# **Report to Planning and Environment Committee**

To: Chair and Members

**Planning & Environment Committee** 

From: Scott Mathers MPA, P. Eng.,

**Deputy City Manager, Planning and Economic Development** 

Subject: 4680 Wellington Road South

**Public Participation Meeting** 

Date: September 12, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 761030 Ontario Limited relating to the property located at 4680 Wellington Road South:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 27, 2022, 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 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 the Provincial Policy Statement, 2020;
- 2. The recommended amendment conforms to the in-force policies of The London Plan and the Future Industrial Growth Designation policies.
- 3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan and the Open Space Designation policies.
- 4. The recommended temporary use provides an appropriate interim land use until such time as the subject lands and surrounding area develop for their intended landuses. The recommended use is not intended to continue on a permanent basis.

#### **Analysis**

#### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

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.

TZ-9027 - Report to the Planning & Environment Committee, May 13, 2019, 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 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. The owner extended the Temporary Use Zone, which was granted on May 21, 2019, to permit the existing driving range facility for a temporary period of three years.

#### 1.3 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 the 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.



Figure 1: Subject lands and current use (Green Par Driving Range) – view from Wellington Road

## 1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type Future Industrial Growth
- 1989 Official Plan Designation Urban Reserve Industrial Growth
- Existing Zoning Temporary Use Urban Reserve (UR6/T-74) Zone

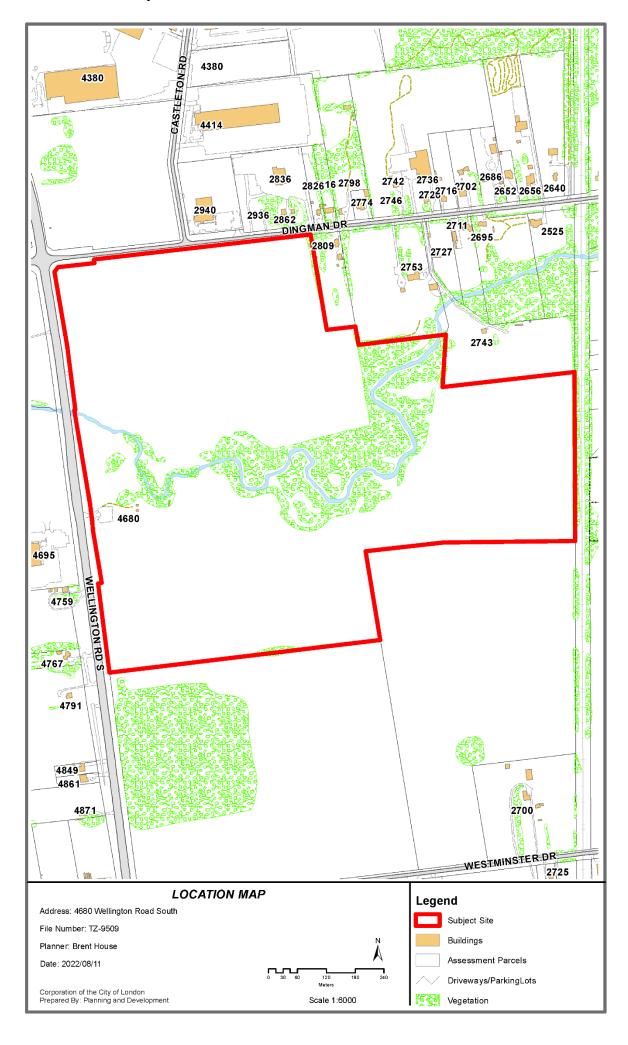
#### 1.5 Site Characteristics

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

## 1.6 Surrounding Land Uses

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

# 1.7 Location Map



#### 2.0 Discussion and Considerations

#### 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.

#### 2.2 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.

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

On May 25, 2022, 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 May 26, 2022.

#### 2.4 Policy Context

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3).

### 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). All of The London Plan policies and mapping considered with respect to this application are in force and effect and are 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.
- 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.

#### 1989 Official Plan

The London Plan is the new Official Plan for the City of London (Council adopted June 23, 2016, approved by the Ministry with modifications on December 28, 2016, and in force and effect on May 25, 2022.) As this application was received prior to May 25<sup>th</sup>, 2022, the policies outlined in the 1989 Official Plan were still in effect at the time of the application.

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).

# 3.0 Financial Impact/Considerations

None.

