

TORONTO STAFF REPORT

June 15, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law
Applicant: Mel Winch
2722 Bayview Avenue
05 167022 NNY 25 OZ
Ward 25 – Don Valley West

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-Law to permit an existing accessory dispensing pharmacy as a permanent use within a professional medical office building at 2722 Bayview Avenue.

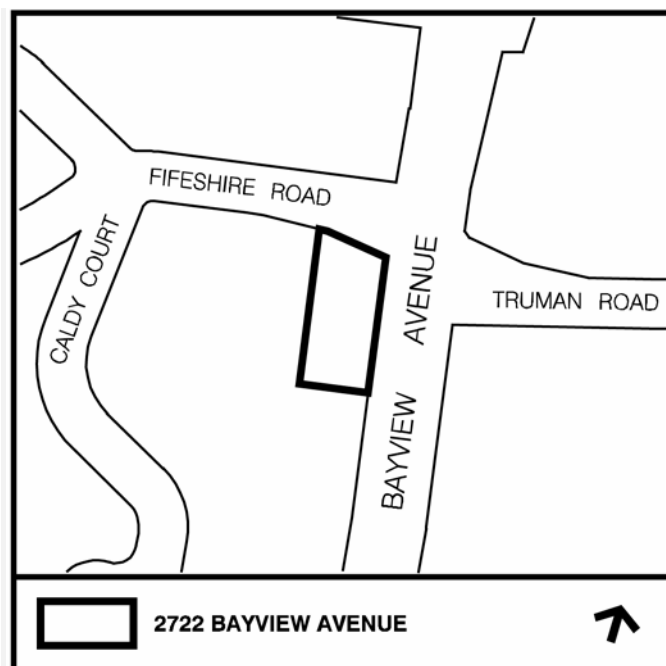
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the former City of North York Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 in the event that the new Official Plan is not yet in force;
- (2) amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;



- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required; and
- (3) authorize the City Solicitor to introduce the necessary Bills to City Council for enactment.

Background:

Proposal

This application is to amend the Zoning By-law of the former City of North York to permit an existing dispensing pharmacy, which is accessory to a medical office at 2722 Bayview Avenue, to remain on a permanent basis. The proposal does not involve any expansion or alterations to the existing building. The size of the accessory pharmacy will not change from its current 23m². The existing access to the site from Fifeshire Road is proposed to be maintained.

Site History

Medical offices have been permitted on the site since 1967 subject to site specific By-laws 21211 and 21407. The building was permitted to be used for the offices of no more than three medical doctors.

In 2000, the owner and operator of the medical office applied to amend the Official Plan and Zoning By-law for the former City of North York to permit the existing medical building to be used for a maximum of six members of the medical or dental professions. The 2000 application also asked for permission to develop an accessory dispensing pharmacy on site providing that there was no outside signage with respect to this use.

A Final Staff Report on the 2000 application recommending the approval of the site specific Official Plan and Zoning By-Law amendments was adopted by Midtown Community Council at its meeting of June 12, 2001. At its meeting of June 26, 27, and 28, 2001, City Council amended the recommendation of Community Council and granted the respective amendments for a period of three years from the date of enactment (June 20, 2002). This three year period of temporary permission for the accessory dispensing pharmacy has expired.

Site and Surrounding Area

The 1,704m² site is located on the southwest corner of Bayview Avenue and Fifeshire Road. The existing one storey building on site is used for medical offices with a maximum of six practitioners, and is served by a surface parking lot containing 18 spaces. The surrounding land uses are as follows:

- North: Four storey, multi-unit residential apartment building
- South: Single detached dwelling
- East: Place of Worship, single family detached houses
- West: Single detached dwelling

North York Official Plan

The property is designated Residential Density One (RD-1) which permits single detached and semi-detached dwellings, public facilities (such as parks and essential services) community institutions (such as schools, places of worship and community centers) and minor commercial uses which are ancillary to the residential uses or which serve the local residential population.

The property was the subject of an Official Plan Amendment which permits a medical office as an additional use and an accessory dispensing pharmacy as a temporary use only. For this reason, an amendment is required if the new Official Plan is not yet in force.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan with modifications. The Minister's decision was appealed in its entirety to the Ontario Municipal Board.

