

PATTON CORMIER & ASSOCIATES
LAWYERS

Alan R. Patton, B.A., LL.B.

Analee J.M. Fernandez, B.A., LL.B.

Elizabeth K. Cormier, B.A., LL.B.

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July 9, 2012

File No. 33042

via email: bpohill@london.ca
Hlysynsk@london.ca

The Corporation of the City of London
City Hall
300 Dufferin Avenue
London, ON N6A 4L9

Attention: Heather Lysynski, Secretary Planning Committee
Councillor Bud Polhill, Chair, Planning and Environment Committee

Dear Sir/Madam:

Re: **Highbury Ford - 1365 Dundas Street, London**

We are the lawyers for Highbury Ford, located at the southwest corner of Dundas Street and Florence Street, east of Highbury Avenue.

Highbury Ford is a family owned business and has been at its present location for greater than 40 years. It is an anchor of the business community in east London. A few months ago Highbury Ford was told by the Ford Motor Company that it must substantially improve its showroom and certain other facilities in order to meet the competitive standards of the automotive industry. Highbury Ford and the Ford Motor Company have agreed to a modernization of the dealership involving a modest showroom addition and the relocation of service bays.

In March 2012 I met with Mr. Jeff Leunissen of the City of London who agreed that the work would not constitute "redevelopment" but was nevertheless of the opinion that the City's Site Plan By-law would apply. Mr. Leunissen agreed that some of the current requirements of the City's Site Plan process would not be required, such as an Urban Design Brief or additional landscaping or "place-making features". Some aspects of the Site Plan By-law would be addressed including a building elevation of the relocated showroom and a rendering of the entrance way into the relocated showroom. Mr. Leunissen warned that City Staff will "request" minor road widening dedications on both Florence Street and Dundas Street. It was agreed that Highbury Ford's Architect, Endri Poletti Architect Inc., would meet with Municipal Staff for a Site Plan Consultation meeting to be followed by an Application satisfying requirements for Site Plan Approval.

Mr. Poletti's meeting with City Staff took place on June 21, 2012. At that meeting Mr. Poletti was provided with a "green lined Site Plan" (copy enclosed) showing many, but not all, of the City requirements for Site Plan Approval. Following the meeting Mr. Poletti reported by letter of June 22, 2012, to Highbury Ford's contractor, McKay Cocker Construction Limited (copy enclosed).

In summary, City Staff are requiring as conditions of Site Plan Approval the following:

1. Substantial road widening on Dundas Street (7.942 m.) and Florence Street (2.942 m.), together with a 6 m. x 6 m. daylight triangle at the corner of Dundas and Florence Streets;
2. Landscaping on the road widening;
3. New curbs, sidewalks and boulevards;
4. The closure of two Florence Street entry points;
5. A Lease with rent to be paid and entered into with the City of London for use of the dedicated road allowances for parking or building encroachments;
6. An oil grit separator;
7. A Traffic Management Plan;
8. The use of a King Street entrance;
9. A Park dedication or cash in lieu, which cash in lieu would equal 2% of the current value before construction as confirmed by an Accredited Appraiser.

These requirements are in addition to Building Permit fees and Development Charges for the showroom addition and the drive-through service bay.

Highbury Ford correctly believes that these demands and requirements through a Site Plan process are unreasonable and are not connected in any fair or reasonable manner to the purpose and intent of the legislation.

I have spoken at length with Mr. Leunissen in the last two weeks. As a result of these discussions it is clear that a Council review of the process and the requirements for plans which revitalize and refurbish businesses but which do not increase the demand for services but which require the mandatory and gratis taking of land for possible road widening need to be reviewed. These include, for example,

- a) Council presently has a firm policy to take the road widening even when, as in this case of Highbury Ford, it,
 - i) results in existing buildings being located on City Land; and
 - ii) existing parking being located on the City land and then the City requiring that Highbury Ford pay *rent* to the City for occupying and using the land.

- b) The Council Policy which requires in the case of Commercial land that parkland fees in the amount of 2% of the value of the *entire parcel* be paid. In the case of Highbury Ford this could represent parkland fees anywhere between \$25,000.00 to \$35,000.00;
- c) The closing of safe and functional driveways.

Other matters that Municipal Staff have so far required as part of Site Plan Approval are in need of review, example, an oil and grit separator.

On behalf of our client we request to appear as a delegation before the Planning and Environment Committee on Monday, July 23, 2012 regarding this matter on behalf of Highbury Ford, to review the issues herein in further detail and seek a fair and appropriate resolution on behalf of Highbury Ford and to hear from City Staff on these important matters.

