

PLANNING JUSTIFICATION REPORT

PROPOSED ZONING BY-LAW AMENDMENT
DOG DAYCARE OPERATION
459 MAIN STREET EAST

PREPARED FOR:

WHIZKEN ENTERPRISES

PREPARED BY:

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1.0 BACKGROUND

Whizken Enterprises has retained the services of Robert Russell Planning Consultants Inc. to provide a Professional Planning Opinion related to a proposal to Amend the Town of Milton Zoning By-law at 459 Main Street East. The Subject Property is owned by 2056603 Ontario Inc. who leases out commercial units within the existing building.

Harmeet Ghuman of Whizken Enterprises requested a Pre-Consultation with the Town of Milton that occurred June 27, 2023 to discuss the proposed development.

2.0 SITE DESCRIPTION AND CONTEXT

As noted above the Site is located at 459 Main Street East in the Town of Milton in the Regional Municipality of Halton. The Subject Property is legally described as Part of Lot 14, Concession 3 Trafalgar New Survey, As in Instruments 663012, and 756674; MILTON.

The Subject Property is at the north east corner of the intersection of Main Street East and Ontario Street. The Canadian Pacific Rail ("CPR") line abuts the north property line and the Subject Property is one of only three parcels located within the triangle bounded by the Canadian Pacific Rail corridor, Main Street East and Ontario Street North. The Subject Property contains an existing 2 storey commercial structure with surface parking area. The date of construction of this building is not currently known.

The area of the Subject Property is 3,394.62 m² with a frontage of 64.08 m and depth of 53.7 metres. The depth is measured as per the Zoning By-law definition and represents the distance between the mid-point of the front lot line and mid-point of the rear lot line. The east, south and west property boundaries generally intersect at right angles, however, the CPR corridor is angled, making the property slightly deeper at the west side as compared with the east lot line.

The development site is within a central commercial area of the Town of Milton, and as is typical with similar neighbourhoods, mixes a variety of commercial uses with adjacent residential areas. The property is approximately 800 m west of the Milton GO Transit (Metrolinx) Station.

The existing commercial building has a footprint of 1,088.74 m² and GFA of 2,052.28 m² which provides a lot coverage of 32.39 percent. The building has been divided into a number of individual units, and currently is home to a real estate business (Royal LePage) and a consumer electronics retail business (Digiark 360) that sells home theater and related equipment.

The existing parking lot provides 53 total vehicle parking spaces and 4 bicycle parking spaces.

3.0 PROPOSED DEVELOPMENT

Harmeet Ghuman proposes to operate a Dog Daycare facility in one of the commercial units of the existing building. The proposed use would occupy 531.13 m² of the ground floor.

The business model for the Dog Daycare operation is to provide daytime supervision for dogs while their owners are working. This particular operation will include 5 employees and daytime accommodation for up to approximately 100 dogs. Operating hours are anticipated to be from 07:00 to 19:00, however, there could be minor adjustments to this timeframe. These operating hours are the times during which dogs will be cared for at the facility. In addition to the operating hours, there is need for staff clean up, preparation, administration work, etc. outside of those operating hours. No dogs will be at the facility outside of the established operating hours. Grooming services will be offered to clients of the Dog Daycare, and dogs will consistently receive training throughout the time they are at the facility.

Dogs would generally be dropped off in the morning, and picked up at the end of the work day. No overnight operations are proposed. The facility is primarily based on a series of segregated indoor play spaces with a robust HVAC system that offers a high rate of air exchange to ensure an abundance of fresh air. Each play space will be supervised by a trained canine coach.

4.0 PLANNING POLICY

The commercial nature of the subject property has already been established in the Official Plan and Zoning By-law, however, Dog Daycare is a specific defined use in the Town of Milton Zoning By-law, and is not included as a permitted use in the current zoning. As such, the principle of land use has been established and this Planning Policy Analysis will be scoped accordingly. As such, only a limited and brief analysis of the higher level Planning Policies in the PPS, Growth Plan and Region of Halton Official Plan is provided.

4.1 Provincial Policy Statement

The Province of Ontario Provincial Policy Statement (PPS) came into effect May 1, 2020 and applies to all *Planning Act* approvals made after that date.

It is acknowledged that the Province released a new draft Provincial Planning Statement on the environmental registry earlier this year with a commenting period that was open until August 4, 2023. This new Provincial Planning Statement would combine the Growth Plan policies and PPS policies in a single document, with some modifications. As such, at the time this application is to go before the Town of Milton Council for consideration, there will likely be a revised policy regime that must be reviewed.

