

A G E N D A

WHISTLER

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, MARCH 26, 2019 STARTING AT 6:00 P.M.**

**Franz Wilhelmssen Theatre at Maury Young Arts Centre
4335 Blackcomb Way, Whistler, BC V8E 0X5**

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed Bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may ask questions following presentations; however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

Zoning Amendment
Bylaw (Montis
Distilling Ltd.) No.
2219, 2019

PURPOSE OF "ZONING AMENDMENT BYLAW (Montis Distilling Ltd.) No. 2219, 2019"

As stated in the Notice of Public Hearing, the purpose of the "Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019" is to amend "Schedule 'D' - Liquor Sales - List of Retail Outlets" by adding 1062 Millar Creek Road to permit the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor onsite.

Submissions from
the Public

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

MOTION TO CLOSE THE PUBLIC HEARING

PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (Montis Distilling Ltd) No. 2219, 2019		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing (scheduled for March 26, 2019).
Proposed Bylaw	February 26, 2019	Zoning Amendment Bylaw (Montis Distilling Ltd) No. 2219, 2019
Council Report 19-010	February 26, 2019	Administrative Report to Council requesting consideration of first and second readings for proposed Zoning Amendment Bylaw (Montis Distilling Ltd) No. 2219, 2019.
Presentation Slides	February 26, 2019	Presentation slides for Report to Council
Council Minutes	February 26, 2019	Minutes of the Regular Meeting of Council of February 26, 2019
Correspondence		Correspondence will be added to the Package as it is received



THE RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V0N 1B4 TF 1 866 932 5535
www.whistler.ca FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, MARCH 26, 2019 – 6:00 P.M.

MAURY YOUNG ARTS CENTRE

Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

ZONING AMENDMENT BYLAW (Montis Distilling Ltd.) No. 2219, 2019

SUBJECT LANDS: 1062 Millar Creek Drive

More specifically these lands are described as: Strata Lot 1 District Lot 4119 Group 1 New Westminster District Strata Plan LMS2128 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, PID: 023-193-468 and as shown on the map attached to this notice.

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to amend “Schedule 'D' - Liquor Sales - List of Retail Outlets” by adding 1062 Millar Creek Road to permit the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor onsite.

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documentation may be inspected at the Reception Desk of Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded) from March 14, 2019 to and including March 26, 2019.

PUBLIC PARTICIPATION:

All persons, who believe their interest in the property is affected by the proposed Bylaw, will be afforded a reasonable opportunity to be heard by Council at the Public Hearing.

Written comments must be addressed to “Mayor and Council”, and may be submitted prior to the public hearing (by 4:00 p.m. on March 26, 2019):

Email: corporate@whistler.ca
Fax: 604-935-8109
Hard Copy: Legislative Services Department
4325 Blackcomb Way
Whistler BC V8E 0X5

All submissions included in the Public Hearing Package will form part of the public record. The Package will be available on our website at www.whistler.ca with other associated information.

After the conclusion of this Public Hearing, Council cannot receive representations from the public on the proposed Bylaw.

ZONING AMENDMENT BYLAW (Montis Distilling Ltd.) No. 2219, 2019
SUBJECT LANDS – 1062 Millar Creek Road, Whistler, BC



SUBJECT LAND

**RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (Montis Distilling Ltd.) NO. 2219, 2019**

A BYLAW TO AMEND ZONING AND PARKING BYLAW NO. 303, 2015

WHEREAS Council may, by bylaw, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones, and prohibit any use in any zone;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019".
2. Zoning and Parking Bylaw No. 303, 2015 is amended in Schedule "D" – Liquor Sales – List of Retails outlets by adding the following row to the table:

1062 Millar Creek Road	Strata Lot 1 District Lot 4119 Group 1 New Westminster District Strata Plan LMS2128 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 PID: 023-193-468	Same as Legal Description	Liquor that is produced on the premises only
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GIVEN FIRST AND SECOND READINGS this 26th day of February, 2019.

