

## 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:** Southside Construction Management Limited  
1992 Fanshawe Park Road West

**Public Participation Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Southside Construction Management Limited 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 June 29, 2020 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.

## Executive Summary

### Summary of Request

The requested action is facilitate the continuation of an existing golf driving range and its accessory uses for an additional three (3) year period.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to continue to permit the existing golf driving range and accessory uses for an additional three (3) year period.

### Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020;
2. The proposed amendment conforms to the in-force policies of The London Plan;
3. The proposed amendment conforms to the in-force policies of the 1989 Official Plan;
4. The portion of the subject property used for the golf driving range can be reverted back to agricultural use should the lands be required for that purpose.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

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.

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

- Official Plan Designation – Agricultural
- The London Plan Place Type – Farmland

- Existing Zoning – Agricultural/Temporary Use (AG1/T-45) Zone

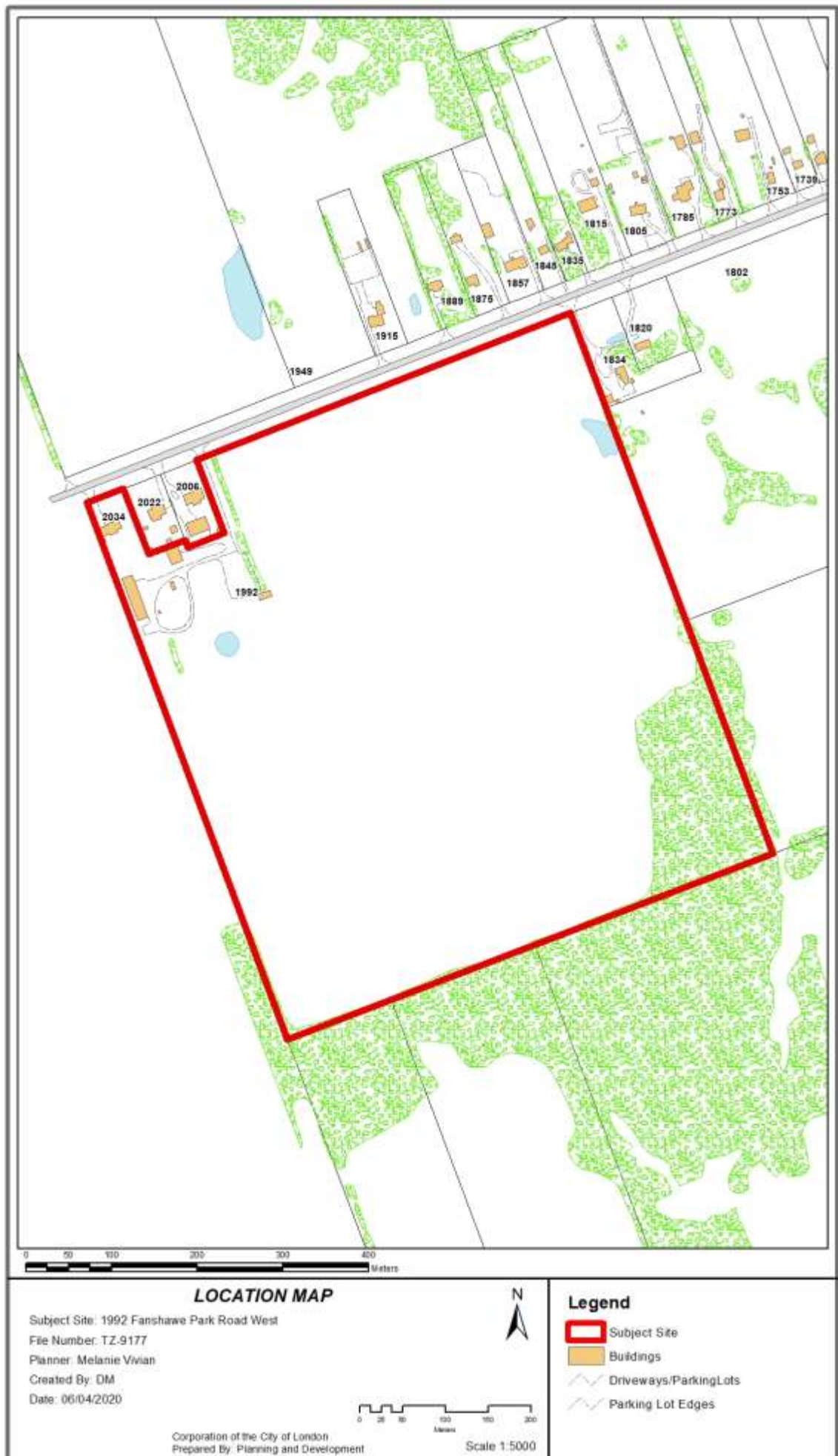
**1.3 Site Characteristics**

- 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

**1.4 Surrounding Land Uses**

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

1.5



## 2.0 Description of Proposal

### 2.1 Development 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.

## 3.0 Relevant Background

### 3.1 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. A temporary use by-law to the 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, 2014 and 2017. The existing golf driving range is currently permitted by the Temporary (T-45) Zone in the City of London Zoning By-law Z.-1.

### 3.2 Requested Amendment

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

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

Staff did not receive any comments from the public regarding the subject application.

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

#### ***Provincial Policy Statement, 2020***

The intent of the Agricultural policies in Section 2.3 of the PPS is to ensure that agriculture remains the predominant use in prime agricultural areas. Permitted uses and activities within the prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses (2.3.3.1.).

#### ***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. *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 subject lands are located within the Farmland Place Type along a Rural Thoroughfare, in accordance with \*Map 1 and \*Map 3. The Farmland Place Type aims to protect agricultural land for the long term vision while permitting existing uses (1178\_ & 1182\_11). The primary role within the Farmland Place Type is to service and support agricultural uses and normal farm practices (1183\_).

#### ***(1989) Official Plan***

The subject lands are designated Agriculture, in accordance with Schedule "A", in the 1989 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 use. The primary permitted use of the lands within the Agriculture designation shall be for the cultivation of land and the raising of livestock (9.2.1.).

## 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. The portion of land used for the golf driving range can be easily reverted back for agricultural purposes.

#### *The London Plan & 1989 Official Plan*

Policies are present within The London Plan and the (1989) Official Plan to 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 that the general intent and purpose of the Plans are maintained (Section 19.4.5. & Policy 1671\_). Agricultural and Farmland Place Type policies within The London Plan and (1989) Official Plan aim to minimize the loss of prime agricultural areas to non-agricultural uses.