The potential revisions to the draft Provincial Planning Statement prior to approval cannot be predicted or anticipated. However, these higher level policies generally speak to high level issues that would impact land use, and given that the principle of land use has been established for this site through the Official Plan, and we are not proposing an Official Plan Amendment, it is unlikely that the final Provincial Planning Statement will have any material impact on the proposed development and the following Planning Analysis.

The following key Provincial Policy Statement policies are most relevant to the proposed Zoning By-law Amendment.

“1.1.1 Healthy, liveable and safe communities are sustained by: ...

- b) accommodating an appropriate affordable and market-based range and mix of...employment (including industrial and commercial),...”*

“1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;...*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities...”*

“1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;...”*

The proposed Dog Daycare operation would provide some employment opportunities for current and future residents in the local neighbourhood, although the staff requirements are minimal.

The nature of the Dog Daycare operation requires is to be located close to residential neighbourhoods, and easily accessible from established commuting routes. It will serve an existing need for dog owners in Milton and contribute to the liveability of those Milton residents that own dogs and need daytime care or supervision for their pets.

The proposed Dog Daycare is an established business model that is seeking to invest in Milton and should be supported in accordance with the above policies.

Given the above examples, and a review of the remaining policies within Part V Sections 1, 2 and 3 of the PPS, we are of the opinion that the proposed Zoning By-law Amendment is consistent with the policies related to Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety.

4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Horseshoe was originally released in 2006. It has been updated and revised a number of times since then. The most recent update came into effect August 28, 2020. Schedule 2 – A Place to Grow Concept indicates that the Subject Property is within the Delineated Built Up Area. Which is further confirmed on Map 1H – Regional Urban Structure of the 2022 Halton Official Plan.

The following key Growth Plan policies are most relevant to the proposed Zoning By-law Amendment.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following*
- a) the vast majority of growth will be directed to settlement areas that:*
 - i) have a delineated built boundary;*
 - ii) have existing or planned municipal water and wastewater systems; and*
 - iii) can support the achievement of complete communities;...”*
- “2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:*
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;...”*
- “2.2.5.1 Economic development and competitiveness in the GGH will be promoted by:*
- a) making more efficient use of existing employment areas and vacant and underutilized employment lands...”*

The Town of Milton has a delineated built boundary as noted above, and this property is within that area. The development site is within already developed and the current proposal is merely to incorporate an additional use in the existing building. The current neighbourhood composition is reasonably complete, and the proposed Dog Daycare use will provide an essential service to local resident’s who require supervision for their dogs while at work or when they are otherwise temporarily unable to care for their dogs. This could be an important amenity in the creation of a complete community.

The floor space within the existing building that would be occupied by the proposed Dog Daycare would make use of a vacant and underutilized area within an existing commercial building in an efficient manner.

Given the above examples, and a review of the remaining policies within Sections 2, 3, 4 and 5 of the Growth Plan for the Greater Golden Horseshoe, we are of the opinion that the proposed Zoning By-law Amendment is consistent with the Growth Plan policies as it facilitates the efficient re-use of existing built stock, and supports the existing complete community.

4.3 Halton Regional Plan

The Halton Regional Plan was initially adopted by Halton Region Council in June 2022 and was approved with modification by the Province November 4, 2022. On October 23, 2023, the Province of Ontario announced that the Provincial changes to various adopted Official Plans would be rescinded, with the intention to revert to the version of those plans as adopted by the relevant municipal Council's with Provincial modifications only imposed where needed to ensure conformity with current legislation and Provincial policy. A 45 day commenting period is available to the municipalities regarding this latest Provincial decision. It assumed that until the commenting period is complete and the Niagara Official Plan is revised and re-approved by the Province that the November 4, 2022 version is in force and effect. However, the Provincial modifications do not appear to affect the Subject Property and as such, the forthcoming changes should be of little to no consequence for this proposed Zoning By-law Amendment.

Map 1 – Regional Structure designates the Subject Property as being within the Urban Area of Milton

Map 1h – Regional Urban Structure shows the Subject Property as being within the Built Boundary and is in a Major Transit Station Area and Urban Growth Centre (this is confirmed on Map 6c – Milton GO UGC/MTSA)

Map 3 – Functional Plan of Major Transportation Facilities indicates that Main Street East and Ontario Street are classified as Multi-Purpose Arterial Roads

The Halton Regional Plan provides general guidance for Urban areas, and will rely on the local municipal Official Plans to provide the specific policies for land use, including the identification of more specific land uses in accordance with Policy 76. Notwithstanding Policy 76, there are a number of additional policies in the Regional Plan related to the MTSA and UGC designations. The UGC designation also identifies these lands as being part of a Strategic Growth Area as per the definition in Section 280.2 of the Regional Plan and further confirmed in Policy 79.1.

