



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: May 10, 2022

Report Number: DS-2022-17

Subject: Development Agreement
Old Castle Heights Inc. – Residential Development Agreement
Northeast Corner of 8th Concession/North Talbot Intersection
OUR FILE: D12 OLD

Recommendations

It is recommended:

That a by-law authorizing the execution of the Old Castle Heights Inc. development agreement, satisfactory in form to the Town's Solicitor, which allows for the development of a 220-unit residential subdivision comprising 132 single-unit dwellings, 6 semi-detached dwellings and 19 townhouse dwellings, along with associated buffer areas/passive open space/multi-purpose pathways, stormwater corridors and a stormwater pond, on a 20.7 hectare (51.3 acre) parcel of land situated on the northeast corner of the North Talbot Road/8th Concession Road intersection (County of Essex Draft Plan of Subdivision File No. 37-T-21004), **be adopted, subject to the Owner executing the development agreement;**

And that the execution of such further documents as are called for by the development agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the development agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the development agreement, by the Mayor and Clerk and minor modifications as the

Director Development Services may approve as necessary and appropriate upon conferring with the Town's Solicitor, **be authorized**.

Background

Prior Planning Approvals

In 2019, the Ontario Municipal Board (OMB) issued an Order for a 20.7 hectare (51.3 acre) parcel of land situated on the northeast corner of the North Talbot Road/8th Concession Road intersection ("subject property") approving revised Official Plan and Zoning By-law amendments that introduced site-specific policies and zoning to facilitate the development of the subject property in the following manner:

- 20.5 hectares (50.6 acres) of land for residential uses encompassing a range of housing types including single unit dwellings, semi-detached and multi-unit dwellings and multi-storied retirement buildings;
- a 0.75 hectare (1.85 acre) commercial parcel situated at the north-east corner of the 8th Concession Road/North Talbot Road intersection. This parcel was subsequently severed from the subject lands by way of consent approval and is not part of the lands subject to the current Draft Plan of Subdivision;
- areas identified for a potential stormwater management pond and stormwater drainage corridor;
- a 30-metre (98-foot) wide strip of land along the western boundary of the property adjacent to the 8th Concession Road extending from the commercial block to the northern limit of the subject property. The purpose of this strip of land, which would be conveyed to the Town, would be to provide adequate separation and buffering from the industrial uses on the west side of the 8th Concession Road and the proposed residential use of the balance of the subject property; and
- a multi-use pathway along the north side of North Talbot Road that would ultimately provide connectivity to Weston Park and the existing homes to the east as well as to proposed multi-use pathways to the north along 8th Concession Road and to the west along North Talbot Road.

Subsequent to the OMB's approval, the Owner filed an application with the County of Essex for Draft Plan of Subdivision Approval.

The County, as part of its approval function and in accordance with the *Planning Act*, requested the Town hold a public meeting on its behalf. This meeting was held on November 9, 2021. The County of Essex subsequently issued Draft Plan of Subdivision Approval (File No. 37-T-21004), with associated conditions, on February 14, 2022. The appeal period for this approval lapsed on March 7, 2022 without appeals.

The Draft Plan of Subdivision (see Attachment 2) depicts the creation of 157 blocks/lots to be developed in two phases. The first phase, which encompasses the westerly portion of the subject lands as well as the stormwater management corridors along the north connecting to the stormwater pond to the east, includes:

- 64 detached dwellings units;
- 12 semi-detached units (six semi-detached dwellings);
- 76 attached units (one 3-unit townhouse dwelling, one 5-unit townhouse dwelling and 17 4-unit townhouse dwellings); and
- blocks identified for buffer areas/passive open space/multi-purpose pathways, stormwater corridors and a stormwater pond.

The second phase encompasses the easterly portion of the subject lands and includes 68 lots for single unit detached dwellings along with two blocks for multi-purpose pathway/green space purposes.

One of the conditions of the County approval was that the Owner enter into a development agreement with the Town. Accordingly, the Owner has been working with Town Administration to finalize engineering and general subdivision design details associated with the residential development. These details have been resolved and a draft development agreement has been prepared for Council's review and final approval.

Comments

A draft development agreement, as prepared by the Town's Solicitor, with input and review by Town Administration, is attached for Council's consideration (see Attachment 3). The draft development agreement establishes servicing, design and construction requirements necessary for the development of the residential subdivision. It includes provisions for sanitary, storm, water, sidewalks, multi-use pathways, parkland dedication/cash contribution, tree plantings and other associated works as well as a requirement for the provision of a performance security to ensure the satisfactory completion of the required works and the ultimate conveyance of the works to the Town. The development agreement includes clauses that are required as a result of the

County of Essex conditions attached to the approval of the Old Castle Heights Inc. Draft Plan of Subdivision (County File No. 37-T-21004).

In addition to the Town's standard requirements, the development agreement also contains the following unique provisions:

- i) the installation of 1.5 metre-wide sidewalks on both sides of all new streets within the subdivision (see Figure H of Attachment 3);
- ii) the installation of a 3.0 metre-wide multi-use pathway along the north side of North Talbot Road, the east side of 8th Concession Road (where it abuts the subject property) along with pathways within the subdivision which will have the effect of providing connectivity around the entire perimeter of the subdivision (see Figure H of Attachment 3). The pathway surrounding the associated stormwater management pond will be 4.0 metres wide in order to also serve as a vehicle access corridor for future maintenance of the pond by the Town;
- iii) the installation of decorative, LED streetlights consistent with the Town's standard;
- iv) the planting of one boulevard tree every 12.0 metres between the sidewalk and the curb and the planting of one pathway tree for every 12.0 metres of pathway, staggered on opposite sides. In addition, one tree shall be planted in the front yard of each building lot;
- v) the placement of a berm along with tree plantings and a trail in the buffer area along the 8th Concession Road;
- vi) the construction of a stormwater management pond on the eastern portion of the site, which will include a trail that loops around the pond, providing for a future interconnection with Weston Park to the immediate east;
- vii) in accordance with relevant Official Plan policies, the area of land required for multi-use pathways within the required buffer and stormwater management areas are also being provided as parkland dedication. The balance of the 5% parkland contribution shall be in the form of a payment of \$147,217 from the Owner to the Town as cash-in-lieu of parkland;
- viii) Terminology to permit the subdivision to proceed in two phases or, if circumstances warrant, to be built in its entirety as one phase.

The Owner and its legal, engineering and planning representatives have reviewed the development agreement and are in support of the document.

Based on all of the foregoing, Administration and the Town's Solicitor recommend that Council authorize the execution of the Old Castle Heights Inc. development agreement, providing for the residential development of the subject property in keeping with the conditions of approval of County Draft Plan of Subdivision File No. 37-T-21004.

Consultations

Community & Recreation Services
Community Safety
Public Works & Engineering Services
Town Solicitor

Financial Implications

None.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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Reviewed by:

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Reviewed by:

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Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Approved Draft Plan of Subdivision
3.	Development Agreement