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File: TZ-8734
Planner: Melissa Campbell

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: KEN VAN STEENSEL 1992 FANSHAWE PARK ROAD WEST PUBLIC PARTICIPATION MEETING ON MAY 8, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Ken Van Steensel relating to the property located at 1992 Fanshawe Park Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 16, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to extend the Temporary Use (T-45) Zone to permit a golf driving range and accessory uses for an additional three (3) year period.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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TZ-7085, TZ-7635, TZ-7831, and TZ-8307 – Reports to Committee in 2006, 2009, 2010 and 2014 for extensions to the temporary use by-law established by City of London Council in 1997.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

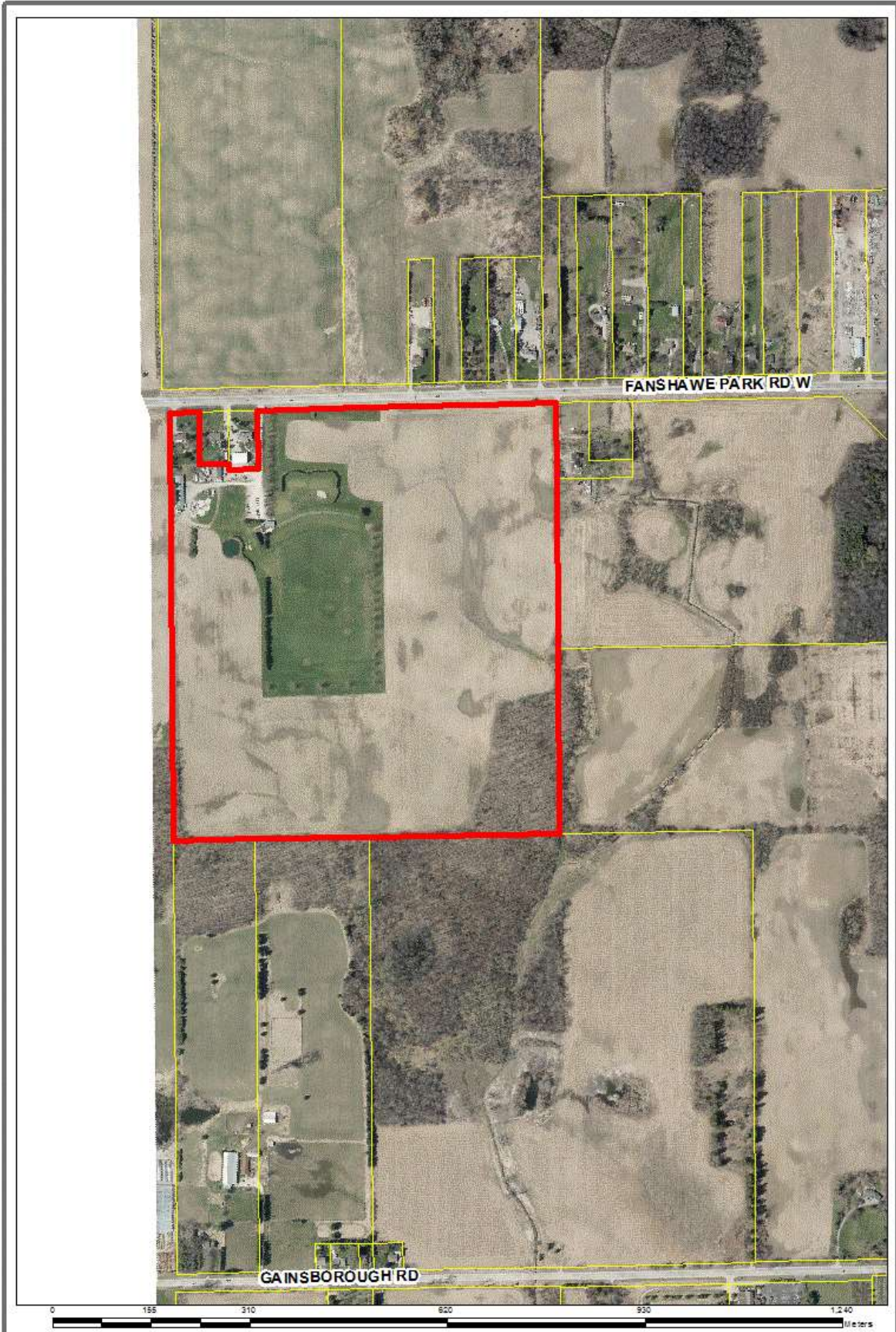
To continue to permit the existing golf driving range and accessory uses for an additional three (3) year period.

