



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 15, 2019

FROM: Planning Services Department

DATE: March 25, 2019

SUBJECT: Public Meeting Report - Zoning By-law Amendment for 240 Leighland Avenue (Petsmart) - Z.1513.29

LOCATION: 240 Leighland Avenue

WARD: 5

RECOMMENDATION

1. That the public meeting report prepared by the Planning Services Department dated March 25, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by MHBC Planning (File No.: Z1513.29) be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS

The application proposes to permit training and temporary care (daytime and overnight boarding) of pets in conjunction with a retail pet supply store on the second floor of the former Sears unit within Oakville Place. All activities would be located internal to the existing mall.

Zoning By-law 2014-014 permits Retail uses, Pet Care Establishments (grooming), and Veterinary Clinics (which permit overnight boarding) on the subject site, however the training and temporary care of animals is not specifically permitted.

A "Boarding Kennel" is defined by Zoning By-law 2014-014 as a premises, including outdoor areas, used for the breeding, raising, training, sheltering or boarding on a temporary basis, for dogs, cats, or other household pets.

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The intent of the proposed Zoning By-law Amendment is to permit training and temporary boarding (including overnight) of animals, with no outdoor exercise amenity area in conjunction with the retail and pet care establishment.

The Town's Licensing By-law 2015-075 currently does not permit overnight boarding of animals without an outdoor exercise area.

The subject lands are designated Core Commercial by the Livable Oakville Plan and zoned C3 (Core Commercial) SP 64 Zoning By-law 2014-014. Although the Core Commercial land use designation permits a wide range of retail and service commercial uses, the Core Commercial zone does not allow for a Boarding Kennel.

Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement 2014, conform to all applicable Provincial plans, the Region of Halton Official Plan and the *Livable Oakville Plan* as they allow for Core Commercial uses in accordance with the Town's established urban structure

Council has until May 17, 2019 (150 days) to make a decision on this application.

BACKGROUND

Proposal

The Zoning By-Law Amendment application proposes to permit training and temporary boarding (including overnight) in conjunction with the retail pet supply store and pet care establishment.

The intended use for the vacant second floor portion of Oakville Place is a retail pet supply store. Accessory uses to the pet supply store would also include pet grooming, puppy training, pet daycare, and overnight pet boarding. Training, pet daycare, and overnight boarding are the subject of the Zoning By-law Amendment.

Operationally, the applicant has indicated that staff would be on-site to supervise and attend to animals staying overnight, similar to that of a veterinary clinic, but would not be providing outdoor amenity space for the boarded dogs. Indoor exercise areas would be provided as noted on Figure 2 below.

Location & Site Description

The subject lands are located at 240 Leighland Avenue. The subject lands are 11.733 ha (29 acres) in size with approximately 324.46 m of frontage on Leighland Avenue. The proposed use is intended to occupy the second floor of the former Sears within the Oakville Place shopping mall.

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Surrounding Land Uses

The surrounding land uses are as follows:

North: Leighland Park, Residential Uses (two-storey semi-detached dwellings, three-storey townhouses, and six-storey apartment)

East: Trafalgar Road, Employment Uses

South: Queen Elizabeth Way

West: Residential Uses (one and two-storey detached dwellings)

PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe (2007)
- Halton Region Official Plan
- *Livable Oakville* Plan
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Policy 1.1.1 of the PPS states 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;*

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- b) accommodating an appropriate range and mix of residential (including second units, 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;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”*

The existing Zoning By-law is consistent with the PPS 2014 as it allows for a range of employment uses to meet the long term needs of a community.

Growth Plan (2017)

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Built-Up Area.”

Policy 2.2.1.4 a) states that the policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores and services, among others.

The existing Zoning By-law conforms to the 2017 Growth Plan as it provides for complete communities and allows for convenient access to a range of retail uses.

Halton Region Official Plan

The subject lands are designated “Urban Area” and included in the “Employment Area” overlay in the Halton Region Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

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The existing Zoning By-law conforms to the Halton Region Official Plan and provides a range of commercial uses for the site.

Livable Oakville Plan

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Major Commercial Areas and is identified as Nodes and Corridors for Further Study. Major Commercial Areas provide concentrations of commercial facilities serving a broader area within the region. These areas are located at the intersection of major arterial roads with proximity to highway access. Major Commercial Areas consist of Core Commercial and Central Business District designations.

The subject lands are within the Special Policy Area – Trafalgar Road Corridor on Schedule I – Central Land Use. The subject lands were included in the 2014 Trafalgar Road Corridor Planning Study which identified opportunities for additional intensification on the site. Amendments to the Town's Official Plan and Zoning By-law would be required to accommodate residential intensification of the subject site.

