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Date May 1, 2024 **Report No.** 2024-271
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Applications for Consent and Minor Variance

2.0 Topic

APPLICATION NO.: B18-2024
AGENT: Cynthia Baycetch, CB Planning
APPLICANT: Ingenia Polymers Corp. c/o Gord Thomson
OWNER: 2427811 Ontario Inc. c/o Carlos Tabuenca (railway lands south of 565 Greenwich Street)
LOCATION: 565 Greenwich Street

3.0 Recommendation

- A. THAT application B18-2024 requesting to adjust property boundaries between 565 Greenwich Street and 555 Greenwich Street, BE APPROVED; subject to the conditions attached as **Appendix A to Report 2024-271**,
- B. THAT the reasons for the approval of B18-2024 are as follows: the proposed consent has regard for the matters under Section 51(4) of the *Planning Act*, and Staff are satisfied that the proposed development is desirable and

compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent and policies of the Official Plan and Zoning By-law; and,

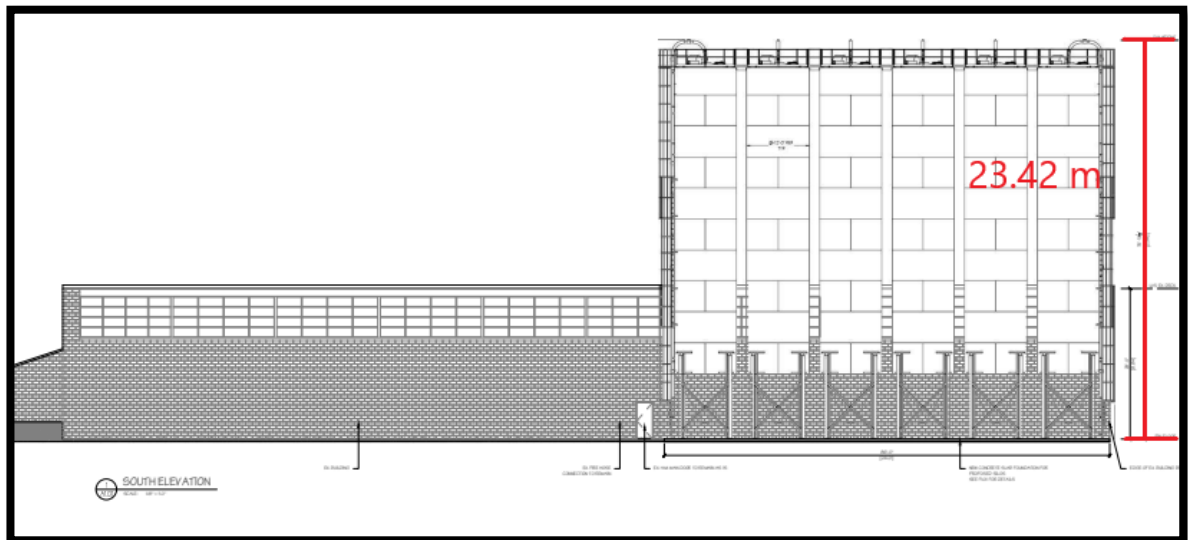
- C. THAT pursuant to Section 53(17)-(18.2) of the *Planning Act*, R.S.O. 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of report 2024-271

4.0 Purpose and Description of Application

In 2022, the applicant received Site Plan Approval for the expansion of an existing thermoplastics manufacturing warehouse. The building expansion aimed to accommodate the growing needs of the company, facilitating the expansion of warehouse facilities and research and development labs. While construction is underway for the approved expansion, additional silos are required to support increased operational capacity. An elevation drawing for the proposed silos is shown below in **Figure 1**.