Pursuant to Section 464(2) of the *Local Government Act*, a Public Hearing was held this ____ day of _____, 2019.

GIVEN THIRD READING this ____ day of _____, 2019.

Approved by the Minister of Transportation this ____ day of _____, 2019.

ADOPTED by the Council this ____ day of _____ 2019.

Jack Crompton,
Mayor

Brooke Browning
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of
"Zoning Amendment Bylaw (Montis Distilling Ltd.)
No. 2219, 2019."

Brooke Browning, Municipal Clerk

SCHEDULE 1 to Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019



Subject Property

RZ1159 – 1062 Millar Creek Rd. – 1st and 2nd Readings of Zoning Amendment Bylaw

Council Presentation

February 26, 2019

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way

Whistler, BC Canada V8E 0X5

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Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019

- Purpose

- ✓ To amend “Schedule ‘D’ – Liquor Sales – List of Retail Outlets” in the Zoning and Parking Bylaw No. 303, 2015 by adding 1062 Millar Creek Road to the list.

- Proposal

- ✓ To rezone the subject property to permit the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor onsite.

Subject Site



Subject site

- Montis Distilling Ltd. is constructing a distillery at 1062 Millar Creek Road
- Located in Function Junction
- Zoned IS1 (Industrial Service One)
- Located within an eight-unit strata building

Site Context



- Subject site

Background

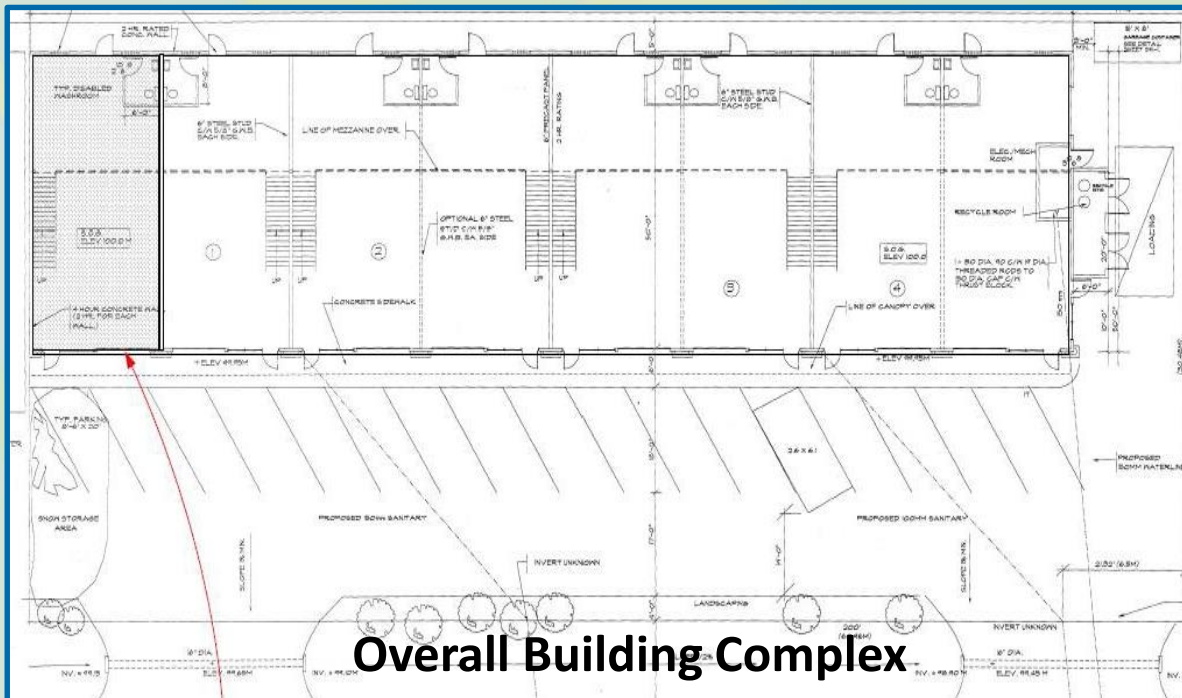
- In 2003, to address municipal concerns with changes to the Provincial liquor licensing regulations Council adopted “Zoning Amendment Bylaw No. 1615, 2003”.
 - ✓ This restricted the sale of liquor to only those properties listed in Schedule ‘D’ of the Zoning Bylaw.
- In 2016, Council adopted “Zoning Amendment Bylaw No. 2120, 2016” to more clearly prohibit the retail sales of packaged liquor including as an auxiliary use.
 - ✓ A rezoning application is required should any new proponent seek to sell liquor at the retail level.