#### *Temporary Use Provisions*

Section 19.4.5 in the (1989) 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.

The (1989) Official Plan and 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 (1989) Official Plan, Section 19.4.5. a) through f) and within The London Plan, Policy 1672\_ 1 through 9, contain the same 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.

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

## **5.0 Conclusion**

The recommended extension to the temporary zone is consistent with the Provincial Policy Statement (2020), The London Plan and the (1989) Official Plan, including the temporary use polices. 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 2003. Extensions to the temporary use zone for the golf driving range were approved in 2000, 2003, 2006, 2010, 2014 and 2017. The existing golf driving range is compatible with the surrounding uses and does not prevent the lands from being reverted back to agricultural uses.

<b>Prepared by:</b>	<b>Melanie Vivian, Site Development Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official</b>
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.	

June 12, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. C.P.-1284 -

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

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 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 June 29, 2020.
- 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 June 29, 2023."

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 June 29, 2020.

Ed Holder  
Mayor



Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020



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



<p>File Number: TZ-9177 Planner: MV Date Prepared: 2020/06/04 Technician: DM By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters</p> 
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## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On February 19, 2020, Notice of Application was sent to 32 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 20, 2020. A “Planning Application” sign was also posted on the site.

0 replies were received

### Agency/Departmental Comments

#### April 2, 2020 - Development Services Engineering:

We have no comments for this application.

#### February 25, 2020 - Water Engineering:

Water Engineering has no comments on this application.

#### February 27, 2020 - London Hydro

The site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate these changes. Any new and/or relocation of existing infrastructure will be at the applicant’s expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements and availability.

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.

#### March 5, 2020 – Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2014, PPS). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### **PROPOSAL**

The purpose of this application is to continue to permit a temporary golf driving range and accessory uses for an additional three (3) years.

### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine erosion hazard. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

## **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

### ***3.2.2 General Natural Hazard Policies***

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Conservation Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### ***3.2.3 Riverine Flooding Hazard Policies***

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

### ***3.2.6 & 3.3.2 Wetland Policies***

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

For the purpose of this application, an EIS is not required.

