

Report

Date October 18, 2023
Subject Development permit application for 2431 Beverly Street

File: DP000321

PURPOSE

To consider an application for a development permit with variance for constructing a food processing and innovation hub facility at 2431 Beverly Street.

BACKGROUND

The 1.37 hectare (ha.) subject property is located immediately east of Alexander Elementary School on the north side of Beverly Street (Attachments 1 & 2). The Cowichan Green Community (CGC) has leased the property from the Municipality of North Cowichan since 2015. The current lease applies until June of 2041, with options to extend.

CGC wishes to expand its use of the property to include a "Food Processing and Innovation Hub." Council has previously authorized this use by rezoning the property to a new Rural Market Zone (A6) and agreeing to a new lease in 2021 that allows for the use and a longer-term tenure for CGC.

This application is for a development permit that would authorize new development on the subject property. For the permit to be issued, the applicant must demonstrate that the proposed development complies with Municipal regulations and development permit guidelines.

DISCUSSION

Proposal:

The application proposes constructing a 446 square metre commercial building and associated works on the property (See Attachment 3 – Site Plan). The building is an engineered steel structure that will accommodate a commercial kitchen, office and training rooms, washrooms, and approximately 223 square metres of cold and dry storage space expected to be subleased to Cowichan Valley Co-operative Marketplace. A floor plan of the proposed building is provided in Attachment 4. A letter from the applicant provides a description of the proposed development and Food Processing and Innovation Hub (Attachment 5).

The new building is a single-storey structure with a height of 6.5 metres. Three large overhead doors are located on the south side of the building for loading and unloading the cold and dry storage warehouse. The doors on the north side of the building provide access to the north half of the building, where the commercial kitchen and CGC operations will be located. Grey steel cladding and brown steel metal roofing are proposed for the structure's exterior. Building elevations are provided in Attachment 6.

Development associated with the new building includes a parking area with nine stalls on the north side of the building. The applicant requests a variance to the zoning bylaw requirement to pave the parking, loading and drive aisle areas. The new building will be serviced by municipal water and sewer, with stormwater managed on-site in accordance with the storm water management plan prepared by a professional engineer and municipal guidelines (Attachment 7).

An existing portable building will be relocated to the west side of the new parking area for storage and by CGC staff. See Attachment 8 for site photos, including of the portable structure.

Policy Context

Official Community Plan:

The subject property is designated as Agricultural, Forestry and Conservation in the Official Community Plan (OCP) and is in the Urban Containment Boundary. This designation allows for agricultural uses and small-scale agricultural support services, including the processing of local agricultural products.

Zoning Bylaw:

The A6 zoning that applies to the property includes Agriculture, Agricultural Storage, Food and Beverage Processing, and Market Community Space as a permitted use. The proposed use of the property is compliant with the A6 zone.

This application complies with applicable development regulations in the Zoning Bylaw, with the exception of required development standards for off-street parking. Section 17(1)(b) of the Zoning Bylaw states:

All required off-street parking areas, driveways, and accesses shall be paved, marked, numbered, bumpered, illuminated, and drained to the standard established by the Municipal Engineer.

The applicant has requested a variance to the requirement for paving and is proposing to surface parts of the site intended for vehicle circulation with gravel.

Development Permit Areas:

The subject property is located within Development Permit Area 2 (DPA-2 Commercial and Industrial Development) due to the commercial/industrial use of the property and Development Permit Area 3 (DPA-3 Natural Environment) due to the property being located in an area with a high aquifer protection vulnerability rating. As such, development is expected to comply with applicable development permit guidelines. A development permit is required before a building permit is issued and development of the site proceeds.

DPA-2 establishes objectives and guidelines for commercial and industrial development to promote safety, efficient use of land, building and site aesthetics and the integration of commercial and industrial uses with the neighbourhood and community. As the use of the site is intended as an agriculture support enterprise run by a not-for-profit organization, the building, site and landscape design is somewhat less than would typically be required for commercial and industrial development at other locations. However, the agricultural activities occurring elsewhere on the property will help soften the

appearance of the new development from the street. The scale and character of the proposed development are generally consistent with commercial development on agricultural properties.

