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File: Z-8063
Planner: E. Lalande

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1279154 ONTARIO LIMITED 425 WHARNCLIFFE ROAD SOUTH PUBLIC PARTICIPATION MEETING ON OCTOBER 17, 2012 @ 7:00P.M.

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of 1279154 Ontario Limited relating to the property located at 425 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 30, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Highway Service Commercial Special Provision (HS2(4)) Zone which permits automobile sales and service establishments; offices; medical/dental offices; clinics; laboratories; retail stores; and liquor, beer and wine stores, **TO** a Holding Highway Service Commercial Special Provision (h-5•HS2(_)) Zone to add to the list of permitted uses to include a methadone clinic, dispensing methadone to a maximum of 200 clients per day subject to a holding provision that requires a public site plan process ;
- (b) prior to the removal of the h-5 holding provision the following issues will be addressed through the site plan review process:
 - i) enhanced landscaping fronting onto Wharncliffe Road South;
 - ii) a direct and easily identifiable pedestrian walkway from Wharncliffe Road South through the parking lot to the main entrance of the facility;
 - iii) adequate bicycle parking facilities;
 - iv) fencing, made of high quality and lasting materials, to avoid any opportunity for pedestrian movement from the subject site to adjacent sites;
 - v) adherence to Crime Prevention Through Environmental Design principles; and
 - vi) discrete entrance facilities to allow for client privacy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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February 27, 2012 – Report to Planning and Environment Committee - Amendments to the Official Plan and Zoning By-Law to Provide Appropriate Opportunities for the Siting of Methadone Clinics and Methadone Pharmacies within the City of London

This report was informed by the City of London's "Planning for Methadone Clinics and Methadone Pharmacies" background study and the associated Methadone Research Compendium (Volumes 1, 2 and 3) which was prepared at the direction of, and later received by, Council.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed amendment is to permit the addition of "methadone clinic" dispensing methadone to a maximum of 200 clients per day to the permitted uses on the subject lands. The

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recommended action would permit the establishment of a methadone clinic, subject to this limitation in intensity and subject to site plan designs approved by the City of London.

It should be noted that as part of the definition of a methadone clinic, an ancillary pharmacy may also be permitted on site. The clinic would provide a prescription service while the ancillary pharmacy would provide a methadone dispensing function. The recommended action includes a limit on the number of clients being dispensed methadone per day.

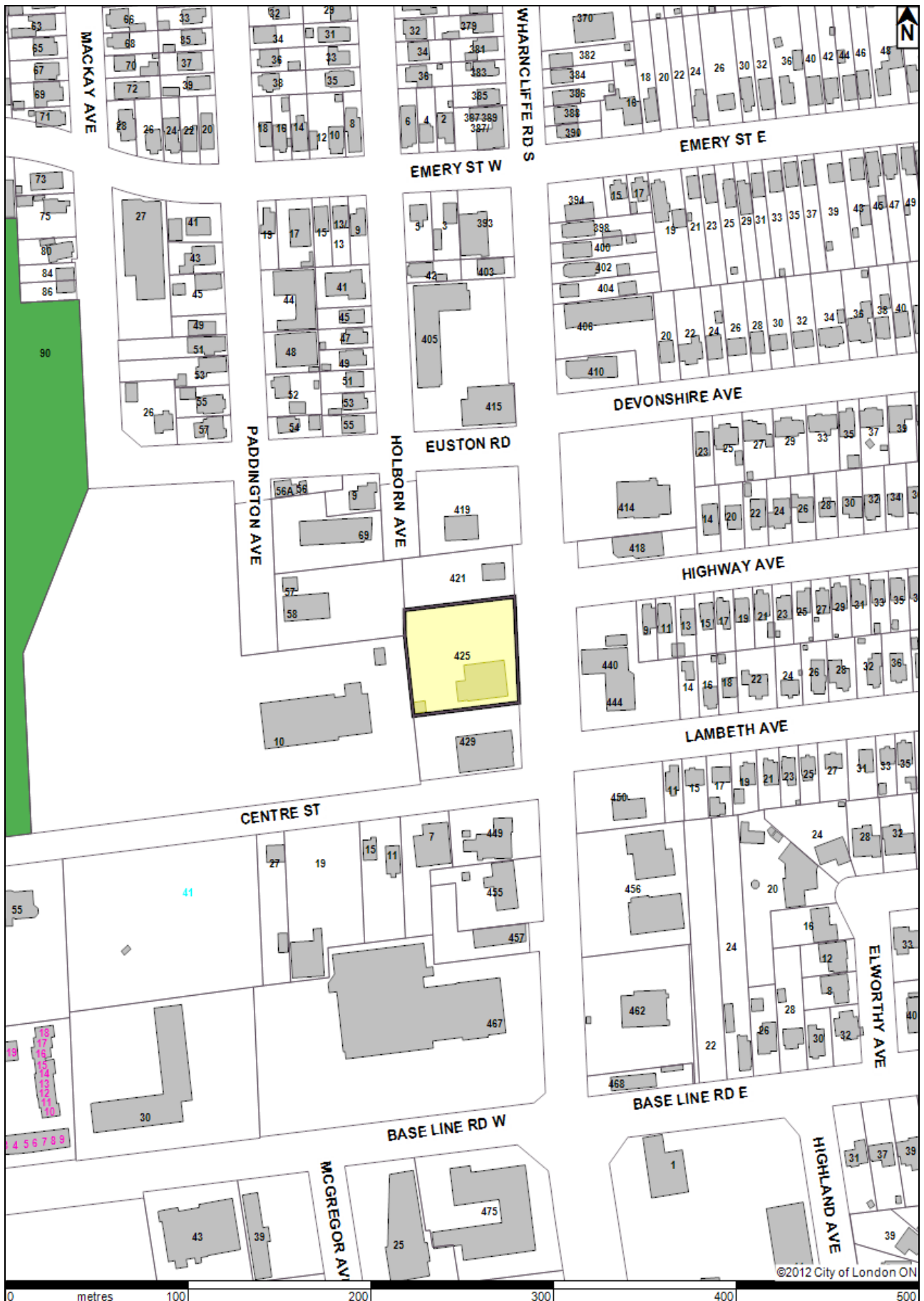
RATIONALE

The recommendations contained in this report are based on the following rationale:

1. The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005* which require that communities plan in such a fashion so as to protect public health and safety.
2. The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005* which state that municipalities should plan to avoid development and land use patterns which may cause environmental or public health and safety concerns.
3. The recommended amendment is consistent with Section 2.2.1. vii) Official Plan Vision Statement of the City of London Official Plan which states, through the implementation of the Plan, City Council will “...utilize planning processes that are responsive to neighbourhood and community needs, provide meaningful opportunities for public participation and recognize that neighbourhoods are the strength of the community and the foundation for achieving London’s vision of the future”.
4. The recommended amendment is consistent with Section 2.3. ii) Planning Principles of the City of London Official Plan which states “...land use planning should promote compatibility among land uses in terms of scale, intensity of use and potentially related impacts”.
5. The recommended amendment is consistent with Section 2.8.2. Community Services Plan Goals of the City of London Official Plan which identifies the goal of “...providing social services for a safe and secure community”.
6. The recommended amendment is consistent with the land use planning goals identified in Section 6.2.11 of the City of London Official Plan regarding Methadone Clinics and Methadone Pharmacies:
 - i. Plan for these uses in locations that best meet the needs of those who use methadone clinics and methadone pharmacies;
 - ii. Minimize the potential for land use conflicts that can be generated by methadone clinics or methadone pharmacies.
7. The recommended amendment meets the evaluation criteria identified in Section 6.2.11 of the City of London Official Plan regarding Methadone Clinics and Methadone Pharmacies.
8. The recommended amendment is supported by extensive research, consultation with health care providers, community and business groups and the planning impact analysis included in this report.
9. The recommended amendment seeks to avoid land use planning conflicts with sensitive land uses by placing a limit on the intensity of the proposed clinic use (specifically, a limit on the dispensing function).
10. The recommended amendment to the Z.-1 Zoning By-law is consistent with, and will serve to implement the policies of the Official Plan, as amended above.

