



Subject: *Withrow's Farm Market Limited Discharge Agreement*
To: CAO for Planning Advisory Committee, January 17, 2023
Date Prepared: January 4, 2023
Related Motions: None
Prepared by: Lee-Ann Martin, Planner & Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Jim Benedict on behalf of Withrow's Farm Market Limited to discharge an existing development agreement with the Municipality to permit land located at 1040 Highway 214, Belnan to be regulated by the provisions of the Land Use Bylaw. The existing development agreement permits a one storey expansion with a maximum gross floor area of 1800 square feet. If the discharge of the existing development agreement is approved by Council, the applicant plans to further expand the farm market with a 100' x 25' one story expansion at the rear of the existing building.

Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report.

Recommendation

That the Withrow's Farm Market Limited Discharge Agreement be approved.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- *Approve the discharge agreement for lands located at 1040 Highway 214, Belnan, to enable the subject property to be regulated by the provisions of the Land Use Bylaw.*

Background

An application has been received from Jim Benedict on behalf of Withrow’s Farm Market Limited to discharge the existing development agreement for lands located at 1040 Highway 214, Belnan. The applicant requested to have the property regulated by the Rural Use (RU) Zone provisions of the Land Use Bylaw (LUB). The existing agreement permits the development of a one-storey building expansion with a maximum gross floor area of 1800 square feet. Discharging of the agreement would allow for further expansion of the farm market, subject to the requirements of the LUB. The permitted uses of the property are those of Retail Trade Establishments of Specialty Food Stores (including meat markets and fruit and vegetable markets) and Nursery and Garden Centres and all those uses under the Rural Use (R4) Zone uses identified under the 2000 Land Use Bylaw. The 2000 Land Use Bylaw had a maximum commercial floor area requirement of 10,000 square feet in the Highway Commercial (HC) Zone. Used beyond 10,000 square feet were permitted through the Development Agreement process. The existing agreement was in place as the expansion to the farm market was over the 10,000 square foot commercial floor area requirement.

All of the current land uses on the subject property are permitted as-of-right in the 2016 Rural Use (RU) Zone, which the property is currently zoned. Therefore, discharging the existing agreements will not result in any of the current businesses operating on the property becoming a non-conforming use. In addition, the applicant understands that if the existing agreement is discharged, the property will be subject to the requirements of the Land Use Bylaw, including parking provisions.

Subject Property

The subject property is located at 1040 Highway 214, Belnan and is identified as PID 45201480. As indicated on the zoning map to the right, the subject property and adjacent properties located on either side of the subject property are also zoned Rural Use (RU) Zone. The size of the subject property is 1.1 hectares (2.7 acres) with approximately 110 m of frontage along Highway 214.

This property is the location of the Withrow’s Farm Market and contains the existing farm marking building and greenhouse building.

Development Proposal

The purpose of this application is to discharge the existing development agreement so the subject property may be regulated by the provisions of the Land Use Bylaw. All of the existing uses currently taking place at 1040 Highway 214 are permitted in the Rural Use (RU) Zone. By discharging the existing agreement, the land uses would not become non-conforming. There is no maximum commercial floor area requirement in the 2016 Land Use Bylaw for RU zoned properties. Any future development on the subject property would have to be in accordance with the provisions of the RU Zone requirements of the LUB.

The applicant is considering expansion of the farm market upon approval of the discharge. The expansion would be permitted as-of-right subject to the requirements of the RU zone (see attached site plan).



Conclusion

Planning staff have reviewed the application by Jim Benedict on behalf of Withrow's Farm Market Limited based on the applicable policies contained in the Municipal Planning Strategy, Municipal Government Act and the existing development agreement and have determined that the request to discharge the agreement is appropriate. Therefore, staff recommend that the existing development agreement, identified as Document #81618432 be discharged. In doing so, the property located at 1040 Highway 214, Belnan will be regulated by the Rural Use (RU) Zone provisions of the LUB. All uses and buildings would comply with the 2016 Land Use Bylaw regulations.

Recommendation

That the Withrow's Farm Market Limited Discharge Agreement be approved.

Attachment A: Site Plan

