

Wentworth Rd, Windsor, PID 45059631 Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

June 9, 2022

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Orthophoto

Application

- An application was received on January 20, 2022 from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc.
- Request a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the subject lot



Application Cont.

- application has been considered by Planning staff in two parts:
 1. an amendment to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District (approved by Council April 26, 2022); and
 2. consider the proposed uses by development agreement as per Policy 8.6.15 of the WMPS

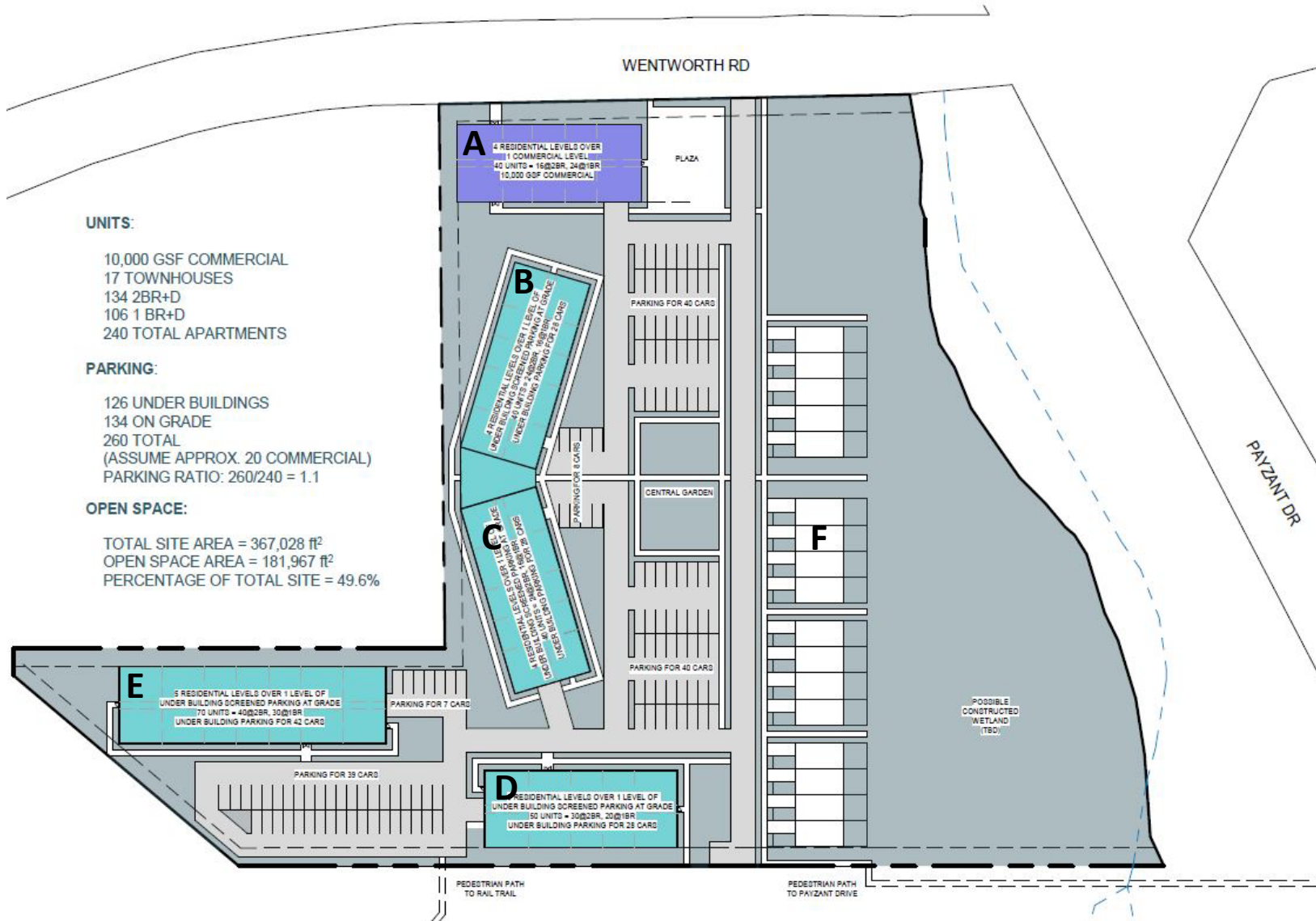


Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- The Wentworth Road Gateway District only permits grouped dwellings developments by development agreement

