

**COMMITTEE OF THE WHOLE JUNE 7, 2004**

**OFFICIAL PLAN AMENDMENT FILE OP.02.007  
ZONING BY-LAW AMENDMENT FILE Z.02.028  
DOCTORS ANDREW AND WAYNE SCOTT  
REPORT #P.2002.33**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.02.007 (Doctors Andrew and Wayne Scott), BE APPROVED, to redesignate the subject lands "General Commercial", and that the implementing Official Plan Amendment:
  - a) restrict the permitted uses to business and professional offices only;
  - b) include policies to address the expansion of non-conforming uses requirements, such as appropriate landscaping and buffering, access and parking location, etc.
2. THAT the Zoning By-law Amendment Application not be considered by Council at this time, but be brought forward to a future Committee of the Whole meeting together with a site development application for Council approval.

**Background**

In 1986, Council considered Zoning Amendment Application Z.60.86 (R.D. Wayne Scott, of 4 Lansdowne Avenue) to allow exceptions to the setback provisions of the By-law to permit the existing Chiropractors Office at 4 Lansdowne Avenue.

On April 5, 2002, applications to amend the Official Plan and Zoning By-law were submitted to redesignate and rezone the properties at 4 and 8 Lansdowne Avenue to the appropriate commercial category to permit business and professional offices within the existing residential structures. Currently both properties are being used as chiropractor offices.

**Location**

The lands are located northwest of Highway #7 and Lansdowne Avenue, being Lots 13, 14, and 15, Registered Plan 1764 (4 Lansdowne Avenue, also known as 5220 Highway #7) and 8 Lansdowne Avenue), in Lot 6, Concession 7, City of Vaughan. The subject lands consisting of two lots have a combined total area of 1,080 m<sup>2</sup> and will function as one lot with frontages on Lansdowne Avenue and Highway #7. There are two residential buildings totalling 293 m<sup>2</sup> on the property, both of which are used for chiropractors offices. The surrounding land uses are as follows:

- North - residential (R3 Residential Zone)
- South - Regional Road 7; residential (R2 Residential Zone)
- East - residential (R3 Residential Zone)
- West - commercial (hair salon) (C1 Restricted Commercial Zone); Kipling Avenue

**Public Hearing**

On May 6, 2002, Planning Staff received a letter from an area resident, expressing concern with the expansion of the chiropractors' office and the lack of parking facilities.

At the May 13, 2002, Public Hearing, Council resolved to receive the applications and that any issues and concerns be addressed in the technical review and included in a detailed staff report at a future date.

### Vaughan Official Plan

The subject lands are designated "Low Density Residential", which permits only detached and semi-detached dwelling units, public open space and institutional uses. An official plan amendment is required to redesignate the lands to "Commercial" to permit business and professional office uses. The chiropractor's office at 4 Lansdowne Avenue is considered legal non-conforming as it was permitted under the previous OPA #26. OPA #240 states that an application for an amendment to extend the legal non-conforming use shall be considered by Council and shall satisfy the following requirements:

- That the proposed expansion or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the requirements of the Zoning By-law applying to the area;
- That the characteristics of the non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting and traffic generating capacity. No amendment to the zoning by-law shall be made if one or more of such nuisance factors will be created or increased so as to add to the incompatibility of the uses with the surrounding area;
- That the neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and where feasible, shall also be extended to the established non-conforming use in order to improve its compatibility with the surrounding area; and
- That in all cases where an existing non-conforming use seriously affects the amenity of the surrounding area, consideration shall be given to the possibility of ameliorating such conditions, as a condition of approving an application for extension or enlargement of the non-conforming use, especially where public health and welfare are directly affected.

The site currently functions as a chiropractors office. The proposal has the effect of expanding the legal non-conforming use at 4 Lansdowne Avenue to the abutting 8 Lansdowne Avenue. As such, the above official plan policies are applicable and deal with legal non-conforming uses, proper buffering, parking, landscaping and traffic generation.

An official plan amendment is required to redesignate the subject lands to "General Commercial" to permit office commercial use.

### Zoning

The subject lands are zoned R3 Residential Zone by By-law 1-88, with 4 Lansdowne Avenue (5220 Highway #7) being subject to Exception 9(163), which permits a chiropractor's office and one residential unit, and site specific zoning exceptions. An application is required to rezone the entire subject parcel (4 and 8 Lansdowne Avenue) to an appropriate commercial zone to permit business and professional office uses.

