



REPORT TO COUNCIL

DATE: December 15th, 2011

REPORT: DEV12-01

FROM: Alison Walker, Planner

FILE: 3320-20/R12-01

SUBJECT: Zoning Text Amendment to the Light Industrial Zone (M-1) to Include "Food Exchange" as a Permitted Use

RECOMMENDATION:

THAT Council gives First and Second Readings to "Bylaw No. 1678 – Town of Smithers Zoning Bylaw No. 1403 Amendment No. 12-01";

AND THAT Bylaw No. 1678 proceed to Public Hearing.

BACKGROUND:

At the regular meeting held on November 8th, 2011, Council made the following motion:

MOVED

THAT Council approves a Zoning Bylaw text amendment that would: a) add "Food Exchange" as a principal permitted use in the M-1 zone; and b) define "Food Exchange" in the definitions section as, "the receiving, storage, processing and redistribution of food received by donation for non-profit and charitable purposes and includes, as an accessory use, retail sales".

3 *OPPOSED.*

CARRIED.

MOVED

THAT Council approves that the degree of retail sales allowed in the M-1 zone be limited to ten percent (10%) of the total gross floor area of the building or one thousand (1,000) square feet, whichever is less.

1 *OPPOSED.*

CARRIED.

Attached is Report DEV11-94 as background information.

CAO	<input type="checkbox"/>	Dir/DS	<input type="checkbox"/>	Dir/FIN	<input type="checkbox"/>	Agenda Date: January 10 th , 2012
Dir/CS	<input type="checkbox"/>	Dir/WO	<input type="checkbox"/>	Bldg Ins	<input type="checkbox"/>	In-Cam Date:
Admin Asst.	<input type="checkbox"/>	Fire	<input type="checkbox"/>	Planner	<input type="checkbox"/>	Agenda Placement: Bylaws
Dir /Rec	<input type="checkbox"/>	Air/Mgr	<input type="checkbox"/>	PCSO	<input type="checkbox"/>	Other:

DISCUSSION:

Staff have reviewed the original proposed text amendment with High Road Services and while food is donated to Innovation Foods, it is also purchased (i.e. salmon which is then smoked or milk). Even with this change Innovation Foods still operates for non-profit/charitable purposes. As such staff support removing the "received by donation" text from the original definition of food exchange:

"food exchange" means "the receiving, storage, processing and redistribution of food ~~received by donation~~ for non-profit and charitable purposes and includes, as an accessory use, retail sales".

Proposed Bylaw No. 1678 is based on Council's November 8th motion and the feedback from High Road Services. For clarity, staff included the retail sales use directly in the M-1 zone text rather than in the definitions section.

The text amendment will apply to all M-1 zoned properties (see attached map) and permit Innovation Foods to permanently operate under the M-1 zone rather than the existing Temporary Use Permit (expires on September 9th, 2013).

As part of the approval process, two newspaper advertisements will be placed in the Interior News to notify the public of the zoning amendment and the public hearing date. The *Local Government Act* does not require public notice letters be mailed out as the zoning amendment will apply to more than 10 parcels owned by more than 10 people.

Based on the above, staff support the recommendation.

POLICY CONSIDERATIONS:

The text amendment to permit food exchange in the M-1 zone does not require an Official Community Plan amendment.

ALTERNATIVES:

1. Do not give first and second readings to Bylaw No. 1678.
2. Request changes to Bylaw No. 1678.

Respectfully submitted by:

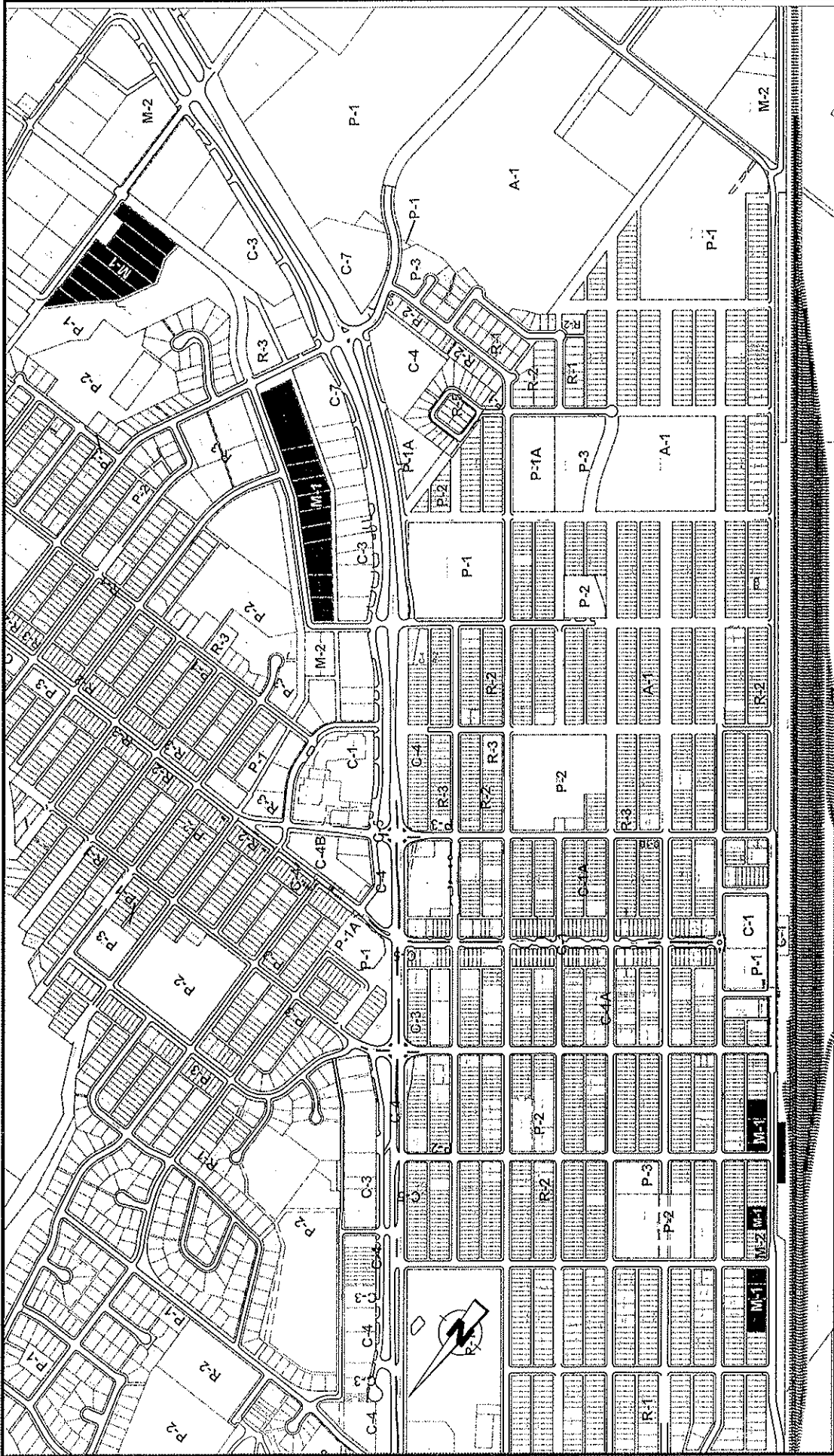
Submission approved by:



Alison Walker, MCIP
Planner

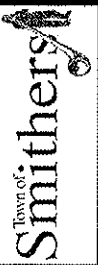


Deborah Sargent, MCIP
Chief Administrative Officer (CAO)



Scale: M-1 Zoned Land
 Drawn By: RB Date: March 2010
 Approved By: AW Date: March 2010
 File Name:
 03...M-1 Zoned lands

Title: **M-1 Zoned Land**





COMMITTEE OF THE WHOLE

DATE: October 3rd, 2011

REPORT: DEV11-94

FROM: Alison Walker, Planner

FILE: 3020-20/TU10-01

SUBJECT: 3439 Fulton Avenue

RECOMMENDATION:

THAT Council receive the following for information.