#### 4.0 Key Issues and Considerations

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

Provincial Policy Statement, 2020 (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 2020 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

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 was applied to lands which were 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 zone, 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.

# **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 Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan.

Prepared by: William Brent House,

Planner I

Reviewed by: Mike Corby, MCIP, RPP

**Manager, Planning Implementation** 

Recommended by: Gregg Barrett, AICP

**Director, Planning and Development** 

Submitted by: Scott Mathers MPA, P. Eng

**Deputy City Manager, Planning and Economic** 

**Development** 

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Bill No.(number to be inserted by Clerk's Office) 2022

By-law No. Z.-1-22\_\_\_\_\_

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 May 21, 2019;

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 September 27, 2022.

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.

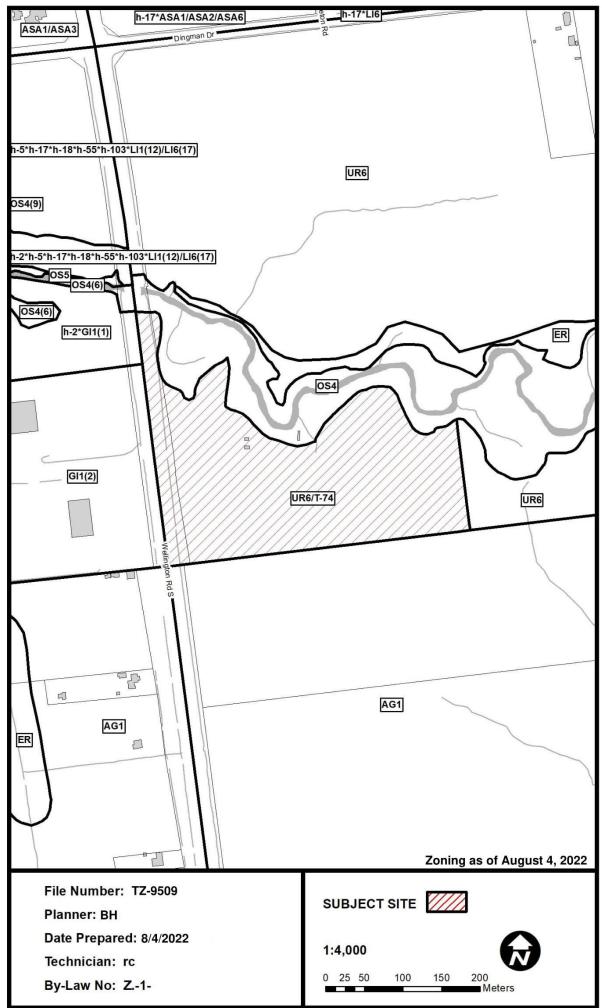
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 27, 2022.

Ed Holder Mayor

Michael Schulthess City Clerk

First Reading – September 27 2022 Second Reading – September 27, 2022 Third Reading – September 27, 2022



# **Appendix B – Public Engagement**

# **Community Engagement**

**Public liaison:** On May 25, 2022, 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 May 26, 2022. A "Planning Application" sign was also posted on the site.

**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
•	Dave and Kim Stewart 2525 Dingman Drive London, Ontario N6N 1G3

#### **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

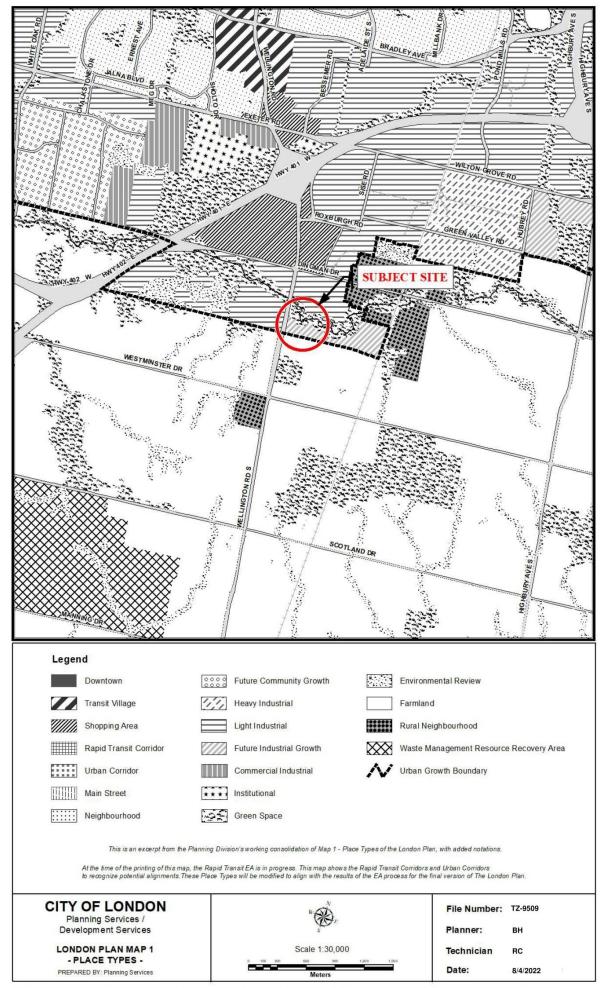
Due to the limited scope of work indicated in the proposal summary (i.e. no new development, paving or construction is being proposed) – there are currently no heritage planning or archaeological issues associated with this file on this property.

