

Wentworth Rd, Windsor, PID 45059631

Non-Substantive Development Agreement Amendment

Council

March 26, 2024

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Application

- February 1, 2024 - completed application from FH Development Group Inc. to consider an amendment to increase the number of apartment units permitted in Building A from 40 to 43 and reduce the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft. due to financing considerations
- February 20, 2024 - revision to the application to consider allowing the commercial space to be converted to residential apartment units if it is unable to be leased within one year of framing the commercial space, as the developers are unsure of the demand for commercial space in Windsor



Application Cont.

- March 7, 2024 - revision to the application to consider removing the plaza and revising the site plan to show the driveway closer to Building A based on Geotechnical Engineer assessment of the site

Background

- July 26, 2022 - Development agreement with FH Development Group Inc. was approved by Council
- Permits a residential development consisting of:
 - Maximum of 240 apartment dwelling units
 - 17 townhouse dwelling units
 - 10,000 sq. ft. gross floor area on the ground floor of Building A for commercial uses

Development Agreement Amendments

- A property owner can apply for an amendment to a development agreement registered on their property at any time
- Section 3.3 outlines substantive matters of the agreement
- Section 3.3 states:
 - (a) the uses permitted on the Property;
 - (b) the order of building construction and the required recreation space for Buildings A, B and C;
 - (c) the fire safety requirements;
 - (d) the landscaping requirements; and
 - (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued.



Non-Substantive Development Agreement Amendments

- Increasing the number of apartment units permitted in Building A;
- Reducing the gross floor area on the ground floor for commercial uses;
- Allowing the conversion of the commercial space to residential apartment units if it is unable to be leased within one year of framing;
- Removing the plaza; and
- Revising the site plan

do not impact any matter listed as substantive and are all considered non-substantive amendments to the development agreement

Proposed Amendments

1. Update the site plan specifying the increased number of apartment units in Building A, the reduction of gross floor area for commercial uses, removing the plaza and moving the driveway
2. Increase the number of apartment units permitted in Building A from 40 to 43 and reduce the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft. in Section 2.2, Development Location and Design
3. Remove the requirement for the plaza or central garden in Section 2.8, *Recreation Space*



Proposed Amendments Cont.

4. Add a new Section 2.16, *Building A Commercial Space*, to outline the parameters to be met by the Owner for the Development Officer to consider allowing the commercial space to be converted to residential apartment units

All remaining terms and conditions of the development agreement will remain in full force and effect.

PAC/HAC Discussion – March 14, 2024

- Concerns with the removal of commercial space on Wentworth Road and the current Windsor commercial market;
- Removal of the plaza and recreational space requirements of the development agreement;
- The Geotechnical Engineer assessment, the history and challenges of the lot;
- Commencement period for construction in the development agreement; and
- Sidewalk requirements of the development agreement



Specific and General Criteria for DA

- The proposal has previously been considered in relation to the specific criteria in Policy 8.6.15 and the general criteria in Policy 16.3.1
- As this is a non-substantive amendment to the development agreement, the application has not been reevaluated against the specific or general criteria in the WMPS



Process

Staff Review

PAC/HAC Review and Recommendation – March 14

Council Decision – March 26

Notice of Approval in Paper

14 Day Appeal period



Recommendations (1 of 2)

...that Council approves the non-substantive development agreement amendments on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment B of the report File #24-06 to the Planning and Heritage Advisory Committee dated March 14, 2024.



Recommendations (2 of 2)

...that Council requires that the development agreement amendment with FH Development Group Inc. be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.



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