BACKGROUND:

On August 24th, 2010, Council made the following motion:

MOVED

THAT Council approve Temporary Use Permit TU10-01 for Smithers and Area Recycling Society and High Road Services Society for the property located at 3439 Fulton Avenue for a three year period.

2 OPPOSED

CARRIED.

At the same meeting Council requested that a Committee of the Whole meeting be scheduled to find a permanent solution for 3439 Fulton Avenue.

The property was purchased by the Smithers and Area Recycling Society and High Road Services Society to consolidate their services into one building. This includes warehousing, processing, packaging, wholesaling and selling the food processed on-site (Innovation Foods), as well as operating a training centre, nursery, offices, car detail shop, and possible a bottle depot.

The Temporary Use Permit (attached) permits the display and sales of processed foods and other products from the training center and Innovation Foods to a maximum of 30% of the floor area occupied by the business. This is an increase from the permitted 50m² or 10% of gross floor area maximum in the M-1 Zone. The Temporary Use Permit is valid for 3 years at which time the applicant will have to

CAO	<input type="checkbox"/>	Dir/DS	<input type="checkbox"/>	Dir/FIN	<input type="checkbox"/>	Agenda Date: October 12 th , 2011
Dir/CS	<input type="checkbox"/>	Dir/WO	<input type="checkbox"/>	Bldg Ins	<input type="checkbox"/>	In-Cam Date:
Admin Asst.	<input type="checkbox"/>	Fire	<input type="checkbox"/>	Planner	<input type="checkbox"/>	Agenda Placement: Staff "A"
Dir /Rec	<input type="checkbox"/>	Air/Mgr	<input type="checkbox"/>	PCSO	<input type="checkbox"/>	Other:

reapply for an extension for up to 3 additional years.

To date, the following options have been considered by Council:

Option 1: Text Amendment to the M-1 Zone (Bylaw No. 1623)

On February 23rd, 2010, Council made the following motion:

MOVED

THAT staff prepare a rezoning amendment that would permit, as an Auxiliary Use in all M-1 zoned properties, the retail sales of goods manufactured on-site and/or goods related to the principal use, provided that retail sales do not exceed 25% of the building to a maximum of 2,500 ft²;

AND THAT the Town initiates the rezoning.

CARRIED UNANIMOUSLY.

Proposed Bylaw No. 1623, which was initiated by the Town of Smithers, was supported by the Advisory Planning Commission (one opposed) and was given 1st and 2nd readings by Council. The Bylaw was approved by the Ministry of Transportation and Infrastructure and a Public Hearing was held on April 13th, 2010. On April 27th, 2010, Council did not give third reading to the proposed Bylaw, thereby denying the rezoning application.

Option 2: Creation of a New M-1A Zone (Bylaw No. 1632)

Proposed Bylaw No. 1632, which was initiated by the Smithers and Area Recycling Society, was to create a spot zone for the property. The proposed M-1A Zone was very similar to the existing M-1 Zone, but would permit, as an auxiliary use, the retail sales of goods manufactured on-site provided that the retail sales area not exceed 300m² (3,230ft²) of the building floor space used by the business and the total retail area for the building with multiple businesses not exceed 300m² (3,230ft²).

Bylaw No. 1632 was not supported by the Advisory Planning Commission (carried unanimously) and was defeated by Council at the July 27th, 2010 meeting. At that same meeting Council directed staff to issue the Temporary Use Permit for an initial 3-year term (see attached).

Official Community Plan (OCP) & Zoning

The property is designated "Highway 16 Commercial" in the OCP.

