



Subject: Public Meeting Report for Official Plan and Zoning By-law Amendment at 355 Wellington Street, Files D09-05-21 and D14-17-21

To: Council - Public Meeting

From: Planning and Development Department

Report Number: 2022-11

Meeting Date: January 18, 2022

Recommendation:

That Planning and Development Department Report 2022-11 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding proposed Official Plan and Zoning By-law Amendments initiated by Glenn Wellings of Wellings Planning Consultants Inc. on behalf of the owner 2466602 Ontario Ltd. for the lands known as Part of Lot 20, Lots 21 and 22 on Plan 835 and Lot 1 on Plan 836, on the southeast corner of Wellington Street and Main Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street and/or 125 Main Street East.

Background:

The application for Official Plan Amendment proposes to add a site-specific policy to the Highway Commercial designation to the property to permit a cannabis retail store as well as add a definition to the Official Plan for "Cannabis Retail Store". The amendment is required as the current Highway Commercial policies of the Official Plan do not support retail stores as a permitted use.

The application for Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to HC-67, a special provision of the Highway Commercial (HC) zone that will add a Cannabis Retail Store as a permitted use in addition to the uses already permitted in the HC zone. Additionally, the amendment proposes to add a

definition to Section 38 of Zoning By-law 6575/30/18 for a “Cannabis Retail Store” as follows:

Cannabis Retail Store: means a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on December 17, 2021. As of the date of preparing this report, the following comment has been received:

Port Colborne Fire & Emergency Services

“No objection to the proposed zoning change”

Public Engagement:

Notice of Public Meeting was circulated via regular mail to property owners within 120m from the subject property on December 17, 2021. Two public notice signs were also posted on the property by December 21, 2021. Finally, notices were posted on the City’s website under “Current Applications”. As of the date of preparing this report, no written correspondence from any members of the public has been received.

Discussion:

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan designates the subject property as **Highway Commercial**. Land uses in the Highway Commercial designation shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker.

The proposed Official Plan Amendment proposes to maintain the Highway Commercial designation; however, a site-specific amendment has been requested to alter the specific policies under section 3.8.1 to permit a cannabis retail store as well as add a definition to the Official Plan for “Cannabis Retail Store”. The draft Official Plan Amendment has been attached as Appendix A.

City of Port Colborne Zoning By-law 6575/30/18

The subject parcel is zoned **Highway Commercial (HC)**. The HC zone permits an animal care establishment; brew pub; car wash; convenience store; day care; drive-thru facility; accessory dwelling; food vehicle; hotel; motor vehicle repair garage; motor vehicle sales/rental service centre; motor vehicle gas station; office; personal service business; place of assembly/banquet hall; place of worship; public use; recreation facility; restaurant, fast food, full service, take-out; retail building construction and supply; service commercial; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to HC-67, being a special provision of the HC zone. The HC-67 zone is proposed to maintain the current permitted uses under the HC zone, while also including a “Cannabis Retail Store”. Additionally, the amendment has proposed to include a definition of a “Cannabis Retail Store” as follows:

Cannabis Retail Store: means a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

The draft Zoning By-law Amendment has been attached as Appendix B.

Adjacent Zoning and Land Use

Northwest High-density residential Zoned: R4	North Gas station Zoned: HC	Northeast Main Street East/Low-density residential Zoned: MU
West Low-density residential Zoned: MU	Subject Property	East Low-density residential Zoned: MU
Southwest Low-density residential Zoned: R2	South Low-density residential Zoned: R2	Southeast Low-density residential Zoned: MU

The existing building and floor plans have been attached as Appendix C.

Financial Implications:

There are no financial implications.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendments at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to a future regular meeting of Council.

Appendices:

- a. Draft Official Plan Amendment
- b. Draft Zoning By-law Amendment
- c. Existing Building and Floor Plans
- d. Planning Justification Report prepared by Wellings Planning Consultants Inc.

Respectfully submitted,

David Schulz, BURPI
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.