### ***3.3.3.1 Significant Woodland***

The woodland that is located on the subject lands has been identified as Ecologically Important in the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

For the purpose of this application, an EIS is not required.

## **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

The subject lands have been reviewed to determine whether they are located within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands are located within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

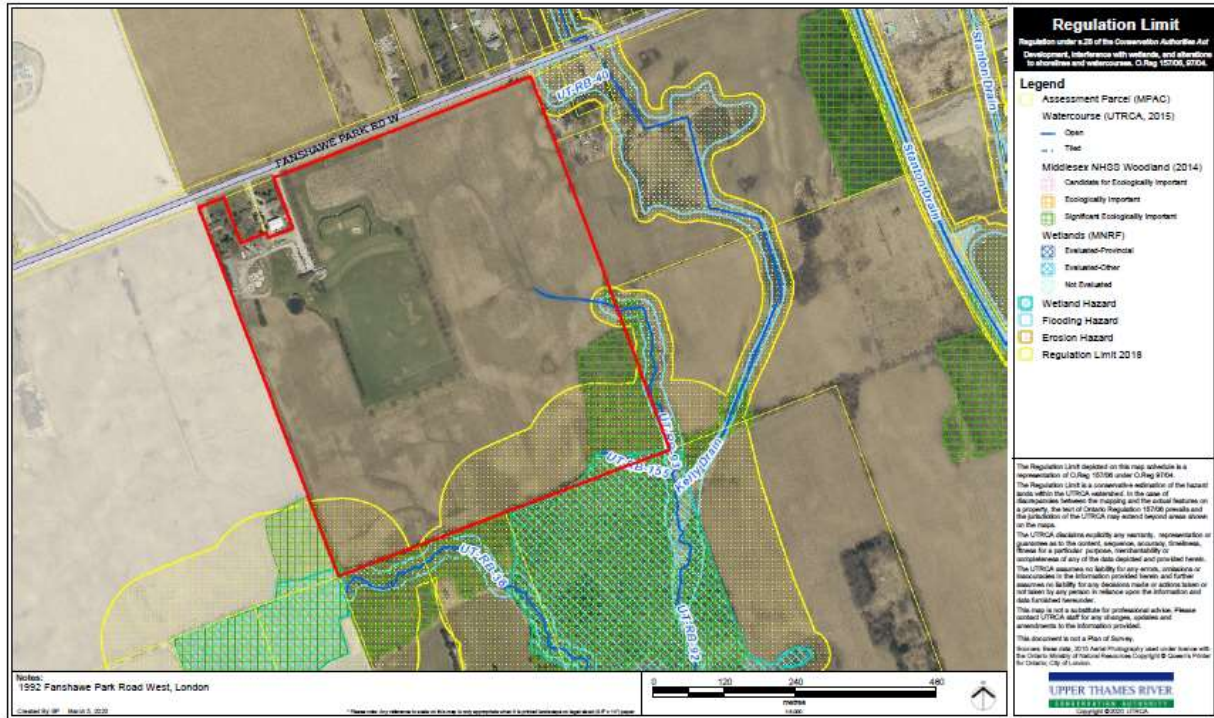
## **MUNICIPAL PLAN REVIEW FEE**

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review is \$275.00 and will be invoiced to the applicant under separate cover.

## **RECOMMENDATION**

As indicated, the subject lands are regulated by the UTRCA. Should any new works be proposed within the regulated area, a Section 28 permit application will be required. The

UTRCA has no objections or requirements for this application at this time.



## 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, 2020*

- 2.3
- 2.3.3.1.

