



Planning Justification Report

Applications to Amend the City of Port Colborne
Official Plan and Zoning By-law 6575/30/18

2466602 Ontario Ltd.
335 Wellington Street
City of Port Colborne

December 2021



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1.0

Introduction

1.0 Introduction

2466602 Ontario Ltd. ("2466602") is the owner of the lands known as 335 Wellington Street, located in the City of Port Colborne ("City").

Wellings Planning Consultants Inc. was retained by 2466602 to provide planning advice and to prepare and file applications to amend the City of Port Colborne Official Plan ("PCOP") and Comprehensive Zoning By-law 6575/30/18 ("ZBL") to permit a cannabis retail store. This Planning Justification Report has been prepared in support of the applications.

An aerial photograph of a residential neighborhood, showing houses, streets, and trees. The entire image is overlaid with a semi-transparent green filter. The text is centered over the image.

2.0

Property Description and Surrounding Land Uses

2.0 Property Description and Surrounding Land Uses

The subject lands comprise an approximate 0.1 hectare (0.26 acre) parcel located at the southeast corner of Wellington Street and Main Street East (Highway 3) in the City of Port Colborne. The location of the subject lands is shown on **Schedule 1** to this report.

The site is currently occupied by an existing, newly renovated, building containing a restaurant, four currently vacant ground floor commercial units and three residential units on the second floor. The property is mostly paved, with surface parking along the front and side of the building, and with minimal landscaping. Access to the property is achieved from both Wellington Street and Main Street East. The subject lands are generally flat.

Wellington Street is a local collector road which runs north-south between Killaly Street East and Berkley Avenue. Main Street East runs east-west and is a Provincial Highway (Highway 3) for most of its length, but becomes to a Regional Road after intersecting with Highway 140 just east of the subject lands. The subject property is accessible by public transit, with two bus stops immediate to the property. Downtown Port Colborne is approximately a five-minute drive from the property.

The surrounding area is largely residential, with single-detached dwellings being the dominant built form flanking the subject lands along Wellington Street and Main Street East. Across from the property to the north of Main Street East is a gas station and convenience store. A small-scale recycling centre is located to the west of Wellington Street. A five-storey apartment building is located at the northwest corner of Wellington Street and Main Street East.



3.0

Development Proposal

3.0 Development Proposal

2466602 is proposing to amend the PCOP and ZBL to permit a cannabis retail store. Specifically, 2466602 seeks to introduce a cannabis retail store at 335 Wellington Street within one of the vacant ground floor commercial units in the existing building. The proposed use includes a retail space on the ground floor of approximately 40 square metres (400 square feet), with a separate secured storage area in the basement. Site, elevation and floor plans for the proposed use are appended as **Schedule 2** of this report.



4.0

Cannabis Policy and Legislation

4.0 Cannabis Policy and Legislation

In 2018, the federal *Cannabis Act* was passed allowing the production, distribution and sale of recreational cannabis by federal license holders in Canada, so long as they are doing so in a municipality that “opted-in” to the retail sale of cannabis. The Act provides regulations intended to protect public health and safety to allow for the lawful sale of recreational cannabis. Recreational and medical cannabis are controlled and licensed separately, with medical cannabis requiring specific healthcare authorization. The proposed use is for recreational cannabis sales.

The *Cannabis Licence Act, 2018* was passed by the Province under the *Cannabis Act*, and provides further regulations regarding the retail sale of recreational cannabis and standards for cannabis retail stores, such as requirements for surveillance, equipment, storage of goods and records. The Alcohol and Gaming Commission of Ontario has also released a document under the *Cannabis Licence Act*, titled *Registrar’s Standards for Cannabis Retail Stores*, which further details physical requirements for cannabis retail stores such as requirements for entrances and exits, pickup areas, sales floor areas, and storage areas.

2466602 is in the process of becoming licensed and will comply with all requirements and standards for the lawful sale of recreational cannabis within the proposed retail space.

4.1 Cannabis Retail Sales “Opt-In”

In January 2019, Council approved Report 2019-01 to “opt-in” to permitting cannabis retail stores in the City. Beginning December 13, 2018, the City began collecting public input through online and telephone surveys regarding the retail sale of cannabis and whether the City should allow private retail storefronts for the sale of cannabis. On January 2, 2019, an Open House was held to further discuss the matter. The results of the public consultations were as follows:

| | |
|--------------------------|--|
| Online Survey: | 1,411 surveys completed 71% in favour of opting in 22% in favour of opting out 7% in favour of opting out for now |
| Telephone Survey: | 400 interviews completed 56% in favour of opting in 25% in favour of opting out 19% in favour of opting out for now |

Open House: **45 members of the public attended**
 38% in favour of opting in - 9 responses
 54% in favour of opting out – 13 responses
 8% in favour of opting out for now – 2 responses

It was noted that:

Upon review of the survey results, opting in to allow cannabis retail stores scored the greater percentage than opting out or opting out for now (and opting in at a later date).

The public consultations also collected input regarding concerns from the public with respect to retail cannabis sales. The most significant concerns included safety and security and proximity to sensitive land uses like schools and daycares.

On January 14, 2019, at its Regular Meeting of Committee of the Whole, Council adopted the following recommendation from the Planning and Development Department that:

The Council of the Corporation of the City of Port Colborne “opt-in” to permitting physical cannabis retail stores effective April 2019; and,

That the Cannabis Retail Sale Policy Statement be adopted.

4.2 Cannabis Retail Sale Policy Statement

As part of the Council’s approval of cannabis retail stores in the City, the Cannabis Retail Sale Policy Statement (“Cannabis Statement”) was adopted. The Cannabis Statement provides guidance to:

“help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the City of Port Colborne.”

The Cannabis Statement specifies that:

“In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including public and most private schools. A distance buffer of 150m is required from a cannabis retail store to these uses and will include libraries, parks, and community, mental health or addiction centres.”

The 150 metre setback from schools is also a legislative requirement as per the *Education Act R.S.O. 1990*.

There are no sensitive land uses within 150 metres of the subject property. A map of the subject property showing a 150 metre radius of the surrounding area is shown on **Schedule 3** of this report. There is a YMCA and wellness centre located to the southeast of the property at 550 Elizabeth Street, which is approximately 400 metres away from the subject lands. A park with playing fields is also found adjacent to the southeast of the subject property, however the subject property is not accessible from the playing fields. It is important to note that residential uses are not considered sensitive uses under the Cannabis Statement.



5.0

Pre-consultation

5.0 Pre-consultation

A pre-consultation meeting was held with City staff on May 13, 2021, which Wellings Planning Consultants Inc. did not attend. At the meeting, staff advised that a market evaluation would be required to justify the suitability of this use outside of the downtown core, and that a planning justification report would be required to justify the Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”). It was also indicated that the permitted retail use should be limited to a specific use, in this case being a cannabis retail store.

It was noted that the subject property is located outside of the Region’s Core Natural Heritage System, meets the recommended road width requirements as per the Regional Plan, and is serviced by municipal water, sanitary, and storm sewers. There is also existing municipal waste collection available.

An aerial photograph of a suburban neighborhood, showing a grid of streets, houses, and trees. The entire image is overlaid with a semi-transparent green filter. The text '6.0 Planning Framework' is centered in white.

