

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** George Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official  
**Subject:** Application by: 761030 Ontario Limited  
4680 Wellington Road South  
**Meeting on:** May 13, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 761030 Ontario Limited relating to the property located at 4680 Wellington Road South, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 21, 2019 to amend Zoning By-law Z.-1 in conformity with the Official Plan, by extending the Temporary Use (T-74) Zone for a period not exceeding three (3) years.

## 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 the Effect of Recommended Action

The purpose and effect of this zoning change is to extend the existing Temporary Use (T-74) Zone to allow for the continuation of the existing golf driving range facility on the subject lands for three years.

### Rationale of Recommended Action

1. The recommended amendment is consistent with Sections 1 and 2 of the Provincial Policy Statement 2014 which directs Planning Authorities to manage and direct land use efficiently and protect natural and cultural heritage resources.
2. The recommended amendment conforms to the policies of The London Plan and the Urban Reserve – Industrial Growth and Open Space designation policies 1989 Official Plan
3. The recommended temporary use is not intended to continue on a permanent basis.

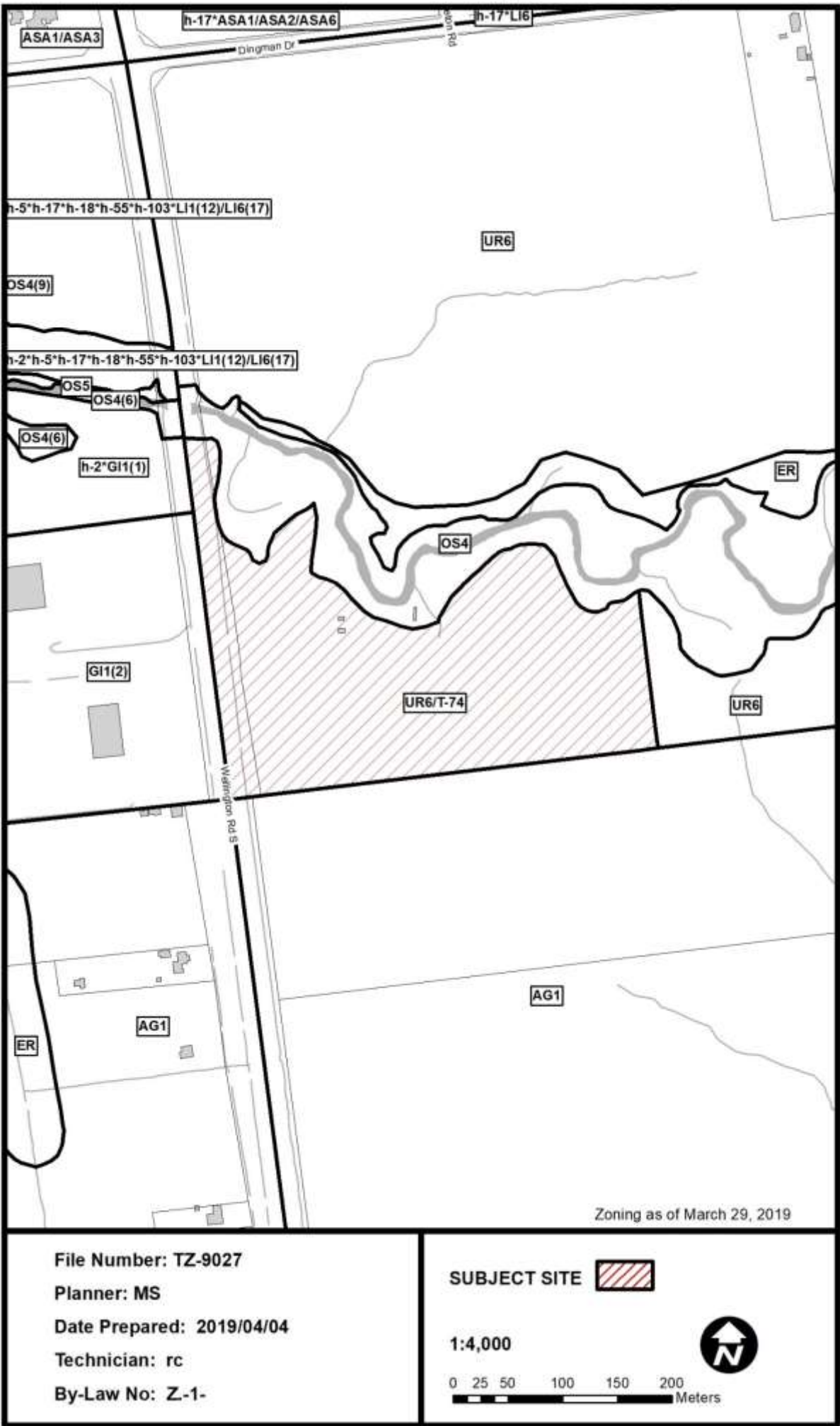
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the east side of Wellington Road South, south of Dingman Drive and north of Urban Growth Boundary. The site is outside of the Built-Area Boundary and is currently being used for a seasonal golf driving range facility which forms part of a larger agricultural parcel which is bisected by Dingman Creek, the majority of which is regulated by the Upper Thames River Conservation Authority and is within the Dingman Screening Area. The subject lands are also listed on the Inventory of Heritage Resources as the Nichol Family Cemetery is located on-site within the Dingman Creek Corridor.

