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COUNCIL
PLANNING AND DEVELOPMENT SERVICES

REPORT PDS-2009-42
JUNE 16, 2009

**SUBJECT: OFFICIAL PLAN AMENDMENT – COMMERCIAL
POLICIES FOR THE CITY OF WELLAND.**

AUTHOR: AKIN OGUNKEYE, MCIP, RPP, MRAIC

**APPROVING G.M.: DONALD B. THORPE
GENERAL MANAGER, PLANNING AND DEVELOPMENT
SERVICES**



RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment – Commercial Policies for the City of Welland.

ORIGIN AND BACKGROUND:

The process of developing new commercial policies for the City of Welland was commenced on the 17th of July 2007

COMMENTS AND ANALYSIS:

On the 10th of June 2008, Council adopted the Regional Commercial Systems Study – City of Welland, dated April 28, 2008 as prepared by W. Scott Morgan & Associates Limited as the City's Commercial Strategy Policy; and thereby directed Staff to commence an Official Plan Amendment process toward adopting Commercial Strategy Policies for the Official Plan.

On December 9, 2008, Council adopted the City of Welland – Commercial Strategy Study: Policy Directions Report dated November 2008 prepared by Dillon Consulting Limited and W. Scott Morgan Associates Limited as the basis for the City's Commercial Policies. Council also directed Staff to:

- I. Initiate the Official Plan Amendment process for the adoption of Commercial Policies
- II. Circulate the City of Welland – Commercial Strategy Study: Policy Directions Report to the North Welland BIA, Downtown BIA, and the Welland Chamber of Commerce.

Subsequently, Draft Policies were created.

This Report pertains to the final phase of a 4 - Phase process. Phases 1 and 2 entailed a detailed description of the City's short-term demand and supply analysis. The

outcome of these phases suggests that the City has an adequate supply of designated commercial space to meet the projected short-term demand.

Phase 3 entailed the presentation of the directions for the City's new Commercial Policies. Recognizing that there are different types of commercial activities, Official Plan policies are intended to support a planned commercial hierarchy. Such elements as planned function, permitted uses, scale, design and other policies related process were thereby defined.

This Report is aimed at presenting Phase 4 which is the evolution of the City's Commercial Polices and the definition of Commercial Hierarchy in the City of Welland.

A Public Information meeting took place on the 25th of March 2009. The City's consultants provided an overview of the establishment of Commercial Policies for the City and discussed its proposed Official Plan Amendment. Two members of the general public attended the Public Information Meeting. During the public consultation process, comments regarding the Commercial Policies were also received from the Region and Wood Bull, on behalf of Calloway REIT (Welland) Inc. Comments received by the City are attached in Appendix I. Comments received by the City were forwarded to its Consultant for a response and, where necessary, the proposed Policies were amended. The Comment Response Table, in which more detail explanations have been provided by the Consultants, is attached as Appendix II.

The purpose for adopting this Amendment is to incorporate Commercial Policies into the City's Official Plan is to provide guidelines by which City Council and Staff will evaluate future commercial development. As well, these Commercial Policies will ensure that the existing commercial hierarchy is supported, commercial growth through planned expansion over time is permitted and that future commercial development is tied to market demand.

FINANCIAL CONSIDERATION:

There are no financial implications related to this Report.

STRATEGIC PRIORITY:

This initiative is consistent with the general intent and spirit of the 2007-2012 Strategic Plan focus areas including:

Focus 1 – Providing Economic Opportunities

- Foster and create a climate for economic prosperity. They will ensure a balanced co-existence and prosperous continuity of all categories and sizes of commercial establishments.

Focus 4 - Managing Growth

- Develop policies and subsequent plans will provide for sensible Growth and the ongoing enhancement to quality of life:
 - Revitalize the Downtown
 - Develop market opportunities

Further, the initiative addresses the following 2009 Work Plan Action:

1. The Managing Growth focus area of the Strategic Plan needs progressive and innovative solutions:
 - the Official Plan, Downtown Incentives, King Street Community Improvement Plan and Region's Growth Plan require Council leadership.
4. Continue the next steps required to the revitalization of Welland's Downtown:
 - provide for sensible growth.

OTHER DEPARTMENT IMPLICATIONS:

The Report has no implications to other Departments.

SUMMARY AND CONCLUSION:

The process of developing new commercial policies for the City of Welland commenced July, 2007. The unavailability of a comprehensive City-wide Commercial Policy in the City's current Official Plan and its reliance on a series of site specific Official Plan Amendments (OPAs) and its Zoning By-law to regulate commercial land-use, have jointly formed the reason behind this study and the need for Commercial Policies to be developed. Phase 3 of this process provided the foundation for specific commercial policies which are to be included in the Official Plan still in process.

This phase is the final of the 4-phase task which presents the Commercial Policies and Commercial Hierarchy for the City of Welland.

In view of the above, Staff recommends that Council adopts an Official Plan Amendment – Commercial Policies for the City of Welland.

ATTACHMENTS:

- | | | |
|--------------|---|---|
| Appendix I | - | Comment from Interested Parties |
| Appendix II | - | Comments-Response Table from the Consultants |
| Appendix III | - | Official Plan Amendment – Commercial Policies for the City of Welland |

APPENDIX I

Akin Ogunkeye

From: Mario Bevacqua [mario.bevacqua@sympatico.ca]
Sent: April 3, 2009 2:28 PM
To: akin.ogunkeye@welland.ca
Cc: Rose DiFelice
Subject: Public Meeting - Commercial Policies

Akin,

As requested the following are the comments that were raised at the meeting.

Respectfully suggest that it be clarified that this recommended Commercial Policy Official Plan Amendment primarily relates to the retail sector. There are other "commercial uses" that should not be restricted by this amendment in terms of the requirements listed such as location.

Furthermore, considering the "Eastern Approach" area it should be acknowledged that meetings have been held with staff in respect to areas on both sides of Woodlawn Road (north -adjacent to area in report and south - adjacent to City owned lands) that would be categorized under general heading of commercial. Again this proposed amendment should not automatically preclude development in these areas. In fact, consideration should be given to designating these areas as opportunities for growth given their location.

