

**COMMITTEE OF THE WHOLE JUNE 17, 2002**

**ZONING BY-LAW AMENDMENT FILE Z.02.019  
1245076 ONTARIO LIMITED  
REPORT #P.2002.24**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.02.019 (1245076 Ontario Limited) BE APPROVED to recognize the existing health centre, and to permit a 239m<sup>2</sup> addition (indoor swimming pool) on the subject lands.
2. THAT the implementing by-law provide the following exceptions:
  - minimum front, side and rear yard setbacks, as-built
  - minimum on-site parking shall be 60 spaces
  - minimum size of parking stall of 2.7m x 5.8m
  - no loading space required
  - minimum 1.0m landscape strip along the north lot line
  - minimum setback to a residential zone of 6.2m
  - minimum landscape strip along Highway #7, as shown
3. THAT prior to the issuance of a building permit, the Owner shall amend the current site development agreement (DA.65.84) to include the building addition, parking and access, and revised landscaping.

**Purpose**

On March 8, 2002, the Owner submitted an application to amend the Zoning By-law to provide the necessary exceptions to the zoning by-law standards to recognize the existing use (Health Centre) and to permit a 239m<sup>2</sup> addition (indoor swimming pool) on the subject lands.

**Background - Analysis and Options**

The lands are located northwest of Kipling Avenue and Regional Road #7 (5274 Regional Road #7) in Lot 6, Concession 8, City of Vaughan. The site is rectangular in shape with 76.4m of frontage on Regional Road #7. The site was developed as the former Woodbridge Motors which, through time, housed a Chrysler and Hyundai dealership, and is currently occupied by a health centre (Prima Donna Fitness for Women).

The building was constructed in the early 1960's and in 1984, the Committee of Adjustment approved a minor variance application for a front yard encroachment to By-law 980 for a second-storey addition. The site has continued as such, and is considered to be legal non-conforming. The surrounding land uses are:

- North - residential (R3 Residential Zone), funeral home (C1 Commercial Zone)
- South - Regional Road 7, commercial plaza (C1 Restricted Commercial Zone)
- East - gas station (C2 General Commercial Zone)
- West - commercial uses (C2 General Commercial Zone)

### Public Hearing

On April 8, 2002 notices were sent to landowners within 120m of the subject property and to the South Kipling Ratepayers Association. No responses have been received to date. The Committee of the Whole recommendation to receive the May 6, 2002 Public Hearing was ratified by Council on May 13, 2002.

### Official Plan

The lands are designated "General Commercial" by OPA #240 (Woodbridge Community Plan). The proposed addition and the use of the building conform to the Official Plan.

The lands fall within the Highway #7 Policy Review area and, given that application maintains the current land use, it is appropriate to proceed with the consideration of this application.

### Zoning

The lands are zoned C2 General Commercial Zone by By-law 1-88, subject to Exception 9(95), which provides development criteria for a motor vehicle sales centre and establishes building envelopes based on the existing buildings.

The buildings are considered legal non-conforming because the site was developed prior to former Woodbridge By-law 980 and the City's Comprehensive By-law 1-88. The proposed 239m<sup>2</sup> addition to the building extends beyond the building envelope and therefore a zoning amendment is required. At the same time as permitting the addition, there is an opportunity for the implementing by-law to legalize the current building.

The proposed swimming pool addition would be an accessory use to the fitness centre for members, and not function as a public pool. The addition will be located along Highway #7 and would square off the building.

Redeveloping the property to permit the 239m<sup>2</sup> addition requires that current By-law 1-88 standards be applied, resulting in the following exceptions being required:

- existing front, rear and side yard setbacks of the building
- minimum setback to a residential zone of 6.2m, rather than 13.5m
- minimum on site parking of 60 spaces, rather than 114
- minimum landscape requirement 7.8%, rather than 10%
- minimum landscape buffer of 1.0m abutting the residential zone and 0.0m along a portion of Highway #7, rather than 2.4m and 6m respectively

Any other exceptions resulting from the finalizing of the site plan revisions will be included within the implementing by-law.

### Access

The site currently has 3 separate access points from Highway #7. The changes to the site plan resulting from the proposed addition will result in two access points being deleted. One access point located in the centre of the Highway #7 frontage will continue to serve as the main access to the site. Approval of this access by the City and Region will be required.

## Parking

The property will be providing 60 parking spaces to serve the employees and membership. Based on By-law 1-88 standards, the site, including the building addition, requires parking to be provided as follows:

Health Centre - 1,028m<sup>2</sup> GFA @ 11 spaces/100m<sup>2</sup> = 114 spaces

This requirement is based on the total gross floor area of a health centre use and does not make adjustments for accessory uses such as office and storage area, which would require much less parking. The applicant has provided a parking study in support of the parking deficiency. The URS Cole Sherman report used data gathered over a three-day interval and during typical operating hours, during several spot parking demand counts.

