Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: G. Kotsifas P. Eng.,

Managing Director, Development & Compliance Services and

Chief Building Official

Subject: Barnim Property Holdings Inc.

115 Bessemer Road

Public Participation Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Director, Development Services with respect to the application of Barnim Property Holdings Inc. relating to the property located at 115 Bessemer Road the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 1, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** Light Industrial (LI2/LI7) Zone **TO** a Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to change the zoning from a Light Industrial (LI2/LI7) Zone to a Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone to allow an automobile rental establishment as an accessory use to the existing automobile repair garage, increased open storage, and a reduced parking rate.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended zoning is to permit an automobile rental establishment as an accessory use to the existing automobile repair garage; an increased accessory open storage of 30% (whereas a maximum of 15% is permitted; and a reduced parking rate of 1 parking space per 20m² of building area for the Automobile Rental Establishment, in place of 1 parking space per 10m² of building area.

Rationale of Recommended Action

- 1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement, 2014.
- 2. The recommended amendment to Zoning By-law Z.-1 conforms to the 1989 Official Plan including but not limited to the policies of the Light Industrial designation, and The London Plan including but not limited to the policies of the Light Industrial Place Type, and provides for an appropriate development of the site.
- The recommended amendment will permit an accessory automobile rental establishment in association with a permitted Automobile Repair Garage, along with increased open storage and a reduced parking rate.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is surrounded primarily of light industrial uses with an approximate area of 0.80 hectares located on the east side of Bessemer Road, south of Newbold Street. The subject site currently has a one storey building being used as a garage specializing in car and truck tire sales and installation. In 2017, an addition was constructed to add 5 additional services bays. At this time the building was also upgraded. The upgraded building has recently been leased to Enterprise Rent-A-Car for service and repair of their rental vehicles and storage for new rental vehicles.



Figure 1 – View of building from the street, showing new addition with garages



Figure 2 – West view across rear parking area/car storage area

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation Light Industrial
- The London Plan Place Type Light Industrial Place Type
- Existing Zoning Light Industrial (LI2/LI7) Zone

1.3 Site Characteristics

- Current Land Use automobile repair garage
- Frontage approximately 63.12 metres (207.09 feet)
- Area approximately 8,005.6 square metres (86,174.3 square feet)
- Shape rectangular

1.4 Surrounding Land Uses

- North industrial mall
- East drainage channel, warehouse
- South industrial mall
- West Bessemer Road, industrial

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The subject site has recently been leased to Enterprise Rent-A-Car ("Enterprise") as a service and repair facility for their rental vehicles. Although Enterprise's key business activity includes the renting of vehicles, this use is not permitted by the current zoning.

Presently, the permitted uses being utilized by Enterprise Rent-A-Car at this location include vehicle service and repair and limited outdoor storage of vehicles. These uses fall under the permitted Automobile Repair Garage definition. As a result, the subject of this application is to add an Automobile Rental Establishment use with increased open storage and a reduced parking rate as an accessory use, to complement the automotive service and repair activities, through a site-specific Zoning By-law amendment. This proposal does not include the construction of any new buildings on the subject site.

3.0 Relevant Background

3.1 Planning History

On September 26, 2016 the City received a Site Plan Application (file SPA16-084) for a proposed building addition. This was approved June 12, 2017.

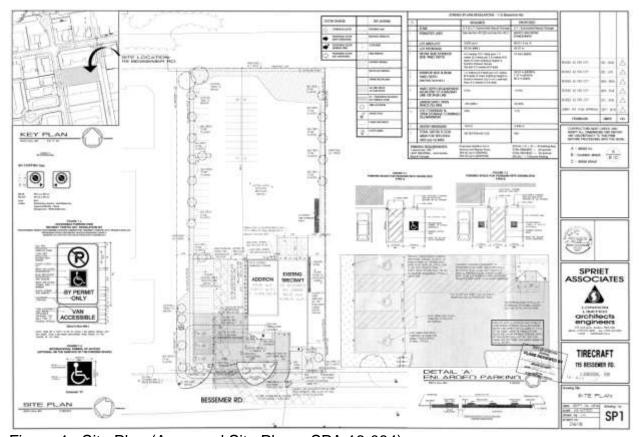


Figure 4 - Site Plan (Approved Site Plan – SPA 16-084)