Please contact me if further clarification is necessary. Also would appreciate being kept up to date on this policy review.

Regards,
Mario Bevacqua
JSL Management Inc.
15 Kathy Court
Fonthill, Ontario
L0S1E2

Tel: 905-892-5997
Fax: 905-892-0232
Cell: 905-328-4488



11 May 2009

Sent via E-mail

Mayor Goulbourne and Members of Council
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mayor Goulbourne and Members of Council:

Re: Commercial Strategy Study and Proposed Commercial Policy Amendment

We are the solicitors for Calloway REIT (Welland) Inc. ("Calloway"), the owner of the properties municipally known as 69 & 165 Primeway Drive (the "West Site") and 102 Primeway Drive (the "East Site") (collectively, the "Calloway Sites") located on the north side of Woodlawn Road, west of Highway 406 in the City of Welland (the "City"). The Calloway Sites are presently developed for a commercial shopping centre, including a Wal-Mart store, a Canadian Tire store, a Mark's Work Warehouse and a Dollar Giant store. In addition, a Rona store is currently under construction on the West Site.

We are writing further to our correspondence of 30 March 2009 regarding the proposed commercial policy amendment for the City (the "Commercial Policy Amendment"). The following are some of the key concerns that have been identified by our client and its consultants regarding the Commercial Policy Amendment.

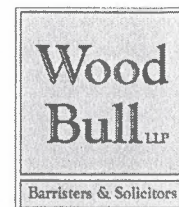
1. There has been no apparent, serious consideration given to the manner in which the Commercial Policy Amendment will be integrated with any of the other amendments arising from the comprehensive Official Plan Review process for the City, and there has been no justification as to why the Commercial Policy Amendment should proceed ahead of the comprehensive Official Plan.
2. In addition, the Commercial Policy Amendment should not proceed before the Region of Niagara has adopted its amendment to the Regional Official Plan in the context of the Growth Plan for the Greater Golden Horseshoe.

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3. It appears that the Commercial Strategy Study and the Commercial Policy Amendment are focusing on a short term planning approach on the basis of existing commercial development in the City, rather than a long term planning framework that includes a vision for future development of commercial areas within the City and policies to guide the implementation of that vision over the 20 year horizon of the plan. It is apparent that a long term approach is the more appropriate approach for an official plan or commercial planning strategy, particularly in the context of the City's comprehensive Official Plan Review process.
4. There is no clear and coherent planning rationale for the distinctions made in the Commercial Policy Amendment regarding the various commercial areas, their respective planned functions, and their floor area restrictions.
5. Notwithstanding the recommendations of the Commercial Strategy Study that the Gateway Shopping Node is intended to serve as a "regional" focus of retail activity in the City and to serve a regional function, the Commercial Policy Amendment provides that the planned function of the "Eastern Approach is intended to serve as a "sub-regional" focus of retail and service activity in the City". The concept of "regional" and "sub-regional" centres and the proposal to differentiate between them requires further discussion.
6. The floor area restrictions identified in the Commercial Policy Amendment should take into account the expansion to the Wal-Mart department store that was approved by Council at its meeting of 28 April 2009 by the enactment of Zoning By-law 2009-52. The floor area restrictions applicable to the Calloway Sites should provide a long term policy direction for expansion of the commercial centre and intensification of the Eastern Approach node.
7. Contrary to the policies of the existing Official Plan for the Welland Planning Area (the "Official Plan") that apply to the Calloway Sites, the Commercial Policy Amendment does not make any provision for future expansions to the anchor stores to take place without an amendment to the Official Plan, subject to the preparation of a market impact analysis in support of any such expansion. This is a material and unjustified change to the existing Official Plan policies that apply to the Calloway Sites.
8. The permitted uses and floor area restrictions identified in the Commercial Policy Amendment for the Eastern Approach effectively prevent any development on the West Site other than the home improvement store, although the existing policies of the Official Plan clearly intend the area to be developed for a range of commercial, business park and light industrial uses on the West Site. The approach in the Commercial Policy Amendment as it relates to the Eastern Approach is short-sighted and does not provide any long term planning framework for the Calloway Sites. It also substantially derogates from the existing Official Plan policies that apply to the West Site.



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9. The Regional Shopping Node identified in the Commercial Policy Amendment does not reflect the recommendations of the Commercial Strategy Study in regard to the planned function of the area as a sub-regional node.
10. The planned function of the Downtown should be more clearly identified in the Commercial Policy Amendment along with policies to guide the development of the Downtown.
11. The Commercial Policy Amendment requires that market impact studies be prepared for "major applications". However, the Commercial Policy Amendment does not clearly identify the market impact test and evaluation criteria that will be applied by the City in reviewing these studies and considering such applications. This is fundamental shortcoming as such policies are essential for the proper implementation of the intent of the Official Plan.

Additionally, the Region of Niagara has provided substantive comments regarding the Commercial Policy Amendment. The Region also reiterates our client's overriding concern that the policies of the Commercial Policy Amendment are written more as a description of existing commercial development in the City, rather than a plan or strategy to implement a vision that the City has for the future development and redevelopment of its commercial areas.

In summary our client is concerned that this planning policy direction focuses on the status quo and does not provide a long term planning vision which is in keeping with the 20 year planning horizon of the Official Plan. It is clear that further consideration is required regarding the rationale for the proposed commercial structure, an understanding of the relationships between the commercial nodes, the policy direction regarding the planned functions of the commercial nodes, and the manner in which change will be managed in the commercial structure.

On behalf of our client, we request that Council defer consideration of the Commercial Policy Amendment until our client and City planning staff have had a meaningful opportunity to discuss and address our client's concerns outlined above.

We also request that the City provide us with a copy of the materials outlined below forthwith so that they may be considered by our client and its consultants in advance of Council's meeting scheduled for 19 May 2009.

