



## 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 9, 2023

**Report Number:** DS-2023-10

**Subject:** Development Agreement  
Castle Gate Towers Inc. – Business Park Development  
North-East Corner of 8th Concession/County Road 46  
OUR FILE: D12 CGT (Former D12 SANTA)

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### Recommendations

It is recommended:

**That** DS-2023-10 entitled “Development Agreement, Castle Gate Towers Inc. – Business Park Development North-East Corner of 8th Concession/County Road 46” **be received;**

**And that** a by-law authorizing the execution of the “Castle Gate Towers Inc.” development agreement, satisfactory in form to the Town’s Solicitor, which allows for the development of a business park subdivision comprising five business park lots, a block containing an existing woodlot/natural area and associated buffer and a block containing a proposed stormwater management facility on a 29.03 hectare (71.73 acre) parcel of land situated at the north-east corner of the 8th Concession Road and County Road 46 intersection, **be adopted**, subject to the Owner executing the development agreement;

**And further 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 acknowledgement/directions for any related transfers or real

property registrations contemplated by the development agreement, by the Mayor and Clerk, **be authorized**;

**And furthermore that** the giving of Notice of Intent to pass a by-law removing the holding (H) symbol in accordance with the provisions of the Planning Act for the subject property to change the zoning from “Holding Business Park Zone (H)BP” to “Business Park Zone (BP)”, upon execution of the development agreement by the Owner and the Town and its registration on title, in order to permit the development of a business park subdivision, in accordance with DS-2023-10, **be authorized**.

## Background

Town Council, at its meeting held February 27, 2018, supported the granting of Draft Plan of Subdivision Approval by the County of Essex (County of Essex Application 37-T-17003) on a 29.03 hectare (71.73 acre) parcel of land situated at the north-east corner of the 8th Concession Road and County Road 46 intersection (“subject property”) (see Attachment 1). The subdivision comprises five business park lots, a block containing an existing woodlot and associated buffer and a block containing a proposed stormwater management facility (see Attachment 2). This resolution, which included the Town’s requested conditions associated with the proposed subdivision, was subsequently provided to the County of Essex (the Approval Authority).

On December 3, 2018, Draft Plan of Subdivision approval was granted by the Approval Authority. The approval of the draft plan with associated conditions was in effect until December 3, 2021, after which the draft plan approval would lapse if the conditions of approval were not met.

After the granting of the original Draft Plan Approval, the Town had been working with the Owner on drafting of the associated subdivision agreement and the detailed design of services. The only significant outstanding matter was with respect to finalizing the design for the stormwater management facility, after which it was anticipated that the draft subdivision agreement would be provided to Council for approval. However, the Owner at that time decided to pause the development agreement approval process and subsequently sold the lands to the current new Owner.

In August of 2021, the new Owner, 1061160 Ontario Inc., formally requested an extension to the Draft Plan of Subdivision approval, as the December 3, 2021 lapsing date was nearing. The Owner advised that the COVID-19 pandemic had resulted in unforeseen delays. As a result, the projected timelines for this subdivision had been significantly delayed. The Owner requested a three-year extension to the Draft Plan Approval.

On September 14, 2021, Town Council supported the request for a three-year extension to Draft Plan of Subdivision Approval (37-T-17003) as submitted by the Owner, which was ultimately approved by the County of Essex.

## **Comments**

### **Development Agreement**

A draft development agreement, as prepared by Solicitor Edwin Hooker, 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 business park subdivision on full municipal services. It includes provisions for sanitary, storm, water, sidewalks, landscaped berm, fencing, 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.

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

- the installation of a 1.5 metre wide sidewalk on one side of each of the new interior roads, which are named "Joachim Drive" and "Santarossa Street", and on the east side of 8<sup>th</sup> Concession Road from Joachim Drive to County Road 46;
- the installation of LED streetlights;
- the construction of a landscaped berm along the north side of County Road 46 from its intersection with 8<sup>th</sup> Concession Road to the western limits of the existing woodlot. Approximately 140 deciduous and coniferous trees will be planted on the landscaped berm in accordance with an approved landscaping plan;
- the construction of a stormwater management pond at the north-east corner of the subject property;
- a contribution of \$104,185 from the Owner to the Town as cash-in-lieu of parkland dedication;
- the planting of one boulevard tree every twelve metres, between the sidewalk and the curb. Where there is no sidewalk, the boulevard trees shall be planted every twelve metres, located not greater than 2.4 metres from the curb; and

- the requirement for a conservation easement that shall be registered on title for the preservation of the existing woodlot.

## **Zoning**

The portion of the property subject to development is currently zoned “Holding Business Park Zone (H) BP”. In accordance with Section 10.3 of the Official Plan, the holding (H) symbol may be removed once the development agreement has been fully executed and registered on title. It is now appropriate to authorize Administration to issue a Notice of Council’s Intent to remove the holding (H) symbol once the preceding matters are completed and in accordance with the provisions of the *Planning Act*. Upon removal of the holding (H) symbol, all development on the subject property will be subject to the current building, yard, lot coverage and landscaping regulations established in the “Business Park Zone (BP).”

## **Summary**

Based on all the foregoing, Administration and the Solicitor are prepared to recommend the following:

- passage of a by-law authorizing the execution of the “Castle Gate Towers Inc.” development agreement, satisfactory in form to the Town’s Solicitor, subject to the Owner executing the document; and
- the giving of Notice of Council’s Intent to remove the holding (H) zoning symbol from the subject property once the development agreement has been fully executed and registered on title and in accordance with the provisions of the *Planning Act*.

## **Consultations**

Financial Services  
Public Works & Engineering Services  
Town Solicitor

## **Financial Implications**

As noted above, the Town will be receiving a contribution of \$104,185 from the Owner as cash-in-lieu of parkland dedication. The payment of Development Charges will occur at the time of issuance of building permits related to the development of the individual lots.

## 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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Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services & Local Economic Development

Reviewed by:

Tom Kitsos, CPA, CMA, BComm  
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

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