3.2 Requested Amendment

Zoning By-law

Currently the property is zoned Light Industrial (LI2/LI7). This Zone provides for and regulates a range of industrial and associated secondary uses. This zone permits all the uses permitted in the LI1 Zone variation, as well as an expanded range of industrial and complementary uses listed in the LI2 and LI7 zones.

The request is to rezone from a Light Industrial (LI2/LI7) Zone to a Light Industrial /Light Industrial Special Provision (LI2/LI7()) Zone.

The Zoning By-law amendment application under consideration is to facilitate the provision of the following:

i) an automobile rental establishment as an accessory use;

- ii) an increased accessory open storage of 30% (whereas a maximum of 15% is permitted; and
- iii) a reduced parking rate of 1 parking space per 20m² of building area, whereas the parking standard for an Automobile Rental Establishment is 1 parking space per 10m² of building area

3.3 Community Engagement (see more detail in Appendix B)

There have been no public comments to date.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, (PPS), 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement encourages healthy, liveable and safe communities that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial to meet long-term needs (1.1.3).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The site is within the Light Industrial Place Type where industries generating minimal planning impacts are permitted (1110). The Light Industrial Place Type is where industrial uses with more minimal impact uses will be directed to. Permitted uses will have a tolerance for planning impacts created by a broad range of light industrial uses that are unlikely to impose significant impacts on surrounding areas. Also, industrial uses with large amounts of outdoor storage may not be permitted, dependent upon the character of the surrounding area.(1115).

Official Plan (1989)

The subject site is designated Light Industrial in the 1989 Official Plan. The Light Industrial designation is intended to include a broad range of industrial uses that have a minimal impact on surrounding properties. Main permitted uses include a broad range of industrial uses including assembling, fabricating, manufacturing, processing and/or repair activities.

4.0 Key Issues and Considerations

4.1 Use

Section 1.3 of the PPS contains the Employment policies, which promote economic development and competitiveness by providing an appropriate mix and range of employment uses (1.3.1a). The PPS encourages employment areas where it can be accommodated.

Employment Area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retails and ancillary facilities.

The subject site is located within an existing Light Industrial designated area and Light Industrial Place Type which forms part of the City's economy and employment sector. The accessory automobile rental establishment will allow for a broader employment use within an existing industrial area. The primary use would remain automotive service and repair which represents the majority of the building floor area, with the proposed accessory Automobile Rental Establishment comprising a small area of approximately 10%. The recommended amendment will allow Enterprise Rent-A-Car to clean, service and repair the rental vehicles along with storage for new vehicles being prepared for rental or leasing as the primary permitted use, with the ability to rent a vehicle on-site.

Land use within employment areas shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1.1). The proposed accessory use, in addition to automobile service and repair activities, maintains the industrial nature of the area and moderately diversifies the permitted uses which enhances the viability of the industrial area overall. In addition to the existing automobile service and repair, the proposed automobile rental establishment as an accessory use, with increased open storage and a reduced parking rate, can be accommodated by the subject site and takes into account the needs of Enterprise Rent-A-Car. An accessory Automobile Rental Establishment on the subject site to complement the existing Automobile Repair Garage will provide for a modest expansion to the existing range and mix of employment uses without compromising the industrial nature of the primary use or the broader area.

Further, the subject site is close to Highway 401, a major transportation corridor, in accordance with the PPS (1.3.2.3).