The immediate area along Highway #7 is zoned for general and restricted commercial uses. The adjacent property to the west is currently zoned C1 Restricted Commercial Zone. Across

Regional Road 7 to the south there is a gas station, and at the opposite corner the property is zoned C1 Restricted Commercial. Given the surrounding area, the proposed C1 Restricted Commercial Zone would be appropriate and compatible with the lands in the immediate vicinity. The implementing by-law would restrict the C1 Zone use to a chiropractors' office with no outside storage, and would control access and parking areas.

A preliminary site plan has been submitted which identifies the site as one large parcel. The majority of the commercial activity will take place along the west portion of the site, away from Lansdowne Avenue, and will include the main access, patient parking area and all commercial signage. The existing residential structures are not proposed to be altered, thereby maintaining the residential character of the neighbourhood. The preliminary plan has been reviewed based on the C1 Restricted Commercial Zone standards, and the following exceptions have been identified:

- minimum front yard of 6.12 m, rather than 9 m
- minimum exterior side yard of 1.27 m, rather than 9 m
- minimum lot depth of 40 m, rather than 60 m
- minimum setback to a residential zone of .55 m, rather than 9 m
- exceptions to landscape strips and buffer strips

The implementing by-law would provide the necessary exceptions to facilitate the site development application, and to implement the development policies of the Official Plan with respect to parking, access and use. Any additional exceptions identified through site plan review would be included in the by-law.

#### Parking/Access

The Engineering Department has no objection to the official plan amendment application and will provide additional comments at the site development stage.

The preliminary site plan shows full-movement accesses to Regional Road 7 and Lansdowne Avenue. The Regional Road 7 entrance will serve as the main ingress and egress point for the office use, while the Lansdowne access will be restricted to staff parking. The Region of York must approve the location and design of the Regional Road 7 access point.

The preliminary plan shows 16 parking spaces to serve the patients and 5 spaces for staff. Based on the office parking standards in By-law 1-88, required parking would be calculated as follows:

Professional Office Use (Medical) - 293 sq.m GFA @ 3.5spaces/100sq.m GFA = 11 spaces

As such, an excess of parking spaces has been provided.

#### Urban Design

The Urban Design Department has no objection to the proposed official plan and zoning amendments and provides the following comments on the preliminary site plan:

- parking spaces 1 and 6 should be eliminated in favour of landscaped setback from Highway #7;
- the driveway width should be reduced from 6.2 m to 6 m, and a 200 mm curb provided at the west edge of the southern building;
- the handicapped space should be reduced in width to 3.7m;
- the parallel parking space 1 adjacent to the north building should be 7-8 m in length;

- raised concrete curbs should be provided to define the parking area, with dropped curbs where walkways provide access from the parking lot to the building;
- concrete or unit paved walkways from the parking lot to buildings should be provided; and
- areas not used for walkways or parking should be landscaped.

These matters will be addressed through the site plan application review.

#### Region of York Planning Department

The Region of York has reviewed the proposed applications and has determined that the Official Plan does not appear to impact Regional interest and can be treated as a routine matter of local significance.

The Region of York will provide additional comments at the site development stage with respect to access location and design, and road widening.

#### Relationship To Vaughan Vision

This report is consistent with the priorities established in Section 4.3 of Vaughan Vision 2007 to attract emerging value-added business and institutions, by creating a plan to promote and attract office, institution and business developments.

#### Conclusion

The lands have direct access and frontage onto Regional Road 7 and located within a vicinity which is primarily comprised of commercial uses. There is currently a Chiropractors' Office at 4 Lansdowne Avenue, considered to be a legal non-conforming use. In consideration of the above, an official plan amendment redesignating the lands to "General Commercial" to allow expansion of a legal non-conforming use, would be considered compatible with the land uses in the area. The amendment would provide policies to ensure the proposed use functions in a harmonious manner with the residential neighbourhood.

The zoning by-law amendment would rezone the lands to C1 Restricted Commercial Zone for office use only, and implement the official plan policies with respect to access, parking, buffering, outside storage, etc.

Staff can support the redesignation of the subject lands provided it is restricted to office use, and contains appropriate development policies. The zoning by-law amendment application will be considered by Council at a future Committee of the Whole meeting together with the required site plan application to identify the necessary zoning exceptions and implement the Official Plan Amendment policies. Should Council concur, the recommendation of this report can be adopted.

