

Ontario Land Tribunals
Local Planning Appeal Tribunal

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Tribunaux de l'aménagement du territoire Ontario

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CASE NO(S).: OLT-21-001631

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O.

Applicant and Appellant: Burgess Heritage Group Inc.
Subject: Request to amend the Official Plan - Failure of Town of Grimsby to adopt the requested amendment

Existing Designation: Neighbourhood Commercial Areas
Proposed Designated: Site Specific (To be determined)
Purpose: To permit a 5-storey mixed use building
Property Address/Description: 133 and 137 Main Street East
Municipality: Town of Grimsby
Approval Authority File No.: 26O-16-1901
OLT Case No.: OLT-21-001631
Legacy Case No.: PL200201
OLT Lead Case No.: OLT-21-001631
Legacy Lead Case No.: PL200201
OLT Case Name: Burgess Heritage Group Inc. v. Grimsby (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Burgess Heritage Group Inc.
Subject: Application to amend Zoning By-law No. 14-45 - Refusal or neglect of Town of Grimsby to make a decision

Existing Zoning: Neighbourhood Commercial
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 5-storey mixed use building
Property Address/Description: 133 and 137 Main Street East
Municipality: Town of Grimsby
Municipality File No.: 26Z-16-1904
OLT Case No.: OLT-21-001632
Legacy Case No.: PL200202
OLT Lead Case No.: OLT-21-001631
Legacy Lead Case No.: PL200201

WITNESS STATEMENT OF JOHN S. ARIENS, MCIP, RPP

QUALIFICATIONS

- 1) I am a Senior Planner and a former Associate Director with the IBI Group (“IBI”), a land use planning, architectural and civil engineering consulting firm, in which I am the Planning Practice Lead of the Hamilton Office. I am a Registered Professional Planner in the Province of Ontario, a full member of the Canadian Institute of Planners and a full member of the Ontario Professional Planners Institute. I earned a Bachelor of Environmental Studies Degree from the University of Waterloo. Attached as **TAB 1** to this Witness Statement is a true copy of my Curriculum Vitae, along with a copy of my Acknowledgement of Expert Duty’s form.
- 2) I have been involved in the planning profession since 1974. I began my career with 12 years in the public sector and for the balance of my 48-year career I have been a private planning consultant. My office is located in the City of Hamilton and my area of practice extends approximately 150 kilometers from my Hamilton office and includes all of Niagara Region (the “Region”) including the Town of Grimsby (the “Town” or “Grimsby”).
- 3) I have been previously qualified as a Land Use Planner and have given independent professional planning opinion evidence at numerous OMB, LPAT and OLT hearings, as well as before other Tribunals and the Provincial Courts. I have no interest in this matter other than providing the OLT with my independent professional planning opinion with respect to this matter.

FAMILIARITY WITH THE TOWN OF GRIMSBY

- 4) I am very familiar with the Town of Grimsby, both personally and professionally. On a personal basis, my wife and I lived in Grimsby in a subdivision called Mayfair Estates which is located south of Lakeshore Rd and west of the Grimsby Beach area. Both of our children were born at the West Lincoln Memorial Hospital in Grimsby and they attended Grand Avenue Public School until we moved to Stoney Creek.
- 5) On a professional basis, I have been providing planning advice and consulting services and have represented private residents and developers in the Town for over 30 years. Projects that I have been involved with have added several thousand dwelling units throughout the Town including the Downtown, the Casablanca/QEW interchange area, most of the residential subdivisions along Livingston Avenue west of the Town Hall and most of the residential

subdivisions in east Grimsby and clustered around the YMCA complex (which was also one of my projects). I have also worked on many major commercial, institutional and industrial development projects, infilling and redevelopment projects, rural hamlet development and numerous site plans. I have also provided planning services to the Town and have represented the Town in connection with several OMB/LPAT/OLT hearings.

RETAINER

- 6) In the fall of 2018, I was asked by the applicant/appellant Burgess Heritage Group Inc. (“Burgess”) to review the redevelopment potential of lands located at 133-137 Main St East in Grimsby (the “Subject Lands” or “Site”). I completed a preliminary analysis of the relevant Provincial, Regional and Town planning documents and conducted a site visit. Based on my independent planning analysis, I advised Burgess that these lands are strategically located along a major transportation route and that they contained important heritage features (house and tree). I further advised that as long as these heritage features were retained and sensitively incorporated into any redevelopment scheme, the Subject Lands were an ideal candidate for a mixed-use residential and commercial redevelopment.
- 7) The Subject Lands are located in close proximity to the West Lincoln Memorial Hospital. As will be described in more detail below, in the course of my review, I determined that the Town and Region had initiated a Hospital Corridor Secondary Plan and Urban Design Guideline planning exercise in or around October of 2016. I concluded that the timing was appropriate to consider and proceed with the redevelopment process either through a site-specific application processor as part of the anticipated Secondary Plan process, which would then require an implementing zoning by-law amendment.
- 8) In November of 2018, IBI was officially retained to provide planning advice and assistance to Burgess in connection with the redevelopment of the Subject Lands. Task 1 of our retainer was to monitor the progress of the proposed Hospital Corridor Secondary Plan and to attend all meetings and liaise with Town and Regional staff on that matter as necessary. Task 2 of our retainer was to assist the project architect and civil engineer in developing an appropriate concept plan for the Subject Lands . Task 3 was to submit the preferred concept plan to the Town for consultation purposes and to then proceed with the necessary amendment applications.
- 9) I have been actively involved with this project since its inception, attended the majority of meetings with Town and agency Staff, and attended the open house and public meetings. I

have been assisted by various IBI staff and various sub consultants throughout this process. I also co-authored the original Planning Justification Report (PJR) submitted with the initial application submissions and authored a subsequent PJR Addendum when the project was revised as part of a second municipal submission.

HOSPITAL CORRIDOR SECONDARY PLAN AND URBAN DESIGN GUIDELINES

- 10) As indicated above, in 2016, the Town initiated a secondary planning process for the lands located along both sides of Main Street extending from the West Lincoln Memorial Hospital generally westerly to Nelles Road, which are currently designated Neighbourhood Commercial. The Subject Lands are at the western edge of this area. Today there are notably few urban design directives in Section 3.6.1 of the Town's Official Plan regarding the Neighbourhood Commercial Area.
- 11) Town Staff Report PA 16-34 dated October 25, 2016 recommended that terms of reference for the study of the Neighbourhood Commercial area be endorsed and that consultants be invited to submit proposals to undertake the project. That report states that such a planning exercise is needed to consider how new anticipated developments would fit into the overall physical and economic context of the area. The exercise was intended to include a consideration of numerous matters, including the merits of including residential uses in the Neighbourhood Commercial Area, the application of a higher density/node concept, the appropriate balance of commercial, residential and employment development while maintaining compatibility with surrounding low-density residential neighbourhoods, and strategies to protect and enhance existing built heritage resources. Planning Committee approved staff's recommendation and Council approved the terms of reference, a municipal contribution to the project subject to matching funding from the Region, and the invitation to consultants to submit proposals.
- 12) In October of 2017, Staff Report PA 17-42 provided the Grimsby Planning Committee with revised Terms of Reference as the Region had by that time agreed to contribute \$50,000 to these studies. The revised Terms included Regional input as Main Street is a Regional Road. The revised Terms of Reference were approved by Planning Committee and Council.
- 13) Town Planning Staff initiated a proposal call and the successful consulting team retained to complete these studies included SGL Planning together with LEA Consulting (Transportation and Civil Engineering), ASI (Heritage Consultants) and urbanMetrics (Economic Consultants). The study began in the late winter/early spring of 2018.

- 14) On May 16, 2018 Town Planning Staff circulated a Notice for a Public Visioning session which was scheduled and held on June 6, 2018. Staff reported back to the Planning Committee on Sept 25, 2018 (verbal presentation - no report).
- 15) The October 2018 municipal election resulted in almost a complete change to municipal Council including the Mayor. Shortly after the inaugural meeting of the new Council, Planning Staff prepared an update report regarding the Hospital Corridor Secondary Plan and Urban Design Guidelines project. Report PA 19-01 was presented to Planning Committee on January 29, 2019. In the report, staff explain that the existing policy framework (being Section 3.6.1 of the Town Official Plan) lacks detail and direction, particularly in regard to building design, setbacks and height. The stated purposes and goals were to develop a strategy to manage growth within the study area, while at the same time conserve important heritage features, and improve surrounding neighbourhoods, pedestrian connections, local amenities, and the viability of the West Lincoln Memorial Hospital and local businesses, while creating an engaging public realm. The report also noted that the only way to refuse to accept development applications was through passing an interim control by-law ("ICBL"). Planning Committee received the Staff Report and directed Staff to prepare an ICBL for the study area.
- 16) The minutes from the above January Planning Committee were placed before the next Council meeting held on February 4, 2019. The Council Minutes reveal that the item was "lifted" for separate discussion/debate and for separate voting. Several Motions were presented and in the end a Motion directing the consultants to continue the study process was defeated and therefore the Hospital Corridor Secondary Plan and Urban Design Guideline project was terminated. Accordingly, any redevelopment of the Subject Lands would have to be initiated through site specific development applications and not within a more comprehensive planning approach.
- 17) By letter dated February 21, 2019, the Region wrote to the Town to request that the Town reconsider its decision to cancel the Hospital Corridor Secondary Plan and Urban Design Guidelines project. In the letter, the Region notes that it supports the Hospital Corridor Secondary Plan "as a vehicle to identify opportunities, address issues and provide specific direction on land use, built form, infrastructure and transportation". However, the Town did not reconsider its decision.
- 18) I note that in April 2022, the West Lincoln Memorial Hospital rebuild project was approved by Infrastructure Ontario at a cost of over \$200 million. Construction is anticipated to begin in late 2022 and the Town has approved its local share of the financing for the project.

THE SUBJECT LANDS

- 19) The Subject Lands are a rectangular parcel situated in the northeast quadrant of the intersection of Main St East with Nelles Rd. This is a signalized intersection with traffic light control. The Subject Lands are an assembly of two abutting parcels which combined have approximately 87 m of frontage upon Main St East and approximately 84 m of frontage upon Nelles Rd. The existing lot area is approximately 6380 sq m. A 2 ½ storey red brick house together with a 1 ½ storey coach house is located at municipal address 133 Main St East while 137 Main St East is vacant. A plan of survey delineating the existing conditions, topography and tree cover was prepared by A.T. McLaren Surveyors and is dated January 7, 2019.
- 20) The 2 ½ storey red brick house situated on these lands is historical and is the subject of a by-law designating the 133 Main St East lot pursuant to Part IV of the *Ontario Heritage Act*. It was built by James Willison Grout Nelles circa 1860 and is known as the Nelles House. A mature European Beech Tree located in the front/side yard of the Nelles House was also identified in the designating by-law for 133 Main St East, however that tree was significantly damaged during a severe storm event and was removed with Town permission. The 1 ½ storey coach house or garage was constructed in the 1960's and does not have any heritage value. Additional information regarding the Nelles House and its historical significance is found in the Heritage Impact Assessments ("HIA") and Witness Statement of Leah Wallace. I have read and rely upon Ms. Wallace's reports and witness statement.
- 21) Below is a 2019 Google aerial image of the Subject Lands:

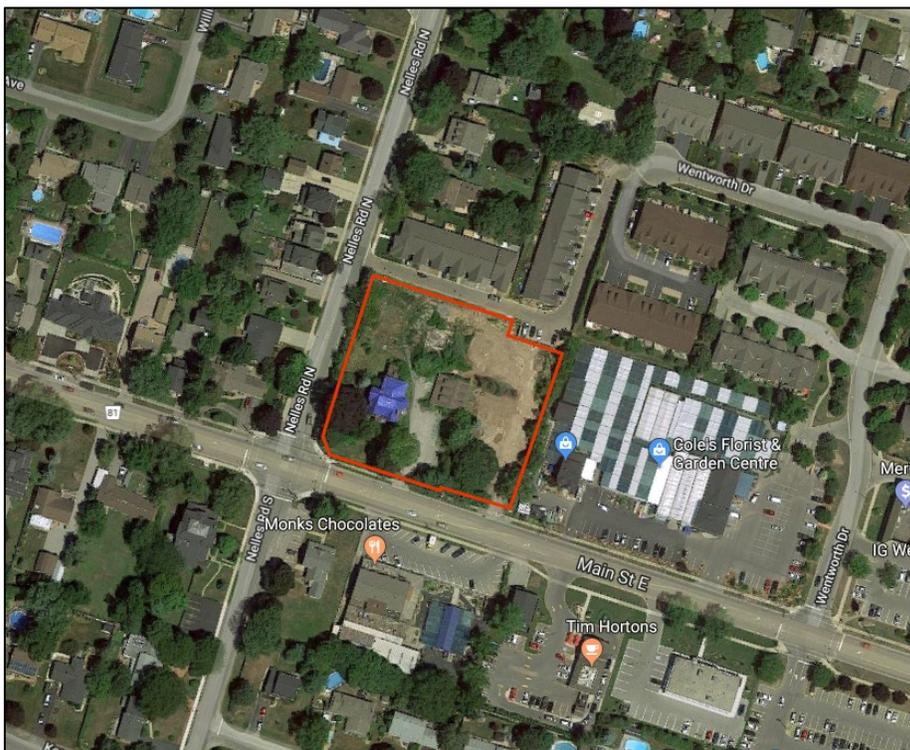


- 22) Below is a 2019 Google street view image of the Subject Lands looking north from Main St East with the Nelles House in the fore ground:



NEIGHBOURHOOD CONTEXT

- 23) Below is a 2019 Google aerial image of the surrounding area:



- 24) Below is a Map taken from Niagara Regional Navigator delineating the existing uses along this section of Main St East and extending from Strathearn Avenue to the west to Lynnwood Avenue to the east:



- 25) Both sides of Main St East between Strathearn Ave and Nelles Road are developed with larger lots and mostly single detached dwellings ranging from existing older homes to newer infill and replacement homes. Some of these homes have a business component including Access Granted Lock and Safe at 129 Main St East and the Greenbelt Academy and Early Learning Center at 130 Main St East and “kitty corner” to the Subject Lands. As described in the HIA, this area of Main St East from approximately Robinson St. easterly to Nelles Road has been identified in a 2015 Town report called “Grimsby’s Special Places” as a candidate cultural heritage landscape called “Main St East-Queens Lawn Area of Heritage Resources and Scenic Character”. The landscape is described as a “Large Lot Residential / Estate Landscape”. 133 Main St East marks the eastern most border of the Queen’s Lawn landscape, at which point the character shifts and transitions into a commercial area along both sides of Main St East and extending easterly to the Hospital. The Subject Lands are also part of a candidate landscape called the “Grimsby Main Street Scenic Highway Heritage Route”. Neither candidate landscape has been incorporated into the Town’s Official Plan.
- 26) Immediately to the east of the Subject Lands is the former Coles Nursery property at 141-149 Main St East which was developed with greenhouses together with a retail florist and garden center. This use ceased when the property was acquired by Losani Homes and is now the subject of a redevelopment plan consisting of a 6-storey mixed use apartment building containing 201 units with ground floor commercial space. The Losani lands also included 2 houses with heritage potential – one of which was proposed to be completely removed, and

the façade of the other was proposed to be retained. The OLT Hearing on the Losani redevelopment has just concluded (OLT-22-002366) and a decision was released on September 8, 2022. The Tribunal allowed the Losani appeal in part by approving a 6-storey mixed use building but did not approve the complete and partial demolition of the two heritage dwellings. That decision is very much in line with what Burgess is proposing for the Subject Lands.

- 27) Further to the east of 141-149 Main St East and along the north side of Main St East is the Orchardview Plaza which contains a wide variety of retail, service commercial and office uses. Similar commercial uses are located to the east of the Orchardview Plaza and this commercial focus ends at the West Lincoln Memorial Hospital.
- 28) On the south side of Main St East and extending from Nelles Road S to the hospital is a complete strip of commercial uses including retail and service commercial uses, drug store, banks, preschool and a Tim Horton's QSR and drive through facility. Some of these commercial uses are established in new buildings while several occupy former dwellings.
- 29) Main St East is a Regional Road (former Provincial Highway 8). It is generally a two-lane road (one lane in each direction) with center turning lanes at signalized intersections and several of the main commercial entrances. The road has sidewalks along both sides.
- 30) Being a corner lot, the Subject Lands also abut Nelles Rd N. Nelles Road is a Town road with only 2 lanes of travel. On the opposite side of Nelles Rd N are 2 storey single detached dwellings, one of which at 1 Nelles Rd N contains a home-based window installation service and another appears to have a day care component. Sidewalks are established along both sides of Nelles Rd N.
- 31) Immediately to the north of and abutting the Subject Lands are 1 storey freehold townhouse dwellings fronting upon a private condominium road. Six townhouses front upon the private road directly facing the Subject Lands. The private road then turns to the north and another eight 2 storey townhouses front upon this section of the private road. These lands were originally part of the Subject Lands but were severed and developed with these 14 townhouses by a previous owner in 2017.
- 32) The frontage along both sides of Main St E extending from Nelles Rd easterly to the hospital can best be described as a commercial corridor with buildings generally set back from the

street and customer parking areas in the front yards. However, there are presently no commercial uses on the Subject Lands, only a vacant residential dwelling.

