

Council reaches compromise with developer on eve of OMB hearing

By Angela Gismondi

It's been a long, hard-fought battle, but King will not be going to the Ontario Municipal Board (OMB) on the King City Corporate Centre.

The decision was made at the council meeting Monday. A closed session was held on the matter at the outset of the meeting to receive an update from Township solicitor Josie Matera. The matter was also discussed by the public and council during the committee of the whole meeting.

Despite the concerns raised, council decided to go ahead with the revised application, thereby avoiding an OMB hearing which was scheduled to begin Dec. 18.

"This one has been difficult ? the hardest issue we have had to deal with in our term of council, " said Mayor Steve Pellegrini, adding that in other major development situations, the Township was able to work with the applicant to come to an agreement without involving the OMB. "We have to do what is best for our residents."

An application was submitted to develop a parcel of land on the southeast corner of Jane Street and King Road (2995 King Road). The applicant requested an amendment to the King City Community Plan be made to include "prestige employment retail and commercial uses" in what is designated Prestige Employment Area. They also asked that the Township specifically identify retirement/assisted living facilities, similar to [Senior Care Center in Garden Grove](#) as an institutional use. Senior assisted living may not be well valued or appreciated here as much as elsewhere, but there are plenty more choices for the elderly, such as Immanuel [assisted living](#). Residential care and assisted living may provide the best options for the needs of some individuals by combining housing, support and health care, as well as offering company and engagement through things like [crafts for seniors](#). They are particularly important for dementia sufferers.

The original applications proposed approximately 14,500 square metres (approximately 156,000 square feet) of commercial space on approximately 7.4 hectares (18.3 acres) of land with permissions for the full range of retail and service commercial uses, including a grocery store/supermarket.

Council rejected the initial proposal last November because it raised concerns with respect to issues of conformity with the King City Community Plan, the Growth Plan and the Regional Official Plan. Council cited concerns with the size and scale of the development and decided that overall, the proposal didn't meet the permitted uses and didn't fit the vision for the property which is designated Prestige Employment Area.

After council rejected it, King City Corporate Centre Ltd. appealed the decision to the OMB. King Township filed a motion to dismiss the appeal without a hearing on the basis that the size and scale and range of commercial uses for the proposed development were contrary to the King City Community Plan and the Township's policies. The stated the application represented an employment land conversion.

The board strongly encouraged the parties participate in an OMB-led mediation process in order to resolve the appeals. The parties have been engaged in the process for over a year now and after an extensive mediation process, the applicant has revised the development concept by reducing the ancillary commercial area to a maximum of two hectares (approximately five acres) and a maximum gross floor area of 3,716 square metres (40,000 square feet); eliminating the proposed grocery store/supermarket use; restricting the range of retail and service commercial uses that are permitted; and providing for standards and restrictions to govern the permitted uses. The application also make s provisions for an institutional use which could be a seniors assisted living residence. Local residents had some serious concerns about the revised application and were in attendance to voice them at the meeting Monday.

Bruce Craig, representing Concerned Citizens of King Township, said he had serious concerns that the proposed uses did not conform with the King City Community Plan.

"The King City community Plan came as the result of a lengthy, thorough and thoughtful process involving the input of many interested groups and individuals and should not be chipped away and lost through piecemeal amendments of this kind," said Craig "We need to see the whole picture through a proper comprehensive review ... We urge you not to support the recommendations of the staff report nor the revised OPA. Rather take the constructive ideas found in the staff report and include them in a comprehensive review and the review of King Township official plans, maintain the vision and intent of the King City Community Plan and uphold principles of sound planning."

Nobleton resident Nancy Hopkinson said approving the application could mean the Township will miss out on a "prestige employer" who may want to locate in that area.

"This is a case of putting the cart before the horse," said Hopkinson, urging council to reject the mediation because it's contrary to the King City Community Plan.

Paul Mondell spoke on behalf of King North Developments, who is building the commercial development at Dufferin Street and King Road in King City. He told council the application by King City Corporate Centre has had a negative impact on his business and his attempt to retain tenants in the development located four kilometres away. In particular, King North has had trouble retaining a grocery store due to confusion in the marketplace.

"King City is not a big retail market," he explained, adding the grocery store chains have been putting him off until they figure out what is happening with the development at Jane Street and King Road. "Many retailers don't want to be near a Walmart store."

"I think it's important for the municipality to make sure the retail you already have approved here is successful," he concluded.

Mayor Pellegrini urged the developer to get a grocery store in King City as soon as possible.

"We need a grocery store more than anything else in King City," said the mayor. "There is not a grocery store going on that parcel of land (King and Jane). I don't know why you guys can't sign a grocery store."

Councillors had their own views on the matter. While many agreed that a commercial plaza was not what was they envisioned for the lands, which they called a gateway to King City, they were concerned that if council didn't make a decision on the matter, the OMB would do it for them. They were also concerned that if the application was rejected, another applicant could come along with an even bigger proposal which might not fit the character of the town.

King City Councillor Cleve Mortelliti said he has been "uncomfortable" with this proposal for some time.

"I was comfortable with refusing and dismissing the application last November," said Mortelliti. "I haven't been comfortable since we have been in the mediation process ... From my own perspective, that is not what I envisioned there. There is a concern that if we don't accept it we could get something worse."

The issue of transparency was also brought up at the meeting.

"This has been a tough issue to deal with," said an emotional Councillor Debbie Schaefer, who said that because the mediation was part of the OMB process, it was not as transparent as she would have liked. "It's hard because I really do believe in transparency ... I don't like how we got here but it seems to be that is the way these kinds of things happen."

She added that part of the problem is that King doesn't have up to date official and community plans.

"It makes us vulnerable," she said.

CAO Susan Plamondon pointed out that the Township was not required to bring the matter to the public but they chose to be open about it.

"We could be doing all this in closed session but we thought it was entirely appropriate to do this in public in the interest of transparency," said Plamondon. "This way members of the public are entitled to make comments and submissions."

Councillors admitted they would like to see a corporate head office located in that area, but recognized that those head offices might prefer to locate in an area with amenities such as restaurants and stores nearby, where their employees could go or where they could entertain clients. It was argued the proposed development could those uses to support that type of development.

"If you want to attract offices, you have to allow for some auxiliary uses that will help support them," explained Plamondon.

"Permitting a limited amount of commercial development that permits those uses to support the planned and intended function of this area as prestige employment."

In the end Mortelliti could not support the approval of the revised plan and neither could Councillor Peter Grandilli. The remaining members of council voted in favour of the revised plan.