Within the Light Industrial Place Type of The London Plan, a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration may be permitted (*1115). Furthermore, the policies permit small-scale retail and service commercial uses that do not detract from the industrial operations of the surrounding uses (*1115_10.c.). The proposed accessory Automobile Rental Establishment use and increase in the amount of outdoor storage meets the intent of these policies by providing a small commercial operation which is related to the main permitted use, as well as the outdoor storage of vehicles which will not impose on the industrial operations of the surrounding lands.

The site is designated Light Industrial in the 1989 Official Plan. The main permitted uses in the Light Industrial designation include a broad range of industrial uses including assembling, fabricating, manufacturing, processing and/or repair activities. Consistent with the permitted uses, and as previously indicated, the subject site is comprised of an establishment that is engaged in repair activities. The LI2 zone, which is currently applied to this site, recognizes that in certain circumstances, there is a correlation between repairing and renting activities. For example, the existing zoning permits "Repair and Rental Establishments" as a permitted use although the definition restricts the range of uses to household, construction and industrial equipment. The recommended amendment seeks to build upon this premise by allowing the existing Automobile Repair Garage to broaden its scope of activity to include the rental of vehicles as an accessory use. The expansion to the outdoor storage area is not directly related to the request for Automobile Rental Establishment use. This request is the result of the volume of vehicles that are key to Enterprise's operations and that are being serviced at this location. The policies do permit a "limited amount of outdoor storage" and the request to permit 30%, whereas 15% is the maximum, while maintaining the minimum required Landscaped Open Space and building Lot Coverage maintains the intent of the Official Plan.

Adding an Automobile Rental Establishment and increasing the amount of outdoor storage in association with the permitted Automobile Repair Garage, is appropriate and meets the intent of The London Plan and the 1989 Official Plan.

4.2 Compatibility

The PPS provides direction to avoid development and land use patterns which may cause environmental or public health and safety concerns (PPS 1.1.1 c)), and The London Plan further requires that the Province's *D-series Guidelines* be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another (1138).

The D-6 Guidelines were created by the Ministry of the Environment in 1995 in accordance with the Environmental Protection Act, and are intended to prevent or minimize land use issues due to the encroachment of sensitive land uses and industrial uses on one another. The proposed accessory use is not considered to be of a sensitive nature, and is a complementary land use to the existing industrial uses. The proposed zoning amendment has been reviewed in accordance with the D-6 guidelines and does not represent a conflict between sensitive and non-sensitive land uses.

The request to add an accessory Automobile Rental Establishment, in addition to the existing service and repair of rental vehicles, can be considered to be similar to other permitted uses in the Light Industrial designation and Zone. Currently, the existing Automobile Repair Garage permits the ancillary sales of automobiles, up to a maximum of six (6). Permitting an accessory Automobile Rental Establishment, in conjunction with the existing automotive service and repair activities, should not have any significant impacts on surrounding properties and conforms to the Light Industrial designation in the Official Plan.

115 Bessemer Road is surrounded by a mix of Light Industrial uses which are not anticipated to be negatively impacted by the additional uses. Servicing and repair of rental vehicles within the enclosed building is considered to be very similar to other permitted uses. Adding an Automobile Rental Establishment as a permitted accessory use would modestly expand the range of business opportunities at this location. Rental vehicles are already located at the site and could be rented directly from the location.

In addition to requesting an accessory use, the applicant has also requested to increase outdoor storage from 15 % to 30% for the site area to utilize the full extent of the existing rear yard. The outdoor storage is for new vehicles to be serviced for renting and leasing and is located at the rear of the property adjacent to a drainage channel. Site plan approval will also take into consideration measures to minimize any impacts the outdoor storage may have.

Bessemer Road is a Primary Collector in the Official Plan with a maximum capacity of 15,000 Annual Average Daily Traffic counts. The Transportation Division has no concern with the proposed ancillary use. The traffic capacity is within the capacity of a Primary Collector, and also offers a convenient connection to Highway 401.