Proposal

- FH Developments Group Inc. is proposing a multi-phase development that will include:
 - 240 apartment units;
 - 10,000 sq. ft. of commercial space; and
 - 17 townhouses grouped on the lot



UNITS:

- 10,000 GSF COMMERCIAL
- 17 TOWNHOUSES
- 134 2BR+D
- 106 1 BR+D
- 240 TOTAL APARTMENTS

PARKING:

- 126 UNDER BUILDINGS
- 134 ON GRADE
- 260 TOTAL
- (ASSUME APPROX. 20 COMMERCIAL)
- PARKING RATIO: 260/240 = 1.1

OPEN SPACE:

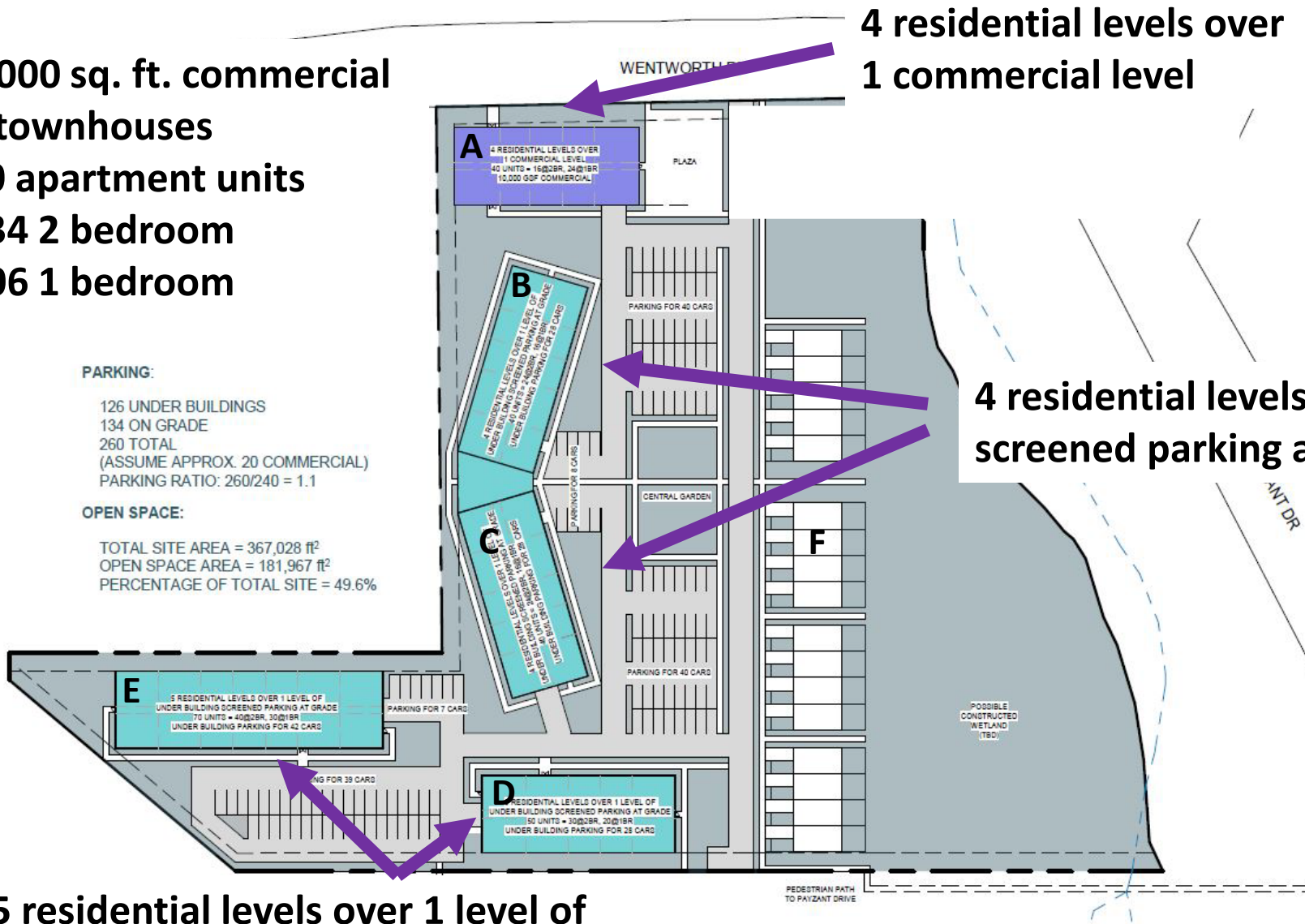
- TOTAL SITE AREA = 367,028 ft²
- OPEN SPACE AREA = 181,967 ft²
- PERCENTAGE OF TOTAL SITE = 49.6%