- 33) Grimsby is serviced with an “On Demand” transit system operated by the Region of Niagara. The NRT On-Demand has been embraced by Grimsby residents with over 12,000 rides between inception in August 2020 and the end of May 2021 indicating a strong demand for transit in the community. Based on the Niagara Service Standards Strategy: June 30, 2021 this on demand service is scheduled to be increased and made available from 6 am to midnight and include Sundays and Holidays from 7am to 9pm.

THE DEVELOPMENT PROPOSAL

- 34) On behalf of Burgess, IBI submitted official plan and zoning by-law amendment applications to permit the redevelopment of the Subject Lands on June 24, 2019 (the “Applications”). The initial submission proposed to move the Nelles House closer to Main St East and to reset the building on top of an underground parking garage. A Mixed use “L” shaped building ranging in height from 3 to 4 to 5 stories would be built along the north and east lot lines. The Nelles House would be restored and converted to office/commercial purposes and a portion of the ground floor of the new building would also contain commercial floor space. The heritage beech tree would also be retained.
- 35) The development concept was revised primarily to address Town and public concerns regarding the relocation of the Nelles House. As will be described in more detail under “**Processing the Application**” below, Burgess held a Public Open House in the Nelles Public School gymnasium on October 28, 2019. While the Burgess development team was confident that the home could be successfully moved, most members of the public that attended were skeptical and feared that any attempts to move the home would result in its collapse and ultimate removal. On December 10, 2019, the Town held an Open House and at that meeting I presented a revised concept that proposed to retain the Nelles House in situ. This was not a formal revision as Burgess was awaiting planning staff comments on the Applications so that all comments and concerns including retaining the Nelles house in situ could be incorporated in a formal second submission. The only additional comments Burgess received from the Town were in the form of a peer review of the HIA dated February 2020. One of the main concerns in that peer review was also the relocation of the Nelles House.
- 36) Burgess has never received formal comments from the Town’s planning staff respecting the proposed development or Applications. Comments were received from the Regional planning

department and these were generally supportive of the proposed redevelopment. The Region requested road widening and a day light triangle at the intersection. They identified certain technical engineering, urban design and landscape concerns which were satisfactory in principle and would be further refined and updated through the Site Plan process. In principle Regional Staff accepted the proposed relocation of the Nelles House but suggested that keeping it in place should also be considered if relocation was not viable. Regional planners concluded that the proposed mixed use building: “*appears to be a compatible addition to the neighbourhood, given the surrounding land uses and therefore, conforms with and is consistent with Provincial and Regional growth management policy directions*”. The need for a Regional Plan amendment was not identified by the Region.

Even though comments from Town Staff Planners were never provided, Burgess filed a resubmission of the Applications on Sept 21, 2021 to propose a modified development concept, which included keeping the Nelles House in its original location. The revised concept includes a building with a partial 5th floor and similar step backs for floors 3 and 4 as the original concept. A total of 148 units are proposed together with 456 sq m of commercial space both within the Nelles House and a portion of the ground floor of the new building (196 and 260 sq m respectively). The Applications propose a total of 189 parking spaces are included together with 2 tandem spaces (191 in total). The unit mix proposed is 35 two bedroom units, 57 one bedroom plus den units and 56 one bedroom units. The location of the new building to the north and east of the Nelles House and its overall height and stepbacks remain essentially the same as the original submission.

- 37) At or around the same time as the resubmission on the Applications, Burgess filed applications for Town Council’s consent to alterations and demolition on 133 Main St East under the *Ontario Heritage Act*.
- 38) Burgess appealed the Applications to the Local Planning Appeal Tribunal (predecessor to the Tribunal) for lack of decision on March 20, 2020.
- 39) **TAB 2** contains a bullet point chronology of the application processing.

APPLICATION OVERVIEW

- 40) The Subject Lands and the entire commercial corridor along Main St East are designated Neighbourhood Commercial in the Town Official Plan. The Neighbourhood Commercial Designation has no restrictions on heights or densities, but does not contemplate a mixed use

building such as is proposed. The purpose of the Official Plan amendment is to maintain the Neighbourhood Commercial designation and introduce site-specific policies that would allow the proposed mix while ensuring built form parameters are also included, such as maximum height and density and design criteria. I have also recognized the existing lot area. A copy of the proposed Official Plan Amendment as refined is found in **TAB 3**.

- 41) The Town of Grimsby Comprehensive Zoning By-law zones the Subject Lands Neighbourhood Commercial (“NC”) Zone, which permits a broad range of commercial uses. Notwithstanding the Official Plan restriction, residential uses are permitted but only at or above the second floor (no ground floor residential). Site specific exception 126 also applies to these lands which permits additional uses and applies various site-specific regulations. In order to implement the proposed development concept, an amendment to the Zoning By-law is required. This amendment will maintain the NC Zone but introduce special regulations (setbacks, height, parking, etc.) to implement the development concept. A copy of the proposed Zoning By-law amendment is found at **TAB 4** together with a copy of the site plan upon which the locations of the specific modifications/regulations are identified.

PLANNING ANALYSIS

- 42) This section of the Witness Statement contains my independent planning opinion on conformity/consistency with Provincial, Regional and Town planning policies. Relevant excerpts of the policies referenced below and in the Issues List are contained in the Document Book. In preparing this analysis, I have relied upon the reports and witness statements of other witnesses in this proceeding, where necessary.

Planning Act

- 43) Section 2 of the *Planning Act* requires that the Tribunal have regard for matters of provincial interest in making its decision regarding the Applications. In my opinion, the Applications have regard for matters of provincial interest as follows:
- a) There are no natural areas, features or functions on the Subject Lands or in the vicinity of the Subject Lands, nor are there any agricultural resources or natural resources to be managed or conserved.
 - b) All significant architectural, cultural, historical and archaeological interest on the Subject Lands have been conserved, as demonstrated in the HIA that was prepared by Leah Wallace as well as her Witness Statement.

- c) The proposed development is feasible from a traffic and servicing perspective, as well as from a communications services perspective, as demonstrated in the Functional Servicing and Preliminary Stormwater Management Report and Traffic Impact Study as prepared by engineering and transportation consultants.
- d) The proposed development provides an alternative and more affordable housing option within the surrounding area.
- e) The proposed development ensures accessibility for persons with disabilities.
- f) The proposed commercial ground floor uses will provide employment opportunities and the adaptive re-use of the Nelles House for office / commercial will contribute to the economic viability of the Subject Lands.
- g) The Subject Lands are an appropriate location for growth and development as they are in the built boundary with access to full municipal and public services. The proposed development contributes to the achievement of a complete community and further increases the viability for transit in Grimsby.
- h) The proposed development offers alternative methods of transportation to the automobile by way of active transportation infrastructure.
- i) The proposed development is in a built form that is well-designed, encourages a sense of place, and provides a high-quality safe attractive public space at the corner of Main St E and Nelles Rd.

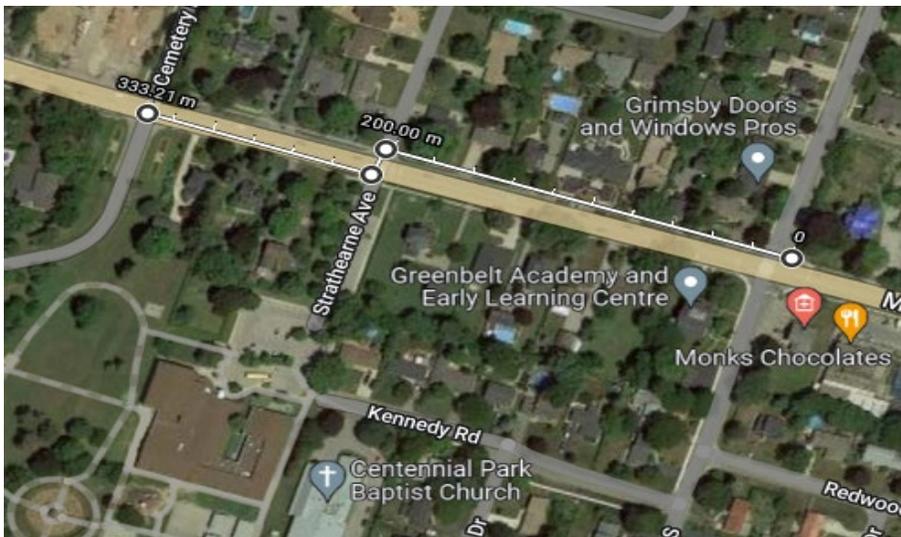
Provincial Policy Statement 2020

- 44) The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020 and all planning matters are to be “consistent with” this overall provincial planning direction.
- 45) Section 1 of the PPS deals with building Strong and Healthy Communities which are sustained by promoting efficient development and land use patterns; accommodating a range and mix of housing options; avoiding environmental or public health or safety concerns; promoting the integration of land use planning with growth management, transit, efficiency in servicing and minimizing land consumption; and, preparing for the impacts of climate change. The proposed development and Applications are consistent with these policies as the development represents an efficient more compact development which contributes to the housing needs of the Town while not raising any health or safety concerns. It supports the available transit and

provides alternative transportation while also allowing the Town to better prepare for a changing climate.

- 46) Policy 1.1.3.1 identifies Settlement Areas as the focus for growth and development. The Subject Lands are located within a settlement area as defined in the PPS, and accordingly an appropriate location for growth and development.
- 47) Policy 1.1.3.2 provides that land use patterns within settlement areas will be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for infrastructure; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and are transit supportive. The proposed development includes both commercial and residential uses and proposes higher density along a major arterial roadway. This results in an efficient use of land which is appropriate for and efficiently uses the existing infrastructure and public service facilities. As a more compact form of development together with a strategic location within walking and biking proximity to shopping and employment uses (including the new hospital) this development minimizes negative impacts to air quality and climate change and promotes energy efficiency through active transportation options. Additional residential development along an arterial roadway also facilitates the ability to use the available transit system and better prepares the Town for the impacts of a changing climate.
- 48) Policy 1.1.3.3: The Town has identified appropriate locations for intensification in its Official Plan. The Plan states that 80% of new units are to be provided through intensification and that intensification is to be encouraged throughout the built up area with the majority being directed to 2 specific areas being the downtown and Casablanca interchange area. The redevelopment of the Subject Lands with higher density development is an appropriate location within the built up area.
- 49) Policy 1.1.3.4: The proposed Zoning By-law establishes appropriate development standards that will facilitate intensification and redevelopment of the Site in a more compact form without creating any risks to public health and safety.
- 50) Policy 1.1.3.5 requires planning authorities to establish and implement minimum targets for intensification and redevelopment. The Town has established a minimum target of 80% of new housing to be provided in the built up area and through intensification. The redevelopment of the Subject Lands aligns with the Town's implementation of this Provincial directive.

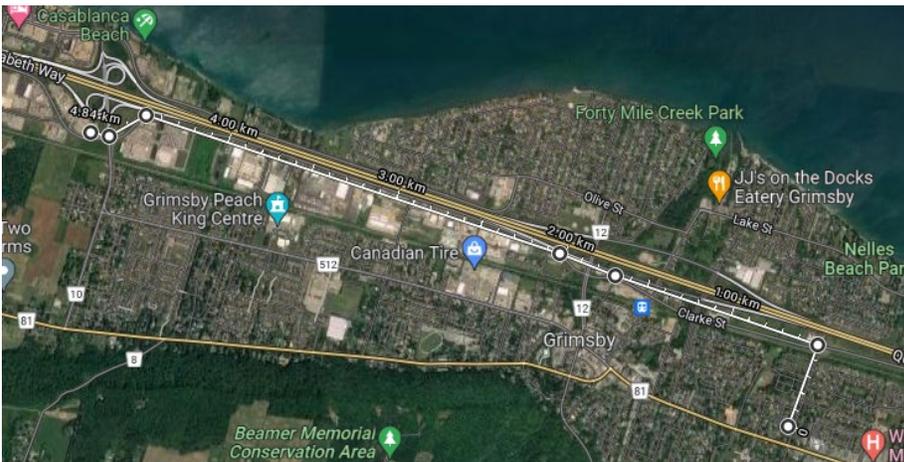
- 51) Housing is addressed in Section 1.4 of the PPS.
- 52) Policy 1.4.3: The Town Official Plan has policies that encourage the provision of a wide range of housing options and densities (section 2.5 Housing). There is even an encouragement that commercial developers should include a residential component. The redevelopment of the Subject Lands with 148 additional dwelling units will contribute to the range of housing available, provide both downsizing opportunities for the nearby low-density neighbourhoods and starter homes for first time home buyers, while also more efficiently utilizing existing infrastructure and public service facilities.
- 53) Policy 1.5.1 addresses public spaces, recreation, parks, trails and open space. The redevelopment of the Subject Lands contributes to a healthy and active community. The development will make a substantial cash contribution in lieu of a park land dedication which funds will be used for other recreational components. These lands are approximately 330 m from Centennial Park (see below Google map with measurement shown) which is a major park for this part of the Town. Sidewalks together with a pedestrian crossing at Strathearn Ave. provide convenient walking access to Centennial Park. The retention of the Nelles House in situ also allows the creation of a publicly accessible “square” in front of the house which fosters social interaction and community connectivity.



- 54) Policy 1.6.6.2 indicates that municipal sewage and water services are the preferred form of servicing for settlement areas and also encourages the optimization of such infrastructure through intensification and redevelopment. The Functional Servicing Report prepared by Crozier confirms that a full compliment of municipal and utility services is available and that there is adequate servicing capacity to accommodate the development. I have also read the comments from the Town’s Public Works Department and those of the Region and any

concerns raised are minor and can be readily addressed through a future Site Plan approval process.

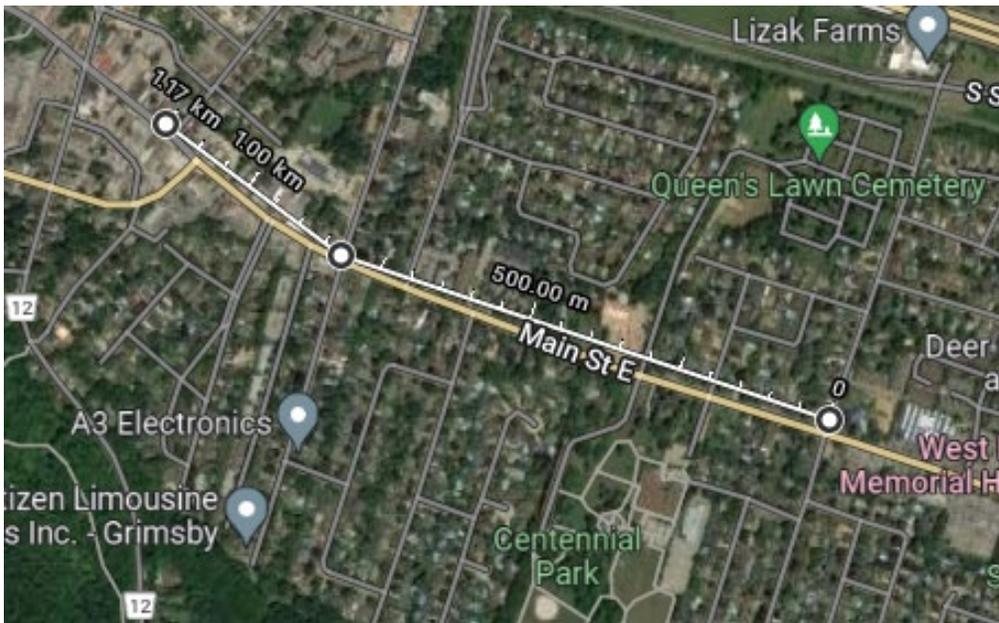
- 55) Policy 1.6.6.7 deals with stormwater management and the amongst several objectives includes mitigating risks to human health, maximizing vegetative and pervious surfaces and promotes overall stormwater management best practices. These are all typical Site Plan matters that the Functional Servicing and Preliminary Stormwater Management Report has identified as being addressed at that time.
- 56) Transportation is addressed in Section 1.6.7. Policy 1.6.7.2 directs that efficient use should be made of existing and planned infrastructure including through the use of transportation demand management strategies where feasible and policy 1.6.7.4 directs that land use patterns, density and mix should minimize the length and number of trips and support existing and future transit and active transportation. The Subject Lands are located along a major arterial road and one that supports the existing on demand transit system. Access to the Casablanca GO Station is also convenient via Nelles Rd N to the Clarke St and South Service Rd and is less than 5 kilometers from the Subject Lands (see above Google image with measurements). Active transportation is also supported with 49 bicycle parking spaces together with very close and walkable employment, recreational and shopping facilities. TDM measures were also included in the Traffic Impact Study prepared by Crozier and included with the Application resubmission.