1.6 LOCATION MAP



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

- Official Plan Designation – Urban Reserve – Industrial Growth
- The London Plan Place Type – Future Industrial Growth
- Existing Zoning – Temporary Use Urban Reserve (UR6/T-74) Zone

**1.3 Site Characteristics**

- Current Land Use – Existing golf driving range as part of a larger agricultural parcel
- Frontage – 183 m (600 feet)
- Depth – 360 m (1,180 feet)
- Area – 6.5 ha (16.2 ac)
- Shape – Irregular

**1.4 Surrounding Land Uses**

- North – Open space and agricultural uses;
- East – Agricultural uses;
- South – Agricultural uses;
- West – General industrial uses.

**2.0 Description of Proposal**

**2.1 Development Proposal**

The applicant is not proposing any new development as part of this amendment. The request is to permit the continuation of the existing golf driving range facility for an additional three years.

**3.0 Relevant Background**

**3.1 Planning History**

The subject lands have functioned as a seasonal golf driving range facility since 1994, during which they were zoned General Industrial (M2-5) in the Township of Westminster Zoning By-law.

The Township Council adopted a Zoning By-law amendment in September of 1994 to permit the temporary use of the subject lands for a driving range facility for a period of three years. An Archaeological Assessment was also completed at this time in 1995.

The temporary use was extended for an additional three years in May of 1998 (By-law No. 2000-130) and again in August of 2001 (By-law No. 2000-145). The temporary use zone permitting the use lapsed in 2004.

Municipal Council adopted Annexed Area Zoning By-law No. Z.-1-051390 in 2005 which changed the zoning of the subject lands from the General Industrial (M2-6) Zone to an Urban Reserve (UR6) Zone to permit, among other uses, existing defined industrial uses, kennels, and both outdoor recreation clubs and passive recreation uses. The Urban Reserve (UR6) Zone did not permit the use of the subject lands for a driving range. By-law No. Z.-1 051390 also zoned the southerly portion of the property from a General Agriculture (AI) Zone (in the Township of Westminster Zoning By-law) to an Agricultural (AG1) Zone. Like the Urban Reserve (UR6) Zone which was applied to the majority of the existing facility, the Agricultural (AG1) Zone did not permit the use of the lands for a driving range.

The property was acquired by the current owner in 2008 who continued to operate the seasonal driving range and was informed in 2014 that the use was not permitted by the Zoning By-law. The owner applied for a new Temporary Use Zone, which was granted on June 20, 2016 to permit the existing driving range facility for a temporary period of three years.

**3.2 Requested Amendment**

The requested amendment would permit the continuation of the existing golf driving range facility on the subject lands for three years. Possible change to Zoning By-law Z.-

1 from an Urban Reserve/Temporary Use (UR6/T-74)) Zone which permits a range of pastoral and existing industrial uses, conservation, and passive recreation uses, as well as a golf driving range facility for a temporary period not exceeding three (3) years, to an Urban Reserve/Temporary Use (UR6/T-74)) Zone to permit, in addition to the full range of uses in the Urban Reserve/Temporary Use (UR6/T-74)) Zone noted above, the continuation of the existing golf driving range facility use on the subject lands for an additional three (3) years.

