

# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, SEPTEMBER 4, 2012 STARTING AT 6:00 PM**

**In the Franz Wilhelmsen Theatre at Maurice Young Millennium Place  
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the Local Government Act R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012" (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.

As stated in the Notice of Public Hearing,

Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012	<b>PURPOSE OF ZONING AMENDMENT BYLAW (Function Junction - Indoor Recreation Uses) NO. 2003, 2012</b>
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In general terms, the purpose of the proposed Bylaw is to rezone lands in Function Junction to generally allow Indoor Recreation Uses in the Industrial Service One (IS1), Industrial Service Four (IS4), Industrial Light Three (IL3) and Function Junction Light Industrial Residential (ILR) zones, respectively.

Explanation	Explanation by municipal staff concerning the proposed Bylaw.
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Correspondence	Receipt of correspondence or items concerning the proposed Bylaw.
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Submissions	Submissions by any persons concerning the proposed Bylaw.
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**ADJOURNMENT**



**THE RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way  
Whistler, BC Canada V0N 1B4  
[www.whistler.ca](http://www.whistler.ca)

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## NOTICE OF PUBLIC HEARING

### **ZONING AMENDMENT BYLAW (FUNCTION JUNCTION - INDOOR RECREATION USES) NO. 2003, 2012**

Notice is hereby given in accordance with the *Local Government Act* RSBC, 1996, c.323 that the Council of the Resort Municipality of Whistler will hold a Public Hearing to consider representations regarding amendments to Whistler "Zoning and Parking Bylaw No. 303, 1983" (Zoning Bylaw) by means of "Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012" (the "proposed Bylaw") in the Franz Wilhelmsen Theatre at Maurice Young Millennium Place, 4335 Blackcomb Way, Whistler, British Columbia commencing at 6:00 p.m., September 4, 2012.

**AT THE HEARING** the public will be allowed to make representations to Council or present written submissions respecting matters contained in the proposed Bylaw and will be afforded a reasonable opportunity to be heard.

**SUBJECT LANDS:** The lands, which are the subject of the proposed Bylaw, are located in Function Junction at

- 1010 - 1110 Millar Creek Road
- 1005 - 1224 Alpha Lake Road
- 1410 - 1430 Alpha Lake Road
- 1002 and 1006 Lynham Road

These lands ("the Lands") are shown outlined in bold on the map below.

**PURPOSE OF "ZONING AMENDMENT BYLAW (Function Junction - Indoor Recreation Uses) NO. 2003, 2012":** In general terms, the purpose of the proposed Bylaw is to rezone the Lands in Function Junction to generally allow Indoor Recreation Uses in the Industrial Service One (IS1), Industrial Service Four (IS4), Industrial Light Three (IL3), and Function Junction Light Industrial Residential (ILR) zones, respectively.