Background

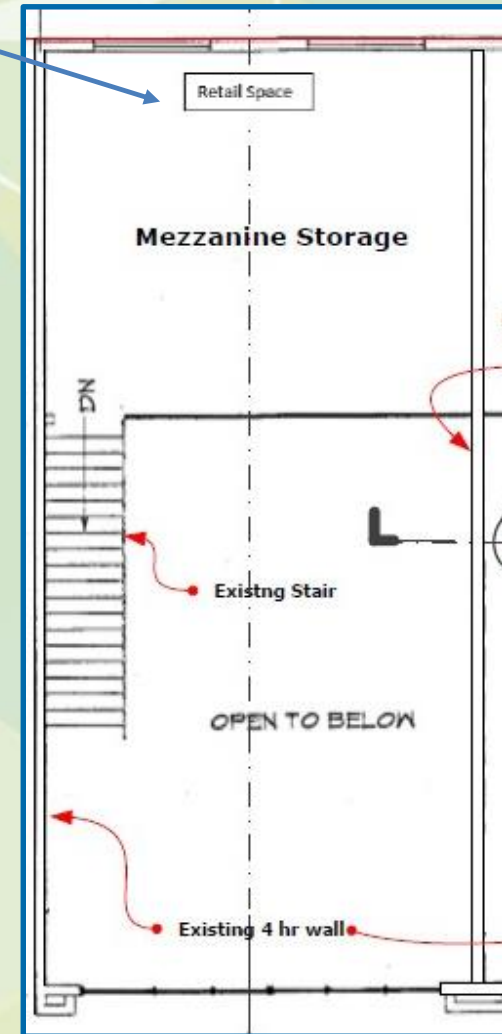
- Currently, **15** locations are permitted to sell liquor and are listed in “Schedule ‘D’ – Liquor Retail Outlets”.
 - ✓ Seven sites have no restrictions on the retail sale of liquor
 - ✓ Three parcels are only allowed temporary sales in conjunction with an approved event (i.e. Olympic Plaza)
 - ✓ Three sites are allowed retail sales auxiliary to beer manufacturing
 - ✓ Two lots are restricted to only beer and wine “off sales”

Development Proposal

- Montis Distilling Ltd. proposes a 10 m² retail sales and tasting area on the mezzanine level.
- Limiting this space to less than 10 percent of the gross floor area would make this use clearly auxiliary to the manufacturing of liquor onsite.



Overall Building Complex



Strata Unit

Zoning Analysis

- The site is zoned IS1 (Industrial Service One)
 - ✓ The proposal complies with regulations of the IS1 Zone.
- Parking and Loading
 - ✓ The proposal meets the minimum parking standards which requires two parking spaces, as calculated below.

Type of Use	Area	Required Parking	Amount of Parking Required
Manufacturing	111 m ²	1 space per 100 m ²	1.1
Retail Sales	10 m ²	6 space per 100 m ²	0.6
Circulation/ storage/ washrooms	22 m ²	0	0
Total	143 m²		1.7

Policy Considerations

- Whistler 2020
 - ✓ **Economic** – Opportunity to offer a broader range of products to consumers.
 - ✓ **Visitor Experience** – Contributes to the tourism experience while ensuring that the approval of such activities are considered appropriately.
- Council Policy G-17: Municipal Liquor Licensing
 - ✓ This rezoning application is consistent with Policy G-17.