6.0

Planning Framework

6.0 Planning Framework

This section provides a review of the applicable planning policies and provisions.

6.1 Provincial Policy Statement (2020)

The current Provincial Policy Statement (“PPS”) came into effect on May 1, 2020. It is a key provincial planning document that lays the foundation for many of the Province’s policies. As required under Section 3 of the *Planning Act*, all land use decisions must “be consistent with” the PPS. The PPS sets a framework for development and the use of land that makes efficient use of land and infrastructure, while avoiding sensitive or significant resources.

Part IV: Vision

Part IV of the PPS sets out the Province’s vision for the wise management of land to meet a full range of current and future needs of residents. Ensuring efficient development patterns that make the best use of land and existing infrastructure while ensuring the health and safety of residents are foundational principles of the PPS. The vision of the PPS establishes that:

“Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.”

By locating within an existing commercial building, the proposed use makes efficient use of land and existing infrastructure. The subject lands are outside of any sensitive areas. The City’s Cannabis Statement has also been considered to ensure that risk to public health and safety is mitigated.

Part V: Policies

Managing and Directing Land Use

Policies under Section 1.1 set out provincial policies for managing and directing land use. Applicable policies include:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) **promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;**
- b) **accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including**

places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- e) **promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;**

The proposed use promotes efficient development and land use patterns by utilizing an existing building and available infrastructure. The use would introduce a new commercial use to a mixed-use area and is transit supportive. The property is serviced by Welland Transit, by Port Colborne Community Bus Route 701.

Settlement Areas

Section 1.1.3 of the PPS pertains to Settlement Areas, which are considered “built up areas where development is concentrated, and which have a mix of land uses.” The subject property is within a Settlement Area as defined by the PPS.

Policies that promote wise and efficient use of land within Settlement Areas include:

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) **efficiently use land and resources;**
- f) **are transit-supportive, where transit is planned, exists or may be developed.**

The proposed use will efficiently use land and existing infrastructure and is located on an existing transit route with bus stops immediately accessible to the site. Ensuring efficient use of land will also include:

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Intensification in the PPS is defined as:

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

- c) **the expansion or conversion of existing buildings.”**

The proposed use meets the PPS definition for intensification by converting an existing vacant unit for a retail use. The subject property is located away from sensitive areas to address potential public health and safety concerns.

It is my opinion that the proposal is consistent with the PPS.

6.2 Growth Plan: A Place to Grow (2020)

An updated Growth Plan came into effect on August 28, 2020. The Plan builds on the policies in the PPS and provides policies that promote the efficient growth of the area, including commercial uses, employment, transportation, infrastructure planning and housing.

Guiding Principles

Section 1.2.1 of the Growth Plan addresses guiding principles. The policies of this section regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- **Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.**
- **Provide for different approaches to manage growth that recognize the diversity of communities in the Greater Golden Horseshoe.**

The legal sale of recreational cannabis is an emerging retail sector, thus providing a new economic/employment opportunity. The proposed use contributes to growth management by utilizing existing infrastructure and contributes to satisfying the diverse needs of the community.

Where and How to Grow

Section 2.1 (Context) of the Growth Plan provides context for the wise management of land and growth. Specifically, this section states that:

“It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing need and market demand. This Plan's emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and public service facilities, and less on continuously expanding the urban area.”

The proposed use will utilize an existing, underutilized building without consuming more urban land.

Section 2.2.1.4. pertaining to complete communities is also relevant and reads as follows:

4. Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes.

The proposed use will introduce a small-scale retail store in a mixed-use neighbourhood surrounded by residential uses, offering convenient access to those who utilize cannabis for recreational purposes.

Some policies under Section 2.2.5 (Employment) are also relevant to this proposal and read as follows:

3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

15. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

The subject property is located in proximity to existing residential uses. The use supports active transportation, and is located on a bus route with stops immediately adjacent to the property. The proposed use also supports the intensification of the subject property by locating within an existing building with four empty available commercial units that are suitable for retail use.

It is my opinion that the proposal conforms to the Growth Plan.

6.3 Niagara Region Official Plan

The subject property is also governed by the policies of the Niagara Region Official Plan ("ROP"). The property is within the "Urban Area Boundary" and situated within the "Built-Up Area" as per Schedule A of the ROP. Growth Management Objectives for the Niagara Region and Urban Areas are listed under Section 4.A.1. Relevant objectives include:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas.

Objective 4.A.1.2 Direct a significant portion of Niagara's future growth to the Built-up Area through intensification.

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.

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 subject property is located within the existing Urban Area and within the “Built-Up Area”. The use will contribute to intensification of the subject property, and will be compact, transit supportive, and provide local employment opportunities with easy access to the surrounding neighbourhood and the travelling public.

The proposed use also satisfies some of the policies listed under Section 4.G Urban Growth, for achieving the sustainable urban vision for the Region, including:

- **Encouraging mixed and integrated land uses;**
- **Making efficient use of land, resources and infrastructure;**
- **Promoting compact, transit supportive development friendly to active transportation;**
- **Supporting intensification.**

The proposed use encourages a mix and integration of land uses in the subject area, which is predominantly residential, and represents efficient use of land and infrastructure by utilizing an existing building having full municipal services. The subject property is transit supportive and contributes to intensification as defined by the PPS.

Policies pertaining to “Commercial Areas” are covered under Section 3.D of the ROP. Relevant policies under this section include the following:

3.D.2 Municipalities are encouraged to develop policies which carefully balance the supply of commercial space with the demand for commercial goods and services, placing a particular emphasis on commercial retail goods and services.

3.D.8 The Region recognizes neighbourhood commercial activities as an integral part of Niagara’s residential areas.

3.D.10 New commercial development or redevelopment should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood’s existing or proposed fabric. Assessment in relation to community character could include:

- a) **The scale of the activity;**
- b) **The orientation of the development to adjacent land uses; and,**
- c) **The capacity of the development to operate compatibly with housing.**

3.D.11 Commercial development and redevelopment projects should be designed to be transit and active transportation friendly.

The proposal will introduce one (1) additional commercial use (i.e., cannabis retail store) to an existing commercial property located within the “Built-Up Area”. The proposed use contributes to balancing the supply for the increased demand for cannabis products in recent years. The proposed use is small-scale retail, and the location will serve the surrounding neighbourhood and travelling public without altering the character of the area. There are no major changes proposed to the existing, newly renovated building. The subject property is also transit friendly, with two bus stops immediately accessible to the subject property.

The proposal to allow a cannabis retail store on the subject property conforms to the ROP. Conformity to the ROP was also confirmed at the May 13, 2021 pre-consultation meeting.

6.4 City of Port Colborne Official Plan

The Port Colborne Official Plan (“PCOP”) was approved by the then Ontario Municipal Board on November 25, 2013. The plan sets out long-term goals and objectives for the community and guides how growth and change is managed.

The subject property is located within the Urban Area Boundary and is designated “Highway Commercial” as per Schedule A: City-Wide Land Use in the PCOP. The “Highway Commercial” designation is covered under Section 3.8 of the PCOP.

Criteria Under Section 3.8

Policies for the “Highway Commercial” designation can be found under Section 3.8, which states that:

The predominant uses for lands designated Highway Commercial 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.

As well, the General Policies under Section 3.8.1 further establish that:

b) Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices shall not be permitted.

