

Unsubstantial Amendment to Existing Development Agreement – Time Limits

Planning Advisory Committee

September 19, 2023

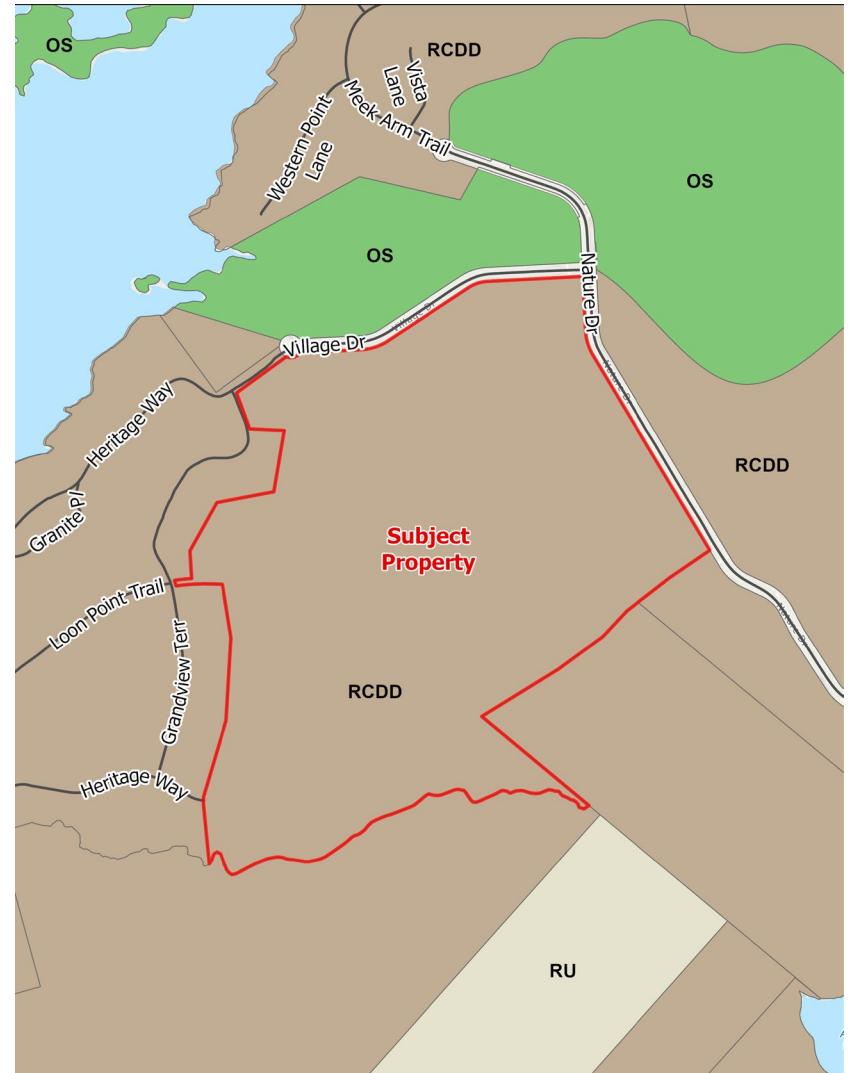
Planning and Development Department



EAST HANTS

Background

- Applicant: 3230225 Nova Scotia Limited (Bruce McDow, Cottage Country)
- Location: PID 45390242, East Uniacke
- Subject Property Size: 88.61 hectares
- Proposal: To amend the time limits for the portion of Cottage County that is not currently part of Hants County Condominium Corporation No. 6



Discussion

- On January 8, 2013, 3230225 Nova Scotia Limited (Bruce McDow) entered into a development agreement with the Municipality of East Hants to permit a residential condominium community located in East Uniacke.
- Under Part 12: Registration Effect of Conveyances and Discharge, are time limits for the completion of the development. Section 12.4 states the following:
 - *12.4 If the Developer fails to complete the development or portions thereof after ten (10) years from the date of registration of this Agreement at the Registry of Deeds, Municipal Council may review this Agreement, in whole or in part, and may:*
 - *a) retain the Agreement in its present form;*
 - *b) negotiate a new Agreement;*
 - *c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by the Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use Bylaw, as may be amended.*
- Ten years have now passed and the residential condominium community is not complete.
- Municipal Council now has the ability to review the Agreement.
- The Developer has requested that the time limits be extended in accordance with Part 11: Amendments of the Agreement.

