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E. Conway
File No: SP13-009354

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING
FROM:	GEORGE KOTSIFAS, P.Eng MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: ONTARIO ADDICTION TREATMENT CENTRES 425 WHARNCLIFFE ROAD SOUTH PUBLIC SITE PLAN MEETING MAY 7, 2013

RECOMMENDATION

That on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to the Site Plan approval application by Ontario Addiction Treatment Centres relating to the property located at 425 Wharncliffe Road South:

- a) The Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval; and
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan application and **ADVISE** the Approval Authority whether they support the Site Plan application to convert the existing used car dealership into a methadone clinic, dispensing methadone to a maximum of 200 clients per day.
- c) The Applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenue information in the attached Appendix "A."

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommendation is to seek public feedback for the proposed site plan and have Council advise the Approval Authority of any issues raised at the Planning and Environment Committee that should be addressed prior to approval.

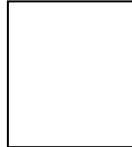
PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Z-8063 – Report to Planning & Environment Committee on a rezoning application for 425 Wharncliffe Road South

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

RATIONALE

The proposed site plan conforms to the current zoning and staff are prepared to recommend to the Approval Authority that the Site Plan be approved subject to incorporating any matters to be considered arising from the public meeting. Any recommendation to approve would also be subject to the approval of the landscape plans by city staff.



E. Conway
File No: SP13-009354

APPLICATION DETAILS	
Date Application Accepted: April 8, 2013	Agent: Stephen Cornwell (Zelinka Priamo Ltd)

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Vacant – previously used car dealership – previously fast food restaurant with drive through • Frontage – 53.4 m • Depth – 59.6 m • Area – 0.36 hectares • Shape – rectangular

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

OFFICIAL PLAN DESIGNATION:
<p>AUTO ORIENTED COMMERCIAL CORRIDOR</p> <p>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.</p> <p>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.</p>



EXISTING ZONING: H.5 HS2(8)

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.

GENERAL PROVISIONS SPECIFIC TO METHADONE CLINCS

CLINIC, METHADONE uses shall require a waiting room area of no less than 15% of the clinic

CLINIC, METHADONE or PHARMACY, METHADONE uses shall not be permitted within 300.0 metres (984.3 ft.) of an elementary school, secondary school, municipal library, municipal arena, municipal pool, the Western Fairgrounds or the Boys and Girls Club. This measure shall be taken from property boundary to property boundary

For CLINIC, METHADONE or PHARMACY, METHADONE uses, notwithstanding any provisions of this by-law, the number of bicycle parking spaces provided shall be no less than 5 spaces.

PARKING RATE – 1/15 M²

PERMITTED USES

Animal hospitals; automotive uses, restricted; convenience service establishments; convenience stores; duplicating shops; financial institutions; personal service establishments; restaurants; video rental establishments; brewing on premises establishment; automobile repair garages; taxi establishments; automobile sales and service establishments; offices; mediac/dental offices; clinics; laboratory; retail stores; liquor, beer and wine stores; **clinics, methadone, dispensing to no more than 200 clients per day**

Holding Provisions

The subject lands are zoned with one (1) holding provision: h-5.

