

Zoning Bylaw Amendment Application

Referral Form – RDCK File Z2406F

Date: May 31, 2024

You are requested to comment on the attached BYLAW AMENDMENT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO July 1, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

5644 Highway 3A and 6, Taghum, BC, Electoral Area 'F'

THAT PART OF AMENDED LOT 1 (REFERENCE PLAN 52262I) LYING SOUTH OF RIGHT OF WAY PLAN R66 DISTRICT LOT 2355 KOOTENAY DISTRICT PLAN 759 EXCEPT (1) PARCEL 1 (REFERENCE PLAN 100313I) AND (2) PART INCLUDED IN PLAN 7805 (PID: 013-526-774)

PRESENT USE AND PURPOSE OF AMENDMENT REQUESTED:

The subject property is a 0.7 hectare (1.7 acre) parcel of land that has been improved with a gas station, retail store and associated parking areas commonly referred to as Taghum Shell.

The purpose of the proposed bylaw amendment application is to rezone the property from Neighbourhood Commercial (C1) to General Commercial (C2) in order to facilitate the construction of a proposed addition to the existing commercial building on the subject property. The proposed commercial gross floor area (GFA) for this site is 657 m² the current C1 zone permits a maximum commercial GFA of 500 m².

In the event that the Board supports the proposed Zoning Bylaw Amendment a Commercial, Industrial, and High Density Residential Development Permit (CIHDRDP) application would be required in order for RDCK staff to review the proposed landscaping, screening, parking, building design, and site layout details. The development permit would need to be issued prior to the issuance of a building permit for the addition to the existing building.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.7 hectares (1.7 acres)	N/A	Neighbourhood Commercial (C1) in Zoning Bylaw No. 1675, 2004	Commercial (C) in Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011

APPLICANT: Stand Architecture c/o Lukas Armstrong

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

**ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
- HABITAT BRANCH (Environment)
- FRONTCOUNTER BC (Ministry of Forests)
- AGRICULTURAL LAND COMMISSION
- REGIONAL AGROLOGIST
- ENERGY & MINES
- MUNICIPAL AFFAIRS & HOUSING
- INTERIOR HEALTH, HBE TEAM
- KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)
- SCHOOL DISTRICT NO.
- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, NELSON HYDRO)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

- A B C D E F G H I J K

ALTERNATIVE DIRECTORS FOR:

- A B C D E F G H I J K

- RDCK FIRE SERVICES
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK RESOURCE RECOVERY
- RDCK REGIONAL PARKS

FIRST NATIONS

- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 - YAQAN NU?KIY (LOWER KOOTENAY)
 - ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 - ?AKISQNUK (COLUMBIA LAKE)
 - ?AQ'AM (ST. MARY'S)

OKANAGAN NATION ALLIANCE

- C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
- K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
- SNPÍNTKTN (PENTICTON)
- STQA?TKWƏ+WT (WEST BANK)
- SUKNAQÍN (OKANAGAN)
- SWÍWS (OSOYOOS)
- SPAXOMƏN (UPPER NICOLA)

SHUSWAP NATION TRIBAL COUNCIL

- KENPÉSQT (SHUSWAP)
- QW?EWT (LITTLE SHUSWAP)
- SEXQELTQÍN (ADAMS LAKE)
- SIMPCW ((SIMPCW)
- SKEMTSIN (NESKONLITH)
- SPLATSÍN (SPLATSÍN FIRST NATION)

SKEETCHESTN INDIAN BAND

TK'EMLUPS BAND

- LAKES TRIBES OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION (SINIXT)

INSERT COMMENTS ON REVERSE . . .