RATIONALE

1. The recommended extension of the Temporary Use (T-45) Zone conforms to the criteria for temporary uses in Section 19.4.5 of the Official Plan and in Policy 1672 of the London Plan.
2. The golf driving range permitted by the Temporary Use (T-45) Zone is a seasonal outdoor use and a low-impact use. The golf driving range is compatible with the surrounding land uses and has operated on the subject property for an extended period of time without any serious adverse impacts for the surrounding agricultural uses, residential uses and natural heritage features.
3. The portion of the subject property used for the golf driving range can easily revert back to agricultural use should the lands be required for that purpose; and the golf driving range will not preclude the subject property or the surrounding area from future planning and development.
4. The subject property is a sufficient size to accommodate the existing golf driving range, the required on-site parking and related traffic movements/circulation.

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LOCATION MAP

Subject Site: 1992 Fanshawe Park Rd W
Applicant: Ken Van Steensel
File Number : TZ-8734

Planner : MC
Created By : MB
Date : 2017/03/06
Scale : 1:7000

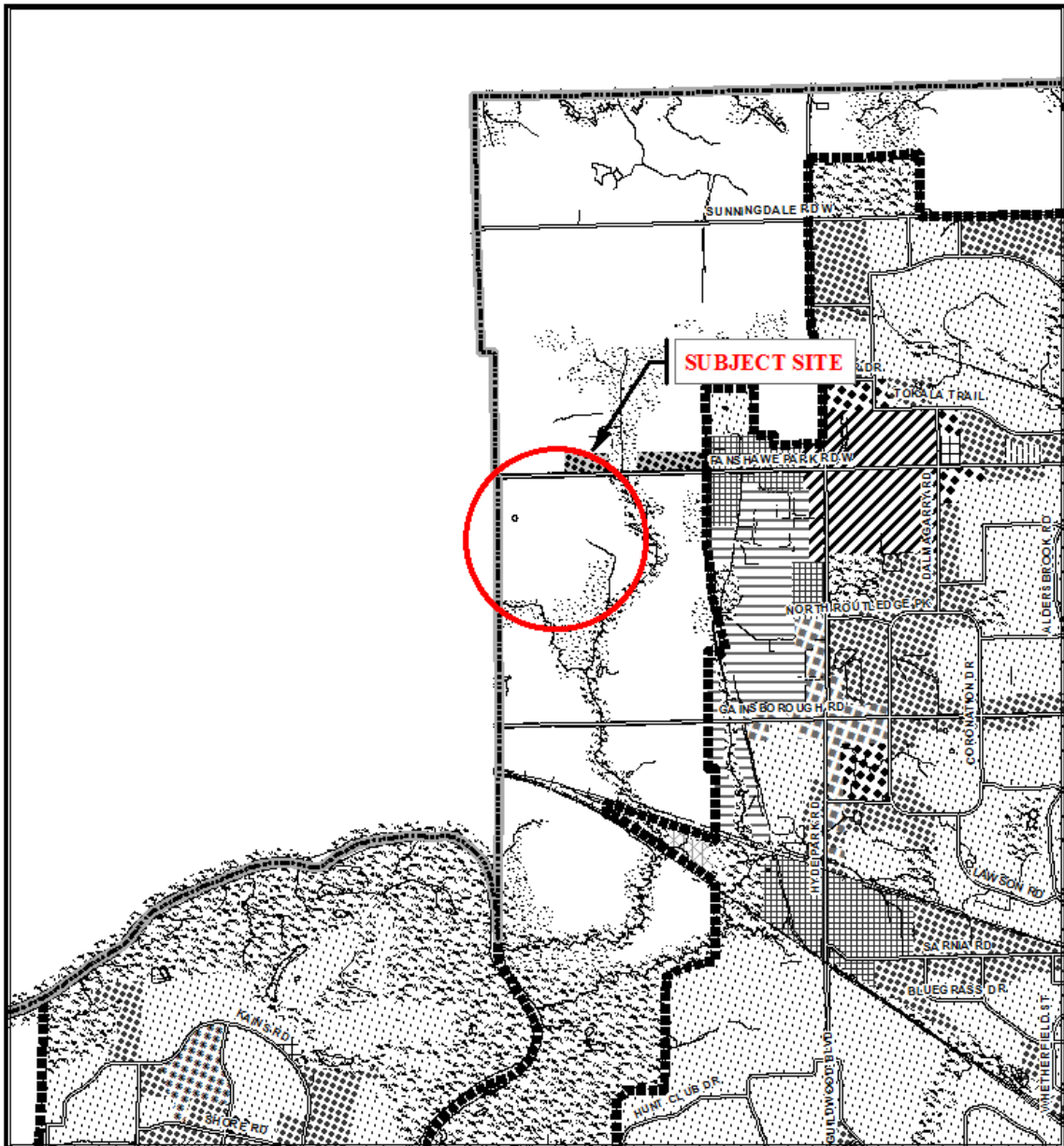
Legend

 Subject Site



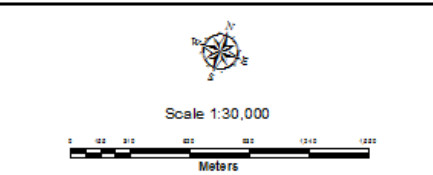
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Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

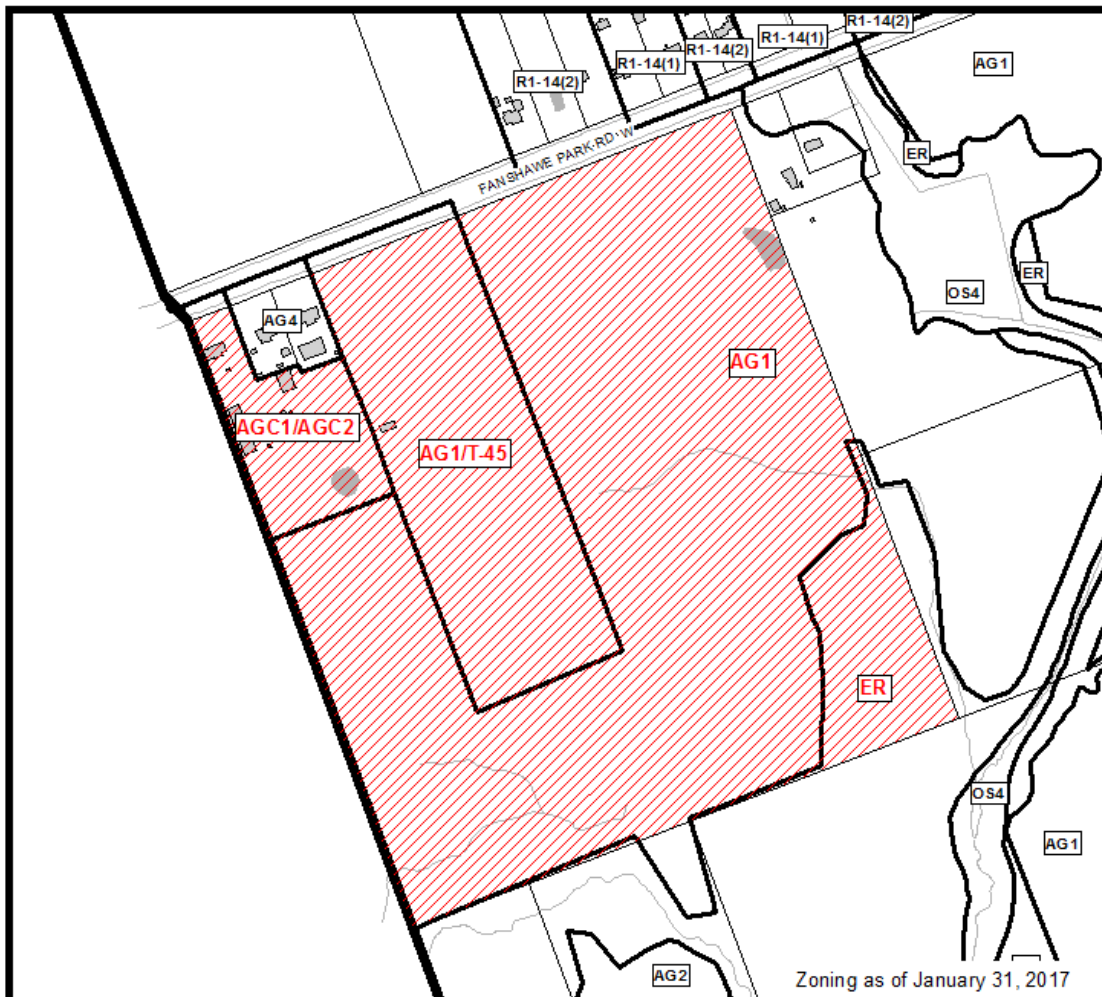
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-8734
 PLANNER: MC
 TECHNICIAN: ME
 DATE: 2017/03/08

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AGC1/AGC2 and AG1/T-45 and AG1 and ER

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

- | | |
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| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
|--|---|