The proposed development will facilitate the achievement of the Region's objective to provide for a range and balance of employment uses, transit supportive development, and complete communities in accordance with Objective 72.1(2), 72.1(3), and 72.1(10).

Given that the proposed Dog Daycare would directly support the surrounding neighbourhoods, it would meet Regional Objective 79(4).

Policy 79.3(7)(b) requires that the Town of Milton establish a minimum development density for Strategy Growth Areas. As noted in Section 4.4 Town of Milton Official Plan The Town of Milton has implemented these policies. The proposed Zoning By-law Amendment is not in conformity with these policies, however, given that the Dog Daycare will make use of existing building stock, and re-development of the Subject Property will require the consolidation of 2 other adjacent parcels, the proposed use is appropriate until such time as the properties are merged and a singular development proposal is advanced.

A diverse mix of uses is required in MTSA's in accordance with Policy 81(5), as such, the proposed Zoning By-law Amendment would further broaden the range of permitted uses in conformity with this policy.

Based upon our review of the entirety of the Halton Regional Plan (2022), including the specific policies referenced above, we conclude that the proposed development conforms to the Halton Regional Plan.

4.4 Town of Milton Official Plan

The March 2023 Consolidation of the Town of Milton Official Plan, as available from the Town's website, was used in the following analysis.

Schedule 1 – Town Structure Plan designates the Subject Property as Urban Area, within the Central Business District with an Employment Area overlay

Schedule B – Urban Area Land Use Plan designates the Subject Property as Central Business District within the Milton GO MTSA/Downtown Milton UGC

Schedule C – Central Business District Land Use Plan designates the Subject Property as Urban Growth Centre Mixed Use Sub-Area

Schedule D2 – Urban Districts and Neighbourhoods indicates that the Subject Property is within the Central Business District Policy Area

Schedule E – Transportation Plan indicates that Ontario Street and Main Street are both classified as Multi-Purpose Arterial roads

Schedule K – Strategic Growth Areas indicates that the Subject Property is a Strategic Growth Area within an Urban Growth Centre/Major Transit Station Area

Schedule C.7.A.1 CBD – Central Business District Milton GO MTSA/Downtown Milton UGC Height and Density Limits indicates the the maximum height for the Subject Property is 8 storeys with a maximum density of 4.0 FSI. The schedule also indicates that the Subject Property is considered to be a Gateway.

Schedule C.7.B.CBD – Open Space, Linkages and Nodes, indicates that the west side of Ontario Street and the south side of Main Street are to be Major Linkages.

Schedule C.7.C.CBD – Central Business District Minimum Block Level Densities indicates that the minimum density for the Subject Property is 2.0 FSI.

Notwithstanding the inference above that there is a distinctly separate Secondary Plan for the Central Business District, those policies have been incorporated into Section 3.5 of the parent Official Plan document as noted in Section C.7 of the Official Plan.

Section 2.4 of the Official Plan provides a range of Economic Development goals, objectives and policies. These policies are categorized into a number of themes, including attracting new industry, attracting small businesses in the information and technology sectors, agricultural sector, major retail, tourism, and local business retention. It appears that new service related small businesses, such as the proposed Dog Daycare, are excluded from the Economic Development policies. The reason for this exclusion is not apparent, however, it is acknowledged that new small service businesses are not major economic drivers. Notwithstanding this exclusion, the proposed Dog Daycare business will make use of vacant and existing commercial floor space and as such will contribute to the Goal stated in 2.4.1 in that it will enhance the economic base, and will be part of the overall, Town-wide economic development.

Table 2 indicates that high density, mixed use development is to be encouraged along Multi-Purpose Arterials. The inclusion of the proposed Dog Daycare at 459 Main Street East is neither high density nor part of a mixed use site. These guidelines represent the long term goal for Multi-Purpose Arterial roads, and in the fullness of time will ultimately be implemented, however, at this time, the proposed Dog Daycare will make efficient use of existing built stock and at some time in the future it is anticipated that the adjacent properties will be amalgamated into a contiguous development parcel and applications will be submitted in accordance with these guidelines.