### **3.3 Community Engagement (see more detail in Appendix B)**

On February 27, 2019, Notice of Application was sent to all property owners within 120 metres of the subject lands. One response was received at the time this report was prepared, indicating that there is no objection to the temporary continuation of the use. Notice of Application was published in The Londoner on February 28, 2019.

### **3.4 Policy Context (see more detail in Appendix C)**

The subject site is located in the Future Industrial Growth and Green Space Place Types in The London Plan, and is designated Urban Reserve – Industrial Growth and Open Space in the 1989 Official Plan.

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement 2014 (PPS) provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages the efficient use of land and resources and land uses which are appropriate for, and efficiently use, the infrastructure which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2.). The PPS also states that natural features and areas shall be protected for the long term (2.1.1.), and that significant built heritage resources and significant cultural heritage landscapes shall be conserved (2.6.1.).

#### **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 and include some of the Place Type policies pertinent to this planning application. 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 London Plan provides Key Directions (54\_) to be considered in reviewing applications which provide direction and focus which serve as a foundation to the policies of the Plan. Each direction encompasses a variety of strategies intended to guide planning and development over the twenty year planning horizon. Due to the nature of the proposed use in an area identified for future industrial development, the relevant Key Direction, Direction #8 Make wise planning decisions (62\_) is most applicable in this context which presents the following strategies:

1. Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
2. Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions.
3. Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.
9. Ensure new development is a good fit within the context of an existing neighbourhood.

Balancing the environmental, cultural heritage, and future development considerations with respect to the extension of the Temporary Use Zone, while maintaining the long term use of the land, forms the basis for the recommendation. The long term land use conflicts have been mitigated as there is no development proposed as part of this application, and the short term temporary use may only be extended beyond three years subject to Council approval.

The London Plan also provides clear direction for each Place Type. The Future Industrial Growth Place Type is applied to lands which are expected to develop for industrial uses pending future study (1156\_). The Place Type provides for a limited range of new uses. To prevent premature development, new uses which are similar to existing uses and would not have an impact on the future comprehensive planning development of these lands may be permitted (1163\_).

A portion of the subject lands are also within the Green Space Place Type which provides for the protection and enhancement of natural heritage features and areas recognized as having city-wide, regional, or provincial significance. To the north of the subject lands, Dingman Creek bisects the subject property. Where development is proposed adjacent to components of the Natural Heritage System, the Environmental Policies of the Plan require environmental impact studies to confirm or redefine the boundaries of such components to ensure the development does not negatively impact the natural features and their ecological function (1431\_). The applicant is not proposing any development or structures, and as such the Upper Thames River Conservation Authority has indicated that they are satisfied that the continuation of the temporary golf driving range facility will not negatively impact the natural heritage features on site.

### **Southwest Area Secondary Plan**

The subject lands are located within the Brockley Industrial Neighbourhood in the Southwest Area Secondary Plan (SWAP). Schedule 16 to the SWAP designates the subject lands Urban Reserve-Industrial Growth. As the Brockley Industrial Neighbourhood policies do not specifically include specific policies for the designation, it is therefore appropriate to consider the Urban Reserve – Industrial Growth policies of the parent 1989 Official Plan.

### **1989 Official Plan**

The Urban Reserve designation is intended to provide a general indication of the mix of urban land uses proposed for the area. The Urban Reserve – Industrial Growth designation is expected to transition in the future and will generally be composed of uses permitted in the Light Industrial, General Industrial, and Office Business Park designations. Notwithstanding this intent, Council may re-designate Urban Reserve lands for any use through the community planning process and an amendment to the Plan. (9.4.3.)

Similarly to the Green Space Place Type applied through The London Plan, a portion of the subject site is also designated Open Space by the 1989 Official Plan which is applied to lands within a flood plain or are susceptible to erosion and unstable slopes, including natural heritage areas. Permitted uses are limited to non-intensive uses including agriculture, conservation, essential public utilities and municipal services, and private open space uses such as cemeteries and private golf courses subject to applicable zoning (8A.2.2).

Chapter 15 – Environmental Policies provide additional direction with respect to natural heritage features and environmentally sensitive areas, and expands on the range of permitted uses within the Open Space Designation to include existing uses (15.3.2.ii).