The policies direct that most retail uses shall be directed to the downtown. Thus, an amendment for a site-specific retail use (i.e., cannabis retail store) outside of the Downtown Commercial area is required.

Other relevant policies include the following:

- d) Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures.**
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.**
- f) At the time the existing residential or commercial development fronting Main Street between the Welland Canal and Elizabeth Street are redeveloped, they should be redeveloped to a higher order of mixed use comprising ground floor commercial integrated with upper storey residential uses, and generally comply with the design guidelines in the Downtown designation.**
- h) New and expanding Highway Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted.**

The existing, recently renovated building conforms to these policies. Adequate off-street parking with two separate driveway entrances to the site are existing. The property fronts Main Street East and is located between the Welland Canal to the west and Elizabeth Street (Highway 140) to the east. No additional commercial space is proposed and the proposed use will occupy existing, vacant ground floor commercial space, with residential uses above.

It is my opinion that consideration of an OPA for a site-specific cannabis retail store is reasonable and appropriate. The proposed use is compatible with surrounding land uses. Furthermore, it is a destination type use that is not reliant on pedestrian traffic normally associated with a downtown shopping district. Further, the proposed use is similar in nature and scale to uses already permitted in the Highway Commercial Zone, such as convenience store, as detailed below in Section 6.5. It is my opinion that this specific use is appropriate in a “Highway Commercial” designation.

6.4.1 Market Evaluation

As mentioned above, a market evaluation for the proposed cannabis retail store was requested at the pre-consultation meeting to justify its location outside of the downtown. Revitalization of the downtown core is a stated objective of the Official Plan, and is addressed in the Economic Development Policies found in Section 2.4.6.1 of the PCOP. In keeping with this goal, the majority of retail commercial uses are directed to locate in the downtown as per the following policy:

2.4.6.1 General Commercial

- a) Commercial development will be directed to the following distinct commercial areas:**
 - i) Downtown/West Street;**

ii) Main Street;

iii) Two (2) existing shopping centres; and

iv) Portal Village Plaza

Although not located downtown, the subject lands front onto Main Street East, thus the subject property is considered a distinct commercial area as per this policy.

In our evaluation of the Zoning By-law, we identified that only two (2) zones currently permit stand-alone (non-accessory) retail stores. These are the Commercial Plaza (“CP”) Zone and the Downtown Commercial (“DC”) Zone. There are three existing cannabis retail stores in the City. Two of these are located within the DC Zone within the downtown area: “True North Cannabis”, located at 349 King Street, and “Weedy Point”, located at 230 Main Street West. A third cannabis retail store, “Sessions Cannabis”, is located at 287 West Side Road in a CP Zone. The locations of the existing cannabis retail stores are shown on **Schedule 4** to this report. All of these stores are located on the west side of the canal, and therefore serve a different part of the community than the subject property.

Therefore, the proposed location introduces a cannabis retail store to a part of the City where there is currently not one existing. The proposed site-specific permission in a Highway Commercial Zone will provide a reasonable separation between cannabis retail stores.

The City’s Economic Development Strategic Plan (March 2018) also speaks to the importance of downtown and includes the following guiding principle:

Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community.

Protecting the downtown and encouraging its function as a primary retail district for the Town is a laudable goal. However, a concentration of retail cannabis locations within the downtown core is not, in my opinion, desirable and may have a negative impact on the downtown by taking up available retail space from other potential retail uses. Additionally, a concentration of cannabis retail locations may detract from the small-town character that the Economic Development Strategy seeks to nurture. Furthermore, the proposed location ensures there are no impacts to sensitive land uses. The proposed retail space is approximately 40 square metres (400 square feet) in area, and small-scale in nature. Specific retail uses of this size are not anticipated to have a market impact.

6.5 Comprehensive Zoning By-law 6575/30/18

The subject lands are presently zoned Highway Commercial (“HC”) under the City’s Comprehensive Zoning By-law 6575/30/18 (“ZBL”). The current zoning permits a range of

service commercial, office and institutional uses. General retail uses are not permitted under the current zoning. A ZBA is required to permit the proposed site-specific retail use.

The current zoning does, however, allow for uses that are similar in nature to the proposed use, such as a “convenience store”, which is defined as:

A retail store where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such household items are sold in small quantities.

The proposed use is a retail store that sells small quantities of specialized products. Other uses that allow retail components are also permitted in the HC Zone, including “hotel”, which is defined as:

a building(s) that provides temporary accommodation to the public for a period not exceeding 28 consecutive days and may include independent cooking facilities and ancillary uses such as but not limited to restaurants, retail and service commercial uses, meeting and convention facilities, banquet facilities, recreation and entertainment facilities and may also include one dwelling unit.

As well, “recreation facility”, which is defined as:

a premises used for participatory and/or spectator-oriented recreation and entertainment use and may include ancillary office, restaurant, retail and service commercial uses.

These definitions support that retail uses are not strictly prohibited and may be appropriate in an HC Zone.



7.0

Draft Amendments

7.0 Draft Amendments

7.1 Draft Official Plan Amendment

Attached as **Schedule 5** to this report is a Draft Official Plan Amendment (“OPA”). The OPA proposes a site-specific amendment to allow a cannabis retail store on the subject property in addition to the existing permitted uses in the “Highway Commercial” designation.

The OPA further proposes a definition for “cannabis retail store.”

7.2 Draft Zoning By-law Amendment

Attached as **Schedule 6** to this report is a Draft Zoning By-law Amendment (“ZBA”). The ZBA proposes a site-specific amendment to allow a cannabis retail store in addition to the existing permitted uses in the HC Zone.

The ZBA further proposes a definition for “cannabis retail store.”

An aerial photograph of a city neighborhood, showing a mix of residential houses, commercial buildings, and parking lots. The entire image is overlaid with a semi-transparent green filter. The text is positioned on the left side of the image.

8.0

City Economic Development Strategic Plan

8.0 City Economic Development Strategic Plan

As noted, the policies and provisions contained within the PCOP and the ZBL are intended to direct retail uses to the downtown area. The City's Economic Development Strategic Plan: 2018-2028 ("Economic Plan") provides directives on how the growth in Port Colborne, including its downtown area, should be achieved. This plan specifies the following goals:

Downtown is in need of continued revitalization. Improvements are required but should be made in such a way as to maintain the authentic character, be a year-round commercial area, showcase the canal, and be more pedestrian friendly.

Port Colborne needs to establish a reputation as a charming, small-town community.

A revitalized downtown contributing to the growth of dining, arts, culture, and shopping atmosphere.

As previously noted, there are already two cannabis retail locations within the downtown. Recreational cannabis outlets are legitimate retail uses that are appropriate in the downtown. However, concentrations of this use would not, in my opinion, contribute to "a charming, small-town community".



9.0

Planning Opinion

9.0 Planning Opinion

Based on my review of the pertinent planning documents including current legislation, provincial policies, the ROP, the PCOP, and the ZBL, it is my opinion that the proposed amendments to the PCOP and ZBL to permit a site-specific retail cannabis store is appropriate and represents good planning. A “Highway Commercial” designation is a reasonable and appropriate location for the proposed use.