Yours truly

PATTON CORMIER & ASSOCIATES

per:



Alan R. Patton

ARP/dr

Encl.

apatton@pattoncormier.ca

cc: *Highbury Ford - via email*
Planning and Environment Committee Members - via email
Mayor Fontana - via email

NO.	DATE	REVISION
1	2023-02-22	REV 1 - INITIAL PLAN
2	2023-02-22	REV 2 - SITE PLAN
3	2023-02-22	REV 3 - SITE PLAN
4	2023-02-22	REV 4 - SITE PLAN
5	2023-02-22	REV 5 - SITE PLAN
6	2023-02-22	REV 6 - SITE PLAN
7	2023-02-22	REV 7 - SITE PLAN
8	2023-02-22	REV 8 - SITE PLAN
9	2023-02-22	REV 9 - SITE PLAN
10	2023-02-22	REV 10 - SITE PLAN

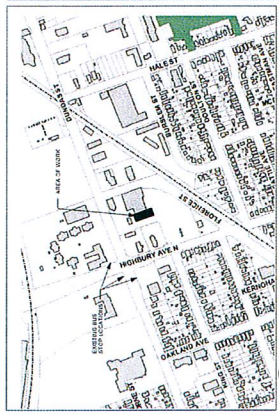
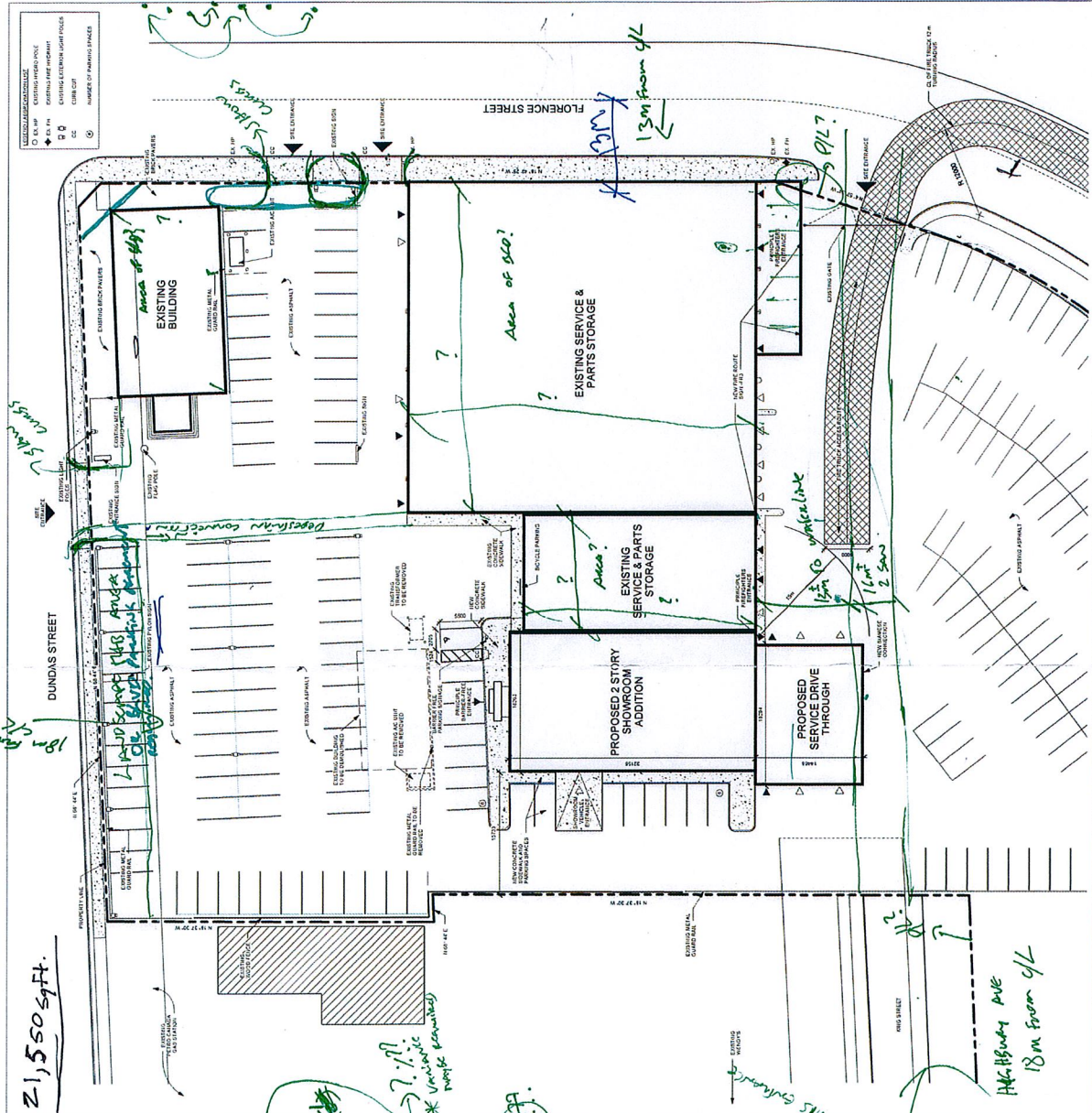
Show ultimate road widening
 Show overall site plan
 Show all easements across site
 Show parking placement
 Use one entrance on Florence
 See transportation comments
 Landscape road widening