- 57) Policy 1.7.1 deals with long term economic prosperity. Policy 1.7.1(c) directs the optimization of the use of land, infrastructure and public service facilities, which this development achieves insofar as it is intensification in an appropriate location where a full compliment of municipal and utility services and public service facilities are provided. As such the development of the Subject Lands optimizes the land and services. Policy 1.7.1(e) encourages a sense of place, by promoting well-designed built-form and cultural planning and by conserving features that

help defined the character, including built heritage resources and cultural heritage landscapes. The proposed development very much achieves this policy direction insofar as it conserves an existing built heritage resource (the Nelles House) as well as the open space around it and is accordingly sensitive to the candidate cultural heritage landscapes that the Town has identified in this area.

- 58) Policy 1.7.1(d) requires the maintenance and where possible enhancing the vitality of downtowns and main streets. As is seen in the below Google image with measurements, the Subject Lands are approximately 1.2 Kilometres from the center of Downtown Grimsby. This is an easy walk/bike ride away. The proposed commercial uses are already permitted and therefore there is no additional commercial competition to the downtown. Main St E is a “main street” and its vitality will be significantly enhanced with the proposed redevelopment of the Subject Lands.



- 59) Policy 1.8.1 provides Provincial direction on energy conservation, air quality and climate change. Building in a more compact form with active transportation and in close proximity to shopping and employment uses are all components of the redevelopment of the Subject Lands which address these important considerations in a very positive manner.
- 60) Section 2.1 of the PPS deals with Natural Heritage and there are no natural heritage concerns or issues applicable to this matter.
- 61) Cultural Heritage and Archeology are addressed in Section 2.6 of the PPS. Policy 2.6.1 requires the preservation of significant built heritage resources. The Nelles House is retained in situ and will be incorporated into the redevelopment concept and continue with an

appropriate adaptive reuse. Unfortunately, the Beech tree did not survive a previous storm event and will be replaced with new plantings. The Nelles House will be restored, adaptively re-used, and incorporated into the redevelopment in accordance with approved heritage permits.

- 62) Archaeological resources also need to be addressed. The Subject Lands were the subject of Stage 1 and Stage 2 Reports. These identified the need for a Stage 3 Report due to the presence of an Euro-Canadian homestead. A Stage 3 further defined the location of the site and then a Stage 4 was completed and submitted to the Ministry which subsequently issued a Letter of Clearance dated March 15, 2022. Accordingly, the Subject Lands have been cleared from any archeological significance as the artifacts have been properly removed and documented to the satisfaction of the Ministry.
- 63) In conclusion, the proposed development and Applications are consistent with the PPS. A mixed use 3/4/5 storey building containing 148 residential units and 456 sq m of commercial floor area represents a mild form of intensification along a major arterial road and in an area where full municipal and utility services are available. The redevelopment of this underutilized parcel will contribute to the housing needs of the Town in a location readily accessible and very close to employment and shopping and neighbourhood parks and the new hospital. The area is also serviced with an On Demand transit system and adding 148 new residential homes will increase the demand and utilization of this service. Heritage resources are being preserved and protected and the Site will become a gateway to the neighbourhood commercial corridor already established between the Subject Lands and the Hospital.

Growth Plan for the Greater Golden Horseshoe

- 64) The amended Growth Plan for the Greater Golden Horseshoe came into effect on August 28, 2020 and all decisions regarding planning matters are to conform with the Growth Plan.
- 65) The overall Guiding Principles regarding how land is to be developed, resources are to be managed and public dollars are to be invested are described in section 1.2.1. The achievement of Complete Communities that are designed to support healthy and active living and meet the needs for an entire lifetime is a desired principle. This redevelopment contributes to a complete community by providing both residential and commercial uses in an area where employment and shopping are very close. It provides housing to a downsizing demographic as well as to first time purchasers. Built heritage features are being preserved and incorporated into the

redevelopment of these lands. The redevelopment is also a more compact form that optimizes infrastructure and public service facilities.

- 66) The Growth Plan definition of a “complete community” is as follows: *Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.*
- 67) Chapter 2 of the Growth Plan is about “where and how to grow”. Section 2.1 states that “*this plan is about accommodating forecasted growth in complete communities. These are communities that are well designed to meet people’s needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes.*”
- 68) Policy 2.2.1.1 refers to the population and employment forecasts contained in Schedule 3 of the Growth Plan. These forecasts call for the Region to accommodate a population growth of 674,000 persons by 2051. Regional Planners have recently completed a new Regional Official Plan conformity exercise and a new Regional Plan is with the Province pending approval. A Regional Lands Needs Assessment was also completed and forms the basis of allocating population to the area municipalities. Through this process Regional planners adjusted the growth forecast for the Region to 694,000 persons by 2051. The tables below from the

Municipality	2051 Population Forecast	2051 Households Forecast	2051 Employment Forecast
Fort Erie	48,050	21,510	18,430
Grimsby	37,000	16,070	14,960
Lincoln	45,660	19,405	15,220
Niagara Falls	141,650	58,740	58,110
Niagara-on-the-Lake	28,900	12,500	17,610
Pelham	28,830	11,280	7,140
Port Colborne	23,230	10,500	7,550
St. Catharines	171,890	78,320	79,350
Thorold	39,690	15,660	12,510
Wainfleet	7,730	3,040	1,830
Welland	83,000	37,540	28,790
West Lincoln	38,370	14,060	10,480
Niagara Region	694,000	298,645	272,000

Regional Land Needs Assessment summarize that growth for Grimsby will be to accommodate a population of 37,000 and that it will primarily be in the form of apartment units.

- 69) Housing forecasts by Policy Area and by Municipality up to 2051 also reveal that 98% of the population allocated to Grimsby is scheduled to occur within the Built Up Area which includes

Housing Unit Growth by Type and Municipality, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	4,060	2,700	600	7,360
Grimsby	130	1,340	3,120	4,590
Lincoln	1,590	2,530	5,695	9,815
Niagara Falls	11,980	5,090	3,140	20,210
Niagara-on-the-Lake	3,058	914	628	4,600
Pelham	2,380	1,070	680	4,130
Port Colborne	1,690	430	180	2,300
St. Catharines	3,040	4,500	12,230	19,770
Thorold	3,900	2,390	160	6,450
Wainfleet	450	0	10	460
Welland	6,010	4,050	4,290	14,350
West Lincoln	6,030	2,390	310	8,730
Niagara Region	44,318	27,404	31,043	102,765

Shares of Household Growth by Policy Area Niagara Region by Area Municipality, 2021-2051				
Municipality	Built Up Area	DGA	Rural	Total
Fort Erie	50%	49.5%	0.5%	100%
Grimsby	98%	2.5%	0.5%	100%
Lincoln	90%	9.5%	0.5%	100%
Niagara Falls	50%	49.5%	0.5%	100%
Niagara-on-the-Lake	25%	74.5%	0.5%	100%
Pelham	25%	74.5%	0.5%	100%
Port Colborne	30%	69.6%	0.5%	100%
St. Catharines	95%	4.5%	0.5%	100%
Thorold	25%	74.5%	0.5%	100%
Wainfleet	0%	0%	100.0%	100%
Welland	75%	24.5%	0.5%	100%
West Lincoln	13%	86.5%	0.5%	100%
Niagara Region	60%	39%	1%	100%

the Subject Lands.

- 70) Policy 2.2.1.2(a) indicates that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities. The Subject Lands are within the built boundary with full services and will contribute to a more complete community by adding a form of housing not currently available in this immediate area.

- 71) Policy 2.2.1.2(c) states that growth is to be focus in the delineated built up areas, areas with existing or planned transit and areas with existing or planned public service facilities. The Subject Lands are in such a location.
- 72) Policy 2.2.1.4 supports the achievement of Complete Communities. The redevelopment of these underutilized lands will contribute to a more complete community by providing a mix of uses with convenient access to local stores, services and public service facilities. The redevelopment will improve social equity as it will allow more people to enter the housing market at significantly lower costs than traditional forms of low density housing available in the Town. The redevelopment provides for a more compact form of development and brings the development closer to the street which together with the landscaped “square” in front of the Nelles House will create a more vibrant streetscape. Green infrastructure can be implemented at the Site Plan stage and a more compact/walkable and bike accessible development creates resilience and reduces greenhouse gases thereby better adapting to a changing climate.
- 73) The Growth Plan in Section 2.2.2 indicates that a minimum of 50% of all residential development is to be within the delineated Built-Up Area which area includes the Subject Lands. The current Regional Official Plan target is 40%. The Region has completed its conformity exercise and in the recently adopted new Regional Plan has increased the target to a minimum of 60% (new policy 2.2.2.5). In addition, the new Regional Plan has identified the need for Grimsby to accommodate 98% of its household growth in the built up area and that the majority of this growth will be in the form of apartment units. Grimsby has yet to complete its conformity exercise but will be bound to comply with these Regional forecasts once approved by the Province. The redevelopment of these lands will contribute to the Region and Town’s ability to meet these forecasts.
- 74) The Growth Plan Housing policies of Section 2.2.6 are also applicable. Policy 2.2.6.1 requires a diverse range and mix of housing options to which this redevelopment will contribute 148 new units. The surrounding area is predominantly made up of single dwellings and townhouses. These are typically 3 bedroom units. The redevelopment of these lands will add 148 units consisting of 1 bedroom, 1 bedroom plus den and 2 bedroom units which will diversify the housing stock and add new housing units not currently available in this immediate area. As mentioned before this provides a downsizing opportunity and a first time home buyer opportunity to this area.
- 75) Policy 2.2.6.2 requires municipalities to accommodate forecasted growth to the horizon of the plan (2051) and to meet the intensification and density targets. Municipalities are also required

to diversify their housing stock and to consider a range and mix of housing options. Grimsby needs to complete its conformity exercise and will likely do so once the new Regional plan is approved. Regardless the redevelopment of these underutilized lands with 148 new apartment units will contribute to the range and mix of housing and help diversify the housing stock.

- 76) Policy 2.2.6.3 requires municipalities to consider ways that new developments can incorporate a mix of unit sizes and thereby accommodate a diverse range of household sizes and incomes. The development does contain a mix of units and at different sizes. Burgess has been very active in the Grimsby housing market and this is their 4th mid rise condominium apartment building in the Town. Accordingly, they have a solid understanding of the local market and have designed a building and floor plans to meet the local market needs.
- 77) Section 3 of the Growth Plan deals with infrastructure to support growth. The Subject Lands have a full complement of municipal and utility infrastructure available with adequate capacity to accommodate the proposed redevelopment. This more compact form of redevelopment on this underutilized parcel represents a more efficient use of land, infrastructure and other support services.
- 78) Section 3.2.2 of the Growth Plan provides policy direction on transportation. These lands front along Main St E which is a former Provincial Highway and an arterial road through Grimsby. There are no transportation or traffic related issues as the roads have adequate capacity to accommodate the proposed mixed-use development. The development is within close walking and biking distance of the downtown, shopping, parks and employment areas, and supports alternative transportation and reduces the dependency upon the automobile.
- 79) Section 4 of the Growth Plan deals with “protecting what is valuable” and this would include built heritage resources such as the Nelles House. Policy 4.2.7 states that Cultural Heritage resources and archeological resources are to be conserved and protected by this policy direction. The Nelles House has been appropriately incorporated into the redevelopment of these lands and a suitable adaptive reuse is proposed. Archeology has also been completed to the satisfaction of the Province.
- 80) In conclusion, the proposed redevelopment and Application conform with the Growth Plan. The redevelopment will contribute to a more complete community within the built up area and fully implements the guiding principles. It will result in a more compact form of development along a major arterial road and in very close proximity to the downtown, shopping and employment areas. The redevelopment supports existing transit, active transportation and

accommodates growth within the built boundary and in an apartment form which clearly is in line with Regional forecasts and housing targets that Grimsby will have to implement as it completes its conformity exercise. Built Heritage is also conserved in situ and will be incorporated into the redevelopment of these lands. The redevelopment will contribute to the overall character and attractiveness of Main St and form a gateway to the Hospital corridor.

Region of Niagara Official Plan

- 81) The current Regional Official Plan from 2014 remains in force and effect even though Regional Council has adopted a new Plan and has forwarded this to the Province for approval. Schedule A “Regional Structure” of the Regional Plan identifies the Subject Lands as being within the Urban Boundary and designated as a Built-up Area. Schedule E1 “Transportation Infrastructure” identifies Main St East as a Regional Road while Schedule E2 “Strategic Cycling Network” identifies Main St East as a Strategic Cycling route and part of the Cycling network.
- 82) Section 2 of the Regional Plan deals with Growing the Economy. Strategic objectives include providing a choice of housing and employment locations and developing an efficient use of land within the urban boundaries first.
- 83) Section 3.D of the Regional Plan addresses Commercial Areas. Policy 3.D.7 promotes the main street form of commercial development, with building facades closer to the streets, and efficient use of land, a mix of uses in both new and established areas and support and access for active transportation. The proposed development conforms with all of these elements. Policy 3.D.10 relates only to commercial developments whereas the proposed development is a mixed-use development; the commercial portion of the development conforms with this policy because it relates well to the community character and is appropriately located to serve the neighbourhood. It is appropriate in scale, oriented to Main Street and operates compatibly with the residential uses.
- 84) Growth management is addressed in Section 4 of the Regional Plan. Policy 4.A.1 includes Growth Management Objectives applicable to all of Niagara Region. These are copied below and following each objective is my commentary:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara’s existing Urban Areas. The Subject Lands are in the Urban Area and therefore an appropriate location for growth.

Objective 4.A.1.2 Direct a significant portion of Niagara’s future growth to the Built-up Area through intensification. The Subject Lands are in the Built-Up Area and the proposed development is a form of intensification, insofar as it is the development of a site at a higher density than what exists the development of an underutilized lot (per the definition of “intensification” in the Plan).

Objective 4.A.1.3 Direct intensification to Local Municipally Designated Intensification Areas. As discussed below, the Town’s Official Plan encourages infill and intensification throughout the Town’s Built-Up area (all lands within the built boundary) to achieve higher densities than what currently exist in the intensification area. The Subject Lands are located within the built-up area of the Town.

Objective 4.A.1.4 Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment, the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land. As noted above, the Subject Lands are located within the built-up area and they are also located on a Main Street at the intersection of a Regional Road and a Local Road making them an appropriate location for development.

Objective 4.A.1.5 Establish the Regional Market Area as the basis for planning for growth. The Town of Grimsby is part of the Regional Market Area.

Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas. The proposed redevelopment of the Subject Lands, which are located in the built-up area of the Town, is more compact, includes a mix of uses, is transit supportive and accommodates active transportation.

Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments. The redevelopment of the Subject Lands will help reduce the dependence on the automobile by being more compact, mixed use, transit and active transportation supportive.

Objective 4.A.1.8 Provide a foundation for developing access to intra and inter-city transit. The redevelopment of the Subject Lands contributes to a foundation for developing access to intra and inter-city transit as it is located along Main St which is a prime candidate for future transit as demand continues to grow.

Objective 4.A.1.9 Ensure the availability of sufficient employment and residential land to accommodate long term growth in Niagara to the year 2031. The Town of Grimsby is constrained by physical features and the Greenbelt. As such it has no opportunities to expand its urban boundary. Hence infilling and intensification projects such as this are the only way for the Town to continue providing sufficient residential lands to accommodate growth.

Objective 4.A.1.10 Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation. The redevelopment of the Subject Lands contributes to Grimsby being a complete community as it includes a mix of uses, includes and supports local employment and different housing types, will create a high quality “gateway” type of development with easy access to shopping, employment, the Downtown and area recreational facilities.

Objective 4.A.1.11 Prohibit the establishment of new Settlement Areas. Accommodating growth in the Town’s built-up area reduces the need for new Settlement Areas.

Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services. The redevelopment of the Subject Lands results in a more efficient use of existing sewage and water services.