Figure 1 - Proposed Silos

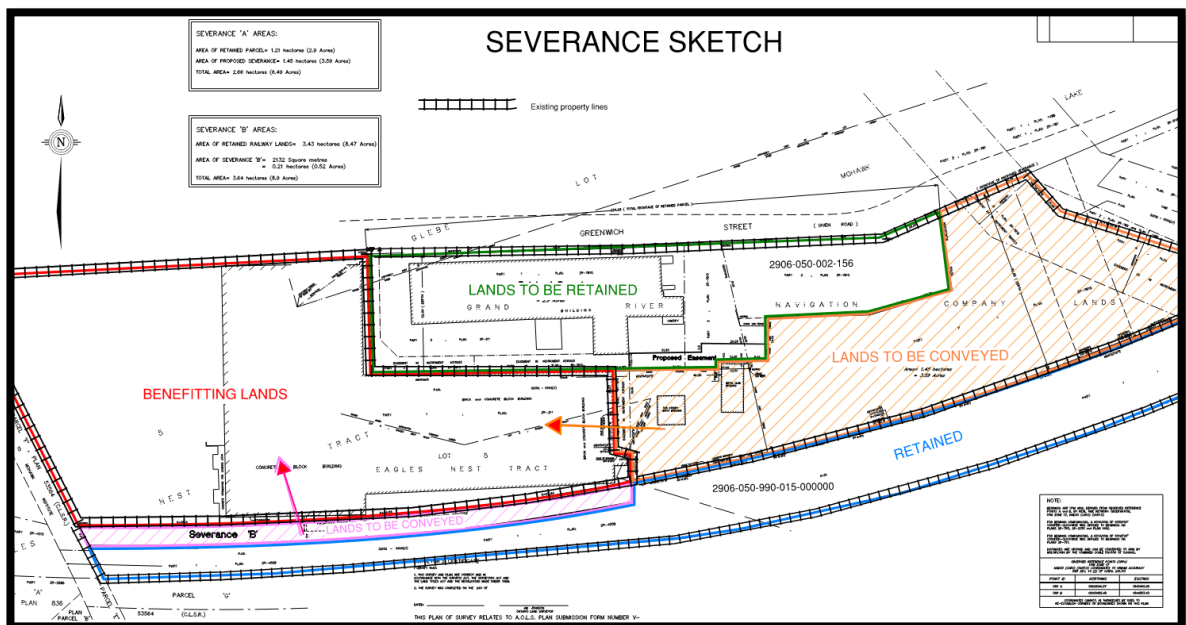


The proposed construction of six silos south of the existing manufacturing facility necessitates the need for a boundary adjustment. Due to spatial constraints on the current property, there is insufficient space to accommodate the silos within the designated area. As a solution, the applicant seeks to transfer approximately 0.2 ha of land from the southern abutting railway corridor property to the rear of

565 Greenwich Street to provide adequate space for construction of the silos. Merging 565 Greenwich with the entire southern abutting property (rail spur line corridor) is appropriate considering the property's use and extent along the rail line.

The applicant had originally applied for a second Boundary Adjustment that, if approved, would have transferred lands from 555 Greenwich to 565 Greenwich (identified below in orange), however the applicant has recently withdrawn that application after Staff advised that an Environmental Impact Study and an Official Plan Amendment may be required prior to the development of the lands to be conveyed, given the "Core Natural Area" designation of those lands. Both severances are shown below in **Figure 2**. As Severance 'A' has been withdrawn, this Report focuses on Severance 'B' (identified below as the pink sliver).

Figure 2 - Severance Sketch



5.0 Site Features

This application involves two properties: 565 Greenwich Street, and the southern abutting rail line corridor lands wherein 565 Greenwich Street is the benefitting property. Owned by Ignenia Polymers Corp., 565 Greenwich currently has a 12,077 m² thermoplastics manufacturing warehouse on site that employs over 90 people. A subsidiary company to Ingenia Polymers Corp. owns the southern abutting railway corridor lands. Currently, railroad switches allows

for rail delivery of materials required for the site's manufacturing operations. If approved, the railroad switches would remain on corridor lands. The boundary adjustment would provide a larger setback from the existing warehouse and the rear property line of 565 Greenwich Street, which would facilitate the construction of six industrial silos. Ingenia Polymers Corp. plans to use these silos to store rail-transported materials. **Figure 3** is a photograph of the proposed location of the silos, taken during a site visit.

Figure 3 - Location of Proposed Silos



Construction of the addition approved through Site Plan Application SPC-42-22 shown in **Figure 4** is ongoing, including the proposed Landscaping Plan, shown in **Figure 5**. Staff note that several landscaped areas in the northwest of the site, between the proposed silos and Greenwich Street will act as visual and auditory buffers.

The land uses surrounding the two properties are summarized below.