ENDRI POLETTI ARCHITECT INC.
 ARCHITECTS
 135 DUNDAS STREET
 LONDON, ONTARIO
 N6A 1B1
 TEL: 519-863-1111
 WWW.ENDRIPOLETTIARCHITECT.COM

HIGHBURY FORD SALES LTD.
 135 DUNDAS STREET
 LONDON, ONTARIO
 N6A 1B1

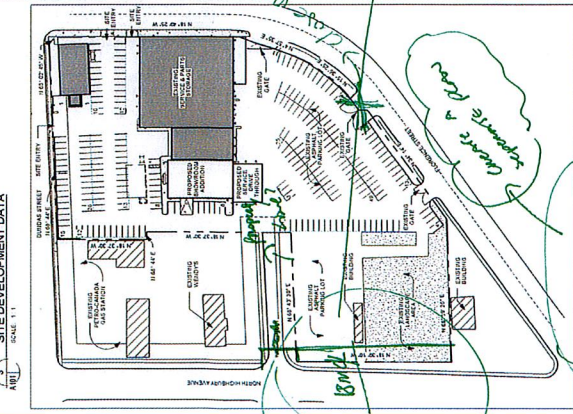
HIGHBURY FORD SALES LTD.
 135 DUNDAS STREET
 LONDON, ONTARIO
 N6A 1B1

PROJECT: SITE PLAN
DATE: 2023-02-22
PROJECT NO.: 1207
SCALE: A101

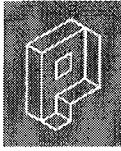


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9	2023-02-22	REV 9 - SITE PLAN
10	2023-02-22	REV 10 - SITE PLAN

SITE DEVELOPMENT DATA
 SCALE: 1:1000



ENLARGED SITE PLAN
 SCALE: 1:200
OVERALL SITE PLAN
 SCALE: 1:1000



**ENDRI POLETTI
ARCHITECT INC.**

355 OXFORD STREET EAST, LONDON,
ONTARIO N6A 1V6 CANADA

22 June 2012

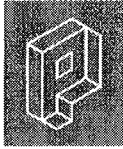
Mr. Steve Arbour
McKay Cocker Construction Limited
1665 Oxford St. E.
London, Ontario N5Y 5R9

Dear Mr. Arbour,

Re: Site Plan Consultation Meeting
Highbury Ford Sales Ltd.
1365 Dundas Street East
London, Ontario

Further to the city site plan consultation meeting the following is a summary of items that significantly impact the development of this project. We have listed them as per our discussion at the city. We have also included an approximate additional cost to the project as a result of these requirements.

Item	Description	Estimated Cost Impact
	Road Widening – as per the city master plan for the vehicular movement the streets surrounding the property are subject to road widening. As per attached plan the net effect of the road widening is a reduction to the site of approximately 22,000 SF.	\$?????
	Further to this the areas that are currently being used by the owners (other than buildings) for any other purpose than landscaping will require the owners to enter into an agreement with the city realty services to lease the lands. The cost of this lease is on a case by case basis.	\$?????
	The road widening will require a new legal survey indicating the transfer of lands to the city affected by the road widening.	\$ 10,000 for surveyor
	All the fencing and gates that will be within the road widening will either be relocated to the new property line or enter into an agreement for leased space with the city.	\$?????
	Two of the entry points onto the site from Florence Street will need to be closed.	\$?????



ENDRI POLETTI
ARCHITECT INC.

355 OXFORD STREET EAST, LONDON,
ONTARIO N6A 1V6 CANADA

The existing underground services (water & sewers) will require an easement of approximately 5 meters to be provided. This easement will be registered on title. Given the current location of the water and sewer and their closeness to the new addition there may be some additional engineering required. \$ 5 ~ \$7,000 for eng. design

Installation of Oil and Grit separator. Current requirement may require an oils and grit separator to be installed. This could also impact the actual site topo elevations. This may require portions of the site to be regraded to ensure that the water flows to the grit separators. To what extent this may be required needs to be determined. Depending on the extent that the city takes this requirement it may add substantial cost to the project \$35,000 to \$100,000 depending on number of separators

A traffic management study is required for construction along arterial roads. We suggest that we use the King Street entrance minimizing the impact. These plans need to be submitted to the traffic dept. \$2,000 Eng. plans.

Park dedication – this is a significant impact in that it is value at 2% of the current value of the property prior to construction. If a park dedication was previously paid to the city then this cost is waived. The value of property will need to be assessed by an appraiser. \$?????

These are the most salient issues that have come out of the meeting that we could quickly identify having a cost impact. A more detailed analysis of all the city comments is required. We felt that it is necessary to point these out to you prior to moving further on the design development. We can meet at your convenience. The only day that I am no available is June 27/12 as I will be out of the country

Respectfully,

Endri Poletti
B.Arch, OAA, MRAIC