Town of Yarmouth

REQUEST FOR DECISION

76 Starrs Road (PID# 90219452) – Development Agreement

September 23, 2025

1.0 Recommendation

That the Planning Advisory Committee recommend that Council defer a decision on entering into a Development Agreement to permit a wide range of additional uses, including medical clinic and office uses, at 76 Starrs Road, until the Municipal Planning Strategy and Land Use By-law review has been completed.

2.0 Report

Executive Summary

This Development Agreement application has been submitted by Neil Castana on behalf of Tulon Development Corporation. The application seeks to enter into a Development Agreement to permit a range of additional uses at 76 Starrs Road (PID# 90219452). The wide range of additional permitted uses include residential as well as a combined total of 20,000ft^2 of medical clinic and office uses.

The application represents a departure from established policies of the Municipal Planning Strategy (MPS) which call for limiting medical and professional office uses to several specific areas of Yarmouth, including the Central Business District (Downtown).

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 professional office and medical clinic uses, one of Yarmouth's longstanding planning issues, are made comprehensively through the new MPS and LUB, rather than determined by a site-specific application.

Background & Site Context

The property at 76 Starrs Road (PID# 90219452) is developed with two buildings. The enclosed shopping centre itself consisting of approximately 200,000 square feet of leasable floor area, and a smaller standalone strip mall featuring four individual bays. The site is approximately 9 hectares (~23ac) in size and is bounded by Starrs Road to the south, Herbert Street to the north, Pleasant Street to the west, and Charles Crosby Drive to the east.

Yarmouth Mall is one of the largest retail centres in southwestern Nova Scotia. It provides a mix of national and local retailers, services, and professional offices, drawing customers from Yarmouth and surrounding municipalities. The mall supports regional shopping needs and provides local employment opportunities.

The enclosed mall format, oriented to automobiles and large parking areas, has historically been at odds with downtown business districts. Like many towns, Yarmouth has seen this format contribute to reduced vitality in the Central Business District by concentrating retail activity on the edge of town. Despite this, Yarmouth Mall remains an important commercial anchor within

the Starrs Road corridor and continues to play a significant role in supporting the local and regional economy.
According to the applicant, Yarmouth Mall is their only location that does not permit professional office and medical uses. They note that this limitation has historically constrained the mix of tenants and reduced the potential for the retail–service–amenity synergies that are commonly found in enclosed malls across the country.

Proposal / Development Agreement

The proposed Development Agreement (**Attachment 2**) allows for a total maximum of 20,000 square feet of medical clinic uses that may be combined, in any shape or form, with office uses. This allowance is limited to the existing building only and represents approximately 10% of the existing floor space of the mall.

Although the applicant expressed no interest in pursuing development of residential use at this time, the vast, often underutilized surface parking areas provide a significant opportunity for large scale residential infill supported by commercial and entertainment uses in a vertical or horizontal format. As a result, the proposed development includes a range of additional permitted uses to provide additional land use flexibility over time.

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 and office use at 76 Starrs Road (PID# 90219452) Road by Development Agreement. Such amendments 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 on 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.

Permitting up to 20,000 ft² of office and medical clinic uses outside of the historically designated areas could result in a range of outcomes that are difficult to predict. It could:

a. have limited impact if office and clinic operators continue to prefer the Downtown environment;
b. incentivize relocation of existing small-scale office and medical clinics from the Central Business District;
c. provide new space for prospective businesses, with minimal effect on downtown vacancy rates;
d. create an opportunity for a larger-scale medical clinic or office operation that cannot currently be accommodated in the Downtown or elsewhere in Town; or
e. produce a combination of the above and/or other outcomes.

It could be argued that the long-term viability of Yarmouth Mall is as significant for the Town and region as the ongoing vitality of the Central Business District. However, the potential impacts are uncertain and warrant careful consideration.

Some aspects of this issue extend beyond the Town's planning documents. Neighbouring municipalities continue to attract non-residential development, including health and professional services. This regional (perceived or actual) competition influences location decisions for businesses, regardless of whether their operations depend on Yarmouth serving as the regional centre.

Maintaining and increasing capacity to accommodate professional services of all types and sizes is essential if Yarmouth is to retain its status and relevance as a regional service and health care hub. If suitable locations are not available, whether in the Downtown or elsewhere in Town, Yarmouth may miss out on opportunities for new investment, jobs, assessment growth, and other related benefits.

Accordingly, the question of whether to broaden permissions for professional offices and medical clinics requires further attention and, as outlined throughout this report, is most appropriately addressed through the comprehensive review of the MPS and LUB.

4.0 Options

a. <u>Lower the maximum permitted floor area</u>

Reducing the total size allowance for office and medical uses would limit the number of businesses able to relocate to the Mall, thereby reducing potential impacts on available space and activity in the Central Business District.

b. <u>Introduce a minimum permitted floor area</u>

Instead of focusing on a maximum size, Council could consider establishing a minimum threshold (e.g., 12,000–20,000 ft²). While an inversion of typical municipal practice, this approach could:

a. protect the Downtown by ensuring small to mid-sized clinics and offices remain anchored in the core;

b. accommodate regional-scale facilities by providing space for larger health or professional service campuses, should demand arise; and
c. send a clear signal to the market that the Downtown is intended as the primary service cluster, while larger facilities that do not physically fit in the core may be accommodated elsewhere, such as Starrs Road.

5.0 Desired Outcomes

Adopt staff recommendation contained in section 1 of this report.

4.0 Response

a. Defer
b. Approve – direct staff to prepare complimentary amendment to the MPS
c. Revise
d. Refuse
e. 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 Bylaw. Delaying a decision until this work is complete ensures that the issue of professional office and medical clinic uses can be addressed comprehensively within the broader policy (MPS & LUB) 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

Should Council choose to adopt staff recommendation, their decision 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 a decision would not be appealable to the Nova Scotia Regulatory and Appeals Board (the Board).

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 Public Information Meeting

Staff held a public information meeting on the proposal in June of this year. The event was well attended by approximately 25 members of the community as well as residents from the adjacent municipalities confirming regional significance of this site. Following the meeting, several follow up emails were also received. The feedback received may be summarized per the following key themes. A more comprehensive summary of comments received is included in **Attachment 3**.

a. **General support for mall diversification**: A strong desire for medical and professional offices at Yarmouth Mall, arguing restrictions are outdated and preventing revitalization.
b. **Ample capacity**: Mall has large vacancies, space, and parking to accommodate new uses without strain.
c. **Downtown importance acknowledged**: Downtown is recognized as vital, but seen as limited (vacant upper floors, high costs, taxes/insurance barriers).
d. **Tension between models**: Mall's auto-oriented, big-box format has historically undermined Downtown vitality, but still plays a major role in serving the region.
e. **Regional service hub**: Starrs Road/Mall function as part of a larger "Big L" corridor; restricting uses risks losing services to other municipalities.
f. **Call for modernization and growth**: Strong sentiment that Yarmouth must "move forward," adapt to current needs, and attract investment.
g. **Creative revitalization ideas**: Suggestions included more housing downtown, incentives/disincentives for upper-floor use, landscape/tree planting on Starrs Road, and visual branding ("flags, banners, signage").
h. **Cultural/community role**: Groups like Yarmouth Creatives highlight how the Mall already supports local artists, small-scale enterprises, and volunteer-based activity.
i. **Housing connection**: The mall site has been identified as a potential area for new residential development to address shortages, especially for lower-income households.

9.0 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 – "What We Heard" Summary