## 4.0 Key Issues and Considerations

Through the circulation process there were no substantial concerns or issues raised by internal departments or commenting agencies based on the proposal submitted. The section below identifies key issues and considerations in detail.

### 4.1 Issue and Consideration # 1: Extension of the Temporary Use (T-74) Zone

#### *Provincial Policy Statement, 2014 (PPS)*

The PPS is intended to be read in its entirety with all relevant policies applied based on the development proposed and the context of the subject site, which in this instance includes the policies of Section 1: Building Strong Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety (1.1.5.1). The extension of the existing use is consistent with the goals and intent of the PPS 2014 as it does not negatively impact the natural and cultural heritage resources on the subject lands, and is appropriate for the existing infrastructure and service levels available to the site (1.1.3.2.). Heritage Planning has confirmed that as no new development is proposed, there are no heritage planning or archaeological issues associated with this amendment.

#### *The London Plan and 1989 Official Plan*

As noted above, the Future Industrial Growth Place Type applied to the subject site permits existing uses, and new uses which are similar to the existing uses and do not inhibit the lands from developing in their intended manner in the future (1163\_). The Place Type is applied strategically to provide for development opportunities consistent with the City's Industrial Land Development Strategy, and a restrictive approach is taken to lot creation and other forms of development in the Place Type to avoid patterns of land that will detract from the intended comprehensive planning process (1157\_,1159\_).

The Urban Reserve – Industrial Growth designation is applied to lands which are intended to transition to Light Industrial, General Industrial, and Office Business Park designations in the long term (9.4.3.) Similar to the policies of The London Plan noted above, the designation permits a limited range of uses based on the nature of existing uses due to concerns regarding premature development (9.4.2.).

Both The London Plan and the 1989 Official Plan contain policies regarding the implementation of temporary use by-laws to authorize the temporary use of land, buildings, or structures for a purpose otherwise prohibited by the Plan. The criteria for evaluating a temporary use by-law are largely similar between Plans, only differing in The London Plan by the inclusion of two additional matters which City Council will have regard for. Policy 19.4.5. in the 1989 Official Plan and Policies 1671\_, 1672\_ and 1673\_ require that when enacting a temporary use by-law, City Council will have regard for the following matters:

#### *1. Compatibility of the proposed use with surrounding land uses.*

The lands surrounding the subject site are predominantly used for agricultural and industrial uses, with some commercial and residential uses on properties near Dingman Drive. The seasonal golf driving range facility has been in operation since 1995 and has demonstrated that the use is compatible with surrounding land uses, and does not limit the ability of these lands to function in their intended manner.

#### *2. Any requirement for temporary buildings or structures in association with the proposed use.*

The applicant is not proposing any buildings or structures in association with the proposed use.

*3. Any requirement for temporary connection to municipal services and utilities.*

The temporary use does not require connection to municipal services and utilities.

*4. The potential impact of the proposed use on mobility facilities and traffic in the immediate area.*

As there are no expansions to the use proposed as part of the temporary use, there will be no increase in traffic or additional impacts on mobility facilities in the area. Transportation Design has no objections to the requested temporary use.

*5. Access requirements for the proposed use.*

The proposed access on the subject site is not changing as part of this application and is adequate for the proposed use.

*6. Parking required for the proposed use, and the ability to provide adequate parking on-site.*

The parking rate for a golf driving range is 1.5 spaces per tee. The existing parking facilities on the subject site are adequate for the requested temporary use.

*7. The potential long-term use of the temporary use.*

The applicant has requested an extension of the Temporary Use (T-74) Zone for an additional three years. Sanitary servicing is not currently available to the subject lands and the City has no plans in the foreseeable future to extend services in this location. Until such time as the market demands that these lands be utilized for industrial purposes, the passive nature of the temporary use and the minimal on-site infrastructure it requires does not preclude the ability of the lands to develop in the future for industrial purposes. The seasonal golf driving range use has been in operation in excess of twenty years and has established compatibility with the surrounding land uses

*8. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*

This application will not facilitate a temporary commercial surface parking lot in the Downtown.