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p>	FILE NO: TZ-8734 MC
<p>ZONING BY-LAW NO. Z-1 SCHEDULE A</p>	MAP PREPARED: 2017/03/06 MB
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS	1:6,000 0 30 60 120 180 240 Meters

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BACKGROUND

Date Application Accepted: January 17, 2017	Agent: Ken Van Steensel
REQUESTED ACTION: To extend the temporary use zone to permit the existing golf driving range and accessory uses for an additional three (3) year period.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Temporary golf driving range and accessory uses • Frontage – Approximately 163 meters (535 feet) • Depth – Approximately 485 meters (1,591 feet) • Area – Approximately 7.9 hectares (19.5 acres) • Shape - rectangular

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

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Agricultural
THE LONDON PLAN PLACE TYPE:
<ul style="list-style-type: none"> • Farmland
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Agricultural/Temporary Use (AG1/T-45) Zone

PLANNING HISTORY

The existing golf driving range was established on the subject property by a temporary use by-law approved by the Township of London Council in 1991 for a period not 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 extensions to the temporary use by-law were approved in 2000, 2003, and 2006. A temporary use by-law to City of London Zoning By-law Z.-1 was approved by City of London Council in 2003, and extensions to the temporary use by-law were approved in 2006, 2009, 2010, and 2014. The existing golf driving range is currently permitted by the Temporary (T-45) Zone in City of London Zoning By-law Z.-1.

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

March 1, 2017: Upper Thames River Conservation Authority (“UTRCA”) – the UTRCA has no objections to this application or permit requirements.

February 28, 2017: City of London, Wastewater and Drainage Division (“WADE”) – has no comment.

February 16, 2017: The Conseil Scolaire Viamonde – has no comment.

February 15, 2017: City of London, Transportation Planning and Design Division - a road widening dedication of 18.0 meters from centre line is required on Fanshawe Park Road West. The above comment, among other engineering and transportation issues, will be addressed in greater detail if/when Site Plan Approval is required for these lands.

PUBLIC LIAISON:	On February 9, 2017, Notice of Application was sent to 22 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on February 10, 2017. A “Possible Land Use Change” sign was also posted on the site.	1 reply was received
Nature of Liaison: The purpose and effect of this zoning change is to continue to permit a temporary golf driving range for an additional three (3) years. Possible change to Zoning By-law Z.-1 by extending the Agricultural/Temporary Use (AG1/T-45) Zone for an additional three (3) years.		
Responses: Response requested clarification regarding the purpose of the Zoning By-law Amendment.		

ANALYSIS

The subject parcel is a large agricultural parcel approximately 40 hectares (90 acres) in size, of which, approximately 7.9 hectares (19.5 acres) is used for a golf driving range and accessory uses permitted through a series of temporary use by-laws and extensions beginning in 1991. The purpose of the recommended amendment is to extend the current Temporary Use (T-45) Zone to continue to permit the existing golf driving range and accessory uses for an additional three (3) year period expiring on May 16, 2020.

2014 Provincial Policy Plan

The Provincial Policy Statement (“PPS”) 2014, provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent” with policy statements issued under the Act.

The intent of the Agricultural policies (Section 2.3) in 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 in a prime agricultural area. As it currently exists, the golf driving range has achieved an acceptable level of compatibility with the surrounding agricultural uses, residential uses and natural heritage features. The existing golf driving range is a seasonal

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outdoor use and a low-impact use. No new permanent buildings or structures, or additions to permanent buildings or structures, are contemplated as part of the recommended extension of the temporary use zone. The portion of the subject property used for the golf driving range can easily revert back to agricultural use should the lands be required for that purpose. The recommended extension of the temporary zone does not establish the golf driving range as a permanent use in a prime agricultural area and therefore, is consistent with the PPS.

1989 Official Plan

The existing golf driving range is located on lands designated “Agricultural” on Schedule ‘A’ – Land Use in the City of London 1989 Official Plan (“Official Plan”). Fanshawe Park Road West is identified as an “Arterial” road on Schedule ‘C’ – Transportation Corridors in the Official Plan. The Agricultural designation is applied to lands outside of the area intended for urban development, where agriculture and farm-related activities are the predominant land use. Section 9.2.1 in the Official Plan establishes that land designated “Agricultural” shall be for the cultivation of crops and/or the raising of livestock. Consistent with Provincial policy, the Agricultural policies in the Official Plan aim to minimize the loss of prime agricultural areas to non-agricultural uses.