"The intent of the Highway 16 Commercial designation is to provide a mix of highway oriented commercial uses such as automotive sales and services, lumber supply, and home improvement. It is also intended to provide services

to tourists and the traveling public. Supported uses include tourist accommodation, restaurants, personal services and service stations. This area is not intended for general retail sales, including the sale of general household goods, clothing or groceries that are considered more appropriate in the downtown area".

The property is zoned "Light Industrial" (M-1) (attached). The M-1 Zones permits limited retail sales, provided it is associated with a manufacturing plant to a maximum of 50 m² (538ft²) or 10% of the gross floor area, whichever is less. The M-1 Zone does permit retail sales for certain stated uses with no floor space maximum (i.e. farm and garden supplies, trade shop).

DISCUSSION:

As an alternative to the previous amendments, Council may wish to consider a text amendment to the M-1 zone that is narrower in scope that addresses the specific uses of Innovations Foods. More specifically, Innovation Foods is a non-profit, low-cost grocery store, membership based (persons on low annual incomes are only eligible) that diverts/recovers food that is otherwise headed for the landfill and redistributes it to those in need. There are also associated processing/manufacturing type uses that take place in preparation of the redistribution.


Based on the above, Council may wish to consider adding "Food Exchange" as a principal permitted use in the M-1 zone. This term is used in food systems planning. "Food Exchange" could be defined in the definitions section as: "the receiving, storage, processing and redistribution of food received by donation for non-profit and charitable purposes and includes, as an accessory use, retail sales". If the degree of retail sales is a concern with Council, a maximum could be added either based on gross floor area or gross leasable area.

Respectfully submitted by:

Submission approved by:



Alison Walker, MCIP
Planner


Deborah Sargent, MCIP
Chief Administrative Officer (CAO)

AW/MA

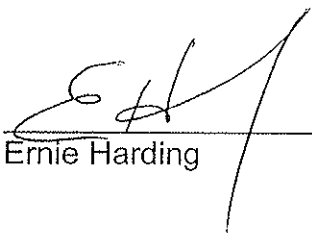
Attach.

File: n:\development 2011\other reports\committee of the whole - dev11-94 3439 fulton ave.doc

5. This Permit is valid for three years commencing after the date of the Council resolution authorizing this Permit.
6. Notice of this Permit shall be filed with the Land Titles Office under Section 927 of the Local Government Act, and upon such filing, the terms of this Temporary Use Permit shall be binding upon all persons who acquire an interest in the land affected.

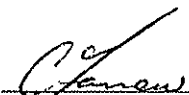
AUTHORIZING RESOLUTION PASSED by the Town of Smithers Council this 24th day of August 2010.

THE TERMS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE HEREBY ACKNOWLEDGED.


Ernie Harding

THIS PERMIT IS ISSUED ON: *Sept. 9th*, 2010

The Corporate Seal of the TOWN OF SMITHERS was hereunto affixed in the presence of: ...

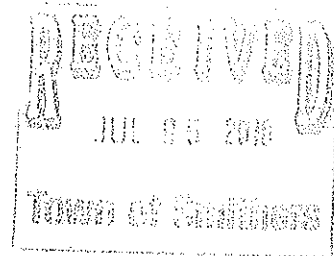

Cress Farrow, Mayor


Deborah Sargent
Corporate Administrator

Attachments: July 2nd, 2010 Letter

n:\development 2010\r10-03 (smithers recycling)\tup 10-01.doc

Smithers & Area Recycling
PO Box 3452
Smithers, BC
V0J 2N0



July 2, 2010

Mayor and Council
Town of Smithers
1027 Aldous Street
PO Box 879
Smithers, BC
V0J 2N0

Dear Sir/Madam:

Re: Spot Zoning for 3439 Fulton Avenue.

The Smithers & Area Recycling Society is a social enterprise that operates the local recycling facilities, owns and operates the B.V. Bottle Depot and in partnership with High Road Services Society operates Innovation Foods, a low cost food outlet for low income individuals/families. High Road Services Society is also a local social enterprise that provides services for individuals with disabilities. We recently purchased the Apex Building on Fulton Ave. to accommodate programs for both enterprises. Collectively the two societies have an annual payroll of \$1.7 M. In addition volunteers contributed \$120,000 of labour/services in support of the societies during the last year. Our efforts provide many community benefits and for cost effectiveness we are attempting to consolidate our services at one location.