- 85) Population, Household and Employment Growth projections are contained in 4.B of the Regional Plan while intensification Growth is within 4.C. The Regional projections are now out of date and are being increased. Regardless, the Plan directs local municipalities to encourage intensification throughout the Built-up Area, which the Town Plan does and which the proposed development conforms with. In addition, Local Official Plans are also required to identify intensification areas, corridors or nodes.
- 86) Policy 4.C.3 deals with Regional Residential Intensification Targets which are currently set at a minimum of 40% within the entire Regional Built-up Area. The table in Policy 4.C.4.2 specifically set a residential intensification target (percent of total annual development) of 80% for Grimsby given the fact that this municipality has a very limited supply of Greenfield lands. Furthermore, Grimsby is surrounded by the Greenbelt and Niagara Escarpment and has severe restrictions on any potential opportunities for urban expansion. Hence residential growth has to be accommodated through intensification in the Town’s built-up area. As noted below, the Town Plan incorporates this 80% requirement into policy 2.4.4. As noted earlier,

the new Regional Plan identifies the need for 98% of new growth in Grimsby occurring through intensification in its built-up area.

- 87) Policy 4.G: This section of the Regional Plan deals with urban growth. Section 4.G.1 lists a series of broad objectives, which include the provision of complete communities and preserving and enhancing cultural heritage resources, among others. The proposed redevelopment of the Subject Lands fully aligns with these objectives as it includes a mix of uses, is a more efficient use of these lands and infrastructure, is more compact and better supports both transit and active transportation. It is also a form of intensification that integrates an important heritage resource. The Regional Plan designates the Subject Lands as Urban and within the Built-Up Area which further policies in this section identify as the focus for residential and employment intensification and redevelopment (4.G.7 and 4.G.8).
- 88) Section 4.I of the Regional Plan introduces general policies for mixed use areas. These policies speak to entire mixed use areas, not specific sites. However, I note that the direction includes being able to accommodate a variety of uses and housing types with an emphasis on medium and high densities (4.I.2). Mixing is encouraged at several scales within neighbourhoods or upon individual blocks or parcels as is this case (4.I.3). A variety of transportation nodes are to be provided (4.I.4) and an attractive public realm/streetscape is also an important direction (4.I.7). The redevelopment of the Subject Lands satisfies the Regional Mixed Use Areas policies.
- 89) Section 4.J of the Regional Plan provides policy direction of Urban Design and the Public Realm. These policies encourage and promote streetscape improvements, creating a strong sense of place in a manner that supports vibrant social and cultural gathering which is easily accessed by a variety of transportation modes together with complimentary and aesthetic private realm site design. I have read the Urban Design Brief submitted with the Applications and the Witness Statement of Tim O'Brien in connection with Section 4.J and I concur with his conclusions. The redevelopment of the Subject Lands will improve an underutilized and undesirable looking property and create an attractive landmark that will include a high degree of urban design and streetscape improvements including a "square" or gathering place in front of an important heritage building. The redevelopment will function as a gateway to the Main St/Hospital corridor and contribute very strongly to the character of the immediate area and Town.
- 90) Section 9 of the Regional Plan deals with Transportation while 9.A contains general objectives. The Regional Plan promotes and supports a multimodal transportation system and one which

also strives to reduce single occupant vehicle trips by enhancing opportunities to walk, cycle or take transit or carpool. Public transit is also promoted together with complete streets at both the regional and local levels. The Regional Plan encourages the most cost effective and environmentally appropriate modes of sustainable transportation to reduce greenhouse gas emissions. The redevelopment of the Subject Lands adheres to these objectives and will result in a transit friendly and active transportation supportive development that will reduce greenhouse emissions and the reliance on the private automobile.

- 91) Section 10.C deals with Creative Niagara and applicable policies deal with the identification and conservation of significant built heritage resources. The proposed redevelopment of the Subject Lands retains and preserves the historic Nelles House and incorporates it into the development with an adaptive reuse. Heritage permits have been obtained to ensure that if the development is approved, the preservation of the house is done appropriately. I have reviewed the HIA and Witness Statement of Leah Wallace and rely on her opinion that the Regional Plan policies regarding cultural heritage have been met. Policies regarding Design are found in 10.C.2.3 wherein reference is made to Urban Design Guidelines and Alternative Development Standards. These have been addressed by Mr O'Brien and will be further implemented through a subsequent Site Plan process. The redevelopment of these lands together with the adaptive reuse of the Nelles House will also support cultural tourism as is contained in the policies of 10.E.1.
- 92) Housing is the focus of Section 11.A of the Regional Plan. The Plan encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age, and *the development of attractive, well designed residential development that:*
- a) *Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.*
 - b) *De-emphasizes garages, especially in the front yard.*
 - c) *Emphasises the entrance and points of access to neighbourhoods.*
 - d) *Is accessible to all persons.*
 - e) *Incorporates the principles of sustainability in building design.*
 - f) *Provides functional design solutions for such services as waste collection and recycling.*

g) Provides an attractive, interconnected and active transportation friendly streetscape.

h) Contributes to a sense of safety within the public realm.

i) Balances the need for private and public space.

j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

93) The redevelopment of the Subject Lands conforms with the above policy direction of the Regional Plan. Additional policies encourage a closer connection between employment and residential areas (11.A.3). The Hospital is one of the Town's largest employers and is only 370 m from the Subject Lands. The proposed condominium apartment building will also provide a "down sizing" opportunity to the mature surrounding neighbourhoods. An apartment unit will be more affordable than other forms of housing.

94) In conclusion, the proposed redevelopment of the Subject Lands and the Applications are in conformity with the applicable policies of the Regional Official Plan. As is confirmed by Regional Staff comments received during the processing of the Applications, an amendment to the Regional Plan is not required to implement the redevelopment of these lands.

Town of Grimsby Official Plan

95) The Official Plan for the Town of Grimsby was approved in May of 2012 and has been in place for over 10 years. It has a planning horizon to 2031 and will need to be updated so as to achieve consistency with the latest PPS, as well as conformity with the Growth Plan and the recently adopted new Regional Official Plan.

96) Schedule "A" identifies the Municipal Structure with the Town and the Subject Lands are within the Urban Settlement Boundary and are designated Urban Settlement Area. Schedule "B" Land Use includes the Subject Lands within the Neighbourhood Commercial Area designation. Schedule "B2" Land Use-Urban Settlement Area (East) also designates these lands as Neighbourhood Commercial.

97) Schedule "C" Transportation and Trails has identified Main St East as a Regional Arterial road and as a Bike Route Nelles Road is designated as a Town Collector Road.

- 98) Policy 1.1 describes the general purposes of the Official Plan which include providing the long-term vision for the Town and delineating the overall municipal as a framework for future growth. The Official Plan establishes specific policies to guide future change and identify a pattern of compatible land use activities. For the reasons stated below, the Applications conform with those overall purposes.
- 99) Policy 1.2 indicates that the planning period is to 2031, and that the plan shall be reviewed every 5 years. As noted earlier, the Town Official Plan was approved approximately 10 years ago (2012) and has not been updated to align with the PPS or Growth Plan. The Town Official will also need to be updated once the new Regional Official Plan is approved.
- 100) Policy 1.3 lists several assumptions that form the basis of the Official Plan. These include: the Town developing as a complete community, and that new development will provide a greater proportion of multi-unit housing than in the past to meet the needs of the different socio-economic population groups, to create compact settlements and to meet intensification targets. The Applications are in alignment with these assumptions.
- 101) The Municipal Structure is described in Section 2 of the Town Plan. Policy 2.1 is the Vision Statement to guide the overall strategic direction of the Town for the period the plan. The Vision includes; building on the small-town character; greater choice for housing; alternate modes of transportation; increased employment; protection of cultural heritage; and, a vibrant downtown. Furthermore, the existing urban settlement is to be intensified in a “few key areas” while respecting the small-town character and cultural heritage. The Applications are in alignment with the overall Vision. The Subject Lands are on the periphery of a neighbourhood and along both a Regional and Town arterial or collector roads which is exactly where greater densities should be located and encouraged.
- 102) Policy 2.2 establishes guiding principles to the Municipal Structure focused on the protection of the natural environment; providing a wide range of housing types and location opportunities to accommodate future residents and providing for controlled growth that takes advantage of existing infrastructure and prevents sprawl, promotes efficient development and land use patterns which minimize land consumption through compact development in areas best able to accommodate it, and permit strategic intensification in appropriate areas with high quality design. Additional guiding principles promote an urban structure that is less dependant on cars and encourages alternate modes of transportation such as public transit, cycling and walking. Furthermore, the small town character and feel of the Town is to be protected. Finally, the guiding principles include the protection of Grimsby’s culture and heritage. The Applications

align with all of these guiding principles. The proposed mid rise building provides new housing options in an appropriate area without adversely impacting that small town character.

- 103) The key structural elements of the Municipal Structure are described in 2.3.1. and include the Urban Settlement Area, the Hamlets, the Natural Heritage System, the Countryside, the Niagara Escarpment Plan, the Greenbelt Plan, and the Lake Ontario Shoreline. Within the Urban Settlement Area, there are 5 sub-areas, being the Urban Settlement Area Boundary (which is where the Subject Lands are located), the Built Boundary (the Subject Lands are also within the Built Boundary), Designated Greenfield Areas, Major Intensification Areas and the Downtown, and Stable Residential Neighbourhoods (which the Subject Lands are not part of).
- 104) Section 2.3.2 further describes the “Urban Settlement Area” portion of the Municipal Structure, within which the Site is located. The “intent” of the Urban Settlement Area is that it is the primary focus of and location for urban growth within the Town. It is the area intended to provide a broad range of housing, commercial and employment opportunities. The “goal” is to “accommodate the majority of the future growth within the Town’s Urban Settlement Area”. Objectives include controlled and orderly growth on full services which respects Grimsby’s cultural heritage and small town character. The proposed redevelopment of the Subject Lands with a 3/4/5 storey mixed use building together with the retention of the Nelles House conforms with these objectives.
- 105) Section 9.20 of the Town Official Plan contains Definitions. There is no definition of “small town character”. Below is a copy of Table 1 taken from Regional Report PDS 17-2002 (Niagara Region 2051 Land Needs Assessment) which table identifies the population targets now incorporated in the new Regional Official Plan.

106) This table summarizes the 2051 population, housing and employment forecasts for all the Niagara municipalities. Assuming that by 2051 each municipality will achieve the forecasted growth then of the 12 Niagara municipalities Grimsby will rank as the 5th smallest municipality. Grimsby will not become a large urban center like St. Catharines, Welland or Niagara Falls and will remain similar to other “smaller” municipalities like West Lincoln, Thorold, Niagara on the Lake, Pelham and Port Colborne. The Town’s urban area remains the same and is not proposed to be expanded as it is constrained by the Greenbelt and the Niagara Escarpment. As I have mentioned earlier, the new Regional Plan has identified a need for 98 % of Grimsby’s population growth to be accommodated through intensification with the vast majority of all new housing being in the form of apartment buildings. All of these planning decisions regarding growth have been endorsed by Regional Council and do not undermine the “small town character” objectives of the Town Plan. A mid rise 3/4/5 storey mixed use building proposed along Main St. and located within a cluster of Neighbourhood Commercial uses also does not undermine that “small town character” objective. The retention and adaptive re use of the Nelles House also maintains heritage and assists in preserving the existing character along Main St.

Table 1: 2051 Municipal Population, Housing and Employment Forecasts

Municipality	2051 Population Forecast	2051 Households Forecast	2051 Employment Forecast
Fort Erie	48,050	21,510	18,430
Grimsby	37,000	16,070	14,960
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Welland	83,000	37,540	28,790
West Lincoln	38,370	14,060	10,480
Niagara Region	694,000	298,645	272,000

107) Policy 2.3.2.1 describes key structural elements within the Urban Settlement Area (detailing the list in policy 2.3.1). As I noted earlier, the Subject Lands are within the built boundary. Policy 2.3.2.1(b) indicates that any development within the built boundary is considered intensification and contributes to the intensification targets of the Plan. As noted earlier, the residential target for Grimsby per the new Regional Plan is 37,000 people. Subsection (d)

indicates that major intensification areas represent two areas (the Downtown and Casablanca/QEW interchange) where the majority of intensification will be directed. In my opinion, having a primary focus for intensification does not limit the consideration of other opportunities for intensification within the built boundary such as the Subject Lands.

- 108) Policy 2.3.2.3 indicates that the Urban Settlement Area will accommodate the majority of residential growth within the municipality on the basis of full urban services. The Subject Lands are in the Urban Settlement Area and on full services,
- 109) Policy 2.3.2.4 refers to the built boundary and states that any development within the built boundary will contribute to meeting the intensification target. Reference is made to limited intensification within stable residential neighbourhoods however the Subject Lands are not within a stable residential neighbourhood as they are designated Neighbourhood Commercial.
- 110) Section 2.4 of the Town Plan deals with Growth Management. Specific objectives include an orderly progression of urban development; an efficient use of land, infrastructure and services; directing the majority of the population growth to the Urban Settlement Area (and a limited amount to the Hamlets); and, to encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement Area (with only a limited amount to the Hamlets). The redevelopment of the Subject Lands conforms with these objectives.
- 111) Policy 2.4.4 provides that the Town is to target for approximately 80% of new dwelling units to be provided through intensification after 2015. The definition of "intensification" is copied below and the redevelopment of the Subject Lands is captured by this definition.

9.20.82 Intensification means the development of a property, site or area at a higher density than currently exists through:

a) Redevelopment, including the reuse of brownfield and greyfield sites;

b) The redevelopment of vacant and/or underutilized lots within previously developed areas;

c) Infill development; or

d) The expansion or conversion of existing buildings.

- 112) Policy 2.4.5 states that new and updated secondary plans shall identify additional opportunities for infill however as was noted previously Council terminated the Hospital Corridor Secondary Plan exercise.

- 113) The Town Plan includes an intensification strategy in policy 2.4.6. Policy 2.4.6(a) specifically encourages infill and intensification throughout the Built Up Area of the Urban Settlement Area to achieve higher densities than what currently exist within the intensification area, subject to the rest of the intensification strategy. The Subject Lands are in the Built Up Area where intensification is encouraged. While the “majority” of intensification is directed to the Downtown and to the Casablanca interchange, the policy contemplates intensification in other suitable locations throughout the Built Up Area, which in my opinion, this location is.
- 114) Policy 2.4.6 also provides that all intensification and infill development shall be subject to site plan control in order to ensure that the built form and physical look of the built form is compatible with the neighbourhood. “Compatible development” is defined as will be further addressed below.
- 115) To facilitate intensification Policy 2.4.6(g) also allows the Town to consider reduced parking standards (such as are proposed) and other incentives.
- 116) Section 2.5 of the Town Plan contains Housing policies. The stated objectives (not policies) include providing a range of lot sizes and densities, housing types, and tenure provided the scale and massing of development is in keeping with the character of the surrounding neighbourhood, and encouraging residential intensification throughout the community as appropriate opportunities arise provided such housing is in keeping with the scale and character of the surrounding stable residential area. The proposed development aligns with these objectives.
- 117) Within Policy 2.5.1 the Town Plan encourages the provision of a variety of dwelling types in terms of density, tenure, unit size and price. The redevelopment of the Subject Lands will contribute to a new form housing in an area where few apartment units are located. The redevelopment of this underutilized parcel of land will add 148 new apartment units containing different floor areas and number of bedrooms and will thereby contribute to the variety of dwellings available to the Town. As noted earlier, Burgess has significant knowledge and experience with this local housing market and needs of the community.
- 118) Policy 2.5.4 indicates that the Town shall permit and facilitate all forms of residential intensification in accordance with the intensification strategy outlined and previously discussed in 2.4.6 above.

- 119) When considering applications for intensification policy 2.5.5 requires the Town to “*consider the impact on adjacent residential uses including overlook and shadowing, the character of the surrounding area and the need for a transition in heights and densities adjacent to existing residential uses as per Policy 3.4.7.*” I have reviewed the Witness Statement of Mr O’Brien with respect to policy 2.5.5 and concur with his analysis and conclusion that the proposal conforms with the policy. I also concur that policy 3.4.7 does not apply to the proposal.
- 120) Policy 2.6.9 is contained within the Economic Development section of the Town Plan and it is similar to PPS direction regarding long term economic prosperity. Such economic prosperity is supported by optimizing the use of land, resources, infrastructure and public service facilities and by maintaining and enhancing the viability of downtown and Main Streets. The redevelopment of brownfield sites is promoted by this policy together with providing for an efficient, cost effective multi modal transportation system. These lands are an under utilized “grey field” parcel and the proposed redevelopment will contribute to long term economic prosperity by providing a mixed use together with at least 148 new customers to the existing stores and services available along Main St East, the downtown and other shopping areas.
- 121) Section 3 of the Town Plan introduces the various Land Use policies applicable to the designations as are found on the Land Use Schedule. The Subject Lands are designated Neighbourhood Commercial Area which is addressed in Section 3.6.1 of the Plan. Section 3.6 includes all “other commercial areas”, as distinct from Section 3.5 which deals with the “Downtown District” and Section 3.4 which deals with “Residential Neighbourhoods”.
- 122) Policy 3.6.1.1 and 3.6.1.2 list the permitted commercial and service commercial uses. These are intended to serve the day to day convenience shopping needs as well as the weekly needs for groceries, personal care products and services and are not intended to usurp the function or range of uses provided by Downtown. Residential units are not specifically listed by the Plan (even though permitted by the ZBL) so the Applications propose to add residential as an additional permitted use.
- 123) Policy 3.6.1.3 establishes a size range for Neighbourhood Commercial parcels between 3 to 6 hectares in area. As the Subject Lands are smaller than the identified range the amendment proposes to establish a minimum lot area of 0.6 hectares. The current zoning special provision recognizes a lot area of 700 sq m.
- 124) Policy 3.6.1.4 states that the Neighbourhood Commercial designations should be integrated into the street network and not separated from it. They should also be in highly visible and

accessible locations to the residents of the neighbourhood they are serving. The Subject Lands are in a highly visible and accessible location as per this policy.

