

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: Southside Construction Management Ltd.
1992 Fanshawe Park Road East
File Number: TZ-9636, Ward 07
Date: September 11, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Southside Construction Management Ltd. relating to the property located at 1992 Fanshawe Park Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 26, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, by extending the Temporary Use (T-45) Zone for a period not exceeding three (3) years.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii) The recommended amendment conforms to the in-force policies of The London Plan and the Farmland Place Type policies.
- iii) The recommended temporary use provides the portion of the subject property used for the golf driving range the opportunity reverted back to agricultural use should the lands be required for that purpose.

Executive Summary

Summary of Request

The recommended amendment would permit the continuation of the existing temporary seasonal golf driving range facility for an additional three (3) years.

Purpose and Effect of Recommended Action

The purpose and effect of this zoning change is to extend the existing Temporary Use (T-45) Zone to allow for the continuation of the existing golf driving range facility on the subject lands for three years.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-5817 – Report of the Commissioner of Planning and Development, January 10, 2000, recommending the extension of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

Z-6417 – Report to the Planning & Environment Committee, March 10, 2003, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

TZ-7085 - Report to the Planning & Environment Committee, March 20, 2006, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

TZ-7635 - Report to the Planning & Environment Committee, March 23, 2009, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than one year from the date of the passing of the by-law.

TZ-7831 - Report to the Planning & Environment Committee, December 13, 2010, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

TZ-8307 - Report to the Planning & Environment Committee, December 13, 2013, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

TZ-8734 - Report to the Planning & Environment Committee, April 3, 2017, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

TZ-9177 - Report to the Planning & Environment Committee, June 22, 2020, recommending the approval of a temporary zone to permit a golf driving range and accessory structures for a period of not more than three years from the date of the passing of the by-law.

1.2 Planning History

The existing golf driving range was established on the subject property through a temporary use by-law approved by the Township of London Council in 1991 for a period no longer than three (3) years. That temporary use by-law expired in 1994. A subsequent temporary use by-law to the former Township of London By-law No. 5000 was approved by the City of London Council in 1997 and an extension to the temporary use by-law was approved in 2000, and extensions to the temporary use by-law were approved in 2003, 2006, 2009, 2010, 2014, 2017 and 2020. The existing golf driving range is currently permitted by the Temporary (T-45) Zone in the City of London Zoning By-law Z.-1.

1.3 Property Description and Location

The subject property is located to the west of the intersection of Fanshawe Park Road West and Hyde Park Road. The subject property is located on the south side of Fanshawe Park Road West, outside of the City's Urban Growth Boundary and is immediately adjacent to the City's western boundary. The site is currently occupied by a golf driving range and its accessory uses as well as agricultural land used for crop production.

Site Statistics:

- Current Land Use: Temporary golf driving range and accessory uses
- Frontage – Approximately 163 metres (535 feet)
- Depth – Approximately 485 metres (1,591 feet)
- Area – Approximately 7.9 hectares (19.5 acres)
- Shape – Rectangular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North – Agricultural and Residential
- East – Agricultural
- South – Agricultural and Residential
- West – Agricultural and Residential

Existing Planning Information:

- The London Plan Place Type – Farmland
- Existing Zoning – Agricultural/Temporary Use (AG1/T-45) Zone

Additional site information and context is provided in Appendix “B”.

