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File No: Z-7887  
Planner: C. Smith

<b>TO:</b>	<b>CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: HASHAM ADBELSAYED 1472 HURON STREET  PUBLIC PARTICIPATION MEETING ON AUGUST 15, 2011 AT 7:30 P.M.</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Land Use Planning, based on the application of Hasham Adbelsayed relating to the property located at 1472 Huron Street;

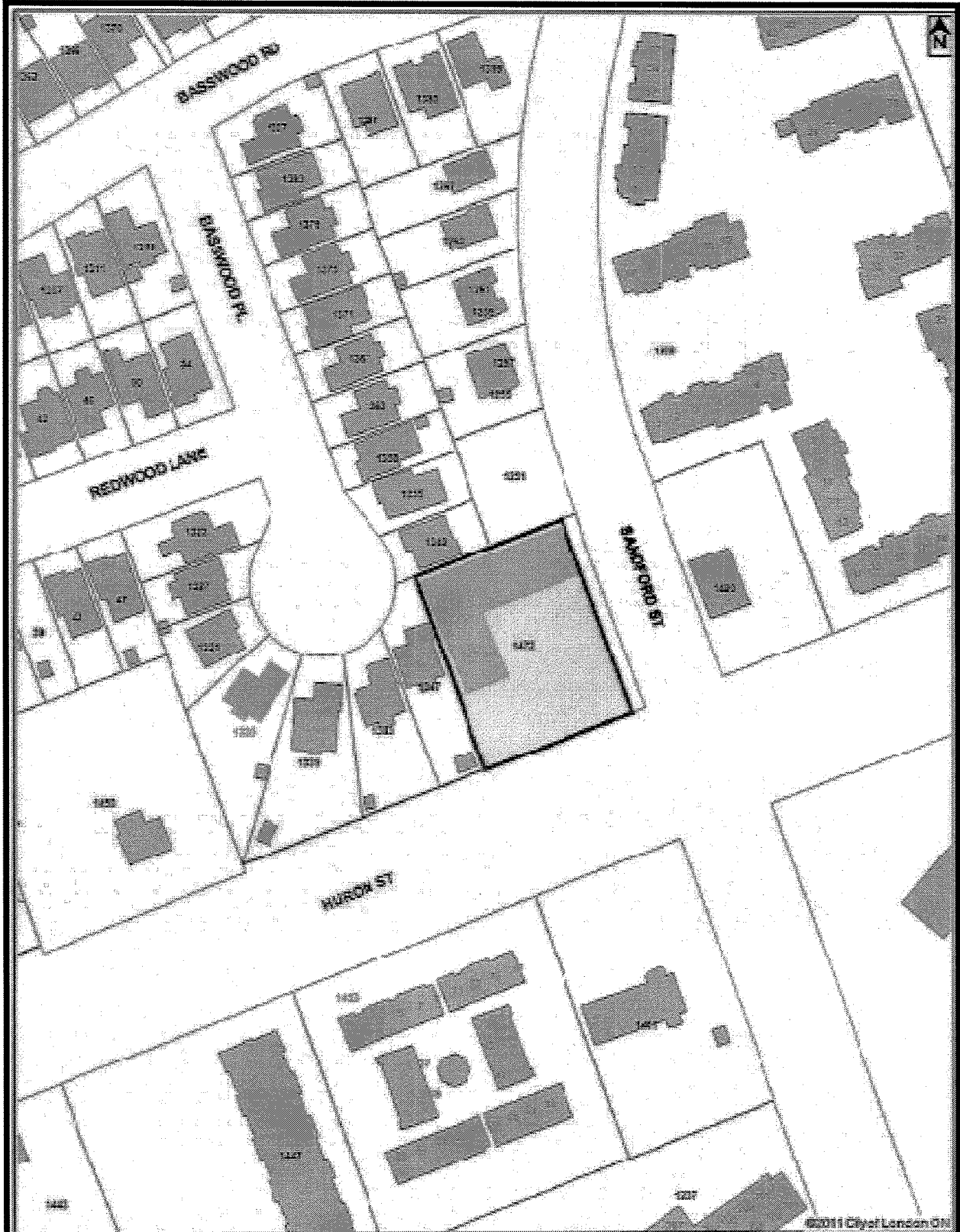
- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 20, 2011 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** a Convenience Commercial (CC2) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices **TO** a Convenience Commercial Special Provision (CC2 ( )) Zone which allows for the above uses and a pharmacy use without a drive through, a minimum rear yard setback of 1.7m, a minimum west interior side yard setback of 1.7m, a minimum east side yard setback of 0.0m, a minimum front yard setback to a parking area of 2.1m, a minimum east side yard setback to a parking area of 0.0m, a maximum lot coverage of 35%, a minimum of 39 parking spaces including 1 handicapped parking space based on a gross floor area of 730m<sup>2</sup>, and which prohibits a methadone clinic and methadone dispensary use.
- b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the lands located 1472 Huron Street from a Convenience Commercial (CC2) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices to a Convenience Commercial Special Provision (CC6 ( )) Zone which permits for the above uses with a lot coverage of 35% and 40 parking space minimum **BE REFUSED** for the following reasons;
  - a. the full range of uses in the Convenience Commercial (CC6) Zone variation uses may not be appropriate on this site.
- c) three readings of the recommended Zoning By-law amendment **BE WITHHELD** until the development agreement has been amended to include provision for storm water management, garbage enclosure, enhanced landscaping and a traffic statement regarding the impact of this site focusing on accesses and in particular the access to Huron Street, including the intent to restrict access to right-in and right-out on Huron Street, be received and any mitigation measures be implemented to the satisfaction of the City Engineer.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The proposed amendment will allow an 84 m<sup>2</sup> pharmacy use to be established at this location in association with a medical/dental office use which is use that is currently permitted by the exiting zone regulations.

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0 50 100 150 200 250 meters

### LOCATION MAP

Subject Site: 1472 Huron St  
Applicant: Hesham Abdelsayed  
File Number: Z-7887  
Planner: John Fleming  
Created By: Craig Smith  
Date: 2011-05-11  
Scale: 1:1200

### LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

Corporation of the City of London  
Prepared By: Planning and Development

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**RATIONALE**

1. The proposed amendment is consistent with the “Building Strong Communities” section of the Provincial Policy Statement, by accommodating an appropriate range and mix of various land uses, including convenience commercial uses, to meet long term needs;
2. The proposed use at this location is consistent with the policies of the City of London Official Plan and is appropriate on this site as it:
  - a) Provides for uses at a neighbourhood scale which serves the needs of the surrounding residential development and to the travelling public.
  - b) Located at the intersection of two major streets; and
  - c) The gross floor area of the existing commercial plaza is greater than 500m<sup>2</sup> which can accommodate additional convenience service uses such as pharmacies.
3. The proposed amendment will allow for an opportunity to enter into an amended development agreement which will include improvements to the site by providing for enhanced storm water management, garbage enclosure, enhanced landscaping and improvements to the vehicular accesses.

**BACKGROUND**

<b>Date Application Accepted:</b> March 10, 2011	<b>Agent:</b> Laverne Kirkness
<p><b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 <b>FROM</b> a Convenience Commercial (CC2) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices <b>TO</b> a Convenience Commercial Special Provision (CC6 (___)) Zone which allows for the above uses and a pharmacy use without drive through, a lot coverage of 35% and 40 parking space minimum.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Convenience commercial plaza with an existing variety store, restaurant, and personal services use.</li> <li>• <b>Frontage</b> – 42.2m</li> <li>• <b>Depth</b> – 55.3m</li> <li>• <b>Area</b> – 2,335m<sup>2</sup></li> <li>• <b>Shape</b> – square</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – City of London substation and single detached dwellings</li> <li>• <b>South</b> – church and cluster housing</li> <li>• <b>East</b> – cluster town housing and medical dental office</li> <li>• <b>West</b> - single detached dwellings</li> </ul>
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<b>OFFICIAL PLAN DESIGNATION:</b> (refer to map on page 5)
<ul style="list-style-type: none"> <li>• Low Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to map on page 5 )
<ul style="list-style-type: none"> <li>• Convenience Commercial (CC2)</li> </ul>

**PLANNING HISTORY**

On October 3, 1979 a development agreement was entered into to develop the property with the commercial plaza in the location and with gross floor area as exists today.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