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The map (above) shows the location of the subject lands.

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BACKGROUND

Date Application Accepted: 8 June 2012	Agent: Alan Patton
REQUESTED ACTION: Change the Zoning By-law Z.-1 from a Highway Service Commercial Special Provision (HS2(4)) Zone which permits a broad range of highway service commercial uses including, but not limited to, automobile sales and service establishments; offices; medical/dental offices; clinics; laboratories; retail stores; and liquor, beer and wine stores to add methadone clinic as an additional permitted use. The purpose of the proposed amendment is to permit a methadone clinic within the existing building.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none">• Current Land Use – Commercial (currently being used as an auto sales establishment)• Frontage – Approximately 54.4 metres (178.0 feet)• Depth – Approximately 61.0 metres (200.0 feet)• Area – Approximately 0.362 hectares (0.8 acres)• Shape – Rectangular

ADJACENT LAND USES:
<ul style="list-style-type: none">• North – Commercial• South – Commercial• East – Commercial• West – Industrial

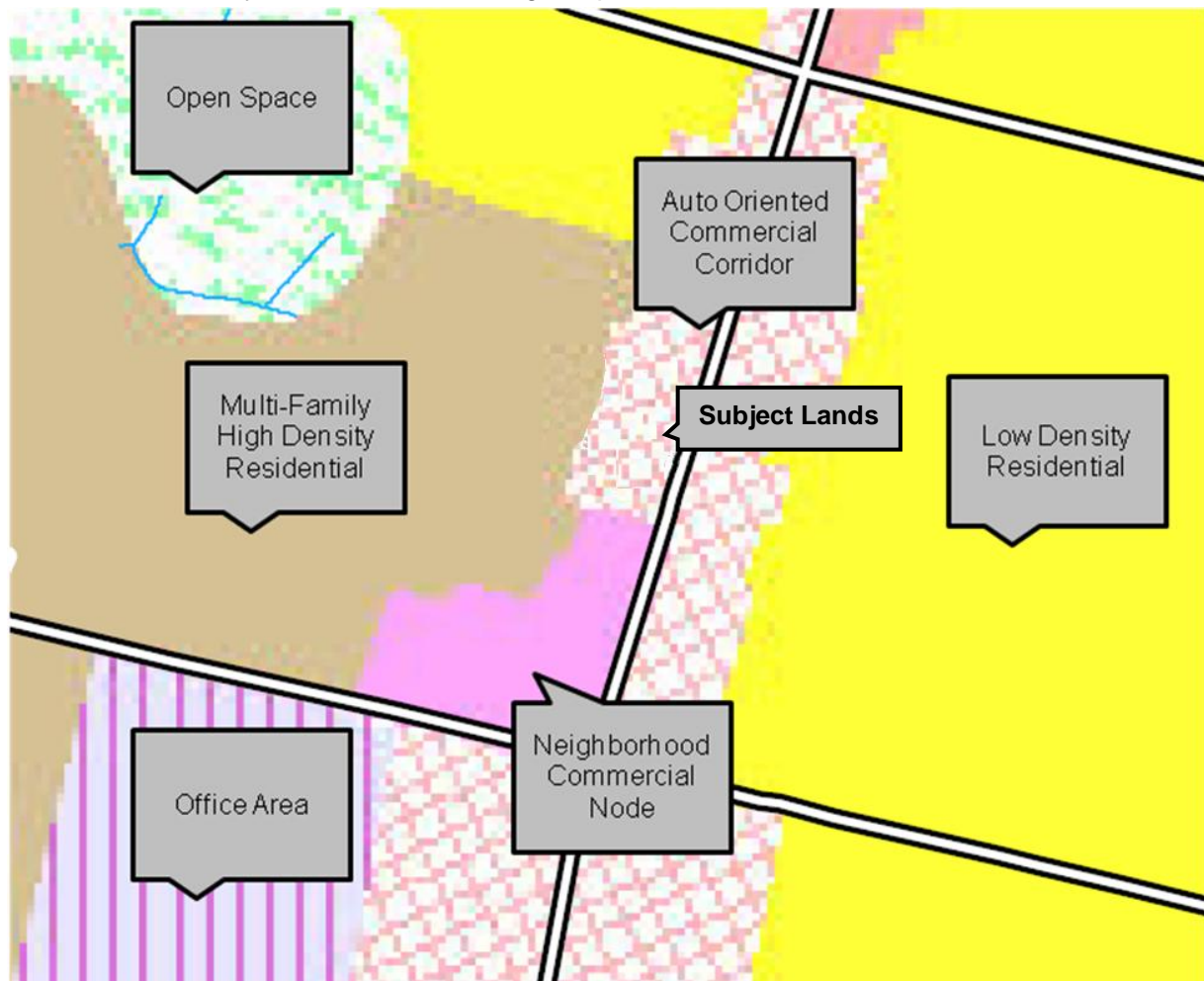
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OFFICIAL PLAN DESIGNATION:

AUTO ORIENTED COMMERCIAL CORRIDOR

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas. These uses have limited opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by reason of their building form, site area, location, access or exposure requirements; or have associated nuisance impacts that lessen their suitability for a location near residential areas.

Uses considered to be appropriate include hotels; motels; automotive uses and services; commercial recreation establishments; restaurants; sale of seasonal produce; building supply outlets and hardware stores; furniture and home furnishings stores; warehouse and wholesale outlets; nursery and garden stores; animal hospitals or boarding kennels; and other types of commercial uses that offer a service to the traveling public. Zoning on individual sites may not allow the full range of permitted uses.