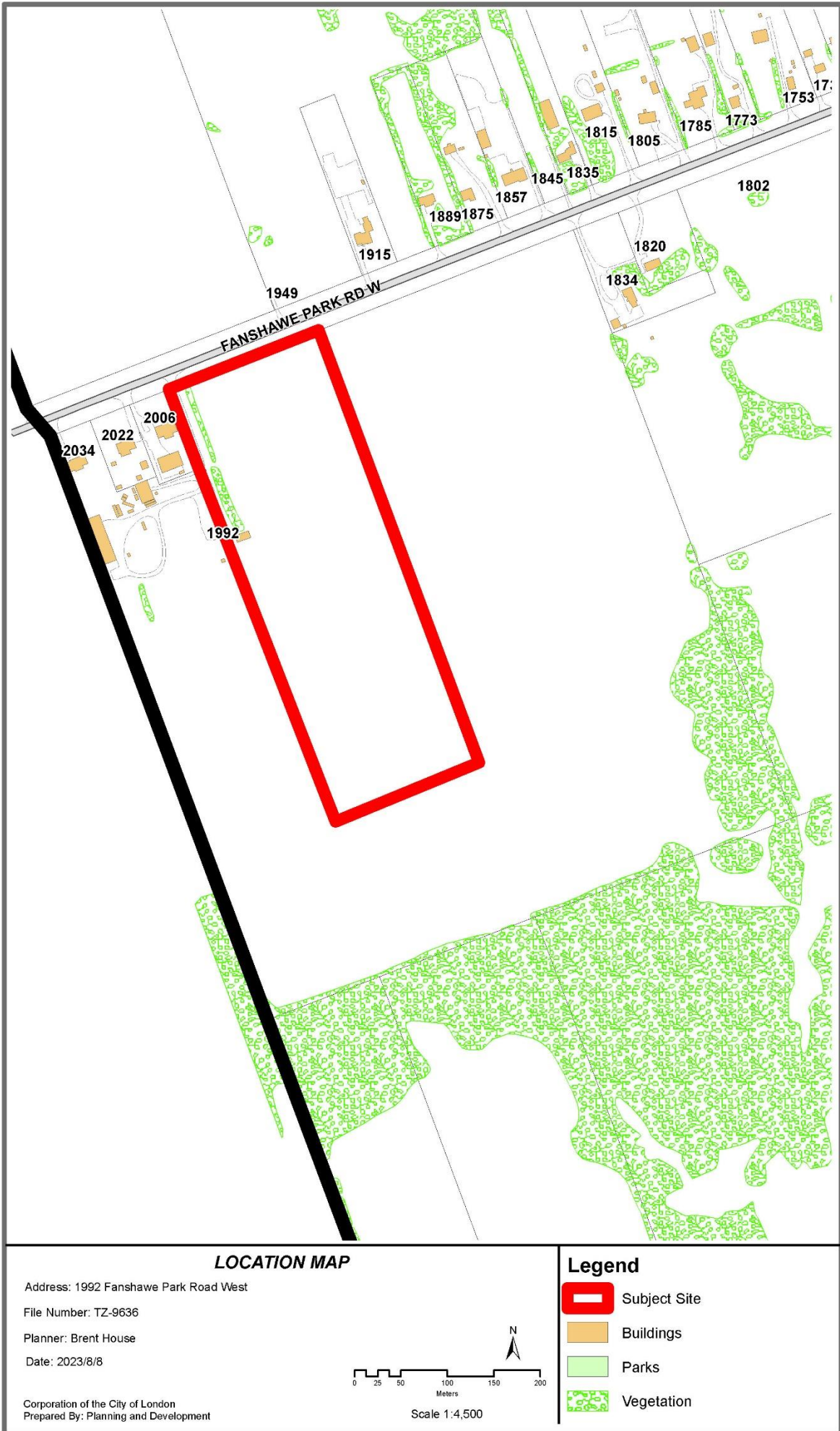


Figure 1- Aerial Photo of 1992 Fanshawe Park Road West and surrounding lands



Figure 2 - Streetview of 1992 Fanshawe Park Road West (view looking at Driving Range use)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to extend the Temporary (T-45) Zone on the property at 1992 Fanshawe Park Road West to continue to permit the golf driving range and accessory uses. No new development is proposed as part of the application.

Additional information on the development proposal is provided in Appendix “B”.

Additional plans and drawings of the development proposal are provided in Appendix “D”.