The Urban Design policies related to Gateways provided in 2.8.3.19 through 2.8.3.22 relate to streetscape features, road cross section design, boulevards, medians and similar elements. Given that the proposed use of the Subject Property as a Dog Daycare will not require any exterior construction or modifications, and will use existing driveways and site accesses, these policies are not applicable despite the fact that the property is within an identified Gateway. This same argument would apply to the entirety of the Urban Design policies in Section 2.8

The Policies contained in Section 3.5.1.2 provide the Town's vision for creating a *"high density major employment centre"* in the CBD. As noted above, this vision is likely to be implemented in the fullness of time, however, the Subject Property along with the adjacent properties are not prepared to advance development plans in accordance with this vision at this time. As such, the proposed Dog Daycare is an appropriate interim use until the Official Plan can be fully implemented.

Permitted uses are listed in general terms in Policy 3.5.2.1 and include *"...a variety of commercial..."* uses, *"...including a diversified mixture of ... personal service uses..."*. Based on these general land use categories the proposed Dog Daycare is a permitted use per the Official Plan.

Policy 3.5.3.5 supports the inclusion of a *"...wide range of complimentary uses..."* that will *"...contribute to the vitality..."* of the area and *"...foster a live-work relationship..."* The proposed Dog Daycare will provide a

necessary personal service for residents that live in or near the CBD, in addition to those that may live further afield, but rely on the transit and transportation hub within the CBD. The proposed use will be exceptionally beneficial to those residents with dogs that will live and work within the CBD and help create a complete community that reduces the need to travel to other areas for daily needs.

Similar to the guidance in Policy 3.5.1.2 that would seem to limit development that does not provide large scale and high density residential and employment uses, Policy 3.5.3.13 also strives to limit opportunities for smaller scale developments in an effort to achieve the overall planned vision for the CBD. It should be noted that these policies seem oriented specifically to development proposals that would seek to construct new buildings. Given that the proposed Dog Daycare will not require any new construction and makes use of an existing building with vacant space, it is appropriate to allow the use until such time as the property is ready for redevelopment.

Policy 3.5.3.23(a) recognizes that lot consolidation will be required prior to redevelopment of some properties within the Urban Growth Centre Mixed Use Sub-Area. As such, without such lot consolidation it will be difficult to implement the planned vision for the CBD and the proposed Dog Daycare is an appropriate interim use.

The proposed Dog Daycare is not a sensitive land use and the land use compatibility analysis required by Policies 2.3.3.19 and 3.5.3.23(j) would not be warranted.

Based upon our review of the entirety of the Town of Milton Official Plan as consolidated March 2023, including the specific policies referenced above, we conclude that the proposed development conforms to the Town of Milton Official Plan.

4.6 Town of Milton Zoning By-law 016-2014, as amended

Schedule A of the Town of Milton Urban Zoning By-law 016-2014 zones the Subject Property as Urban Growth Centre Mixed Use with a Holding Provision (UGC-MU-H).

This zone permits a range of commercial and residential uses as provided in Table 7A of the Zoning By-law. The range of permitted commercial uses is very broad, and includes Veterinary Clinics and Day Care Centres (for children). However, when Dog Daycare as a defined use was incorporated into the Zoning By-law by amendment 38-2019, it was not added to Table 7A.

As discussed throughout this report, mixed use areas, which by definition have both residential and commercial components, and are typically well serviced by a variety of transportation options, are ideal locations for dog daycare businesses. Furthermore, a dog daycare uses blends elements of two permitted uses, those being Veterinary Clinics and (Child) Day Care Centres. Traffic patterns and general operation will be similar to a Day Care Centre. The definition of Dog Daycare will allow for accessory grooming and

training, which are both proposed for the future Dog Daycare operation. No overnight boarding will be provided.

Parking has been reviewed by CGE Transportation Consulting, who has found that the site has sufficient existing parking for all uses within the site, inclusive of the proposed Dog Daycare.

As such, the proposed Zoning By-law Amendment will simply add Dog Daycare as a site specific permitted use to 459 Main Street East.

Given the above details, and a review of the remaining standards within the Town of Milton Zoning By-law 016-2014, as amended, we are of the opinion that the proposed Zoning By-law Amendment is relatively minor in nature, site specific and meets the general intent of the Zoning By-law.

6.0 SUMMARY

The proposed Dog Daycare operation at 450 Main Street East makes use of a currently vacant commercial space in a well serviced location within proximity to a potentially large customer base and their commuting options. The proximity afforded by this location will help to reduce vehicle trips and provide a valuable service to dog owners in Milton.

It is my Professional Planning Opinion that given the analysis provided above, the proposed Zoning By-law Amendment conforms with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Region of Halton Official Plan and Town of Milton Official Plan, is appropriate for the community, and represents good, sound planning.

Yours Truly,

ROBERT RUSSELL PLANNING CONSULTANTS INC.



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