- 125) Policy 3.6.1.5 requires adequate on-site parking and appropriate landscape and screening of the parking areas. The proposed development includes 160 spaces in an underground parking garage. Of these, 148 will be used exclusively for the owners within the apartment building (1 space per unit). The remaining 12 underground will be “flex” spaces meaning that they can be purchased by any of the unit owners that may need a second space or by the commercial unit owners for themselves or any employees. The site plan also includes surface parking consisting of 29 spaces plus 2 tandem spaces. These 31 surface parking spaces will satisfy the visitor and commercial customer parking needs as their parking needs are generally complimentary. Total parking is therefore 189 spaces plus 2 tandem spaces for 148 units and 456 sq m of commercial space. Tenant/owner parking is therefore being provided at a ratio of 1.08 spaces per unit (160/148) while visitor and commercial parking is being provided at a ratio of 0.19 spaces per unit (29/148). The total parking ratio is 1.27 spaces per unit. When including the 2 tandem spots the final ratio is 1.29 spaces per unit. The site plan also includes 5 lay by parking spaces along the north side of Main St to facilitate direct access to the ground floor commercial space. The final acceptance of the lay by spaces will be determined through a future Site Plan process. I have read the Traffic Impact Study prepared by Crozier dealing with traffic and parking and I concur with its findings and conclusions that sufficient parking is being provided.
- 126) The proposed Site Plan also includes generous landscaping and setbacks between the surface parking areas and the public streets. A 4.65m wide landscaping area is proposed between Nelles Rd and the closest parking space while the surface parking area is setback 17m from Main St East. Therefore, the proposed developments conforms with this policy.
- 127) Policy 3.6.1.6 requires all Neighbourhood Commercial Area development to be subject to Site Plan Approval and this will follow should the Applications be approved.
- 128) Policy 3.6.1.7 requires the screening of loading docks and orienting them away from residential areas. The site plan proposes to establish loading in the center of the complex where it will not affect existing residential areas and can be readily screened and landscaped.
- 129) Policy 3.6.1.8 requires that “adequate setbacks, fencing and landscape screening” is to be provided abutting residential development. In this case, there is only the residential interface

with the townhouse development to the north as the homes on the west side of Nelles Rd are separated by the road allowance and only face a 3-storey portion of the proposed new building.

- 130) The Site Plan proposes to set back the new building 6.0m to 6.4m and 6.7m from the common lot line with the townhouses. Balconies will encroach into that setback but no closer than 5.2m. The underground parking garage will be setback 2.71m from the common lot line but being underground it will not be visible. As can be seen on several of the photos in the Photo Book, the townhouse development includes a 2.85m landscape strip and a 1.8m high closed wooden privacy fence along the common lot line. The townhouse private road creates another 6.0 m of separation while the actual front wall of the townhouse dwellings is setback 4.12 m from the private road. The front walls of the townhouse dwellings are therefore setback almost 13m from the common lot line and the proposed apartment building will be setback at least 19m from the front wall of the townhouses.
- 131) It should be noted that the NC Zone allows residential units above the ground floor with a maximum height of 8.5 m. As such, the Subject Lands could accommodate a 2 or 3 storey mixed use building as of right. The NC Zone requires a minimum interior side yard of 4.5m and 6.0m when abutting a residential zone. The interior side yard being proposed upon the Subject Lands abutting the properties to the north (6.0m to 6.4m to 6.7m) is in line with the as of right interior side yard setback of 6.0m.
- 132) As noted in the Witness Statement of Mr O'Brien, a cross section applying the angular planes has also been done to ensure there is adequate setback and no negative impact on the adjacent residential uses, such as overlook and shadowing. It is a readily accepted urban design/planning principle that maintaining a 45-degree angular or build to plane significantly reduces any privacy and overlook concerns. The angular plane analysis demonstrates that the proposal is well-sighted and massed to address privacy concerns.
- 133) It should also be stressed that this angular plane applies to the front yard of the townhouse dwellings (except one) which is typically not used for outdoor amenity purposes. The rear yard amenity space of these townhouses is further screened by the existing townhouse dwellings themselves so there is absolutely no adverse impact at the rear of these units where the important outside amenity areas are located. The window on the south facing front wall of these townhouses are for the primary bedroom. Primary bedroom windows are typically dressed in curtains or blinds which remain closed when in use. The more active living space such as kitchens, dining and family rooms are located at the back or north side of these townhouses and as such do not have any views to the proposed apartment building. The

proposed apartment building is therefore well separated from the abutting townhouses to the north to diminish any privacy and overview concerns.

- 134) Policy 3.6.1.9 requires that site lighting be oriented away from residential areas and have minimal impact on existing and new residential uses. This is a typical Site Plan matter that will be addressed. Surface lighting may be required in the parking area which will be wholly contained on site and will not impact abutting residential lands as it will be blocked by the new building.
- 135) A very compatible interface with the townhouses to the north will result. The Plan definition of “compatible development” refers to “*development that is not necessarily the same or similar to development in the vicinity, but it is development that improves the character and image of an area, without causing any undue, adverse impacts on adjacent properties*”. The proposed 3/4/5 storey mixed use building together with the restoration and adaptive reuse of the Nelles House improves the overall character and image of the Subject Lands and does not cause any undue or adverse impacts on adjacent properties.
- 136) At the various Open Houses held on this matter some of the townhouse occupants expressed a concern that the new building would block sunlight. A Shadow Study was prepared by the project architect that confirmed that the proposed apartment building would have minor impacts on surrounding residential uses.
- 137) Section 4.5 of the Official Plan deals with energy conservation and climate change. It is the intent of the Plan to support energy efficiency and improve air quality by encouraging the reduction of energy consumption, endorsing the development of compact and mixed use neighbourhoods and by promoting innovative forms of alternate and renewable energy in land use and development patterns. The proposed development of the Subject Lands represents a more compact form of development to an underutilized property within the Urban Settlement Area. It supports energy efficiency and transit and alternate transportation methods. It will help reduce the dependency on the automobile and improve air quality. Additional energy conservation and efficiency measures will be implemented during the Site Plan process.
- 138) Section 5 of the Official Plan provides policy direction on Infrastructure and Transportation. I have read the Functional Servicing and Preliminary Stormwater Management Report and the Traffic Impact Study prepared by Crozier and I concur with and accept their conclusions. The existing road network has ample capacity to accommodate the redevelopment of the Subject Lands in the manner as is proposed. There are no road or access safety issues and again,

ample and sufficient parking is being provided. The redevelopment of the Subject Lands with 148 residential units also supports the existing “on demand” transit service available to the Town. A full compliment of municipal and utility services is available subject to conventional site plan approval of grading, servicing and stormwater management details. I note my understanding that traffic impacts and technical feasibility are no longer at issue for the hearing.

- 139) Active transportation is the focus of Policy 5.6 of the Official Plan. The policy direction is to implement a continuous pedestrian and bicycle trail system and to require new development proposals to facilitate pedestrian and cycling opportunities (Policy 5.6.3.2). The Subject Lands front upon Main St E which is identified as part of the Regional Strategic Cycling Network and is also designated a bike route in the Town Plan. This is also a highly accessible site with close walking distance to shopping, recreational and employment opportunities. Further, the Applications propose 49 bicycle parking spaces, which supports alternative modes of transportation.

Section 7.0 of the Plan contains policies regarding Streetscape design. The overall goal is to create a pedestrian comfortable environment and to enhance the character of the Town through streetscape design. Section 7.1 includes general policies and Section 7.2 contains policies regarding the Town arterial and collector roads. I have reviewed the landscape plan from Adesso and I have also read the Witness Statement of Mr O'Brien, as well as the landscape memo prepared by Wendy Shearer. Based on those materials I conclude that the proposed development conforms with the applicable policies in these sections. Overall, the proposal includes a high degree of quality landscape and design elements. Extensive new plantings will enhance both Nelles Rd and Main St E and will screen the parking area. There is an opportunity to create a “square” in front of the Nelles House which can function as a public gathering space. Only one access is proposed and it is well separated from the intersection and according to the Traffic Impact Study, it does not create any safety concerns. The facades of the building have architectural detailing and landscape features that address the Nelles Rd frontage. The site plan process will further define and implement the overall streetscape design.

- 140) Cultural Heritage and Archaeology are addressed in Section 8.0 of the Plan. The property at 133 Main St East is designated and the built heritage resource on that property (the Nelles House) will be conserved and incorporated into the redevelopment of the Subject Lands. Grimsby Council has issued a Heritage Permit to accommodate its restoration and adaptive

re-use in conjunction with the 3/4/5 storey mixed use building. I have read the Heritage Impact Assessment Report prepared by Leah Wallace, its addenda and her Witness Statement. I concur with and accept her conclusions that the built heritage dwelling on the Subject Lands will be protected and conserved in accordance with applicable guidelines. Therefore the proposed development conforms with the policy 8.1. I have also read the Witness Statement of Ms Wallace and conclude that the proposed development conforms with policy 8.18.

- 141) Policies 8.20 to 8.22 (inclusive) require the completion of archaeological studies to identify and deal with any historical artifacts that may be present. In this regard appropriate Stage 1 through 4 Studies have been completed and a Ministry clearance has been provided.
- 142) Section 9.4 e of the Town Plan deals with height and density bonus provisions. The processing of the Applications did not include any request or consideration for height and/or density bonussing. I note that the Planning Act has changed the former Section 37 and that site specific bonussing is being replaced by a Community Benefits Charge.
- 143) Policy 9.10 of the Town Plan deals with municipal finance and in particular a balance between demands for services and overall fiscal capacity is required together with an appropriate relationship between residential and non residential assessment. I am not aware of any financial implications regarding the redevelopment of the Subject Lands. No fiscal impact analysis was ever asked for by the Town or Region. This development will however pay a substantial cash in lieu of parkland dedication and appropriate local and regional development charges and once completed will pay significant yearly municipal and regional taxes.
- 144) In conclusion, while an amendment is required to the Official Plan to add residential uses to these lands and to recognize the existing lot area, the current Zoning permissions already allow a mixed use residential/commercial building upon a lot with a minimum area of 700 sq m in area. The Applications conform to the overall intent of the Official Plan as it maintains commercial uses, efficiently develops an underutilized parcel of land, represents a compact form of development, conserves and adaptively reuses a significant heritage building, fully supports active transportation and does not cause any undue or adverse impact on adjacent properties. The additional residential development will also contribute to the range of housing options available to the Town and assist the Town to meet its population targets as are established in the new Regional Plan. A compatible interface with the residential development to the north and to the east will be created and no undue adverse impact will result. The retention of the Nelles House, its adaptive re-use and incorporation into the redevelopment in conjunction with a high quality landscape will enhance the streetscape. In summary, the

proposed development taken as a whole very much conforms with the Town's vision as stated in its Plan, specifically it:

- a) Ensures a wide range of housing types and location opportunities to accommodate future residents and to meet a diversity of incomes and demographics;
- b) Provides for a controlled and efficient growth that takes advantage of existing infrastructure and prevents sprawl;
- c) Promotes efficient development and land use patterns which minimize land consumption through compact development in areas best able to accommodate it;
- d) Permits strategic intensification and infill in an appropriate area with high quality design that is sensitive to the surrounding character of the neighbourhood;
- e) Protect the small town character and feel of Grimsby; and
- f) Protects Grimsby's culture and heritage.

Town Zoning By-law

- 145) The Subject Lands are zoned Neighbourhood Commercial which zone already permits an 8.5m high mixed use building with residential permitted above ground floor commercial space. A site-specific modification to the NC Zone is required to fully implement the redevelopment of these lands as is proposed by Burgess.

PLANNERS AGREED STATEMENT OF FACTS

- 146) In accordance with the Procedural Order I met with Mr Allan Ramsay, RPP, MCIP who has been retained by the Town to provide his planning opinion on this matter. Mr Ramsay and I prepared an Agreed Statement of Facts and this is contained in **TAB 5** of this Witness Statement. Essentially Mr Ramsay and I agreed that from a planning perspective transportation, parking, servicing, storm water management, heritage issues involving the Nelles House and archaeology are not in dispute. Accordingly, some of the issues identified on the Issues List no longer apply, as noted below.

RESPONSE TO TOWN ISSUES

ISSUE 1: Are the applications consistent with the Provincial Policy Statement (2020) including in particular policies 1.1.3.2, 1.1.3.3, 1.1.3.4, ~~1.1.3.5~~, 1.4.3, 1.5.1, ~~1.6.6.2~~, ~~1.6.6.7~~, 1.6.7, 1.7.1d), 1.8, ~~2.6.1~~ and ~~2.6.2~~?

- 147) The Planners have agreed that from a planning perspective ~~1.1.3.5~~, ~~1.6.6.2~~, ~~1.6.6.7~~, ~~2.6.1~~ and ~~2.6.2~~ are not in dispute. I have noted those policies with strikethroughs above.
- 148) My independent planning opinion on the PPS, including the policies listed in this issue, has been summarized in the Planning Analysis section of this Witness Statement. The proposed redevelopment of the Subject Lands in the manner as is proposed by the Applications and the proposed planning instruments are consistent with the PPS. In summary, a mixed use 3/4/5 storey building containing 148 residential units and 456 sq m of commercial floor area represents an appropriate form of intensification along a major arterial road and in an area where full municipal and utility services are available. The redevelopment of this underutilized parcel will contribute to the housing needs of the Town in a location readily accessible and very close to employment and shopping and neighbourhood parks. The area is also serviced with an On Demand transit system and adding 148 new residential homes will increase the demand and utilization of this service. Heritage resources are being preserved and protected and this Site will become a gateway to the neighbourhood commercial corridor already established between the Subject Lands and the Hospital.

ISSUE 2: Do the applications conform with the Growth Plan for the Greater Golden Horseshoe (2019), as amended, including in particular policies 1.2.1, 2.2.1.1, 2.2.1.4, 2.2.2.3, 2.2.6.2, 2.2.6.3, ~~4.1~~ and ~~4.2.7~~?

- 149) The Planners have agreed that from a planning perspective ~~4.1~~ and ~~4.2.7~~ are not in dispute. I have noted those policies with strikethroughs above.
- 150) My independent planning opinion on conformity with the Growth Plan, including the policies listed in this issue, has been provided above in the Planning Analysis section of this Witness Statement. The proposed redevelopment of the Subject Lands as is proposed by the Applications and the proposed planning instruments conform with the Growth Plan. In summary, the redevelopment will contribute to a more complete community within the built up area and fully implements the guiding principles. It will result in a more compact form of development along a major arterial road and in very close proximity to the downtown, shopping

and employment areas. The redevelopment supports active transportation and accommodates growth within the built boundary and in an apartment form which clearly is in line with Regional forecasts and housing targets that Grimsby will have to implement as it completes its conformity exercise. Built heritage is conserved in situ and will be incorporated into the redevelopment of these lands. The redevelopment will contribute to the overall character and attractiveness of Main St and will form a gateway to the Hospital commercial corridor. Alternative transportation is being implemented and an attractive streetscape will result together with a reduced dependency on the private automobile. The redevelopment will be more efficient and will provide better adaptation to a changing climate.

- 151) With respect to policies that the Town identified in its issues list, which I did not address in the analysis above:
- 152) Policy 2.2.2.3 requires municipalities to develop a strategy to achieve the minimum intensification target and to accommodate intensification throughout delineated built up areas. They are to identify strategic growth areas; identify the appropriate type and scale of development in strategic growth areas; encourage intensification throughout the built up area; undertake measures to achieve a more complete community; plan for infrastructure to accommodate such intensification and implement these measures into their planning documents. As discussed above, the Town Plan does include an “intensification strategy” in policy 2.4.6, with which the proposed development and Applications conform.

ISSUE 3: Do the applications conform with the Region of Niagara Official Plan including policies 3.D.7, 3.D.10.4.A.1, 4.C.2.1, 4.C.4.2, 4.G.1, ~~4.G.3, 4.G.11~~, 4.I, 4.J, 8.B.13, 9.A, 9.E, , ~~10.C.1.5, 10.C.2.1~~ and 11.A. 1 and 11.A.2?

