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File No: H-7950  
Planner: N. Pasato

<b>TO:</b>	<b>CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS  D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: HUDSON BOAT WORKS 2519 FANSHAWE PARK ROAD EAST MEETING ON MONDAY, OCTOBER 17, 2011</b>

**RECOMMENDATION**

That, on the recommendation of the Director of Development Planning and the Managing Director of Development Approvals, based on an application by Hudson Boat Works relating to the property located at 1671 & 1755 Fanshawe Park Road East, the attached proposed by-law **BE INTRODUCED** at a future meeting of the Municipal Council to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Light Industrial Special Provision (h-42\*L1(5)) Zone to remove the "h-42" holding provision.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

**OZ-6627** - Planning Committee meeting and report, April 12, 2004

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The recommended action would remove the holding provision for the site upon receipt of a signed Development Agreement, allowing for the expansion of the Hudson Boat Works facility.

**RATIONALE**

1. The property owner has submitted hydrogeological study which addresses the holding provision, specifically it indicates the proposed expansion will not have a negative impact on groundwater resources or recharge functions and that the on-site septic system is adequate for the proposed use.
2. Recommendations contained in the hydrogeological report will be incorporated into the Development Agreement. Upon receipt of a signed Development Agreement, the conditions of the holding provision will have been satisfied and it will be appropriate to remove Holding Provision h-42.
3. The applicant will also be required to submit a report on the existing septic system whether it can accommodate any building expansion under Part 8 of the Ontario Building Code. No holding provision is necessary to ensure that the septic system is adequate for the development.

**BACKGROUND**

<b>Date Application Accepted:</b> July 27, 2011	<b>Agent:</b> Concentric Associates
<b>REQUESTED ACTION:</b> removal of holding provision h-42 to permit the expansion of the existing facility.	








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### LOCATION MAP

Subject Site: 2519 Fanshawe Park Rd E  
 Applicant: Hudson Boats International Inc  
 File Number: H-7950  
 Planner: Nancy Pasato  
 Created By: Nancy Pasato  
 Date: 2011-07-28  
 Scale: 1:10100

### LEGEND

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



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<b>OFFICIAL PLAN DESIGNATION:</b>
<ul style="list-style-type: none"> <li>• Schedule "A" – Open Space</li> <li>• Schedule "B-1" – Ground Water Recharge</li> <li>• Schedule "B-2" – Aggregate Resource Area</li> <li>• Chapter 10 Special Area Policy</li> </ul>
<b>EXISTING ZONING:</b> (refer to map on page 4)
<ul style="list-style-type: none"> <li>• Holding Light Industrial Special Provision (h-42*LI1(5)) Zone</li> </ul>