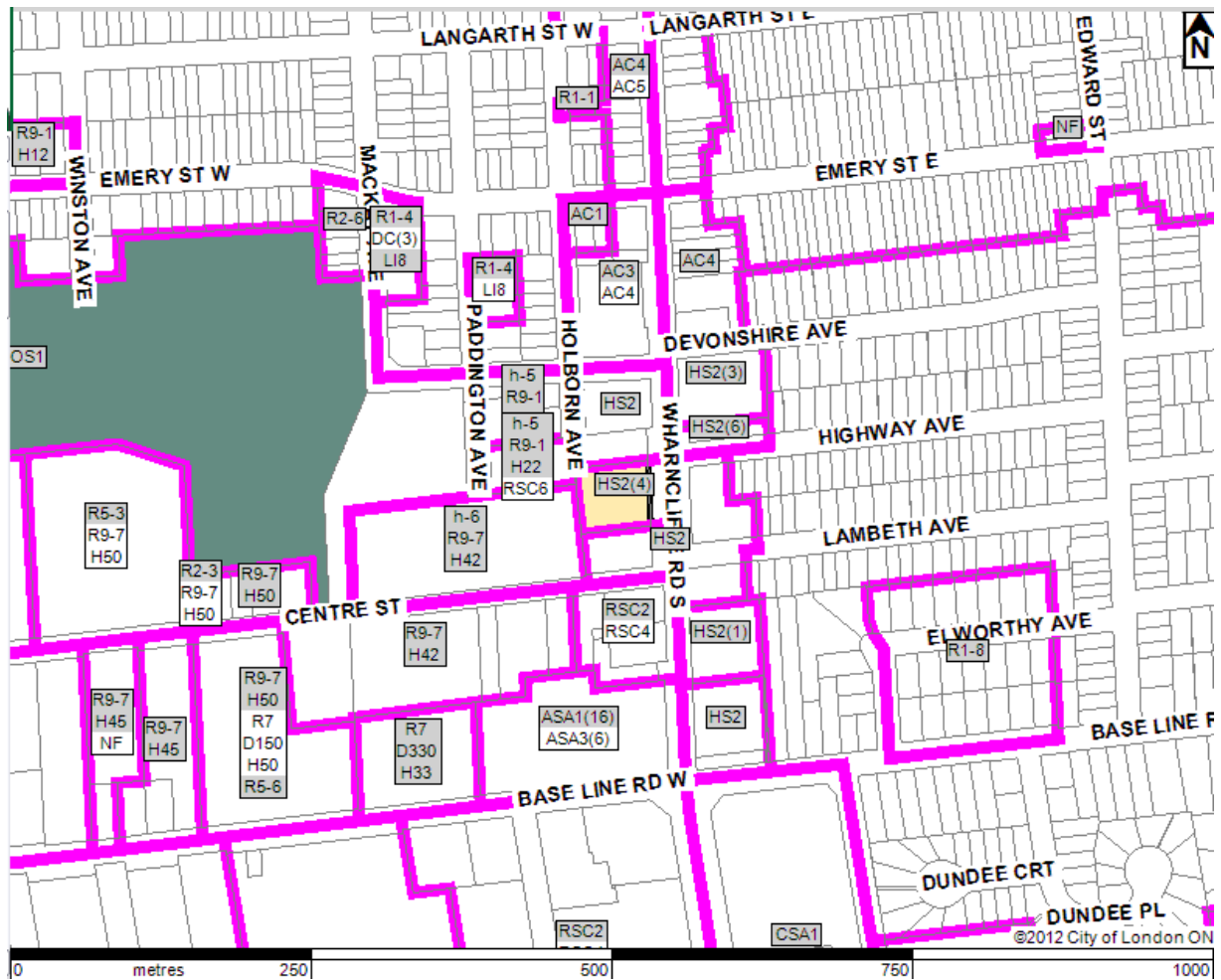
The figure (above) denotes the official plan designations in the area

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EXISTING ZONING:

HIGHWAY SERVICE COMMERCIAL TWO SPECIAL PROVISION ZONE

This Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. Uses which may be permitted in the Highway Service Commercial Zone are differentiated through zone variations on the basis of their function, intensity and potential impacts.



The figure (above) denotes the zoning by-law zones in the area

PLANNING HISTORY

ONTARIO METHADONE MAINTENANCE TREATMENT SERVICE MODEL

The Province has established a service delivery model whereby the majority of methadone service delivery is being carried out by for-profit organizations (doctors and pharmacists in private clinics and pharmacies). As a result, private companies are selecting sites and operating methadone clinics in a manner suiting their business model and local market conditions (including available real estate). These business decisions are not unlike other types of medical services such as general medical practitioners, dentists, or medical specialists. The municipality is responsible for land use planning and responds to proposals for new methadone clinics in accordance with the Planning Act and Official Plan policies.

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CITY OF LONDON METHADONE CLINIC AND METHADONE PHARMACY POLICIES

The City of London established an Interim Control By-law in order to conduct a thorough study of methadone maintenance treatment in London. This by-law was appealed to the Ontario Municipal Board. In its decision to this appeal, the Ontario Municipal Board considered it appropriate to denote a distinction between methadone clinics and other clinics. Methadone clinics, while providing similar services as other clinics, may have the potential to create land use impacts specific to the use. The Board indicated that planning for methadone clinics and dispensaries was appropriate.

Following the hearing, the City continued to research the subject and on March 20, 2012, Council established Official Plan polices and amended Zoning By-law regulations to plan for new methadone clinics and methadone pharmacies. The policies were grounded on two primary goals:

- *“Plan for these uses in locations that best meet the needs of those who use methadone clinics and methadone pharmacies;” and,*
- *“Minimize the potential for land use conflicts that can be generated by methadone clinics and methadone pharmacies.”*

As a result, methadone clinics are defined as a separate and distinct use within municipal planning documents. Policies were established to meet BOTH of these goals, directing these uses to a variety of locations. Council’s decision to adopt these policies was not appealed to the Ontario Municipal Board.

SUBJECT LAND PRIOR AND EXISTING OFFICIAL PLAN AND ZONING STATUS

The subject lands are designated Auto-oriented Commercial Corridor in the Official Plan, allowing for a range of auto-oriented service commercial uses. In 2006, a zoning by-law amendment was passed to add several additional commercial uses to the site, including “clinics”, to the range of permitted uses on the subject lands. Accordingly, prior to Council’s new policies and zoning regulations relating to methadone clinics, the subject site would have allowed for a clinic or pharmacy delivering methadone maintenance treatment. However, since the new policies and zoning regulations have been put in place, a zoning amendment is required to allow for a methadone clinic or methadone pharmacy on this site.

PLANNING PROCESS

An application was received to amend the Zoning By-law in order to permit the additional use of a methadone clinic. As part of the application review process, comments were received from members of the public, and agencies. Staff further held a community information meeting to provide a forum for the public to share information, provide comments, and ask questions of staff regarding existing policies and regulations. The community also had the opportunity to pose questions to the applicant, By-law Enforcement Staff and London Police Services. The enhanced public consultation brought to light several land use considerations relating to the surrounding area.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Parks Planning and Design Section

- *Parkland dedication has not been collected for the subject lands. Consistent with the regulations of the Ontario Planning Act, the applicant will be required to provide cash-in-lieu of parkland equal to 2% of the value of the property.*

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- *This dedication will be collected during the site plan review process.*
- *At that time, the applicant will be required to undertake and submit a land appraisal by an Accredited Appraiser (AACI) to the city to determine the value of the land.*

Urban Forestry

- *Urban Forestry has no comment.*

London Hydro

- *No Comment*

Upper Thames River Conservation Authority (UTRCA)

- *The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.*

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
<i>Highly Vulnerable Aquifer (HVA)</i>	6	<i>Moderate & Low Threats</i>

