



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

FROM: Planning Services Department

DATE: April 18, 2019

SUBJECT: Recommendation Report - Zoning By-law Amendment for 240 Leighland Avenue (Petsmart) - Z.1513.29 - By-law 2019-020

LOCATION: 240 Leighland Avenue

WARD: 5

RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by MHBC Planning (File No. Z.1513.29), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated April 18, 2019;
2. That By-law 2019-020, an amendment to Zoning By-law 2014-014, be passed;
3. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

Following the public meeting on April 15, 2019 the applicant has amended their application to remove overnight boarding.

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The revised application proposes to permit pet training and temporary care (daytime) of pets in conjunction with a retail pet supply store on the second floor of the former Sears unit within Oakville Place.

Retail and Pet Care Establishments are permitted on the subject site, however the training and temporary care of animals is not permitted.

A Pet Care Establishment means a premises used for the grooming of domestic animals.

The proposed Zoning By-law Amendment is to permit training and temporary care only, with no outdoor amenity area and no overnight stays in association with a Pet Care Establishment.

A license is not required for the proposed uses under the Town's Licensing By-law 2015-075.

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 training and the temporary care of pets.

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.

Staff recommends approval of the application as the proposal is consistent with the PPS, conforms to the Growth Plan, Regional OP and general intent and purpose of the Livable Oakville Plan, as the proposed training and temporary care facilities provides accessory uses to the permitted retail and pet care establishment. Further, it aids in the achievement of complete communities by providing a use compatible with the surrounding commercial and residential area that makes efficient use of existing municipal infrastructure and serves the broader regional community.

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BACKGROUND

Proposal

The Zoning By-law Amendment application proposes to permit training and temporary care of pets 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, pet training, and pet daycare. Training, and pet daycare the subject of the Zoning By-law Amendment.

The proposed By-law would permit training and temporary care in association with a Pet Care Establishment, and would prohibit overnight boarding and outdoor amenity space.

Operationally, the applicant has indicated that staff would be on-site to supervise and attend to animals. 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.

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)

Timing

The Zoning By-law Amendment application was received and deemed completed on December 18, 2018.

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A pre-consultation meeting was held on August 15, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

A Public Information Meeting was held on April 15, 2019. Notice of this statutory public meeting and recommendation meeting was mailed to property owners and occupants within 120m of the subject site. No members of the public attended the meeting. Council had the following matters for staff to consider:

- a) Concerns were expressed as to how noise can be mitigated from this operation if the dogs are allowed to be outside;
- b) How do we deal with the conflict between the requested zoning By-law amendment (where the dogs are to be inside) and the Town of Oakville licensing requirement (where access to the outside is required at least once every 12 hours)?;
- c) If outside space is required how will it be regulated, and noise mitigated?; and
- d) Can staff review the requirements of standards of care as set out in Ontario Regulation 1609(SPCA Act)

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

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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;*
- 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 primary use for the vacant second floor portion of Oakville Place is a retail pet supply store. Accessory uses to the pet supply store includes pet grooming, pet training and pet daycare. Training and daycare are the subject of the Zoning By-law Amendment. It is staff's opinion that these uses are secondary to the primary retail establishment and facilitate additional pet care type uses related to the retail use.

The existing Zoning By-law is consistent with the PPS 2014 as it allows for a range of retail and pet care establishment uses.

The proposed Zoning By-law is also consistent with the PPS 2014 by permitting accessory service commercial type uses to the permitted retail establishment by facilitating the reuse of the existing vacant space within the shopping centre to promote efficient land development while providing a range of uses that avoids public health and safety concerns and does not present any additional servicing costs.

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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 allows for a range of retail and pet care establishment uses.

The proposed Zoning By-law also conforms to the 2017 Growth Plan as the proposal is not a form of intensification but rather a reuse of the existing vacant space within the shopping centre that will diversify the stores and service options available to the public to continue to support complete communities.

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.

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

The proposed Zoning By-law also conforms to the Halton Region Official Plan by expanding the range of uses permitted under a Pet Care Establishment.

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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 the 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."

Further Policy 13.3.2 states:

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

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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.”

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

The proposed Zoning By-law also conforms to the Town’s Official Plan by permitting additional accessory pet care uses to the permitted retail and pet care uses.

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, including Pet Care Establishment.

Staff are currently working on a housekeeping By-law to be brought to Council at a future date. During the review and preparation of the proposed housekeeping By-law, staff have identified a potential need to broaden the definition of Pet Care Establishment to include temporary care and training in addition to grooming. The proposed By-law is consistent with that future direction.

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

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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. The proposed Zoning By-law amendment would expand on permitted uses in association with the Pet Care Establishment to permit the temporary care of pets within a building with no outdoor amenity space. Pets would be dropped off and picked up in the same day for the daycare component, and pet owners would accompany their pets during any training sessions. The applicant has indicated that there will be no interior connection to the mall to mitigate any negative impacts to the public.