*9. The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands*

The portion of the site subject to this application is adjacent to the Urban Growth Boundary within the Future Industrial Growth Place Type and outside of the Built-Area Boundary. The intended long-term use of the subject site is for industrial purposes, provided the necessary studies and approvals are completed given the existing servicing challenges and natural and cultural heritage features on-site. As noted above, the continuation of the temporary use does not pose an impediment to the long-term development of the site.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The requested amendment to change the zoning on the subject site to allow for the continuation of the temporary use of the lands for a golf driving range facility for an additional three years is consistent with the PPS 2014 and with the City of London 1989 Official Plan and The London Plan.

Prepared by:	<div>Meg Sundercock, BURPL</div> <div>Site Development Planner, Development Services</div>
Recommended by:	<div>Paul Yeoman, RPP, PLE</div> <div>Director, Development Services</div>
Submitted by:	<div>George Kotsifas, P.ENG</div> <div>Managing Director, Development and Compliance Services and Chief Building Official</div>
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	

May 6, 2019  
MS\ms

cc. Michael Tomazincic, Manager, Current Planning, Development Services



## 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 a portion of an area of land located at 4680 Wellington Road South.

WHEREAS 761030 Ontario Limited have applied to extend the Temporary Use (T-74) Zone as it applies to a portion of the property located at 4680 Wellington Road South for a period not to exceed three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-162487 approved the Temporary Use for 4680 Wellington Road South for a period not exceeding three (3) years beginning June 23, 2016;

AND WHEREAS the Municipal Council of the Corporation of the City of London deems it advisable to extend the Temporary Use for the said property for a period not exceeding three (3) years;

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. Section Number 50.2(74) of the Temporary (T) Zone is amended by adding the following subsection for a portion of lands known municipally as 4680 Wellington Road South:

74)            T-74

This Temporary Use is hereby extended for an additional three (3) years beginning May 21, 2019.

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 21, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – May 21, 2019  
Second Reading – May 21, 2019  
Third Reading – May 21, 2019

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On February 28, 2019, Notice of Application was sent to 34 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 1, 2019. A “Planning Application” sign was also posted on the site.

1 reply was received

**Nature of Liaison:** To extend the existing Temporary Use (T-74) Zone to allow for the continuation of the existing golf driving range facility on the subject lands for an additional three (3) years.

**Responses:** 1 response was received, which indicated no objection to the continuation of the use of the lands for a golf driving range facility for an additional three years.

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

Telephone	Written
N/A	Dave and Kim Stewart 2525 Dingman Drive

## Agency/Departmental Comments

### *Upper Thames River Conservation Authority*

As indicated, the subject lands are regulated by the UTRCA and are located within the Dingman Subwatershed Screening Area. A Section 28 permit will not be required for the purpose of this application as it is a continuation of an existing use. Should any new buildings or structures be proposed on the subject lands, the applicant shall pre-consult with the UTRCA and a Section 28 permit will be required.

### *Engineering Review*

Engineering has no comments for the re-zoning.

### *Heritage Planning*

Due to the limited scope of work indicated in the proposal summary (i.e. no new development, paving or construction is being proposed) – there are currently no heritage planning or archaeological issues associated with this file on this property.

### *London Hydro*

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

## 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, by-laws, and legislation are identified as follows:

### **Provincial Policy Statement**

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

##### 1.1.3 Settlement Areas

###### 1.1.3.1

###### 1.1.3.2 a, b

###### 1.1.3.3

###### 1.1.3.4

###### 1.1.3.6

###### 1.1.3.7 b

#### 2.0 Wise Use and Management of Resources

##### 2.1 Natural Heritage

###### 2.1.1

###### 2.1.2

##### 2.6 Cultural Heritage and Archaeology

###### 2.6.1

###### 2.6.2

###### 2.6.3

### **1989 Official Plan**

#### Open Space

##### 8A.2. Open Space

###### 8A.2.2 Permitted Uses

#### Urban Reserve

##### 9.4.2. Permitted Uses

##### 9.4.3. Proposals for a Change in Designation

#### Environmental Policies

##### 15.2.3 Natural Heritage Policies – Open Space – Environmental Review

##### 15.3 Natural Heritage Areas Designated as Open Space

15.3.2 ii) a) Permitted Uses

Implementation

19.1.1 ii) Delineation of Flood Plain, Environmental Features

19.4 Zoning

19.4.5 Temporary Use By-laws

**The London Plan**

Our Strategy

58\_ Direction #4 Become one of the greenest cities in Canada

62\_ Direction #8 Make wise planning decisions

Green Space

760\_ Role within the City Structure

761\_ How will we realize our Vision?

