



## 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 13, 2024

**Report Number:** DS-2024-12

**Subject:** Development Agreement  
Cedarhurst Avenue – Business Park Subdivision  
South Side of County Road 42  
OUR FILE: D12 SYL42

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### Recommendations

It is recommended:

**That** DS-2024-12 entitled “Development Agreement, Cedarhurst Avenue – Business Park Subdivision, South Side of County Road 42” **be received**;

**And that** a by-law authorizing the execution of the “851381 Ontario Ltd.” development agreement, satisfactory in form to the Town’s Solicitor, which allows for the development of a business park subdivision on a 2.9 hectare (7.3 acre) parcel of land situated on the south side of County Road 42 approximately 385 metres (1,263 feet) east of its intersection with Banwell Road (County Road 43), comprising five commercial/industrial blocks and one block for a stormwater management facility, all of which front on a new municipal road (Cedarhurst Avenue) extending south from County Road 42, **be adopted**;

**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) zoning symbol in accordance with the provisions of the Planning Act for the subject property to change the zoning from “Holding Commercial/Industrial Zone (H)CM-1” to “Commercial/Industrial Zone (CM-1)”, 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-2024-12, **be authorized.**

## Background

In November of 2023, by way of [DS-2023-23](#), Town Council supported the granting of Draft Plan of Subdivision Approval by the County of Essex (County of Essex Application 37-T-23009) on a 2.9 hectare (7.3 acre) parcel of land located on the south side of County Road 42, approximately 385 metres (1,263 feet) east of its intersection with Banwell Road (County Road 43) (“subject property”) (see Attachment 1). The subdivision comprises five commercial/industrial blocks and one block for a stormwater management facility (see Attachments 2A and 2B). This support, which was predicated on the Town’s requested conditions associated with the proposed subdivision, was subsequently provided to the County of Essex (the Approval Authority).

On January 12, 2024, Draft Plan of Subdivision approval was granted by the Approval Authority. The approval of the draft plan with associated conditions is in effect until January 12, 2027, after which the draft plan approval will lapse if the conditions of approval are not met.

One of the conditions of Draft Plan Approval was the entering into a development agreement with the Town. Accordingly, the Town has been working with the Owner on the drafting of the associated development agreement and the detailed design of services for the subdivision.

## 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 berming, 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 key provisions:

- the installation of a 1.5 metre wide sidewalk on both the east and west sides of the new roadway (Cedarhurst Avenue) that will extend southerly from its intersection with County Road 42;
- the installation of LED streetlights;
- the planting of one boulevard tree for every twelve metres (within the Cedarhurst Avenue right-of-way), between the sidewalk and the curb. Where there is no sidewalk (i.e. the bulb of the cul-de-sac), the boulevard trees shall be planted every twelve metres, located not greater than 2.4 metres from the curb;
- the construction of a stormwater management pond at the south-west corner of the subject property; and
- a contribution of \$6,960 from the Owner to the Town as cash-in-lieu of parkland dedication.

## Official Plan and Zoning

The subject property is currently designated Business Park in the Official Plan and zoned "Holding Commercial/Industrial Zone (H)CM-1". The uses proposed by this zoning include a range of commercial and industrial uses.

In accordance with Section 10.3 of the Official Plan, the Holding (H) zoning 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) zoning symbol once the preceding matters are completed and in accordance with the provisions of the *Planning Act*. Upon removal of the Holding (H) zoning symbol, all development on the subject property will be subject to the current building, yard, lot coverage and landscaping regulations established in the "Commercial/Industrial Zone (CM-1)". Development on each of the individual lots will be approved by way of future Site Plan Control applications.

## 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 “851381 Ontario Ltd.” 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 \$6,960 from the Owner as cash-in-lieu of parkland dedication. In addition, 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	<a href="#">2023-2026 Strategic Priorities</a>
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

## 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:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Senior Planner

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
2A.	Approved Draft Plan of Subdivision

<b>Attachment Number</b>	<b>Attachment Name</b>
2B.	Approved Draft Plan with Air Photo Overlay
3.	Development Agreement