

PATTON CORMIER & ASSOCIATES
LAWYERS

Alan R. Patton, B.A., LL.B.
Elizabeth K. Cormier, B.A., LL.B.
Analee J.M. Ferreira, B.A., LL.B.

May 7, 2013
File No.: 32824
via email

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

Attention: **Mayor Fontana and Members of Planning and Environment Committee**

Dear Mayor Fontana and Members of Committee:

Re: **Ontario Addiction Treatment Centres, 425 Wharncliffe Road South
Site Plan Application, Removal of h-5 Holding Provision**

We are the lawyers for the Ontario Addiction Treatment Centres ("OATC") with respect to the rezoning of 425 Wharncliffe Road South which occurred in the Fall of 2012 and now for the removal of Council's h-5 Holding Provision following a public site plan meeting.

We remind Committee and Council that the Methadone Clinic is to be operated entirely within the existing building. We also remind Council that the property remain zoned for wide range of uses including that of a Medical Clinic. The City's Chief Building Official has properly issued a Building Permit for interior renovations for its use as a Medical Clinic.

While most issues related to the Site Plan for the Methadone Clinic have been resolved there remains two issues that have not been resolved due to the position taken by the City's Traffic Department ("Department").

The first issue is the Department's "requirement" that a 1.212 meter gratis road widening be conveyed to the City. The property is presently 18.2 metres from the centre line of the Wharncliffe Road South road allowance, in excess of the required width of the road allowance of 18.0 meters at the time when both the property was rezoned to add one additional use of a Methadone Clinic and at the time the Application for Site Plan Approval was submitted. Despite the fact that the City's Zoning By-law Amendment to increase the set back from centre line to 19.5 metres on this portion of Wharncliffe Road South is not yet in force and effect staff have continued to make what they call a "friendly" request for the additional land, but at the same time acknowledge that no road widening is to be undertaken on Wharncliffe Road South.

The second issue is the Department's stance that an "access throat", with a minimum "clear throat distance" of 6.0 metres (20ft.), is to be built to replace the existing access arrangement to the property. As Committee and Council are aware, in addition to the site being used and renovated for a Medical Clinic/Office, it was previously a busy automobile sales lot and before that a busy fast food (Burger King) restaurant. A "clear throat" as demanded by Staff will use up parking spaces and is conservatively estimated to cost in excess of \$20,000.00.

The Methadone Clinic is not an intensification of use. It is limited in the Zoning By-law passed by Council to dispensing no more than 200 doses of methadone a day.

Further, the Department clearly admits that the use of a "clear throat" is a "Guideline" only and not a By-law requirement.

It is most troubling for my client to be told "you have to give the clear throat". This is both incorrect in both law and in the Application of a Guideline.

My client requests that Committee and Council approve the removal of the Holding Provision for Site Plan without the road widening and without the costly and unnecessary construction of a "clear throat".

Yours truly

PATTON CORMIER & ASSOCIATES

per:



Alan R. Patton

ARP/dr

apatton@pattoncormier.ca

cc: *City Clerk - via email*
Client- via email
Councillors - via email
Zelinka Priamo Ltd. - via email