Based on observations, the traffic consultant determined the peak demand to be 48 parking spaces, or 75% of the existing parking. Considering the proposed swimming pool addition would not require additional staffing, and will be used by members, the study found the site could sufficiently function with the existing minimum of 60 parking spaces.

The Engineering Transportation Section has reviewed the proposed applications and the Traffic Study, found the methodology used was measurable, and concluded the study to be acceptable

## Servicing

The Engineering Department has reviewed the proposed development application and requires that a storm water management report be submitted to their satisfaction. This department has also indicated that no Environmental Servicing Assessment report is required (ESA).

## Site Plan

Prior to issuance of a building permit the existing site plan agreement must be amended to include elevations for the new addition, revised parking and access, and landscaping.

## Conclusion

Staff has reviewed the proposed application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and has no objection to the proposed swimming pool addition. The use would function as an accessory use to the existing health club. The implementing By-law would also provide the opportunity to address the legal non-conformity of the health club use and the exceptions required for the on-site conditions. An amendment to the site plan agreement will be required to reflect the proposed site changes, prior to issuance of a building permit.

To this end, Staff can support approval of the application, subject to conditions outlined in the Recommendation section. Should the Committee concur, the Recommendation of this report can be adopted.

## Attachments

1. Location Map
2. Site Plan

**Report prepared by:**

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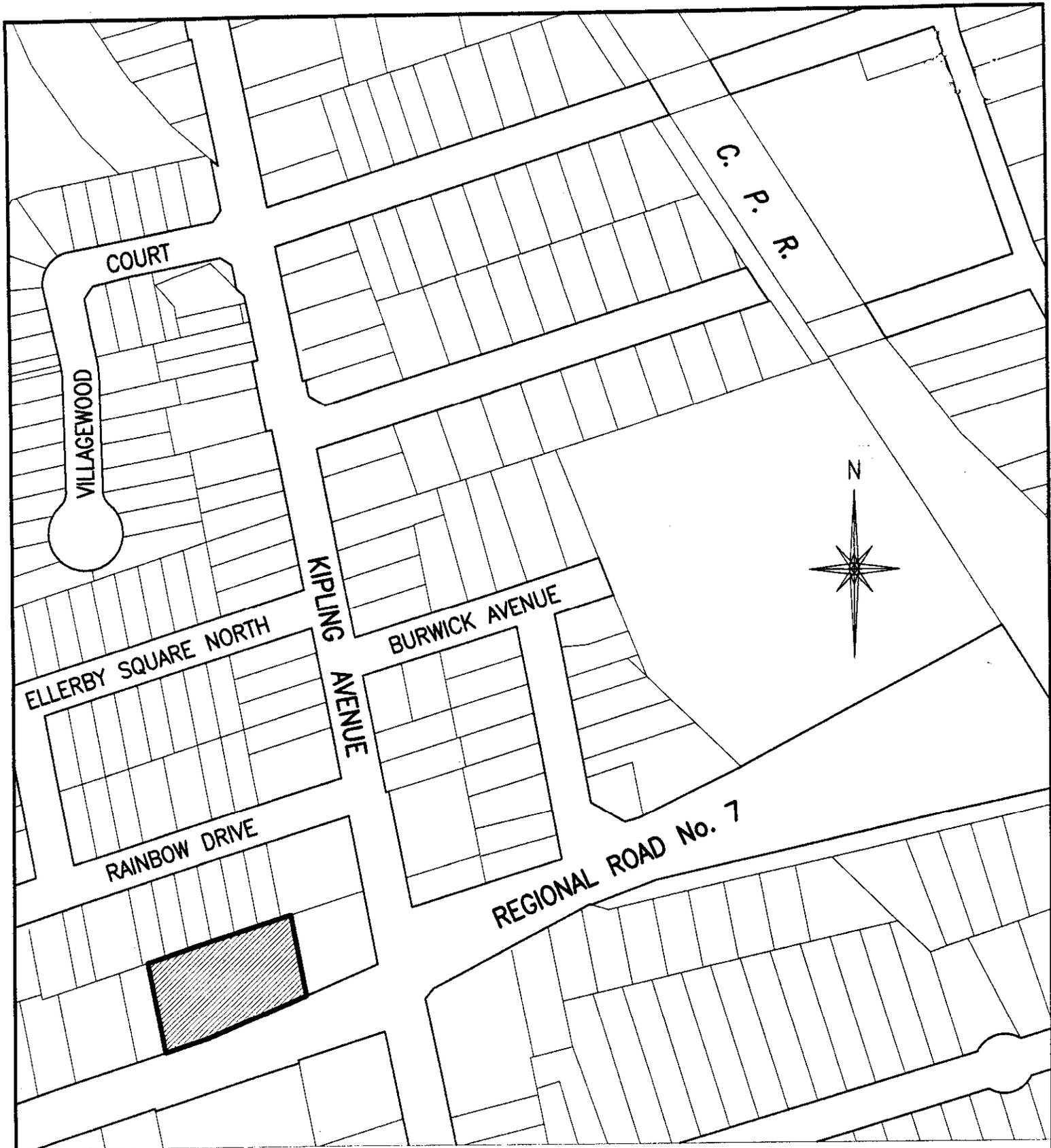
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