4.3 Form

The PPS requires that settlement areas are to be the focus of growth and development, and that their vitality and regeneration shall be promoted (PPS 1.1.3.1). The subject site is located within a settlement area and existing industrial building that will repurpose a portion of an existing unit for a new and complementary use. The PPS further requires that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (PPS 1.1.3.2 a) 1 & 2). The adaptive reuse allows the efficient utilization of the existing site which has access to full municipal services.

The Existing Industrial Areas Objectives policies of the 1989 Official Plan recognize the role of older, viable inner-city industrial areas and provide for their continuation and improvement.

The subject site is already fully developed for the proposed uses, including the fences outdoor storage area and office space for the proposed Automobile Rental

Establishment. The building at 115 Bessemer Road is existing and the proposed amendment will apply to permissions within the existing building. The existing building already has sufficient gross floor area. The proposed accessory automobile rental office is to be approximately 83.6sq.m (900 sq.ft.), 10 percent of the total building floor area.

The proposed accessory use of the site will efficiently reuse a portion of the existing floor space in an interior unit of the existing building, and no additional or new development is proposed.

The vehicular access, building setbacks, height and GFA are all existing and will not change through the recommended Zoning By-law amendment. Some minor improvements to the site will be undertaken by the owner, to demarcate parking stalls and any other requirements outlined through amending the site plan.

The proposed amendment also includes a reduced parking rate. The applicant is requesting to use 1 space per 20 sq. m. of building area which is the standard for automobile rental establishments in place of 1 per 10 sq. m, the standard for automobile service and repair.

The subject site has been leased by Enterprise. The facility would be used as a private garage for Enterprise rental vehicles and not available to the public. This will substantially reduce public to travel to the property and the requirement for parking.

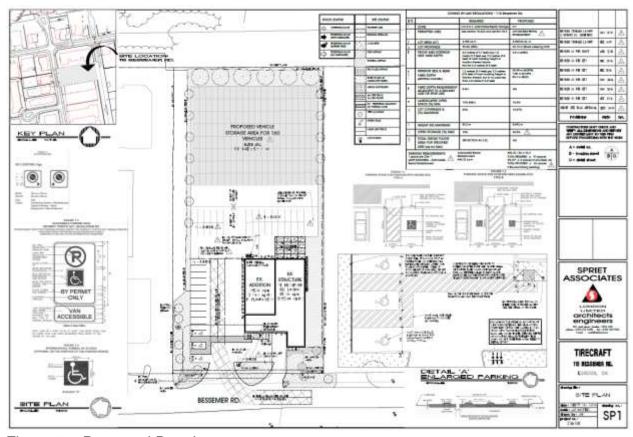


Figure 5 – Proposed Development

4.4 Site Plan Approval

The applicant will be required to apply for an amendment to the existing site plan. Through the Site Plan Approval process the following items will be considered:

- Mitigating stormwater management impacts to the Dingman Creek subwatershed;
- Obtaining UTRCA approval/permits;
- The provision of LID solutions that are supported by a Geotechnical Report and/or hydrogeological investigations;
- Addressing the water quality standard, including options to address water quality such as the use of oil/grit separators, catch basin hoods, bioswales, etc., along with the required sampling inspection maintenance hole; and,
- Other matters identified at the time of application.

4.5 Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

Section 40.1 – General Purpose of the LI Zone – describes the rationale behind the Light Industrial zone variations. This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI7 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations.

Although the requested automobile rental establishment is not identified as a primary permitted use in the LI zones, a site specific Zoning By-law amendment can add this use if deemed appropriate.

The proposed automobile rental establishment would occupy approximately 10% of the existing building which primarily consists of automobile service and repair bays and related facilities, clearly making it an accessory use to the main use. The applicant has indicated the request to increase the open storage area to 30% is required to permit full utilization of existing fenced and paved parking area. There is no open storage in the front yard, this is an industrial area, and the open storage area is fenced and paved in conformity to the approved 2017 site plan. Furthermore, no site alterations are required and the recommended uses should not have any adverse impacts on surrounding properties.