North: Greenwich Street, Mohawk Canal, and Six Nations lands

South: Six Nations lands; within 300 m of the subject lands is the Woodland Cultural Centre and the Residential School Survivors Memorial Park, historically known as the Mohawk Institute Residential School

West: Industrial uses and the Canadian Military Heritage Museum

East: A finishing, screening, printing, and sign business called Brant ScreenCraft, and east of this are treed lands owned by the City of Brantford and a trail network that connects Morrison Road to Greenwich Street, and Mohawk Street to Locks Road.

6.0 Input from Other Sources

6.1 Technical Comments

Staff circulated these applications for technical review to all applicable departments and agencies on March 15, 2024. Several departments requested conditions, included in **Appendix A – Conditions of Consent**. All comments have been provided to the applicant and the notable comments are summarized below.

Cultural Heritage Staff requested an Archaeology Assessment, starting with a Stage 1 Archaeology Assessment and including any subsequent assessments as required by the Standards and Guidelines for Consultant Archaeologists. After the 555 Greenwich Street Boundary Adjustment was withdrawn, Staff withdrew the request for an Archaeology Study.

Grand River Conservation Authority Staff wrote that they had no concerns with the proposed silos but that future development or other alterations to the subject lands would require prior written approval in the form of a permit pursuant to Ontario Regulation 41/24 since the subject lands are within Special Policy Area 1, as outlined in Special Policy Area 1.

Mississaugas of the Credit First Nation Staff identified that the project is located on the Between the Lakes Treaty No. 3 of 1792, and in light of this, requested that a Stage 1 Archaeology Study be conducted on the site, and that if a Stage 2 Study is required, that MCFN be involved in the field study

component with on-site participation. Similarly, after the 555 Greenwich Street Boundary Adjustment was withdrawn, Mississaugas of the Credit First Nation withdrew their request for an Archeology Study.

Six Nations Staff stated that they would require an Archaeology Study to occur, however after the applicant withdrew the 555 Greenwich Street Boundary Adjustment, Six Nations Staff withdrew their request for an Archaeology Study for those lands subject to this application.

6.2 Public Comment

Staff issued a Notice of Public Hearing by personal mail on April 11, 2024 to six property owners (6 notices) within 60 m of the subject lands pursuant to the *Planning Act*. Staff have received no comments at the time of writing this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

When evaluating the merits of a Consent application, the Committee of Adjustment must be satisfied that the criteria established in Section 51(24) of the *Planning Act* has been satisfied, as summarized in **Table 1**.

Table 1 – Consent Conformity Table

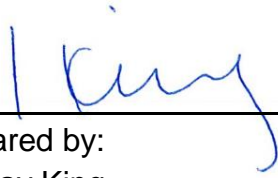
Criteria for Considering a Consent Application	Discussion
1. That the plan conforms to the Official Plan	<p>Section 9.3 (i) states that “Consents may be permitted for the creation of up to three (3) new lots, easements, boundary adjustments, rights-of-way, lot additions and leases in accordance with the provisions of the <i>Planning Act</i>.”</p> <p>Section 5.1 (c) states that “Compatible development shall be considered in the evaluation of all development proposals throughout the City. The following shall be considered when evaluating the compatibility of development proposals:</p> <ul style="list-style-type: none"> i. The use, height, massing, orientation and landscape characteristics of nearby properties is properly considered and appropriate transitions between the built forms and uses shall be ensured; ii. On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and,