- *NOTE: At this time, certain activities on this property may be considered Moderate or Low threats to drinking water*
- **Provincial Policy Statement (PPS, 2005)**
Section 2.2.1 requires that:
 - *“Planning Authorities shall protect, improve or restore the quality and quantity of water by: d) implementing necessary restrictions on development and site alteration to:*
 - *protect all municipal drinking water supplies and designated vulnerable areas; and*
 - *protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*
- Section 2.2.2 states that:
 - *“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.”*
- *Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development. This information is provided for the City’s consideration in moving forward on this application.*

PUBLIC LIAISON:	<p>On June 14, 2012, Notice of Application was sent to 54 property owners in the surrounding area. Notice of Application was also published in the “Living in the City” section of the London Free Press. Notice of Public Meeting was sent to 291 property owners in the surrounding area. Notice of Public Meeting was published in the “Londoner” section of the London Free Press on Thursday, October 11, 2012</p>	<p>54 different individual replies were received</p> <p>Several petitions containing a total of 553 signatures were received.</p>
Nature of Liaison:		
<p>The purpose of the proposed amendment is to permit a methadone clinic within the existing building.</p> <p>Change the Zoning By-law Z.-1 from a Highway Service Commercial Special Provision (HS2(4)) Zone which permits a broad range of highway service commercial uses including, but not limited to automobile sales and service establishments; offices; medical/dental offices; clinics; laboratories; retail stores; and liquor, beer and wine stores to add methadone clinic as an additional permitted use.</p>		

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Responses:

1. The proposed clinic adjacency to a Dairy Queen store;
2. Concerns regarding the proximity to a day care centre (Western Day Care);
3. Proximity of a school-bus drop-off;
4. Concerns related to property values;
5. Concerns with regard to increased illicit drug activity and crime;
6. Concerns related to the operator;
7. Unknown intensity of use;
8. Clinics are not only for drug addiction
9. Increase in required/taxes for (security and policing)
10. Employees will quit nearby businesses;
11. Concerns with concentration of clinics in the area.
12. Support for the clinic as a positive resource for the community

ANALYSIS

BASIS FOR PLANNING REVIEW

The Official Plan clearly highlights the importance of methadone clinics and methadone pharmacies:

Methadone maintenance treatment represents an important facet of health care delivery within the City of London.

Methadone clinics and pharmacies are critical to delivering methadone maintenance treatment which helps those who have addictions to cope with these addictions and, in many cases, work towards rehabilitation. The research prepared by the City of London through its comprehensive study describes the escalation of the drug addiction problem in Ontario and in London and the critical importance of methadone maintenance treatment in addressing this problem.

As noted above, the Official Plan sets out two primary goals to guide the planning of methadone facilities in London (see above). In line with these goals, these uses have been directed to specific Official Plan designations “*subject to meeting the goals, evaluation criteria, requirements and Planning Impact Analysis policies of this Plan:*

- i. Regional Facility;*
- ii. Enclosed Regional Commercial Node;*
- iii. New Format Retail Commercial Node;*
- iv. Community Commercial Node;*
- v. Auto-oriented Commercial; and,*
- vi. Office Area.”*

The subject site is located within the Auto-oriented Commercial designation, thus making it eligible as a candidate site for methadone clinics and pharmacies.

However, there are also evaluation criteria that apply to sites that are within these designations. It is noteworthy that ALL of the criteria are to be met. The Official Plan reads as follows:

Zoning to allow for methadone clinics and methadone pharmacies shall be established through a zoning by-law amendment to allow for a full community consultation process. Zoning amendments to permit methadone clinic and methadone pharmacy uses will only be allowed where all of the following criteria are met:

- i. Sites must be well served by public transit;*
- ii. Property boundaries for proposed methadone clinics and methadone pharmacies must be a minimum of 300m from any elementary or secondary school property;*
- iii. Property boundaries for proposed methadone clinics and methadone pharmacies must be a minimum of 300m from any municipal library, municipal pool, municipal arena, the Western Fairgrounds and the Boys and Girls Club;*

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- iv. *Sites must be large enough to accommodate parking requirements;*
- v. *Planning Impact Analysis policies of this Plan will apply.*

Generally, this evaluation is intended to ensure that proposals for methadone clinics and methadone pharmacies are developed in locations that provide access to the service and minimize potential for land use impacts.

The subject site meets criteria i) through iv) as it is well served by public transit, is separated as required from the listed land uses and is large enough to accommodate the parking requirements of the by-law.

Criterion v) requires a planning impact analysis to determine the appropriateness of the proposed change in land use and to identify ways of reducing any adverse impacts. This provides opportunities to identify potentially sensitive land uses in the area, evaluate potential impacts on such uses, and opportunities to minimize these potential impacts.

The planning impact evaluation relating to this application can be broken into three considerations:

1. The appropriateness of the **use**;
2. The level of **intensity** that can be accommodated on site without creating land use impacts; and
3. The **form** of development that will facilitate the use and its appropriate intensity.

DEFINITION OF THE USE

The Zoning By-law Z.1 generally defines Methadone Clinics as providing methadone prescriptions to clients as more than an ancillary activity. In the case of Methadone Clinics “ancillary” means methadone is prescribed to 40 or less clients per day. Clinics that provide methadone prescriptions to more than 40 patients daily are considered “methadone clinics” and those that provide methadone prescriptions to 40 or less clients daily may operate as a “regular” clinic in accordance with the Zoning By-law.

Methadone clinics may also include ancillary services such as counselling, laboratory testing, physical therapy, medical care and pharmacy uses. Pharmacies ancillary to a methadone clinic may dispense methadone as part of its normal functions. These ancillary uses are included as part of the proposed development on the subject site.

PLANNING IMPACT ANALYSIS

A planning impact analysis is intended to determine the **appropriateness** of a proposed change in land use, and to identify ways of **reducing any adverse impacts** on surrounding land uses.

Specifically, Policy 6.3.1 of the Official Plan outlines criteria for determining planning impacts of a proposed development within a specific area. In addition to the general planning impact analysis, Official Plan Policy 6.2.11 Methadone Clinics and Methadone Pharmacies provide additional evaluation criteria for a proposed development.

Land Use Compatibility

Subject Site:

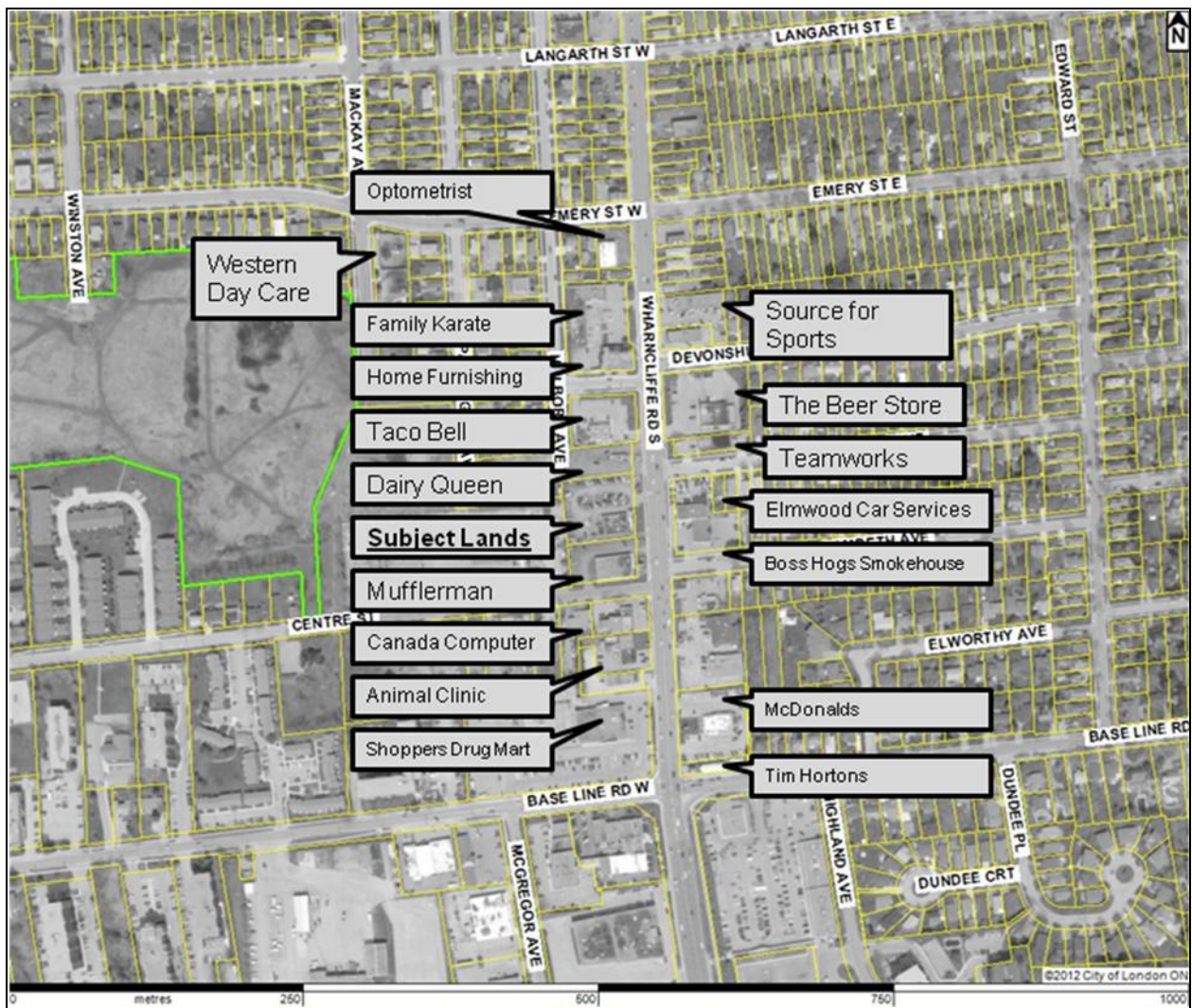
The subject site is located at 425 Wharnccliffe Road South. The site was formerly a restaurant and is currently an automobile sales establishment. The lot contains an existing one-storey structure, which is intended to be converted to accommodate the proposed clinic. The automobile sales establishment use will cease.

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Surrounding area:

The subject site is surrounded by commercial uses that line both sides of Wharncliffe Road South (to the north and south), containing a mix of retail, automotive service, personal service, medical/dental and office uses. [See illustration below.] To the west of the subject site are a number of light industrial uses (warehousing/transfer). There are residential uses to the northwest and east of the subject site. These areas are located beyond the commercial activities as noted above



The figure (above) denotes the subject lands and surrounding uses.

The “Planning for Methadone Clinics and Methadone Pharmacies” study notes that methadone clinic uses should be directed to auto-oriented areas. Wharncliffe Road South is a predominantly auto-oriented commercial corridor serving the travelling public . The subject lands possess characteristics that are identified as being conducive to minimizing impacts. The site is located in a commercial/light industrial area, orientated towards a major arterial road and heavy vehicular traffic. The area is targeted towards the traveling public and opportunities to discretely loiter and congregate are minimal.

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Through the public consultation and planning review process it was revealed that there are some sensitive land uses in the immediate vicinity that are worthy of consideration through the Planning Impact Analysis. As noted in the “Planning for Methadone Clinics and Pharmacies Study”, these clinics and pharmacies can generate land use planning impacts – particularly when these clinics are large or have a high volume of clients. There is a licensed daycare facility located approximately 200 meters northwest of the subject lands, adjacent to a public park. While the Official Plan policies do not specify separation distances for methadone clinics and pharmacies from licensed daycares or parks, these are noteworthy land uses that should be considered when identifying ways to reduce any adverse impacts on surrounding land uses.

Measuring Intensity

Intensity can determine the degree to which any use can generate land use impacts. Intensity can be measured in many ways, including: size, density, level of activity, traffic generation, etc. With methadone clinics, there is an established concern that a clinic operating at a high intensity is more likely to generate land use impacts that were identified in the “Planning for Methadone Clinics and Pharmacies Study”.

Standards such as parking, floor area, lot area, and in the case of methadone clinics waiting room areas, are normally applied as requirements of development and continued operation. Proposed development is required to meet the regulations of the zoning by-law in order to obtain a building permit and operate on a site.

In some cases, these more traditional regulations of intensity are not adequate to address land use planning impacts. As a result, land use regulations intended to avoid the over-intensification of a particular use may be implemented as a land use planning tool. Examples of such limits to intensity within the City of London include limiting the number of bedrooms in a home, a home occupation’s number of employees, and office space gross floor area outside of the downtown. A limit on intensity is recommended as part of this report and discussed later in this section.

Potential Impacts

The “Planning for Methadone Clinics and Methadone Pharmacies” study established that methadone clinics and methadone pharmacies have the potential to generate land use impacts.

“Planning staff’s research indicates that, “...like other land uses, methadone clinics and methadone pharmacies generate land use impacts that can have an effect on adjacent and nearby land uses. Some of these impacts may be similar to those imposed by other facilities, while others may be different”.

- Research further indicates that “...many methadone clinics and methadone dispensing pharmacies do not generate any land use impacts any differently than general clinics and pharmacies”.
- The research clearly shows, however, *“...that methadone clinics and methadone pharmacies CAN generate very different and very significant land use impacts compared to general clinics and general pharmacies”.* When considering land use compatibility, the following land use impacts were identified through the research as worthy of consideration:

➤ *“Traffic and parking impacts”*

- The research has shown that *“...inadequate parking, at some locations, has caused significant problems with parking on adjacent lots and parking in “no parking” or “no stopping” areas”.*
- *“Recognizing that methadone clinics and methadone pharmacies can be very small in floor area, and that they can generate significant numbers of patients*

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within limited time frames, it is appropriate to have a specific parking requirement related to these uses”.

- *“Parking requirements for methadone clinics and methadone pharmacies should be higher than those regulated for general clinics or pharmacies”.*

➤ *“Line-ups, gatherings, loitering and pedestrian congestion”*

- *“High patient volumes, insufficiently sized waiting areas and hours of operation can also lead to line-ups, loitering and pedestrian congestion”.*
- *“Line-ups and loitering can cause significant problems within pedestrian-oriented business areas. They can create congestion, making the sidewalk difficult to traverse easily and safely. Loitering can also create the perception of a threatening environment that some pedestrians may wish to avoid. This could have a negative impact on neighbouring businesses”.*
- The research would suggest that *“...pedestrian-oriented areas are not the preferred location for methadone clinics or methadone pharmacies”*. The research also underscores the importance of appropriately sized waiting areas to address the issue of line-ups and loitering.”