Legal Considerations

The retail sale of recreational cannabis was legalized by the federal government through the *Cannabis Act* in 2018. The *Cannabis Licence Act, 2018* was also passed in Ontario to provide further standards and regulations for licensing and sale of cannabis. The *Registrar’s Standards for Cannabis Retail Stores* was also released by the Alcohol and Gaming Commission of Ontario to explain regulations for cannabis retail stores. 2466602 is in the process of becoming licensed to lawfully sell recreational cannabis, and regulations under each document have been considered and incorporated into the design and layout of the proposed cannabis retail store.

Public Engagement/Opinion

The public engagement regarding the City’s decision to “opt in” to permitting cannabis retail stores revealed that many residents (approximately 67% of those surveyed) were in favour of the retail sale of cannabis. One of the main concerns identified with the sale of cannabis during the public engagement process was proximity to sensitive land uses such as daycares and schools. Separation from these uses is a requirement of the City’s Cannabis Statement, and is a legislative requirement of the *Education Act R.S.O. 1990*. The subject property is not located near daycares, schools or other identified sensitive land uses apart from the nearby playing fields, which are not accessible from the subject property within a 150 metre area.

Downtown Considerations

The Economic Plan for Downtown Port Colborne identified a vision to establish a reputation of a charming downtown with a dining, arts, culture and shopping atmosphere. A concentration of the same or similar uses is not necessarily desirable (i.e., retail cannabis stores). As well, downtown uses are intended to serve a pedestrian nature, and a cannabis retail store is a destination and not a use that typically serves walk-in traffic.

The Cannabis Statement requires that cannabis stores be located away from land uses designated to serve youth, including schools, libraries, parks and community centres. Currently, some existing uses in and around the downtown may be considered “sensitive” as per the Cannabis Statement, including the Port Colborne Public Library, located at 310 King Street, the EarlyOn Child and Family Centre located at 92 Charlotte Street, and the Anchors Away Support Services Inc. community centre located at 59 Clarence Street. Under Section 23 of the ZBL, the Downtown Commercial (DC) Zone also permits other “sensitive” uses such as day care, medical clinic and social service facility. The majority of uses permitted in the HC Zone are not

considered sensitive. Directing this use away from the downtown ensures the cannabis retail store is well removed from existing and future sensitive uses.

335 Wellington Street Considerations

Currently, there are existing commercial and residential uses on the subject property, with a restaurant in one of the units of the existing building, and three residential units on the second floor. The surrounding uses are mainly residential, with some mixed-use properties nearby, including a gas station and convenience store and a small-scale recycling facility, which are not considered sensitive uses. All sensitive land uses in proximity to the site, including a park with playing fields and a YMCA, are well separated from the subject property. The cannabis retail store would serve the surrounding community and the travelling public on a busy, transit supportive road without concerns for public health and safety.

Compatibility


The cannabis retail store is compatible with the existing restaurant and residential uses on the property, and with surrounding land uses. It will not require exterior alteration to the existing building, with the exception of signage. Currently, the existing building is compatible in scale and character to the surrounding area. The existing building is 2 storeys in height, which is consistent with the surrounding single-detached dwellings that are between 1 to 2 storeys high. Setbacks from both Wellington Street and Main Street East are consistent with those of the surrounding residences. As well, no issues with shadows, or general built form will result from the proposed use, as it will be located in an existing unit. The residential uses on the second storey will be maintained, contributing to the compatibility of the subject property with surrounding residential uses.

Compatibility is also measured based on criteria such as safety, noise, odour and traffic generated from the proposed use. In accordance with the aforementioned *Registrar's Standards for Cannabis Retail Stores* from the Alcohol and Gaming Commission of Ontario, physical design measures to ensure safety including security cameras, lighting, and secure storage areas are requirements for retail cannabis stores. According to Section 2.0 – Physical Store Requirements:

Cameras and lighting must be positioned to clearly capture 24 hour coverage of the interior of the premises and immediately outside the premises, including the:

- a. Entrances and exits, including where IDs are checked.
- b. Pick up area(s) for cannabis purchased online or by telephone.
- c. Point of sale area(s).
- d. Receiving area(s).
- e. Sales floor area(s).
- f. Cannabis storage area(s).

2466602 will incorporate all listed measures to ensure the safety of the surrounding neighbourhood is maintained and compatibility with the adjacent residential area is achieved. As well, the store must comply with legislative restrictions for permissible hours of operation. The cannabis retail store is not expected to generate any more noise than existing neighborhood retail uses (i.e., the gas station across the street) and the security measures listed above will further serve to reduce potential noise or nuisance. Odour is also not expected to cause concerns as appropriate packaging and storage of goods will be maintained. As well, while consumption of recreational cannabis is legally permitted in many public spaces including sidewalks and parks, consumption on site is not anticipated and no seating areas or designated smoking areas will be provided. Little traffic is expected from the proposed small-scale use. As well, there is adequate parking available on the subject property, and the property is also transit accessible. The cannabis retail store will serve the surrounding community without causing nuisance or altering the neighbourhood character, and will contribute to the mix of uses in the area.



10.0

Conclusions

10.0 Conclusions

Based on my review of the pertinent legislation, planning documents and other applicable plans and policies, it is my opinion that the proposed OPA and ZBA to allow a site-specific cannabis retail store in a Highway Commercial designation and zone, outside of the downtown area, is appropriate, compatible and represent good planning.

A summary of my planning opinion is as follows:

1. The proposal is consistent with the PPS and conforms to the Growth Plan and the ROP.
2. The proposal represents an efficient use of land and existing infrastructure on an existing transit route. The proposal also contributes to the mix of land uses in the area and a complete community.
3. The proposed use is appropriate, compatible, and well separated from sensitive land uses.
4. There are currently no cannabis retail stores located east of the canal. The proposed location will serve a different market area and, in my opinion, will not have a negative market impact on the City's commercial hierarchy.
5. There is adequate existing services for water, sanitary, storm and waste collection for the subject property. The proposal will not require additional services or expansion of existing infrastructure (e.g., road widening).

Yours truly,

WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP





PROJECT:
335 Wellington St.
 Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

SCALE:
1:5500

Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
 t - 905-681-1769 e - Glenn@WellingsPlanning.ca

SCHEDULE 1

Site Location Map

ONTARIO ASSOCIATION
OF
ARCHITECTS

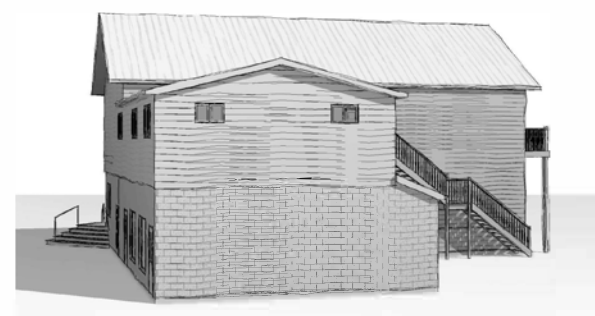
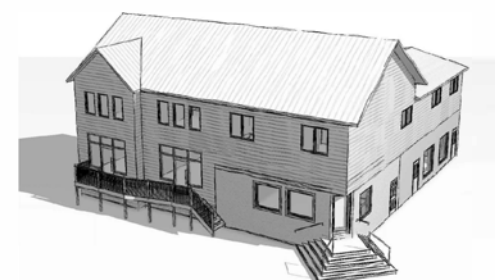
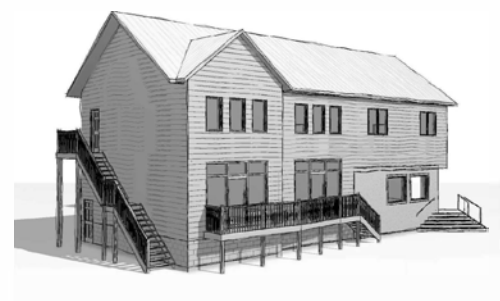
337 Wellington St.
Port Colborne, ON
L3K 2K4