Land Use Policies

Policy 13.3.1 Core Commercial states:

"Permitted uses may include a range of retail and service commercial uses including restaurants, food stores and motor vehicle service stations. Large format retail, retail warehouse, entertainment and recreational uses may also be permitted. Offices and motor vehicle repair facilities may be permitted provided they serve a secondary function within the Core Commercial designation and are small in scale."

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Further Policy 13.3.2 states:

“The size and location of uses within the Core Commercial designation shall be regulated by the implementing zoning.”

Policy 13.3.3 states:

“The retail and service commercial uses within the Core Commercial designation are to be accommodated within an enclosed shopping mall, large freestanding buildings or through groupings of buildings. These areas shall be developed in a nodal configuration to minimize traffic impacts on adjacent uses.”

Also, Policy 26.3.1 states:

“The Trafalgar Road Corridor Special Policy Area is intended to provide for the redevelopment of specific properties along Trafalgar Road to provide transit-supportive development which supports and creates an urban connection between Midtown Oakville and the Uptown Core.

The Trafalgar Road Corridor consists of a wide range of existing land uses including low and medium density residential uses. Development shall be designed to respect the built and planned context, and in accordance with the design direction contained in the Livable by Design Manual.”

Zoning By-law (2014-014)

The subject lands are zoned C3 (Core Commercial) Special Provision 64. The C3 zone permits a range of commercial uses including retail, pet care establishment, veterinary clinic, and daycare, among others. Special Provision 64 provides regulations related to required yards for parking areas. All uses within the C3 zone are permitted under Special Provision 64.

The existing Zoning By-law conforms to the Town's Official Plan as it permits a range of retail and commercial uses.

A Boarding Kennel is defined as a premises, including outdoor areas, used for the breeding, raising, training, sheltering or boarding on a temporary basis, for dogs, cats, or other household pets. A Boarding Kennel by definition would include doggy-daycare type facilities, as well as overnight boarding. The proposed Zoning By-law Amendment is to permit a modified Boarding Kennel use to accommodate a doggy-daycare and overnight boarding facility in conjunction with the permitted retail pet supply store use.

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TECHNICAL & PUBLIC COMMENTS

The applicant is proposing to provide an additional range of uses related to their retail pet supply store use. The pet supply store has locations throughout the Greater Golden Horseshoe including their existing location in Oakville at Winston Park Drive and Dundas Street East. Some of their locations have already started to provide an expanded range of uses within the Greater Toronto Area, including the temporary care of pets at selected sites.

The Zoning By-law 2014-014 permits retail uses and pet care establishments (grooming) as of right. Further, veterinary clinic is also a permitted use, which includes the overnight stay of animals in a supervised environment, with no outdoor space. The Zoning By-law considers the temporary and overnight care of animals as a Boarding Kennel. A Boarding Kennel is currently only permitted in the Greenbelt (GB) and Parkway Belt Complementary (PB2) Zone which contemplates the full range of uses including breeding, raising and outdoor amenity areas. The areas zoned GB or PB2 are generally not located within proximity to existing or planned mixed use or higher density areas.

Figure 1 below shows the location of the proposed retail establishment, while Figure 2 below shows the internal layout of the store, and the location of the proposed boarding area, including exercise areas for boarded dogs.