<b>PLANNING HISTORY</b>
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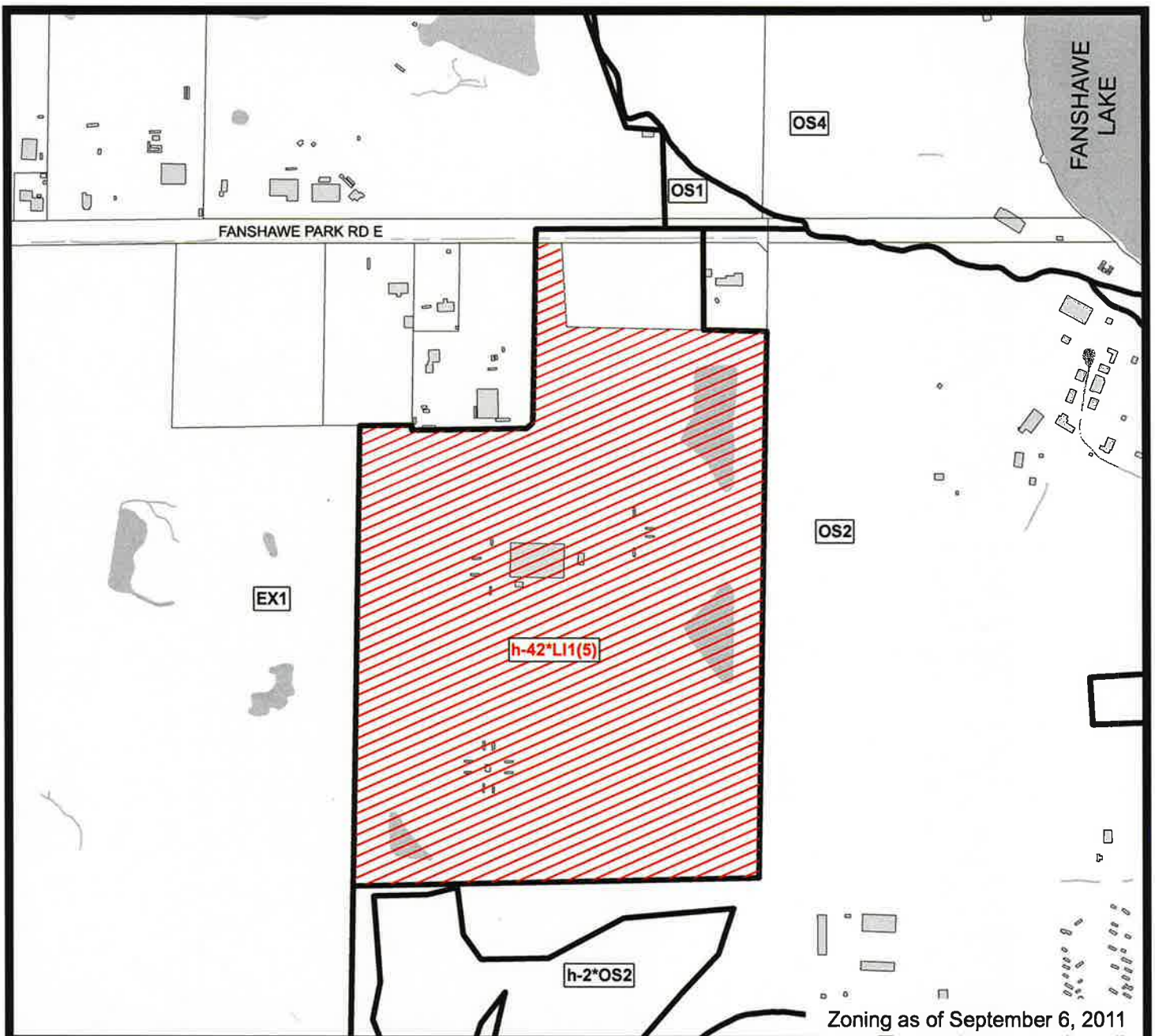
On December 19, 1994, Municipal Council adopted an amendment to the former Township of London Official Plan to change the land use designation and zoning of the subject property from Aggregate Extraction to Parks and Recreation to allow for the creation of the Sportsplex London recreation facility. The site was formally a sand and gravel pit which had been rehabilitated. An Open Space designation was applied through the OPA 88 process.

In 2003, the property owner indicated that the site was not financially viable for operation as a private recreation facility only, and they requested that the Official Plan designation be changed from Open Space to Light Industrial, and the Zoning By-law be amended from an Open Space Zone to Light Industrial Zone(s) to permit an expanded range of light industrial uses. Given the location of the property (outside of the City's Urban Growth Area) and the fact that the site is on private services, the request to change to the land use designation from Open Space to Light Industrial was not supported. It was recognized that the existing building may be appropriate for a limited range of light industrial uses and as a result, a Specific Area Policy was adopted for the site. In April, 2003, the following Special Policy as adopted for 2519 Fanshawe Park Road East:

In the Open Space designation at 2159 Fanshawe Park Road East, in addition to the uses permitted in the Open Space designation, the following policies apply:

- (a) A limited range of "dry" uses such as manufacturing and assembly activities within enclosed buildings; warehouse and wholesale establishments may be permitted subject to Policy 17.2 of this Plan;
- (b) A limited range of uses that compliment industrial uses in the area such as building or contracting establishments and support offices may also be permitted;
- (c) In addition to the uses permitted within the Open Space designation, a public and/or private training facility may also be permitted;
- (d) Existing uses will be recognized in the Zoning By-law. New uses will be considered on the basis of a site specific zoning by-law amendment application;
- (e) The maximum gross floor area permitted on the site is 5574 square metres (60,000 square feet);
- (f) The types of uses shall be limited based on their impacts on the ground water recharge function of this area.  
(Added by OPA No. 268 - approved 03/02/17)

Hudson Boat Works bought the property in early 2004 and initiated an Official Plan and zoning by-law amendment for the site to increase the maximum gross floor area of 5574 m<sup>2</sup>. The amendments were adopted in May, 2004 (OZ-6627).



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-42\*LI1(5)**

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

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

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2)  **ANNEXED AREA APPEALED AREAS**

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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

**SCHEDULE A**



FILE NO:

H-7950

NP

MAP PREPARED:

September 7, 2011

DT

1:6,500

0 250 100 150 200 Meters

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Planner: N. Pasato**

This area is delineated on Schedule B-1 of the Official Plan as a ground water recharge area. As part of the zoning approval holding provision h-42 was applied to ensure that if development occurred, it would not have an impact on the ground water recharge functions in this area.

The h-42 states:

“To ensure that the on-site septic treatment system is adequate to accommodate a proposed use and that there will not be any adverse impact on groundwater resources or recharge functions, an agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the City of London conducted by qualified professional(s) demonstrating that the use or development in the form proposed will not adversely affect the area.”

**NOTICE**

Notice of the application to remove the holding provision was published in the Living in the City section of the London Free Press on July 30, 2011.

Building Division has reviewed the Concentric Associates report and has advised that the existing septic system would be able to serve the existing building plus the proposed addition for the proposed business establishment.

The Upper Thames River Conservation Authority reviewed the July 20, 2011 Concentric study and expressed a number of concerns (attached). In summary insufficient information was contained in the report for them to conclude the proposal would not impact groundwater and area aquifers.

*DABU Note:* On October 7, 2011, Concentric provided an addendum to their earlier study which addressed the following issues:

- *confirmation of what is occurring on the site, including what chemicals, if any, are being used;*
- *preventative measures that have been taken and will be taken to ensure the groundwater will not be impacted. This should identify possible steps that may be taken IF something happens.); and lastly,*
- *identification of the open storage area and preventative measures associated with the open storage.*

**ANALYSIS**

**Proposed Addition**

Hudson Boat Works is proposing a 1265 m<sup>2</sup> expansion to the existing 2137 m<sup>2</sup> facility. When completed the facility will have a total building area of 3323 m<sup>2</sup>, which would be in conformity with the maximum building area of the site specific Light Industrial zone. In order to demonstrate the addition will not negatively impact ground water and the on-site septic treatment facility is adequate to accommodate the proposed use, the applicant retained Concentric Associates to carry out an analysis of the impacts of the proposed expansion.

The hydrogeological report, prepared by Concentric Associates, dated July 20, 2011, concluded the following:

- The former use of the building was a recreation complex, with a septic system designed for a daily loading volume of 21 800 litres (Trow), equating to 290 people per day producing 75 L each. It is Concentric's understanding that Hudson Boat works currently has 35 full time employees, and anticipates 50 employees following the expansion. The septic loading volume was calculated based on 50 employees with each employee producing 75 litres per day, resulting in a total daily loading of 3750 litres. The calculated volume is less than 20% of the original design loading volume for the recreation complex. It is not anticipated that the expansion of the building will result in impacts to the shallow overburden aquifer due to septic loading.

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- The existing building at the site has a footprint of 2137 m<sup>2</sup> and the proposed addition is 1265 m<sup>2</sup>. In its current configuration, the building occupies 0.8% of the total 25.9 hectares of the site. The 1265 m<sup>2</sup> addition will increase the total building footprint to 3402 m<sup>2</sup>, equivalent to 1.3% of the total site. It is anticipated that this relatively small increase in the building area will have a negligible effect on the infiltration to the shallow overburden aquifer at the site.

