



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: July 15, 2024

Report No: DS-053-24

Subject: Technical Report -Zoning By-law Amendment Application by 2056603 Ontario Inc. for the lands known municipally as 459, 465, and 475 Main Street East (Town File: Z-07/24)

Recommendation: THAT Staff Report DS-053-24 outlining an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to permit a dog daycare use on the lands **BE APPROVED**;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Report DS-053-24 for Council adoption.

EXECUTIVE SUMMARY

The applicant is seeking an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to permit a dog daycare use on the lands. The Zoning By-law Amendment application proposes to rezone the subject property at 459, 465 and 475 Main Street East from the current Urban Growth Centre Mixed-Use Zone with a Holding Provision (UGC-MU-H) to a site specific Urban Growth Centre Mixed-Use Zone with a Holding Provision (UGC-MU*355-H) to permit the dog daycare use.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application as currently presented. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the application as submitted can be considered by Town Council for approval.

The subject Zoning By-law Amendment application is being processed in accordance with the Province of Ontario Bill 109 planning application fee refund requirements. Should a decision not be made on the application by August 1st, 2024, the applicant will be eligible for an appeal for non-decision and a fee refund.

EXECUTIVE SUMMARY

Conclusions and Recommendations

Staff recommends that the application for an amendment to the Town of Milton Zoning By-law 016-2014, as amended, **BE APPROVED** for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy;
2. The proposal meets all of the technical requirements of the affected Civic Departments and all other agencies; and
3. The proposed land use is compatible with surrounding land uses.

REPORT

Background

Owner: 2056603 Ontario Inc.

Applicant: Robert Russell Planning Consultants Inc.

Location/Description:

The subject lands are located in Ward 2, at the northeast corner of Main Street East and Ontario Street. The lot is municipally known as 459, 465, and 475 Main Street East and currently contains a 2 storey commercial building with surface parking. The legal description is Concession 3 Part Lot 14.

The lands are located within the Central Business District and the Milton GO MTSA. The surrounding land uses are primarily commercial, and the CP Rail corridor runs along the northern property line. The location of the parcel is illustrated in Figure 1 to this report.

Proposal:

The applicant has applied for a Zoning By-law amendment to rezone the lands from the existing Urban Growth Centre Mixed-Use Zone with a Holding Provision (UGC-MU-H), to a site specific Urban Growth Centre Mixed-Use Zone with a Holding Provision (UGC-MU*355-H) to permit a dog daycare use. The existing building and parking area is proposed to remain the same. Figures 2 and 3 of this report include the concept site plan and floor plan.

The following reports have been submitted in support of this application:

- Planning Justification Report, prepared by Robert Russell Planning Consultants and dated November 2023
- Draft Zoning By-law Amendment, prepared by Robert Russell Planning Consultants and dated March 2024
- 2D Concept Survey, prepared by Robert Russell Planning Consultants

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- Transportation Brief and Parking Study, prepared by CGE Transportation Consulting and dated April 9, 2024
- Concept Site Plan, prepared by Our Cool Blue Architects and dated March 27, 2024
- Concept Floor Plan, prepared by Our Cool Blue Architects
- OBC Letter of Use, prepared by VanGroll & Associates Inc. and dated November 8, 2022

Planning Policy:

In the Town of Milton Official Plan, the subject lands are designated as Central Business District & Milton GO MTSA (Schedule B) and Urban Growth Centre Mixed Use Sub-Area (Schedule C). These designations permit a variety of commercial, institutional and office uses. Permitted uses included a diversified mixture of uses including retail facilities, specialty retail, food stores, business and professional offices, personal service uses, assisted, affordable and shared housing, religious, recreational, entertainment and cultural facilities.

It is noted that the Official Plan only permits animal kennels in the agricultural area. Therefore, animal boarding cannot be permitted through the proposed Zoning By-law Amendment.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement, the Provincial Growth Plan, the Halton Region Official Plan and the policies of the Town's Official Plan including the MTSA Area. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conforms to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended:

The property is currently zoned Urban Growth Centre Mixed-Use with a Holding Provision (UGC-MU-H). This zone permits a variety of land uses including commercial uses and residential uses. This zone also permits a veterinary clinic to be located within the first storey of a building however, a dog daycare is not permitted.

In the Zoning By-law, a dog daycare is defined as, "a premises used for the short-term non-veterinary care of dogs, and may include accessory grooming, training, and retail but does not include overnight accommodation of dogs, and does not include a kennel, a veterinary clinic or a veterinary hospital". Dog Daycare uses are currently permitted in the Secondary Mixed-Use Commercial (C2), Auto Commercial (C5), Business Commercial (C6) and the Major Commercial (MC) zones, subject to the following criteria:

- i. The dog daycare shall not be permitted in a residential mixed use building.