### *The London Plan*

- 1671\_
- 1672\_1 to 1672\_9
- 1178\_
- 1182\_11
- 1183\_

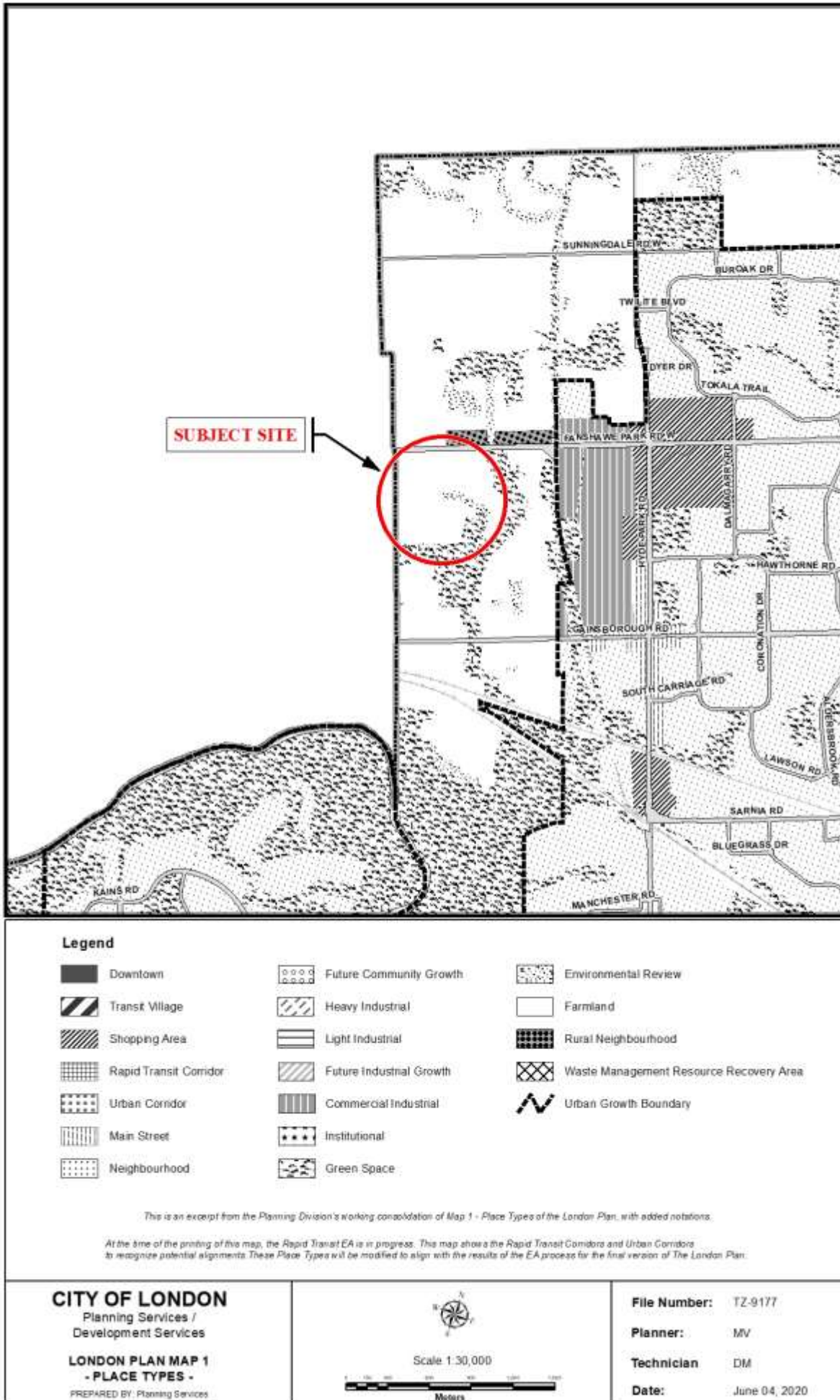
### *(1989) Official Plan*

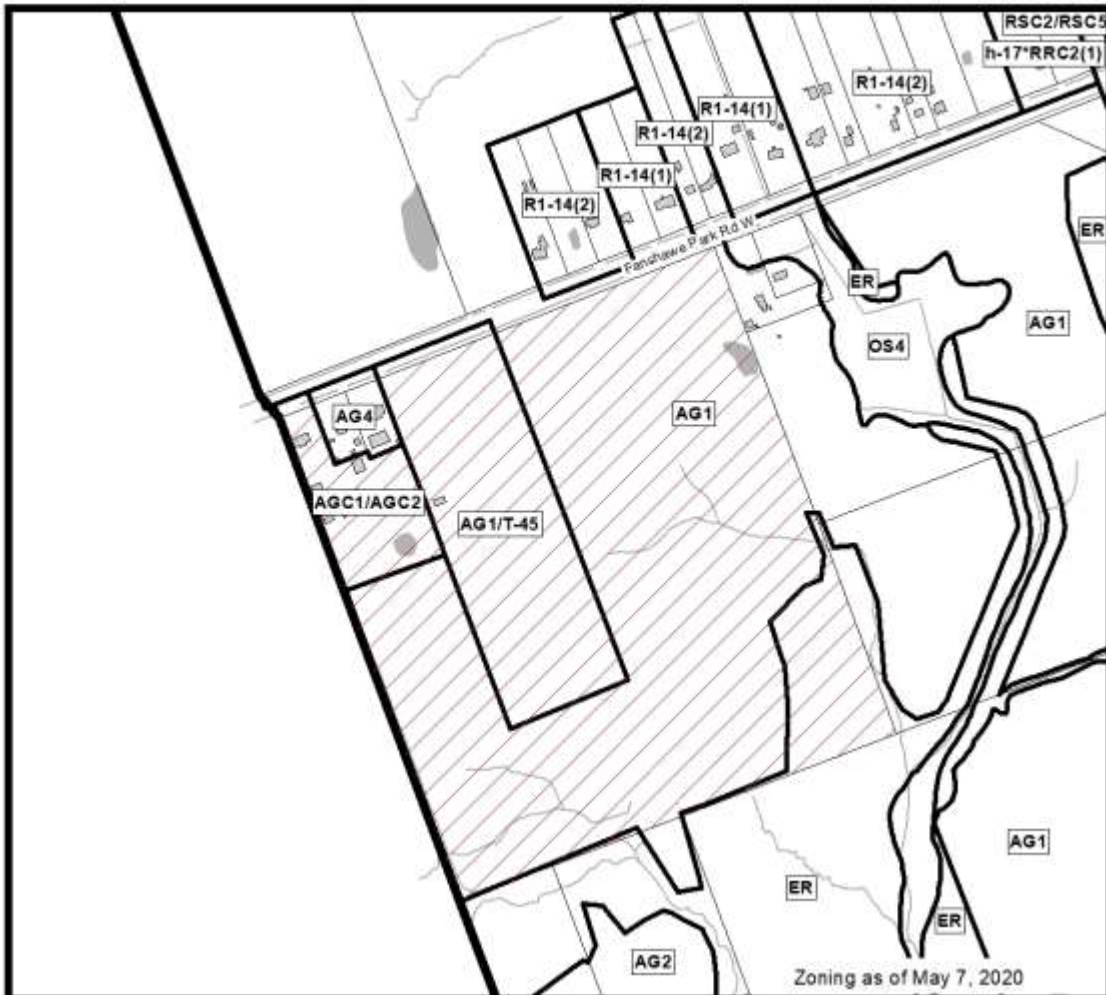
- 9.2.1.
- 19.4.5.a) to 19.4.5.b)



**Appendix D – Relevant Background**

**Additional Maps**





**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: L11**

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         |
| DA - DOWNTOWN AREA                        | LI - LIGHT INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | GI - GENERAL INDUSTRIAL           |
| CSA - COMMUNITY SHOPPING AREA             | HI - HEAVY INDUSTRIAL             |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | EX - RESOURCE EXTRACTIVE          |
| BDC - BUSINESS DISTRICT COMMERCIAL        | UR - URBAN RESERVE                |
| AC - ARTERIAL COMMERCIAL                  |                                   |
| HS - HIGHWAY SERVICE COMMERCIAL           | AG - AGRICULTURAL                 |
| RSC - RESTRICTED SERVICE COMMERCIAL       | AGC - AGRICULTURAL COMMERCIAL     |
| CC - CONVENIENCE COMMERCIAL               | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION           | TGS - TEMPORARY GARDEN SUITE      |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION          |
| 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**