Additional information was required in order to satisfy the provision of the holding provision. On October 7, 2011 an addendum to the original report was received and it contained the following:

- Details of the chemicals inventory on site;
- Details of the manufacturing facility operations including the open storage area; and,
- Hudson's *Internal Process Review Hazardous Chemicals Leaks and Spills* document;

Of particular concern to Divisions and Agencies circulated was the risk of chemicals entering the groundwater. The Addendum outlines what chemicals are used and the steps taken to ensure groundwater is not contaminated. Semi-solid resins are mixed in a designated area, the floor drains of which have been sealed to prevent migration of leaks or spills. A spill proof containment tray provides a precautionary measure for resin storage.

As summarized in the Concentric Reports, the expansion accounts for less than 20% of the original design loading volume for the recreation complex, based on the projected 50 employees post expansion. No impacts to the shallow overburden aquifer due to septic loading are anticipated. The size of the addition does not directly correlate to an increased number of employees at the facility which would increase septic loading.

Holding Provision h-42 states an agreement shall be entered into specifying any necessary preventative measures. To date an agreement has not been entered into. Given the urgency of the proposed expansion (Hudson Boat Works manufactures racing hulls to be used in the 2012 Olympics) and the time limitations of the Built and Natural Environment Committee schedule, it is recommended the Committee proceed with the request to remove the holding provision. The applicant is expected to enter into the development agreement shortly and when it does, Council will be in a position to pass the amending by-law.

Further assurances that there will be not impacts to groundwater in the area can be found through the building permit process. As Part 8 of the Ontario Building Code, the City's Building Division will be requesting a report on the existing septic system and whether it can accommodate any building expansion. No building permit will be issued for the proposed addition if the requirements of Part 8 have not been met. No holding provision is necessary in order to require this additional study.

It should also be noted that any if any additional expansions are planned, the applicant will be required to demonstrate area aquifers and groundwater will not be impacted. The lands are identified as a groundwater recharge area on Schedule "B-1" of the Official Plan and the Site Plan Approval Authority must have regard for the Official Plan when approving a site plan.

<b>CONCLUSION</b>
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The applicant has submitted a hydrogeological study which indicates the existing septic system is adequate to accommodate the expansion and no impacts to the shallow aquifer is anticipated. It also contains manufacturing operational details which ensures chemicals stay within the facility. Upon the applicant entering into a Development Agreement which contains all necessary preventative measures to protect groundwater in the area, Holding Provision h-42 will be satisfied. For the reasons outlined above, it is recommended the Committee remove Holding Provision h-42.

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File No: H-7950  
Planner: N. Pasato

FOR

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
NANCY PASATO, MCIP, RPP SENIOR PLANNER – DEVELOPMENT PLANNING	JEFF LEUNISSEN, MCIP, RPP MANAGER – DEVELOPMENT PLANNING
<b>RECOMMENDED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
	
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	D.AILLES, P.ENG MANAGING DIRECTOR DEVELOPMENT APPROVALS

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Planner: N. Pasato**

### **BIBLIOGRAPHY**

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

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1
- Hydrogeological Review, Concentric Engineering, July 20, 2011 and October 7, 2011
- Macar, Drago, City of London Building Division, September 21, 2011 email
- Creighton, Christine, Upper Thames River Conservation Authority, letters dated August 11, 2011 and October 4, 2011



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**File No: H-7950  
Planner:N. Pasato**

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

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

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located at 2519 Fanshawe Park Road East.

WHEREAS Hudson Boat Works has applied to remove the holding provision from the zoning for an area of land located at 2519 Fanshawe Park Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

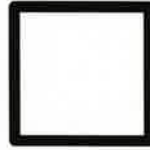
1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2519 Fanshawe Park Road East, as shown on the attached map comprising part of Key Map No. 7 to remove the holding provision so that the zoning of the lands as a Light Industrial Special Provision (LI1(5)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 24, 2011.