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- ii. Outdoor play areas shall not be permitted adjacent to a residential zone.
- iii. Accessory grooming and retail shall be limited to 5% of the gross floor area.
- iv. Waste shall be contained within an enclosed structure.

The Zoning By-law Amendment application proposes to rezone the lands to add a site specific provision to the existing zone to permit a dog daycare use on the lands.

Through the application review, staff highlighted that all waste must be contained in an enclosed structure. The applicant has proposed a new garage enclosure at the rear of the property adjacent to the rail corridor. To ensure that garbage enclosure doesn't encroach into the existing parking areas and drive aisles, planning staff have included a site specific zoning provision to permit the waste storage area to be located within 1.0 metres of the lot line, whereas a 3.0 metre setback is currently required.

The Draft Zoning By-law is attached as Appendix 1 to this Report.

Site Plan Control:

Given that there are no physical changes proposed on the subject lands as a result of this application, Site Plan Approval is not required. Should future development be contemplated on the subject lands, Site Plan Approval may apply.

Staff note that façade improvements have recently been completed for the building. As the building size did not increase, site plan approval was not required for the changes.

Discussion

Public Consultation

Notice for the Statutory Public Meeting was provided pursuant to the requirements of the Planning Act on May 13, 2024. The Statutory Public Meeting was held on June 3, 2024. One delegate who identified themselves as the franchise owner spoke in support of the application at the Statutory Public Meeting. Town staff did not receive any comments in objection to the application.

Agency Circulation

The Zoning By-Amendment and all supportive documents were circulated to both internal and external commenting agencies. All agency comments can be found in Appendix 2.

Discussion

Zoning staff confirmed that the existing garage bins along the rail corridor need to be enclosed. The proposed location of the garage bin enclosure would be 1.0 metres from the property line abutting the rail corridor whereas a 3.0 metre setback is required. Planning staff have no concerns with the reduced setback for the garbage enclosure and have therefore added a site specific provision to the Zoning By-law Amendment.

Zoning staff also confirmed that Accessible Parking spaces must be provided in accordance with the Zoning By-law. Some modifications to the location of the accessible parking spaces must be made prior to building permit issuance.

No other departments or external agencies had concerns or objections to the application.

Summary of Issues

Parking and Traffic Circulation

The applicant has provided a Transportation Brief and a Parking Study in support of the application. The study noted that the site currently has 2 existing access. One full-movement access and one right-in/right-out access. The study notes that based on the Institute of Transportation Engineer (ITE) Trip Generation Manual, the proposal is expected to generate approximately 44 (23 in and 21 out) and 44 (21 in and 23 out) during the weekday AM and PM peak hours, respectively. In addition, the existing parking supply of 49 parking spaces exceeds the parking spaces required by the Zoning By-law. The study concludes that that the traffic generated by the new dog daycare centre will have a negligible impact on the area road network system and on the existing parking lot. Transportation Planning staff reviewed the study provided and had no concerns. No changes to the site are required to accommodate the dog daycare use.

No expansions to the existing building nor reconfirmation to the existing parking area are proposed. As no development is proposed on the site, site plan approval would not be required for the proposed use. Town of Milton Transportation Planning staff noted however, that should site plan approval be required in the future however, that the owner may be required to provide a road widening along Main Street East to accommodate future right of way improvements. This could result in changes to the existing driveway entrance locations and parking space configuration. Transportation Planning staff also noted through a redevelopment, it's likely that only one driveway entrance would be permitted along the eastern property line.

Dog Daycare Design

The applicant and business owner noted at the Statutory Public meeting that the proposed Dog Daycare would be designed to mitigate any potential impacts to adjacent units and to

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the community. This includes containing the use entirely in the building (no outdoor dog runs are proposed), and designing the unit with increased sound attenuation, air circulation, odour control, and a waste management plan.

Conclusion

It is the opinion of Planning staff that the proposed amendment to the Town's Zoning By-law to permit the dog daycare conforms to Provincial and Regional planning policy, and conforms to the Town's Official Plan. It is the opinion of staff that the dog daycare is appropriate for the subject lands.

Staff recommends that the Zoning By-law amendment, attached as Appendix 1, be approved.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Natalie Stopar, MCIP, RPP Phone: Ext. 2297
 Planner, Development Services

Attachments

- Figure 1 –Location Map
- Figure 2 –Concept Plan
- Figure 3 –Concept Building Elevation
- Appendix 1 –Zoning By-law Amendment
- Appendix 2 – Agency Comments

Approved by CAO



The Corporation of the Town of Milton

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Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.