Environmental and Engineering Services Department

*The City of London's Environmental and Engineering Services Department offers the following comment with respect to the aforementioned Zoning By-Law amendment application:*

- *EESD requested that a Traffic Impact Assessment be included with this application through the preliminary review process. The intent of the study is to determine the impact of the proposed change in land use and appropriate access arrangements due to the proximity of this site to the intersection of Huron Street and Sandford Street. Therefore, EESD requests that a holding provision be applied to the subject lands until a TIA is approved and its recommendations implemented to the satisfaction of the City Engineer.*

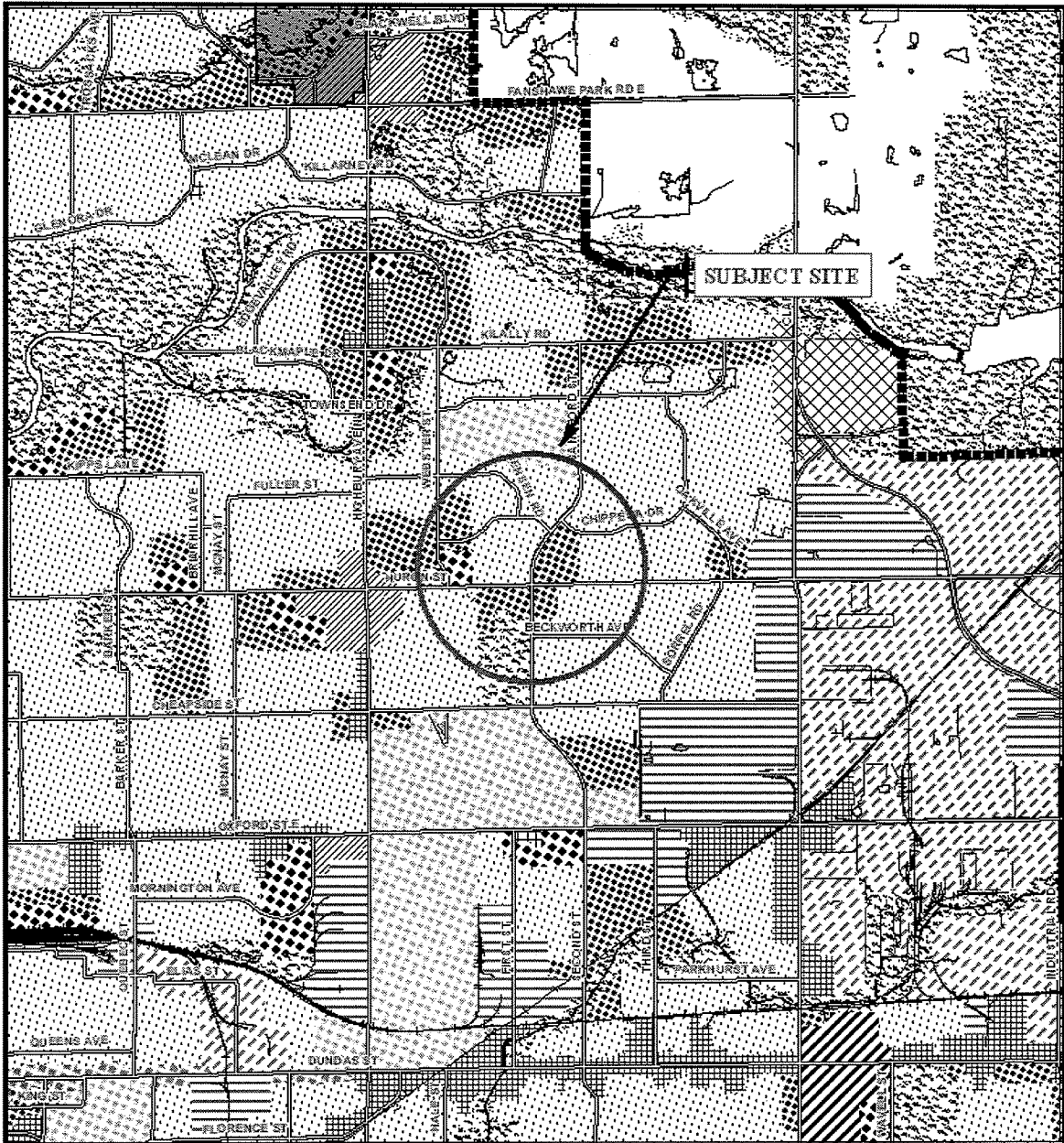
Transportation Department Email May 11, 2011

*Further to our meeting on May 10, 2011 regarding the Zoning By-law amendment Z-7887 for 1472 Huron St the Transportation Planning & Design Division will not require a holding provision for access for this application. It was agreed that the applicant would submit a traffic statement regarding the impact of this site focusing on accesses and in particular the access to Huron St. The study must review our intent to restrict access to right in and right out on Huron St. The report to committee is to be written so that third reading would be withheld until this issue, among others, was finalized to the satisfaction of the City Engineer*

<b>PUBLIC LIAISON:</b>	On March 29, 2011 102 letters were sent to all landowners within 120 m of the property. Living in the City notice was published on March 26, 2011.	7 phone calls, 226 written and 1 petition with 123 signatures, opposed to the amendment.
<p><b>Nature of Liaison:</b> To allow a pharmacy use to be located in the existing convenience commercial building.</p> <p>Change Zoning By-law Z.-1 <b>FROM</b> a Convenience Commercial (CC2) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices <b>TO</b> a Convenience Commercial Special Provision (CC6 ( )) Zone which allows for the above uses and a pharmacy use without drive through, a lot coverage of 35% and 40 parking space minimum.</p>		

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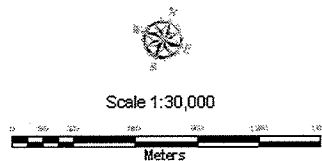


**Legend**

- |                                          |                                   |
|------------------------------------------|-----------------------------------|
| Downtown Area                            | Office Business Park              |
| Enclosed Regional Commercial Node        | General Industrial                |
| New Format Regional Commercial Node      | Light Industrial                  |
| Community Commercial Node                | Regional Facility                 |
| Neighbourhood Commercial Node            | Community Facility                |
| Main Street Commercial Corridor          | Open Space                        |
| Auto-Oriented Commercial Corridor        | Urban Reserve - Community Growth  |
| Multi-Family, High Density Residential   | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement                  |
| Low Density Residential                  | Environmental Review              |
| Office Area                              | Agriculture                       |
| Office/Residential                       | Urban Growth Boundary             |
|                                          | Areas Under Appeal                |

