

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 3, 2016

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**FROM:** Planning Services Department

PD 16-587

**DATE:** September 15, 2016

**SUBJECT:** Royal Pet Grooming Business - 1380 Speers Road

**LOCATION:** 1380 Speers Road

**WARD:** 2

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#### RECOMMENDATION:

That Report PD-16-587 be received for information.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- The Livable Oakville sub-committee requested that Planning staff prepare a report to identify what is necessary to legalize a pet grooming establishment at 1380 Speers Road. The report should clearly identify the process that is required to be followed. In addition, the report should highlight any issues that will be considered as part of this process.
- A pet grooming business presently operates from this property, which is not permitted under the Office Employment designation under the Livable Oakville Plan or the Office Employment E1 zone under Zoning By-law 2014-014.
- This report is intended to highlight the background and planning context with regard to the Pet Grooming business at 1380 Speers Road, and to outline the process and issues that would be involved in legalizing the use.

#### BACKGROUND:

In 1997 a pet grooming business was established at 1380 Speers Road. At that time, the lands were zoned Industrial M1 under Zoning By-law 1984-063, which did not permit the pet grooming business. Similarly, upon the adoption of the new Zoning By-law 2014-014, the lands were zoned Office Employment E1, which also did not permit the pet grooming establishment. The pet grooming business is considered a service commercial use, which is not a permitted use under either the old and new Zoning By-laws, nor under the Office Employment designation under the Livable Oakville Plan.

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On June 2, 2016 an application for a Certificate of Occupancy was filed with the Town, by a perspective purchaser of an existing pet grooming business operating at 1380 Speers Road. The use was found to be out of compliance with the use permissions of Zoning By-law 2014-014 and out of conformity with the policies of Livable Oakville. The business has been in operation at this location since 1997.

The Town has no record of an application for a Certificate of Occupancy being filed at the time that the business was initially opened in 1997. The purpose of submitting an application for a Certificate of Occupancy is to verify that the intended use is permitted in a given location under the regulations of the Town's Zoning By-law. Building Department records indicate that, based on a complaint about the operation of this business, a Town By-law Enforcement Officer had advised the business operator that the business did not comply with M1 zoning in effect at the time.

Over the course of the operation of the business between 1997 and 2016, a number of applications for Mobile Sign Permits have been filed by the business owner and issued by the Town. The review of Mobile Sign Permits by the Town does not include a review of zoning compliance for the use.

The pet grooming business was found to be out of compliance with the use permissions of Zoning By-law 2014-14, and out of conformity with the policies of Livable Oakville.

### Location

The property is located at 1380 Speers Road.



Location Map – 1380 Speers Road

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### Surrounding Land Uses

The surrounding land uses are bounded by industrial businesses to the north, east and south. The Fourteen Mile Creek is situated along the westerly edge of the property.

## **POLICY FRAMEWORK**

### Region of Halton Official Plan

The property is designated "Employment Area" by the Halton Region Official Plan, as identified on Map 1, Regional Structure. Section 77.4 (1) states that it is the policy of the Region to prohibit residential and other non-employment uses in employment areas except under certain defined circumstances, including to recognize uses permitted by specific policies of a Local Official Plan on or before December 16, 2009.

The Official Plan does not recognize a pet grooming establishment as a permitted use in employment areas, which raises a concern for the potential for a Regional Official Plan Amendment. Staff are clarifying with Regional staff if a Regional Official Plan Amendment will be required, and will report on this verbally at the P & D Council meeting.

### Livable Oakville:

The property is designated "Office Employment" by the Livable Oakville Plan, as identified on Schedule F, South West Land Use. Office Employment areas are intended to provide primarily for prestige office uses. The range of permitted land uses are outlined in Part D, Section 14.3.1:

#### *"14.3.1 Permitted Uses*

- a) Uses permitted within the Office Employment designation may include major offices and offices, hotels, public halls, light industrial uses and training facilities and commercial schools. Limited convenience retail, accessory retail and service commercial uses, including restaurants, may be permitted in conjunction with the permitted uses."*

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- OFFICE EMPLOYMENT
- BUSINESS EMPLOYMENT
- INDUSTRIAL
- BUSINESS COMMERCIAL

### ***Livable Oakville Plan - 1380 Speers Road***

A pet care establishment is considered a service commercial use. Service commercial uses are permitted in the Office Employment designation, subject to restrictions limiting the scale and location; the service commercial use must be provided in combination with a permitted use. The existing business is a 'stand-alone' use, operating independently of a permitted use and therefore does not conform to the Livable Oakville designation of Office Employment with respect to use. Further restrictions on service commercial uses in areas designated Office Employment are identified in the implementing zoning by-law.

Service commercial uses are permitted on lands designated Business Commercial under Livable Oakville, which are located primarily within existing service commercial areas located along major arterial roads.

Council has recognized the changing nature of the Speers Road corridor and require through the existing policies of Livable Oakville that a corridor study is required for Speers Road to confirm long-term land uses and identify opportunities

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for intensification. This project was identified as a study to be completed as part of the ongoing Official Plan review and it is intended that the study will commence this year.

In addition, a Town wide study focusing on the review of employment and commercial lands is also underway as part of the ongoing Official Plan review. As part of these studies an assessment of the existing employment land use designations and the range of permitted uses will be studied, which may lead to updated policies impacting employment lands both town wide and within the Speers Road corridor.

### **COMMENT/OPTIONS:**

At a recent Livable Oakville sub-committee meeting it was requested that staff report on the process that would be required to legalize a pet grooming business at 1380 Speers Road.

Generally, there would be three options that could be pursued in seeking to legalize the pet grooming business, as follows:

#### **1. Owner initiated OPA and ZBA**

The owner of the property could apply for a site specific Official Plan Amendment and Zoning By-law amendment. The application would be reviewed and evaluated by staff in accordance with the policies of Livable Oakville, including policies related to Conversion of Employment Areas contained in Part D, Section 14.2. The Town's base fee for an Official Plan Amendment and Zoning Amendment is \$17,265.00 each application.

If it is determined that a Regional Official Plan Amendment is required, then the owner would also have to apply for this as well.

#### **2. Town initiated Regional OPA, Town OPA & ZBA**

In this scenario, Council would direct staff to undertake a review of a site specific Official Plan Amendment and Zoning By-law amendment for the subject property, with the intended effect of allowing the existing business to remain in its existing location. The cost for staff time related to processing both applications would be borne by the Town.

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### 3. Await finalization of Speers Road Corridor Study

The owner could await the finalization of Speers Road Corridor Study, and then determine at that time what the appropriate steps would be to legalize the pet grooming business.

Issues to be considered in the site specific process:

The following are some of the issues that would be considered in the evaluation of the site specific process:

- Conformity with the Regional Plan
- Appropriateness of establishing a service commercial use within an Employment designation, and the precedent that it may set for other properties.
- Precedent it may set for the Speers Road Corridor Study that is just being initiated.

### CONSIDERATIONS:

#### (A) PUBLIC

The public would be given the opportunity to comment on any development application that would be submitted in relation to this property.

#### (B) FINANCIAL

n/a

#### (C) IMPACT ON OTHER DEPARTMENTS & USERS

n/a

#### (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

Any subsequent reports dealing with this matter will also address the sustainability objectives of the Livable Oakville Plan.

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