762\_ Permitted Uses

Future Industrial Growth

1153\_ Our Vision for the Future Growth Place Type

1154\_, 1155\_ Role within the City Structure

1156\_ 1157\_ Future Industrial Growth Place Type

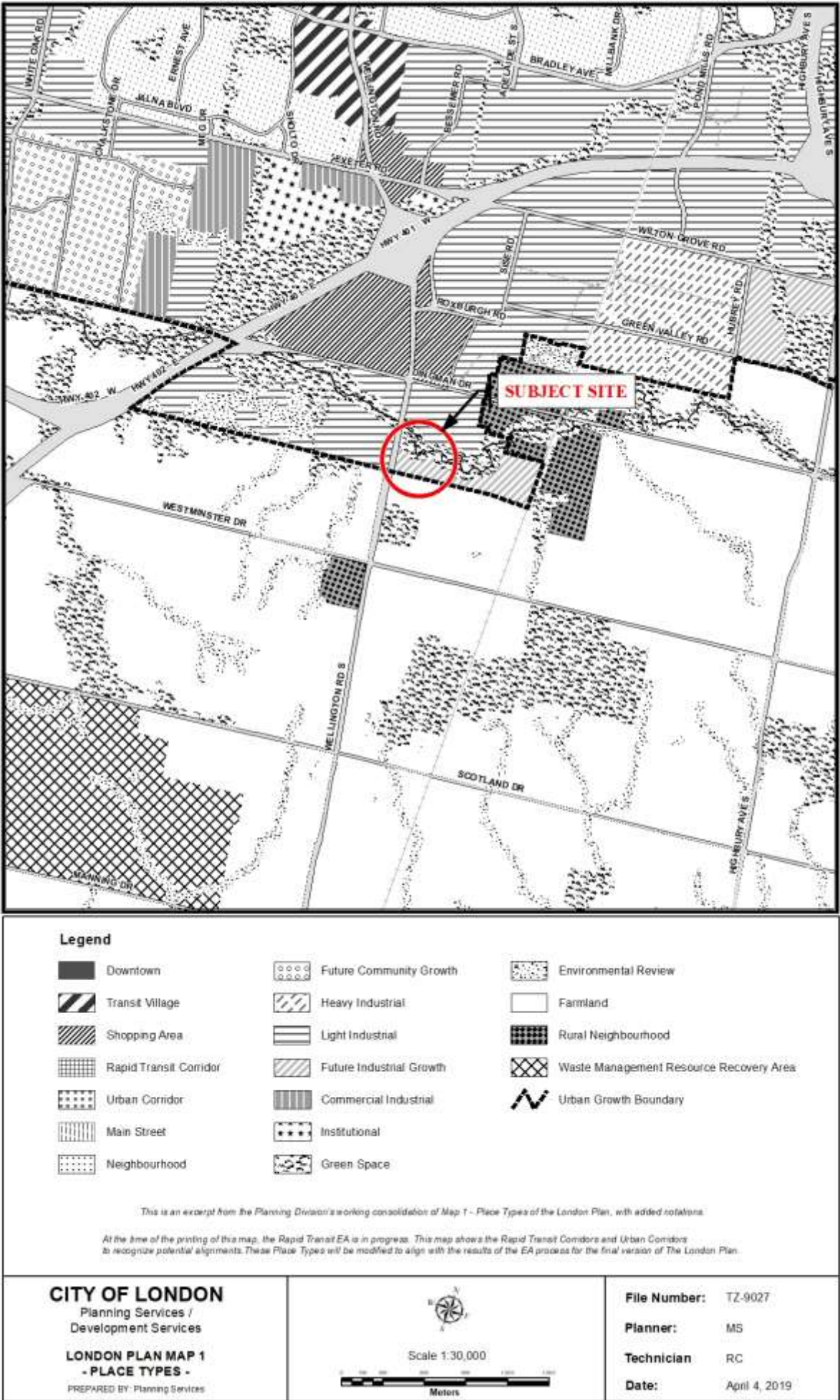
1159\_, 1160\_, 1161\_, 1162\_ How will we Realize our Vision?