- 153) The Planners have agreed that from a planning perspective 4.G.3, 4.G.9, 4.G.10, 4.G.11, 4.G.12, 7A, 9C, 9D, 9E, and 10C are not in dispute. I have noted those policies with strikethroughs above.
- 154) My independent planning analysis of the Regional Official Plan including the policies listed in this issue is contained in the Planning Analysis section of this Witness Statement. The proposed redevelopment of the Subject Lands as is proposed by the Applications and the proposed planning instruments conform with the Regional Official Plan. No amendment is needed to the Regional Plan to implement this proposal.

ISSUE 4: Do the applications conform with the Town of Grimsby Official Plan including policies 1.1, 1.3, 2.1, 2.2, 2.3.2, 2.4.6, 2.5.1, 2.5.4, 2.5.5, 2.6.9, 3.4.4, 3.4.5, 3.4.7.2, 3.4.7.4, 3.4.7.8, 3.6.1, 4.5, ~~5.3, 5.5, 5.6~~, 7.1, 7.2, ~~8.1, 8.9, 8.18~~, 9.4, and ~~9.10~~?

- 155) The Planners have agreed that from a planning perspective ~~5.3, 5.5, 5.6, 8.1, 8.9, 8.18, 9.4,~~ and 9.10 are not in dispute. I have noted those policies with strikethroughs above.
- 156) My independent planning analysis of the Town Official Plan, including the policies listed in this issue, is contained in the Planning Analysis section of this Witness Statement. An amendment is only required to add residential uses and to recognize the smaller lot area. Residential uses are already permitted above the ground floor by the Town's Zoning By-law so in effect the residential use is permitted as of right. The Zoning By-law was adopted in 2014, almost 5 years after the Official Plan was adopted by Council (2009).
- 157) The redevelopment of the Subject Lands in the manner as is proposed by the Applications and the proposed planning instruments conform with the overall goals and objectives of the Town Official Plan. First and foremost, the existing significant built heritage structure, the Nelles House, is being protected and conserved and fully incorporated and integrated into the redevelopment of these lands. The new building has been appropriately massed, sculpted, and designed to be sensitive not only to the heritage home, but the surrounding residential uses and streetscape. As such, it protects the small town character and feel of Grimsby as well as its culture and heritage.
- 158) The Subject Lands are in the Urban Settlement Area and are within the Built Boundary where all intensification is to be provided and encouraged to locate. It is on an arterial road and will form a gateway to the Hospital Commercial Corridor.
- 159) The redevelopment complies with the intensification and compatibility requirements of the Official Plan. The proposed building does not pierce the angular plane and results in a compatible interface with the residential lands it abuts. No adverse impact will result and privacy and overlook concerns are diminished. No adverse shadow impacts are being created.
- 160) The redevelopment will place 148 apartment dwellings within very close walking and biking distances to employment, shopping, the downtown and recreational facilities. This reduces the dependency on the private automobile and better adapts to a changing climate.

- 161) The redevelopment of the Subject Lands will contribute to the range and type of housing available to the Town and will help the Town meet its new population and housing forecasts as are proposed by the new Regional Plan.
- 162) The only policies I did not deal with above that area in the Issues List are 3.4.4 and 3.4.5. Policy 3.4.4 deals with Residential Neighbourhoods. This policy deals with lands designated High Density Residential on Schedule "B" and does not apply to the proposal. Policy 3.4.5 deals with lands designated Residential/Mixed Use Areas on Schedule "B". This policy does not apply to the proposal.
- 163) The redevelopment of these lands as is proposed by the Applications and the proposed planning instruments conform with the overall goals, objectives and policy intent of the Town Official Plan. The amendment is only required to add residential uses already permitted by the Zoning By-law and to recognize the existing lot area.

ISSUE 5: Do the applications represent good planning?

- 164) Yes, the Applications represent good planning for all of the reasons stated above summarized as follows:
- a) they are consistent with the PPS;
 - b) they conform with the Growth Plan;
 - c) they conform with Regional Official Plan;
 - d) they conform with the overall goals, objective and policy intent of the Grimsby Official Plan;
 - e) the proposed redevelopment represents an efficient, more compact redevelopment of an existing underutilized parcel of land, in an appropriate location, while maintaining compatibility with surrounding land uses;
 - f) a full compliment of municipal and utility services and infrastructure are available to accommodate the proposed redevelopment;
 - g) the existing heritage resource, the Nelles House, is being restored, protected and incorporated into the development with an adaptive reuse;

h) the proposed redevelopment of the Subject Lands will contribute to the housing options available to the Town and assist with the Town meeting its overall housing and intensification targets;

i) the proposed redevelopment supports transit and active transportation and adds more residential units to a very central and walkable area readily connected to commercial, recreation and employment areas.

ISSUE 6. Do the applications conform with the Town of Grimsby Zoning By-law?

165) In simple terms “no” because the redevelopment of the Subject Lands in the manner as is proposed requires an amendment to the Town Zoning By-law. The overall development concept however conforms with the intent of the Zoning By-law as commercial uses are being retained and residential units are already allowed by the By-law on other than the ground floor. In a mixed-use setting ground floor commercial has to be readily visible and conveniently accessible in order for it to be viable. Commercial units tucked into the back of a building without convenient access and visibility will suffer from the lack of exposure and are not viable. Hence only a partial ground floor of commercial has been proposed in order to ensure the commercial viability of these units. Allowing residential uses on portions of the ground floor does not undermine the intent of the By-law. Other site specific modifications are also required due to the site characteristics.

ISSUE 7: Do the applications provide adequate parking and conform with the Town of Grimsby Zoning By-law in terms of parking provision?

166) The planners have agreed that parking is not in dispute and I understand that this issue has been removed from the issues list.

167) The Applications provide adequate parking but at a rate lower than the Grimsby Zoning By-law. For the reasons stated above and based on the parking analysis completed in support of the Applications, I am satisfied that there is adequate parking and that the proposed development meets all applicable policies regarding traffic impacts.

ISSUE 8: Would the proposal result in unacceptable traffic impacts?

168) The planners have agreed that traffic is not in dispute, and I understand that this issue has been removed from the issues list. For the reasons stated above and based on the traffic reports submitted in support of the Applications, I am satisfied that there will be no

unacceptable traffic impacts and that the proposed development meets all applicable policies regarding traffic impacts.

ISSUE 9: Are the applications appropriate from the perspective of coverage, height, massing and urban design?

- 169) Yes. In my opinion, the proposed development and Applications are appropriate from the perspective of coverage, height, massing and urban design. I will rely in part on the Witness Statement of Mr O'Brien in this regard.
- 170) **Coverage:** the concept plan proposes a lot coverage of 40.8 % which is 10.8% more than the NC lot coverage regulation of 30%. In my opinion this is appropriate given the site size and compatibility with the surrounding area... The north/south portion of the building was also moved closer to Main St East in order to enhance the viability of the ground floor commercial units along the Main St flankage. As such, there is a slight increase to the lot coverage. However, even with the increased lot coverage, the Nelles House is able to remain in situ with an appropriate amount of open landscaped space around it.
- 171) **Height:** the building transitions in height from 3 floors to 4 floors and only the east wing has a partial 5th floor. These step backs together with the separation distances create a favourable angular plane which reduces privacy and overview concerns. Additional screening and landscaping will be addressed in any subsequent Site Plan approval.
- 172) **Massing:** The "L" shaped design of the building together with its articulation, different step backs and the use of different building materials all lessen any adverse impact relating to the mass of the building. The west elevation along Nelles Road, the north elevation along Main St East and the east elevation abutting 141-149 Main St E are all broken down into smaller segments. The retention of the Nelles House also helps to break up the massing on site. The main mass of the building occurs along the south side where the building length is approximately 76m. This mass is softened by the landscape strip and the planting of trees. It is further softened by the use of different building materials and the step backs for the different floor levels. This view is directly abutting a private road and a small parking lot and this not a public view corridor.
- 173) **Urban Design:** I have read the Urban Design Brief and the Witness Statement of Mr O'Brien and I concur with his conclusions and comments.

ISSUE 10: Do the applications provide an appropriate transition to the adjacent stable residential neighbourhood?

- 174) Yes. I have provided reasons for this above.
- 175) A transition involves both height and density. In my opinion an appropriate transition occurs to the adjacent neighbourhood as the height and density from the stable residential area has moved from low density to townhouses to a 3/4/5 storey building. Adequate separation distances are created and full compliance with the 45-degree angular plane (although not strictly applicable to this project) is maintained. Privacy and overview are minimized and landscaping upon the Subject Lands will further enhance the compatibility. A transition in density also occurs and given that servicing and roads have ample capacity to accommodate the mixed use building the density also has an appropriate transition. These lands are on the periphery of a neighbourhood and along both a Regional and Town arterial or collector roads which is exactly where higher densities should be located and encouraged.
- 176) I have read the Urban Design Brief and Witness Statement of Mr O'Brien and concur with his conclusions and comments.

ISSUE 11: Do the applications contribute to enhancing the streetscape character along Main St East.

- 177) Yes. In my opinion the character along Main St East will be significantly enhanced as a result of this redevelopment. At present there is a boarded up empty heritage house with minimal upkeep and maintenance by the former owners. The proposed redevelopment will provide a new life for this important heritage landmark through a new adaptive re use. Extensive front yard landscaping will be added together with the opportunity to create a publicly accessible "square" or gathering place. New stores or other commercial services will be added along Main St East and the pedestrian connectivity to the entire Neighbourhood Commercial area will be enhanced. A very attractive new building will convert this underutilized property into the gateway to this Neighbourhood Commercial/Hospital District.
- 178) I have read the Urban Design Brief and Witness Statement of Mr O'Brien and concur with his conclusions and comments in this regard.

ISSUE 12: Do the applications represent appropriate intensification outside the designated Intensification Area?

- 179) I do not agree that the Subject Lands are “outside the designated Intensification Area” as the Official Plan designates the entire Built Up Area as an Intensification Area. Even infill and intensification is permitted within the stable residential neighbourhoods but to a lesser degree. I believe the issue should be referenced to the 2 specifically designated intensification areas being the downtown and the Casablanca interchange area. Regardless, the Plan states that the “majority” of the growth is to be accommodated in these two areas and not all of the growth. As stated several times in this Witness Statement the Subject Lands are an ideal candidate for intensification as they are on Main St East, on the periphery of a neighbourhood where transportation and servicing are adequate and within a convenient walk or bike ride to shopping, employment and recreational areas. Furthermore, the proposed intensification will result in compatibility with all surrounding uses and particularly the lower density lands to the north. It will also facilitate the conservation and adaptive re-use of an important built heritage resource – the Nelles House.

ISSUE 13: Is the planned function of the proposal appropriate for the Neighbourhood Commercial designation?

- 180) At the present time the Subject Lands do not contribute any commercial uses for neighbourhood residents to use. As proposed, 456 sq m (approx. 5000 sq feet) of new commercial floor space will be made available in this corridor. In addition, the redevelopment will add 148 residential units which at 1.75 persons per unit would add approximately 260 new residents to the area that are then able to also support existing commercial uses along Main St East. The Town’s Zoning By-law would permit an 8.5m high mixed use building. The planned function of this designation as is being implemented by the Town’s ZBL already allows a mixed commercial and residential building. As such, in my opinion, the proposal is appropriate for the Neighbourhood Commercial designation.

ISSUE 14: Does the proposal adequately and appropriately conserve cultural heritage resources?

- 181) Yes, the proposal adequately and appropriately conserves cultural heritage resources, for the reasons stated above. In this conclusion I rely in part on the HIA and Witness Statement of Leah Wallace. This proposal is an opportunity to protect and conserve the Nelles House in situ to become a viable use and help create a gateway and landmark redevelopment.

ISSUE 15: Has the applicant demonstrated the technical feasibility of the proposal?

- 182) I understand that this issue has been removed from the issues list, on the basis that technical matters can be dealt with at site plan stage. The technical issues related to the redevelopment of the Subject Lands include infrastructure capacity (sanitary, water supply and storm water management), road capacity, parking demand/supply, archaeology, soil/geotechnical conditions, heritage restoration details, sun shadow studies and Phase 1 environmental site assessment. These studies completed to date have all demonstrated that the redevelopment of these lands in the manner as is proposed is technically feasible.

ISSUE 16: Are the applications compatible with the adjacent uses and the surrounding community?

- 183) Yes, for the reasons stated above. The Town Official Plan definition of “compatible development” is *“development that is not the same as or similar to --- but is development that improves the character and image of an area, without causing any undue, adverse impacts on adjacent properties”*. The readily accepted planning definition of compatible development is to create development that may be different but able to co-exist in harmony with existing uses and not to have any undue, adverse impact. As further detailed above in this Witness Statement, the proposed 3/4/5 storey mixed use building together with the restoration of the Nelles House will result in compatible redevelopment. While it will be different it will co-exist in harmony with its neighbours and not create any undue, adverse impacts on any of the surrounding uses. From a Main Street perspective, it will strengthen the streetscape by reviving an underutilized parcel of land and creating an attractive corner and gateway.

Participant Statement

- 184) I have read the Participant Statement of Save Main Street dated April 8, 2022. Each of the five issues listed in the statement have been addressed either by myself in this witness statement or in the witness statements of Mr. O’Brien and Ms. Wallace. Nothing contained in the Participant Statement alters the opinions that I have offered in this witness statement.

OVERALL PLANNING OPINION

- 185) As I have stated in Issue 5, the applications to amend the Grimsby Official Plan and Zoning By-law to implement the redevelopment of the Subject Lands in the manner as is proposed represents “good planning” and in my opinion is in the public interest to approve these Applications.
- 186) What was not included on the Issues List was whether the matter before the Tribunal has had regard to the matters of Provincial Interest as are identified in Section 2 of the Ontario Planning Act. I have addressed the Planning Act Provincial Interest requirements earlier in my Planning Analysis section of this Witness Statement. In considering Section 2 the subject matter does not impact any natural heritage features, floodplains, mineral resources or agricultural lands. Built Heritage resources are being protected and restored and incorporated as an adaptive re use. The redevelopment will be orderly, minimize waste and have adequate infrastructure and transportation facilities. It will contribute to housing options and will be accessible to persons with disabilities. The redevelopment will create both employment and customers and it will contribute to the overall financial well being of the Province, the Region and the Town. This is an appropriate location for growth and development and will not create any public health or safety issues. It will also result in a more compact and sustainable development which supports transit and is oriented towards pedestrians and alternative transportation. In my opinion the matter before the Tribunal has had regard to all matters of Provincial interest.
- 187) For all the foregoing reasons, I would recommend that the Tribunal approve both the Official Plan Amendment and the Zoning By-law Amendment as are contained at **TAB 3** and **TAB 4** of this Witness Statement.

Respectfully submitted this 20th day of September, 2022



John S. Ariens, MCIP, RPP

TAB 1

John S. Ariens MCIP, RPP Associate Director, Planning Lead

As Planning Lead in the Hamilton office, Mr. Ariens is independently responsible for representing the interests of development clients, both public and private, through the planning and development process. He coordinates all aspects of the development process starting at the initial design through municipal approval to engineering design, registration and construction.

Mr. Ariens is responsible for negotiations and liaison with the various levels of Government and technical review agencies as well as coordinating the efforts of other professionals, such as lawyers, engineers, and surveyors. This area of practice has brought Mr. Ariens before many Municipal and Regional Committees and Councils, Conservation Authorities, Niagara Escarpment Commission and the Ontario Municipal Board as an expert witness.

As a senior member of the firm, Mr. Ariens is also responsible for independently conducting major planning studies for Municipal and other Government clients.

Representative Experience

Residential

- **Bartlett Orchards** – 28 street townhouse unit plan of subdivision in Grimsby.
- **Mount Mary Retreat Centre** – A re-development plan for a 102 acre religious retreat property in the Ancaster area.
- **Golf woods** – 34 single family lot residential subdivision in Grimsby.
- **Bartlett Orchards Phase III** – 48 unit condominium townhouse project in Grimsby.
- **Rosehaven Estates** – 32 unit common element condominium in Grimsby.
- **Felker Subdivision** – 21 acre mixed residential draft plan of subdivision, City of Hamilton.
- **Sargent Farms** – 21 acre residential plan of subdivision in Milton.
- **The Village** – A mixed residential subdivision containing a 70 unit, 6 storey apartment building and 74 unit condominium street townhouses, in the City of Burlington.
- **Apricot Glen** – A 43 lot single family residential plan of subdivision in St. David's, Niagara-on-the-Lake.
- **Mary Street Mews** – A 14 unit condominium townhouse in-fill project in Niagara-on-the-Lake.
- **Meritage** – A 10 unit residential subdivision in Niagara-on-the-Lake.