Criteria for Considering a Consent Application	Discussion
	<p style="text-align: center;"><i>iii. Streetscape patterns, including block lengths, setbacks and building separations are generally maintained.”</i></p> <p>The subject lands are within Special Policy Area 4 (Mohawk Lake District). Section 6.9.4 states that:</p> <p><i>a (i) “Mohawk Lake District will be a welcoming place for residents, families and visitors of all ages to explore, shop, eat, learn, and gather. Parks and trails along Mohawk Lake and Canal and throughout the District will provide a beautiful and healthy way to connect with nature. Mohawk Lake District will be where we honour the past, but also a place to be inspired for the future. As a popular destination where history, culture, recreation, and tourism meet, Mohawk Lake District will be a place of pride in the community.”</i></p> <p>Staff considered the visual, auditory, and environmental impacts of the proposed silos. Most of the silos will not be visible from Greenwich Street as they would be located behind the existing warehouse and the approved addition. Furthermore, the Approved Landscaping plans includes several landscaped areas that, once constructed, will provide additional buffering for east-bound pedestrian and vehicular traffic along Greenwich Street. Similarly, the rail line runs along the proposed southern property line, and so rail carts will frequently screen much of the proposed silos from the south and the lands beyond the railway corridor have forest cover, providing additional visual screening. The silos will not include any light features and will not generate significant noise. The silos would be constructed on paved surface approximately 3 m from the retained railway corridor and approximately 30 m north of Six Nations lands to the south.</p> <p>The Mohawk Canal is north of the development site, on the opposite side of the existing warehouse, and there is no expected runoff or impact to this waterway. For these reasons, staff are satisfied that the proposed Boundary Adjustment meets the purpose and intent of the Sections 5.1 and 6.9.4 of the Official Plan.</p> <p>The subject lands are also within Special Policy Area 1 as defined in the Official Plan. Section 6.1.2 states that:</p> <p><i>(b) “Notwithstanding the uses permitted by the underlying land use designations established elsewhere in this Plan, the following shall not be permitted in Special Policy Areas 1 and 2:</i></p> <ol style="list-style-type: none"> <i>1. Uses that would permit vulnerable persons to occupy the site;</i> <i>2. New essential emergency services consisting of police, fire and ambulance stations and major electrical sub-stations; and,</i> <i>3. Basements or crawlspaces shall not be permitted in</i>

Criteria for Considering a Consent Application	Discussion
	<p><i>new development including additions to existing buildings.</i></p> <p><i>(c) Space for pipes and utilities may be provided below the elevation of the first floor. However, all mechanical and electrical service equipment is to be installed above the first floor elevation.</i></p> <p><i>(d) All development shall be subject to Site Plan Approval for the purposes of assuring the objectives and policies of this Plan are implemented. Development will also be subject to the approval of the Conservation Authority.</i></p> <p>The proposed transfer of land to allow for the construction of the silos will not result in vulnerable people occupying the site, nor are the silos essential emergency services. The silos would not include basements or crawlspaces and there would be no mechanical or electrical service equipment on the first floor. Staff do not consider the silos as “Development” as they would constitute less than 10% of the existing facility and would not generate the requirement for more than two additional parking spaces as per the Site Plan Control By-law 28-2023. Furthermore, they will not significantly alter the usability of the lands and as such, Site Plan Control will not apply, should this application be approved. In conclusion, Staff are satisfied that the proposed development meets the criteria established in Section 6.1.2 of the Official Plan.</p>
<p>2. The dimensions and shapes of the proposed lot</p>	<p>The purpose of Severance ‘B’ is the reconfigure the lands to facilitate the development of six silos and staff are satisfied that the lands will accommodate this intended purpose. The lands remaining along the rail line corridor will not be impacted and there will be no change to the way the railway lines operate. As such, staff are satisfied that the dimensions and shapes of the proposed lots are appropriate.</p>
<p>3. The adequacy of utilities and municipal services</p>	<p>The existing manufacturing site has adequate utilities and municipal servicing. As the proposed silos will not significantly affect these utilities or services, staff are satisfied that they will remain adequate.</p>

7.2 Conclusion

After a thorough review of the file including a site inspection completed on Wednesday, April 10, 2024, staff are supportive of the application. The proposed Boundary Adjustment would facilitate increased operational efficiency for 565 Greenwich Street without significantly impacting the streetscape or the City’s plans to develop the surrounding lands into a recreational hub. Staff are supportive of application B18-2024 and recommend approval.