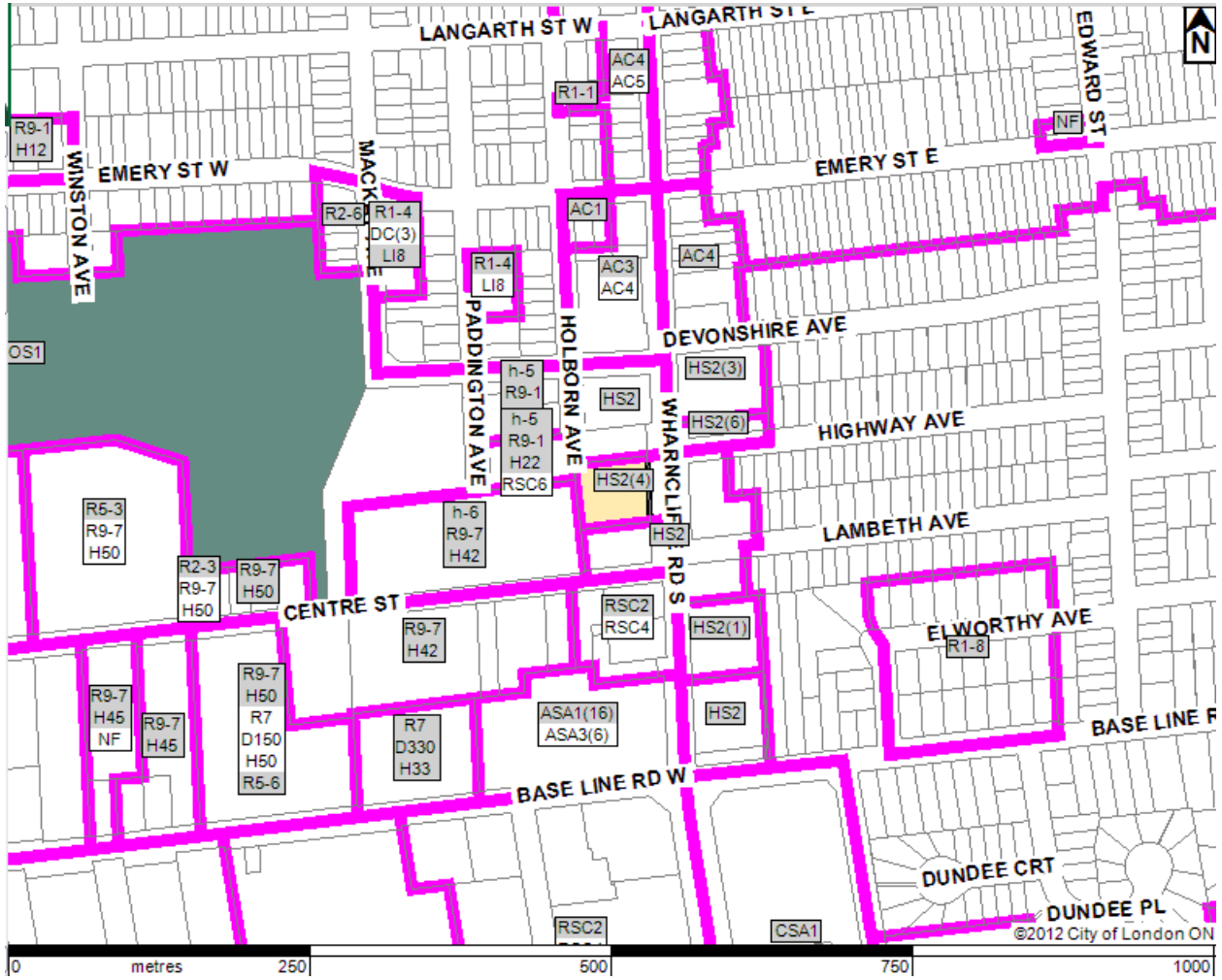
The h-5 holding provision is applied to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol.

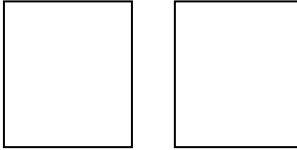
A separate report will be filed in the future for the removal of the holding provisions once all conditions have been satisfied and the development agreement has been entered into.

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E. Conway
File No: SP13-009354