1. A copy of any submissions received by the City from any member of the public or public agency regarding the Commercial Strategy Study and Commercial Policy Amendment.
2. A copy of staff's report and recommendations regarding the Commercial Policy Amendment.
3. A copy of the proposed Commercial Policy Amendment.

11 May 2009



We look forward to continuing our discussions with City staff regarding the Commercial Policy Amendment, and urge Council not to make a decision on the Commercial Policy Amendment until our client's serious concerns regarding the Commercial Policy Amendment have been addressed.

Yours very truly,

Wood Bull LLP

for: 

Mary Bull

- c. Rose DiFelice, Manager of Development Planning and Real Estate, City of Welland
Louie Loberti, Calloway REIT (Welland) Inc.

Rose DiFelice

From: Emeneau, Janice [janice.emeneau@niagararegion.ca]
Sent: April 6, 2009 4:21 PM
To: pkennedy@dillon.ca; rose.difelice@welland.ca; don.thorpe@welland.ca
Cc: rshishido@dillon.ca; Gummo, Alan
Subject: Welland Commercial Policies - Regional Comments

Welland Commercial Policies

General Observations & Comments

The policies are written more as a description of existing commercial development in Welland rather than a plan or strategy to implement a vision that the City has for the future development and re-development of its commercial areas.

Objectives 1.1.1.6 and 1.1.1.7 speak to options for intensification and redevelopment as well as the development of pedestrian friendly spaces. These objectives should be reflected in policies for the long-term redevelopment of all commercial greyfields into intensified, mixed-use, pedestrian-friendly areas with strong linkages to adjacent neighbourhoods and integration with the public realm infrastructure, particularly streets, by alternatives to the car.

Consideration should be given to long-term redevelopment toward a "Main Street" built form at intensity levels that are appropriate to the context.

The Downtown

Welland historic downtown is a commercial area that operates in conjunction with the City's civic centre. The importance of making provisions that will enhance the vitality and viability of downtowns and mainstreets is clearly outlined in Provincial policy and is reflected in the City's progress to date. (PPS 1.7.1 b)

Section 1.1.2.2 dealing with Welland's downtown is simply a very brief description of the downtown as it stands at the moment. This section should be expanded to outline the vision the City has for this area and should include implementation strategies to actualize this vision.

In sections 1.1.2.3 and 1.1.2.4 the planned functions, permitted uses and design guidelines are addressed for the other two commercial nodes. These should be addressed for the downtown as well.

Regional Shopping Node

In section 1.1.2.1, Commercial Hierarchy, the Downtown is listed as number one yet in section 1.1.2.3.D, Design, the "Regional Shopping Node" is said to be "the principal focus of commercial activity in the City". This needs to be clarified.

Section 1.1.2.3 addresses what is termed a Regional Shopping Node. This area includes the Seaway Mall and the commercial areas that extend to the north and south of the mall along Niagara Street. The term Regional Shopping Node would suggest that this area is intended to

draw its clientele from all of Niagara.

Policy 1.1.2.3.A states that this area serves a clientele from adjacent local municipalities. To label this commercial node as “Regional” is not accurate or appropriate. Another terminology such as “sub-regional” or “inter-municipal” should be used to describe this area.

Section 1.1.2.3.D states that this node is to be pedestrian and transit-friendly as well as accessible but does not speak to how these principles will be implemented. If these ideas are to be implemented through site plan control, this should be made clear. While 1.1.3.6 states that all development within the City’s commercial area is subject to site plan control, it does not elaborate.

Section 1.1.2.3.D also states that facades, landscaping and site planning in general should compliment one another in a balanced and aesthetically pleasing way. How will fit be determined and measured? Is there a set of criteria such as urban design guidelines that will guide this process?

Eastern Approach

Policy 1.1.2.4.E states that the stand-alone large-format retail in the Eastern Approach node is to be user-friendly, barrier-free and accessible. As in section 1.1.2.3, how will these requirements be determined and measured? Is there a set of criteria such as urban design guidelines to guide this process? For example, is there any requirement that land be set aside for a bus shelter or that the bus route is to extend to the store fronts?

Major Applications & Market Impact Studies

Policy 1.1.3.2 addresses major applications in the City’s community commercial nodes or corridors, requiring market impact studies and peer reviews for any major proposal. Although policy 1.1.3.2, point iv indicates that these studies will address “potential market impacts” staff suggests clarification of this statement by expanding it as follows: “potential market impacts *on the downtown and on both existing and planned commercial areas*”. This same wording should be added in Policy 1.1.3.3 as well.

Under Policy 1.1.3.2, point vi addresses the need to assess the adequacy of the existing transportation infrastructure, including consideration for pedestrians and cyclists. Staff suggests that specific mention of transit be included in this section.