The hearing on the new Official Plan is continuing at the Ontario Municipal Board. The Board has approved most of the Plan and it is anticipated that the approved portions will come into force in June 2006. The housing and Section 37 policies remain under appeal and will be adjudicated in September and October 2006. As well, the hazard land policies for "Special Policy Areas" remain under appeal.

Once the new Official Plan comes into force it will designate the property as Neighbourhoods. The Neighbourhoods designation permits low scale residential uses, and small scale retail, service and office uses provided they are incidental to and support neighbourhoods and are located on a major street.

Zoning

The property is zoned R2 (One-Family Detached Dwelling Second Density Zone) which permits single detached dwellings.

The medical office building has been permitted on site since 1967 subject to site specific By-laws 21211 and 21407. Site specific By-law 523-2002 repealed these By-laws to:

- Permit the existing building to be used for a professional medical office by a maximum of six members of the medical or dental professions, or individuals licensed under the *Drugless Practitioners Act* or the *Regulated Health Professionals Act, 1991*;
- Permit the maximum gross floor area of the building to be 342.0m²;
- Require the exterior design of the building to be unaltered;
- Require a parking area to the north of the existing building;
- Require the parking area to be buffered with a 3.0m wide landscaping strip along the south and west lot lines;

- Permit an accessory dispensing pharmacy for a period of three years commencing June 20, 2002 providing there is no external signage with respect to this use; and
- Permit the dispensing pharmacy to have a maximum gross floor area of 23.0m².

Site Plan Control

There is currently a Development Agreement registered on title. While processing this application, no concerns were raised that would require any amendments to this Agreement.

Reasons for the Application

An amendment to Zoning By-law 7625 for the former City of North York is required to permit the dispensing pharmacy to remain as an accessory use to the medical offices.

In the event that the Ontario Municipal Board has not yet issued an Order approving and bringing into force and effect the new Official Plan for the City of Toronto and repealing the North York Official Plan, this report recommends an amendment to the former City of North York Official Plan.

Community Consultation

A Community Consultation meeting was held on May 10, 2006. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and five members of the public. One member of the public that attended indicated that the proximity of the medical office and accessory dispensing pharmacy was important to seniors residing in the neighbourhood that do not own a car.

Numerous written submissions were provided outlining the importance of the pharmacy use to the neighbourhood, and the convenience of making one trip to access medical care and prescriptions. One written submission was submitted indicating that the dispensing pharmacy was not necessary at this location as there were dispensing pharmacies in the drug stores located at the intersection of Bayview Avenue and York Mills Road and the Bayview Village Mall at Bayview Avenue and Sheppard Avenue East.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

Comments:

Land Use:

Medical offices have been present on site since 1967, and the accessory dispensing pharmacy has been operating since 2002 without significant impact on the surrounding community. The

physical characteristics of the site, including built form and landscaping, respect the existing physical character of the neighbourhood.

The proposal supports the objectives of both the former City of North York Official Plan and new City of Toronto Official Plan to promote commercial uses in residential areas that support the residential function. The medical offices and accessory dispensing pharmacy are well used by residents of the surrounding residential area. This was reinforced through the community consultation process that demonstrated the dispensing pharmacy encouraged local residents to walk to the building to receive medical attention and prescriptions in the same visit.

The new Official Plan for the City of Toronto permits the accessory dispensing pharmacy use as it is incidental and supportive of the surrounding neighbourhood and is located on Bayview Avenue which is designated a major street.

Access and Parking:

Access to the existing medical office building and accessory dispensing pharmacy from Fifeshire Road is to be maintained. A “Do Not Block Driveway” sign at the Fifeshire Road access is also to be maintained.

The existing site specific By-law secures a minimum of 18 parking spaces, which carries over from the site specific requirement dating back to 1967. There were no concerns raised in the evaluation of this application requiring that this standard be amended.

Conclusions:

The proposal is appropriate as it will continue a use that serves and supports the surrounding neighbourhood. The medical offices and accessory dispensing pharmacy are compatible uses that fit into the character of the neighbourhood. This report recommends the approval of the Zoning By-Law Amendment, and an amendment to the City of North York Official Plan if required, to permit the accessory dispensing pharmacy as a permanent use.