Recommendation

That Council consider giving first and second readings to 'Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019'; and

That Council authorize staff to schedule a public hearing for 'Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019', and to advertise for same in the local newspaper.



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: February 12, 2019
FROM: Resort Experience
SUBJECT: RZ1159 – 1062 MILLAR CREEK ROAD – REZONING FOR LIQUOR RETAIL SALES

REPORT: 19-010
FILE: RZ1159

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to “Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019”; and

That Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019”, and to advertise for the same in a local newspaper.

REFERENCES

Location: 1062 Millar Creek Road

Legal: PID 023-193-468 Strata Lot 1 District Lot 4119 Group 1 New Westminster District Strata Plan LMS2128 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

Owner: 0946903 B.C. Ltd.

Zoning: IS1 (Industrial Service One)

Appendices “A” – Location Map
“B” – Architectural Plans
“C” – Letter from Applicant

PURPOSE OF REPORT

To present rezoning application RZ1159 and application to amend “Schedule 'D' - Liquor Sales - List of Retail Outlets” of the municipality’s zoning bylaw to rezone 1062 Millar Creek Road to permit the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor onsite. The Report presents “Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016” for Council consideration of first and second reading and recommends Council authorize scheduling of a Public Hearing for the proposed Bylaw.

DISCUSSION

Montis Distilling Ltd. operates a craft gin distillery at 1062 Millar Creek Road and is seeking permission to include the retail sale of packaged liquor as an auxiliary use to the manufacturing of liquor produced onsite. The subject site is a developed parcel in the southern section of the Function Junction neighbourhood, on the east side of Millar Creek Road (Appendix “A”).

Background

In 2003, to address municipal concerns with changes to the Provincial liquor licensing regulations, the impact to the mix of retail uses, and overall character of Whistler Village, Council adopted “Zoning Amendment Bylaw No. 1615, 2003”. This was a RMOW initiated zoning amendment, the intent of which was to restrict the sale of liquor to only those site specific properties listed in Schedule ‘D’ in “Zoning and Parking Bylaw No. 303, 2015”. Over time, however, it became apparent that the wording in Bylaw No. 1615, 2003 did not restrict, as intended, those businesses manufacturing liquor from selling some packaged liquor at the retail level as an auxiliary use.

To remedy the above, in 2016 Council adopted “Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016”, which clearly prohibited the retail sales of packaged liquor unless expressly permitted under and listed in Schedule ‘D’. It also made it clear that a rezoning application to amend the text of Zoning Bylaw’s Schedule ‘D’ would be required should any new manufacturer, or other proponent, seek to sell liquor at the retail level in the future.

“Schedule ‘D’ – Liquor Sales – List of Retail Outlets” currently designates 15 locations that are permitted to sell liquor. Seven sites on the list have no restrictions on the retail sale of liquor, three are only allowed temporary sales in conjunction with an approved event (i.e. Olympic Plaza), three are allowed retail sales auxiliary to beer manufacturing, and two sites are restricted to only beer and wine “off sales”.

Originally developed as Whistler’s industrial area, Function Junction has evolved over time into a general business district and is the community’s primary location for light industrial, service commercial and retail sales of hardware, household goods and building supplies. The manufacturing of liquor (i.e. local breweries, cideries and distilleries) in industrial areas is similar to many other communities in the Province, and is complementary to the local tourism economy. Two locations in Function Junction, Whistler Brewing Company and Coast Mountain Brewing are listed on Schedule ‘D’, and are permitted to sell beer that is produced on the premises.

Rezoning Proposal

Montis Distilling Ltd. has submitted an application seeking permission to allow limited retail sales of packaged liquor as an auxiliary use to their manufacturing of liquor operation, a gin distillery (Appendix “B”). The intent is to complement this craft distillery’s approved Provincial manufacturing licence, which permits the manufacturing of liquor and offering limited quantities of sampling for tasting (Appendix “C”). This requires a text amendment to the Zoning and Parking Bylaw’s Schedule ‘D’ to add 1062 Millar Creek Road to the list of permitted retail outlets for liquor sales to allow the retail sale of liquor produced on the premises as an auxiliary use.