As noted, the applicant obtained site plan approval in 2017. At that time, parking was constructed and considered to meet the parking requirements for the Automobile Repair Garage. Enterprise Rent-a-Car will be using this service and repair establishment as a private garage for rental vehicles and it will not be available to the public for repairs. This will substantially reduce public travel to the property. Therefore, a reduced parking rate is not anticipated to have any negative impacts.

The existing Enterprise establishment close to the subject site at 845 Bradley Ave has a site-specific Light Industrial zone. This property is also located within Light Industrial designation in the Official Plan and Light Industrial Place Type in the London Plan.

No building constructed or site major site alterations are required. This change should not adversely impact the surrounding area and is consistent with the PPS, the Official Plan and The London Plan.

4.6 Natural Heritage, Natural Hazards and Natural Resources

As noted, the subject site is within the Dingman Creek watershed. The drainage channel directly east of the property is a Dingman Creek tributary as outlined on Schedule B of the Official Plan as a Natural Heritage Feature with a maximum hazard line along the top of bank in the area of the property boundary. The channel and adjoining bank areas, extending a small area onto the subject site are within the Conservation Authority Regulation Limit. The applicant received site improvement approvals in 2017 from the UTRCA. The proposed amendments will result in revised parking which is completely within the existing paved area and only new markings will be required. Therefore, there are no significant amendments to the existing approval anticipated.

4.7 Archaeological

Archaeological potential has been identified on this site, however the scope of the work indicated suggests there will be no significant site alteration or building redevelopment, and therefore there will likely be no soil disturbance. The site was fully redeveloped and disturbed during 2017. No building or site alteration is being proposed through this application and no soil disturbance is planned.

5.0 Conclusion

The proposed accessory automobile rental use, with increased outdoor storage and a reduced parking rate is consistent with the Provincial Policy Statement, 2014, and conforms to the policies of the Light Industrial Place Type in The London Plan as well as the Light Industrial policies of the 1989 Official Plan. The reuse of a portion of the existing building provides for an appropriate and compatible land use with the existing industrial uses.

Prepared by:	
	Alanna Riley, MCIP, RPP Senior Planner, Development Services
Recommended by:	
	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	
	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

August 14, 2019 AR/ar

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Appendix A

Bill No.(number to be inserted by Clerk's Office) (2019)

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 115 Bessemer Road.

WHEREAS Barnim Property Holdings Inc. has applied to rezone 115 Bessemer Road 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 115 Bessemer Road, as shown on the attached map, from a Light Industrial (LI2/LI7) Zone to Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone.
- 2) Section Number (40.4) of the Light Industrial (LI7) Zone is amended by adding the following Special Provision:

LI7() 115 Bessemer Road

- a) Additional Permitted Use
 - Automobile Rental Establishment within existing building in addition to Automotive Service and Repair
- b) Regulations
 - i) Outdoor Storage 30% of Lot Area (maximum)
 - ii) Parking 1 per 20m² (699 sq ft) (minimum)

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.