**CITY OF LONDON**  
 Department of  
 Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7887

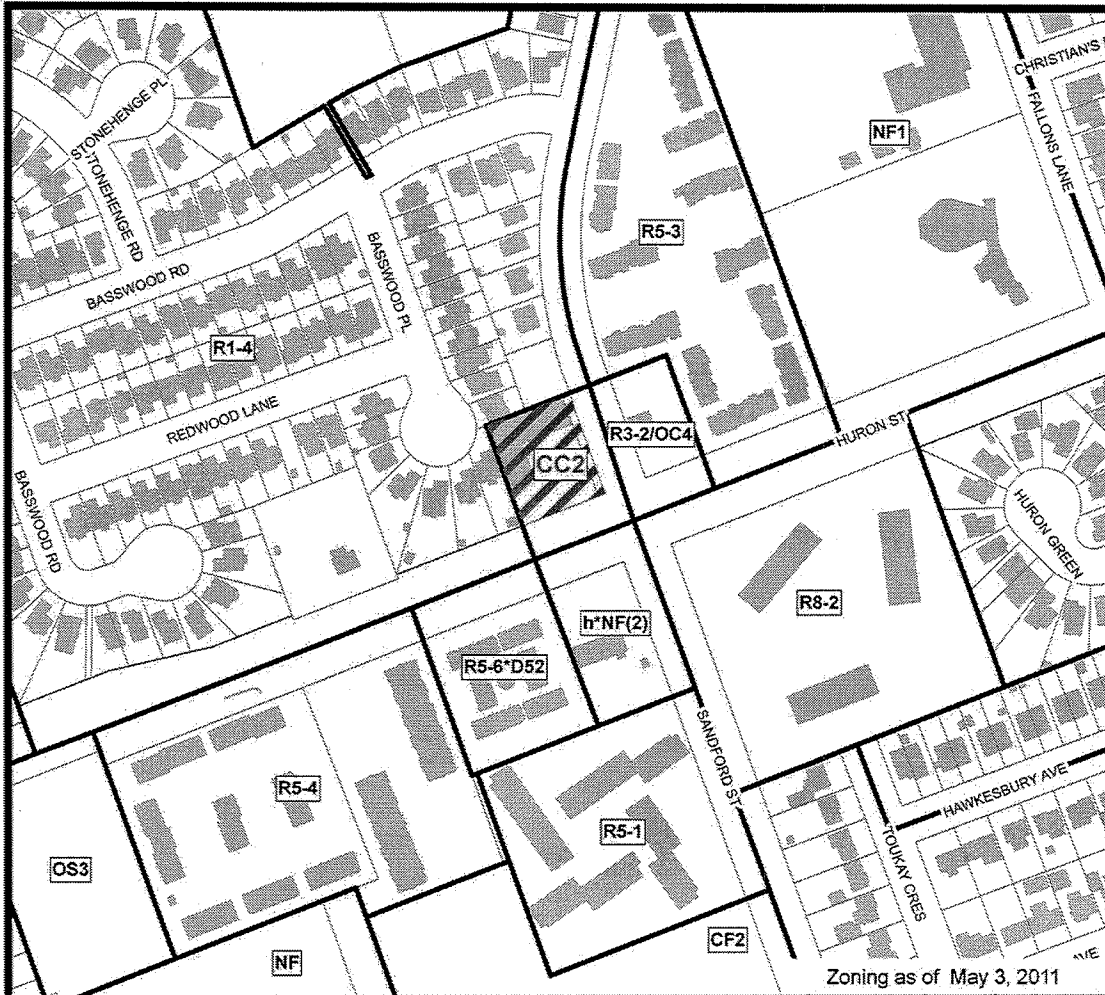
PLANNER: CS

TECHNICIAN: CK

DATE: 2011 May 19

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**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: CC2**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z-1**  
**SCHEDULE A**



FILE NO:  
**Z-7887** CS

MAP PREPARED:  
2011/05/10 CK

1:3,000  
0 15 30 60 90 120 Meters

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**Responses:** : the following is a summary of the main issues raised through the circulation process:

Methadone- The applicant owns 528 Dundas Street which is currently being operated as a methadone clinic and dispensary and the proposed pharmacy use will allow this site to be operated in the same manner. A methadone clinic and dispensary use at this location would be at a serious detriment to the existing community.

Availability of Existing Pharmacies- There are 5 pharmacy uses with in a 2km radius of this site and a further pharmacy is not required to serve the area.

Storm Water Management- Stormwater is flowing off the site to the west and is negatively affecting the abutting residential use.

### ANALYSIS

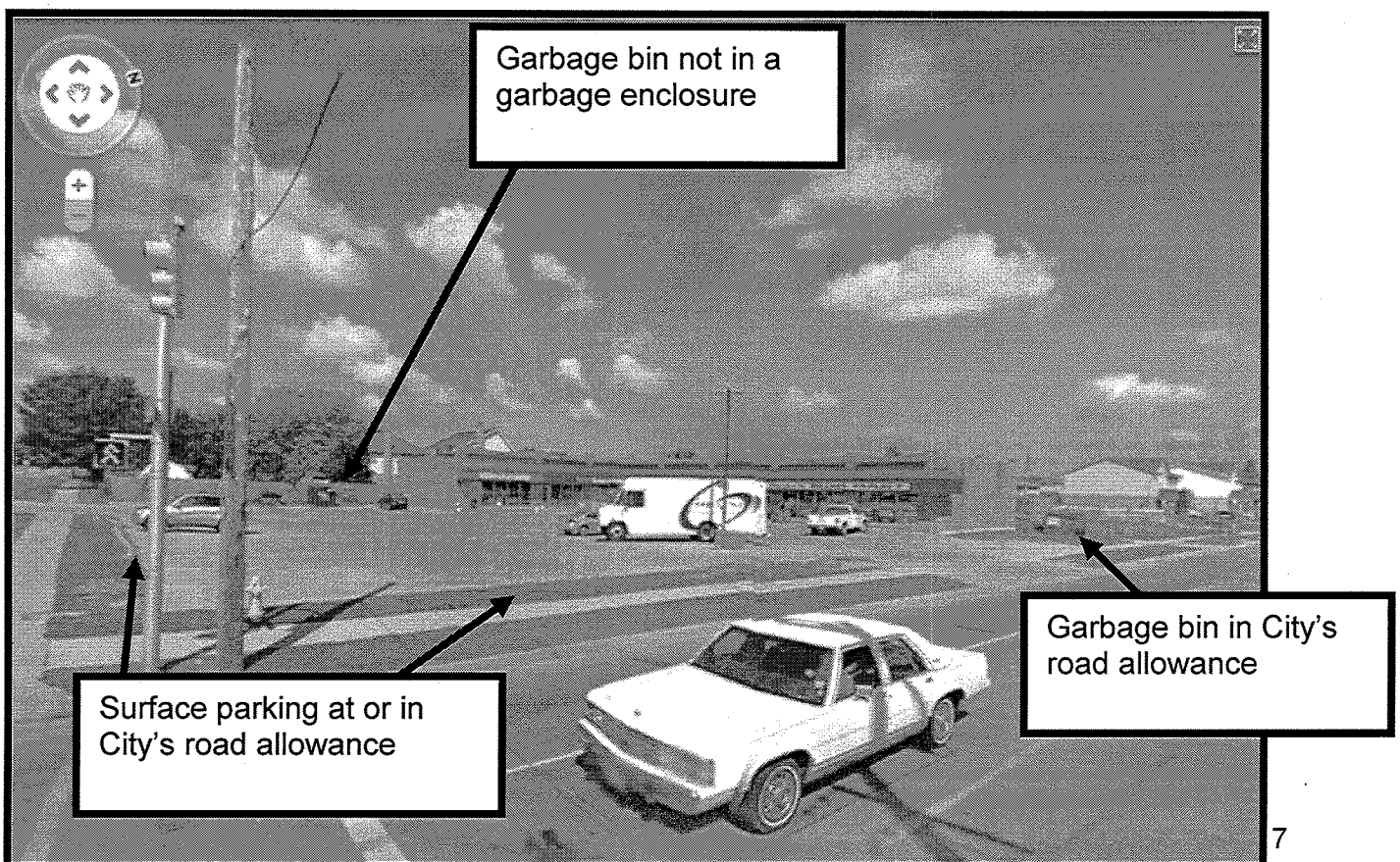
#### Subject site

The subject site is located on the northwest corner of Huron Street and Sandford Street. The subject site has a lot frontage of 42 m and is approximately 0.23 ha in size. A one storey convenience commercial plaza with 730m<sup>2</sup> gross floor area was constructed in 1979. The size of the building and its location has not changed since construction.

#### What is the nature of the applications?

The applicant proposes to amend the zoning from a Convenience Commercial (CC2) Zone which permits convenience stores, restaurants, financial institutions without a drive through and medical/dental offices to a Convenience Commercial Special Provision (CC2 (\_\_\_)) Zone which allows for the above uses and a pharmacy use without a drive through, a minimum rear yard setback of 1.7m, a minimum west interior side yard setback of 1.7m, a minimum east side yard setback of 0.0m, a minimum front yard setback to a parking area of 2.1m, a minimum east side yard setback to a parking area of 0.0m, a maximum lot coverage of 35%, a minimum of 39 parking spaces including 1 handicapped parking space based on a gross floor area of 730m<sup>2</sup>, and which prohibits a methadone clinic and a methadone dispensary use is prohibited

#### Site Looking West From Intersection



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**Official Plan**

**Location and Form**

Section 3.6.5 of the Official Plan permits convenience commercial uses and service station uses in the Low Density Residential Designations. The section states:

*Convenience commercial uses and service stations in Residential designations which were existing on the date of adoption of this Plan, and which meet the locational criteria of the Plan are recognized as legal conforming uses. The location of those existing convenience commercial uses and service stations that are recognized by the Plan are shown on Appendix Schedule 1, Convenience Commercial and Service Stations.*

*Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

**Scale of Development**

- *The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.*
- *Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area.*
- *Service stations which are part of a convenience commercial centre shall be considered part of the gross leasable area of the centre.*
- *Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.*

The property is located on the northwest corner of Huron Street and Sandford Street. Huron Street is designated as an arterial road and Sandford Street is designated a primary collector in the City of London Zoning By-law Z.-1, Section 4.21. The property meets the location requirements for the convenience commercial designation and is listed on Appendix 1 - Convenience Commercial and Service Stations of the City of London Official Plan. In amending the existing 1979 development agreement, the vehicular access location will be enhanced including a right-in right-out access onto Huron Street which will reduce any adverse impacts on the traffic-carrying capacity of Huron Street and Sandford Street.