All our current programs comply with the M-1 zoning bylaw except for Innovation Foods. To accommodate this identity we require as an auxiliary use in this M-1 zoned property a space of 30% of the building or 3,200 ft² for the retail sales of goods manufactured on site and/or goods related to the principle use. Thus our request for spot zoning to accommodate this identity.

At present time there is no zoning that would accommodate our social enterprise. To comply with present town zoning bylaws we would have to purchase/lease additional property in the downtown core. This is not cost effective and would reduce or eliminate services available to the community.

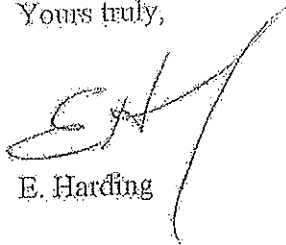
Homelessness, soup kitchens and affordable food are major issues in our area. A low cost food outlet has been established for low income individuals/families (individuals with developmental disabilities, individuals on income assistance, seniors...etc.) that has a membership of almost 700 that represents 1,750 individuals. In addition food is made available to another 300 students for school breakfast and lunch programs, to local soup kitchens, to aboriginal school nutritional programs and to food hamper programs. At present, in excess of 2,000 individuals benefit from the food outlet relocation of this food outlet to the Apex Building allows us to enhance this program and develop a local supply of food for the outlet as well as develop food storage capacity (dry, refrigeration, frozen) that allows a community food bank reserve and employment and training opportunities for disadvantaged individuals. Over 100 community partnerships have been developed with this project that includes thirty-six service agencies, five church groups, eight schools and many local and provincial government agencies and businesses.

The present food outlet is facing challenges in delivering its program from its present location. In addition to our present location being in non compliance to the present zoning there is a shortage of space to allow the development of this program to ensure a healthy, affordable selection and supply of food for the needy. Processing and storage facilities must be developed.

There is not any one zone in the Town of Smithers that will accommodate the accumulative programs of our social enterprises. Our societies and programs provide no competition to any existing business. We are charities providing a community service and that also have a very substantial social and economic impact on the community. A suitable location that has space and affordable rent for present and expanded programs is necessary for our societies continued contribution to community programs.

Attached is a schedule outlining the proposed use of this property. Thank you for giving our spot zoning application your consideration.

Yours truly,

A handwritten signature in dark ink, appearing to be 'E. Harding', written over a horizontal line. The signature is stylized and cursive.