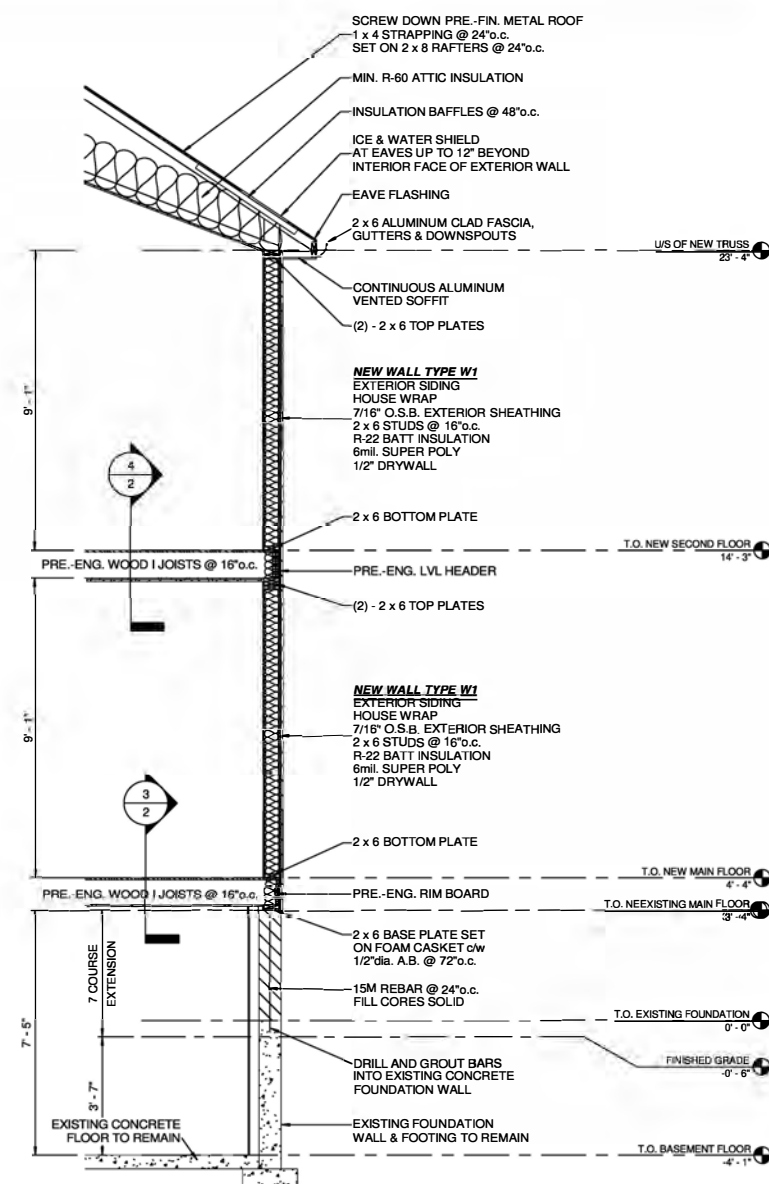
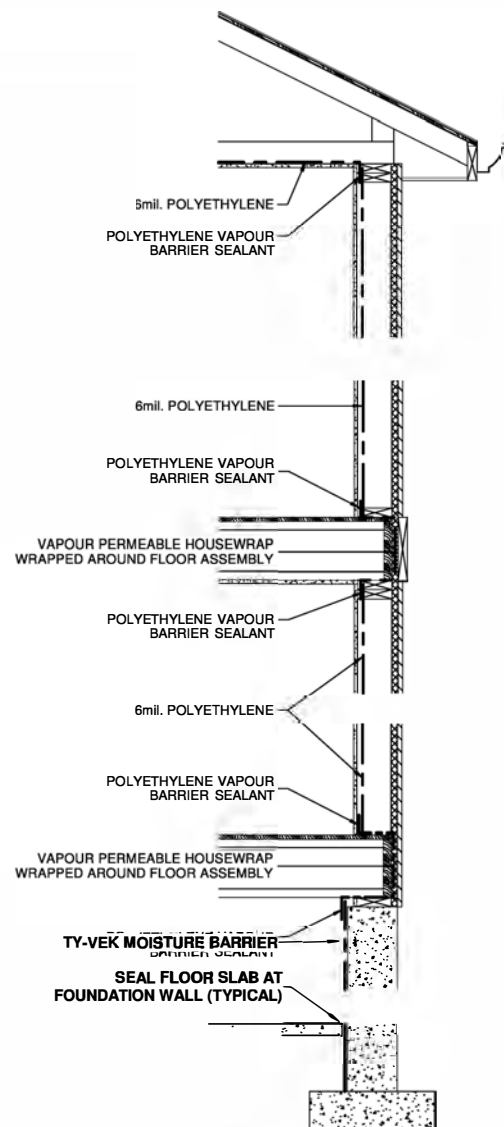
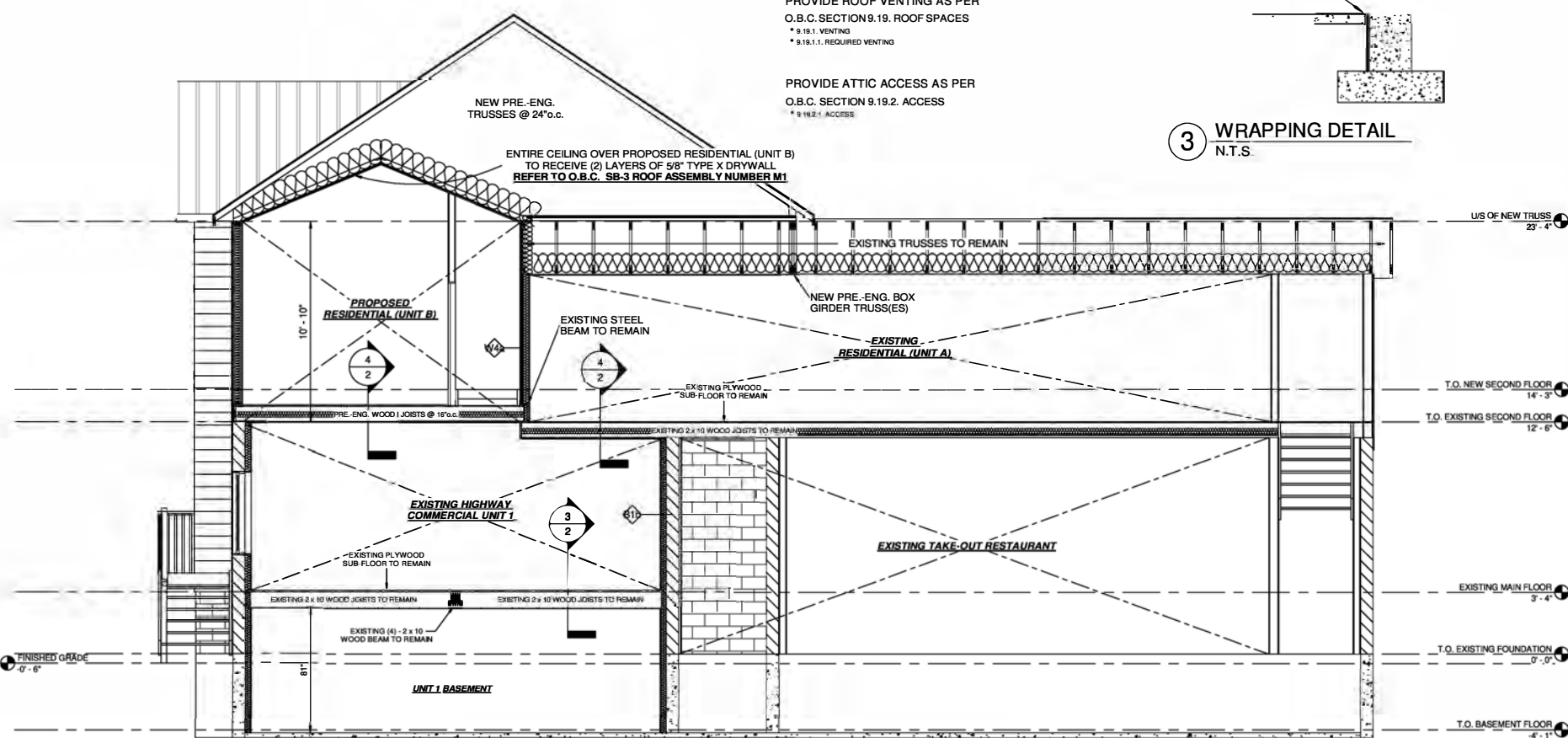
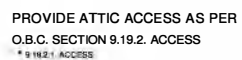
