application seeking to permit medical clinic uses at 77 Starrs Road (PID# 90219056). The request has been submitted by Roy Andrews on behalf of Roy Andrews Real Estate Ltd. The proposal would allow for up to 5,000 ft² of medical clinic uses and is intended to enhance the long-term marketability of the existing commercial development at this location. No redevelopment or new construction is anticipated as a result of this application at this time.

Staff recommend deferring the application pending completion of the ongoing comprehensive review of the Town's Municipal Planning Strategy and Land Use Bylaw. The recommendation ensures that decisions about the location of medical clinic uses, one of Yarmouth's longstanding planning issues, are made comprehensively through the new MPS and LUB, rather than pre-empted by a single site-specific application.

Background

Through successive iterations of the Municipal Planning Strategy (MPS), the Town of Yarmouth has consistently, and to a large degree successfully, directed medical clinics and similar professional uses to a limited number of strategic and predetermined areas of Yarmouth. This approach has contributed to the current level of physical attractiveness and economic vitality of the Downtown area also referred to as the Central Business District.

The strategic areas have included the Downtown (Central Business District), the adjacent "transition zone", heritage sites (adaptive reuse), several commercial nodes and the hospital campus. The subject property (77 Starrs Road) is located outside of these designated areas. As such, the application represents a departure from the established policy direction of the current MPS. Further, the application does not present any unique site-specific planning considerations that would justify an exception from the longstanding policy through a Development Agreement.

The recommended deferral would allow the broader question of whether medical clinics should be permitted in additional locations, to be addressed comprehensively through the new planning documents, rather than through a site-specific Development Agreement.

Site Context

The subject property is approximately 0.33ha (0.8ac) in area and is located along the west side of Starrs Road (**Attachment 1**). The property is developed with two single-storey commercial buildings. The larger building is approximately 5,000ft² in size. A smaller, approximately 3,000ft² occupies the western portion of the lot.

The current zoning of the subject property is General Commercial (C-2) which permits a wide range of commercial uses. Vehicular access is available from Starrs Road with an on-site parking area located at the front of the building facing the street. Surrounding land uses reflect the character of the Starrs Road corridor, consisting mainly of retail and service establishments.

Proposal / Development Agreement

The applicant seeks a general allowance for up to 5,000 ft² of medical clinic uses within the larger of the two existing buildings. The sought uses would be permitted only within existing buildings on the lot. Any new buildings or additions would continue to be limited to uses otherwise permitted in C-2 Zone.

If Council wished to proceed with approval of this application, staff would require direction to prepare an amendment to the MPS to specifically enable medical clinics at 77 Starrs Road (PID# 90219056) by Development Agreement. Such an amendment could be prepared without delaying the overall approval timeline.

Municipal Planning Strategy & Land Use Bylaw

The Municipal Planning Strategy (MPS) establishes a clear intent to concentrate professional office uses within a limited number of strategic areas of the town. That includes the Central Business District (Downtown), the Downtown Transition (DT) Zone, hospital campus, and the Secondary Commercial (C-3) Zones anchoring the north and south ends of Main Street. Outside of these locations, medical clinics are also permitted, in limited circumstances, such as through adaptive reuse of heritage buildings.

MPS & LUB Review

In 2024, the Town retained the services of a private planning consultant to conduct a comprehensive review of the MPS and the Land Use Bylaw. Drafts of the revised documents are expected to become available in the fall of this year.

MPS Amendment

As noted in the previous section, an amendment to the MPS would be required to accommodate the proposed Development Agreement.

3.0 Strategic Relevance

Downtowns often reflect the economic and cultural health of the broader community or region, and Yarmouth is no exception. Upholding the longstanding policy direction expressed in the MPS has helped maintain, and in many respects strengthen, the economic vitality and physical attractiveness of the Central Business District.

The existing concentration of professional and health care-based services generates steady daytime activity, which in turn supports complementary businesses such as restaurants and retail during regular business hours.

It is challenging to fully appreciate the long-term impacts of the existing policy on the Central Business District and the town as a whole. It is equally difficult to fully anticipate the potential impacts should Council decide to approve the proposed application or vice versa.

It is reasonable to assume that permitting a single, relatively modest medical clinic outside the designated area (for medical uses) would have minimal effect. However, the potential impact of incremental relocation of clinics away from the Downtown to Starrs Road (or elsewhere) is uncertain and warrants careful consideration.

It should also be recognized that some aspects of this issue may extend beyond the scope of the Town's planning documents, as neighbouring municipalities continue to attract non-residential development, including health and professional services. This regional (perceived or actual) competition and approach to land use planning can influence the location choices of businesses whether or not their operations depend on Yarmouth serving as the regional centre.

It is more likely than not, that increasing capacity or just being ready to accommodate professional services of all types and sizes will be essential for Yarmouth to retain its status and relevance as a regional health care hub. If, for example, no suitable locations are readily available (in downtown or elsewhere in Yarmouth) to accommodate prospective or existing but growing medical facilities, the Town may miss out on opportunities for new investment, employment, assessment growth, and other related benefits.

Therefore, the question of whether to broaden permissions for medical clinics requires further attention, and as previously outlined throughout this report, may be most appropriately addressed through the comprehensive review of the MPS and LUB.

4.0 Desired Outcomes

Adopt staff recommendation contained in section 1 of this report.

5.0 Response

- a. Defer
- b. Approve – direct staff to prepare complimentary amendment to the MPS
- c. Refuse
- d. Send back to staff with direction for more information.

6.0 General Implications of Recommendation

The recommended approach represents a defensible and sound planning response given the ongoing review of the Municipal Planning Strategy and Land Use By-law. Delaying a decision until this work is complete ensures that the issue of professional office and medical clinic uses is addressed comprehensively within the broader policy framework.

6.1 Organizational Implications

None were identified.

6.2 Financial Implications

Any fiscal considerations included in this report are provided for context only and have not influenced staff's recommendation on this planning application.

7.0 Follow-Up Actions

- a. Should Council choose to adopt staff recommendation, their decisions would be generally considered a procedural step and not a final decision to approve or refuse the proposal on the planning merits of the application. Therefore, it is staff opinion that such decision would not be appealable to the Nova Scotia Regulatory and Appeals Board (the Board).
- b. Council decision to approve (or refuse) the application would be appealable to the Board by the following: an aggrieved person, the applicant, an adjacent municipality, a village in which an affected property is situated, and the Provincial Director of Planning. Should Council approve the proposed Development Agreement, the agreement cannot be registered until after the appeal period closes or an appeal is resolved.

8.0 Communication

A Public Participation Meeting shall take place pursuant to a Council-approved Public Participation Policy on planning matters. The application and this report are available online on Get Involved. Should the Planning Advisory Committee forward the application to Council, and Council approve first reading to the proposed Development Agreement, a Public Hearing of Council would be advertised in the local newspaper and online. Notification letters would be also mailed out to adjacent landowners prior to Public Hearing.

Submitted By:

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Town Planner

Attachments:

Attachment 1 – Site Location Maps
Attachment 2 – Proposed Development Agreement
Attachment 3 – Public Participation – Written Submission