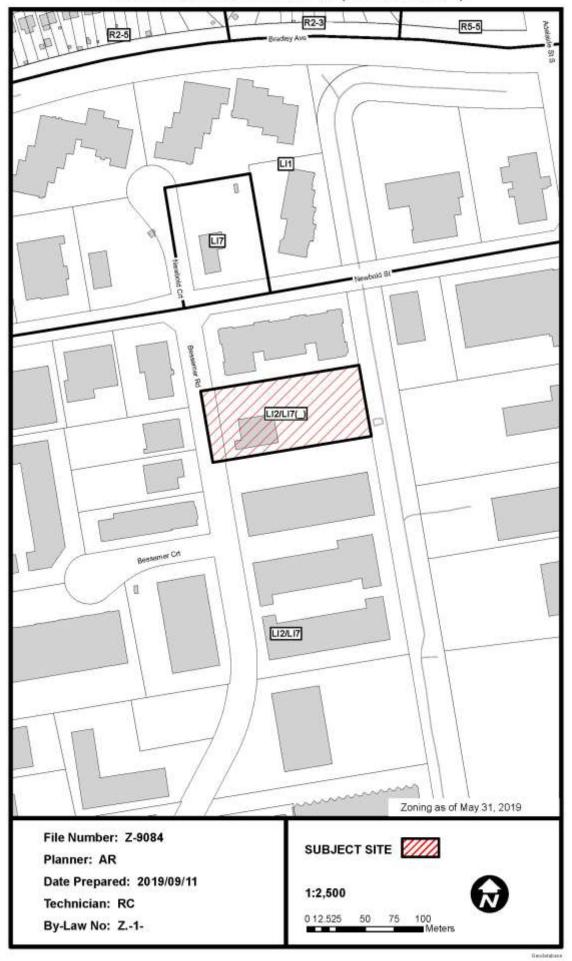
PASSED in Open Council on October 1, 2019.

Ed Holder Mayor

Catharine Saunders City Clerk

First Reading – October 1, 2019 Second Reading – October 1, 2019 Third Reading – October 1, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 26, 2019, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices* and *Bidding Opportunities* section of *The Londoner* on June 27, 2019. A "Planning Application" sign was also posted on the site.

No replies were received

Nature of Liaison:

Request to allow an automobile rental establishment as an accessory use; an increased accessory open storage of 30% (whereas a maximum of 15% is permitted; and a reduced parking rate of 1 parking space per 20m2 of building area, the parking standard for an Automobile Rental Establishment, in place of 1 parking space per 10m2 of building area.

Agency/Departmental Comments

Parks Planning

Parks Planning and Design do not have concerns with the proposed application.

Heritage

There are currently no heritage planning or archaeological issues related to this property and associated file.

Please be aware that there is Archaeological Potential identified on this property, however the scope of work indicates there is no significant site alteration or building redevelopment planned; and therefore there will likely be no soil disturbance associated with this file.

However, if the scope of work includes the likelihood of soil disturbance, a Stage 1-2 archaeological assessment will be required.

Development Services – Engineering

No comments for the re-zoning application.

The following items are to be considered during a future site plan application stage:

- The subject lands are located in the Dingman Creek Subwatershed. The City is currently finalizing phases 3 and 4 of the Dingman Creek Municipal Class Environmental Assessment (EA) by Aquafor Beech (City's Dingman Creek EA Consultant) and therefore the SWM criteria and environmental targets applicable to this site are unknown at this time.
- The Site is located within the UTRCA regulated area and as such, approval/permits should be processed/obtained.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- For at-grade parking spaces exceeding 29, including both active and storage, the owner shall be required to have a consulting Professional Engineer addressing

the water quality to the standards of the Ministry of the Environment, Conservation and Parks and to the satisfaction of the City Engineer. Applicable options to address water quality could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. along with the required sampling/inspection maintenance hole.

 Additional SWM related comments will be provided upon future review of this site.

London Hydro

This site is presently serviced by London Hydro. Contact the Engineering Dept a service upgrade is required to facilitate the new building /addition Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