London Plan

The existing golf driving range is located on lands within the “Farmland” Place Type on Map 1 – Place Type in the London Plan. The London Plan identifies the portion of Fanshawe Park Road West abutting the subject property as a “Rural Thoroughfare” on Map 3 – Street Classifications in the London Plan. Policy 1183_ in the London Plan establishes that the primary role of Farmland is to serve and support agricultural uses and normal farm practices. Consistent with Provincial policy, the Farmland policies of the London Plan aim to minimize the loss of prime agricultural areas to non-agricultural uses.

Temporary Use Provisions

Section 19.4.5 in the Official Plan and Policy 1671_ in the London Plan, permit Council to pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Plans, for renewable periods of time not exceeding three (3) years, provided the general intent and purpose of the Plans are maintained.

When considering temporary use by-laws, Section 19.4.5 a) through g)) in the Official Plan and Policy 1672_ 1. through 9. in the London Plan, direct Council to have regard for compatibility with the surrounding land uses and consideration of the long-term intended use of the land.

The subject property is surrounded predominately by agricultural uses with some residential uses located along Fanshawe Park Road West. The subject property includes natural heritage features and a related riverine flood hazard to the south. The portion of the subject property used for the golf driving range is well removed from the natural heritage features. The riverine flood hazard is not a concern for the continued safe operation of the existing golf driving range. 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 natural heritage features.

Fanshawe Park Road West is an intra-urban transportation route and higher-order road that can accommodate the traffic anticipated to be generated by the golf driving range and accessory uses. The subject property is a sufficient size to accommodate the required on-site parking for the golf driving range and related site traffic circulation/movements. The City’s Transportation Planning and Design Division has provided comments regarding a road widening dedication on Fanshawe Park Road West. These comments are provided for information to the applicant should Site Plan Approval be required at some future point in time. Transportation Planning and Design did not identify any adverse traffic impacts with the recommended extension of the temporary use zone.

The existing golf driving range is a seasonal outdoor use and a low-impact use. No new permanent buildings or structures, or additions to permanent buildings or structures, are

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contemplated as part of the recommended extension of the temporary use zone. The golf driving ranges occupies less than a quarter of the overall property size. The majority of the subject property is used for agricultural crop production. The portion of the subject property used for the golf driving range can easily revert back to agricultural use should the lands be required for that purpose. 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) years conforms to the temporary use provisions in the 1989 Official Plan and the London Plan.

Zoning By-law Z.-1

The Agricultural (AG1) Zone is intended to implement the Agricultural designation in the Official Plan. The AG1 Zone permits a range of non-intensive agricultural uses and limited non-agricultural uses. The existing golf driving range and accessory uses located on the subject property are permitted by the Temporary Use (T-45) Zone.

CONCLUSION

The existing golf driving range and accessory uses located on the subject property were established by temporary use by-laws approved in 1991, 1997, and 2003. Extensions to the temporary use zone were approved in 2000, 2003, 2006, 2009, 2010 and 2014. The existing golf driving range is a seasonal outdoor use and a low-impact use which is consistent with the 2014 Provincial Policy Statement and conforms the intent of the temporary use policies of the Official Plan.

PREPARED BY:	SUBMITTED BY:
MELISSA CAMPBELL, MCIP, RPP CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

March 21, 2017
MJC/mjc

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
John Sorrenti 2079 Fanshawe Park Road West, London N6H 0H6	

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Bibliography of Information and Materials
TZ-8734

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Ken Van Steensel, January 17, 2017.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P. 13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

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. *London Plan*, December 28, 2017, as modified.

Correspondence: (all located in City of London File No. TZ-8734 unless otherwise stated)

City of London -

Roobroeck R., Development Services. Memo to M. Campbell. March 6, 2017.

Moore R., Wastewater and Drainage Division. email to M. Campbell. February 28, 2017.

Giesen A., Transportation Planning and Design Division. email to M. Campbell. February 15, 2017.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Campbell. March 1, 2017.

Lacoursiere V., Conseil Scolaire Viamonde. Email to M. Campbell. February 16, 2017.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

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

WHEREAS Ken Van Steensel has applied to extend the Temporary Use (T-45) Zone relating to property located at 1992 Fanshawe Park Road West, as set out below;

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 (3) three years beginning March 18, 2014.

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 May 16, 2017.
- 2) Section Number 50.2 of By-law No. Z.-1 is amended by changing the temporary zone as follows:

45) T-45

This temporary use is hereby extended until May 16, 2020.

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 May 16, 2017.

Agenda Item # Page #

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Planner: Melissa Campbell

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 16, 2017
Second Reading – May 16, 2017
Third Reading – May 16, 2017