

Retooled OPA for MOVE adopted by council

By Mark Pavilons

A local developer had King Township staff and politicians jumping through hoops regarding an Official Plan amendment that affects its new municipal site.

The Township's zoning bylaw amendment (2016-18) was recently appealed by the Milani Group to the Ontario Municipal Board. The bylaw was passed by council in August of 2016, to add office uses for public and non-profit purposes as a permitted use. As well, provisions relating to parking, a garbage enclosure and protection buffers were included in the amendment.

Milani questioned whether the zoning bylaw amendment permits development in the environmental buffer areas, identified in the King City Community Plan. They questioned whether the Township followed the requirements of various acts and policies and whether they had all the information they needed to make an informed decision.

The OMB met Feb. 28 through March 1 and delivered their decision April 7. The appeal was allowed in part, and the bylaw amendment was held, pending approval of an OPA to address environmental protection policies with respect to minimum vegetation protection zones.

The Official Plan Amendment was prepared and after the public meeting held two weeks ago, staff made further revisions to the document and placed the revised version on the COW agenda with a recommendation for approval and adoption of the necessary bylaw.

OPA 90 came up at council May 29, but Milani's lawyer, Steven Ferri of Loopstra Nixon, almost scuttled the proceedings, noting his client was furious at the staff revisions to the OPA regarding a reduction in vegetation protection and the wording over identified disturbed areas on the site. His client wanted sections of the staff recommendations rewritten entirely and replaced with original versions.

He charged that the ambiguity of changes to uses on the property could very well lead to Milani appealing the OPA yet again. During an adjournment of the Committee of the Whole meeting, and over the next hour, Planning director Stephen Kitchen and CAO Susan Plamondon managed to mitigate Ferri's concerns and arrive at a consensus. The result was a version of the OPA that Ferri could recommend to his client that was also satisfactory to Township staff.

That was followed by a brief in-camera discussion after which council adopted and enacted the further revised Official Plan amendment.

Plamondon said while Ferri is recommending it to his client, it is not a guarantee that Milani will be satisfied and there may be yet another appeal to the OMB.

The property is currently designated as institutional and environmental protection area in the King City Community Plan. The amendment proposes to amend the Plan on a site-specific basis, to provide for the property's redevelopment. As well, it alters the otherwise required environmental buffers and minimum vegetation protection zones. Currently, the Plan offers no flexibility in terms of a required 30-metre buffer zone, even for redevelopment projects that respect and improve upon previously disturbed areas. Staff note the current approach is to work within the limit of the disturbance, while causing no new encroachments into the buffer areas. It's also required that when the site is redeveloped, restoration efforts take place elsewhere on the site to compensate.