Prepared by:
Lindsay King
Development Planner
Prepared on: April 24, 2024



Reviewed by:
Joe Muto, RPP, MCIP
Manager of Development Planning

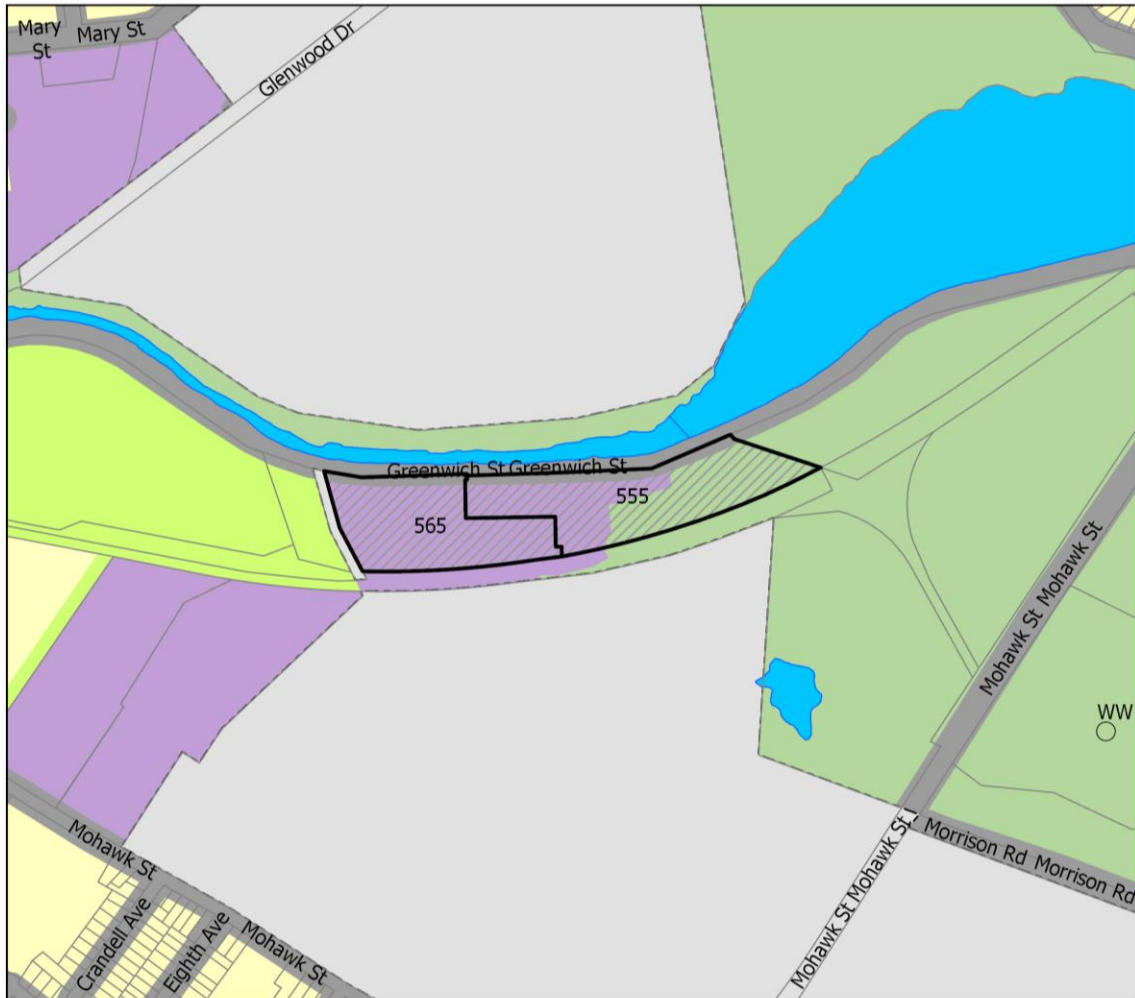
APPENDIX A – B18-2024 CONDITIONS OF CONSENT

1. Receipt of a registered reference plan showing the revised property boundaries, to the satisfaction of the Manager of Development Planning;
2. Receipt of a draft Transfer deed for review (upon registration a final copy of the Transfer deed shall be provided to the City), to the satisfaction of the Manager of Development Planning;
3. Receipt of confirmation that all taxes are paid up to date, to the satisfaction of the Manager of Development Planning;
4. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **May 1, 2026**, after which time the consent will lapse.