The proposed Zoning By-law amendment will modify the existing special provision 64 to expand the uses permitted in association with a Pet Care Establishment and permit the additional accessory uses of training and temporary care of animals.

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 daycare and exercise areas.

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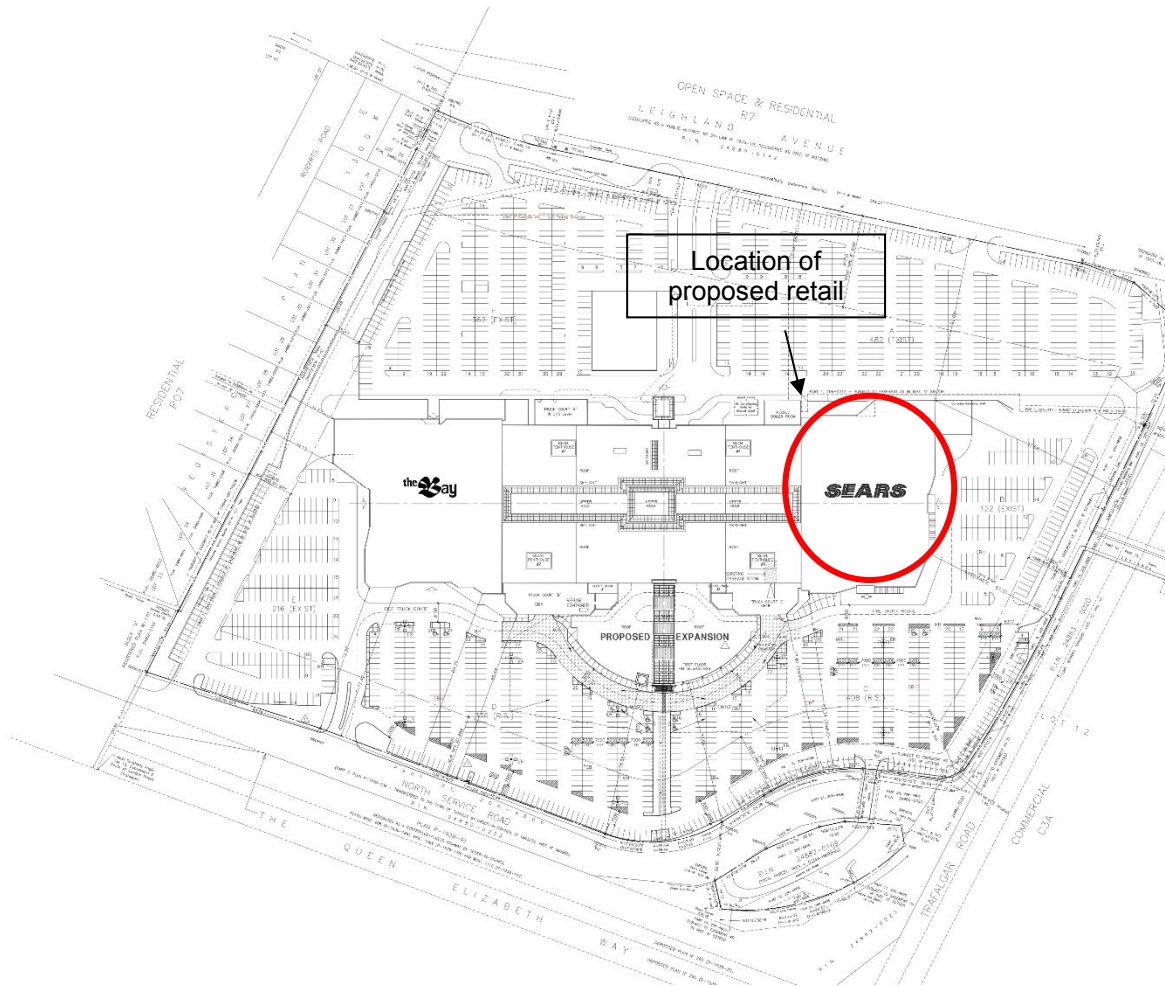