The site is currently developed with a gross floor area of 730 m<sup>2</sup>. The proposed zoning by-law amendment does not propose additional gross floor area. Instead it would allow for the conversion of 84m<sup>2</sup> of existing gross floor area to be used as a pharmacy. The existing gross floor area does not exceed the maximum gross floor area contemplated for convenience commercial uses. The existing gross floor area accommodates a variety of small scale convenience commercial uses including a variety store, personal service use and restaurant. The size, scale and form of the existing convenience commercial plaza meet the intent of the Official Plan.

**Use**

**Permitted Uses**

*Variety stores; video rental outlets; film processing depots; financial institutions; medical/dental offices; small take-out restaurants, small food stores; and gasoline sales associated with a variety store. For convenience commercial sites with a gross floor area in excess of 500m<sup>2</sup>, additional uses including offices, studios, commercial schools, day care centres, bake and florist shops, pharmacies, restaurants eat-in and convenience business service establishments may be permitted.*



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The Official Plan permits a range of uses that serve the needs of the abutting neighbourhood and the traveling public. These uses are small in scale and can be accommodated on site with less than 1000m<sup>2</sup> of gross floor area. Medical/Dental offices are a permitted use on this site. The proposed application is to allow for a pharmacy use that would be complementing the existing medical/dental office use. The site has a gross floor area greater than 500m<sup>2</sup> and can accommodate the proposed pharmacy use and meets the intent of the Official Plan.

**Zoning**

The lands are currently zoned Convenience Commercial (CC2). The uses permitted are:

- Convenience service establishments without a drive-through facility;
- Convenience stores without a drive-through facility;
- Financial institutions without a drive-through facility;
- Personal service establishments without a drive-through facility
- Dwelling units, together with any other permitted uses;
- Medical/dental offices
- Food stores without a drive-through facility
- Restaurants, take-out, without a drive-through facility
- Brewing on Premises Establishment

The proposed amendment is to allow a pharmacy as a permitted use. The intent of the Convenience Commercial (CC2) Zone is to allow for a range of smaller scale commercial convenience retail uses that serve the needs of the neighbouring residential uses and the travelling public are permitted by the zone. The current zone allows for convenience stores and food stores which are specific smaller scale retail uses. The definition of convenience store, food store and pharmacy is:

*CONVENIENCE STORE" means a retail store having a gross floor area of 300 square metres (3,229 square feet) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of prepared food does not exceed 10% of the gross floor area, to a maximum of 30 square metres (323 square feet).*

*"FOOD STORE" means a retail store selling food and associated small household items, and having a gross leasable floor area of less than 2000.0 square metres*

*PHARMACY" means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.*

A pharmacy use at this location operates similarly to the food store use at a scale less than 2000m<sup>2</sup>. Zoning By-law Z.-1 requires that a pharmacy provide 1 parking space per 25m<sup>2</sup> of gross floor area whereas the food store requires 1 parking space per 20m<sup>2</sup> of gross floor area and a convenience store requires 1 parking space per 15m<sup>2</sup> of gross floor area. Parking rates reflect the intensity of a use; the pharmacy use requires less parking than a food store or convenience store. A pharmacy will provide a convenience commercial use that will serve the needs of the neighbouring residential uses and the travelling public and the intensity of the pharmacy use is in keeping with the scale and form of the existing convenience commercial uses permitted by the existing zone.

**Parking**

Zoning By-law Z.-1 parking standards are based on gross floor areas of the use. The current uses in this plaza range from a rate of 1 parking space per 10m<sup>2</sup> of gross floor area for a restaurant and personal services uses and 1 parking space per 15m<sup>2</sup> of gross floor area for the convenience store use. The required parking for all the proposed uses based on their gross

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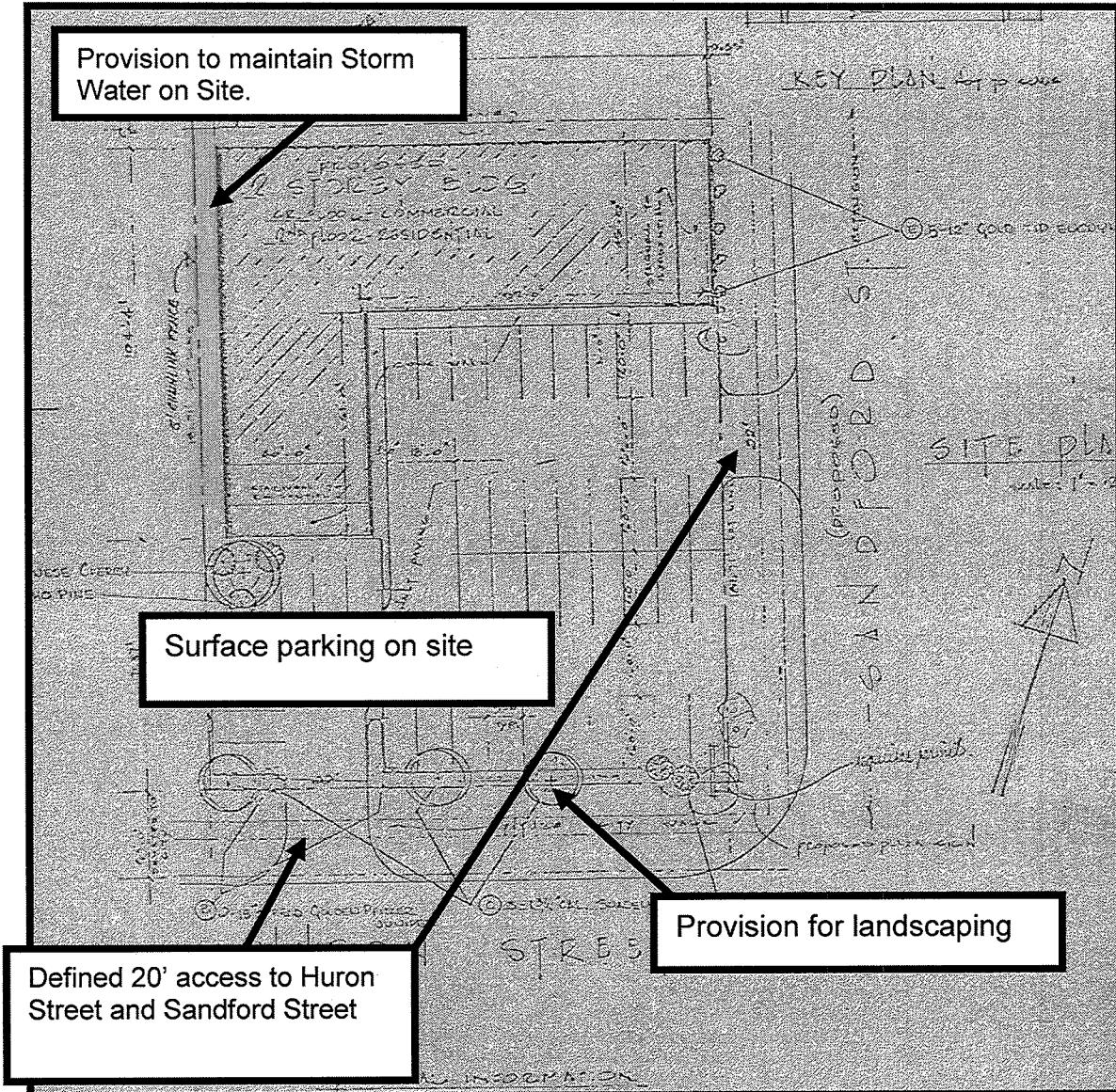
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floor area is 43 spaces. Section 4.19 9) states: *Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.*

The pharmacy is proposing to occupy vacant gross floor area formerly used as a food store. A food store use requires 1 parking space per 20m<sup>2</sup> of gross floor area and a pharmacy use requires 1 parking space per 25m<sup>2</sup> of gross floor area. As per Section 4.19 9) the parking rate for the pharmacy use is less than the former use and therefore no parking deficiency exists.