The subject site is located within an eight-unit building, and is zoned IS1 (Industrial Service One). Under the IS1 Zone the manufacturing and production of beverages, and auxiliary uses are permitted. A limit to the retail and sampling area has been proposed as the use is auxiliary to the manufacturing

and production of liquor. The applicant has proposed a 10 m² retail sales and tasting area to be located on the mezzanine level. This area would be less than 10 per cent of the total gross floor area of the operation, which would contain the retail sales use and clearly make it accessory to the manufacturing of liquor onsite (Appendix “B”).

Parking and Loading

The minimum parking standards under Part 6 of the “Zoning and Parking Bylaw No. 303, 2015” for manufacturing and retail uses requires a total of two parking spaces for this proposal. The overall building complex has 17 existing parking spaces (Appendix “B”), which equates to an average of two parking spaces per strata unit. No change to the loading requirements are triggered with this rezoning application. An existing loading space is located at the south side of the building.

Parking Calculation in accordance with Table 6-A Regulations:

Type of Use	Area	Required Parking	Amount of Parking Required
Manufacturing	111 m ²	1 space per 100 m ²	1.1
Retail Sales	10 m ²	6 space per 100 m ²	0.6
Circulation/ storage/ washrooms	22 m ²	0	0
Total	143 m²		1.7

Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019

Staff have prepared the Zoning Amendment Bylaw to amend the text of Schedule ‘D’ by adding 1062 Millar Creek Road to the list of permitted retail outlets for liquor sales to allow the sale of packaged liquor produced on the premises for consumption offsite. This Bylaw is presented to Council for consideration of first and second reading.

WHISTLER2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Economic	Whistler has a diversified and year-round tourism economy. Whistler proactively seizes economic opportunities that are compatible with tourism, and effectively adapts to changing external conditions. Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	This text amendment to allow auxiliary retail sales of packaged liquor produced on the premises offers a broader range of products to consumers, and contributes to the tourism experience.
Visitor Experience	Whistler proactively anticipates market trends. The resort is comfortable, function, safe, clean and well-maintained.	Requiring any new location that wishes to sell retail packaged liquor to seek permission through a zoning amendment process ensures that such activities are considered appropriately.

Permitting the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor at 1062 Millar Creek Road does not move our community away from any of the adopted Whistler2020 Descriptions of Success.

OTHER POLICY CONSIDERATIONS

The proposed zoning amendment bylaw is consistent with *Council Policy G-17: Municipal Liquor Licensing Policy*. Any new establishments seeking to sell packaged liquor will be required to apply for a zoning amendment to be considered for inclusion on Schedule 'D'.

Should Montis Distillery Ltd. seek to apply for a Provincial *Liquor Manufacturer Lounge Endorsement* to sell liquor for onsite consumption local government approval would be required. This process would allow for careful consideration to address further potential impacts on traffic, parking and pedestrian circulation in Function Junction.

BUDGET CONSIDERATIONS

There are no significant budget implications associated with this proposal. Rezoning application fees provide for recovery of costs associated with processing this application. Should the applicant choose to make changes to the building façade or landscaping, Development Permit and Building Permit fees will be applicable.

COMMUNITY ENGAGEMENT AND CONSULTATION

An information sign detailing the proposal has been posted at the subject property since December 17, 2018 to allow for public inquiries about the application. To date, no inquiries or submissions have been received. A Public Hearing, which is subject to public notice requirements, is required as a part of the statutory process for bylaw consideration and adoption.

SUMMARY

This Report presents "Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019" for Council consideration of first and second readings, and provides an assessment of this rezoning application to amend Schedule 'D' - Liquor Sales - List of Retail Outlets to permit the retail sale of packaged liquor as an auxiliary use to the manufacturing and production of liquor onsite. The Report also recommends that Council authorize the scheduling of a Public Hearing for the proposed Bylaw.