#### Attachments

1. Location Map
2. Site Plan
3. Commercial Land use and Zoning Map

**Report prepared by:**

Eugene Fera, Planner, ext. 8064  
Art Tikiryan, Senior Planner, ext. 8212

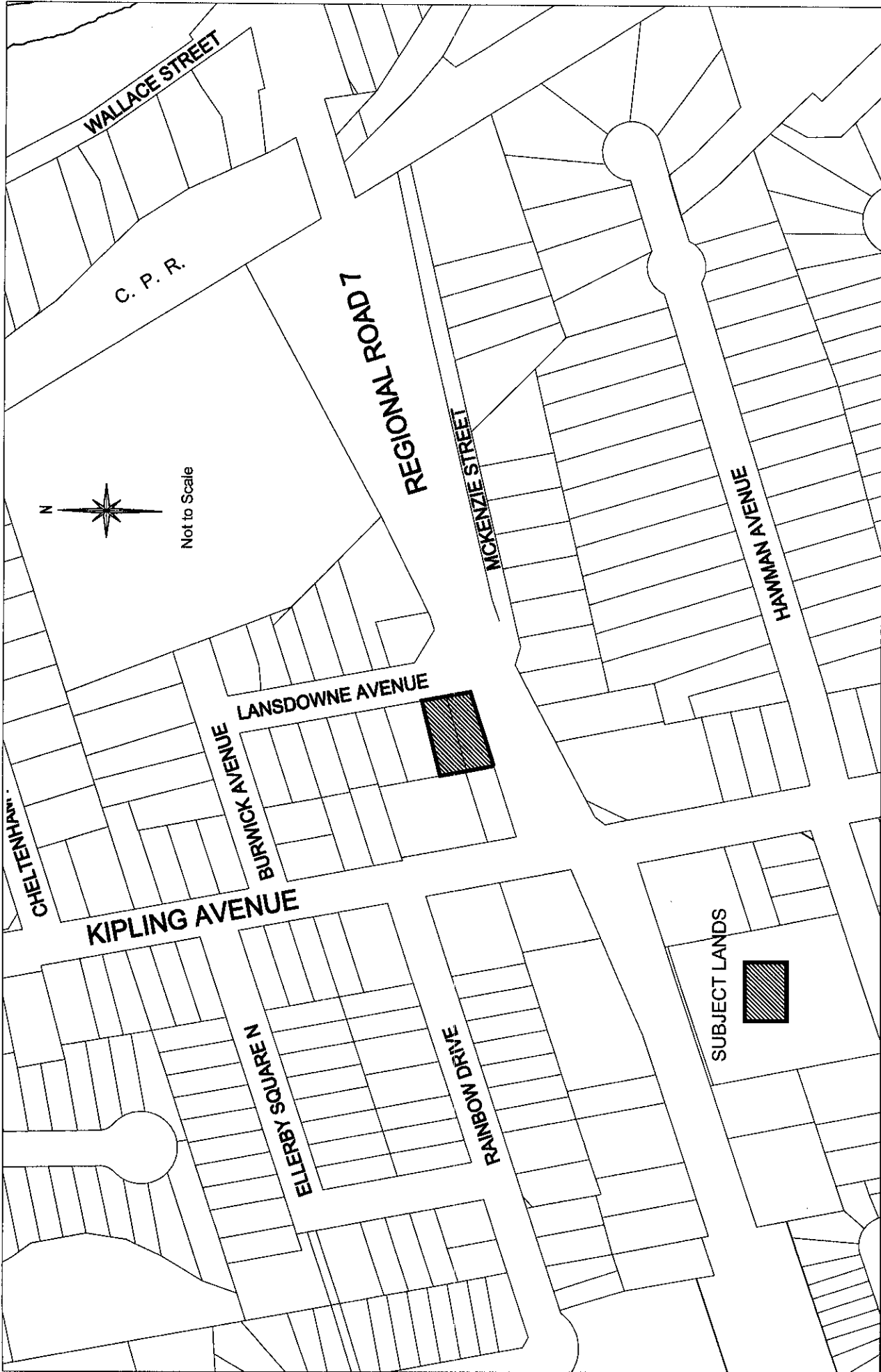
Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