Provincial Policy Statement, 2014

1.1.1 c – avoid land use conflicts
1.1.3.1 – settlement areas

1.1.3.2 - efficient use of land

1.1.3a - mix and range of employment uses

1.3.1 b - diversified economic base

1989 Official Plan

Chapter 7: Light Industrial Designation

The London Plan

1107 – Transitioning industrial areas

1110 - Light Industrial Place Type

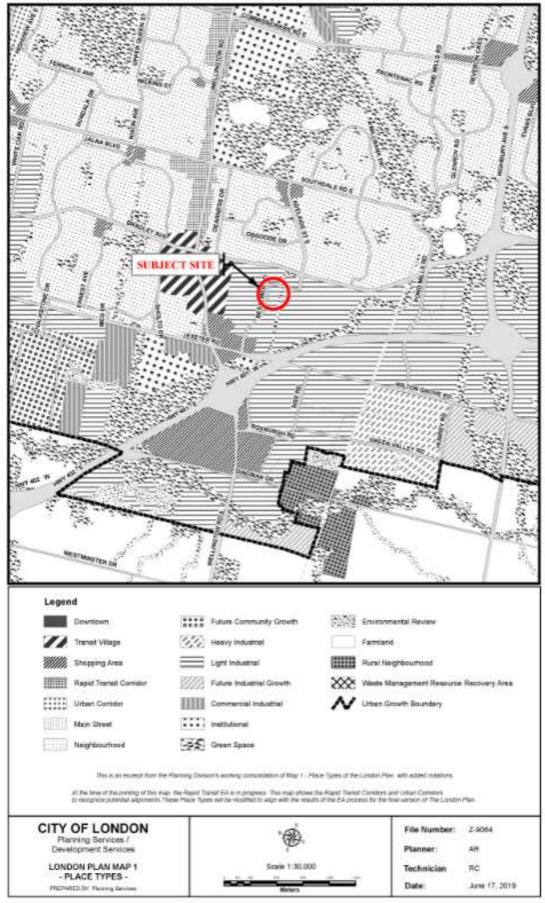
1115* - Permitted Uses

1138 - D-6 Guidelines

Appendix D – Relevant Background

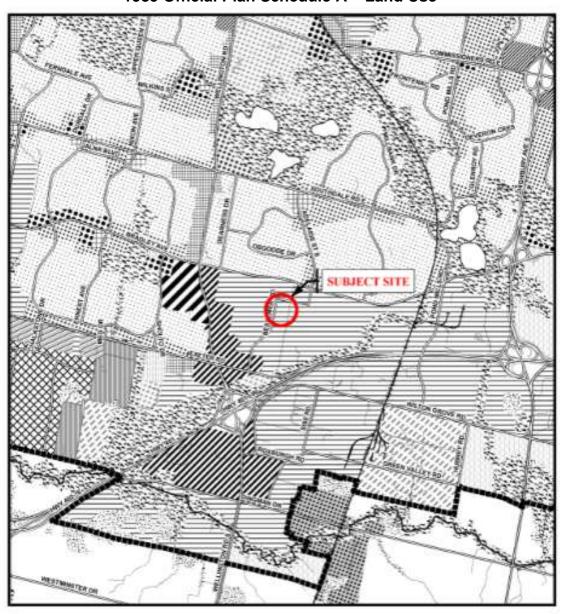
Additional Maps

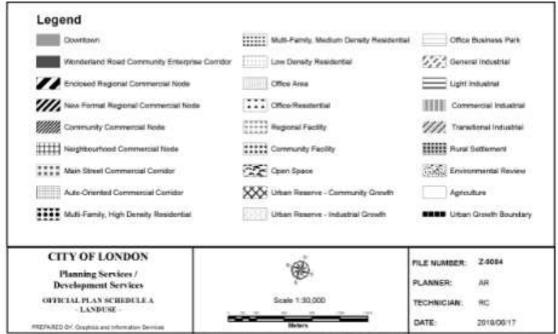
The London Plan Map 1 - Land Use



Project Location: E. Pfanning:Projects/p_officialplanworkconsplit/excepts_LondonPlanmods/Z-9384-Map1_PfaceTypes_bitw_5x14.mod

1989 Official Plan Schedule A - Land Use





PROJECT LOCATION is parryrightnesses, after partieus consultine comprised, amplies sanocied, 164, 664, 665, 8444 Find

Zoning By-law Z.-1 Map