2.2 Requested Amendment(s)

The applicant is requesting to extend the existing Temporary (T-45) Zone for an additional three (3) year period.

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- None

Detailed internal and agency comments are included in Appendix “C” of this report.

2.4 Public Engagement

On July 19, 2023, Notice of Application was sent to 19 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 20, 2023.

There were no responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, *The London Plan*. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of *The London Plan*, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in *The London Plan* analysis below.

As the application for a Zoning By-law amendment complies with *The London Plan*, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Extension of Temporary Use

Provincial Policy Statement, 2020 (PPS)

The intent of the Agricultural policies, as set out in Section 2.3 of the PPS, is to ensure that agriculture remains the predominant use in prime agricultural areas; that prime agricultural areas are protected for the long-term; that land taken out of agricultural production, if any, is minimal; and that non-agricultural uses are compatible with agricultural uses. The existing golf driving range is a long-established non-agricultural use within a prime agricultural area. As it currently exists, the golf driving range is compatible

with the surrounding agricultural uses, residential uses and natural heritage features. The existing golf driving range is a seasonal outdoor and low-impact use. As part of the recommended extension of the temporary use zone, no new permanent buildings or structures, or additions to the permanent buildings or structures, are proposed. Additionally, the portion of land used for the golf driving range can be easily reverted back for agricultural purposes if needed.

The London Plan

Temporary Use Provisions

Policy 1671_ in The London Plan permits Council to pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Plan, for renewable periods of time not exceeding three (3) years, provided the general intent and purpose of the Plan is maintained.

The London Plan provide policies when considering temporary use by-laws which direct Council to have regard for compatibility with the surrounding land uses and consideration of the long-term intended use of the land. The policies within The London Plan, Policy 1672_ 1 through 9, contain direction with respect to the compatibility with surrounding land uses.

The subject property is surrounded predominately by agricultural uses with some residential uses located along Fanshawe Park Road West. The subject property also includes natural heritage features and a related riverine flood hazard to the south. The portion of the subject property used for the existing golf driving range is well removed from the natural heritage features and poses no impacts. The riverine flood hazard is not a concern for the continued safe operation of the existing golf driving range. Furthermore, the existing golf driving range is compatible with the surrounding land uses and is not known to cause excessive noise, vibration, air or water contaminants, or other emissions, that would adversely impact the surrounding agricultural uses, residential uses and the natural heritage features.

Fanshawe Park Road West is an inter-urban transportation route and higher-order road that can accommodate the traffic that is anticipated to be generated by the golf driving range and its accessory uses. The subject property is of sufficient size to accommodate the required on-site parking for the existing golf driving range and its related site traffic circulation/movements.

The existing use of the golf driving range is a seasonal outdoor and low-impact use on the lands. No new permanent buildings or structures, or additions to permanent buildings or structures, are proposed as part of requested extension. The golf driving range occupies less than a quarter of the overall property size. The majority of the subject lands are used for agricultural purposes including crop production. The portion of land used for the existing golf driving range can easily revert back to agricultural use should golf driving range cease operations or be required to do so. The golf driving range will not preclude the subject property nor the surrounding area from future planning and development. The recommended extension of the temporary use zone to permit the existing golf driving range and accessory uses on the subject property for an additional three (3) year period conforms to the temporary use provisions.

Farmland Place Type policies within The London Plan aim to minimize the loss of prime agricultural areas to non-agricultural uses. The driving range accounts for 7.8 hectares (20%) of the current usable space on the parcel. The larger parcel equates to 40 hectares in land, meaning that 32.2 hectares of the land (80%) is currently being utilized for farmland. As The London Plan aims to minimize the loss of prime agricultural areas, majority of the parcel is still being farmed, with a small portion of the lands (20%) being allocated to the driving range. As the use is temporary, it is in keeping with The London Plan policies and the existing driving range is compatible with the surrounding uses and does not prevent the lands from being reverted back to agricultural uses.