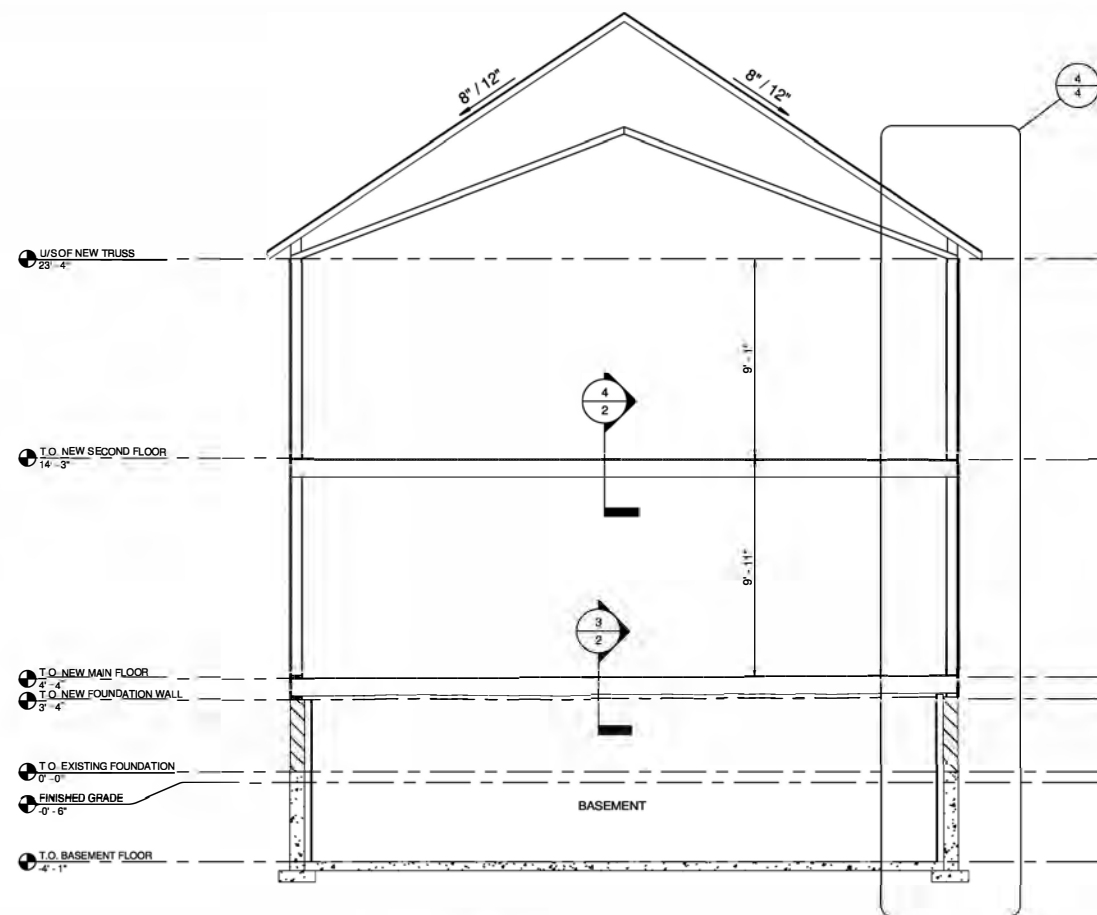
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| | |
|-----------|--------------|
| JOB #: | |
| SCALE: | 1/8" = 1'-0" |
| SHEET NO: | 1 |



