



## Planning and Development Services

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### Via Email Only

January 18, 2022

File No.: D.10.07.OPA-21-0064  
D.18.07.ZA-21-0140

David Schulz  
Senior Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment and Zoning By-law Amendment  
City Files: D09-05-21 & D14-17-21.  
Owner: 2466602 Ontario Ltd.  
Applicant/Agent: Glen Wellings, Wellings Planning Consultants Inc.  
335 Wellington Street / 125 Main Street East  
City of Port Colborne**

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Regional Planning and Development Services staff have reviewed the above-noted official plan amendment and zoning by-law amendment, which proposes to add a site-specific policy to the current Highway Commercial designation in order to permit a cannabis retail store as well as add a definition to the Official Plan for "Cannabis Retail Store". The application also proposes to change the zoning from Highway Commercial ("HC") to HC-67, a special provision of the 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" (meaning a store licensed by the Alcohol and Gaming Commission of Ontario for the retail sale of recreational cannabis and cannabis related products).

A pre-consultation meeting for this proposal was held on May 13, 2021, with the applicant, agent, City staff and Regional staff in attendance. Regional staff provide the following comments from a Provincial and Regional perspective to assist the City in their consideration of the application.

## **Provincial and Regional Policies**

The subject lands are located within a Settlement Area under the *Provincial Policy Statement* (“PPS”), designated Delineated Built-Up Area in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”), and designated Urban Area (Built-Up Area) in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies direct development to take place in urban areas to make efficient use of existing servicing and infrastructure and support the achievement of complete communities. These same policies place an emphasis on intensification and infill to foster a mix of land uses that provide for the diversification of housing options, improved social equity and quality of life, connection to multiple forms of transportation, access to public amenities and institutions, and spaces that are vibrant and resilient in design. A full range of residential and commercial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Given that the proposal is for a commercial use within an existing commercial space and subject to the below comments, Regional staff do not have any Provincial or Regional concerns or requirements for the official plan amendment or zoning by-law amendment.

## **Regional Road Allowance**

The subject property is situated at the intersection of Wellington Street and Main Street East (Regional Road 3). Regional Official Plan policy requires that unsignalized Regional intersections within the Urban Area maintain a 6 metre by 6 metre daylighting area. Therefore, Niagara Region will require, as part of any future Site Plan application, that the applicant grant the following gratuitously to the Region:

- A 6 metre by 6 metre daylighting triangle at the corner of Wellington Street and Main Street East (Regional Road 3).

## **Regional Permit Requirements**

Regional staff note that the subject property has frontage along Regional Road 3 (Main Street East). Regional staff acknowledge that the current applications do not propose any new construction or site alterations within the Regional road allowance. However, the applicant should be advised that a Regional Construction Encroachment and/or Entrance Permit would be required prior to any future construction within the Regional road allowance. If needed, permit applications can be made online through the Region’s website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

## Conclusion

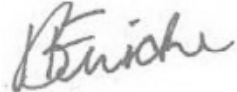
Regional Planning and Development Services are satisfied that the proposed official plan amendment and zoning by-law amendment to permit a retail cannabis store is consistent with the Provincial Policy Statement and conforms to the Growth Plan and Regional Official Plan.

Regional staff notes that in accordance with the policies 14.E.7 and 14.E.8 of the ROP, the Memorandum of Understanding, and By-law No. 2019-73, the reviewed Official Plan Amendment is exempt from Regional Council Approval.

Please send a copy of the staff report and notice of Council's decision on these applications.

If you have any questions related to the above comments, please contact me at [Britney.fricke@niagararegion.ca](mailto:Britney.fricke@niagararegion.ca).

Kind regards,



Britney Fricke, MCIP, RPP  
Senior Planner

cc: Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region