More information and details are available in Appendix B and C of this report.

Conclusion

The recommended extension to the temporary zone is consistent with the Provincial Policy Statement (2020), and The London Plan, including the temporary use policies. The existing golf driving range and accessory uses are located on the subject property were established by temporary use by-laws approved in 1991, 1997 and 2000. Extensions to the temporary use zone for the golf driving range were approved in 2003, 2006, 2010, 2014, 2017 and 2020. The existing golf driving range is compatible with the surrounding uses and does not prevent the lands from being reverted back to agricultural uses.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit the extension of a golf driving range on the subject lands for a period not exceeding three (3) years.

Prepared by: Brent House, Planner

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1992
Fanshawe Park Road West

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

WHEREAS Southside Construction Management Limited has applied to extend the Temporary Use (T-45) Zone relating to property located at 1992 Fanshawe Park Road West, as set out below for a period not exceeding three (3) years as shown on the map attached as Schedule "A";

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-051390 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 24, 2003;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-061476 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 27, 2006;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-091848 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period until October 3, 2010;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-111974 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning January 24, 2011;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-142277 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 18, 2014;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172580 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning May 16, 2017;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172580 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning June 29, 2020;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1992 Fanshawe Park Road West, to extend the temporary use to permit a golf driving range and accessory uses for a period not exceeding three (3) years beginning September 26, 2023

2) Section Number 50.2 of the Temporary (T) Zone is amended by adding the following subsection for a portion of the lands at 1992 Fanshawe Park Road West:

) T-45

“This temporary use is hereby extended until September 26, 2026.”

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 September 26, 2023

Josh Morgan
Mayor


Michael Schulthess
City Clerk

First Reading – September 26, 2023
Second Reading – September 26, 2023
Third Reading – September 26, 2023

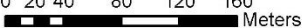
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: TZ-9636
Planner: BH
Date Prepared: 2023/8/8
Technician: RC
By-Law No: Z.-1-233131

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters 



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Driving Range
Frontage	163 metres (535 feet)
Depth	485 metres (1,591 feet)
Area	7.9 hectares (19.5 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Agricultural and Residential
East	Agricultural
South	Agricultural and Residential
West	Agricultural and Residential

Proximity to Nearest Amenities

Major Intersection	Fanshawe Park Road West/Hyde Park Road, 1,413.1 metres
Dedicated cycling infrastructure	London Hyde Park Rotary Link, 560.9 metres
London Transit stop	Fanshawe Park Road West/Hyde Park Road, 1,413.1 metres
Public open space	London Hyde Park Rotary Link, 560.9 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Farmland Place Type, fronting Rural Thoroughfare
Current Special Policies	Temporary Zone T-45
Current Zoning	AG1/T-45

Requested Designation and Zone

Requested Place Type	Place Type, Street Classification
Requested Special Policies	Temporary Zone T-45
Requested Zoning	AG1/T-45

Environmental Impact

Tree removals	N/A
Tree plantings	N/A
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	Yes
Green building features	Unknown

Appendix C – Internal and Agency Comments

Site Plan

- No Comments.

Landscape Architecture

- No Comments.

Ecology

- No Comments.

Water Engineering

- The subjected site is outside of urban growth boundary and no municipal watermain available for this property.
- There is no objection for continuing it as a golfing range without municipal water supply.