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies			
Source of Comment	Date Submitted and Format	Comment	Response
Niagara Region	April 06, 2009 Email	<p>Comment 1</p> <p>The policies are written more as a description of existing commercial development in Welland rather than a plan or strategy to implement a vision that the City has for the future development and re-development of its commercial areas.</p>	<p>1.</p> <p>The background analysis included a supply-demand analysis (Regional Commercial Systems Study) which showed that the City has an oversupply of retail commercial designations. The direction of new OP policies was derived from the conclusions of the supply-demand analysis which stated that no expansions area needed. Accordingly, the OP policies focus on formally articulating the City's commercial hierarchy and planned functions. The City's new Official Plan will include broader policies for intensification and redevelopment for all major land uses.</p>
		<p>Comment 2</p> <p>Objectives 1.1.1.6 and 1.1.1.7 speak to options for intensification and redevelopment as well as the development of pedestrian friendly spaces. These objectives should be reflected in policies for the long-term redevelopment of all commercial greyfields into intensified, mixed-use, pedestrian-friendly areas with strong linkages to adjacent neighbourhoods and integration with the public realm infrastructure, particularly streets, by alternatives to the car.</p>	<p>2.</p> <p>Objectives 1.1.1.6 and 1.1.1.7 are implemented through policies 1.1.2.2 and in the subsequent policies for the Downtown, which are presently being developed in through the broader OP process. Refer to response 1.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		<p>Comment 3 Consideration should be given to long-term redevelopment toward a “Main Street” built form at intensity levels that are appropriate to the context</p>	<p>3. Main Street approach is the theme for Downtown policies.</p>
		<p>Comment 4 Welland historic downtown is a commercial area that operates in conjunction with the City’s civic centre. The importance of making provisions that will enhance the vitality and viability of downtowns and mainstreets is clearly outlined in Provincial policy and is reflected in the City’s progress to date. (PPS 1.7.1 b)</p>	<p>4. The Downtown policies are presently being developed through the broader OP process and will address the direction provided by the Region. Policies for the Downtown are being undertaken through the broader OP process because the Downtown functions as a mixed use node – and not a stand alone commercial node.</p>
		<p>Comment 5 Section 1.1.2.2 dealing with Welland’s downtown is simply a very brief description of the downtown as it stands at the moment. This section should be expanded to outline the vision the City has for this area and should include implementation strategies to actualize this vision.</p>	<p>5. See response above regarding Downtown.</p>
		<p>Comment 6 In sections 1.1.2.3 and 1.1.2.4 the planned functions, permitted uses and design guidelines are addressed for the other two commercial nodes. These should be addressed for the downtown as well.</p>	<p>6. See response above regarding Downtown.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		<p>Comment 7 In section 1.1.2.1, Commercial Hierarchy, the Downtown is listed as number one yet in section 1.1.2.3.D, Design, the “Regional Shopping Node” is said to be “the principal focus of commercial activity in the City”. This needs to be clarified.</p>	<p>7. The Regional Shopping Node is the principal focus of commercial activity within the City, as it contains the largest and most diverse amount of commercial uses found in the City. The Downtown has a commercial and retail function, but also has a residential, institutional, recreation and broader employment function compared to all other areas. It is the pre-eminent mixed use node in the City. Separate policies will be developed to articulate the long term vision for the Downtown, however, because it has a specialized retail function, it is recognized within the broader commercial hierarchy.</p>
		<p>Comment 8 Section 1.1.2.3 addresses what is termed a Regional Shopping Node. This area includes the Seaway Mall and the commercial areas that extend to the north and south of the mall along Niagara Street. The term Regional Shopping Node would suggest that this area is intended to draw its clientele from all of Niagara.</p>	<p>8. The term “Regional” is intended to refer to the trade area, not the Region of Niagara. The trade area includes Welland, Port Colborne, Wainfleet and Pelham and parts of Thorold and West Lincoln. Policies will be revised to clarify this point.</p>
		<p>Comment 9 Policy 1.1.2.3.A states that this area serves a clientele from adjacent local municipalities. To label this</p>	<p>9. See above response.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		commercial node as "Regional" is not accurate or appropriate. Another terminology such as "sub-regional" or "inter-municipal" should be used to describe this area.	
		<p>Comment 10 Section 1.1.2.3.D states that this node is to be pedestrian and transit-friendly as well as accessible but does not speak to how these principles will be implemented. If these ideas are to be implemented through site plan control, this should be made clear. While 1.1.3.6 states that all development within the City's commercial area is subject to site plan control, it does not elaborate.</p>	<p>10. Principles will be implemented through site plan control. Policies to be revised to reflect direction suggested by Region.</p>
		<p>Comment 11 Section 1.1.2.3.D also states that facades, landscaping and site planning in general should compliment one another in a balanced and aesthetically pleasing way. How will fit be determined and measured? Is there a set of criteria such as urban design guidelines that will guide this process?</p>	<p>11. Principles will be implemented through site plan control. Policies to be revised to reflect direction suggested by Region.</p>
		<p>Comment 12 Policy 1.1.2.4.E states that the stand-alone large-format retail in the Eastern Approach node is to be user-friendly, barrier-free and accessible. As in section 1.1.2.3, how will be these requirements be determined and measured? Is there a set of criteria such as urban design guidelines to guide this process? For example, is there</p>	<p>12. Principles will be implemented through site plan control. Policies to be revised to reflect direction suggested by Region.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		any requirement that land be set aside for a bus shelter or that the bus route is to extend to the store fronts?	
		<p>Comment 13 Policy 1.1.3.2 addresses major applications in the City's community commercial nodes or corridors, requiring market impact studies and peer reviews for any major proposal. Although policy 1.1.3.2, point iv indicates that these studies will address "potential market impacts" staff suggests clarification of this statement by expanding it as follows: "potential market impacts <i>on the downtown and on both existing and planned commercial areas</i>". This same wording should be added in Policy 1.1.3.3 as well.</p>	13. Suggested change to be addressed in new policies.
		<p>Comment 14 Under Policy 1.1.3.2, point vi addresses the need to assess the adequacy of the existing transportation infrastructure, including consideration for pedestrians and cyclists. Staff suggests that specific mention of transit be included in this section</p>	14. Suggested change to be addressed in new policies.