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
FILE: Z2406F APPLICANT: Lukas Armstrong

Name:

Date:

Agency:

Title:

RETURN TO: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

RDCK Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

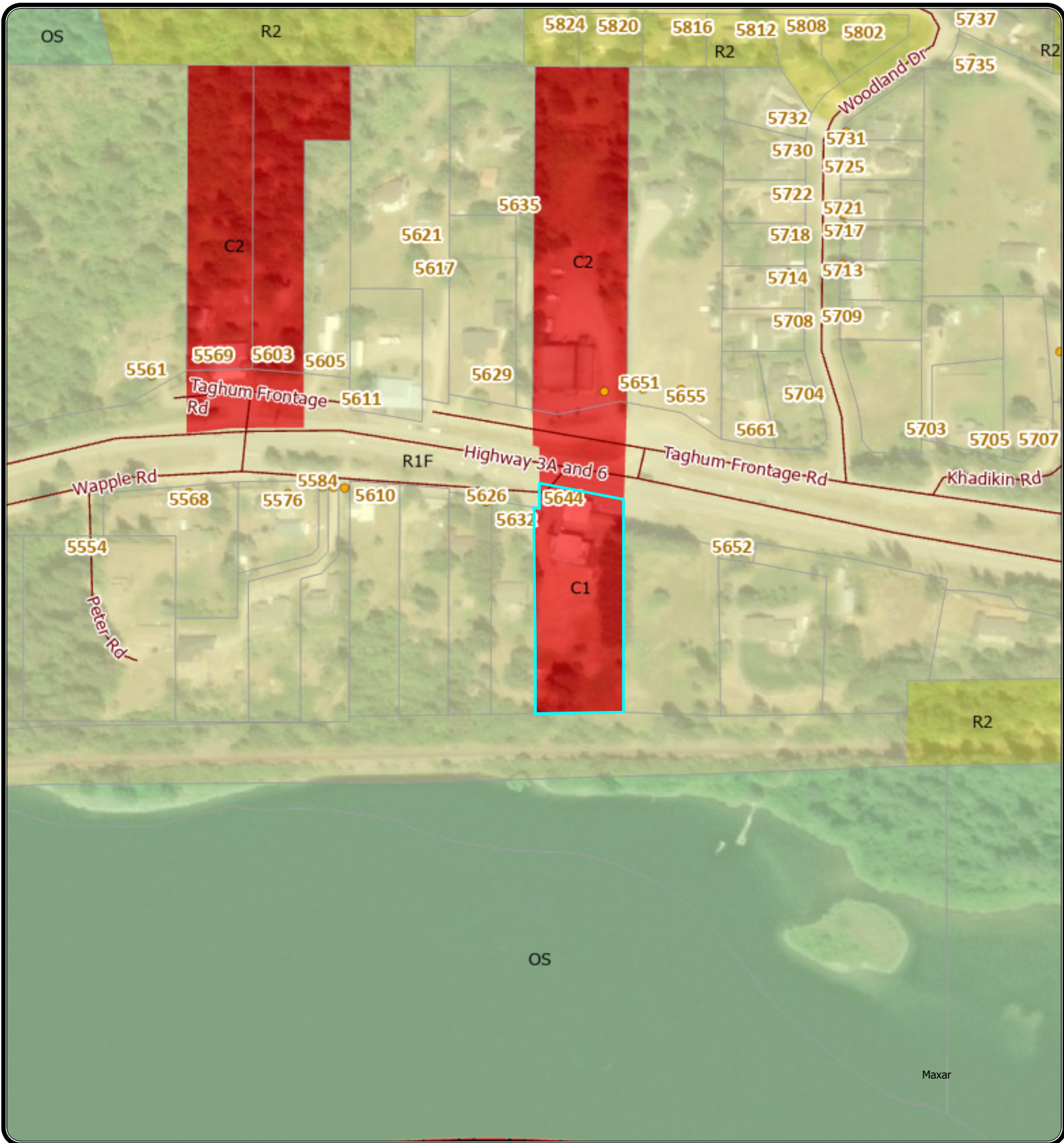
1:18,056

Date: May 16, 2024



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

RDCK Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

Zoning Class

- Commercial
- Open Space
- Residential 1
- Residential 2

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

Date: May 16, 2024



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

STAND

ARCHITECTURE

lukas@standarchitecture.com

3457 Bedford Rd.

Nelson BC V1L 6X7

250.219.1878

TO : Zachari Giacomazzo

Regional District of Central Kootenay

250.352.8190

ZGiacomazzo@rdck.bc.ca

RE: Rezoning Application for Taghum Shell, Proposal Summary

5644 Hwy 3A West

Nelson BC V1L 6Y3

Mr. Giacomazzo,

My client, 531131 B.C. Ltd. DBA Taghum Stop, is requesting to change the zoning of their property from the current Zoning designation of C1 to Zoning designation C2.

The primary reason for this request revolves around the maximum allowable building area that is allowed within the C1 zoning. My client would like to build an addition on their current store that would allow them to expand the area available for retail space, as well as storage space. That intended addition would exceed the allowable floor area under C1.

The business, known as Taghum Shell, is an important element of the community, offering food, fuel, and convenience items. They are also an important stop for commuter traffic between Nelson and Castlegar. As a result of this, the business experiences significant use. They need the additional capacity to continue to offer their high quality of service and expand on their offerings. Supporting the client in realizing these goals meets the intent of the OCP for the Commercial designation.

The C2 zoning designation uses a lot coverage metric, rather than the floor area metric used by the C1 zone, to manage the scale of development. Under the C1 zoning, the intended addition would push the building area over the maximum 500 sm² by 157 m², for a total of 657 m².

Under the C2 zoning, which allows for 50% lot coverage, the intended addition would result in approximately 10% lot coverage, including both the building and the gas canopy. Therefore, the C2 zoning supports the requested additional building area.

There is an expanded list of allowable uses under the C2 zone, which could be beneficial to the Owner, particularly because they have a large basement under the store, with a south facing walk-out store front, that could be leased for additional commercial purposes, improving the types of commercial opportunities available to the public.