Education

Continuing Professional Development, 2001

Certificate in Alternative Dispute Resolution (Negotiation & Mediation), 2000

Certificate of Achievement, Canadian Institute of Planners

Certificate in Neotraditional Neighbourhood Design, University of Waterloo, 1992

B.E.S. (Environmental Studies), University of Waterloo, 1980

Community Planning Diploma, Mohawk College, 1974

Experience

2007–Present

IBI Group, Hamilton, ON, Associate Director
Planning Lead

1986–2007

Planning & Engineering Initiatives Ltd., Consulting Engineers, Planners and Landscape Architects, Kitchener and Hamilton, ON, Vice President and Senior Planner (Hamilton Branch)

1981–1986

City of Stoney Creek, Planning Department, Planning and Zoning Supervisor

1978–1981

Regional Municipality of Haldimand Norfolk, Department of Planning and Development, Planner (Development Division)/Project Planner (Policy Division)

1974–1978

Regional Municipality of Waterloo, Department of Planning and Development, Planning Technician/Senior Planning Technician

1974–1974

City of Cambridge, Planning Department, Planning Technician

Awards

Canadian Institute of Planners Presidents Award – June 2020

Memberships

Canadian Institute of Planners

Ontario Professional Planners Institute

PSB Exam Marker and PLAR Reviewer

Hamilton-Halton Home Builders' Association

Development Council

Municipal Liaison Committee

Brantford Home Builders' Association

Brant County Liaison Committee

Niagara Home Builders' Association



- **Sturgeon Lake Club** – A 33 lot estate residential subdivision in the City of Kawartha Lakes.
- **Crew Landing** – A 14 lot vacant land condominium in-filling project in the City of Burlington
- **Seabreeze Estates** – A 84 unit residential plan of subdivision in the City of Hamilton containing a mix of freehold townhouses and single-family dwellings.
- **Earlydawn Estates** – A 32 unit common element/freehold residential subdivision in Grimsby.
- **The Renaissance** – 96 suites, 7 storey residential apartment condominium together with 42 unit townhouse condominium.
- **Sherwood Village** – 72 unit freehold townhouse project.
- **Victorian Village** – 52 unit townhouse condominium project.
- **Trinity Neighbourhood** – A 54 acre draft plan of subdivision containing a mix of housing types, park, open space and a school site.
- **Fifty Point Park Estates** – A 49 lot residential plan of subdivision.
- **Winona Shore Estates** – A 43 lot residential plan of subdivision.
- **Highridge Estates South** – A 45 acre draft plan of subdivision containing a mix of housing types, park and open space.
- **Fairview Park Estates** – A 55 lot residential plan of subdivision.
- **Conestoga Estates** – 2 draft plans of subdivision totalling 54 lots.
- **Erbsville Road Developments** – A 47 acre draft plan of subdivision containing a mix of housing types, park and a stormwater management area.
- **Evergreen Hill Estates** – A 101 acre draft plan of subdivision containing a mix of housing types, park, open space, commercial, school and stormwater management area.
- **Paris Golf and Country Club** – A 450 unit retirement village and golf course.
- **Clairfields** – A 185 acre draft plan of subdivision containing a mix of housing types, park, commercial and stormwater infiltration galleries.
- **Chesham Village** – A 73 unit townhouse project consisting of both condominium and freehold units.
- **Treetops Village** – A 68 unit townhouse project consisting of both condominium and freehold units.
- **Canusa Park** – An 88 unit mobile home park.
- **Tansley Estates** – A 45 acre draft plan of subdivision containing a mix of housing types, a school, a park and a stormwater management area.
- **Columbia Residence** – Conversion of an 11-storey hotel to a 300 student dormitory residence.

Memberships Cont'd

Canadian Association of Heritage Professionals,
Associate membership

Habitat for Humanity Hamilton, former Board of
Directors and Board Chair

Hamilton and District Chamber of Commerce

Mohawk College Community Planning &
Development Advisory Committee, former Chair

Ontario Expropriation Association, Member

Canadian Association of Certified Planning
Technicians, Honorary Lifetime Member



- **Kentley Lane** – A 50 unit residential draft plan of subdivision.
- **Spencer's Walk** – A 42 unit bungalow townhouse project.
- **Tiffany Creek Estates** – A 32 unit innovative housing block.
- **Meadowlands of Ancaster** – Complete neighbourhood design, 600 residential units.
- **Sunnyside** – A 210 lot residential subdivision in St. George.
- **Casablanca** – A 180 lot subdivision in Grimsby.
- **Escarpment of Grimsby** – A 130 lot residential subdivision in Grimsby.
- **Trillium Estates** – A 60 lot residential subdivision in Stoney Creek.
- **Telferwood** – A 68 lot residential subdivision in the Town of Paris.
- **Evergreens of Grimsby** – A 140 lot residential subdivision in the Town of Grimsby.
- **Elissa Heights** – An 11 lot residential subdivision in the Town of Dundas.
- **Meadowlands of Ancaster** – Secondary Plan Redesign, Special Policy Area.
- **Southwood on the Park** – An 84 unit townhouse project of both freehold and condominium units.
- **Madison Green** – A 32 unit townhouse project of both freehold and condominium units.

Commercial

- **Trinity Developments** – A 500,000 sq.ft. new Power Centre, Clappison's Corners, Flamborough/Hamilton.
- **TSC Stores** – A re-zoning and site plan application for a new 20,000 sq.ft farm hardware store in Grimsby.
- **Heritage Plaza** – 357,000 sq.ft. community level shopping centre in Stoney Creek/Hamilton.
- **Denninger's** – Expansion of an existing commercial plaza, City of Hamilton.
- **Hertz Equipment Rental** – Re-zoning and site plan approval for a new equipment rental establishment in the City of Hamilton.
- **Fruitland Square** – A 32,000 sq.ft. two storey commercial plaza.
- **Barclay Square** – A 20,000 sq.ft. commercial plaza with residential development on the second floor.
- **Willow Heights** – Rezoning application to expand an existing winery in Lincoln.
- **Albion Plaza** – An 18,000 sq.ft. addition to an existing plaza.
- **Imperial Oil** – Redevelopment of several service station sites including car wash facilities.
- **Dewitt Centre** – A 12,000 sq.ft. two storey commercial centre integrated with an existing historical dwelling.
- **Turpins** – A 24 unit motel and gas bar addition to an existing banquet hall.
- **Frances Square** – A 15,000 sq.ft. addition to an existing plaza.
- **Costco** – A 120,000 sq.ft. retail warehouse.
- **Tim Horton's/Wendy's** – A combination restaurant/coffee shop with two drive throughs.
- **Royal Bank** – A 6,000 sq.ft. free standing bank with drive through service.
- **Coldwell Banker** – A conversion of a former fire hall to a commercial office.



Industrial

- **Hamilton Energy Inc.** – Zoning and site plan approval for a district heating and co-generation electric plant in downtown Hamilton for Hamilton Hydro.
- **Kingford** – Draft plan and zoning approval for a 13 acre industrial subdivision in Stoney Creek/Hamilton.
- **Forwell Limited** – A 12 lot industrial plan of subdivision.
- **Multi-Area Developments** – A 3 acre mini-warehouse complex.
- **Cadesco Marketing Inc.** – A 50 acre industrial plan of subdivision.
- **Highland Packers** – An 8,000 sq.ft. addition to an existing abattoir.
- **KSR Machine Shop** – Redevelopment of a small light industrial site.
- **Sandona Homes** – Redevelopment of a 6-acre industrial/office complex.

Aggregate

- **Preston Sand and Gravel Ltd.** – New licence application including OMB Hearing.
- **Preston Sand and Gravel Ltd.** – Ongoing noise monitoring.
- **Dunnville Rock Products** – Replacement plans and licence application.
- **Vinemount Quarries** – Replacement plans and licence application.
- **Forwell Ltd.** – Change of Rehabilitation plans.
- **Capital Paving** – Ongoing noise monitoring.

Environmental

- **Mount Mary Retreat Centre** – Environmental Impact Statement.
- **Bark Lake** – Lake Impact Study and Environmental Impact Study.
- **Heritage Green** – Tree saving study and storm channel replanting.
- **Cadesco Marketing Inc.**
 - Landscape Character Opportunities and Constraints
 - Environmental Impact Statement
 - Tree Preservation Guidelines
- **Sunset Estates** – Environmental Impact Statement.
- **Heritage Green** – Neighbourhood park design.
- **Shaver Neighbourhood** – Environmental Impact Statement.
- **Kemp Estates** – Environmental Waiver Report.
- **Kent Yu** – Tree Inventory Report.
- **Sunoco** – Tree Inventory Report.
- **Canusa Park** – Environmental Impact Statement.
- **Meadowlands of Ancaster** – Environmental Background Report.
- **Elissa Heights** – Environmental Impact Statement.



Municipal/Government Studies

- **Brantford Farmers Market** – Site plan revisions and other improvements to the Brantford Farmers Market.
- **City of Hamilton GRIDS Study** – Neighbourhood Plan template and design.
- **Greenwich/Mohawk Streets Brownfield Remediation Study – City of Brantford** – Full environmental and remediation plan for a 52 acre Brownfield Site in the City of Brantford.
- **Halton Board of Education** – Various planning studies and supporting OMB evidence dealing with a new development and school sites throughout Halton Region.
- **Ministry of Government Services** – Stoney Creek Lot Size Study.
- **Town of Lincoln** – Urban Boundary Study.
- **City of Hamilton** – Carpenter Neighbourhood Plan.
- **Kitchener Non-Profit Housing Corporation** – Victoria School Redevelopment.
- **Town of Ancaster** – Sawmill Road Storm Drainage Study.
- **City of Stoney Creek** – Dewitt Road Storm Drainage Study.
- **Ministry of Government Services, Simcoe and Stoney Creek** – Various Development Projects.
- **Town of Caledon** – South East Bolton Zoning Standards.
- **Town of Caledon** – Palgrave Retirement Community Zoning Standards.
- **City of Stoney Creek** – Trillium Neighbourhood Servicing Study.
- **City of Stoney Creek** – Taro Landfill Site - Alternative Use Study.
- **City of Hamilton** – Falkirk West Neighbourhood Plan.
- **Town of Paris/GRCA** – Gilbert Creek Subwatershed Plan.
- **Town of Dunnville** – Official Plan.
- **City of Nanticoke** – Official Plan.
- Numerous Ontario Municipal Board Hearings on behalf of different Municipalities

Institutional

- **Victoria School** – On behalf of Kitchener Housing, co-ordinated the conversion of a surplus school to non-profit housing.
- **Macedonian Church** – Site plan, servicing, grading and landscape drawings for a new place of worship.
- **Hamilton-Wentworth Separate School Board** – Re-grading plan.
- **Wesley Urban Ministries** – Planning for a community centre and drop-in centre within an existing facility and landscape revisions to the exterior.
- **Ministry of Government Services** – Preliminary designs and evaluations of the site within the Heritage Green Community for a potential place of worship.
- **Roman Catholic Episcopal Corporation of the Diocese of Hamilton** – Official Plan and zoning application for a new church and cemetery in Flamborough.
- **Hamilton-Wentworth Separate School Board** – Official Plan and zoning application for a new elementary school (K-8) in Flamborough.



- **Columbia International College** – Rezoning application to convert a surplus school into a private high school. Rezoning and site plan to convert a former nurse’s residence into a student residence.





Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality
OLT-21-001631	Town of Grimsby

1. My name is... John Ariens
I live at the ... Township of Wilmot
in the... Region of Waterloo
in the ... Province of Ontario
2. I have been engaged by or on behalf of... Burgess Heritage Group Inc. to provide evidence in relation to the above-noted Ontario Land Tribunal ("Tribunal") proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date... Sept 8, 2022

.....
Signature

TAB 2

PROCESSING THE APPLICATION

- November 2018 IBI retained as project planning consultant
- February 4, 2019 Town terminated Hospital Corridor Secondary Plan
- February 2019 project architect completes preliminary concept: 4 storey 137 unit residential building with Nelles house relocated closer to Main St
- March 7, 2019 formal pre consultation meeting at Town offices
- June 25,2019 OPA and ZBA applications submitted to the Town: 5 storey mixed use building with 148 unit, 305+196 sq m of commercial and 210 parking spaces
- July 22,2019 Incomplete Letter from Town—concerns with HIA, Shadow Study, TIS and request for streetscape renderings
- August 23,2019 Supplementary Submission
- September 6, 2019 Incomplete Letter from Town: TIS concerns remain
- September 11,2019 Letter from Town clarifying TIS concerns
- September 12, 2019 Letter from Wood Bull to Town regarding Incomplete status
- September 13, 2019 Application is Complete
- September 26, 2019 Town circulates applications to commenting agencies and public
- Comments forwarded by Town planners to IBI are from the Region, Town Public Works, NEC and Enbridge
- October 28,2019 Developer Initiated Open House
- December 10,2019 Town Open House
- January and February 2020- numerous emails/calls with Town planners regarding the timing of a Recommendation Report
- March 20,2020 owner lodges formal appeal
- September 21,2021 revised submission made to Town including revised Heritage Permit
- November 9, 2021 updated heritage documents submitted to the Town
- January 11,2022 Heritage Grimsby Advisory Committee meeting—recommend approval of Heritage Permit
- January 19,2022 Grimsby Council modifies conditions and approves Heritage Permit

TAB 3

PART I: THE CERTIFICATION

AMENDMENT No. __

TO THE OFFICIAL PLAN

OF THE TOWN OF GRIMSBY

Amendment No. __ to the Official Plan of the Town of Grimsby constituting the following text and accompany map, was prepared by IBI Group and was adopted by the Council of the Town of Grimsby by By-law No. 22-__ in accordance with Section 17 of The Planning Act, R.S.O. 1990, on the __ day of _____, 2022.

The Corporation of the Town of Grimsby

By-law No. 22-__

A By-law to amend the Official Plan of the Town of Grimsby (Official Plan Amendment No. __ - 133-137 Main Street East)

Whereas the Council of The Corporation of the Town of Grimsby in accordance with the provisions of Section 17 of The Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Official Plan Amendment No. 22-__, to permit a mid-rise, multi-unit, mixed-use residential and commercial building is hereby adopted.
2. Official Plan Amendment No. 22 __, to permit building heights no greater than 5 storeys on lands known as 133-137 Main Street East is hereby adopted.
3. Official Plan Amendment No. 22-__, to permit a density no greater than 235 units per net residential on lands known as 133-137 Main Street East hectare is hereby adopted.
4. Official Plan Amendment No. 22-__, to permit Neighbourhood Commercial designations on sites with a minimum lot area of 0.6 hectares is hereby adopted.
5. Official Plan Amendment No. 22-__, to permit a built form that meets the following design criteria:
 - a) Underground parking access/service facilities shall not dominate the view of the streetscape;
 - b) The implementing Zoning By-law shall include details regarding minimum interior side yards, minimum exterior side yards, minimum rear yards, and building heights;
 - c) The implementing Zoning By-law shall include details regarding the location of parking; and
 - d) Where a building facade abuts a public road, public open space, and/or a residential lot, landscaping/building treatments shall be required to ensure that building facades and servicing areas area attractive and/or adequately screened from view.

PART II: THE PREAMBLE

“An introduction to the Amendment and a summary
of its background and basis.”

The Preamble does not constitute part of the Amendment.

PART II: THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ___
To the Official Plan
Of the Town of Grimsby

2. PURPOSE OF THIS AMENDMENT

The purpose and effect of this Official Plan Amendment is to modify the existing Neighbourhood Commercial designation in the Official Plan to permit a mixed-use residential and commercial building, a maximum building height of 5 storeys, a maximum density of 235 units per net residential hectare, a minimum lot area of 0.6 hectares, and identify applicable urban design criteria.

3. LOCATION OF THIS AMENDMENT

Amendment No. __ applies to the lands on the north side of Main Street East and east of Nelles Road North, municipally referred to as 133-137 Main Street East, as illustrated on Schedule “A” of this amendment.

4. BASIS OF THIS AMENDMENT

The subject lands are currently designated Neighbourhood Commercial by the Grimsby Official Plan. The proposed mixed-use three to five storey building is not permitted on the subject lands by this designation. The proposed amendment to the designation would allow the proposed mixed-use three to five storey building. The basis of this amendment is formed in the Planning Justification Report and Addendum thereto prepared by IBI Group.

For greater details see Appendix III.

PART III: THE AMENDMENT

“The operative part of this document which amends
The original Official Plan.”