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
<p>Private Citizen Mario Bevacqua</p>	<p>April 3, 2009 Email</p>	<p>Comment 1 Respectfully suggest that it be clarified that this recommended Commercial Policy Official Plan Amendment primarily relates to the retail sector. There are other "commercial uses" that should not be restricted by this amendment in terms of the requirements listed such as location. Furthermore, considering the "Eastern Approach" area it should be acknowledged that meetings have been held with staff in respect to areas on both sides of Woodlawn Road (north -adjacent to area in report and south - adjacent to City owned lands) that would be categorized under general heading of commercial. Again this proposed amendment should not automatically preclude development in these areas. In fact, consideration should be given to designating these areas as opportunities for growth given their location.</p>	<p>15. It would premature to designate any additional commercial land at this time. One of the key objectives of the Amendment is to provide support for the City's commercial hierarchy. In general, the limitations for expansion to existing commercial designations are related to commercial retail uses. The City will review any applications it receives as per policies 1.1.3.2 and 1.1.3.6</p>
<p>Calloway Mary Bull Wood Bull LLP on behalf of Calloway REIT</p>	<p>May 11, 2009 Letter attached in an email</p>	<p>Comment 1 There has been no apparent, serious consideration given to the manner in which the Commercial Policy Amendment will be integrated with any of the other amendments arising from the comprehensive Official Plan Review process for the City, and there has been no justification as to why the Commercial Policy Amendment should proceed ahead of the comprehensive Official Plan.</p>	<p>16. It is the City's intention to meld the commercial policies within the broader Official Plan process where there are overlaps - such as intensification or the downtown. The commercial policies have been treated as a separate process as the need for the update and review predated the decision for update of the entire OP.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
			The Commercial Policy Review began in 2007 and the OP review was launched in 2008.
		<p>Comment 2 In addition, the Commercial Policy Amendment should not proceed before the Region of Niagara has adopted its amendment to the Regional Official Plan in the context of the Growth Plan for the Greater Golden Horseshoe.</p>	<p>17. The Region has not articulated this view.</p>
		<p>Comment 3 It appears that the Commercial Strategy Study and the Commercial Policy Amendment are focusing on short term planning approach on the basis of existing commercial development in the City, rather than a long term planning framework that includes a vision for future development of commercial areas within the City and policies to guide the implementation of that vision over the 20 year horizon of the plan. It is apparent that a long term approach is the more appropriate approach for an official plan or commercial planning strategy, particularly in the context of the City's comprehensive Official Plan Review process.</p>	<p>18. See Response 1.</p>
		<p>Comment 4 There is no clear and coherent planning rationale for the distinctions made in the Commercial Policy Amendment regarding the various commercial areas,</p>	<p>19. See Regional Commercial Systems Study and Policy Directions report.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		their respective planned functions, and their floor area restrictions.	
		<p>Comment 5 Notwithstanding the recommendations of the Commercial Strategy Study that the Gateway Shopping Node is intended to serve as a “regional” focus of retail activity in the City and to serve a regional function, the Commercial Policy Amendment provides that the planned function of the “eastern Approach is intended to serve as a “sub-regional” focus of the retail and service activity in the City”. The concept of the “regional” and “sub-regional” centres and the proposal to differentiate between them requires further discussion.</p>	20. Policies to be revised to reflect regional function of Eastern Approach.
		<p>Comment 6 The floor area restrictions identified in the Commercial Policy Amendment should take into account the expansion to the Wal-Mart department store that was approved by Council at its meeting of the 28 April 2009 by the enactment of the Zoning By-law 2009-52. The floor area restrictions applicable to the Calloway Sites should provide a long term policy direction for expansion of the commercial centre and intensification of the Eastern Approach node.</p>	21. Policy to be revised to address suggestions that policies be revised to take into account expansion to Wal- Mart. Long term expansion of retail uses in the node should be tied to market demand and the criteria put forth in policy 1.1.3.4.
		<p>Comment 7 Contrary to the policies of the existing Official Plan for</p>	22. Policies for the Eastern Approach were

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies			
Source of Comment	Date Submitted and Format	Comment	Response
		the Welland Planning Area (the "Official Plan") that apply to the Calloway Sites, the Commercial Policy Amendment does not make any provision for future expansions to the anchor stores to take place without an amendment to the Official Plan, subject to the preparation of a market impact analysis in support of any such expansion. This is a material and unjustified change to the existing Official Plan policies that apply to the Calloway Sites.	intended to be based on existing permissions. Future expansions for retail uses will be tied to market demand. Accordingly, policies for the Eastern Approach will be revised to reflect existing permissions.
		<p>Comment 8</p> <p>The permitted use and floor area restrictions identified in the Commercial Policy Amendment for the Eastern Approach effectively preventing any development on the West Site other than the home improvement store, although the existing policies of the Official Plan clearly intent the area to be developed for a range of commercial, business park and light industrial uses on the West Site. The approach in the Commercial Policy Amendment as it relates to the Eastern Approach is short-sighted and does not provide any long term planning framework for the Calloway Sites. It also substantially derogates from the existing Official Plan policies that apply to the West Site.</p>	<p>23.</p> <p>West side permission added to reflect existing permissions.</p>
		<p>Comment 9</p> <p>The Regional Shopping Node identified in the Commercial Policy Amendment does not reflect the recommendations of the Commercial Strategy Study in</p>	<p>24.</p> <p>Initially it had been suggested that the area be labelled as "Sub-Regional" to avoid confusion between the "Region of</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		regards to the planned function of the area as a sub-regional node.	Niagara” and the “Regional Trade Area”. In the context of the report the intent was to recognize the area as the focus of commercial and retail activity within the regional trade area. In the policies the label applies to the regional trade area (not Niagara Region), hence the name Regional Shopping Node. Note that both the Eastern Approach and Seaway Mall and vicinity serve the regional trade area.
		<p>Comment 10 The planned function of the Downtown should be more clearly identified in the Commercial Policy Amendment along with policies to guide the development of the Downtown.</p>	<p>25. See Response item 7.</p>
		<p>Comment 11 The Commercial Policy Amendment requires that market impact studies be prepared for “major applications”. However, the Commercial Policy Amendment does not clearly identify the market impact test and evaluation criteria that will be applied by the City in reviewing these studies and considering such applications. This is fundamental shortcoming as such policies are essential for the proper implementation of the intent of the Official Plan.</p>	<p>26. Policies to be clarified to include more specific direction for the market impact tests.</p>
		<p>Comment 12</p>	<p>See Response 1.</p>

Comment-Response Table: City of Welland, Draft Official Plan Commercial Policies

Source of Comment	Date Submitted and Format	Comment	Response
		<p>In summary our client is concerned that this planning policy direction focuses on the status quo and does not provide a long term planning vision which is in keeping with the 20 year planning horizon of the Official Plan. It is clear that further consideration is required regarding the rationale for the proposed commercial structure, and understanding of the relationships between the commercial nodes, the policy direction regarding the planned functions of the commercial nodes, and the manner in which change will be managed in the commercial structure.</p>	

1.1 Commercial

1.1.1 Planning Objectives

1.1.1.1 Provide for the Orderly Growth and Distribution of Commercial Areas

The City will ensure that there is an appropriate distribution of commercial areas provided throughout the City and that future growth occurs in an orderly manner.