However, it should be noted that the capacity of the site is nearly exhausted for other commercial development outside of the store, due to the large areas that are used for parking, propane storage tanks, septic field, access lanes etc. There simply isn't the room to build additional buildings, or the required septic and parking that they would require.

As a result of this, while the switch to the C2 zone will allow some expansion of product offerings in the current store on the main level, it is not expected that that the over all volume of traffic will increase as a direct result of the expansion.

The change to C2 may also allow for other additional types of commercial opportunities in the basement. Commercial use is already allowed in the basement, and if the Owner chooses to use the basement for commercial uses, this may increase the traffic to the rear of the store to some degree. However, the overall intensity of use on the site is not expected to increase more if the activity is of the type allowed under a C1 versus a C2 zone.

It should be noted that both C1 and C2 fall under the "commercial" designation within the OCP, and both zones are governed by the same planning guidelines.

As described within the OCP, "Commercial land can greatly impact the sustainability of a region in that it provides the goods and services required by the community. Providing these goods and services close to where people live, reduces the need for citizens to travel long distances that has both social, economic and environmental impacts. Commercial developments also contribute to the local economy and economic viability of an area by creating jobs at a local level."

Taghum Shell has been providing local employment opportunities for decades. The Owner intends to continue to do so, and the requested change to a C2 zoning designation will support their ability to create additional employment opportunities.

The stated objectives of the OCP within Commercial designations are as follows:

"12.2 Objectives

- .1 Provide small scale commercial activities servicing the needs of local residents and tourists, expanding services as future growth may dictate.
- .2 Direct commercial development to existing residential nodes and municipalities where services and amenities are more readily available.
- .3 Support new commercial development in combination with residential use, to promote mixed-use, walkable, community areas.
- .4 Ensure that all commercial development is at a scale appropriate to the rural form and character of the community and its natural environment.
- .5 Minimize land use incompatibility and conflicts between commercial activities and surrounding land uses. "

The current Taghum Shell, and the requested change to C2 with the associated improved commercial offerings, directly respond to the intent of the objectives of the OCP. The continued evolution of Taghum Shell promises to provide many positive impacts to the community in which it operates.