PART III: THE AMENDMENT

1. THE AMENDMENT

1. The following site-specific amendment is proposed to be added to the List of Amendments as Amendment No. ___:

“This Amendment affects the lands located at 133 to 137 Main Street East. Notwithstanding Policy 3.6.1.1 and 3.6.1.3, the following permitted uses and site specific development policies apply to the lands:

- In addition to the uses permitted, dwelling units in conjunction with commercial uses are permitted at or above the first storey;
- The lot area for the Neighbourhood Commercial designation shall be a minimum of 0.6 hectares;
- A maximum building height of 5 storeys may be permitted;
- New residential development shall not be greater than 235 units per net residential hectare; and,
- New development shall conform with the following urban design criteria:
 - a) Underground parking access/service facilities shall not dominate the view of the streetscape;
 - b) The implementing Zoning By-law shall include details regarding minimum interior side yards, minimum exterior side yards, minimum rear yards, and building heights;
 - c) The implementing Zoning By-law shall include details regarding the location of parking; and
 - d) Where a building facade abuts a public road, public open space, and/or a residential lot, landscaping/building treatments shall be required to ensure that building facades and servicing areas area attractive and/or adequately screened from view.

The site specific Amendment was enacted by the Ontario Land Tribunal ___ days of ___, 2022.

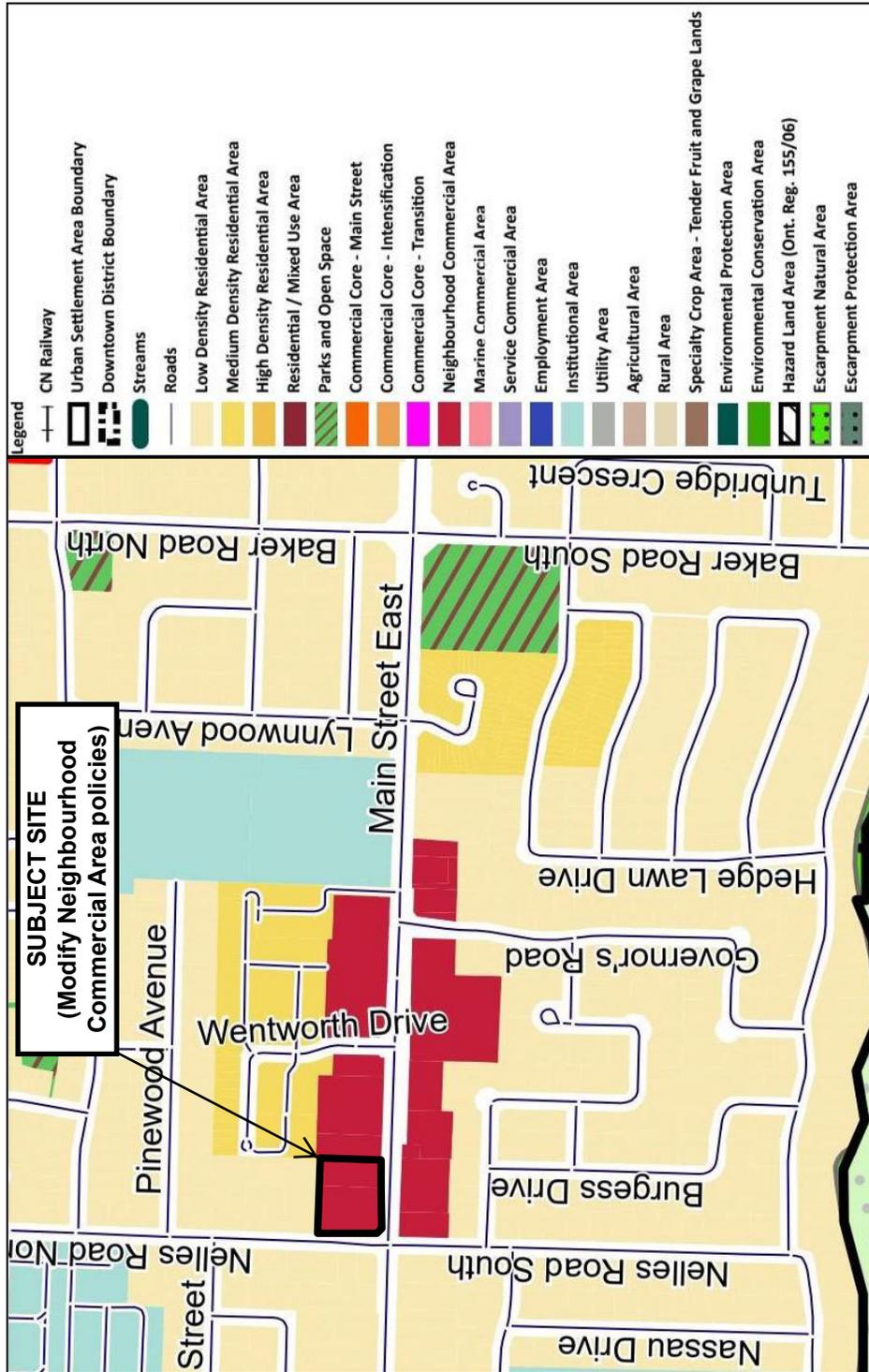
2. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the policies of the Town of Grimsby Official Plan.

3. SCHEDULE OF THIS AMENDMENT

Schedule “A” of this amendment illustrates the location of this amendment.

Schedule "A" to Official Plan Amendment No. _____



TAB 4

The Corporation of the Town of Grimsby
By-law No. ----
A By-law to Amend By-law 14-45, as Amended
(133-137 Main Street East)

Whereas the Council of the Corporation of the Town of Grimsby deems it expedient to amend By-law No. 14-45, as amended;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Schedule 13A of By-law No. 14-45, as amended, is hereby further amended by changing the zoning of the lands shown on Schedule "A" to this By-law as Subject Lands from a Neighbourhood Commercial "NC" Zone to a Neighbourhood Commercial (NC-__) – Modified Zone.
2. Schedule 13B of By-law No. 14-45, as amended, is hereby further amended by adding exception number ---- to the lands shown on Schedule "A" to this By-law as Subject Lands.
3. Table 18: Permitted Use, Lot, Building, and Structure Exceptions of Section 9.0 Commercial Zones of By-law No. 14-45, as amended, is hereby further amended by adding the row identified on Table "A" to this by-law.

Dated at the Town of Grimsby this __ day of _____, 2021.

Mayor

Clerk

Table "A" to By-law ----

Permitted Use, Lot, Building and Structure Exceptions

Site Specific	By-law #	Address	Zone	Additional Permitted Uses	Sole Permitted Uses	Regulations
XX	----	Part of Lot 6, Concession 1 in the Town of Grimsby, Regional Municipality of Niagara	NC	Apartment Building in conjunction with commercial uses		<ul style="list-style-type: none"> • <i>Maximum Lot Coverage: 50%</i> • <i>Maximum Gross Floor Area: 180% of Lot Area</i> • <i>Minimum Interior Side Yard abutting a Residential zone: 6.0 metres for floors 1 to 4</i> • <i>Minimum Interior Side Yard abutting a Residential zone: 15.0 metres for floor 5</i> • <i>Minimum Exterior Side Yard (Main Street East): 1.7 metres</i> • <i>Minimum Rear Yard: 5.7 metres</i> • <i>Maximum Building Height for an apartment dwelling or part thereof with building height of 5 storeys: 17.0 metres</i> • <i>Maximum Building Height for an apartment dwelling or part thereof with building height of 4 storeys: 13.5 metres</i> • <i>Minimum Landscaping Strip Width Abutting a Street Line: 0.8 metres</i> • <i>Minimum Landscaping Strip Width Abutting a Residential Zone: 0.8 metres</i> • <i>No parking lot shall be permitted within 3m of a property line abutting a Residential Zone</i> • <i>Projection of Balconies, Canopies, or Enclosed</i>

						<p><i>Portions into any required Interior Side Yard: 1.0 metres</i></p> <ul style="list-style-type: none"> • <i>Projection of Balconies, Canopies, or Enclosed Portions into any required Rear Yard: 2.0 metres</i> • <i>Minimum Setback from the Centre Line of a Regional Road: 12.0 metres</i> • <i>Minimum Number of Parking Spaces: 189 spaces</i> • <i>Minimum Width of Entrance/Exit to Lot measured along the Street Line: 7.0 metres</i> • <i>Minimum Loading Space Size: 3 metres in width x 9 metres in length x 4.5m in height.</i> • <i>Minimum Number of Accessible Parking Spaces: 7 spaces</i> • <i>Minimum Accessible Parking Space Dimension:</i> <ul style="list-style-type: none"> ○ <i>Type A 2.4 metres width x 5.75 metres length, plus 1.5 metre painted access aisle,</i> ○ <i>Type B 3.4 metres width x 5.75 metres length, plus 1.5 metre painted access aisle.</i>
--	--	--	--	--	--	--

NOT FOR CONSTRUCTION

LEGEND

- - - - - INDICATES BALCONY FLOOR LEVEL
- - - - - INDICATES RESIDENTIAL / COMMERCIAL VISITOR PARKING
- - - - - TANDDEM PARKING SPACES FOR COMMERCIAL USE ONLY

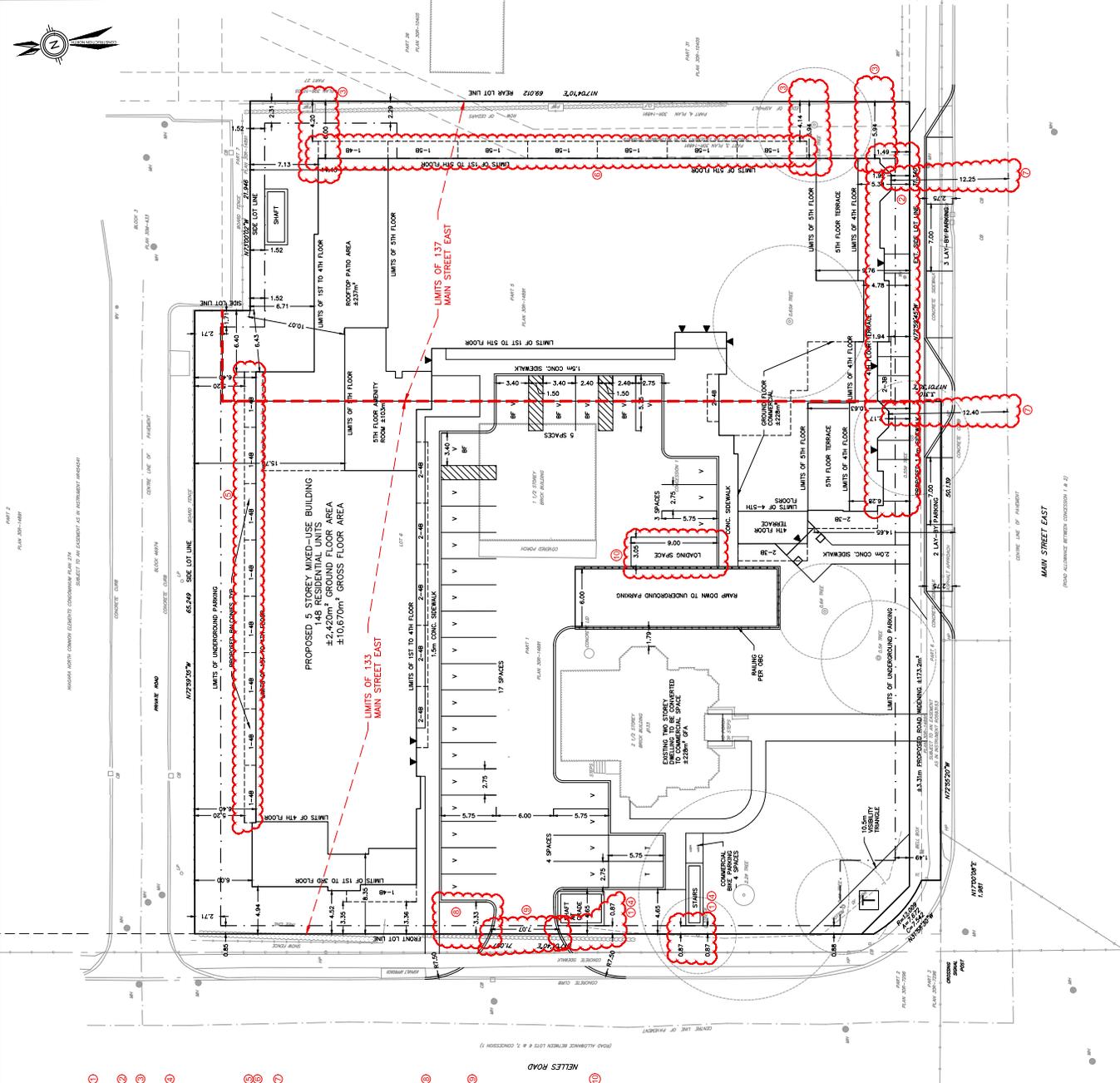
APPROVALS

IBI GROUP
200 East Wingo/360 James Street North
Edmonton, Alberta T6A 4K1
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TOWN OF GRIMSBY
133-137 MAIN STREET EAST
BURGESS HERITAGE GROUP INC.

PRELIMINARY SITE PLAN FOR ZONING AMENDMENT

PROJECT NUMBER: 119714



NO	DESCRIPTION	ZONING REVIEW REQUIRED	PROPOSED	VARIANCE REQUESTED
1	2.2 LOT, BUILDING AND YARD AREA	7000m ²	48,300.00m ²	NO
2	MIN. LOT COVERAGE	10% (4.04m ² = 10%)	22,700m ² = 47%	YES
3	MIN. GROSS FLOOR AREA	60% OF LOT AREA = 4,200.00m ²	42,420m ² = 100%	YES
4	MIN. LANGSHPARKING STRIP	4.5 m ABUTTING A STREET LINE	0.30 m	YES
5	LOT FRONTAGE	21.0 m	71.05 m	NO
6	MIN. LOT WIDTH	MIN. 3.0 m	15.0 m	NO
7	MIN. LOT AREA	MIN. 10.0 m ²	10.0 m ²	NO
8	MIN. EXTERIOR SIDE YARD (MAIN)	MIN. 0.6m ADJUTING RESIDENTIAL	6.0 m	NO
9	MIN. REAR YARD	MIN. 0.75 m	5.9 m	NO
10	MIN. FRONT YARD	MIN. 0.75 m	10.9 m	YES
11	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
12	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
13	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
14	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
15	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
16	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
17	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
18	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
19	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
20	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
21	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
22	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
23	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
24	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
25	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
26	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
27	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
28	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
29	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
30	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
31	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
32	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
33	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
34	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
35	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
36	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
37	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
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39	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
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41	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
42	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
43	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
44	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
45	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
46	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
47	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
48	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
49	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
50	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
51	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
52	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
53	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
54	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
55	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
56	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
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58	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
59	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
60	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
61	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
62	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
63	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
64	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
65	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
66	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
67	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
68	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
69	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
70	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
71	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
72	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
73	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
74	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
75	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
76	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
77	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
78	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
79	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
80	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
81	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
82	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
83	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
84	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
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86	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
87	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
88	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
89	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
90	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
91	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
92	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
93	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
94	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
95	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
96	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
97	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
98	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
99	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES
100	MIN. SIDE YARD	MIN. 0.75 m	0.8 m	YES

TAB 5

Statement of Facts – Planning

Meeting Date: August 18, 2022
133-137 Main Street East
Town of Grimsby
Case Nos. – OLT21-001631

Planning Considerations

1. The Preliminary Site Plan dated August 3, 2022 is illustrative of the proposed development.
2. The proposed development is subject to Site Plan Approval. A Site Plan Approval application has not been submitted at this time.
3. The subject lands are located within a settlement area under the Provincial Policy Statement and delineated built-up area in the Growth Plan for the Greater Golden Horseshoe 2019 as amended (the "Growth Plan"). The Region of Niagara Official Plan designates the subject lands as Built-up Area. The subject lands are within the built boundary and Urban Settlement Area in the Grimsby Official Plan. They are designated *Neighbourhood Commercial*.
4. The following sections of the Provincial Policy Statement are not in dispute, from a planning perspective: 1.1.3.5, 1.6.6.2, 1.6.6.7, 1.6.7, 2.6.1 and 2.6.2. (Issue 1)
5. The following section of the Growth Plan are not in dispute, from a planning perspective: 4.1 and 4.2.7. (Issue 2)
6. The following section of the Region of Niagara Official Plan are not in dispute, from a planning perspective: 4.G.3, 4.G.9, 4.G.10, 4.G.11, 4.G.12, 7A, 9C, 9D, 9E and 10C. (Issue 3)
7. The following sections of the Town of Grimsby Official Plan are not in dispute, from a planning perspective: 5.3, 5.5, 5.6, 8.1, 8.9, 8.18, 9.4 and 9.10. (Issue 4)

The undersigned are in agreement with the Statement of Facts:



Allan Ramsay, MASc, MCIP, RPP
Allan Ramsay Planning Associates
Date: August 26, 2022



John Ariens, MCIP, RPP
IFI Group
Date: 08/26/22