1163\_ Permitted Uses

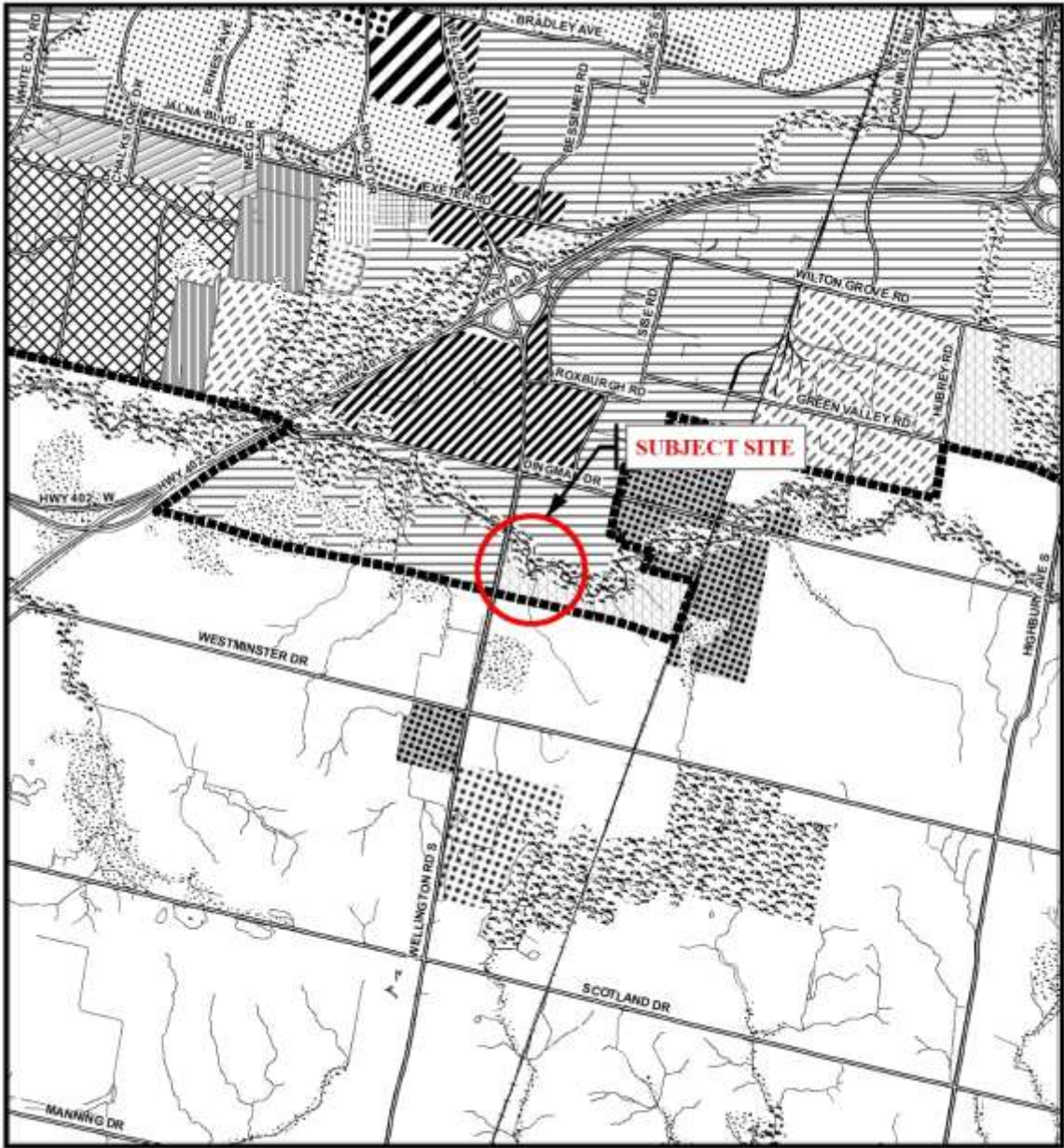
1164\_ Planning and Development Applications