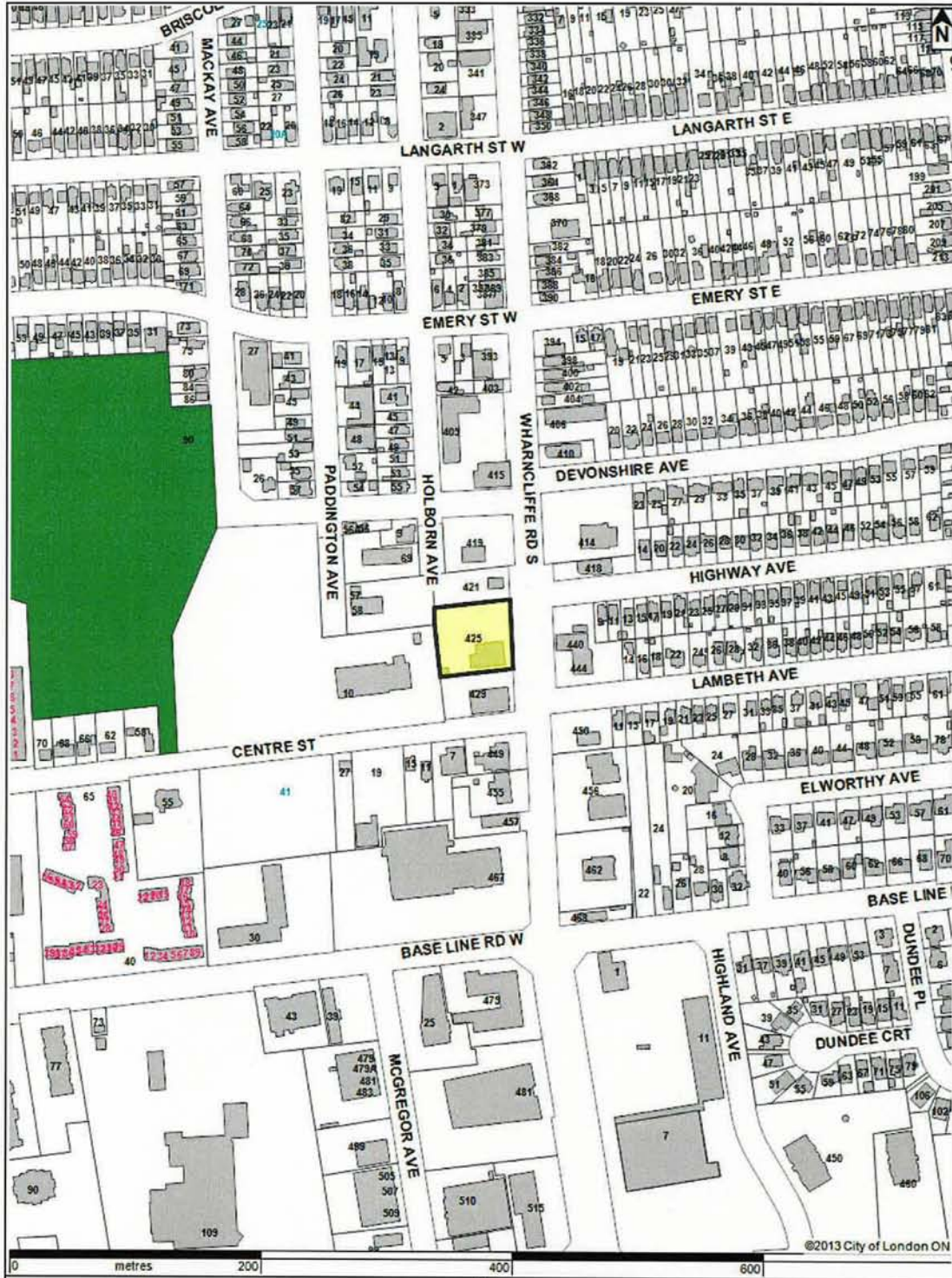
Zoning Map





E. Conway
File No: SP13-009354

Location Map

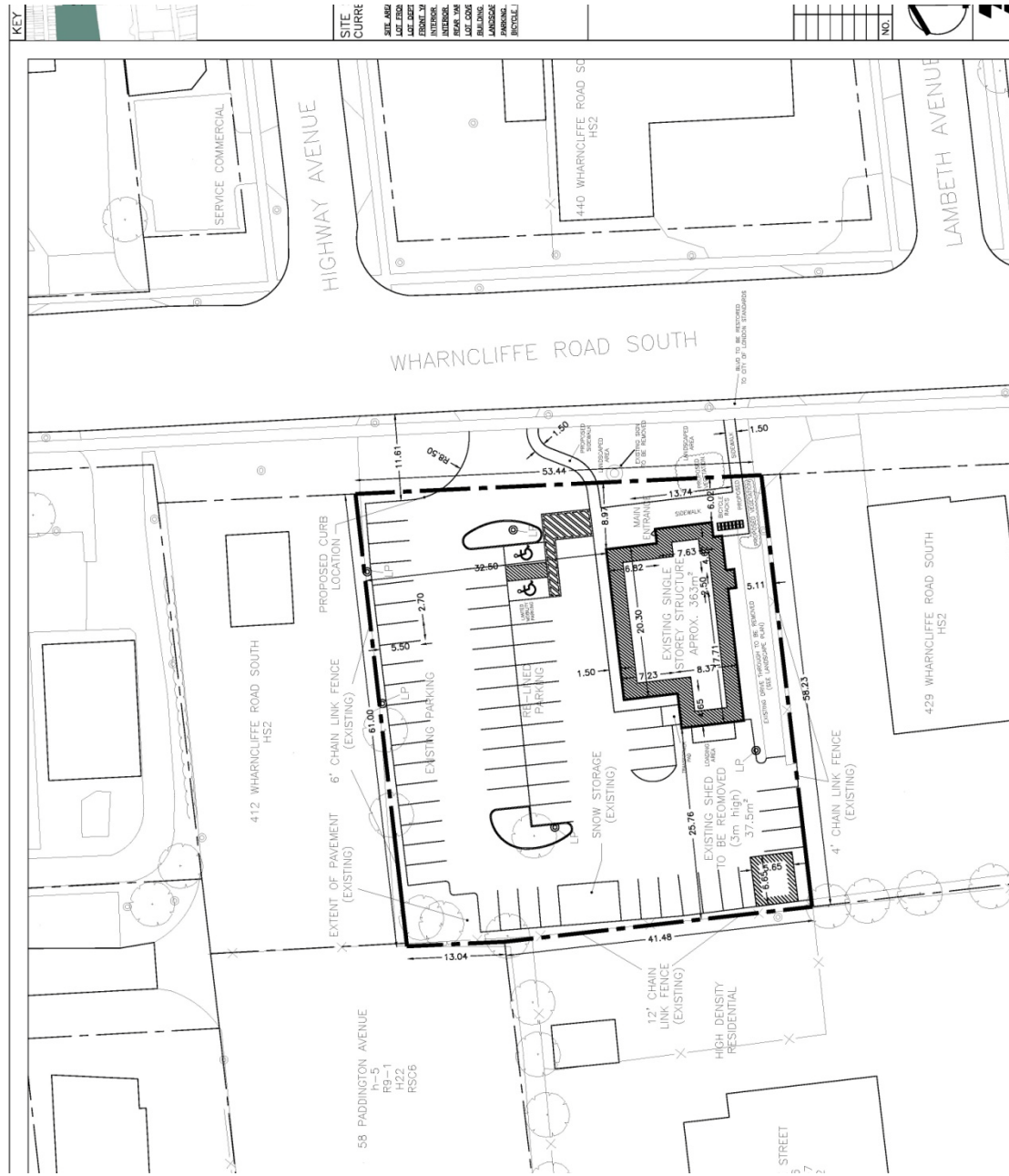


<p>LOCATION MAP</p> <p>Subject Site: 425 Wharncliffe Road South Applicant: 1276154 Ontario Limited File Number: SP13-009354 Created By: Jeffrey Shaughnessy Date: 2013-04-26 Scale: 1:3700</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
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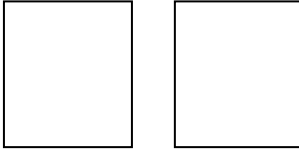
Corporation of the City of London
Prepared By: Planning and Development