The owners are aware that their operation does impact the neighbors that are immediately adjacent to the property. That impact has been a fact for decades, well before the new building was built. The change to C2 will not substantially change that activity as noted previously.

That said, the Owner is committed to maintaining healthy relationships with the neighbors, and through the Development Permit process will be committing to the mitigation strategies discussed within the OCP such as substantial vegetative screening and fencing along property boundaries. 620 within the zoning by-law will require providing privacy for indoor and outdoor spaces, reduction of glare from traffic and exterior light sources, controlling noise from streets and activity areas and blocking wind. There are additional requirements within 621 of the Zoning By-law, such as fences or hedges at least 1.5m in height that cannot be seen through, a 1.5m strip of landscaped area directly adjacent to residential properties, landscaping any undeveloped disturbed areas of the site and screening parking with an evergreen hedge 1.5m in height within 1m of the parking stalls. 612 also requires that loading zones be of a durable dust free surface, and that strategy will be extended to entirety of the parking lot, as it is in the Owners best interests.

In conclusion, the request to change the Zoning designation of the lot from C1 to C2, while still staying within the OCP Commercial designation, aligns with the intent of the OCP to support high quality community oriented commercial opportunities and employment within Rural neighborhoods.

Taghum Shell is a well-loved institution within the community. The Owners has shown their intent to continue to offer high quality commercial and employment opportunities through their investment in their property. They have also demonstrated a willingness and an intent to mitigate the impact to their immediate neighbors through the strategies required by the Development Permit process.

Allowing the change to C2 will significantly benefit the community while creating little to no additional negative impacts.

On behalf of Taghum Shell,

Thank you,

A handwritten signature in black ink, appearing to read 'Lukas Armstrong', with a stylized flourish at the end.

Lukas Armstrong
Stand Architecture Inc.

EXISTING ZONE

DIVISION 32 NEIGHBOURHOOD COMMERCIAL (C1)

Permitted Uses

3200 Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:

Cannabis Retail Stores
Horticulture
Farmer's Market
Mixed Use Developments
Offices
Pubs
Personal Service Establishments
Recycling Depot
Restaurants
Retail Stores
Service Stations
Tourist Accommodation
Accessory Uses:
 Accessory Buildings and Structures
 One Dwelling Unit.

Development Regulations

3201

1 The minimum site area for each permitted use shall be provided as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
Hotel, Motel, Lodge and Similar Uses	0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit	0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit	1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit
All Other Uses	0.4 hectare	0.4 hectare	1.0 hectare

For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The maximum commercial floor area within all buildings on a lot shall be 500 square metres.
- 4 Landscaping shall comply with the requirements of sections 621 and 622.

PROPOSED ZONE

DIVISION 32 GENERAL COMMERCIAL (C2)

Permitted Uses

3300 Land, buildings and structures in the General Commercial (C2) zone shall be used for the following purposes only:

- Building and Plumbing Sales
- Cannabis Retail Stores
- Manufactured Home and Trailer Sales
- Mixed Use Developments
- Motor Vehicle Sales and Rentals
- Offices
- Plumbing, Heating and Glass Sales and Service
- Personal Service Establishments
- Recycling Depot
- Repair Shops (enclosed) of:
 - boats and light marine equipment
 - awnings and canvas products
 - small equipment and machinery
 - automobiles
- Restaurants
- Retail Stores
- Service Stations
- Tourist Accommodation
- Veterinary Clinics
- Warehousing, restricted to:
 - mini warehouses
 - cold storage plants
 - feed and seed storage and distribution
- Accessory Uses:
 - Accessory Buildings and Structures
 - One Dwelling Unit

Development Regulations

3301

- 1 The minimum site area for each permitted use shall be provided as follows:

Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
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