Respectfully submitted,

Stephanie Johnson, MCIP RPP
PLANNING ANALYST

for
Jan Jansen
GENERAL MANAGER RESORT EXPERIENCE

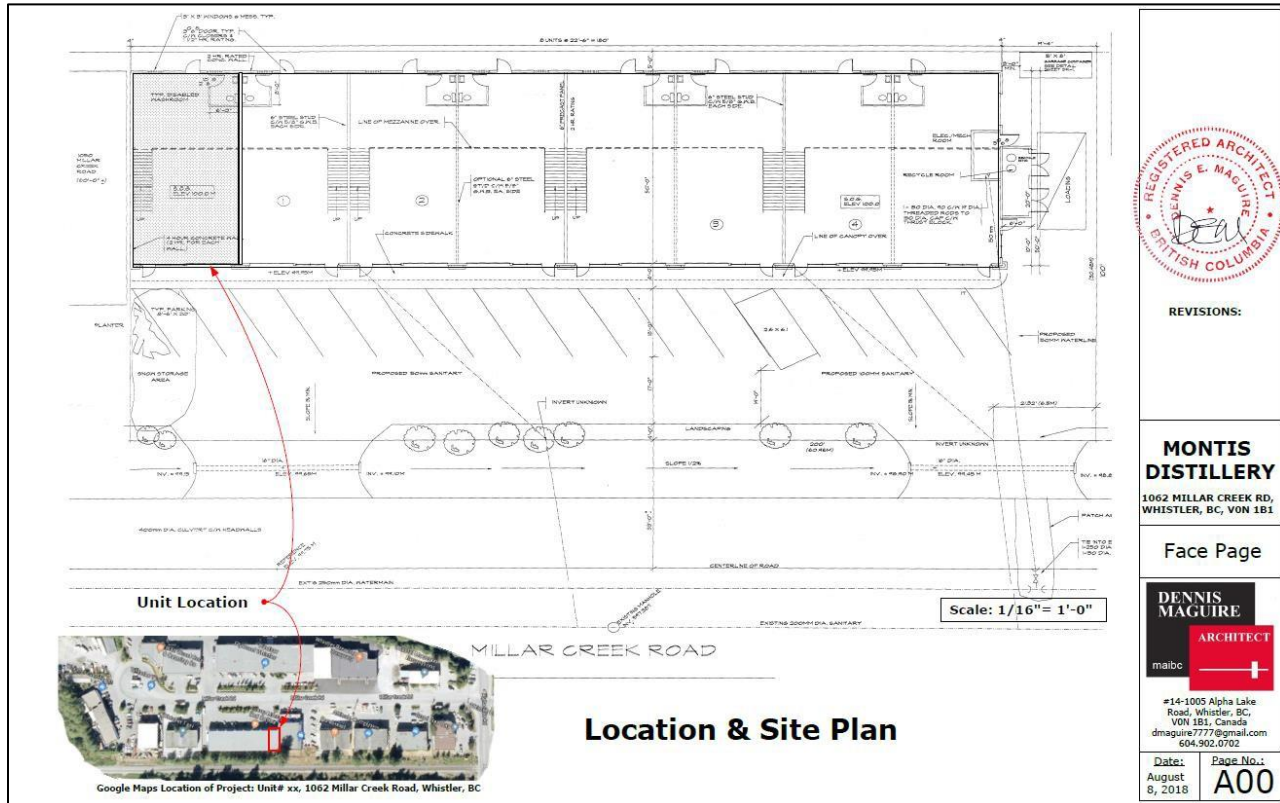
APPENDIX A

**Rezoning Application No.
RZ01159 1062 Millar Creek
Road**

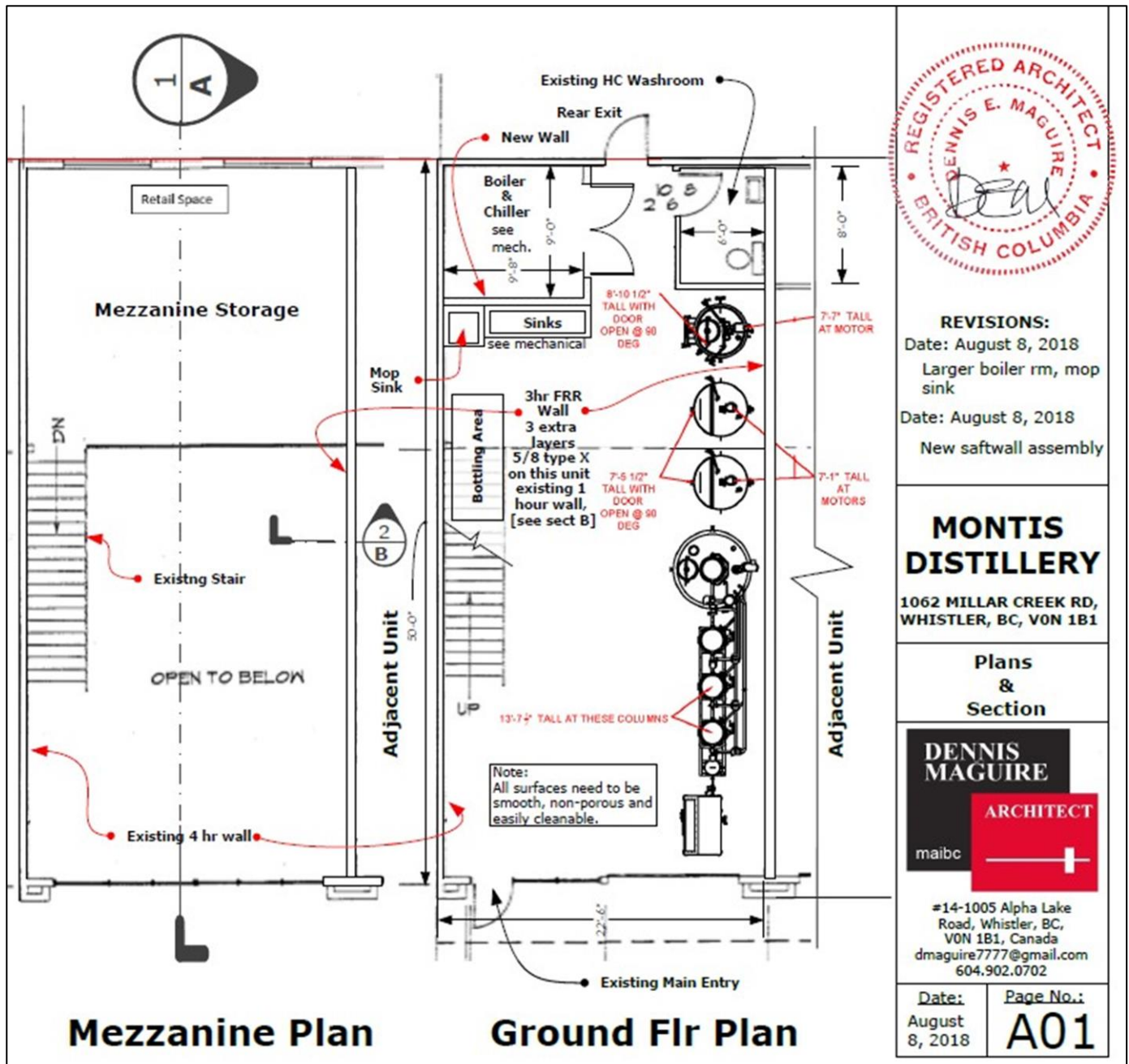


Subject Property

APPENDIX B



APPENDIX B



APPENDIX C

Dear Whom it may Concern:

My name is Kwang Chen and I am the owner operator of the first craft distillery in Whistler. We have recently begun construction and we are hoping for completion of the space in Feb of 2019. As a resident of Whistler, I am excited for this opportunity to bring a new dimension to the transforming Function Junction neighborhood.