➤ *“Criminal activity”*

- The research identifies a large portion of methadone clients as *“...a vulnerable population”*. Many are struggling with substance addiction. Accordingly they can be susceptible to the temptations of illegal drug trafficking.
- The research clearly demonstrates that methadone clinics and methadone pharmacies have the potential to attract criminal activity. Since 2006, for example, London Police have responded to 260 calls for service to the methadone clinic located at 528 Dundas Street. Three illegal drug-related Police Projects have involved the methadone clinic and associated pharmacy in the same time frame.
- The College of Physicians and Surgeons provide a “tool kit” (see Methadone Research Compendium, Volume 2, Tab 15) for methadone practitioners that includes a sample behaviour contract the physicians can require the client to execute stipulating that the client will not engage in various types of anti-social behaviour (fighting, carrying weapons, selling doses, etc.). These types of contracts are not typically required when attending other (non-methadone) medical offices and clinics.
- Many of the clinics and pharmacies that prescribe or dispense methadone do not exhibit these types of issues and impacts. As demonstrated by the example of Clinic 528 however, they have the potential to grow and/or evolve into a form that does attract criminal activity. Most notably, the province has not put any regulations in place that would limit patient volumes or require a minimum standard of operation to mitigate this potential.
- Recognizing the potential to attract such elements and activity, it is appropriate to incorporate minimum separation distances between such uses and more sensitive land uses such as school yards or public areas where children are known to congregate such as community centres.
- Recognizing there is often more opportunity to loiter and discretely traffic narcotics in pedestrian-oriented business districts, methadone clinics and methadone pharmacies should be directed to alternative locations where such activity would be readily noticeable and thus less likely to occur.

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- *“Littering, including used drug paraphernalia”;*
 - Any land use can generate activities that result in littering.
 - Methadone dispensaries and pharmacies provide clients with their methadone in packaging (paper cups or “carries” in gel-pack form). Planning staff have been told that these cups and gel-packs can be found throughout the area surrounding Clinic 528 and Chapman’s Pharmacy. Staff have witnessed this in several areas on several occasions.
 - City of London Community Services Department staff has indicated that needles are often discarded by users following intravenous drug use. Owners of properties in the vicinity of Clinic 528 have cited significant concerns relating to disposed needles found on their property. These needles have not only been found outside neighbouring properties, but on school property and in the bathrooms of a nearby restaurant.
 - Noting the above, methadone clinics and methadone pharmacies should be directed away from pedestrian-oriented locations. Further, these uses should be separated from sensitive land uses such as schools, municipal pools, arenas, libraries or the Western Fairgrounds.

In summary, the study provided research demonstrating that methadone clinics and methadone pharmacies may generate very different and very significant land use impacts compared to general clinics and general pharmacies. When considering land use compatibility, the following land use impacts were identified through the research as worthy of consideration:

1. Traffic and parking impacts;
2. Line-ups, gatherings, loitering and pedestrian congestion;
3. Criminal activity; and
4. Littering, including used drug paraphernalia;

It is noted that these land use impacts are considered potential impacts and, as noted in the comprehensive study, only in some cases do these impacts apply.

The potential land use impacts are noted as being more likely to occur when the intensity of the use is high. For example, Clinic 528 on Dundas Street is cited in the report as exhibiting the above land use conflicts. The owner of the clinic indicates that the pharmacy associated with the clinic can dispense to as many as approximately 800 per day. Similarly, Chapman’s Pharmacy is cited in the report as exhibiting the above land use impacts. They indicate that the pharmacy can dispense to between 300 to 400 per day.

Meanwhile, the methadone clinic at 231 Wharncliffe Road South was often referred to in the consultation process as a clinic that does not exhibit the above impacts. It can dispense to as many as approximately 150 per day. While there are likely many more factors that contribute to land use impacts associated with a methadone clinic, the number of methadone doses dispensed in a day is a reasonable indicator of a clinic’s intensity. This measure focuses on dispensing, rather than the prescribing function of a clinic use. This is reasonable in those cases where a methadone clinic is associated with an on-site methadone pharmacy, given that the dispensing function generally serves more patients per day than the prescribing function.

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The following table demonstrates the similarities and the differences with each clinic:

	Clinic 528	231 Wharncliffe Road South	Proposed O.A.T.C. Clinic
Designation	Main Street Commercial Corridor	Main Street Commercial Corridor	Auto-Oriented Commercial Corridor
Lot area	910 m ²	902 m ²	3132 m ²
GFA approximate	600 m ² (2 storey)	300 m ² (1 storey)	465 m ² (1 storey)
Available parking spaces	18 + 10 bike spaces	18	58 + 5 bike spaces
Number dispensed per day (typical)	800	150	200 (cap proposed by Planning Staff)
Bus Routes	Yes	Yes	Yes
Adjacent land uses	North: Dental / Office East: Residential South: High School West: Funeral Home	North: Commercial East: Residential South: Commercial West: Residential	North: Restaurants East: Automotive South: Automotive West: Warehouse
Nearest Day Care Centre	75 meters	340 meters	200 meters
Nearest Methadone Clinic	1285 m (502 Oxford Street East)	<i>Proposed: 685m (425 Wharncliffe Road)</i> 1285 m (193 Commissioner's Road West)	<i>Proposed: 685 m (231 Wharncliffe Road South)</i>

The proposed use can accommodate vehicular traffic entering and exiting the site as well as provide for sufficient parking. Both clinics at 528 Dundas St and 231 Wharncliffe Road South demonstrated a lack of parking to accommodate the use. The proposed development is providing nearly double the amount of parking required as part of the requirements of the zoning by-law for methadone clinics.



The “Planning for Methadone Clinics and Methadone Pharmacies” study indicates that “a clinic or pharmacy that currently serves a very low volume of patients could grow tremendously over time given the absence of provincial or municipal regulations. This has been the case at Clinic 528 (a clinic and pharmacy) and Chapman’s Pharmacy.” There are no provincial or federal regulations that control the intensity of these uses, which is a concern where there are sensitive land uses present within the vicinity.

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Other Available Lands

Through the methadone study, and the consultation process relating to that study, policies and associated regulations were developed to allow for a wide range of opportunities for methadone clinics and pharmacies. The policies and regulations were tested, using GIS software, and it was determined that hundreds of sites throughout the City would meet the location criteria.

Traffic Impacts

Wharncliffe Road South is an arterial road serving as a major north-south thoroughfare. Wharncliffe Road experiences heavy traffic volumes. The current listed volume of this section of road is 33,000 vehicles per day. Further, the road serves as a 24-hour truck route through the city. The roadway in this location is clearly prioritized for vehicles.

From a planning perspective, Wharncliffe Road South serves primarily for moving vehicles efficiently through the city to major education, employment and residential areas. Further, this road is intended as being a key component in the Southwest Area Plan. This stretch of road provides a number of commercial activities servicing the travelling public.