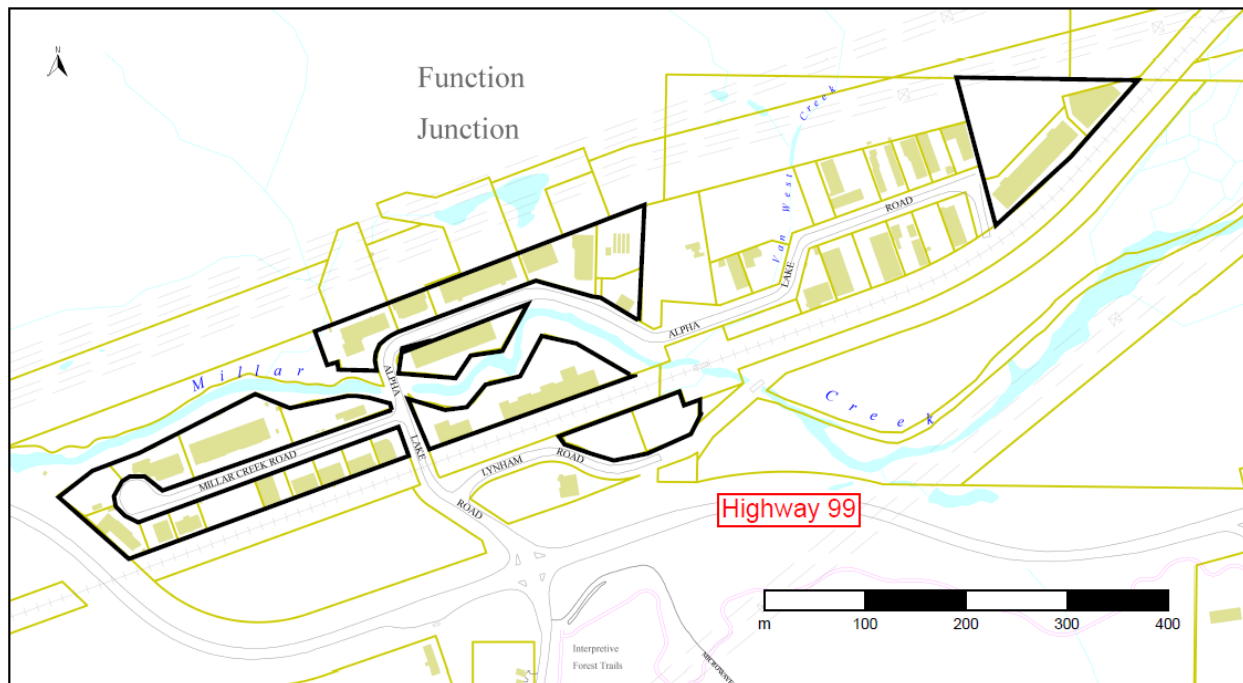
**AND FURTHER TAKE NOTICE** that a copy of the aforementioned "Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012" and related documents which have been or will be considered by the Council of the Resort Municipality of Whistler may be inspected at the Reception Desk of Municipal Hall of the Resort Municipality of Whistler located at 4325 Blackcomb Way, Whistler, British Columbia, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday only, from August 23, 2012 to September 4, 2012 (inclusive) (statutory holidays excluded).

Lonny Miller  
Corporate Officer

The following Public Hearings will be held on September 4, 2012 starting at 6:00 p.m. in the following order:

- 1) Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012;
- 2) Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 and Zoning Amendment Bylaw (BC Transit Site) No. 2012, 2012;
- 3) Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012.

Subject Lands - Bylaw 2003, 2012



**RESORT MUNICIPALITY OF WHISTLER**

**ZONING AND PARKING AMENDMENT BYLAW (Function Junction -  
Indoor Recreation Uses) NO. 2003, 2012**

A bylaw to amend the Zoning and Parking Bylaw to permit indoor recreation uses in industrial zones

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**WHEREAS** Council may, in a zoning bylaw pursuant to Sections 903, 904 and 906 of the *Local Government Act*, 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, require the provision of parking spaces and loading spaces for uses, buildings and structures, and establish different density regulations for a zone, one applicable to the zone generally and the others to apply if conditions are met;

**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 (Function Junction - Indoor Recreation Uses) No. 2003, 2012".
2. Zoning and Parking Bylaw No. 303, 1983 is amended by adding "indoor recreation" to sections 1.1, 6.1, and 9.1 of Section 9 Industrial Zones as subsection (z), (j), and (dd) respectively, and by deleting the words after "indoor recreation" in section 10.1.1(d) of Section 9.

Given first and second reading this 3<sup>rd</sup> day of July, 2012.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Given third reading this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Approved by the Minister of Transportation and Infrastructure this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Adopted by the Council this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Nancy Wilhelm-Morden  
Mayor

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Lonny Miller,  
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Zoning Amendment Bylaw (Function Junction - Indoor Recreation Uses) No. 2003, 2012.

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Lonny Miller,  
Corporate Officer



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** July 3, 2012

**REPORT:** 12-075

**FROM:** Resort Experience

**FILE:** RZ 1059, Bylaw 2003

**SUBJECT:** RZ 1059 – FUNCTION JUNCTION INDOOR RECREATION USES

### 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 (Function Junction-Indoor Recreation Uses) No. 2003, 2012”; and further

**That** Council authorize the Corporate Officer to schedule a public hearing regarding “Zoning Amendment Bylaw (Function Junction-Indoor Recreation Uses) No. 2003, 2012”.