We have a craft license from British Columbia, which requires us to limit our production but most importantly requires us to use BC agricultural product which is in line with sustaining the local agricultural economy of BC. We will be a true craft operation with end to end production all being done on-site. Everything from mashing the grain, fermentation, distillation, bottling and even hand applying the labels. Creating additional jobs inside the Whistler community.

We have talked to several bar and restaurant managers and the feedback that we have received is that a lot of their patrons would be very excited to have a Whistler made product in their cocktails. I think this would further enhance the image of Whistler as a world class tourist destination and give visitors another experience they can enjoy while visiting Whistler.

You can look at the success of the two local breweries that exist in the Function Junction area today and the sense of pride that Whistler residents have of their local breweries and the enjoyment that visitors have being able to enjoy a locally made product. I really believe that a craft distillery is something that the neighborhood and Whistler needs to continue with the trend of local and sustainable consumption.

To keep us economical sustainable we would like to be able to offer alcohol retail sales of our own products at our storefront. We are hoping to have one shelf in our space to be able provide the opportunity for visitors to purchase a bottle when they come see us. Having an on-site storefront will also give us the ability to sell our product at events such as our farmers market according to LCRB regulation.

We are building into an existing space and during the review process to obtain our building permit it was deemed that the space had sufficient services to accommodate production and a small retail space. We will perform all sales inside the existing space and do not anticipate the addition of alcohol retail sales to our existing retail sales of Montis labeled products will have a negative impact to our neighbors. We hope that the additional foot traffic will be a welcome benefit to the other storefronts in the area.

Since we are building into an existing space our design will also not have an effect on the neighborhood and believe the building has already been built to satisfy the requirements of the Official Community Plan Development Permit Area Guidelines.

Kwang Chen

Montis Distilling

ADMINISTRATIVE REPORTS

RZ1159 – 1062
Millar Creek Road –
Rezoning for Liquor
Retail Sales
File No. RZ1159
Report No. 19-010

Moved by Councillor R. Forsyth
Seconded by Councillor A. De Jong

That Council consider giving first and second readings to “Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019”; and

That Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Montis Distilling Ltd.) No. 2219, 2019”, and to advertise for the same in a local newspaper.

CARRIED

~~DVP1164 – 3829~~
~~Sunridge Drive~~
~~Setback Variances~~
~~File No. DVP1164~~
~~Report No. 19-025~~

Moved by Councillor D. Jackson
Seconded by Councillor A. De Jong

That Council approve the issuance of Development Variance Permit DVP1164 for the proposed development located at 3829 Sunridge Drive to:

1. Vary the east side setback for an in-ground swimming pool and associated hot tub from 3.0 metres to 2.6 metres.
2. Vary the east side setback for a pool deck from 3.0 metres to 1.0 metres.
3. Vary the north (rear) setback for a pool deck from 3.0 metres to 0.5 metres.
4. Vary the east side setback for a below grade pool mechanical room from 6.0 metres to 2.0 metres.
5. Vary the south side setback for a retaining wall from 6.0 metres to 0.6 metres.
6. Vary the south side setback for an outdoor fireplace from 6.0 metres to 1.0 metres.
7. Vary the east side setback for an outdoor fireplace from 6.0 metres to 2.0 metres.
8. Vary the south side setback for exterior stairs from 6.0 metres to 4.0 metres.
9. Vary the east side setback for exterior stairs from 6.0 metres to 2.0 metres.
10. Vary the east side setback for a pergola from 6.0 metres to 2.0 metres.
11. Vary the east side setback for a fire pit structure from 6.0 metres to 2.0 metres.
12. Vary the north (rear) setback for exterior stairs from 7.6 metres to 3.0 metres.
13. Vary the east side setback for a retaining wall from 7.6 metres to 3.0 meters.

All as shown in Site Plan A101 dated 17-05-2018, and attached to Administrative Report No. 19-025 as Appendix “B”;