Area still to be developed and where the amending agreement will be applicable.



SYMBOL LEGEND:

- SM SURVEY MARKER FOUND
- N.S.A.P.M. NOVA SCOTIA HIGH PRECISION MONUMENT
- PC PERIMETER OF SUBJECT LOTS
- PC POINT OF CURVATURE
- P.I.D. LAND INFORMATION SERVICE PROPERTY IDENTIFIER NUMBER
- CALC. CALCULATED
- L, P, CH ARC LENGTH, RADIUS, CHORD
- P, D, M, T PLAN, DEEP, MEASURED, TOTAL
- O.H.W.M. ORDINARY HIGH WATER MARK
- W.D. WITNESSED
- PROPOSED PHASE BOUNDARY
- 138 PROPOSED UNIT NUMBER
- P.R. PLAN REFERENCE

SHEET INDEX:

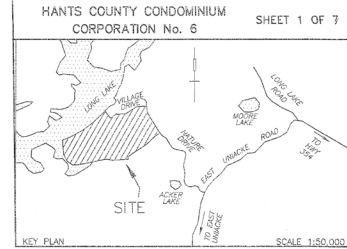
- SHEET 1 OF 7 BOUNDARIES OF PHASES 11 TO 23
- SHEET 2 OF 7 BOUNDARIES OF UNITS 97 TO 101 INCLUSIVE (PHASE 11), BOUNDARIES OF UNITS 111 TO 113 INCLUSIVE (PHASE 14), BOUNDARIES OF UNITS 114 TO 119 INCLUSIVE (PHASE 15), & BOUNDARIES OF UNITS 122 TO 124 INCLUSIVE (PHASE 12)
- SHEET 3 OF 7 BOUNDARIES OF UNITS 106 TO 108 INCLUSIVE (PHASE 13), BOUNDARIES OF UNITS 116 TO 118 INCLUSIVE (PHASE 15), BOUNDARIES OF UNITS 119 TO 122 INCLUSIVE (PHASE 16), BOUNDARIES OF UNITS 123 TO 128 INCLUSIVE (PHASE 17), BOUNDARIES OF UNIT 110 (PHASE 14), & BOUNDARIES OF UNIT 102 (PHASE 12)
- SHEET 4 OF 7 BOUNDARIES OF UNITS 126 TO 127 INCLUSIVE (PHASE 17), BOUNDARIES OF UNITS 128 TO 129 INCLUSIVE (PHASE 18), BOUNDARIES OF UNITS 136 TO 137 INCLUSIVE (PHASE 19), & BOUNDARIES OF UNITS 138 TO 139 INCLUSIVE (PHASE 20)
- SHEET 5 OF 7 BOUNDARIES OF UNITS 130 TO 132 INCLUSIVE (PHASE 18), BOUNDARIES OF UNITS 133 TO 134 INCLUSIVE (PHASE 19), BOUNDARIES OF UNITS 140 TO 141 INCLUSIVE (PHASE 20), BOUNDARIES OF UNITS 142 TO 143 INCLUSIVE (PHASE 21), BOUNDARIES OF UNITS 151 TO 152 INCLUSIVE (PHASE 23), & BOUNDARIES OF UNIT 150 (PHASE 22)
- SHEET 6 OF 7 BOUNDARIES OF UNITS 147 TO 149 INCLUSIVE (PHASE 22), BOUNDARIES OF UNITS 153 TO 155 INCLUSIVE (PHASE 23), & BOUNDARIES OF UNIT 146 (PHASE 21)
- SHEET 7 OF 7 BOUNDARIES OF UNITS 156 TO 159 INCLUSIVE (PHASE 24)

PLAN REFERENCES:

1. PLAN SHOWING BOUNDARIES OF PHASE 3 & 4 - A PORTION OF PARCEL V-1, LANDS OF 3230225 NOVA SCOTIA LIMITED, SIGNED BY JOSEPH B. ALCORN, N.S.L.S., DATED MAY 10, 2021 AND REGISTERED AS PLAN NUMBER 11660765
2. PLAN SHOWING BOUNDARIES OF PHASE 5 - 10 - A PORTION OF PARCEL V-1-R, LANDS OF 3230225 NOVA SCOTIA LIMITED, SIGNED BY JOSEPH B. ALCORN, N.S.L.S., DATED NOVEMBER 12, 2021 AND REGISTERED AS PLAN NUMBER 119792325