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### REFERENCES

Applicant: Resort Municipality of Whistler

Civic Addresses: 1010-1110 Millar Creek Road  
1005-1224 Alpha Lake Road  
1410-1430 Alpha Lake Road  
1002-1006 Lynham Road

Legal Description: Various.

Current Zoning: Industrial Service One (IS1)  
Industrial Service Four (IS4)  
Industrial Light Three (IL3)  
Function Junction Light Industrial Residential (ILR)

Appendices: “A” Function Junction Zone Designations

### PURPOSE OF REPORT

The purpose of this report is to present a municipally initiated zoning amendment bylaw that would generally extend indoor recreation as a permitted use throughout the majority of Function Junction, within the IS1, IS4, IL3 and ILR zones. The report recommends that Council give first and second reading to Zoning Amendment Bylaw (Function Junction-Indoor Recreation Uses) No. 2003, 2012 and to authorize scheduling of a public hearing for the bylaw.

### DISCUSSION

Historically, zoning in Function Junction has not considered or generally provided for indoor recreation as a permitted use. Over recent years there has been growing demand from local business seeking to locate a wide range of what may generally be classified as indoor recreation

uses within Function Junction including dance studios, trampoline facilities and fitness facilities. Existing buildings provide suitable spaces and rents to support these uses.

At its meeting on May 15, 2012, Council gave third reading to Zoning Amendment Bylaw (IL2 Zone - Indoor Recreation Uses) No. 1995, 2012, which proposes to generally allow indoor recreation as a permitted use within the IL2 zone in Function Junction. At the public hearing on this bylaw, some individuals who commented in favour also requested that the municipality give consideration to more broadly allowing indoor recreation as a permitted use throughout Function Junction, and not just in the IL2 zone. Upon discussion of the bylaw for consideration of 3<sup>rd</sup> reading, Council requested that staff initiate a zoning amendment bylaw to extend indoor recreation as a permitted use for other zones in Function Junction. This report responds to Council's request.

In addition to the IL2 zone, there are six other zones within Function Junction. The zone locations are shown on the Zoning Map included as Appendix "A". Staff recommends that indoor recreation be generally permitted for all but one of these zones, which has specific limitations. The five additional zones proposed for indoor recreation are:

1. Industrial Service 1 (IS1)
2. Industrial Service 4 (IS4)
3. Industrial Light 3 (IL3)
4. Light Industrial Residential (ILR)
5. Industrial Service 5 (IS5)

The only exception is the Industrial Auxiliary One (IA1) zone which is not suitable as lands within this zone are located underneath the power lines and restricted to outdoor industrial storage, vehicle parking and vehicle impound yard.

For the Industrial Service Five (IS5) zone there is an active rezoning application requesting to amend the permitted uses including indoor recreation. This application is separately seeking to add indoor recreation as a permitted use, amongst other proposed changes to the zone. The existing and proposed IS5 zoning is also subject to an OCP amendment in order to make the zoning consistent with the use designations for the site under the OCP.

Based on this analysis, staff has prepared a zoning amendment bylaw to extend indoor recreation as a permitted use within the IS1, IS4, IL3 and ILR zones. This bylaw, Zoning Amendment Bylaw (Function Junction- Indoor Recreation Uses) No. 2003, 2012, is presented for Council consideration of first and second reading. Note that Zoning Amendment Bylaw (IL2 Zone - Indoor Recreation Uses) No. 1995, 2012 has now been adopted by Council.

## **WHISTLER 2020 ANALYSIS**

<b>W2020 Strategy</b>	<b>TOWARD Descriptions of success that resolution moves us toward</b>	<b>Comments</b>
Built Environment	Building design, construction and operation is characterized by efficiency, durability, and flexibility for changing and long-term uses.	Allowing for unrestricted indoor recreation uses would demonstrate flexibility for changing and long-term uses. Existing spaces in Function are well-suited to indoor recreation uses.
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	Function Junction has lower rents than the village which would allow for locally owned and operated businesses and it would provide a healthy business mix to the area.