Site Plan

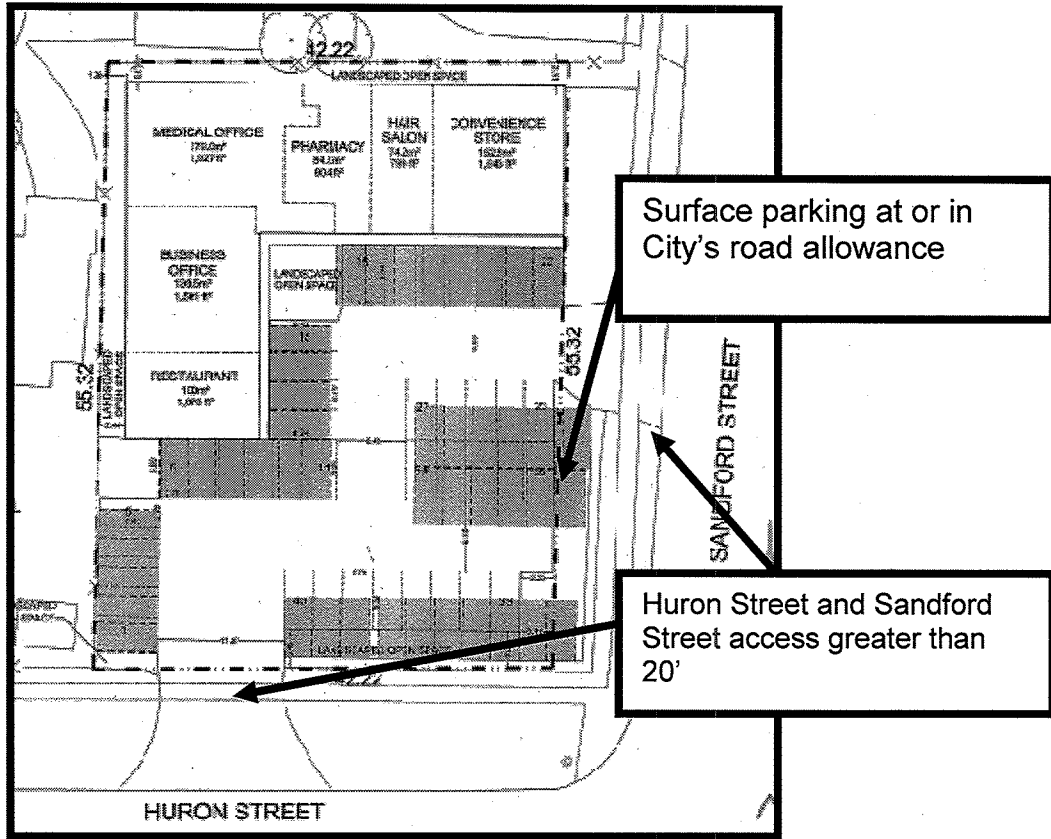
Site Plan attached as Schedule to the Development Agreement 1979



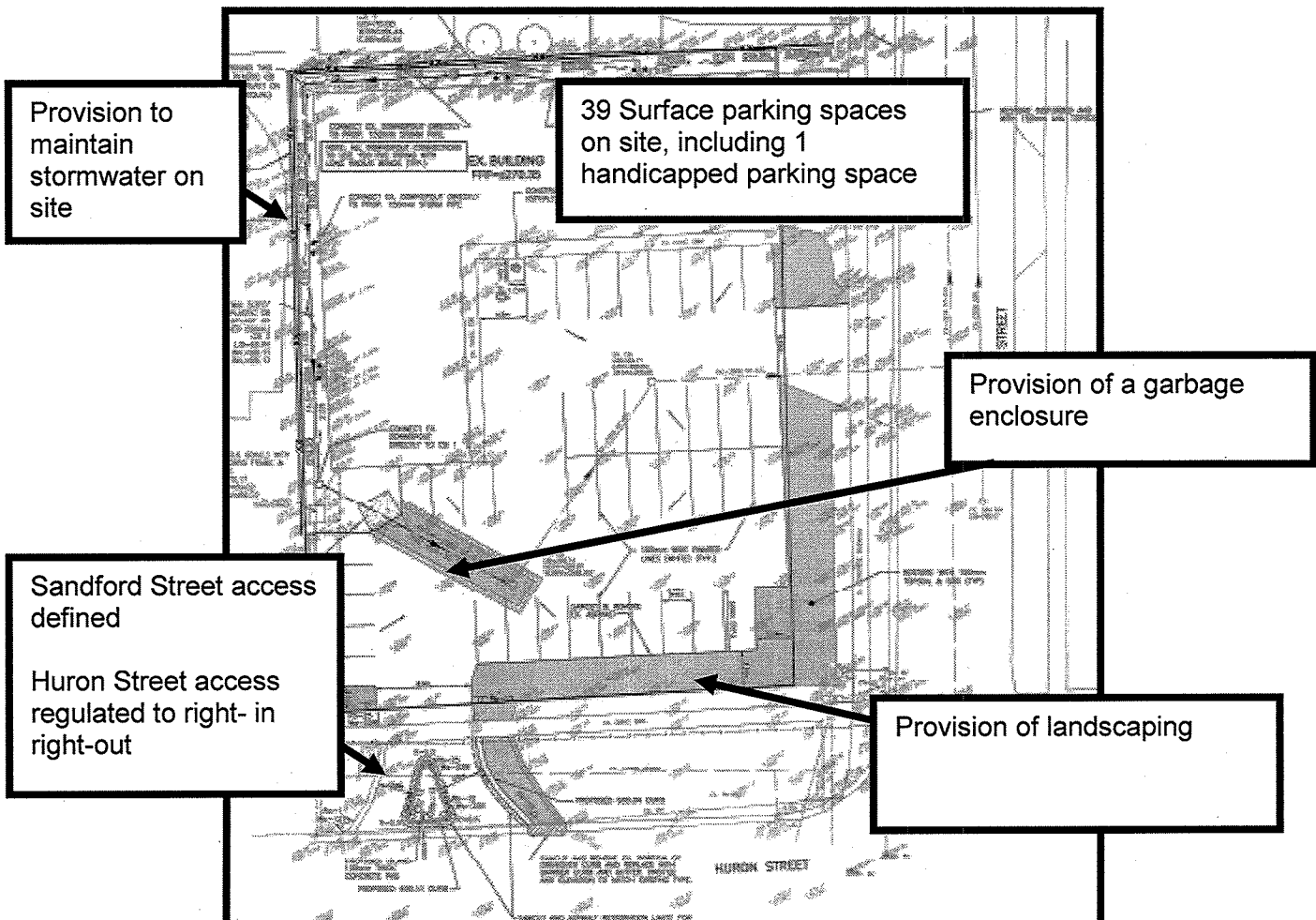
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Site Plan- Existing



Site Plan as Proposed: to be attached as a schedule in the amended Development Agreement.



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File No: Z-7887  
 Planner: C. Smith

Under the previous ownership, prior to the applicant's recent purchase of the property, there has been a history of non-compliant site plan conditions and by-law enforcement issues on this site. The main site plan issues that are recurring are maintaining storm water on site, the location of the garbage, garbage not being contained on site and vehicular access. The Transportation Department had noted concerns regarding the Huron Street access and its proximity to the signalized intersection at Sandford Street and Huron Street. The Transportation Department had requested that a Traffic Impact Analysis be completed prior to the zoning amendment. Through discussion with the applicant, the Transportation Department is satisfied that the amended development agreement be entered into prior to the zoning amendment. The proposed right-in right-out access on Huron Street will ensure that the pharmacy use does not create adverse impacts on the traffic carrying capacity of Huron Street and is consistent with Official Plan policies.