COORDINATE SYSTEM INFORMATION

HORIZONTAL DATUM: NAD83 (CSRS)
 EPOCH: 2010.0
 PROJECTION: 5° N.T.M.
 ZONE: 5
 COMBINED SCALE FACTOR: 0.999916



Approved for Registration this 14th day of December A.D. 2022 at _____

Shirley Battista
 Registrar/Dputy Registrar of Condominiums
 Declaration Registered at the Hants County Land Registration Office in Document Number: _____

Surveyor's Certificate
 I certify that:
 • this plan accurately shows the manner in which the land located in the plan has been surveyed by me
 • this plan and survey are correct and have been made in accordance with the Condominium Act and the Regulations made under the Act
 • the survey was completed on July 25, 2022
 Dated at Dartmouth, N.S., September 12, 2022.
Joseph B. Alcorn
 Nova Scotia Land Surveyor

Surveyor's Certificate
 I, Joseph R. Alcorn, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision, and that the survey and plan were made in accordance with the Land Surveyors Act, regulations, and standards made thereunder.
 Dated the 12th day of September, 2022
 _____, N.S.L.S.

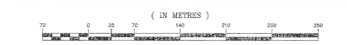


Certificate of Owner
 I certify that the property included in this plan has been laid out into units and common elements in accordance with my instructions.
 Dated at Dartmouth, N.S., September 14, 2022
Shirley Battista
 Shirley Battista, President

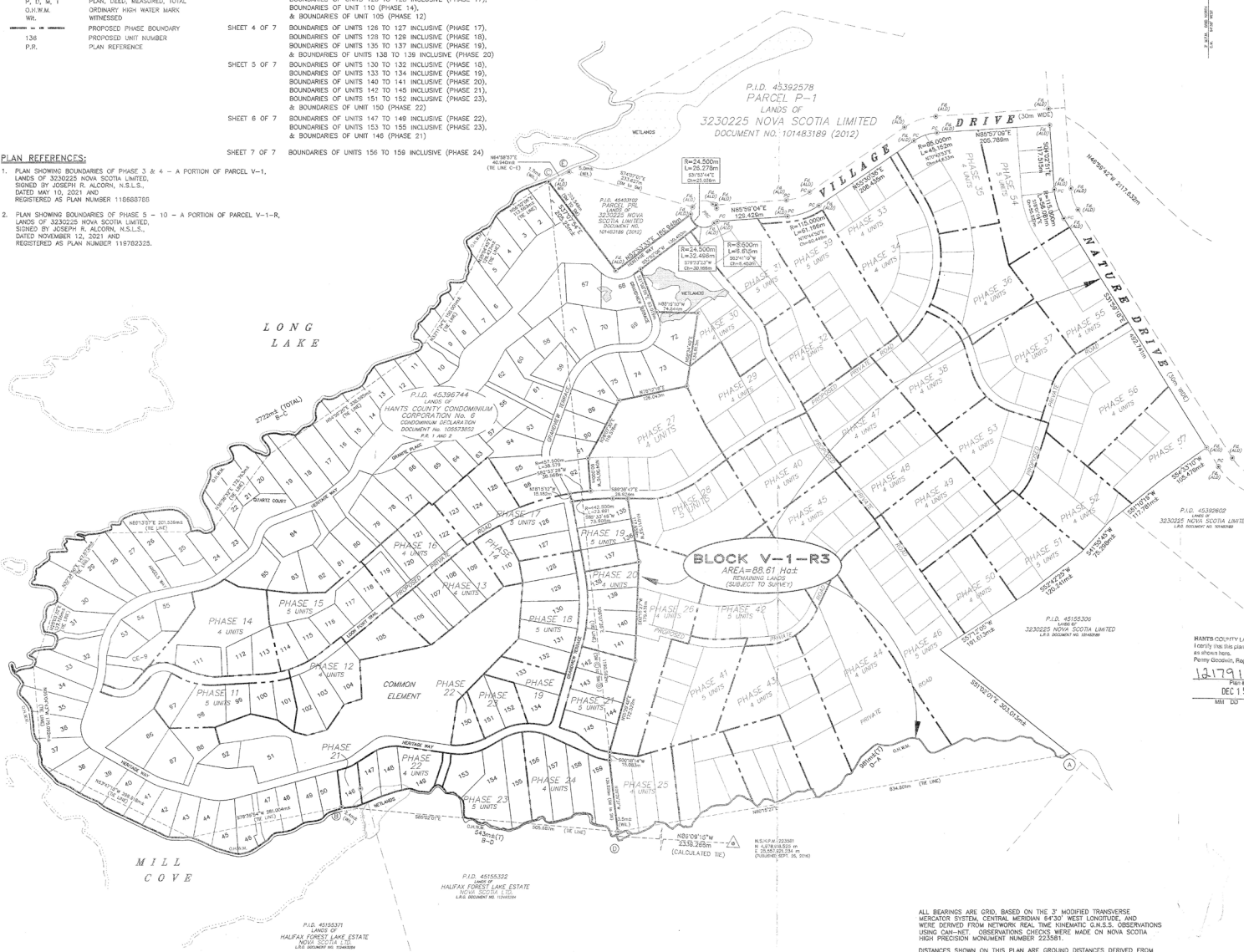
HANTS COUNTY LAND REGISTRATION OFFICE
 I certify that this plan was registered in accordance with the provisions of the Condominium Act and the Regulations made under the Act.
 121791553
 DEC 15 2022 12:37
The Villages of Long Lake