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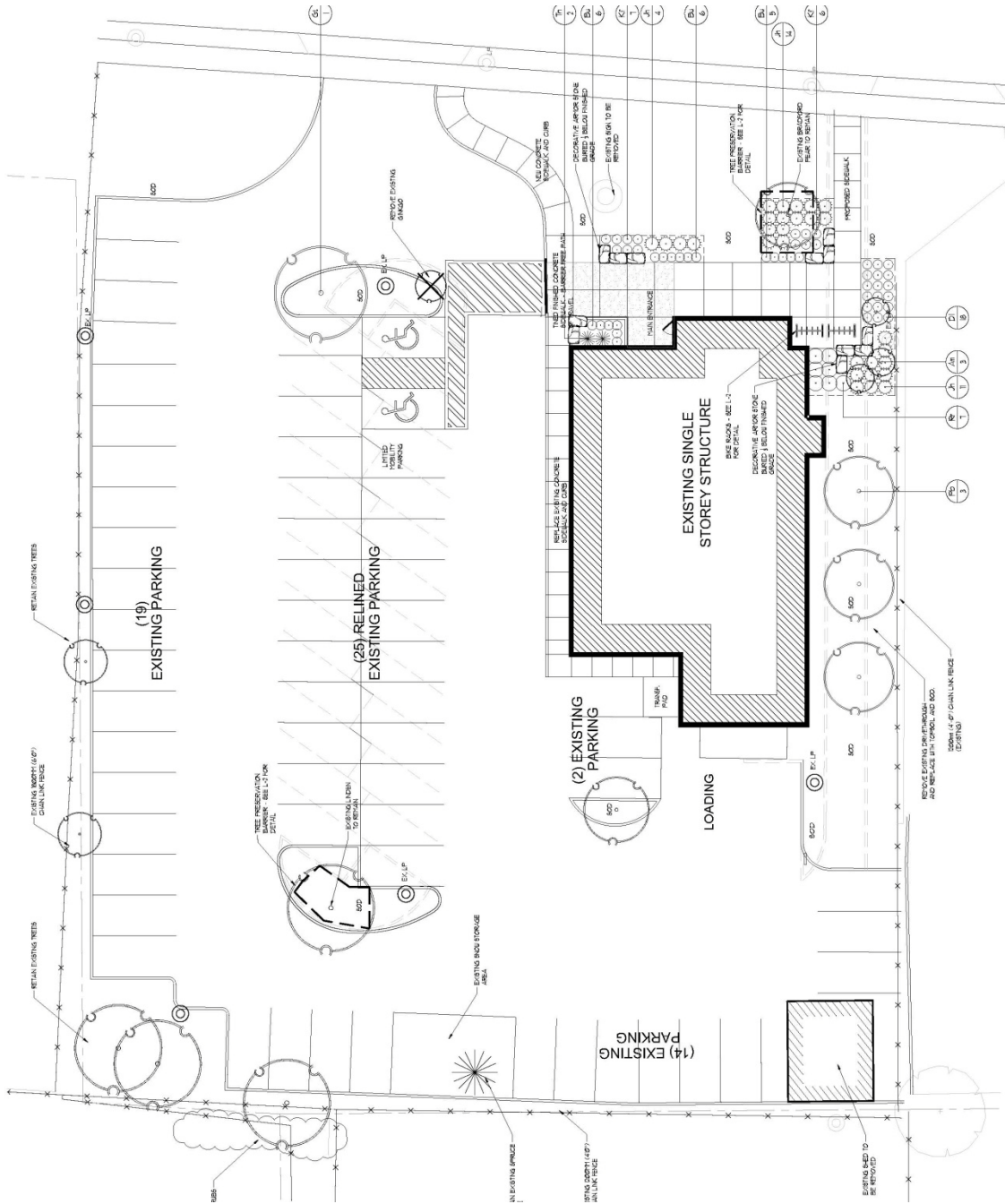
E. Conway
File No: SP13-009354



Proposed Landscape Plan



E. Conway
File No: SP13-009354



KEY	COMMON NAME	BOTANICAL NAME	QTY	SIZE
A1	MULTI-STEM SEV/CEBERRY	Asteraster canadensis multi-stem	3	180cm
B1	GREEN MOUNTAIN BOXWOOD	Buxus microphylla Green Mountain	11	300cm
C1	SPRING BURNING BUSH	Euonymus alatus 'Spring Burning'	1	600cm
D1	SHAGBARK LOCUST	Genesee horvathii 'Shagbark'	1	600cm
E1	PRINCE OF WALES JANEER	Juniperus horizontalis 'Prince of Wales'	25	600cm
F1	NEW ENGLAND CEDAR	Callunetum canadensis 'New England'	3	200cm
G1	COBWEBBEEB REED GRASS	Calamagrostis canadensis 'Cobwebbeeb'	1	600cm
H1	SHAGBARK LOCUST	Rhus typhina	1	600cm
I1	HICKS YEW	Taxus x media 'Hicks'	2	600cm

PLANT MATERIAL

KEY	COMMON NAME
A1	MULTI-STEM SEV/CEBERRY
B1	GREEN MOUNTAIN BOXWOOD
C1	SPRING BURNING BUSH
D1	SHAGBARK LOCUST
E1	PRINCE OF WALES JANEER
F1	NEW ENGLAND CEDAR
G1	COBWEBBEEB REED GRASS
H1	SHAGBARK LOCUST
I1	HICKS YEW