By agreeing to amend the 1979 development agreement, the applicant has agreed to enter into a new agreement that will provide for a garbage enclosure and to ensure the stormwater is maintained and conveyed from the site as per the City of London Drainage By-law WM-4. The applicant has provided for a 3m landscaped buffer along the Huron Street frontage. These improvements to the existing site conditions that will be provided for in the amended development agreement will address the existing ongoing site plan and by-law issues and will result in the overall improvement and usability of the site. As a result of the improvements of adding a garbage enclosure and providing for enhanced landscaped buffer along Huron Street, 39 parking spaces including 1 handicapped parking space can be provided for on the site. The 39 parking spaces including 1 handicapped parking space is specific to the existing 730m<sup>2</sup> gross floor area and will allow for all the uses permitted by the zone without any further relief required from the zoning by-law.

The proposed zoning amendment recognizes the existing non conforming conditions, a minimum rear yard setback of 1.7m, a minimum east interior side yard setback of 1.7m, a minimum east side yard setback of 0.0m, a minimum east side yard setback to a parking area of 0.0m and 35% lot coverage . Any application to expand or enlarge the building, add any additional uses or reduce the parking would require further planning applications.

**Public comments**

Over 220 responses and one petition with 123 signatures were received in opposition to this proposed zoning by-law amendment. The major concern was that the proposed pharmacy would be used in conjunction with a medical office use, which is currently permitted by the existing zone, to provide methadone treatment which includes a clinic and dispensary.

Most respondents were supportive of methadone treatment but were concerned that a methadone clinic and dispensary would result in a concentration of methadone clients at this one location. A concentration of methadone clients at this location is perceived to bring undesirable activity into the neighbourhood such as drug use, discarded needles and possible criminal activities. The results of these activities would have a negative impact on the neighbourhood. The indicated consequences of these negative impacts would be a reduction of property values and the reduction of safety in the neighbourhood, specifically as it relates to children who use the many schools and recreational facilities in close proximity to this site.

On November 15, 2010 Municipal Council passed an interim control by-law to:

1. For the purposes of this interim control by-law, "Methadone Clinic" will be defined as follows:

**"Methadone Clinic"** means a building or part of a building which is used principally for the preparation and/or dispensing of methadone and may include provision of counselling and other support services- but does not include a Hospital.

2. For the purposes of this interim control by-law, "Methadone Dispensary" will be defined as follows:

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**“Methadone Dispensary”** means a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a Hospital.”

3. While this by-law is in force and effect no new Methadone Clinics or Methadone Dispensaries will be permitted on the lands within the municipal boundaries of the City of London as shown on the plan, attached hereto and identified as IC-1 on Schedule “A”.
4. This By-law shall be in force and effect for a period of one year from the date of passing of this by-law.

Further to the interim control by-law, the Planning Department has been actively addressing the issues regarding methadone treatment in the City of London. The chart below lists steps that have been taken and lists the next steps to be taken regarding methadone facilities in the City of London. It should be noted that some of these timelines will not be met as a result of the appeal of the interim control by-law to the OMB.

*Table 1 – Next Steps in Planning Study on Methadone Clinics and Dispensaries*

Scott Burns Planning Consultants Report (SBPC) Completed	Week of March 7 <sup>th</sup>
Circulate the SBPC report to gain feedback from municipal staff, various agencies methadone clinics and dispensaries, experts and the public	March
Hold stakeholder meetings	March
Public Meeting regarding Methadone Clinics and Methadone Dispensaries with discussion paper as the focus	March
Formulate potential draft Official Plan amendment and Zoning By-law regulations based on information collected through consultation	April
Complete study and provide draft Official Plan and Zoning By-law amendments to BNEC with recommendations for further consultation with members of the public	May/June
Hold public meetings for commenting on draft Official Plan and Zoning By-law amendments.	June
Finalize draft Official Plan and Zoning By-Law amendments for consideration by Council	July
Final Report and Recommendations to BNEC	August/September

An appeal was filed in opposition to the City of London Interim Control By-law prohibiting the establishment of new methadone clinics or methadone dispensaries in the City of London. An Ontario Municipal Board hearing was held the week of June 6-10, 2011. The decision of the OMB upheld the decision of Council to enact the Interim Control By-law. At this time the establishment of a new methadone clinic or methadone dispensary is specifically prohibited.


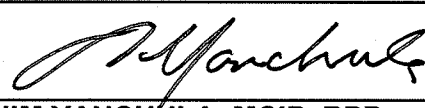

As per the interim control by-law, methadone clinics and dispensaries are not permitted to be established at this location. Through the City of London methadone study further regulation and policies may be adopted by Council regarding this use. The applicant has not applied for a methadone clinic or dispensary to be located on this site.

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Planner: C. Smith

**CONCLUSION**

The recommended amendment will allow for a small scale convenience commercial pharmacy use to be located on this site. The scale and form of the proposed pharmacy use is appropriate at this is location and will serve the needs of the abutting residential uses and the travelling public. The proposed zoning amendment will allow for the addition of the pharmacy use and specifically prohibits methadone clinics and dispensaries. Withholding three readings of Council's decision will ensure that an amended development agreement will be entered into that will provide for improvements to the site by including a garbage enclosure, right-in and right-out access onto Huron Street, landscaping and the maintenance of stormwater on site.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>C. SMITH – PLANNER, COMMUNITY PLANNING AND URBAN DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN</b>
<b>RECOMMENDED BY:</b>	
	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER</b>	

CS/

August 3, 2011

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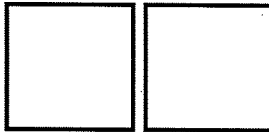
**Responses to Public Liaison Letter and Publication in "Living in the City"**

**Telephone**

Bob Sexsmith 120 - 1231 Sandford Street	Dustin Rilette
Liz Norris 23-1290 Sandford Street	Linda Kowall
Fred Nantau 1339 Sandford Street	Arianne McCarthy and Scott Sutherland 1291 Sandford Street N5V 3T7
Tom Gordon 22 Brickland Place	

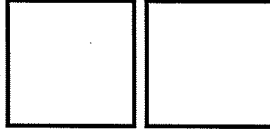
**Written**

Randy Bailey 21 Kaladar Place	David Dodgson 43 Redwood Lane
Kathy Grosbeck and Erin Johannson 704-1237 Sandford Street	Tracie Schembri 23 Redwood Lane
Lisa Pompilii 43 Adrian's Way	Steven and Karen Toye 31 Redwood Lane
Mark Bruin	Wayne and Joan Joliffe 54 Redwood Lane
Nicole and Charlie Siegner 1327 Basswood Place	Art Lake
Steven Harpur 1234 Basswood Place	Mike Rodrigues, Melora Lake-Rodrigues 1358 Basswood Road
Derrick Barber	Laurie and Ted Clement 1480 Huron Street
Linda Hardy 43 Wintergarden Road	Dub and Daphne Shannon 1366 Sandford Street
Heather Legendre	Vincent Sorrenti
Camille Paronosc 26 Stonehenge Place	Herman Schollaert 1358 Sandford Street
Sylvia and Miroslaw Kus 1263 Basswood Road	Rossie Van Guyze
Melanie Murphy 1390 Basswood Road	Ron Moss 1 Redwood Lane
Sean Gabriele 1387 Basswood Road	Robert Mann 26 Redwood Lane
Rod and Connie Bray 1310 Basswood Road	Cora Fenton 9-1290 Sandford Street