MARCO RAMUNNO  
Manager of Development Planning

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# Location Map

Part Lot 6,  
Concession 7

APPLICANT:  
DR. ANDREW SCOTT &  
DR. WAYNE SCOTT



Community Planning Department

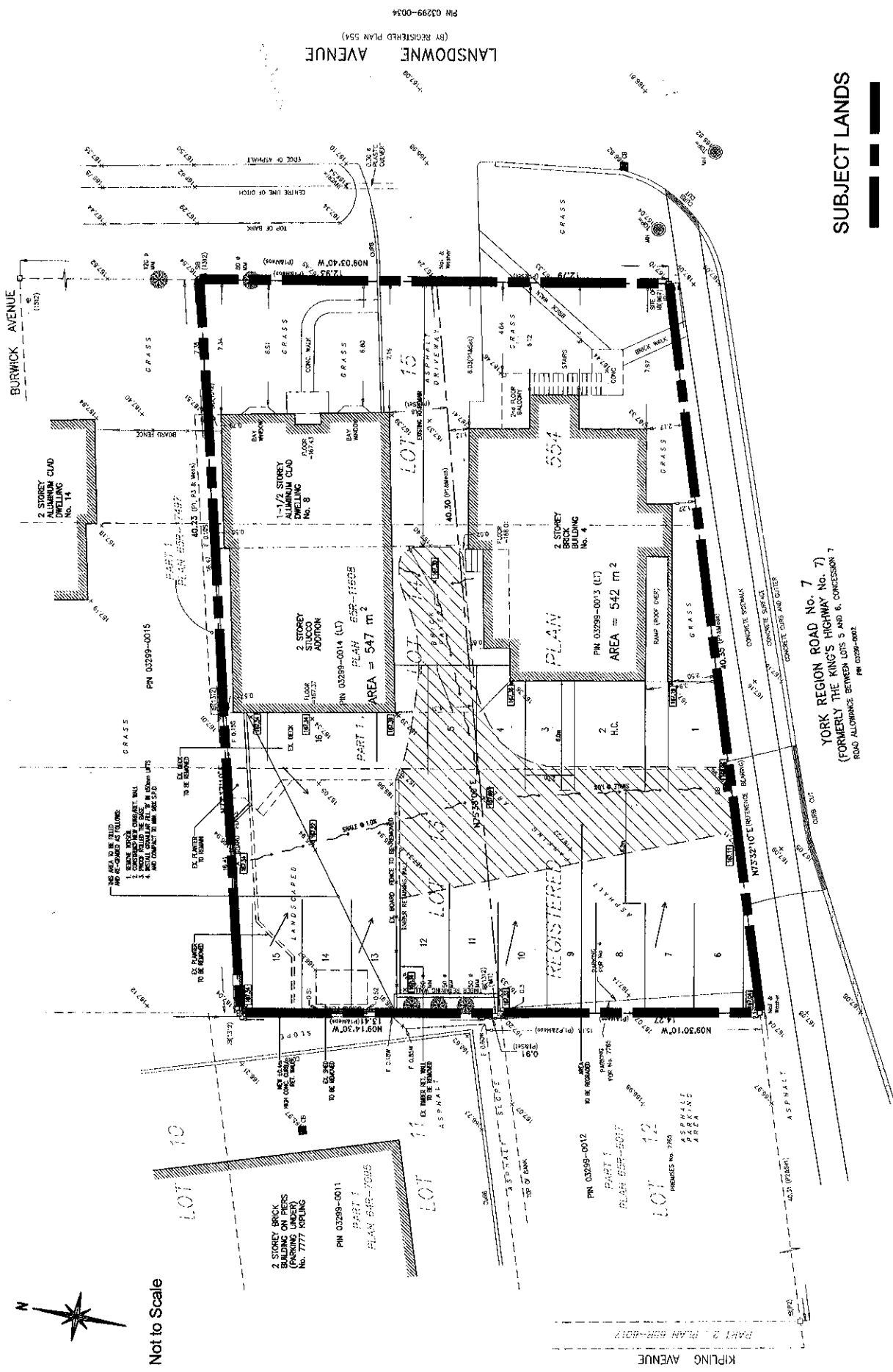
# Attachment

FILE No.:  
OP.02.007  
RELATED FILE:  
Z.02.028  
May 6, 2004

# 1



Not to Scale



SUBJECT LANDS

YORK REGION ROAD NO. 7  
(FORMERLY THE KING'S HIGHWAY NO. 7)  
ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, CONCESSION 7  
PIN 03299-0007

# Site Plan

Part Lot 6,  
Concession 7

APPLICANT:  
DR. ANDREW SCOTT &  
DR. WAYNE SCOTT



Community Planning Department

# Attachment 2

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# Commercial Landuse And Zones

APPLICANT:  
DR. ANDREW SCOTT &  
DR. WAYNE SCOTT

Part Lot 6,  
Concession 7



Community Planning Department

# Attachment

# 3

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