PLAN SHOWING BOUNDARIES OF PHASE 11 TO 24 - A PORTION OF PARCEL V-1-R2, LANDS OF 3230225 NOVA SCOTIA LIMITED GRANDVIEW TERRACE, HERITAGE WAY & LOON POINT TRAIL EAST UNIAKKE, HANTS COUNTY, NOVA SCOTIA

ALDERNEY SURVEYS LIMITED
 12 DAWN DRIVE, DARTMOUTH, N.S. B3B 1C4
 Tel: 463-7330 Fax: 463-4814
 alderneysurveys@alderney.com



1 : 3500
 DRAWN: J.A., K.S. DATE: SEPTEMBER 12, 2022 DWG. No. 214525-1



ALL BEARINGS ARE GRID, BASED ON THE 3° MODIFIED TRANSVERSE MERIDIAN SYSTEM, CENTRAL MERIDIAN 64°30' WEST LONGITUDE, AND WERE DERIVED FROM NETWORK NEAR THE FINEMESH G.A.S.S. OBSERVATIONS USING CAN-NET. OBSERVATION CHECKS WERE MADE ON NOVA SCOTIA HIGH PRECISION MONUMENT NUMBER 225081.
 DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES DERIVED FROM GRID DISTANCES USING THE INDICATED COMBINED SCALE FACTOR, UNLESS NOTED.
 FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD NOVEMBER 21, 2021 AND JULY 25, 2022.



Discussion

- The Villages of Long Lake is a bare-land condominium development allowing for a total of 401 dwelling units.
- Village 1 (Hants County Condominium Corporation No. 6) currently has 74 dwelling units and is still majority-owned by 3230225 Nova Scotia Limited. Village 2 (Hants County Condominium Corporation No. 12) currently has 55 dwelling units and is run by a condo board.
- As the subject lands continue to be developed, they will be incorporated into Village 1.
- There are a number of items to be completed in regard to trails, open space, and signage, within Hants County Condominium Corporation No. 6 and Hants County Condominium Corporation No. 12.
- Completion of these items is currently underway and staff are working with the Developer and Hants County Condominium Corporation No. 12 to have these items completed.
- Development not completed within 10 years is not a surprise given the scale of the development.

Policy Analysis

- Based on the applicable sections of the *Municipal Government Act*, the current development agreement, and the policies contained in the Municipal Planning Strategy; staff have concluded this application be identified as an unsubstantial amendment.
- Amendments to those items in a development agreement not considered substantive do not require a public hearing.
- Any future development areas or changes to the type of development permitted by the existing development agreements will require a separate planning application.
- Extending the timelines does not change the development pattern, the number of dwelling units, or the type of development that was approved in 2013.
- Staff feel that the change to the time limits should be permitted and that the extension be added until January 2028.

Recommendation

- Approve the unsubstantial development agreement amendment.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *approve the application by 3230225 Nova Scotia Limited for an unsubstantial amendment to their existing Development Agreement, with the Municipality of East Hants, to permit an extension of the time limits until January 2028; and*
- *enter into the amendment within one year of Council's approval.*