UTRCA

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

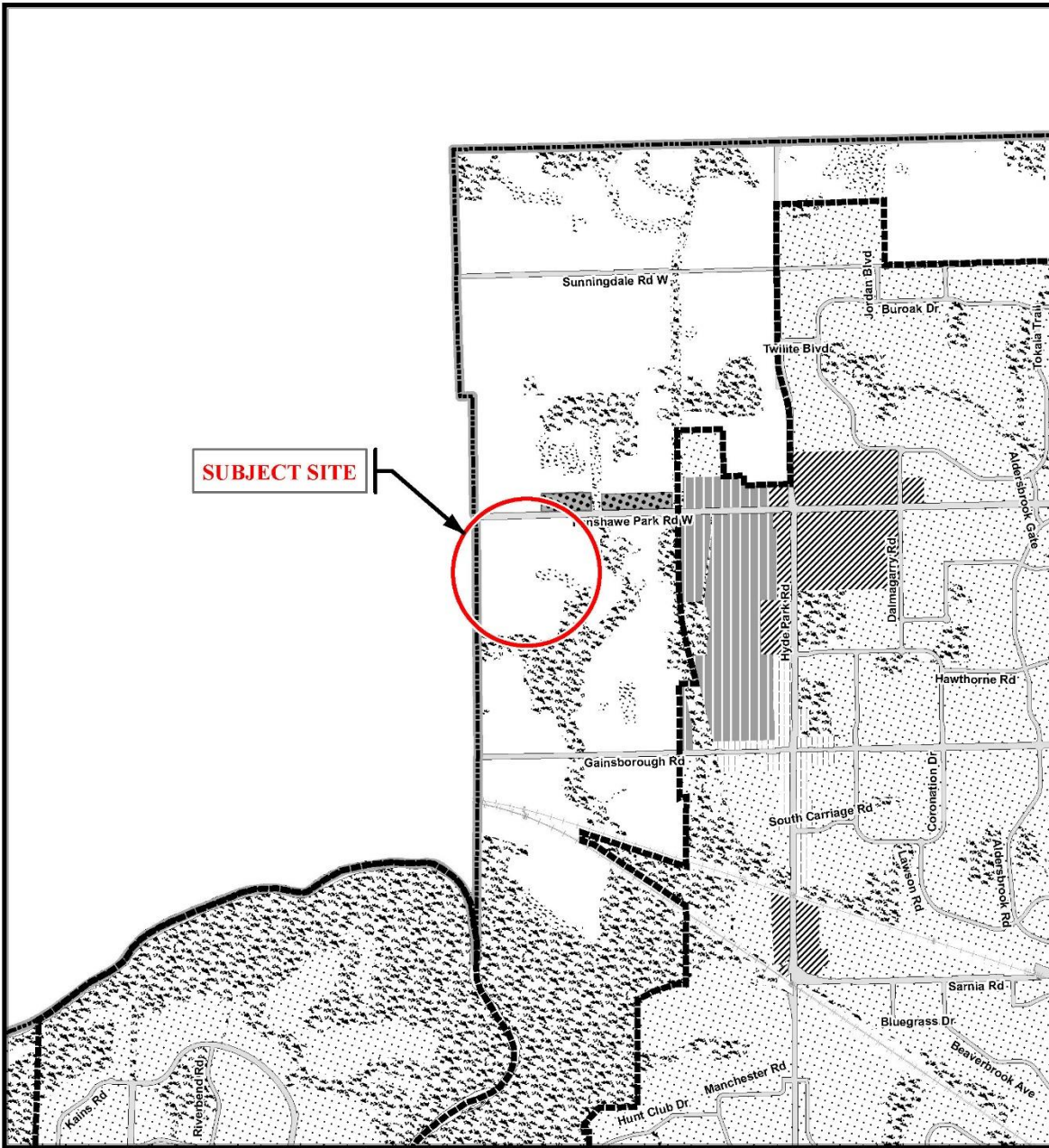
Urban Design

- As there are no changes to the site, there are no Urban Design comments for the TZBA at the above-noted address.

Parks Planning

- Continuation of temp use, no comments from Parks.

