



# Municipality of the District of West Hants

## STAFF REPORT

**TO:** Planning Advisory Committee

**FROM:** Karen Dempsey, Director of Planning

**DATE:** July 17, 2014

**SUBJECT:** **Forest Lakes Country Club Resort – Non-Substantive Amendments to Master Plan Development Agreement**

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### ORIGIN

Application from Margot Young, on behalf of Terra Firma Development Corporation Ltd.,(TFDC) for non-substantive amendments to the Forest Lakes Country Club Resort master plan development agreement. This would involve a number of text changes to Sections 19 and 6.1.5 of the existing development agreement and would extend the time frame for the commencement of Phase 1 and permit additional model homes to be constructed prior to the approval of an amending agreement for Phase 1.

### BACKGROUND

A master plan development agreement for Forest Lakes Country Club (FLCC) was approved by Council on July 12, 2011. Substantive amendments to that master plan agreement were approved by Council on November 13, 2012. The agreement applies to an area approximately 1,700 acres in size, comprising more than 30 parcels of land on the south side of Highway 1 in Ardoise. The municipal boundary with East Hants represents much of the eastern boundary, while Highway 101 forms most of the southern boundary. The agreement provides for a resort development including a mix of residential, commercial, recreation and tourist-oriented uses. A condominium form of ownership is envisioned for much of the resort, comprised of approximately 1,880 to 2,700 dwelling units. The development is to be phased in over a period of 15 to 20 years.

The master plan agreement establishes the general scope and layout of the overall development, together with the process for each phase of construction which includes Council approval of an amending agreement to address the detailed design of that phase. The developers have been delayed in submitting a complete application for Phase 1 due to a variety of issues pertaining to the proposed condominium ownership structure among other matters. This has resulted in approximately a one and a half year delay of the project from the time frame anticipated in 2011. As the overall project continues to evolve and in order to maintain some on-going building momentum at Forest Lakes, the TFDC is requesting several non-substantive text amendments to the existing development agreement to allow for a few additional buildings in advance of a complete Phase 1 amending agreement.

Section 17.1 of the master plan development agreement identifies amendments that are not considered substantive and may be amended by policy of Council without a public hearing. The amendments requested, which are the subject of this report, relate to the matters listed in clause 17.1 and are therefore considered non-substantive. Although a public hearing is not required by the Municipal Government Act (MGA) for non-substantive amendments it should be noted that public

advertisement of these amendments is required once the amendments are approved by policy of Council and that Council's approval may be appealed to the NS Utility and Review Board.

## **REQUESTED AMENDMENTS**

### **1. Time Frame for Commencement of Development**

The existing development agreement contemplated a twenty-four (24) month timeframe, from the date of the master plan development agreement coming into effect on 16 September, 2011 for TFDC to submit a Phase 1 amending agreement. TFDC is requesting that this timeframe be adjusted to reflect the current situation and unforeseen delays. This would involve a text change to section 19.1 by removing the reference to twenty-four (24) months in the existing development agreement and replacing it with forty-eight (48) months. This text amendment would allow TFDC until September of 2015 to enter into an amending agreement for Phase 1 of the development.

### **2. Additional Structures Prior to Phase One**

Clause 6.1.5 of the master plan agreement limits the uses that may be constructed prior to the approval of an amending agreement for Phase 1. When the master plan development agreement was amended in 2012 Section 6.1.5 was replaced with a new clause 6.1.5 that greatly expanded the buildings and uses permitted to be constructed on the site, prior to the approval of a Phase 1 Amending Agreement. This clause currently permits model dwelling units, a sales centre, a community events building, a trail head cottage, trails, observation structures along the trails, golf course holes, a boathouse and dock on Cochran Lake, a barn and some signage, as long as the appropriate provincial and municipal approvals are in place and a detailed site plan is submitted.

The second non-substantive text amendment request is to modify clause 6.1.5 (a) to increase the total number of dwelling units to be used on a temporary basis as model units from the existing total of six (6) dwellings units to twelve (12) dwelling units. As of the date of this report permits have been issued for four of the six dwellings units currently permitted and TFDC have advised staff that permits for a fifth dwelling unit will be submitted in the near future.

The third non-substantive text amendment request is to add a new clause 6.1.5 (k) to enable the use and construction of one land based condominium for no more than three (3) condominium buildings, comprised of one 12-unit, one 4-unit, and one 3-unit building totalling 19-units, where the buildings share water and sewer infrastructure. The water and sewer infrastructure would be owned by the condominium association. The buildings complete with their sewer and water infrastructure would be contained on one lot with frontage on Eagle View Drive. Architecturally the buildings would conform with the architectural requirements of the master plan development agreement.

The fourth non-substantive text amendment would be to rename the existing clause 6.1.5 (k) to 6.1.5(l). This existing clause states that any of those uses or buildings contemplated by clause 6.1.5 be shown on a detailed site plan, indicating the location of proposed structures, roads, trails, golf uses, utilities, parking areas, natural areas, protected areas and signs, and demonstrate that all National Building Code clearances and fire separations can be achieved.

The additional structures that could be constructed upon approval of these requested amendments all fit within the uses permitted on the property by clause 5.1 of the existing agreement. Consequently these text amendments would be in keeping with the intent of the Municipal Planning Strategy and the existing master plan development agreement.

## **CONCLUSION**

The amendments involve several relatively minor non-substantive text changes to the existing master plan development agreement. These changes do not affect the scope and nature of the development, as originally contemplated, but allow TFDC the flexibility to construct some additional model units and accommodate a revised timeframe for the submission and approval of the first major phase of the Forest Lakes Country Club development.

Staff therefore recommends that the application be approved.

## **RECOMMENDATION**

It is recommended:

**That Council approve the application of Terra Firma Development Corporation Limited, (TFDC) for non-substantive amendments to the Forest Lakes Country Club Resort master plan Development Agreement, as specified in the staff report dated 17 July, 2014, pending legal review of a draft Amending Agreement.**

## **OPTIONS**

1. PAC could accept the staff recommendation and recommend that Council approve the requested non-substantive text amendments and draft Amending Agreement upon legal review, or with any changes considered appropriate.
2. PAC could recommend that Council refuse the application. This is not the recommended action based on staff's review.

Respectfully Submitted

Karen Dempsey MCIP, LPP  
Director of Planning