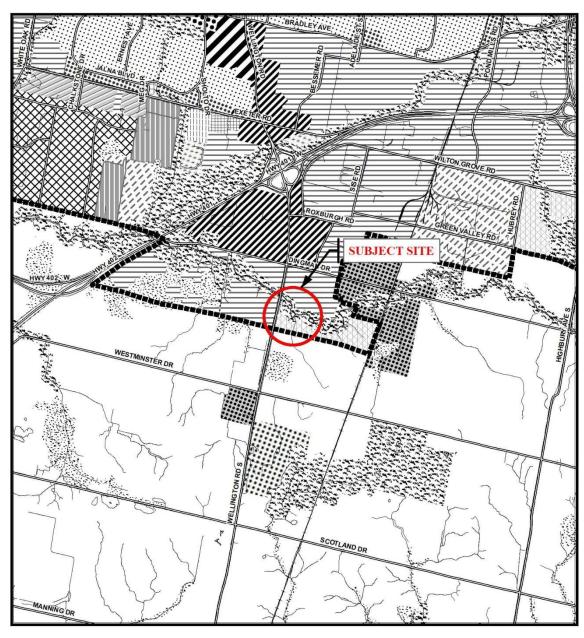
#### London Hydro

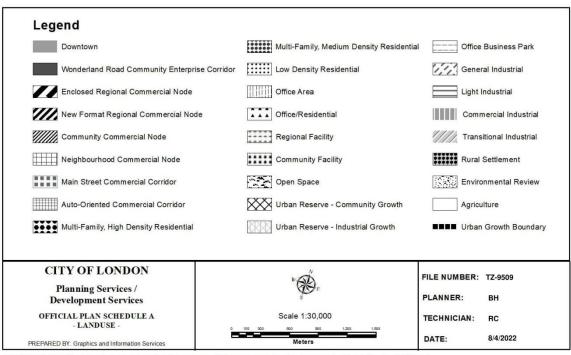
London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

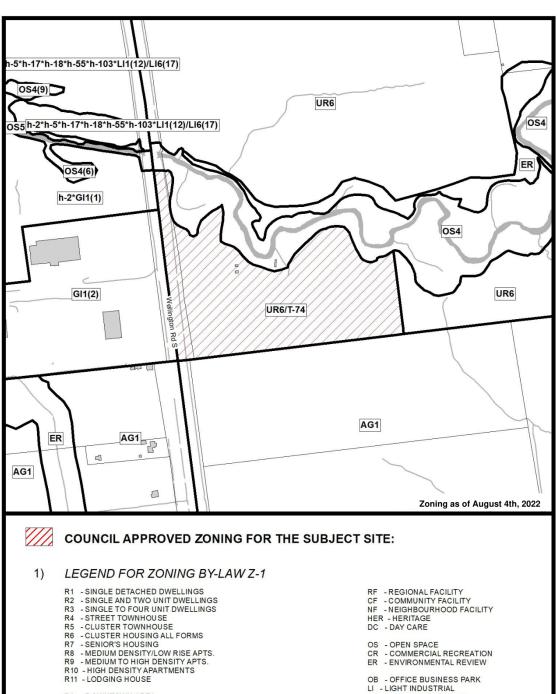
# Appendix C – Relevant Background

## **Additional Maps**









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

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

#### **CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



0 25 50

FILE NO:

TZ-9509 BH MAP PREPARED: 2022/08/04 RC 1:5,000 100 150 200 Meters

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