From a design perspective, most businesses in the area provide customer parking only and direct vehicular accesses to Wharncliffe Road. This type of commercial design is typical of auto-oriented commercial corridors, as there are few clear connections across abutting properties between businesses themselves, such as pedestrian accesses or shared parking areas. It is recommended that fencing be erected to prevent pedestrian movement from the subject site, through to adjacent sites.

The site is sufficiently sized to accommodate the stacking of vehicles entering or exiting the property. Stacking lane design will be addressed through the site plan review process.

The activity related to a methadone clinic provides services for clients throughout the day. The pharmacy-dispensing function is also available throughout the day, however, due to the nature of the service, it is expected that a peak flow of traffic will occur in the morning.

The existing infrastructure of Wharncliffe Road South is expected to be able to accommodate the anticipated traffic generated by the proposed use. The impacts of increased traffic on the existing road system are anticipated to be minimal. To this end, no traffic impact assessment was required by Engineering Staff as part of the review of application.

Transit Impacts

The subject site is serviced by two bus routes, (26 Jalna, and 12 Wharncliffe) and a bus stop is located adjacent to the subject lands. Official Plan policies for methadone clinics and pharmacies encourage such clinics to locate where transit facilities are available and easily accessible.

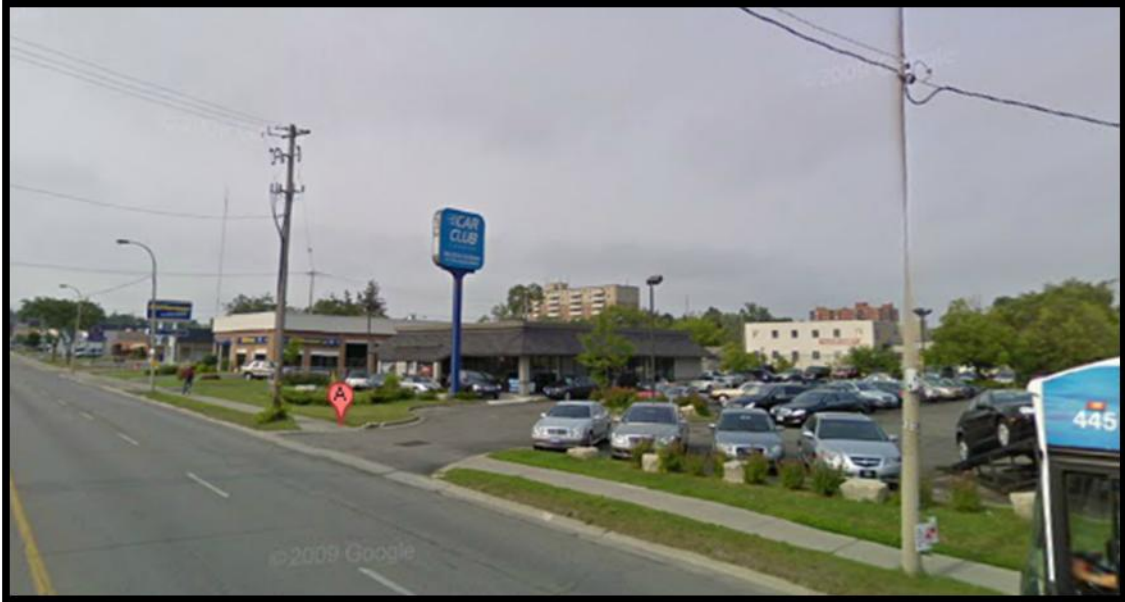
Physical Context

The building intended to accommodate the proposed use is existing and, as such, the proposal is for an adaptive use of this existing structure. The structure is a single storey commercial structure and is in keeping with the scale of other commercial buildings along Wharncliffe Road South. The lot is similar in size to other commercial uses in the area and provides a significant amount of parking when compared to other locations nearby. As indicated previously, the parking area exceeds the requirements of the zoning by-law for methadone clinics based on the gross floor area of the proposed clinic.

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Planner: E. Lalande

The proposed use is maintaining this low profile structure. The retention of its large windows (former dining room) facing the parking and public realms would offer an opportunity for casual surveillance of the immediate surroundings – consistent with CPTED principles (crime prevention through environmental design).



The existing building is sited along the same building line as other buildings along Wharnccliffe Road South and the primary entrance is oriented towards the front of the building. Access to the municipal sidewalk, for pedestrians is accessible by crossing through the landscaped area, or paved vehicular access. No direct pedestrian connection exists between the sidewalk and the front door – something that should be addressed through the site plan process.

The internal layout depicted in the proposal exceeds the standards set through the zoning by-law requirements for waiting room space. This was a standard developed through the methadone policy study. The requirements were developed based on existing standards observed from other clinics operating successfully, locally and provincially.

The form of development appears to maintain the goals identified by the Official Plan and Zoning By-law, subject to site plan design review and approvals.

Site Access

Access to this site was established through the previous development. There are no proposed changes to the existing access.

Impacts on Heritage or Natural Resources

There are no significant heritage or natural features located in proximity to the subject site.

Environmental Constraints

There are no significant environmental issues associated with this application.

Compliance with the Official Plan, Zoning By-law, Site Plan Control and Sign Control By-law

The proposed use is contemplated by the Official Plan designation applied to the site. The proposal would meet the requirements of the zoning by-law recently adopted by Council for methadone clinics. The recommended h-5 holding provision will require that compliance with the site plan by-law will be reviewed after public consultation.

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Measures To Reduce Adverse Impacts

The following are measures that will be taken to mitigate any potential adverse impacts associated with the proposed use:

- The use is located within an Auto-oriented designation
- The use is separated from those sensitive land uses listed in the Official Plan policies for methadone clinics
- A public site plan process will allow for adjacent property owners and others in the neighbourhood to provide input on site layout and configuration
- The site plan process will allow for the requirement to install fencing that will eliminate the ability of pedestrians to move between the subject site and adjacent sites
- Similarly, the site plan process will allow for the incorporation of CPTED principles
- The proposal calls for a large waiting room area, as required by the zoning by-law, which will reduce line-ups and loitering
- The proposal is for more than sufficient parking, according to the requirements of the Zoning By-law
- Measures are recommended to limit the number of doses dispensed on site as a means for limiting the intensity of the use

Measures To Address Intensity of the Methadone Clinic and Pharmacy Use

As noted in this report, a major concern identified through the *“Planning for Methadone Clinics and Methadone Pharmacies”* study is the potential for the clinic to operate at a high level of intensity which would be more likely to generate negative land use planning impacts. It has been identified that one or more sensitive land uses exist in close proximity to the subject site. It is recommended that a limit be placed on the number of doses dispensed in a single day in order to ensure that the intensity of this methadone clinic is appropriate within the context of the area. Specifically, Planning staff are recommending that a maximum of up to 200 doses of methadone be dispensed per day. This will moderate the intensity of the use and avoid the potential for significant land use planning impacts being generated by the clinic. It is important to recognize that no cap is being recommended for the prescribing of methadone.

The City’s study of methadone maintenance treatment identified 17 pharmacies distributed throughout the City that dispense methadone. Limiting the number of doses dispensed on the subject lands will not interfere with the availability of methadone for those that need it within the London community.

Other Tools Available to the Municipality

In addition to land use policy and regulations, the City of London is in the on-going process of developing a licensing by-law to regulate methadone clinics and pharmacies. Should Council adopt regulations related to licensing the municipality will have an additional tool to ensure these uses operate in keeping within accepted business practices.