APPENDIX B – OFFICIAL PLAN DESIGNATION

OFFICIAL PLAN EXCERPT MAP

Application: B17-2024 & B18-2024
 555 & 565 Greenwich Street



Legend

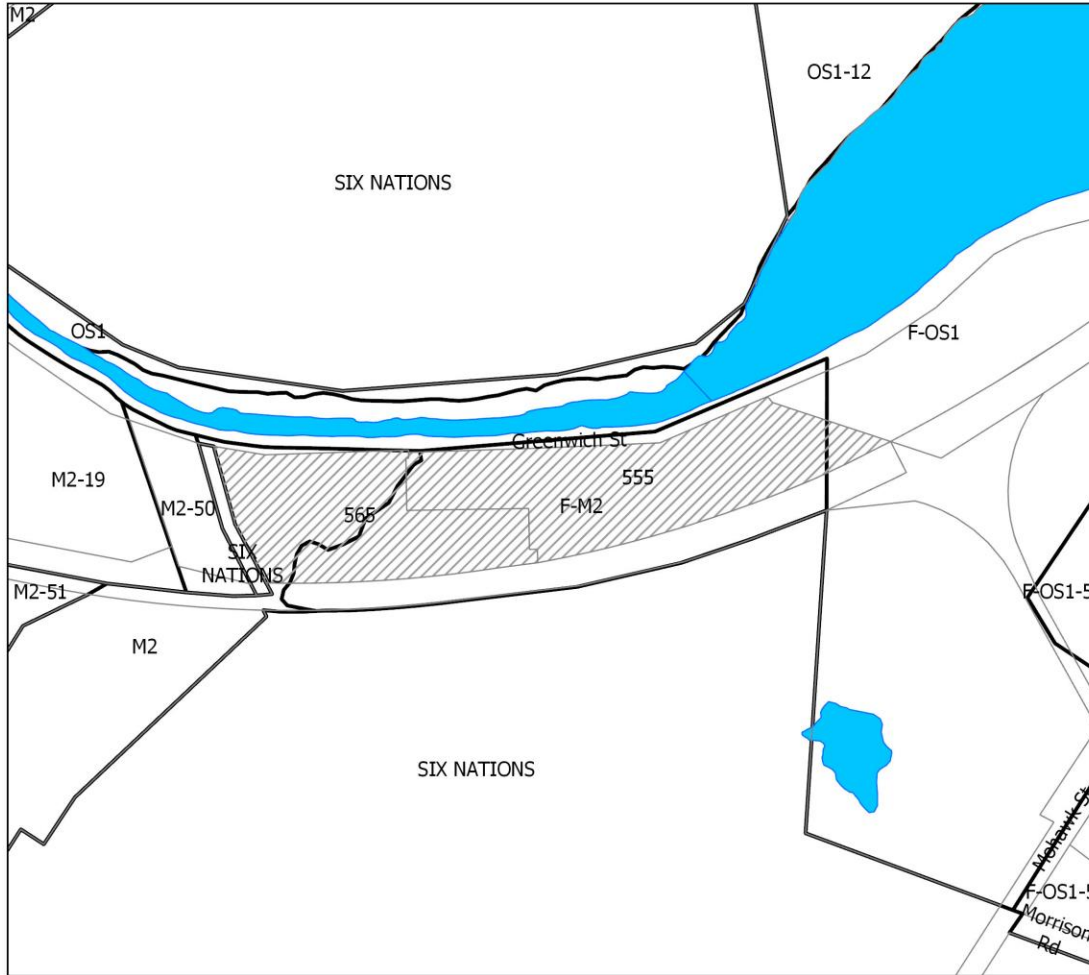
- Subject Land
 - Agricultural Designation
 - Core Natural Areas Designation
 - Residential Designation
 - Major Institutional Designation
 - Parks and Open Space Designation
 - Downtown Urban Growth Centre Designation
 - Major Commercial Centre Designation
 - Intensification Corridor Designation
 - Prestige Employment Designation
 - Commercial Mixed Use Corridor
 - General Employment Designation
 - Six Nations Territory
 - VIA Station
 - Transit Terminal
- LOCATION**
- Landfill
 - Municipal Works Yard
 - Transit Service Bus Barns
 - Wastewater Treatment Facility
 - Water Treatment Plant



APPENDIX C – ZONING

ZONING MAP

Application: B17-2024 & B18-2024
555 & 565 Greenwich Street



Legend

- Subject Land
- Zoning

ZONING (Bylaw 160-90) and County of Brant(61-16)

- M2 General Industrial
- OS1 Open Space Type 1
- SIX NATIONS
- F Floodplain Provision
- # Exception Number



0 130 260 Metres