10,000 sq. ft. commercial
 17 townhouses
 240 apartment units
 - 134 2 bedroom
 - 106 1 bedroom

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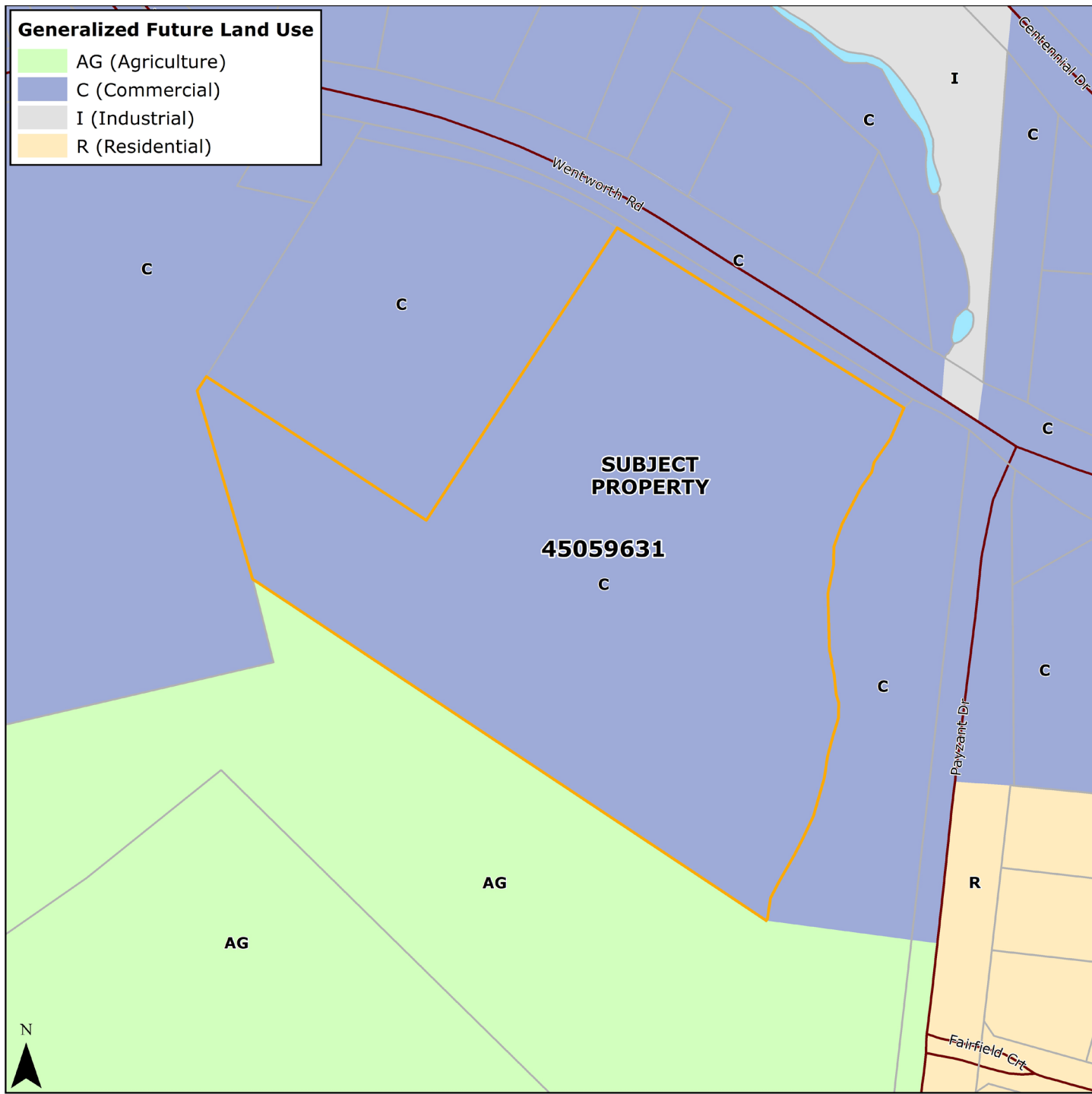
4 residential levels over
 1 commercial level