Contact:

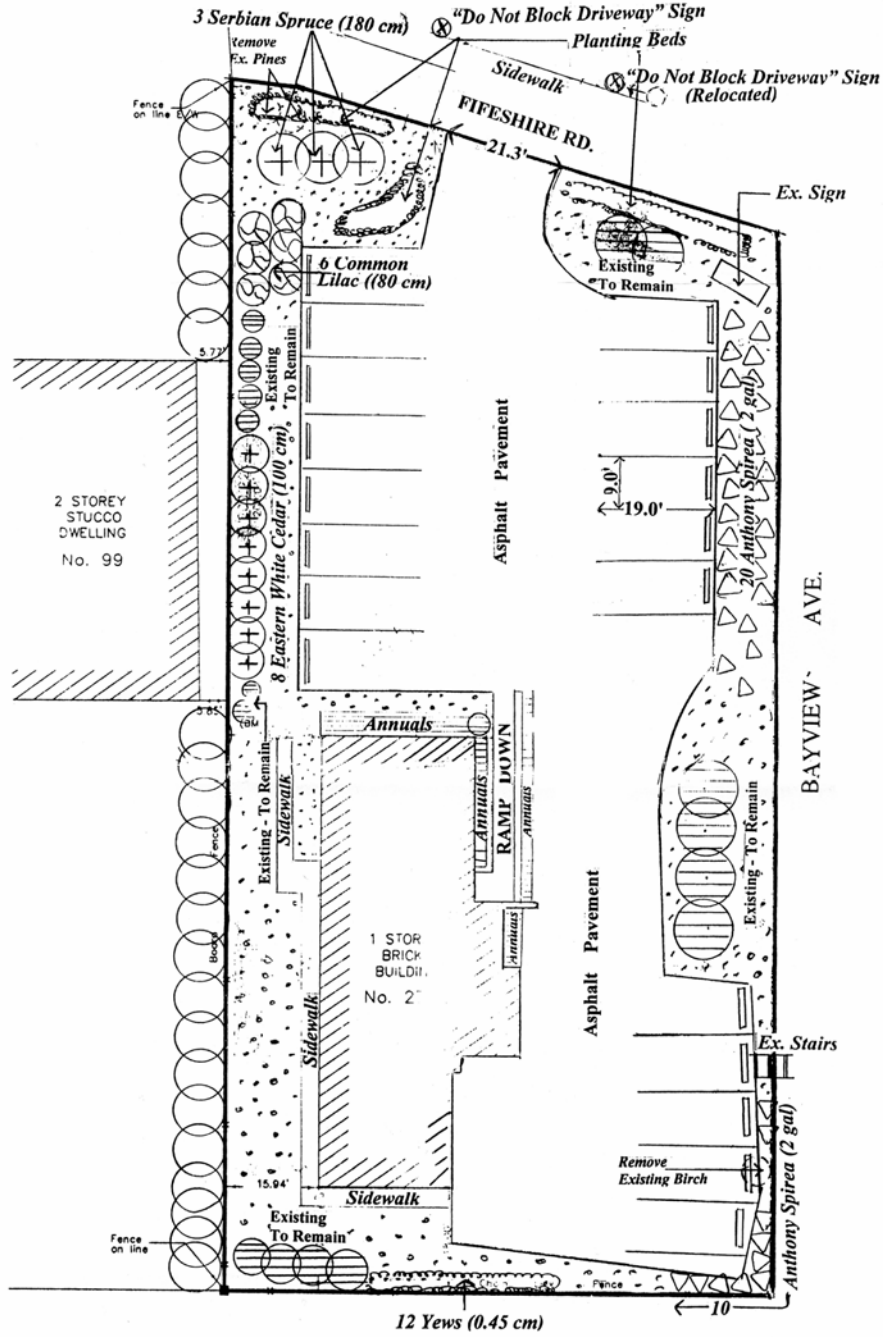
Christian Ventresca, Assistant Planner
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Thomas C. Keefe
Director, Community Planning, North York District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Zoning
- Attachment 3: Official Plan
- Attachment 4: Application Data Sheet
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