Appendix D – Relevant Background

Additional Maps







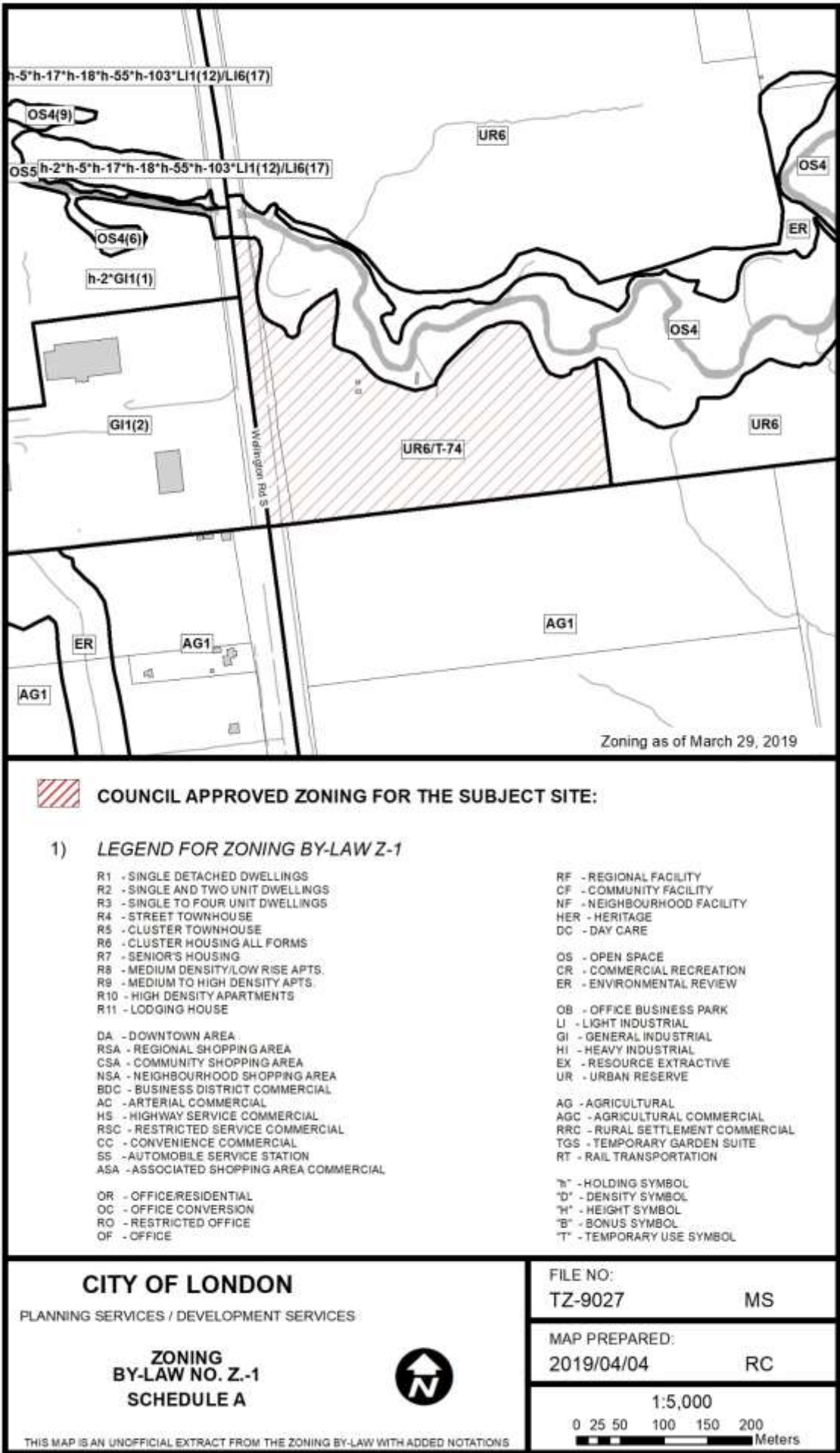
**Legend**

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**  
Planning Services /  
Development Services  
OFFICIAL PLAN SCHEDULE A  
- LANDUSE -  
  
PREPARED BY: Graphics and Information Services

Scale 1:30,000  
Meters

FILE NUMBER: TZ-9027  
PLANNER: MS  
TECHNICIAN: RC  
DATE: 2019/04/04





### **Additional Reports**

Z-6096 – Report of the Commissioner of Planning and Development, July 30, 2001, 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-8603 – Report to the Planning & Environment Committee, June 20, 2016, 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.