1.1.1.2 To Provide a Range of Commercial Uses

The City will ensure that the land use policies reflect an appropriate range of commercial uses.

1.1.1.3 Support the City's Existing and Planned Commercial Hierarchy

Welland's commercial hierarchy is comprised of a series of commercial nodes and corridors, varying in size, form, location and use. The policies of this Plan are intended to support and enhance the City's existing commercial hierarchy.

1.1.1.4 Carefully Balance the Supply of Commercial Space with the Demand for Commercial Goods and Services

The City will ensure that there is a sufficient supply of commercial land to meet projected market demand for commercial goods and services within the City's trade area.

1.1.1.5 Support Existing Areas and Designations

In an effort to make an efficient use of designated lands and reduce vacancy rates, the City will promote existing designations and vacant land development by ensuring that these areas are built-out before any major expansion to existing designated areas occurs.

1.1.1.6 Promote Opportunities for Intensification and Redevelopment

The City will promote opportunities for intensification and redevelopment on commercially designated lands located within the built up area of the City.

1.1.1.7 Develop Attractive, Accessible and Pedestrian Friendly Spaces

The City will ensure that all new development is designed in an attractive manner, which is accessible to all and provides for the needs of pedestrians and all other modes of applicable transport.

1.1.1.8 Minimize Potential Negative Impacts

New commercial developments will be planned to minimize the potential negative impacts on adjacent land uses and transportation infrastructure.

1.1.2 Policies

1.1.2.1 Commercial Hierarchy

The City of Welland's commercial hierarchy is comprised of a distinct set of nodes and corridors. The policies of this Plan are discussed in terms of these six distinctive nodes and corridors, which are:

- i. The Downtown;
- ii. Regional Shopping Node;
- iii. Eastern Approach;
- iv. Community Commercial Nodes;
 - a. South Pelham Market Plaza;
 - b. Northtown Shopping Centre;
 - c. Welland Plaza;
 - d. Rose City Plaza; and,
 - e. Lincoln Centre.
- v. Community Commercial Corridors;
 - a. Prince Charles Drive South;
 - b. Prince Charles Drive North;
 - c. Riverside Drive;
 - d. King Street North and South;
 - e. Southworth Street; and,
 - f. East Main Street.
- vi. Neighbourhood Commercial Nodes.

The policies identified in sections 1.1.2 apply to the areas identified on Schedule A.

1.1.2.2 The Downtown

The Downtown is where specialized commercial retail, office and service uses are focused. As a mixed used node, it is different from all other nodes within the City, functioning as the cultural, community and administrative centre of the City. Combined with recreational and residential uses it is the most diverse area of the City. It is the intent of the City to develop comprehensive land use policies for the Downtown through the New Official Plan process taking into account its multiple functions.

1.1.2.3 Regional Shopping Node

1.1.2.3.A Planned Function

The Regional Shopping Node is intended to serve as the principal focus of commercial activity, providing retail commercial services, entertainment and business offices for residents within the regional trade area. The term regional refers to the trade area and not Niagara Region. The Regional shopping node serves an area which includes the City of Welland, the City Port Colborne, the Town of Pelham, the Township of Wainfleet and parts of the Township of West Lincoln and the City of Thorold.

1.1.2.3.B Permitted Uses

This area allows for both enclosed and stand alone structures. Permitted uses include a movie theatre and other entertainment type uses, a full range of retail, office, and

service commercial uses, including anchor stores such as supermarkets, department stores, apparel, home furnishing, drug and cosmetic, and other general merchandise stores, smaller scale specialty retail stores, business and professional offices, hotels, motels and personal services,

1.1.2.3.C Scale

The Regional Node should be planned to accommodate approximately 500,000 square feet of enclosed commercial space within the Seaway Mall and an additional 750,000 square feet of commercial space surrounding the Mall along Niagara Street for a total of approximately 1.2 million square feet of gross floor area commercial space.

1.1.2.3.D Design

The Regional Shopping Node should be planned to reflect its importance as the principal focus of commercial activity in the City. It is to be a transit-friendly setting. The node should be pedestrian friendly, barrier-free and accessible in its entirety. There should be ample parking spaces to accommodate all vehicular traffic and patrons. Building facades, landscaping and site planning in general should complement one another to achieve balanced and an aesthetically satisfying built environment.

1.1.2.4 Eastern Approach

1.1.2.4.A Planned Function

The Eastern Approach is intended to serve as a regional focus of retail and service activity in the City in an unenclosed shopping centre with generally large scale free-standing facilities containing new format retail big box stores.

1.1.2.4.B Permitted Uses

East Side

Permitted uses on the East Side of the Eastern Approach are limited to one department store, an auto supply store, business offices, personal service establishments, banks, restaurants, fast food outlets and other such complimentary uses, provided that the minimum gross floor area for each non-department store DSTM unit is 4,000 square feet.

West Side

Permitted retail uses on the West Side of the Eastern Approach are limited to one home improvement store. Big box retail uses are permitted on the undeveloped portion of the West Side, south and west of the existing home improvement store, provided that they are consistent with policies 1.1.3.2, 1.1.3.3 and 1.1.3.5 of this Plan. A range of commercial service uses, including automobile dealerships, service stations, restaurants, commercial recreation uses, hotels, motels, call centres are also permitted on the site.

1.1.2.4.C Scale

The Eastern Approach will be planned to provide for a total of up 438,000 square feet of commercial retail uses, comprised of the following:

East Side

- i. One 177,500 square foot department store;
- ii. One 101,000 square foot home and auto supply store;
- iii. 20,000 square foot non-department store DSTM; and,
- iv. 15,000 square foot of complementary service type uses.