LANDSCAPE PLAN
SCALE = 1:150

View from Wharnccliffe Road South – Facing South

E. Conway
File No: SP13-009354



View of Existing Parking and Proposed Entrance



View of Existing Drive Through from Wharncliffe Road S

E. Conway
File No: SP13-009354



View of Existing Fencing Along North Boundary



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E. Conway
File No: SP13-009354

BACKGROUND

Council approved a Zoning by-law amendment (Z-8063) on October 31, 2012 to permit; methadone clinic, dispensing methadone to a maximum of 200 clients per day. The amendment was recommended by staff following extensive public consultation.

Council approved the amendment but also applied an h-5 holding provision requiring a public site plan meeting be held. The resolution also states that "Civic Administration be directed to address the following matters through the site plan process, prior to recommending the removal of the h-5 provision:

- i) enhanced landscaping fronting onto Wharnccliffe Road South
- ii) a direct and easily identifiable pedestrian walkway from Wharnccliffe 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

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Engineering & Environmental Services

- Provide a minimum 6 m clear throat distance for vehicular access from Wharnccliffe Road South

Urban Design

- Provide low plant material north of the vehicular driveway to soften the visual impact of parked cars when viewed from the street

PUBLIC LIAISON:	<p>On April 15, 2013, a combined notice of Site Plan Application & Site Plan Public Meeting was sent out to area residents.</p> <p>On April 25, 2013, Notice of application and notice of public meeting was placed in the Londoner.</p>	<p>Three replies have been heard to date (April 25, 2013)</p>
<p>Nature of Liaison: The purpose of the public participation meeting is to consider the appropriateness of the proposed Site Plan application to convert an existing used car lot to a methadone clinic dispensing no more than 200 clients per day. The proposed use was approved by Council in October of 2012 pending a public meeting be held at the time of site plan application.</p>		

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Summary Responses (see Appendix B for Responses to Notice of Application and Site Plan Public Meeting):

Opposed to Use: some residents indicated via phone that the use is inappropriate and that Council does not listen to its people. References to the petition circulated during the rezoning process were received and many frustrated that site plan approval is not a discussion of use for the property.

Safety & Perception of Crime: some residents (as an extension to their opposition to the use) raised concerns over safety and perceived crime associated with the use.

Decreased Property Values: one resident, from Highway Ave described the problems he is having trying to sell his home. He indicated that the appraisal of his property value has decreased because of the proposed use.

ANALYSIS

Description of the Site Plan

The applicant is proposing to reuse the existing building but requires interior alterations to convert the used car dealership into a functioning clinic. The applicant is proposing to modestly modify the existing parking arrangement by; removing the existing parking spaces in the road allowance; removing the former drive through lane and repainting the angled parking lines to be perpendicular to the parking aisles. Transportation staff having indicated that a minimum of 6 m clear thought be provided for the vehicular access off of Wharncliffe Road South requiring a few of the existing parking spaces to be rearranged and the planting island to be shifted as well.

The applicant is providing two pedestrian walkways directly from the public sidewalk to the front entrance of the building. There is a bus stop located within a few metres of the south pedestrian access. The walkways lead to a concrete landing framed by low ornamental plant materials to beautify the property from the street. The applicant is proposing to utilize the existing fencing (chain link of various sizes – see site plan) and existing light standards.

There is an existing shed in the southwest corner of the property which is to be removed and a landscaped planting island is to be installed as part of the site plan.

Implementing the Council Resolution

Below is the applicant's interpretation of how Council's Resolution of October 31, 2012 has been implemented. Development Services staff have also provided commentary on the items.

i) enhanced landscaping fronting onto Wharncliffe Road South

Applicant Response:

"The Landscape Plan for the proposal shows the establishment of decorative plantings and stone features in front of the building that work with the walkway elements to enhance the appearance of the site from Wharncliffe Road South beyond typical expectations for site landscaping."