| Window Schedule | | | |
|-----------------|-------|-------|--------|
| Mark | Count | Width | Height |
| W1 | 6 | 30" | 54" |
| W2 | 2 | 60" | 54" |
| W3 | 2 | 60" | 54" |
| W4 | 3 | 66" | 42" |
| W5 | 1 | 60" | 60" |
| W6 | 2 | 72" | 72" |
| W7 | 7 | 36" | 24" |
| Grand total: | | 23 | |





JASON PIZZICAROLA DESIGN - ARCHITECTS INC
296 RIDGE ROAD N
RIDGEWAY, ONTARIO, L0S 1N0
T. 905-894-8300
F. 905-894-8400
e-mail jpizzicarola@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053



337 Wellington St.
Port Colborne, ON
L3K 2K4

[illegible]

FOR PERMIT

7/07/20 9:25:51 AM

SHEET TITLE:

SECTIONS

JOB #

SCALE: As indicated

SHEET NO.

4

7/07/20 9:25:51 AM



LEGEND:



PROJECT:
335 Wellington St.
Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

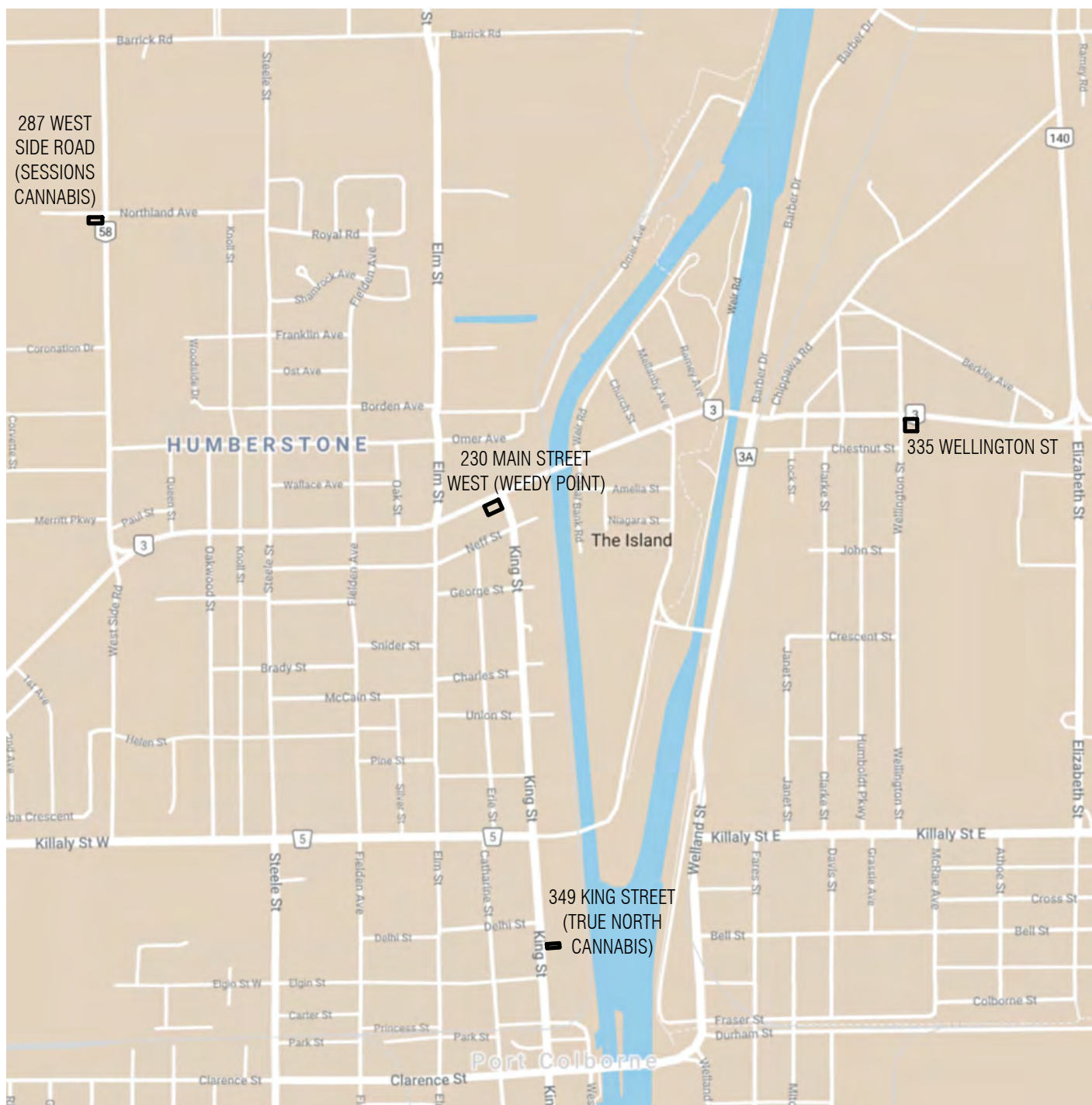
SCALE:
1:1800

Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
t - 905-681-1769 e - Glenn@WellingsPlanning.ca

Subject Property with 150 Metre Radius

SCHEDULE 3



PROJECT:
335 Wellington St.
Port Colborne, Ontario

PROJECT No:
2021/24

DATE:
November 2021

SCALE:
1:1800

Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
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Cannabis Retailers in the City of Port Colborne

SCHEDULE 4

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

Being a by-law to adopt amendment No. XXX to the
Official Plan for the City of Port Colborne.

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore the Council of the Corporation of the City of Port Colborne under Section 17(22) of the *Planning Act*, hereby enacts as follows:

1. That Official Plan Amendment No. XXX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and effect on the day of passing thereof.

Enacted and passed this _____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
City Clerk

**AMENDMENT NO. XXX TO THE OFFICIAL PLAN
FOR THE PORT COLBORNE PLANNING AREA**

INDEX

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Implementation and Interpretation

Part C – The Appendices

I. Location of Subject Lands

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, constitutes Amendment No. XXX to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices

PART A – THE PREAMBLE

Purpose

The purpose of the amendment is to add a site-specific policy associated with the existing “Highway Commercial” designation permitting a “Cannabis Retail Store” on the property known as 335 Wellington Street.

Location

The lands affected by this amendment are legally described as Part of Lot 26, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street.

Basis

The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. An application has been submitted to introduce a “Cannabis Retail Store” on the subject property. The lands are designated “Highway Commercial”, which does not currently permit retail stores. A site-specific amendment to the Official Plan has been requested to allow for the proposed “Cannabis Retail Store”.

Policies of the Official Plan, the Cannabis Retail Sale Policy Statement, and public input regarding the legal storefront sale of cannabis have been considered in the preparation of this Amendment. It has been determined that site-specific consideration for a “Cannabis Retail Store” on the subject property would be compatible and appropriate, and would be well removed from sensitive land uses.

This Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The following constitutes Amendment No. XXX to the Official Plan for the City of Port Colborne under Section 3.8 “Highway Commercial”:

That the lands shown on Appendix I be redesignated from “Highway Commercial” to “Highway Commercial Special”.

In addition to the uses permitted in the Highway Commercial designation, the lands designated Highway Commercial Special, located at 335 Wellington Street, may also be used for a “Cannabis Retail Store”.

A “Cannabis Retail Store” is defined as:

a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

IMPLEMENTATION AND INTERPRETATION

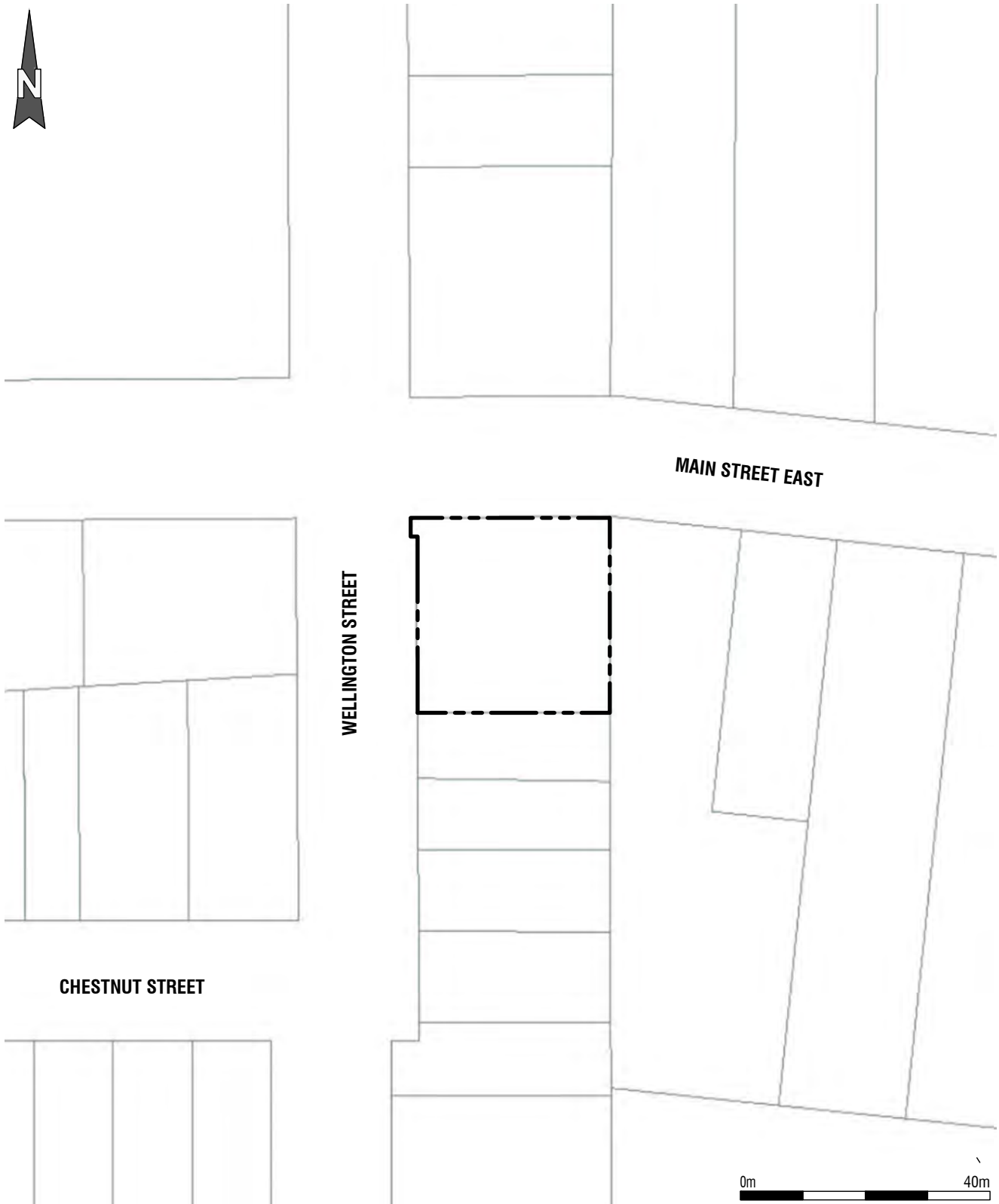
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. XXX but are included as information to support the Amendment.

Appendix I – Location of Subject Lands.

Appendix I
OPA No. _____
City of Port Colborne



This is a Appendix 1
To OPA No. _____ Passed
This __ Day of __, 2022



Lands to be Redesignated from
"Highway Commercial" to
"Highway Commercial Special"

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the lands legally described as Part of Lot 26, Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of lands and the location and use of buildings and structures.

Whereas, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law.

Now, therefore, and pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. The zoning of the lands is changed from Highway Commercial ("HC") Zone to Highway Commercial - Special ("HC-XX") to permit a "Cannabis Retail Store".
3. A "Cannabis Retail Store" is defined as:

A store licensed by the Alcohol and Gaming Commission of Ontario for the retail sales of recreational cannabis and cannabis related products.

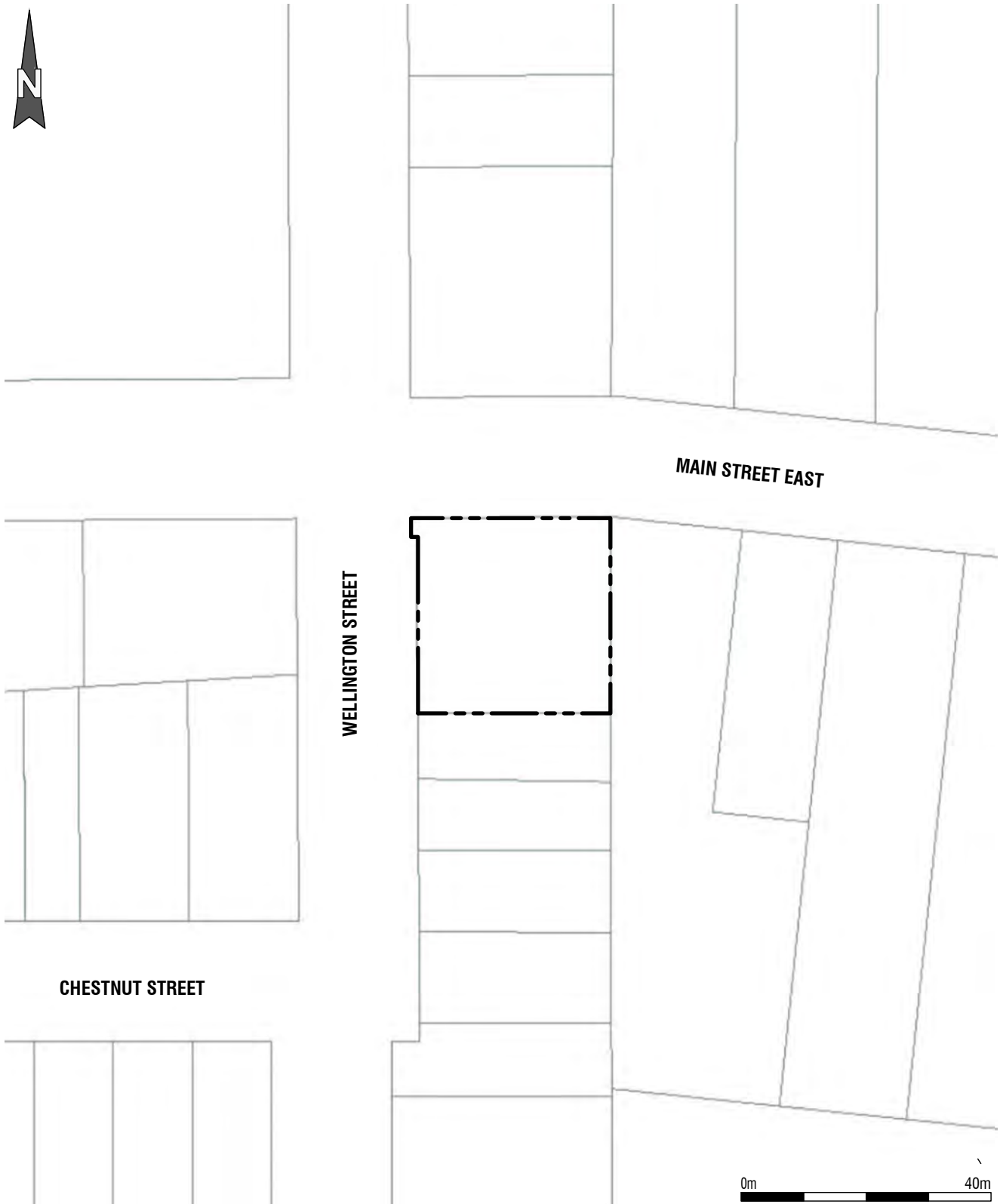
4. That this By-law shall come into force and take effect on the day it is passed by Council, subject to the provisions of *The Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this _____ day of _____, 2022.

William C Steele
Mayor

Amber LaPointe
Clerk

Schedule "A"
By-Law No. _____
City of Port Colborne



This is a Schedule "A"
To By-Law No. _____ Passed
This __ Day of __, 2022



Lands to be Rezoned from
"HC" Zone to "HC-XX" Zone



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