West Side

- i. One 124,500 square foot home improvement store (including 50,700 square feet of storage, 17,500 square feet for a garden centre and 56,300 square feet for a home improvement store).
- ii. Commercial service uses are also permitted on the undeveloped portion of the site, south and west of the existing home improvement store.

1.1.2.4.D Minimum Floor Size

The minimum floor size for commercial retail units and complementary service type uses is 4,000 square feet.

1.1.2.4.E Design

The Eastern Approach should be planned with careful consideration for all aspects of urban design. The buildings should provide a strong street edge and a distinct sense of place. The node should be user-friendly, barrier-free and accessible. The Eastern Approach should be accessible to transit users.

1.1.2.5 Community Commercial Node

1.1.2.5.A Planned Function

Community Commercial Nodes are intended to serve as local foci of retail activity at sites distributed across the City to serve community commercial functions with free-standing commercial uses and small plazas on larger lots that are generally anchored by supermarket facilities or a large retailer. Community Commercial Nodes will serve the needs of local residents in living in areas within relative close proximity to the Node.

1.1.2.5.B Permitted Uses

Community Commercial Nodes should be planned to accommodate a full range of retail, office, and service commercial uses, including a supermarket or a general merchandise anchor store and a diversified mixture of basic shopping facilities, specialty retail, business and professional offices, and personal services. Community Shopping Nodes are generally anchored by supermarket or a general merchandiser.

1.1.2.5.C Scale

Community Commercial Nodes should be planned to accommodate up to 185,000 square feet of commercial space.

1.1.2.5.D Design

Community Shopping Nodes should be designed as focal points for adjacent neighborhoods. They should be pedestrian friendly and include pedestrian access to

adjacent neighbourhoods. Community Shopping Nodes should also be accessible to transit and should supply an adequate amount of parking facilities.

1.1.2.6 Community Commercial Corridor

1.1.2.6.A Planned Function

Commercial Corridors are intended to serve as a focus of retail activity along major access corridors to serve a local commercial function with free-standing commercial uses and small plazas generally on relatively small lots.

1.1.2.6.B Permitted Uses

Commercial Corridors permit uses to serve the travelling public with a range of retail, office, and service commercial uses, excluding a supermarket anchor, but including a diversified mixture of specialty retail, specialty food, business and professional offices, personal services, places of worship, automotive commercial uses (excluding motor vehicle body shops and wreckers), hotels / motels, places of entertainment, restaurants, private and commercial schools, and private recreational facilities (banquet halls and private clubs).

1.1.2.6.C Design

Community commercial corridors are to be planned bearing in mind activities that generate vehicular traffic. These corridors are to be safe, pedestrian friendly and transit oriented. Drive-throughs are to be located in such a way that they will not constitute any hazard or nuisance to neighbours. Land uses that have tendencies to generate larger traffic volumes should have adequate parking facilities and good effective traffic planning to ameliorate traffic congestion and related hazards.

1.1.2.7 Neighbourhood Commercial

1.1.2.7.A Planned Function

Neighbourhood Commercial areas are intended to provide for daily or weekly convenience shopping and service needs of nearby residents.

1.1.2.7.B Permitted Uses

Permitted uses within Neighbourhood Commercial areas include small retail stores, small food stores, small pharmacies, personal services, financial institutions, service-oriented office uses (such as insurance, real estate, medical/dental offices, travel services), small restaurants which are intended to draw residents of the surrounding neighbourhood(s). Residential units are permitted above commercial uses within these buildings.

1.1.2.7.C Location Criteria

Neighbourhood Commercial areas are not shown on Schedule A of this Amendment. Neighbourhood Commercial areas are permitted within the City's residential areas, provided that they are located at the intersections of arterial and/or collector roads and fit within the context of the surrounding land uses.

1.1.2.7.D Scale

Neighbourhood Commercial areas should fit within the context of the surrounding neighbourhood. Individual areas should not exceed 20,000 square feet of gross floor area.

1.1.3 Other Policies

1.1.3.1 Infill and Intensification Development

Infilling and intensification is encouraged throughout the City's existing built up commercial areas. Infilling on existing commercial areas should address:

- i. The need for additional parking located wherever possible at the rear of the building(s);
- ii. Land use compatibility;
- iii. Accessibility;
- iv. The potential for additional traffic;
- v. The need for a unified and cohesive design of the overall site by locating new development at the street front; and,
- vi. The maximum size requirements identified in this Plan.

1.1.3.2 Balancing Demand and Supply

The City of Welland will support its commercial hierarchy by carefully balancing the demand for retail commercial goods with an appropriate supply of retail space. This will be achieved by exercising control over expansions to existing designated retail areas. New retail areas or expansions to existing retail areas shall be tied to market demand as per the policies outlined in 1.1.3.3 and 1.1.3.5.

1.1.3.3 Major Applications

Market Impact Studies and Peer Reviews are required for all major applications including expansions and redevelopment proposals. The City reserves the right to determine what constitutes a major application based on a series of qualitative and quantitative criteria. Generally major applications are defined as any application greater than 30,000 square feet. However, size alone should not be considered the sole factor in determining what constitutes a major application. Applications proposing less than 30,000 square feet may still be considered a "major application" within the context of any one of the following:

- i. The need for the proposed use;
- ii. Location, size and scale of the proposed development;
- iii. Potential for compatibility issues;
- iv. Potential market impacts on the City's existing and planned commercial areas;
- v. The potential for negative impacts on the natural environment;
- vi. The adequacy of the existing transportation infrastructure, including pedestrian, transit and cycling infrastructure, serving the proposed use; or,
- vii. The adequacy of the existing water and waste water infrastructure and other municipal services.

1.1.3.4 Exceptions

Notwithstanding the policies of 1.1.2.4c and 1.1.3.2, the development of large retail and wholesale uses and/or future expansions for the department store and home and auto supply store and the home improvement store located within the Eastern Approach may be permitted without Amendment to this Plan provided that a Market Impact Study is prepared by the proponent. The Market Impact Study shall be subject to Peer Review by the City, at the expense of the proponents. Any development of large retail and wholesale uses and/or future expansions will require a site specific Zoning by law amendment.