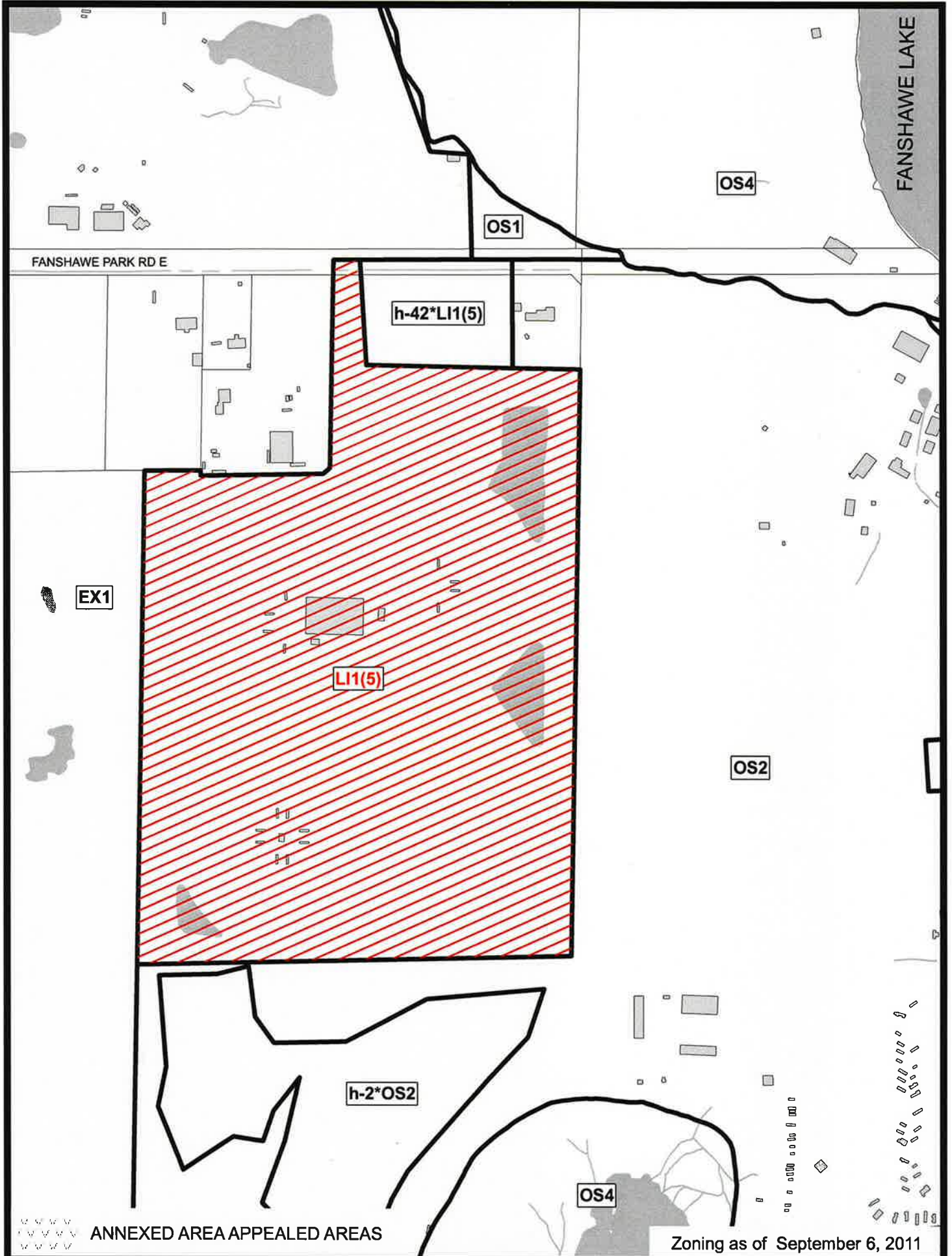
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading -  
Second Reading -  
Third Reading -



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



ANNEXED AREA APPEALED AREAS

Zoning as of September 6, 2011

**File Number: H-7950**

**Planner: NP**

**Date Prepared: September 7, 2011**

**Technician: DT**

**By-Law No: Z.-1-**

**SUBJECT SITE**



**1:5,000**