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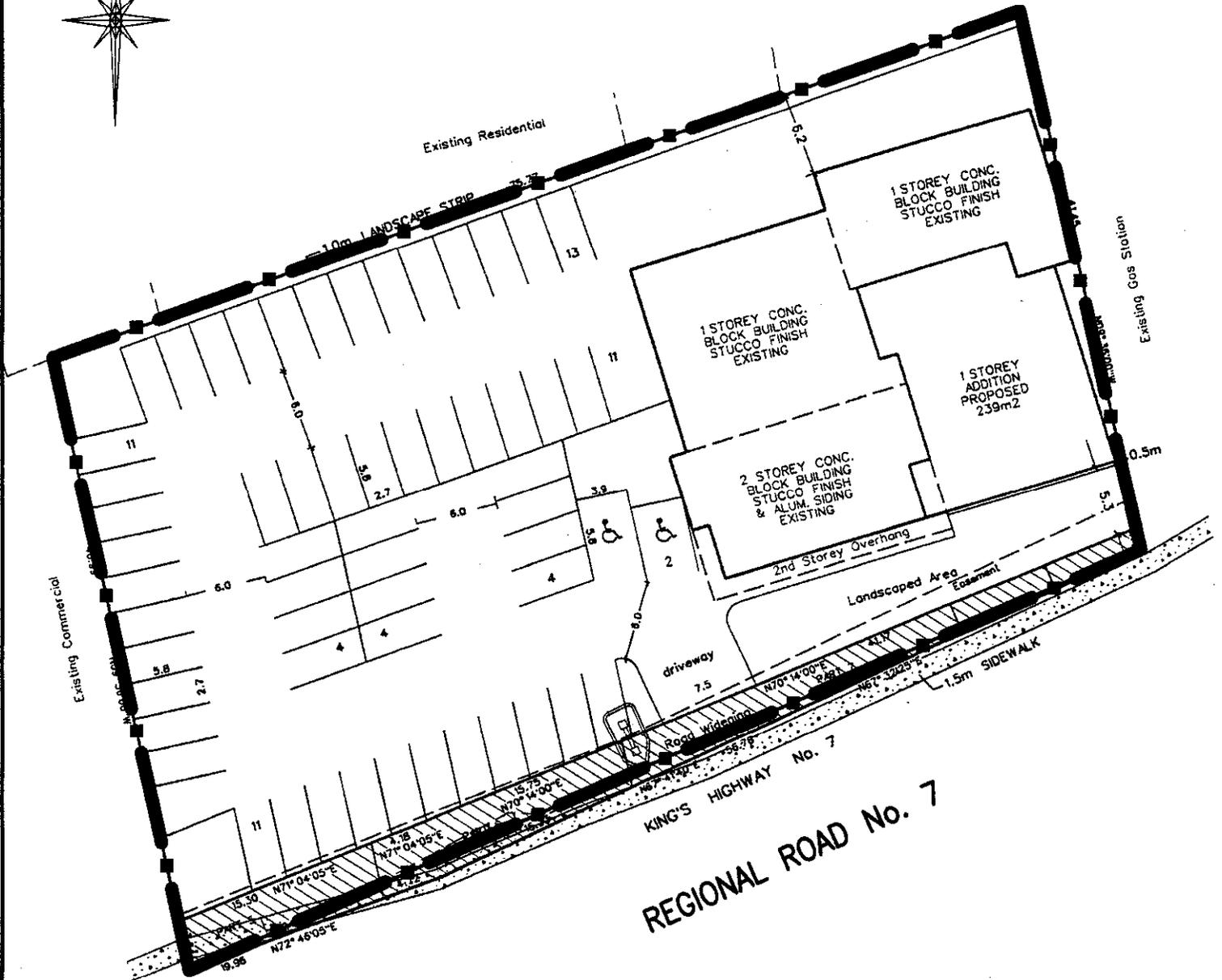
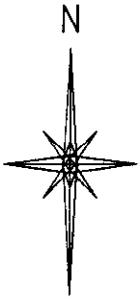
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SUBJECT LANDS

ATTACHMENT '1'  
LOCATION MAP

FILE #:	REPORT #:	DATE: 03/07/2002
Z.02.019	LOCATION: PART OF LOT 6, CON. 8	SCALE: NOT TO SCALE
CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: 1245076 ONTARIO LTD.



KING'S HIGHWAY No. 7  
REGIONAL ROAD No. 7



SUBJECT LANDS

ATTACHMENT '2'  
SITE PLAN

FILE #:	REPORT #:
Z.02.019	LOCATION: PART OF LOT 6, CON. 8

CITY OF VAUGHAN  
PLANNING DEPARTMENT

DATE:	03/07/2002
APPLICANT:	SCALE: NOT TO SCALE
1245076 ONTARIO LTD.	