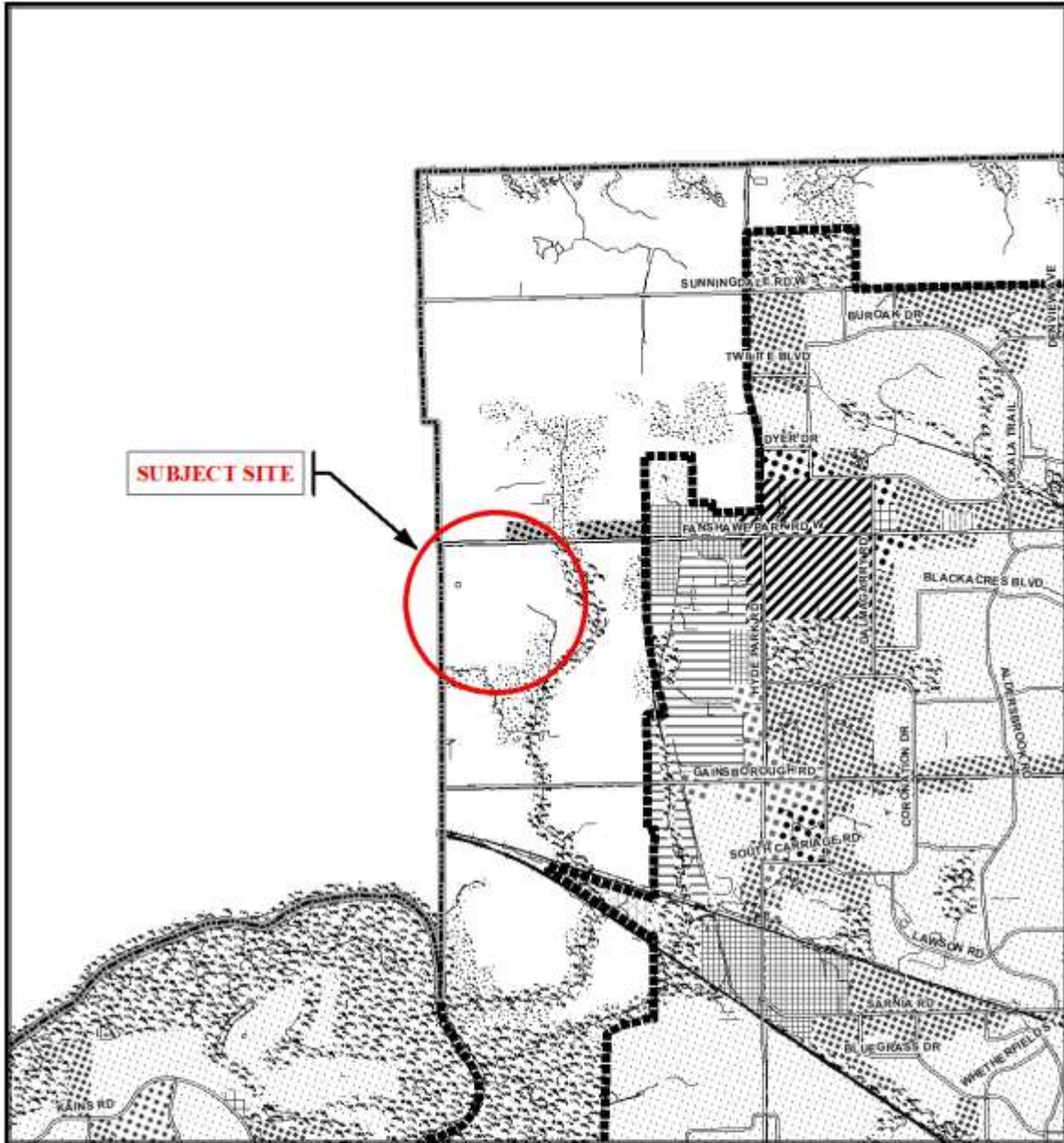
FILE NO:  
 TZ-9177 MV

MAP PREPARED:  
 2020/06/04 DM

1:7,500  
 0 37.575 150 225 300 Meters

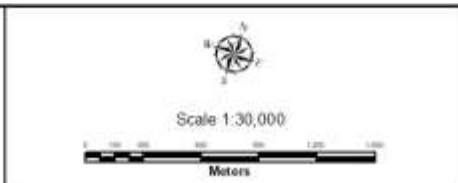
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS





Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	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-9177  
**PLANNER:** MV  
**TECHNICIAN:** DM  
**DATE:** 2020/06/04

**Additional Reports**

Z-6417 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 24, 2003

TZ-7085 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 27, 2006

TZ-7635 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period until October 3, 2010

TZ-7831 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning January 24, 2011

TZ-8307 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 18, 2014

TZ-8734 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning May 16, 2017