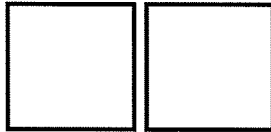


Andre Lisowyk- Principal St Anne Catholic Elementary School 1366 Huron Street	Michael Irwin
E and D Hutton 1343 Basswood Place	Tara Saunders
Phanessa Phillips 1399 Basswood Road	Tara and Greg Stapleton Lancaster Street
Terry Mcfalls 1395 Perth Avenue	Tammie Dewar 1231 Sandford Street
Mimi Tran	Sylvia Fields 708-1237 Sandford Street
Larry Richards 1219 Toukay Crescent	Kathryn Henry 505-1235 Sandford Street
Ed and Kathie Lambert 1323 Basswood Place	Amy Trepanier 713-1237 Sandford Street
Peter and Brenda Malcolmosn 1343 Sandford Street	Jennifer Pridham 1217 Patann Drive
Gwen and Denise Pelley	Diana Alderson 114-1231 Sandford Street
Paul Buis 43 Toronado Place	Sue Hedlund 316-1233 Sandford Street
Courtney Hamilton 38-1290 Sandford Street	Cathy Grace 948 Chippewa Drive
J.P. Sammut	Ray and Lori Marino 1160 Portland Street
Larry and Kris Schroeder 1410 Beckworth Avenue	Joanne White 950 Chippewa Drive
Rachel Thornton-President Chisolm Place Housing Co-operative 1290 Sandford Street	John Kells 220 Emerson Avenue
Ken and Bev McGregor 1379 Beckworth Aven	Maria Piraino 1231 Sandford Street
Luisa and Darren Gould 47 Christians Place	Gary Oswald 9 Adrian's Way
Paul Andres 15 Ripley Road	Steven Mann 17-1453 Huron Street N5V 2E6
John Soffis 23-1453 Huron Street N5V 2E6	Amy Truavsleis 26-1453 Huron Street N5V 2E6
Michaela Doering –Bolton 7-1453 Huron Street N5V 2E6	Shawna Thomson 6-1453 Huron Street N5V 2E6
Doug and Margaret McKee N5V 2E6	Jack and Nancy Sexsmith 18-1453 Huron Street N5V 2E6
Maureen Maynard 16-1453 Huron Street N5V 2E6	Dianna Arsensault 20-1453 Huron Street N5V 2E6
Melissa Roy 14-1453 Huron Street N5V 2E6	Josh Suhanji 11-1453 Huron Street N5V 2E6

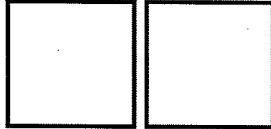




Linda Acker 24-1453 Huron Street N5V 2E6	Sylvia Fleming 8-1453 Huron Street N5V 2E6
Bill Springer 22-1453 Huron Street N5V 2E6	Russell and Ardell Paul 1085 Chippewa Drive
Stacey O'Hare 80 Hawkesbury Avenue N5V 2K1	Hamish Lawrence 1338 Sandford Street
Pat Hayhurst	Carol Irwin 1347 Basswood Place,
Rachel Bently 82 Pawnee Road	R.M. Ready 1005 Chippewa Drive
Paula Brown Chippewa Drive	Bill, Sheila Wylie 993 Apache Road N5V 2V7
Mary and Michael Miles 18 Duncan Crescent	Edith Lochman 1015 Apache Road
Robert Baker Katherine Baker 1006 Apache Road N5V 2V8	Johanna Chalkley 1001 Apache N5V 2V7
James, Steve and Laura Freeman 1002 Apache Road N5V 2V8	Hun Nak 79 Christians Drive
Laura Sykora 10 Ripley Road	D. Wilson 82 Aponi Crescent N5V 2V4
Steven Green 115 Aponi Crescent	Justin Tarrant Joanna Sheppard 111 Aponi Crescent
Robert Caughlin 79 Aponi Crescent	Marianne Laurence 1027 Chippewa Drive N5V 7V4
H Barrerstock 1055 Apache Road	Marjorie Henry 1045 Apache Road
Mary Walzak 5 Oakville Avenue	Brenda Green 1018 Chippewa Drive
Bernadette Suite 85 Langton Road	Mary and Denis Daly 1014 Chippewa Drive N5V 2T5
Evelyn Homer 1026 Chippewa Drive	Barb Noonan 1015 Chippewa Drive
Mary and Stephen Di Marco 105 Hawkesbury Avenue N5V 2K2	Darryl Ruddack 1034 Apache Road
Steve Gray 53 Mohegan Crescent	Cheryl Barnwell 51 Mohegan Crescent
Rob Taylor 33 Tilipe Road	John Taylor 10 Mohegan Crescent
Linda and Rob McCullough 42 Tilipe Road N5X 2X4	Jamie Patterson 1054 Chippewa Drive
Brian and Teresa Smith 22 Kevin Court	Marsha McHardy 38 Ripley Road N5V 3V1
Walter Ramage 1098 Chippewa Drive N5V 2T7	Lisa Bulhoes and Mark Giannousopoulos 43 Bellrock Crescent N5V 4M6



Steve and Hilary Singh 31 Ripley Road N5V 3T9	Mr and Mrs William Hambly 10 Oneida Road N5V 2X1
Herb and Rosemary Lukings 1086 Chippewa Drive	Deena Lyon and Ken Brown 97 Hawkesbury Avenue N5V 2K2
Leslie and Pat O'Brien 1360 Bentley Drive N5V 3T6	M.E. Bilty 27 Toronado Place N5V 3V4
John and Ilene Cox 1192 Lancaster Street N5V 2L5	Shelia Duff Wylie 993 Apache Rd. N5V 2V7
Georgina De Melo 70 Christians Drive	Richard Hercus 9 Aponi Crescent
Ken and Mary Dragu 39 Aponi Crescent	Georgina Vetere 103 Aponi Crescen
Jessica Scott 119 Aponi Crescent	Paul Menheere and Jessical Heng 34 Christians Drive
Paul Auger 1 Christians Drive	Cesar Jose Parreira 39 Christians Place N5V 4N9
Donna Hesch 139 Aponi Crescent	Brian Walker 6 Christians Drive N5V 4N9
Cheryl Hill 38 Christians Drive	Monia Zieba 27-1450 Beckworth Avenue
B Crasto 1445 Huron Street N5V 2E6	Nancy Hendrickson 30 Christians Drive
Phil Webster 1 Duncan Crescent	M. Gray 1009 Chippewa Drive
Beverly Goldsmith 38 Kevin Court N5V 4H2	Meaghan Fischeigh 301-765 Second Street N5B 2B8
Margarita Magana 251 Platts Lane	Erin Patenaude 745 Victoria Street N5Y 4C7
Graham Gladwell 75 Christians Drive	Sambo Touch 54 Christians Drive
Mark O'Neil 23 Christians Drive	Jessica Cromwell 3-14 Langton Road
Susan Butler 46 Christians Drive	John Lidzbarsky 58 Christians Drive
M. Vesterback 18 Christian's Drive N5V 4N9	J. B. Barnard 63 Christian's Drive N5V 4N9
Randy Marsh 10 Christian's Drive N5V 4N9	Angela Ratynski 51 Weyworth Drive N5V 4E3
Charles Barnes 71 Aponi Crescent N5V 2V3	Gordon and Barbara Dunn 90 Pawnee Road N5V 2S8
Isabel Smillie 1022 Apache Road N5V 2V9	Helen McAuley 1348 Idylwood Road N5V 3V2
Alicia Page and Lee Jarvis 50 Christian's Drive N5V 4N9	Pat Huston 1295 Sorrel Road N5V 2N6
Susan Graham	Pattie Callender



Maureen Wilson	Teresa and Shane McConnell 1334 Basswood Road
Evelyn and Cathy Austin	Wally Wasylenko 1294 Sorrel Road N5V 2N6
Carol Smith 63 Ripley Road N5V 3T9	Trevor Kenward and Joanne Markham 1213 Farnsborough Crescent N5V 2L7
Murray and Judy Turner 1217 Farnsborough Crescent N5V 2L7	Mary Gray 1211 Fransborough Crescent N5V 2L7
June Stallard 21 Langton Road N5V 2L9	Rob Morley 86 Tewksbury Crescent N5V 2M8
Cassandra Tremblett 1287 Sorrel Road N5V 2N6	Robert Jesson and Curtis Horsman 1179 Kaladar Drive N5V 2R6
T.S. Goodbrand Kaladar Road	Albert and Harriet Machuk 1522 Perth Avenue N5V 2M5
Leslie Steele	Maurice and Ellen Rau 1272 Addison Drive N5V 2P1
David and Pearl Capp 1179 Addison Drive N5V 2N8	Zuhir Marbuina 1362 Sandford Street N5V 3V5
Jamil Boulos 287 Jensen Road N5V 4X3	Sami Kanoun 308 Jensen Road N5V 4X3
Benyamin Bello 30 Bellrock Crescent N5V 4X3	Inwiya Youkhana 958 Apache Road N5V 4G5
Jamil Youkhana 930 Apache Road N5V 4G5	Sargon Ismail 1329 Bentley Drive N5V 4M5
David Ismail 62 Trevor Place N5V 4H3	Odisho Youkhana 9 Toranado Place N5V 3V4
Petio Petio 66 Duncan Crescent N5V 4E9	Susan Murphy 1180 Kaladar Drive N5V 2R5
Lisa Karauzas	Robert and Janet Edgar 1415 Perth Ave N5V 2M4
Tom and Cathy Zadorsky 71 Ripley Road N5V 3T9	Zbigniew and Zofia Plota 23 Bellrock Crescent N5V 4X3
Ellen Thornton 1188 Lancaster Street N5V 2L5	Al and Shirley Rigier
Mr and Mrs Lyall Jensen 1188 Portland Street N5V 2L3	R.J. Rancourt 1398 Beckworth Ave N5V 2K5
Greg Schneider 978 Apache Road N5V 4G6	Marjorie Boucher 1366 Basswood Road N5V 4C2
Phil Auger	Mary Hicks 1042 Apache Road N5V 2W1
Donna Hesch	Charlene and Robert Bertin 2 Redwood Lane N5V 4C3
Ann Wynen 10 Adrians Way N5V 4G2	Heather Fraser 31 Christian's Drive N5V 4N9
Dan and Marg Dempsey	Kevin Bernardo