4 residential levels over 1 level of
 screened parking at grade

5 residential levels over 1 level of
 screened parking at grade

Generalized Future Land Use

- AG (Agriculture)
- C (Commercial)
- I (Industrial)
- R (Residential)



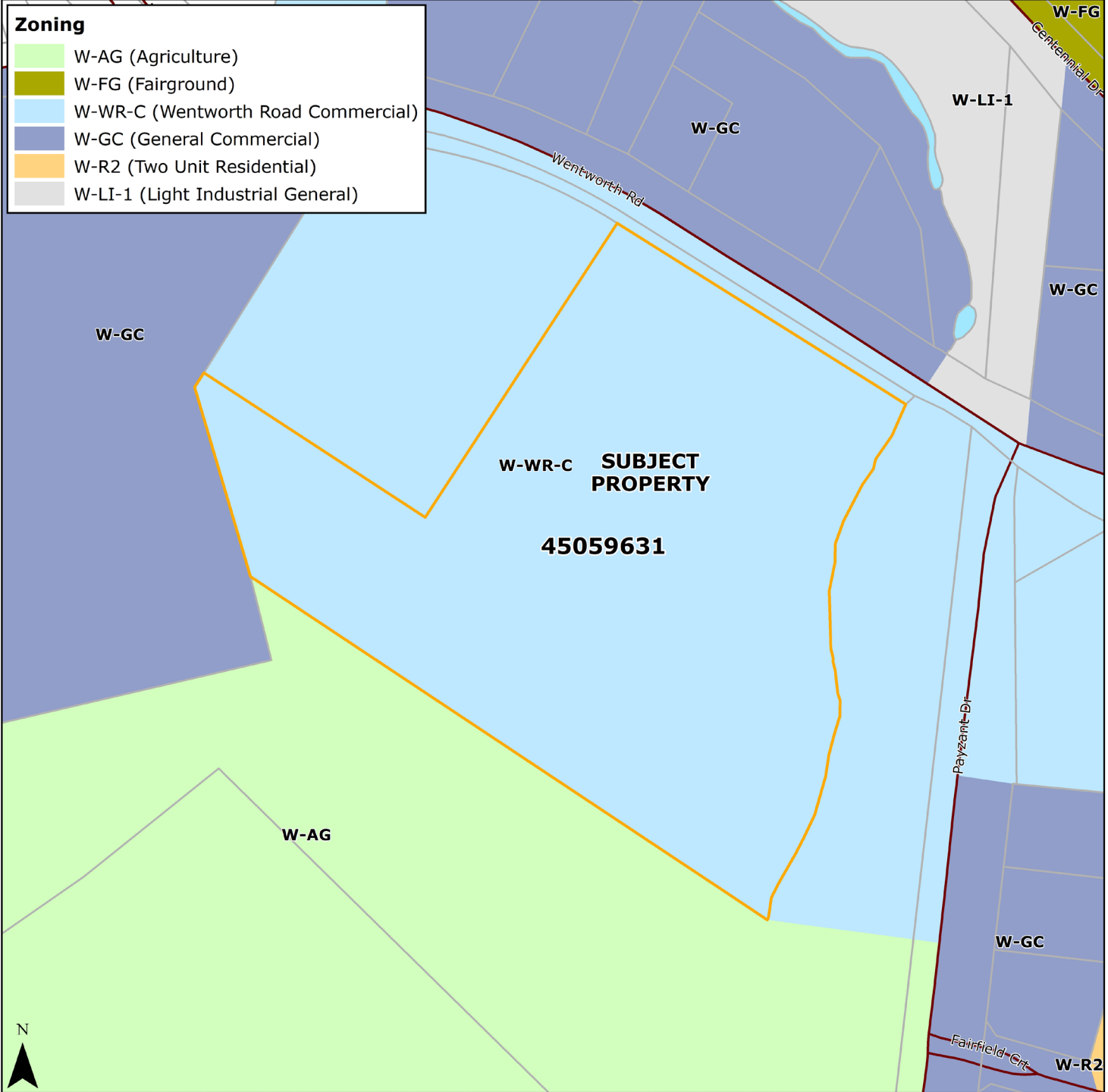
GFLUM

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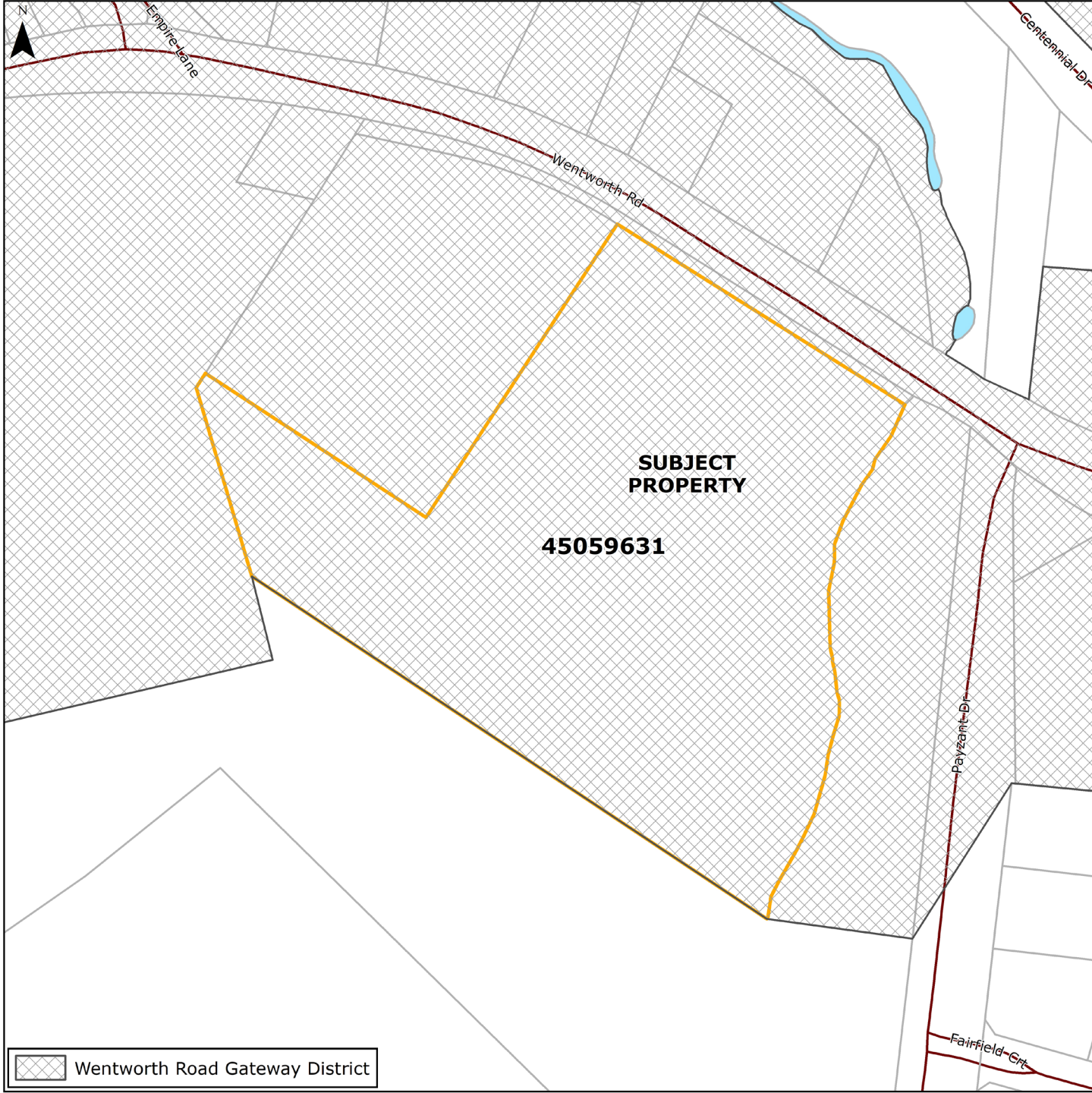
Zoning

