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Updated: OMB paves way for No Frills store in Acton

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There could soon be another grocery store opening in Acton after a development company received Ontario Municipal Board (OMB) approval Wednesday for amendments to the Town's Official Plan (OP) and zoning bylaw amendments.

The OP amendment approves re-designating land at 388 Queen St. E. from Medium Density to Corridor Commercial Area and a zoning bylaw amendment rezones the property to permit the construction of a supermarket.

Queen St. East Acton Development Inc. (QSEADI), which is planning to build a No Frills grocery store on the property, had appealed the matter to the OMB because of Town Council's refusal or neglect to enact the amendments. After the appeal was filed, Council in October supported in principle both amendments, so was in agreement with the applicant at the hearing Wednesday.

At the hearing OMB Vice-Chair Susan Schiller heard from planner Tony Volpentesta called by the proponent's lawyer to provide planning evidence on the proposal. He said the proposal is consistent with the Provincial Policy Statement.

"The introduction of a second food store in Acton helps focus growth in the settlement area, namely Acton, and secondly it contributes to the vitality and regeneration of Acton itself," said Volpentesta.

He also said it conforms with the Greater Golden Horseshoe Growth Plan, and is consistent with the Town and Regional Official Plans.

He explained the proposal is for a one-storey 2,650 sq. m. (28,525 sq. ft) retail store (intended to be a grocery store) with 101 parking spaces, with access to Queen St. and a loading area located on the west side of the building. He said the original proposal called for a secondary access to Tanners Dr., but that is no longer part of the application.

He recommended to the OMB that the draft bylaw drafted by the Town for the property be approved and said it implements the proposal. He recommended the appeal be allowed.

A Memo of Understanding has been signed by QSEADI and resident Alan Scott, who is acting as spokesperson for a number of residents who live on Tanners Dr. and Beardmore Cr.

Volpentesta was asked to explain the mitigation measures agreed upon in the Memo. He said they are the planting of perimeter trees with an average height of no less than 15 ft. along the south and east property line. The number of trees is to average 15 per 200 linear ft. or property line.

The agreement says the preferred species is White Spruce, with other options being White Pine, Larch and Balsa Fir. It also specifies that no trees or smaller ones and perhaps different species will be planted along the section of the east property line that abuts vacant land owned by the Town as it plans to put a pedestrian walkway through there.

Also in the memo, Scott confirmed that all other concerns raised including lighting, noise, hours for deliveries, perimeter fencing, property values and traffic concerns are resolved to his satisfaction or no longer being pursued.

Jeff Wilker, the Town's solicitor, said the Town was consulted about the Memo, but is not a party to it. He said it addresses site plan matters, which are not part of the hearing.

Later in the hearing, while questioning Town planner Charlie Toman, Wilker asked if it was fair to say, "the Town is fully aware that the residents want mature vegetation and want screening and the Town will do its best to implement the spirit of the memorandum?"

Toman agreed.

Toman said the proposal is consistent with the Provincial Policy Statement, Golden Horseshoe Growth Plan, Regional and Town Official Plans and represents good planning.

He said a market study done concluded that another grocery store in Acton wouldn't have a negative impact on any other supermarkets in Halton Hills.

Beardmore Cr. resident Tony Mifsud raised the issue of the proposed location of a garbage bin on the site and believes it's an environmental issue and will compound the odour problem he said he's already contending with from the neighbouring grocery store's garbage. His issue related to the site plan for the proposal, which was not before the Board.

In the end OMB vice-chair Susan Schiller gave an oral decision with written reasons to follow. Schiller said based on the evidence she was "satisfied the Official Plan Amendment and Zoning Bylaw instrument taken together appropriately regard matters of provincial interest, are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, conform to the requirements of the Region of Halton Official Plan." She added, "the Official Plan Amendment conforms to the policy regime of the Town of Halton Hills Official Plan, and as amended by the Official Plan Amendment, the Zoning Bylaw Amendment conforms to the Town's Official Plan."

She said her written disposition to follow will elaborate on her reasons for the decision and will make note of and commend the Town for the public process it took on the application. She also plans to commend "the parties in seeking to try to resolve their issues," with the Memorandum of Understanding, and will make note of the Town's offer to "include as appropriate" concerns Scott and Mifsud have regarding the applicant's site plan.

QSEADI lawyer Ira Kagan said his client plans to file a site plan application for the project in about a week.