2722 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
01/20/06



File # 05_167022

Attachment 2: Zoning (Map)



2722 Bayview Avenue

File # 05_167022 NNY 25 0Z

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R3 One-Family Detached Dwelling Third Density Zone

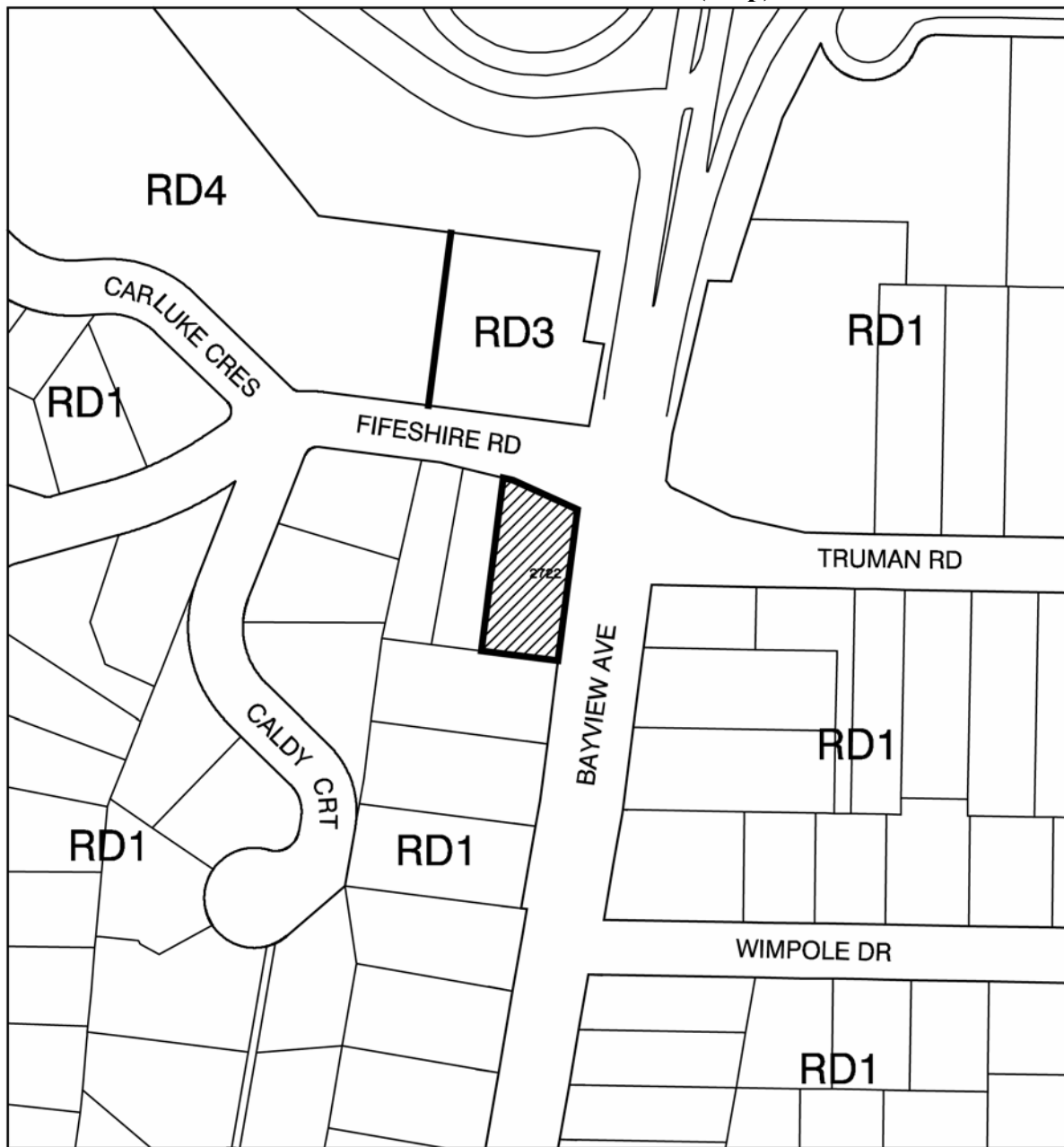
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 08/22/05