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1390 Sandford Street N5V 4L7	
Bernardine Crasto	Monica Zieba
Sean and Lori Ellis 19 Christian's Drive N5V 4N9	Penny Mailard 66 Bellrock Crescent N5V 4M6
Heather Frank and Ron Phelps 67 Cayuga Crt N5V 2W9	Joanne Zientara and Fred Van Fleet 62 Bellrock Court N5V 4M6
Theresa Kelly 26 Oakville Ave N5V 2R9	Linda and Richard Evans 1176 Lancaster Street N5V 2L5
Mary Horiya 91 Stonehenge Road N5V 4M6	Brian Samways
Darlene and Brian Beach 82 Duncan Crescent, London Ontario N5V 4E9	Laura Smith 7 Bellrock Crescent, London, ON N5V 4X3
Joe Bright 1030 Adelaide Street North London, Ontario N5Y 2M9	Wilma McIntyre 19 Mohegan Crescent, London ON N5X 2X7
Wally Attard	Jeff Guilfoil and Erin Stewart 997 Apache Road
McIntyre Family Kaladar Place	Mary E Ostrowski Unit # 41 - 1247 Huron St., London, On N5Y 4X7

1- Petition  
123 signatures

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File No: Z-7887  
Planner: C. Smith

## BIBLIOGRAPHY

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1
- City of London Report Interim Control By-law Methadone

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File No: Z-7887  
Planner: C. Smith

Bill No.. (number to be inserted by Clerk's Office)  
2011

By-law No. Z.-1-11 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1472 Huron Street.

WHEREAS Hasham Adbelsayed has applied to rezone an area of land located at 1472 Huron Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1472 Huron Street, as shown on the attached map comprising part of Key Map 36, from a Convenience Commercial (CC2) Zone to a Convenience Commercial Special Provision (CC2( )) Zone.

1) Section 29.4 of the Convenience Commercial (CC) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- 29.4 c) \_\_\_\_ ) CC2 ( )
- a) Additional Use:
    - i) Pharmacy- without a drive through
  - b) Prohibited Uses:
    - i) "Methadone Clinic" means a building or part of a building which is used principally for the preparation and/or dispensing of methadone and may include provision of counselling and other support services- but does not include a Hospital.
    - ii) "Methadone Dispensary" means a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a Hospital."
  - c) Additional Regulations:
 

i)	Lot Coverage	35% (maximum)
ii)	Rear Yard Setback	1.7 metres (minimum)
iii)	West Interior Side Setback	1.7 metres (minimum)
iv)	East Side Yard Setback	0.0 metres (minimum)
v)	Front Yard Setback To Parking Area	2.1 metres (minimum)
vi)	East Side Yard Setback To Parking Area	0.0 metres (minimum)
vii)	Parking Spaces	39 including 1 handicapped parking space (minimum)
viii)	Gross Floor Area	730m <sup>2</sup> (maximum)

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File No: Z-7887  
Planner: C. Smith

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading -  
Second Reading -  
Third Reading -

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File No: Z-7887  
Planner: C. Smith

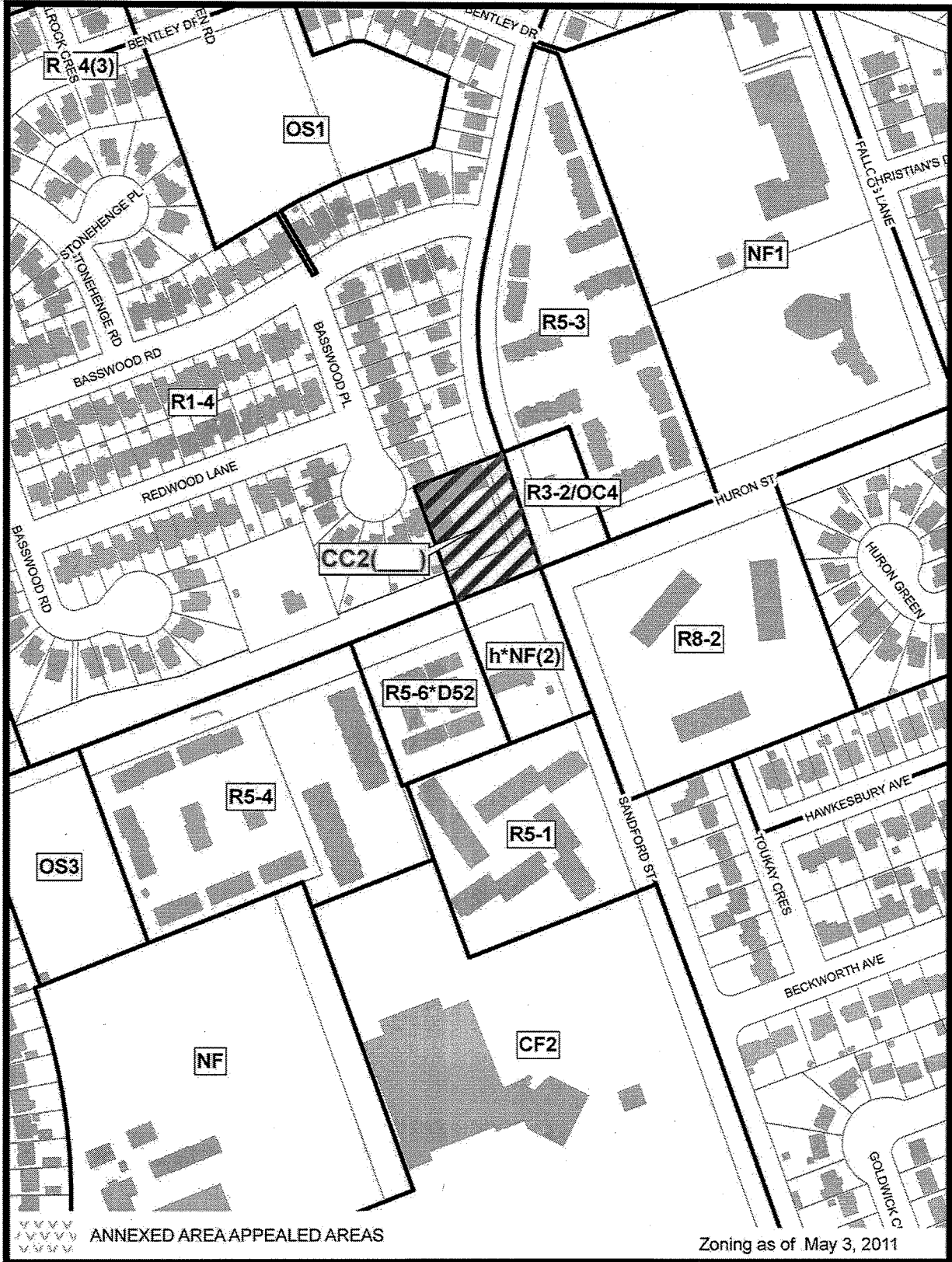
Agenda Item #

Page #

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-7887

Planner: CS

Date Prepared: 2011/05/11

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

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