DPA-3 establishes objectives and guidelines to protect and enhance environmentally sensitive areas, ecosystems and biological diversity and to ensure development positively impacts natural features and functions. DPA-3 applies to high-vulnerability aquifer areas, including the subject property. In compliance with the applicable DPA-3 guidelines, the applicant has provided an Aquifer Impact Assessment report prepared by a professional hydrologist (Attachment 9). The report identifies a risk to the aquifer due to an existing irrigation well on the property and the potential for contaminants to enter the aquifer from the well. The report states:

Of particular concern in relation to the Subject Property is the storage and use of agricultural amendments including pesticides, herbicides, and fertilizers, either organic (manure, compost) or inorganic (synthetic materials, chemicals). The use of pesticides or herbicides should not be done on the Subject Property and only organic fertilizers should be used, albeit sparingly. (p. 14)

The report provides recommendations for reducing potential impacts on groundwater from the proposed development. Most have been addressed in the development plan. Still, the possible use of herbicides, pesticides and fertilizers for agricultural activities on the property is an operational issue that will ultimately be the leaseholder's responsibility to manage. The development permit includes conditions for minimizing the use of herbicides, pesticides and fertilizers and requires periodic water quality monitoring.

Requested Variance:

The applicant has asked to vary Section 17(1)(b) of the Zoning Bylaw by removing the requirement to pave parking spaces, driveways and accesses and also to remove other off-street parking requirements that are only practical if the site is paved, such as marking and numbering the parking stalls. If approved, the parking and vehicle circulation areas would be surfaced with gravel, and the parking spaces would be demarked with wheel stops. The applicant has agreed to pave the entrance to the site, between the sidewalk on Beverly Street and the front property boundary, to discourage gravel and other materials from being tracked from the site onto the public road. The applicant has also agreed to pave the disabled parking stall adjacent to the building so that anyone with mobility challenges using the parking space can more easily travel from the parking lot to the building.

In accordance with development permit guidelines and recommendations from the Aquifer Impact Assessment report, drainage from the parking area will be directed to an oil/grit/water separator before being discharged to an on-site rock pit. This device will require regular maintenance, particularly with a gravel parking area, because of the increased potential for sediment to enter it. The maintenance schedule has been included as a condition of the development permit.

Summary and Conclusion

The proposed food processing and innovation hub at 2431 Beverly Street is not a conventional form of commercial and industrial development. The facility will support agricultural activities on the subject property and elsewhere in the Cowichan Valley and provide services commonly occurring on larger farms. The food and processing innovation hub will provide these services at a centralized location that will be accessible to smaller agriculture producers and food processors. While the facility clearly supports agriculture, it is also in an urban location that is highly visible and will result in a higher intensity of use similar to processing and distribution uses that occur in commercial and industrial zones. The development permit process is intended to ensure the proposed development achieves the objectives and guidelines of the OCP and Zoning Bylaw and that the proposed design and development plan for the property adequately addresses potential environmental impacts.

While the design of the facility is utilitarian, it complies with the functional requirements expected for commercial and industrial development. The applicant has provided reports from qualified professionals for addressing potential environmental impacts, and recommendations from those reports are included in the project as development permit requirements.

Issuance of the permit, including relaxation of the paving requirement, is recommended.

OPTIONS

1. **(Recommended Option)** THAT Council approve Application DP000321 and authorize issuance of a development permit for 2431 Beverly Steet for a food processing and innovation hub facility and grant a variance to Section 17 of Zoning Bylaw No. 2950 to relax the development standard for off-street parking.
 - This option will allow the project to proceed as proposed.
2. THAT Council deny the variance requested to Section 17 of Zoning Bylaw No. 2950 to relax the development standards for off-street parking spaces and request that the applicant amend application DP000321 for 2431 Beverly Street to comply with all applicable zoning regulations.
 - This option would require the off-street parking areas to be paved.
3. THAT Council deny Application DP000321 for a food processing and innovation hub facility for 2431 Beverly Street and the requested variance to Section 17 and 21 of Zoning Bylaw No. 2950 because it is inconsistent with applicable development permit guidelines.
 - If Council does not consider the application to comply with applicable development permit guidelines adequately, this option would see the application denied.

IMPLICATIONS

Authorizing issuance of the development permit will help facilitate the development of a food processing and innovation hub at 2431 Beverly Street. The more intensive use of the site potentially impacts groundwater, but this risk can be managed if the recommendations of qualified professionals and development permit requirements are followed.

RECOMMENDATION

THAT Council approve Application DP000321 and authorize issuance of a development permit for 2431 Beverly Steet for a food processing and innovation hub facility and grant a variance to Section 17 of Zoning Bylaw No. 2950 to relax the development standard for off-street parking.

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Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Site Plan
- (4) Floor Plan
- (5) Applicant's Operational Letter
- (6) Building Elevations
- (7) Stormwater Management Plan
- (8) Site Photos
- (9) Aquifer Impact Assessment
- (10) Draft Development Permit