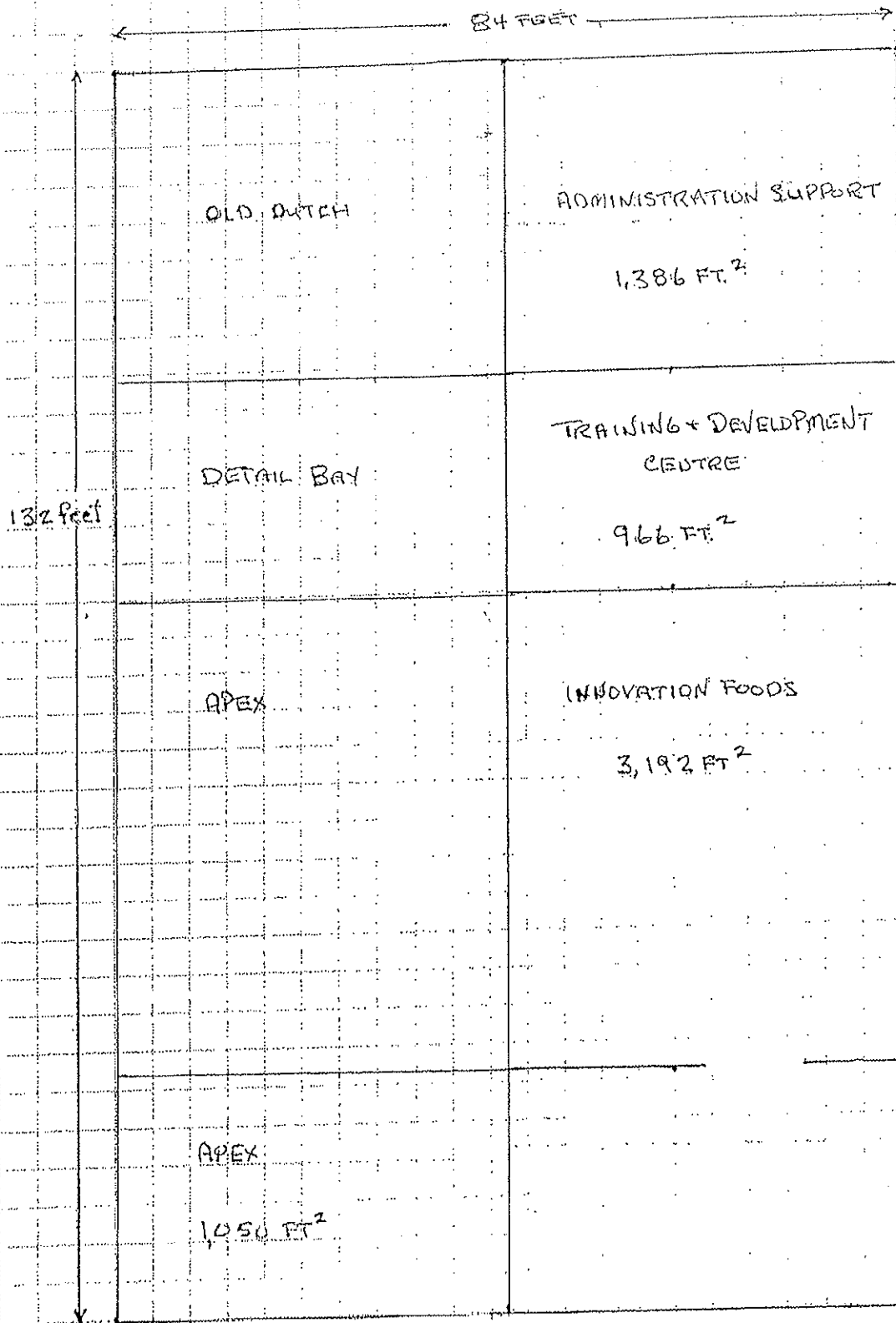
E. Harding

Schedule I
Property: 3439 Fulton Ave
Re: M-1 Light Industrial Zone

Our proposed use and development would be as follows:

1. Foods Warehouse Storage
 - Dry Foods
 - Refrigeration
 - Frozen
2. Food Processing & Packaging
 - Dehydration
 - Meat, fish, Poultry
3. Wholesale
 - Bulk Distribution
4. Display and sale of processed foods and other production from the training centre.
5. Training and Development Facility
 - Support Programs, Employment and Training
6. Car Detail Shop
7. I Foods Sales Outlet
 - Food Outlet for Low Income Families/Individuals
8. Nursery Sales
 - Hanging baskets, patio plants, trays
9. Office and Administration
 - Space to cover requirements of above
10. B.V. Bottle Depot
 - Encor Stewardship Program that includes the collection of electronic equipment

APEX BUILDING - 3439 FULTON AVENUE
LOT 1 SECTION 30 TOWNSHIP 4 RANGES C.D. PLAN 9033



REAR LAWEWAY

Division 6 – Industrial Zones

Section 6.1 M-1 Light Industrial Zone

Purpose

The purpose of the M-1 zone is to accommodate those industrial operations which are fully enclosed and require no outdoor storage except for display of goods sold on-site.