Staff Response:

Staff have requested that all armor stone proposed in front of the building be removed as it is conducive to sitting and congregating which is not the intent of this space. The proposed planting plan does enhance the curb appeal of the property. However, staff has requested that the two planting areas in front of the building be amalgamated into one larger planting area to create a more cohesive and complete design. Staff has also requested low ornamental plant materials be proposed on the north side of the vehicular access to soften the visual bulk of

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E. Conway
File No: SP13-009354

parked cars on the site. The existing shed in the southwest corner is to be removed and a planting area could be proposed.

ii) a direct and easily identifiable pedestrian walkway from Wharncliffe Road South through the parking lot to the main entrance of the facility;

Applicant Response:

“Two direct and easily identifiable pedestrian walkways are provided to connect the main entrance of the facility to Wharncliffe Road South, one of which follows the edge of the existing parking area.”

Staff Response:

Staff concur. Both walkways provide distinct pedestrian entrances to the property and the south pedestrian access provides a direct link between the bus stop on Wharncliffe Road S and the main building entrance.

iii) adequate bicycle parking facilities

Applicant Response:

“The Zoning By-law requires the provision of 5 bicycle parking spaces for the proposed facility. The proposed site plan includes parking for 10 bicycles in a location with good visibility, and that is close to the main entrance of the building. These bicycle parking facilities are adequate for the reuse proposal.”

Staff Response

Staff concur. The bicycle parking proposed exceeds the requirements specified in our Zoning By-law by 200%.

iv) fencing, made of high quality and lasting materials, to avoid any opportunity for pedestrian movement from the subject site to adjacent sites

Applicant Response:

“There are existing fences along each of the property boundaries between the site and adjacent properties. These fences are all made of steel, which is a high-quality and long-lasting material. The existing fences completely prevent any opportunity for pedestrian movement from the subject property to adjacent sites.”

Staff Response

The existing fencing along the north & west boundaries is 1.8 m chain link (minimum) & should adequately discourage users of the property from easily traversing between adjacent sites. Staff believe that a new 1.8 m chain link fence along the south property line will more adequately implement Council’s Resolution than the existing 1.2 m chain link fence that the applicant is proposing to reuse.

v) adherence to Crime Prevention Through Environmental Design principles

Applicant Response

“The proposed changes to the existing site adhere to CPTED principles. The specific improvements proposed that related to these principles include the following;

- *New landscape features that do not reduce natural surveillance;*
- *Plantings that discourage intrusion to parts of the site not intended for public access (the area between the building and the southerly property boundary);*
- *Removal of the existing accessory shed that is be difficult to monitor or otherwise secure; and*
- *Removal of the former drive-through lane to improve natural access control.”*

Staff Response:

Staff agree with the assessment above provided that all the current light fixtures are repaired to

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E. Conway
File No: SP13-009354

be in good working order. The existing light standards have the capacity to well illuminate the entire property at night. The visually permeable chain link fence that already exists on the site provides off-site users with the ability to passively survey activity on site. The existing shed in the southwest corner of the site is to be removed leaving no small areas where undesirable activities can occur without the prospect of being witnessed.

vi) Discrete entrance facilities to allow for client privacy

Applicant Response:

“The main entrance for the facility is in the front of the building, but is oriented to the internal site parking area, not the street. The proposed landscaping maximizes the amount of entrance screening for client privacy that can be provided without interfering with CPTED natural surveillance principles.”

Staff Response:

Staff agree that the proposed location for the main entrance along Wharnccliffe is the most discrete location on the building for the access without contradicting the CPTED principles.

Is the Proposed Site Plan in conformity with the Official Plan and is it consistent with the Provincial Policy Statement?

The subject lands are designated Auto Oriented Commercial Corridor. Section 4.4.2.4.1 Methadone Clinics and Methadone Pharmacies states that "within the Auto-oriented Commercial Corridor designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan".

The evaluation criteria for properties suitable for methadone clinics are described in section 6.2.11 of the Official Plan, stating that:

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

During the rezoning review process, it was determine that this site all five criteria as identified in the Official Plan.

Does the proposal meet the Zoning by-law Regulations?

The proposal is in compliance with the regulations of the HS2(8) zone, the general provisions of the Zoning By-law including those specific to methadone clinics and methadone pharmacies (4.36), and the Site Plan Control Area By-Law, subject to the removal of holding provision. The holding provision can only be removed after a public site plan meeting has been held and a development agreement has been entered into. The floor plan submitted indicates that the waiting area is greater than 20% of the gross floor area, demonstrating compliance with the 4.36 of Z.1 requiring methadone clinics to provide a waiting room of no less than 15% of the total gross floor area.