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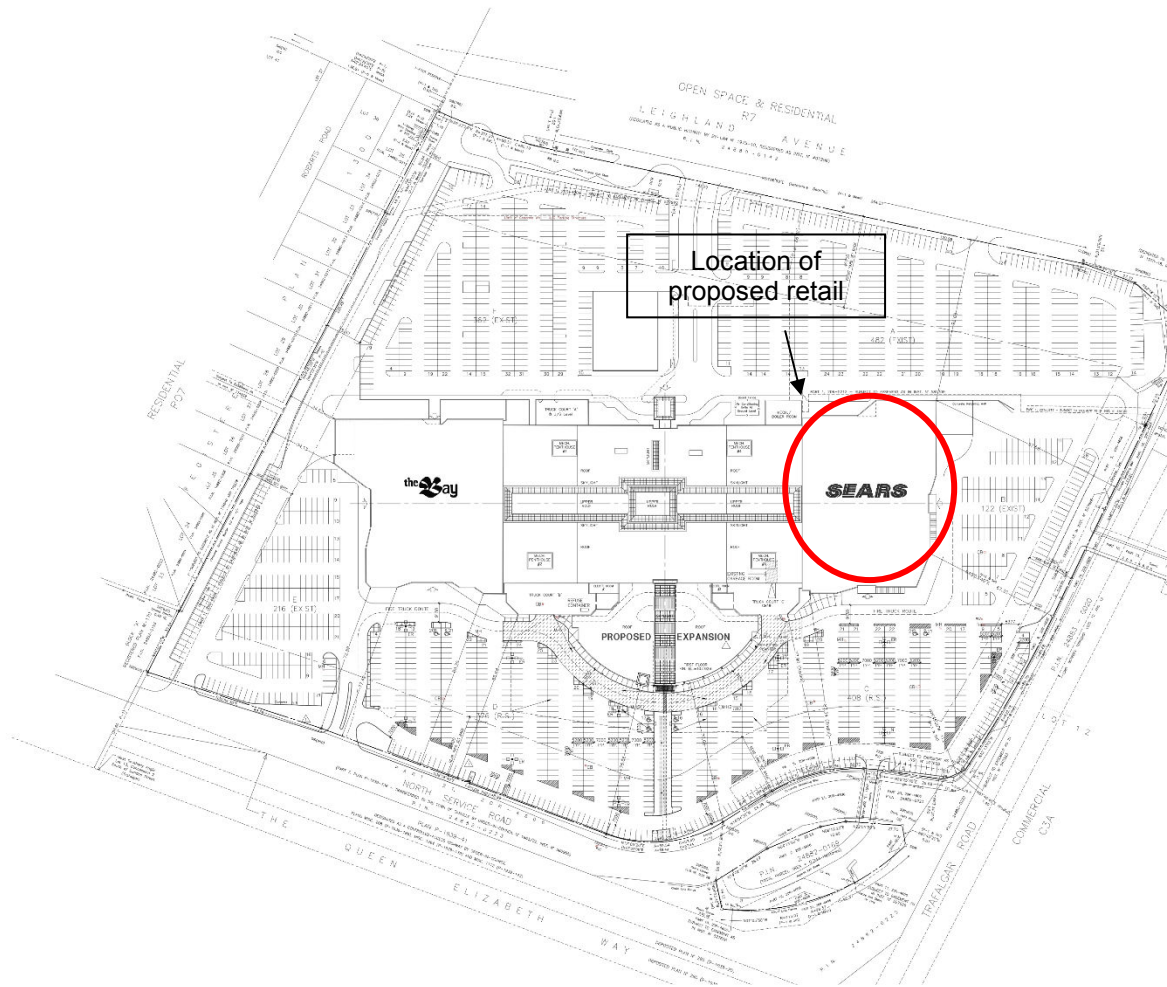


Figure 1: Site Plan

The proposed Zoning By-law Amendment would modify the existing special provision 64 to permit the training and temporary boarding (including overnight) of animals without access to an outdoor amenity area.

- The Town's Licensing By-law 2015-075 requires that the overnight care of animals on a premises which is not a veterinary clinic obtain a licence. In accordance with Schedule 26 Section 3(2)v. of the Licensing By-law:

“Outside exercise facilities shall be provided which shall be fenced in such a manner as to keep the dogs securely enclosed and to mitigate noise. Each dog shall be provided access to such facilities at least twice in every 24-hour period. Dogs must be supervised by sufficient personnel at all times to mitigate noise. The outdoor exercise facility shall be cleared of all waste between use by each animal. No dog shall be placed in such facility during extreme weather conditions.”

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- There is no formal amendment or variance process for the Licensing By-law. In order to amend the Licensing By-law, Council would have to direct staff to do so.
- Potential impacts on adjacent existing and planned land uses such as noise, safety, land use compatibility, etc.
- Conformity with the Provincial Policy Statement, Growth Plan, Region of Halton Official Plan, and other policy documents.

CONSIDERATIONS

(A) PUBLIC

Notice of Complete application and the Public Meeting notice regarding this development application was provided through a mailing to all properties within 120 metres of the subject lands. One written submission was received and is included in Appendix "C" of this report.

The comment highlighted concerns with respect to the operations of the temporary care of pets, outdoor amenity areas, and dog walking. The resident highlighted that they would be in support of the application provided adequate green space was provided that did not present any negative visual and noise impacts to the residential areas.

(B) FINANCIAL

No financial implications are resulting from this application.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

A business license will be required for the temporary overnight boarding of animals and subject to the regulations of the Town's Licensing By-law 2015-075. No license would be required if no overnight boarding of animals is provided.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposal is consistent with the guiding principles of the Livable Oakville Official Plan to enhance economic environments.

CONCLUSION

Planning staff will continue to review and analyze the proposed application and address all technical matters, if any, along with submitted public comments, and report to Council at a future meeting. No further notice is required; however, notice of any future public meetings will be provided to those who have made submissions.

APPENDICES

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Public Comment

Prepared by:
Kate Cockburn, MCIP, RPP
Planner, Planning Services

Recommended by:
Heinz Hecht, MCIP, RPP
Manager – East District, Planning Services

Submitted by:
Mark H. Simeoni, MCIP, RPP
Director, Planning Services