Permitted Uses

Principal Uses

6.1.1 The following principal uses and no others are permitted in an M-1 zone:

- (a) automobile, motorcycle, boat, and recreational trailer and vehicle sales and rentals, repair shops, auto body shops and fuel pumps;
- (b) laundry, dry cleaning intended to serve commercial, industrial, and **institutional uses** excluding coin operated **laundromat**, coin operated dry cleaning;
- (c) nursery and sales of farm and garden supplies;
- (d) **manufacturing plant** if totally contained in a **building**;
- (e) **trade shop** if totally contained in a **building** and, as **auxiliary** use, the sale and service of products manufactured on the same **parcel** and only those goods and supplies normally associated with the trade;
- (f) **warehouse use**;
- (g) **wholesale use**;
- (h) sales and service of logging and construction materials and supplies, when totally contained in a **building**;
- (i) animal hospital and veterinary facility when totally contained in a **building**;
- (j) processing, manufacturing dairy products, when totally contained in a **building**;
- (k) laboratory, testing facility;
- (l) sales and service, rental and repair of tools, when totally contained in a **building**;
- (m) building supply, lumber yard;
- (n) auctions other than of livestock provided that the auction takes place only in a **building** which satisfies the requirements of the British Columbia Building Regulations for assembly occupancy;
- (o) document and parcel delivery depot;

- (p) truck terminal and freight depot;
- (q) truck or heavy equipment sales, services, repair, excluding wreckage and salvage yard, with permitted **auxiliary** use of fuel dispensing;
- (r) **vehicle washing establishment;**
- (s) Towing truck business provided that the vehicle compound is fenced and completely located within the rear yard and excludes auto wrecking or vehicle salvage. *(Bylaw 1524)*

Auxiliary Uses

and the following and no other **auxiliary** uses are permitted in an M-1 zone:

- (t) office **auxiliary** to principal use;
- (u) not more than one **dwelling** which shall be part of the principal **building**;
- (v) **building auxiliary** to the principal **building**;
- (w) employee training facility;
- (x) dispensing of fuel for private use;
- (y) mobile food concession;
- (z) auction of goods sold in respect of the principal use.
- (aa) **shipping container** for storage purposes provided that the container:
 - i. shall be located in the rear or side yard;
 - ii. shall not be located in a required off-street parking space, loading space, or manoeuvring aisle;
 - iii. shall be screened appropriately from abutting residential properties;
 - iv. shall not be placed for display or advertising purposes; and
 - v. shall not encroach into a required landscape buffer. *(Bylaw 1607)*

Regulations

6.1.2 In an M-1 zone the following regulations contained in Table 6.1 shall apply:

Table 6.1	
Element	Regulations
Parcel Size and Coverage	
Parcel Area	1,050 square metres
Parcel Width	27.5 metres minimum
Parcel Coverage	75% maximum for all buildings and structures

Table 6.1	
Element	Regulations
Principal Buildings	
No. of Principal Buildings	1
Setbacks	
front yard	3 metres
rear yard	
where a rear yard abuts a highway other than a lane	3 metres
for all other parcels	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Auxiliary Buildings	
No. of Auxiliary single family dwellings on a parcel	1
Setbacks	
front yard	3 metres
rear yard	
where a rear yard abuts a highway other than a lane	3 metres
for all other parcels	0, subject to the provision of a minimum space for garbage pickup of 3 metres in width, 2 metres in depth and 3.5 metres in height
side yard	
exterior	4.5 metres
Height	12 metres
Parking and Loading	
	Parking and loading in the M-1 zone shall comply with Sections 2.9 and 2.10 contained in General Regulations.

6.1.3 Conditions of Use

- (a) No **manufacturing plant** shall include more than fifty (50) square metres or ten percent (10%) of the **gross floor area**, whichever is less, devoted to **retail sales** or display of goods manufactured, assembled, disassembled or repaired on site.
- (b) No **wholesale or warehouse use** shall include more than fifty (50) square metres or ten percent (10%) of the **gross floor area**, whichever is less, devoted to display of goods.