Is the Site Plan Compatible with Adjacent Properties?

The subject site is surrounded by commercial uses that line both sides of Wharnccliffe 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

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E. Conway
File No: SP13-009354

northwest and east of the subject site. These areas are located beyond the commercial activities as noted above



There are more than twenty extra vehicular parking spaces provided & direct access to public transit. Retaining the existing fencing will discourage pedestrian cut through traffic between properties and the enhanced landscaping provided along Wharncliffe Road South increases the curb appeal of the property and contributes to beautifying the corridor.

CONCLUSION

The proposed site plan conforms to the Zoning By-law & Site Plan Control Area By-law. Staff are prepared to recommend approval to the Approval Authority subject to incorporating any matters to be considered arising from the public meeting and City Council. The proposed plans and drawings can be recommended to the Approval Authority subject to the approval of the site and landscape plans in accordance with the commentary provided under the analysis section of this report.

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E. Conway
File No: SP13-009354

PREPARED BY:	REVIEWED BY:
ERIC CONWAY, LANDSCAPE PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN, MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY, MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P.Eng MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

April 26, 2013

EC/AM

c:

Ontario Addiction Treatment Centres

c/o Stephen Cornwell
Zelinka Priamo Ltd.
318 Wellington Rd,
London ON N6C 4P4

Fax: 519 474 2284

Agenda Item # Page #

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E. Conway
File No: SP13-009354

Bibliography of Information and Materials

Reference Documents:

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

City of London, Notice of Public Meeting, April 15, 2013

City of London, Site Plan By-law C.P.-1455-451

Notice of Public Meeting, Londoner, Thursday April 25, 2012

Provincial Policy Statement, March 1, 2005

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E. Conway
File No: SP13-009354

Appendix "A"

Related Estimated Costs and Revenues

425 Wharncliffe Road South

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Agreement (2013 rates)	
CSRF	Nil
UWRF	Nil
Total	Nil

1. Estimated Revenues are calculated using 2013 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
2. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed By:

Peter Christiaans
Director, Development Finance

Agenda Item # Page #

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E. Conway
File No: SP13-009354

Appendix "B"

**Responses from Public to Combined Notice of Site Plan Application
and Notice of Public Meeting**

425 Wharncliffe Road South

Telephone

Written

**Gary X, X Highway Ave
Gina Mangano, 13 Highway Ave,**

**Gina Mangano on behalf of Rock, Anthony
& Anthony Junior, 13 Highway Ave**

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E. Conway
File No: SP13-009354

Appendix "C"

Written Response from Mangano Family

RE: 425 Wharncliffe Road South

Development Planning
6th Floor City Hall
P.O. Box 5035
300 Dufferin Avenue
London, ON N6A 4L9

Dear Mr. Conway,

This letter is to stat once again, our objection to the planned use f the property at 425 Wharncliffe Road South, File #:Sp13-009354. The reasons for our objection re the following:

- 1) A our property is located within 120 metres range, we believe there will be, undoubtedly, significant land use impacts generated by this clinic. This will have a negative effect on the quality of life we have experienced for all the years of being residents in this neighbourhood. To date, we have not encountered any issues or had incidents requiring police investigation.
- 2) Despite the cap of 200 clients per day for dispensing methadone, this clinic provides other services which will increase the volume of clients overall. As a result of this fact, it has the potential to create problems such as line-ups, loitering, pedestrian congestion, property damage to residential homes of nearby streets, littering with used drug paraphernalia etc. As well, hours of operation for this methadone clinic have never been established.
- 3) The potential exists of attracting criminal activity to the surrounding neighbourhood. The close proximity of Euston Park to this clinic, in addition to many other hidden locations throughout the neighbour, will make policing the area very difficult, if not im possible.

As residents of Old South, we the undersigned, would like to request that City Council seriously consider the proposed licensing by-law, as this by-law may be helpful to Old South. Thank-you.

Yours truly,

Mangano Family (Gina, Rock, Anthony Sr., Anthony Jr.)
13 Highway Ave
London, ON
N6C 2K4