1.1.3.5 Market Impact Studies and Peer Reviews

Market Impact Studies and Peer Reviews shall document the impact of the proposed application on the City's existing commercial hierarchy and include a supply-demand analysis which identifies the City's existing supply of commercial areas, the demand for commercial retail and is related to the population growth assumptions found within the Official Plan. New nodes or expansion to existing nodes and corridors will need to demonstrate that there are no adverse affects on the planned function of the City's commercial hierarchy. The cost of Market Impact Studies and Peer Reviews will be borne by the applicant/owner.

1.1.3.6 Proposed Amendments

When considering proposed amendments to designate additional commercial areas, the City, shall consider:

- i. How the proposed amendment implements the Objectives set forth in this Plan;
- ii. The need for the proposed use;
- iii. Location, size and scale of the proposed development;
- iv. Potential for compatibility issues;
- v. Potential market impacts and the potential for adverse affects on the City's established commercial hierarchy;
- vi. The potential for negative impacts on the natural environment
- vii. The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use; and,
- viii. The adequacy of the existing water and waste water infrastructure and other municipal services.

1.1.3.7 Zoning By-Law

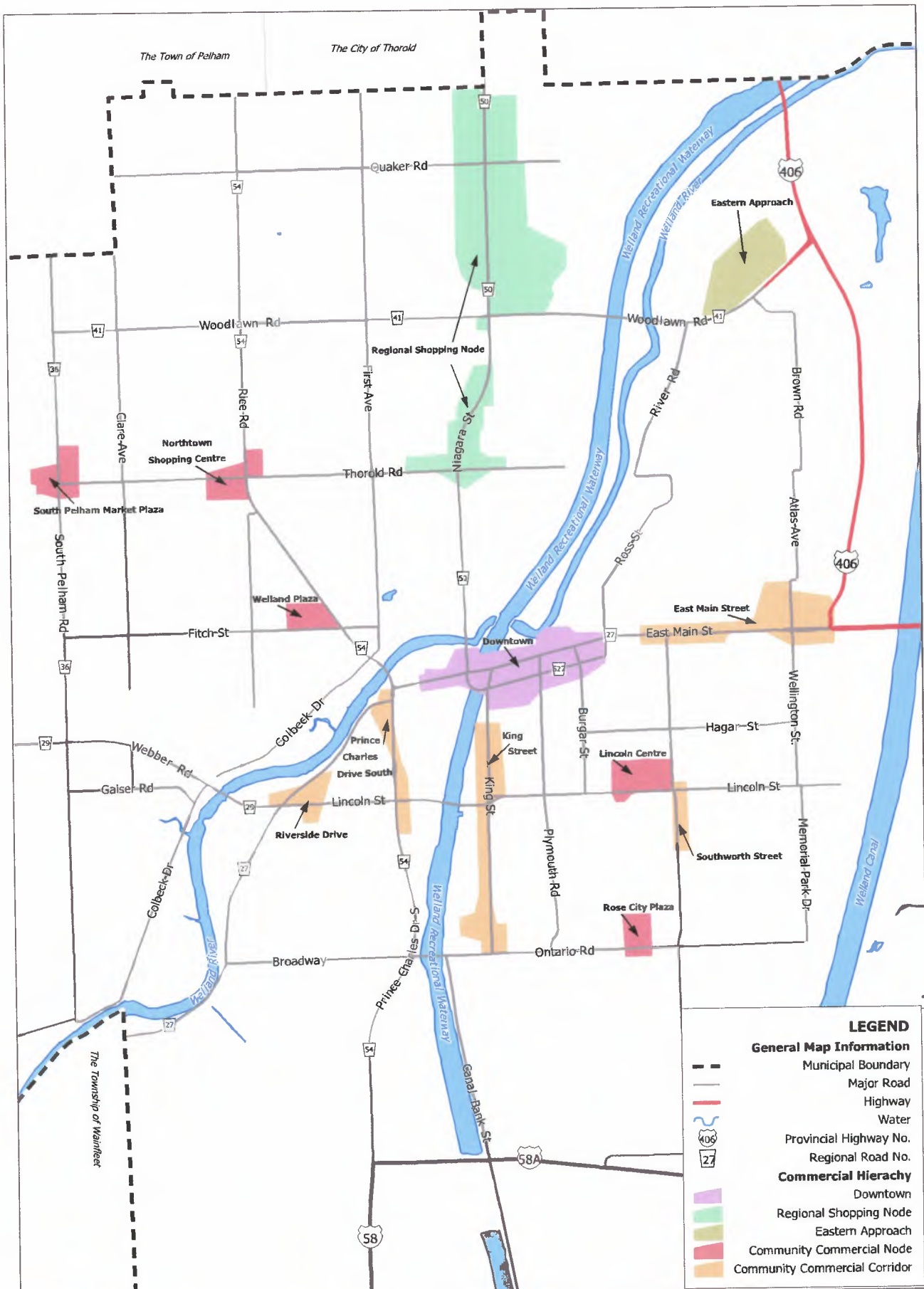
The City's Zoning By-Law will be amended to reflect the policies of this Plan.

1.1.3.8 Site Plan Control

All development within the City's commercial areas is subject to site plan control. The design policies of this Plan be implemented through site plan control and/or urban design guidelines.

1.1.3.9 Gross Floor Area

Within the land use designations of this Plan the term "gross floor area" refers to the total floor area within a building, excluding utility areas, stairwell, washrooms and corridors.



LEGEND

General Map Information

- Municipal Boundary
- Major Road
- Highway
- Water
- 406 Provincial Highway No.
- 27 Regional Road No.

Commercial Hierarchy

- Downtown
- Regional Shopping Node
- Eastern Approach
- Community Commercial Node
- Community Commercial Corridor



SCHEDULE "A"
Commercial Hierarchy