- W-AG (Agriculture)
- W-FG (Fairground)
- W-WR-C (Wentworth Road Commercial)
- W-GC (General Commercial)
- W-R2 (Two Unit Residential)
- W-LI-1 (Light Industrial General)



Zoning





Overlay



Consideration

- ability to have a development agreement for a specific purpose must be established in the LUB
- requests for development agreements are “measured” against the policies of the MPS



Windsor Land Use By-law

- Part 6.0 of the WLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

(j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development;”



Windsor Municipal Planning Strategy

- Part 8.0 of the WMPS contains the overall intention for properties designated Commercial on the Windsor Generalized Future Land Use Map
- Section 8.6 describes the intention for development in the Wentworth Road Gateway District
- ***Policy 8.6.15*** establishes Council's intention to consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings within the Wentworth Road Gateway District by development agreement



Development Agreement Details

Permitted Uses

- those uses permitted by the underlying zoning in the Land Use By-law excluding car washes and drive-through restaurants;
- residential development consisting of a maximum of 240 apartment dwelling units and 17 townhouse dwelling units;
- under-building ground-level parking and surface parking for the uses within the buildings;
- outdoor recreation space including but not limited to a plaza and central garden; and
- a constructed wetland which may be used for on-site stormwater management



Development Agreement Details

Phased Development

- Mixed-use apartment building fronting on Wentworth Road (Building A) to be constructed first
- Multi-unit apartment buildings (Buildings B-E) can be constructed in any order
- 17 townhouse dwelling units (Buildings F) can be constructed anytime after the mixed-use apartment building and one of the multi-unit apartment buildings are complete and have occupancy permits



Development Agreement Details

Timelines

- Development to commence within 18 months (1 ½ years) from DA being signed
- Building A
 - The footings to be completed within 24 months (2 years) of the DA being signed (as per the Purchase and Sale Agreement)
 - Building to be completed within 24 months (2 years) of commencement
- Buildings B-F
 - To be completed within 96 months (8 years) of commencement



Development Agreement Details

Requirements

- 5 ft. wide pedestrian walkway from the sidewalk on Wentworth Road to the main entrances of each building;
- Landscaped area at least 15 ft. deep that runs the length of and directly abuts the front lot line along Wentworth Road;
- Apartment buildings are to incorporate windows and other elements in the street level façade to avoid the appearance of solid blank walls;
- Min. of 60,000 sq. ft. of usable recreation space;
- Landscaped islands in parking lots containing 20 or more spaces;



Development Agreement Details

Requirements Cont.

- 1 parking space per dwelling unit;
- 1 parking space for every 300 sq. ft. (27.9 sq. m.) gross floor area of commercial uses;
- Private snow plowing and garbage collection;
- Construction hours to be within 7 a.m. – 9 p.m., daily;



Development Agreement Details

Requirements Cont.

- Stormwater management plan that satisfies the Municipal Engineer, prior to a development permit being issued;
- Design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s); and
- An Environmental Study for any portion of buildings being constructed on lands within the Environmental Constraints Area, prior to a development permit being issued (two studies already conducted on the site).



Development Agreement Details

Substantive Matters

- the uses permitted on the Property;
- the order of building construction and the required recreation space for Buildings A, B and C;
- the fire safety requirements;
- the landscaping requirements; and
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued.



Public Information Meeting Notes

- A Public Information Meeting was held on May 14. The meeting was broadcast live on the Municipal Facebook page.
- 5 members of the public attended the Public Information Meeting
- The deadline for comments was May 27
- 2 members of the public spoke at the PIM and 1 written comment was received via email



Public Information Meeting Notes Cont.