Holding Provision:

As required by the Official Plan policies, a holding provision (h-5) to allow for public site plan should be included as part of the amendment. In addition to the holding provision, a clause should require that the proposed development be approved in accordance Crime Prevention Through Environmental Design principles.

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COMMUNITY CONSULTATION

As part of the Council-adopted policies, a full community consultation process is required. As part of this process, a community information meeting was conducted on September 5, 2012. The information collected from this meeting has been taken into consideration as part of the recommendation and as part of this report. The major themes expressed through the consultation are noted above, in the Public Consultation section of this report. Planning staff have received a significant amount of written comments, telephone responses, as well as feedback from the community information meeting. Issues raised by the public are summarized in the Public Liaison Section of this report.

CONCLUSION

Based on review of applicable Official Plan policies and zoning by-law provisions documented in the planning impact analysis provided within this report, it is recommended that the proposed application be approved subject to the inclusion of a limit of 200 doses per day be added to the dispensing function of the clinic within the proposed amendment.

The purpose of this limit is twofold:

1. Mitigate the maximum intensity of the land use in order to reduce the potential for any adverse land use impacts that may be created by this use.
2. Encourage the provision of the service throughout the community in accordance with Provincial recommendations and Municipal policy.

Planning staff further recommends that the holding provision (h-5) for public site plan review, included as part of approval for the proposed zoning by-law amendment, should not be lifted until all site plan matters, including but not limited to the integration of Crime Prevention Through Environmental Design principles, are satisfactorily addressed.

The planning impact analysis demonstrates that the proposed site is appropriate for the proposed use, and that the proposed recommendation to include a limit for intensity is expressly designed to reduce any adverse impacts.

PREPARED BY:	SUBMITTED BY:
ERIC LALANDE PLANNER II, POLICY PLANNING AND PROGRAMS	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

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**File: Z-8063
Planner: E. Lalande**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-12_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 425 Wharnccliffe Road South.

WHEREAS 1276154 Ontario Limited has applied to rezone an area of land located at 425 Wharnccliffe Road South, 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 425 Wharnccliffe Road South, as shown on the attached map comprising part of Key Map No. 114, from a Highway Service Commercial Special Provision (HS2(4)) Zone to a Holding Highway Service Commercial Special Provision (h-5 * HS2(__)) Zone.

1) Section Number 27.4 of the Highway Service Commercial (HS2(__)) Zone is amended by adding the following Special Provision:

-) HS2(__) 425 Wharnccliffe Road South
 - a) Additional Permitted Uses
 - i) Automobile sales and service establishments;
 - ii) Offices;
 - iii) Medical/dental offices;
 - iv) Clinics;
 - v) Laboratory;
 - vi) Retail stores; and
 - vii) Liquor, beer and wine stores
 - vii) Clinics, Methadone, dispensing methadone to no more than 200 clients per day.

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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 30, 2012.

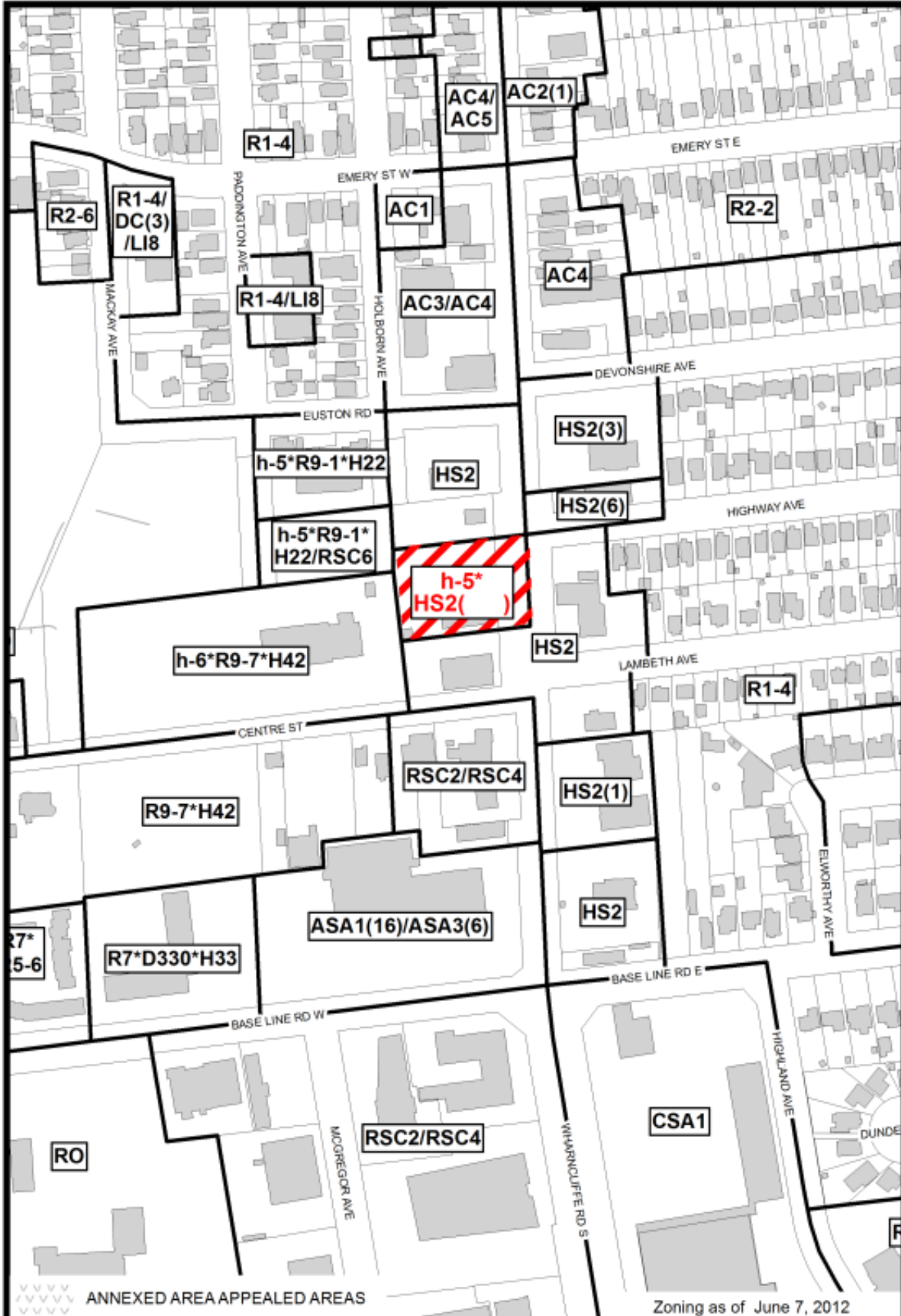
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - Tuesday, October 30, 2012
Second Reading – Tuesday, October 30, 2012
Third Reading - Tuesday, October 30, 2012

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



<p>File Number: Z-8063 Planner: EL Date Prepared: 2012/10/05 Technician: CK By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,800</p> <p>0 12.5 25 50 75 100 Meters</p> <div style="text-align: right;"> </div>
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Geodatabase