Attachment 3: Official Plan (Map)



- RD1 RESIDENTIAL DENSITY ONE
- RD3 RESIDENTIAL DENSITY THREE
- RD4 RESIDENTIAL DENSITY FOUR

Attachment 5 – Draft Official Plan Amendment

Authority: North York Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2006

Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

To adopt an amendment to the Official Plan
for the former City of North York
respecting the lands municipally known as
2722 Bayview Ave

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Amendment No. 578 to the Official Plan of the City of North York, consisting of the attached text is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

PREFACE AND EXPLANATOR NOTES

TO AMENDMENT NO. 578

TO THE OFFICIAL PLAN OF THE

CITY OF NORTH YORK

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns the lands located at the southwest corner of Bayview Avenue and Fifeshire Road. The municipal address is 2722 Bayview Avenue.

EFFECT OF THE AMENDMENT

The effect of this amendment would be to permit a medical office and accessory dispensing pharmacy as additional uses.

PUBLIC MEETINGS

The North York Community Council considered Amendment Application 05 167022 NNY 23 OZ at a statutory meeting held on , 2006, after written notice of such meeting had been sent to all persons assessed in respect of land and to all tenants within 120m of the subject lands. It was North York Community Council's decision to recommend approval of the application.

A meeting to consider this matter was held by Council of the City of Toronto on , 2006. Council adopted the recommendation of North York Community Council to approve the application.

On , 2006, Council enacted By-law No.

AMENDMENT NO. 578
TO THE OFFICIAL PLAN OF THE
CITY OF NORTH YORK

The following text and map constitute Amendment No. 578 to the Official Plan of the City of North York.

ITEM 1

Clause 1

Part C.9 – Specific Development – of the Official Plan is amended by the following:

“C.9.227 LANDS ON THE SOUTHWEST CORNER OF BAYVIEW AVENUE AND
FIFESHIRE ROAD (known municipally as 2722 Bayview Avenue)

Notwithstanding the Residential Density One (RD1) designation of the lands shown on Map C.9.227, the lands may be used for a medical office and a dispensing pharmacy in conjunction with the medical office.”

Attachment 6 – Draft Zoning By-Law Amendment

Authority: North York Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2006
Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2004

To amend former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as 2722 Bayview Avenue

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-Law 7625 of the former City of North York are amended in accordance with Schedule “1” of this by-law.
2. Sub-Section 64.11(5) of By-Law 7625 of the former City of North York is amended by adding the following:

“64.11(5) R2(5)

PERMITTED USES

- (a) In addition to the uses permitted in the R2 zone, the following uses shall also be permitted within the building existing as of June 1, 2006:
 - (i) a professional medical office and a dispensing pharmacy accessory to the professional medical office.
- (b) For the purpose of this By-law exception only, “professional medical office” means the use of a building or part of a building for the consultation, diagnosis, surgical or therapeutic treatment of persons by not more than 6 members, at any one time, of the medical or dental professions, or individuals licensed under the *Drugless Practitioners Act* or the *Regulated Health Professionals Act, 1991*.
- (c) For the purpose of this By-law exception only, “dispensing pharmacy” means a drug store where only medicines, drugs, and medical appliances or aids are compounded, dispensed or sold, but shall not contain any other articles or goods which are sold or displayed for sale to the public.

EXCEPTION REGULATIONS

- (d) The maximum gross floor area for a professional medical office and dispensing pharmacy shall be 342.0m².
 - (e) The maximum gross floor area for a dispensing pharmacy shall be 23.0m².
 - (f) For a professional medical office, the exterior design of the existing building shall not be altered.
 - (g) For a professional medical office, a parking area with a minimum of 18 parking spaces shall be provided.
 - (h) The parking area for a professional medical office shall be buffered with a 3 metre wide landscaping strip along the south lot line and west lot line.
 - (i) There shall be no external signage with respect to the dispensing pharmacy.”
- 3.** By-law 232-2002 of the City of Toronto is hereby repealed.