Appendix D – Mapping



SUBJECT SITE

Legend

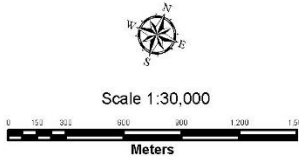
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

**CITY OF LONDON
Official Plan**

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development

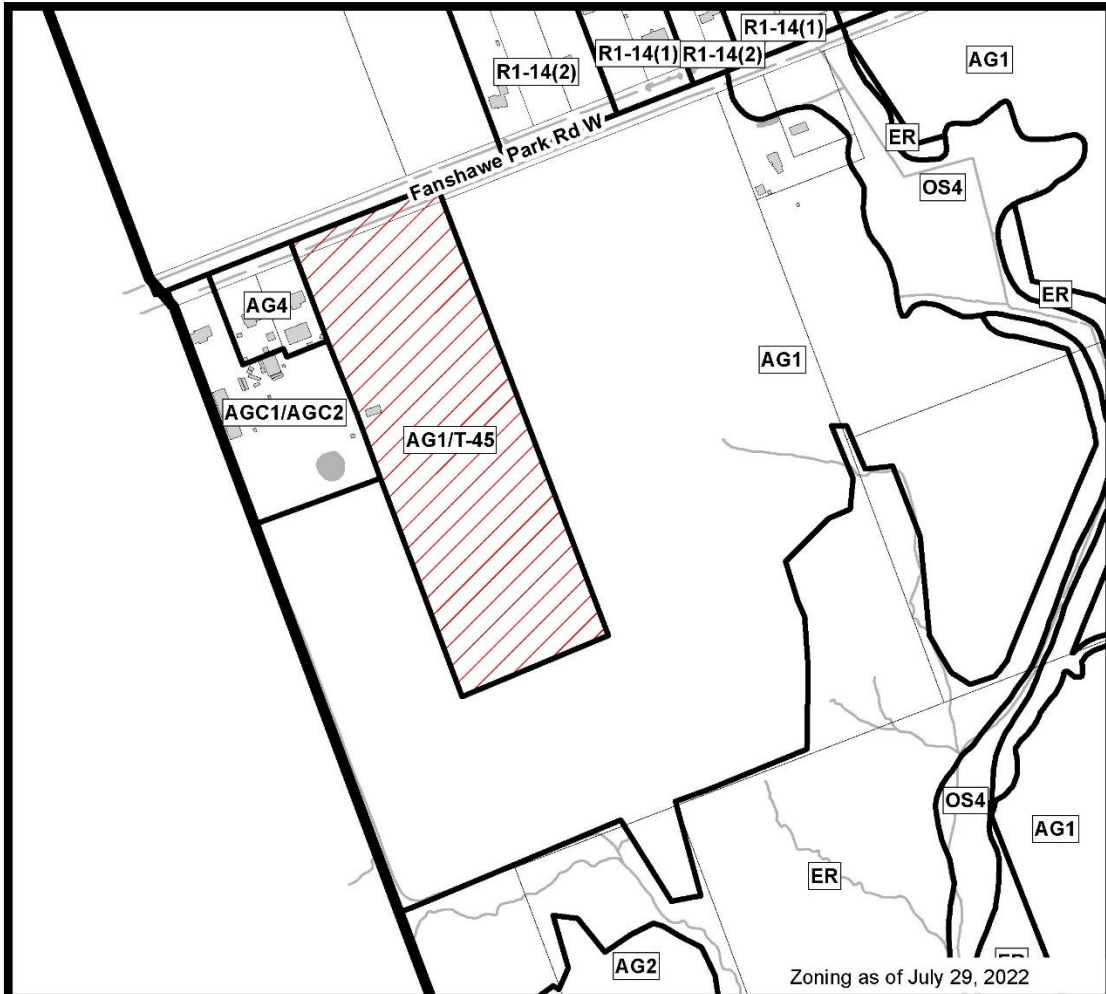


File Number: TZ-9636

Planner: BH

Technician: RC

Date: 2023/8/8



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS4(2)

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

TZ-9636

BH

MAP PREPARED:

2023/08/08

RC

1:6,000

0 30 60 120 180 240
Meters