- Price of apartment units
- Site constraints
- Design of buildings
- Proximity to Canadian Tire Lands and access easement



Specific Criteria for DA

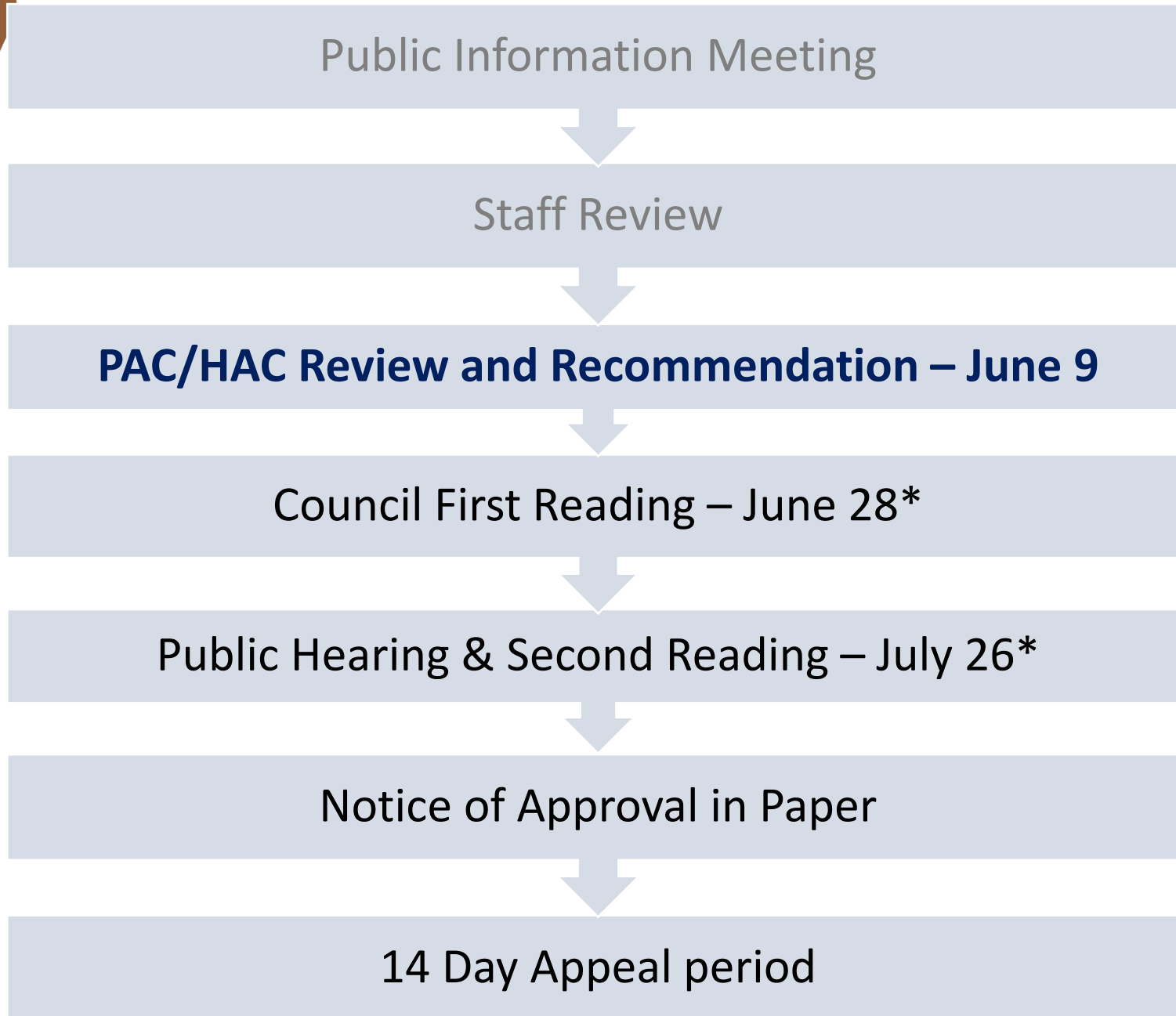
- Policy 8.6.16 establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the development agreement is consistent with the intent of Policies 8.6.15, 8.6.16, 8.6.4 and 8.6.8 and other relevant policies of the WMPS; and
 - ✓ the development agreement is consistent with the intent of the Wentworth Road Gateway District ensuring that the development will include landscaping, safe pedestrian access, and be designed to enhance the streetscape.

General Criteria for DA

- Policy 16.3.1 states the general criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.



Process



*anticipated dates;
final dates set by
Council

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Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee report #22-03 dated June 9, 2022.

Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement 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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