Figure 1: Site Plan

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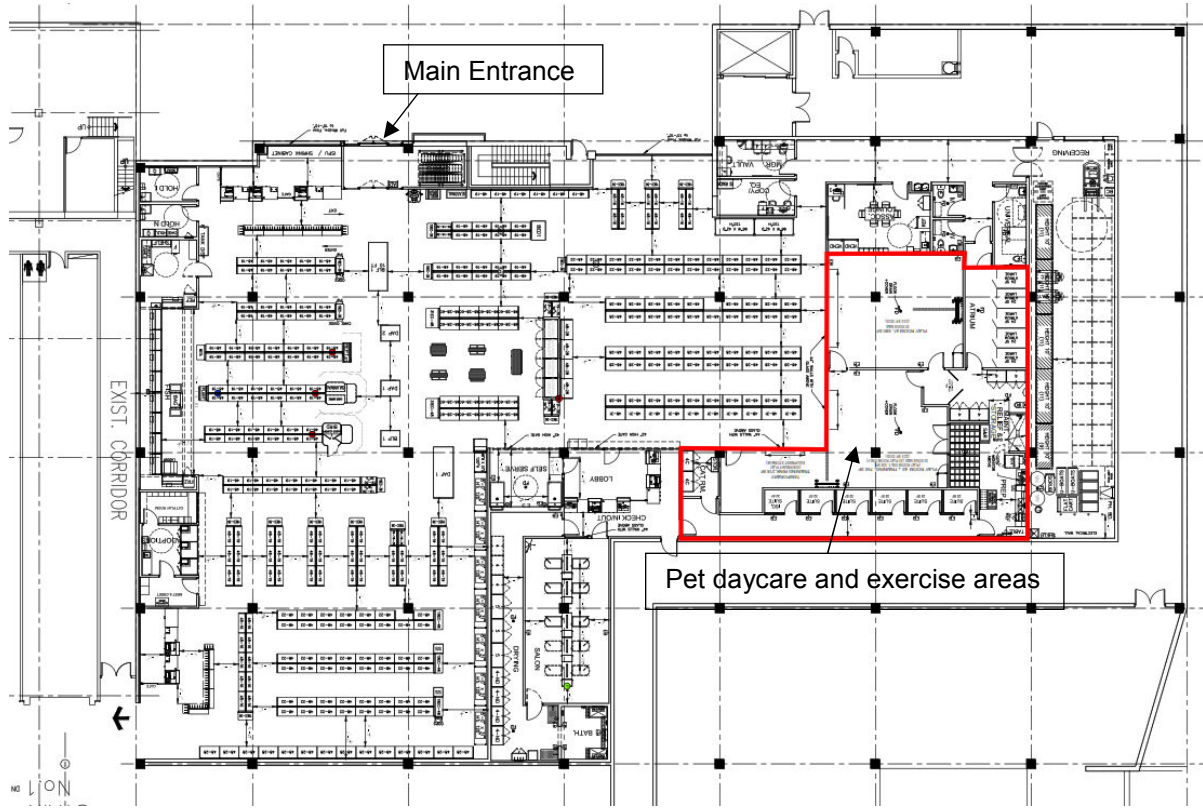


Figure 2: Floor Plan

Issues Under Review / Matters to be Considered

In the public meeting report dated March 25, 2019 prepared by Planning Services, staff identified a conflict with the overnight boarding portion of the original application and the Town's Licensing By-law 2015-075 as it related to outdoor amenity space. The application as originally submitted proposed overnight boarding without outdoor amenity space. However, the Licensing By-law 2017-075 requires outdoor space when pets are boarded overnight.

At the public meeting, Council had the following matters for staff to consider:

- a) Concerns were expressed as to how noise can be mitigated form this operation if the dogs are allowed to be outside;
- b) How do we deal with the conflict between the requested zoning By-law amendment (where the dogs are to be inside) and the Town of Oakville licensing requirement (where access to the outside is required at least once every 12 hours)?;
- c) If outside space is required how will it be regulated, and noise mitigated?; and

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- d) Can staff review the requirements of standards of care as set out in Ontario Regulation 1609(SPCA Act)

Following the public meeting, the applicant has revised their application to remove the overnight boarding component. The revised application no longer conflicts with the Licensing By-law, as outdoor space is not required for temporary day-time care of pets.

The proposed By-law reflects the specific uses of training and temporary care of pets, within the proposed retail establishment, without outdoor space. The applicant had indicated at the Public Meeting that there would be no physical connection from the proposed retail establishment to the mall, which would avoid any potential conflicts with the public and animals.

On this basis, it is staff's opinion that the revised application does not present any conflicts with the Licensing By-law and represents good planning.

Public Comments

Staff have received one written comment from the public regarding the proposal, included in Appendix "C". The comment highlighted concerns with respect to the operations of the temporary care of pets, outdoor amenity areas, and walking. The resident highlighted that they would be in support of the application if adequate green space was provided to pets that were boarded overnight. As the applicant has revised their application, it is staff's opinion that the resident's comments have been addressed.

CONCLUSIONS

The proposal complies with the applicable Provincial, Regional and Local land use policies, and has been modified to address technical and public comments raised through the review process. It is staff's opinion that the addition of pet training and temporary pet care uses in association with a retail pet supply store complement the existing uses within Oakville Place and provides additional services to the public in a Major Commercial area. Further, the application as amended does not present any conflicts to the existing and planned land uses for the site. Therefore, it is staff's opinion that the amended application represents good planning.

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 if adequate green space was provided to pets that were boarded overnight. As the application has been amended to remove overnight boarding, it is staff’s opinion that these concerns have been addressed.

(B) FINANCIAL

No financial implications are resulting from this application.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

No impact on other departments or users.

(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

Staff recommend approval of the amended Zoning By-law amendment application as the proposal represents good planning and is in the public interest.

APPENDICES

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Public Comment

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

Recommended by:
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Submitted by:
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Director, Planning Services