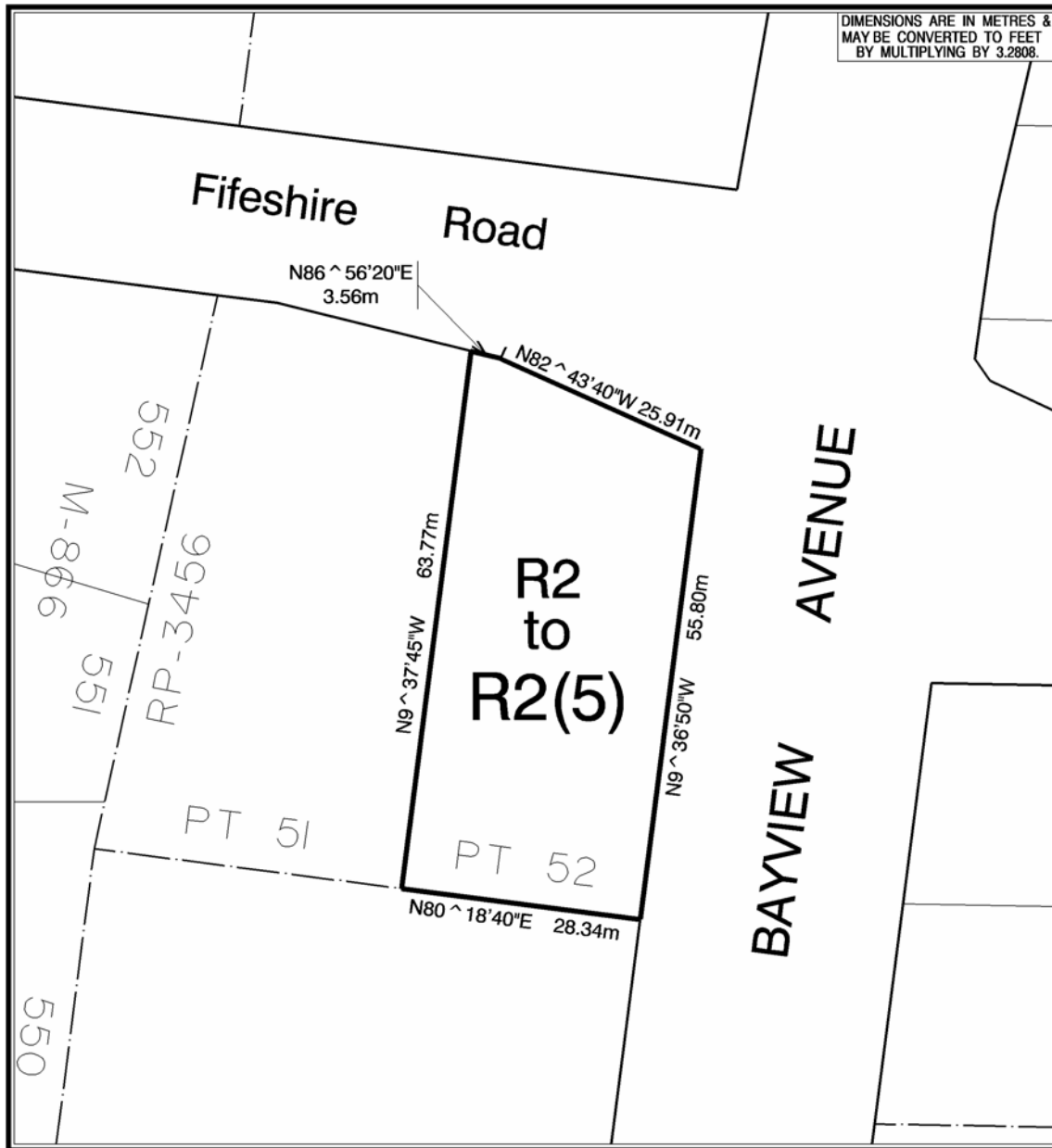
ENACTED AND PASSED this ~ day of ~, A.D. 2004.


DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "1"



This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 ____		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Part of Lot 52, R.P. 3456, City of Toronto		
File: UDZ-00-15	Prepared by: A.A.	Approved by: N.S.
Date: DEC. 4, 2000	Filename: SBL3008	
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		