Health & Social	Community members eat healthy food, exercise, and engage in leisure and other stress relieving activities that assist in preventing illness and they avoid the abusive use of substances that evidence indicates have negative effects on physical and mental health.	Indoor recreation uses encourage a healthy lifestyle that relieves stress that assists in preventing illness.
Recreation & Leisure	Recreation and Leisure infrastructure and practices minimize the degradation of natural areas and are transitioning toward sustainable use of energy and materials.	Indoor Recreations uses would be using existing infrastructure.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	None	

## OTHER POLICY CONSIDERATIONS

## BUDGET CONSIDERATIONS

There are no budget implications associated with the proposed zoning amendment.

## COMMUNITY ENGAGEMENT AND CONSULTATION

A public hearing is required for the Zoning bylaw amendment and will be advertised and held as per Council policy and the *Local Government Act*.

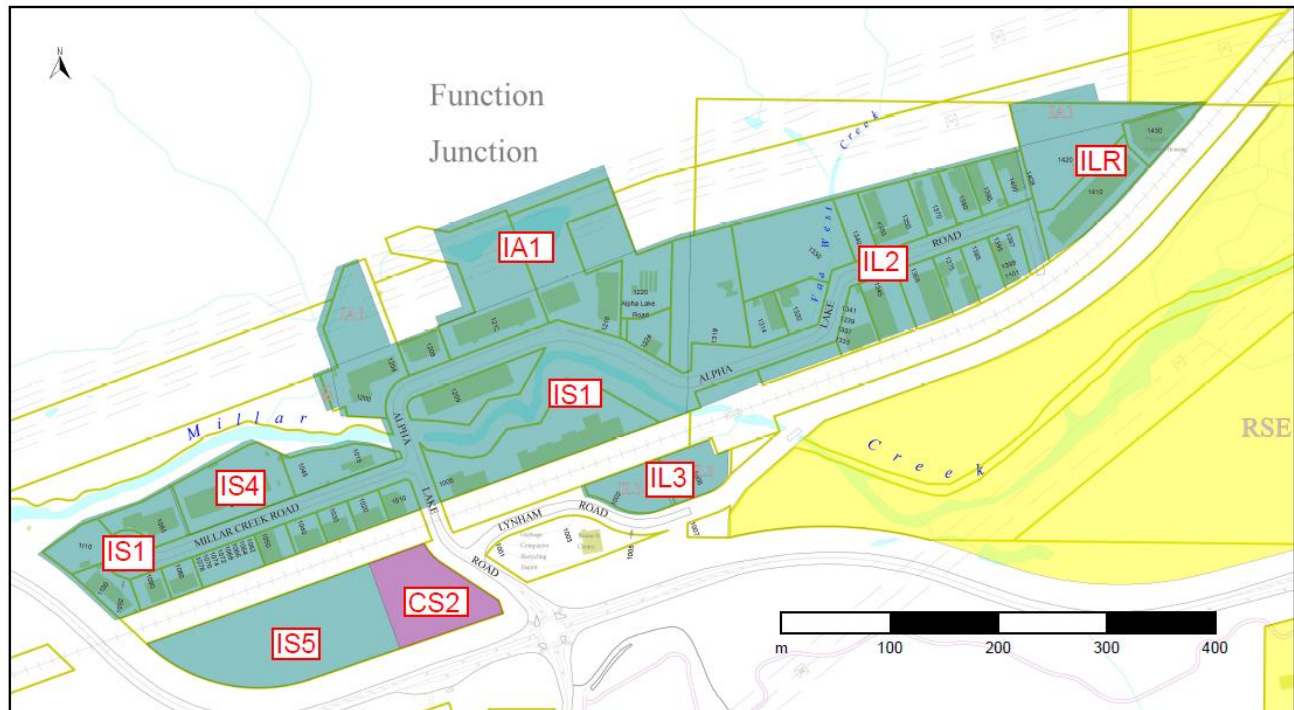
## SUMMARY

To summarize, Planning Staff is supportive of this rezoning text amendment to allow for indoor recreation uses in Function Junction. Staff recommend Council consider giving 1<sup>st</sup> and 2<sup>nd</sup> reading of the proposed bylaw and to schedule a public hearing for the same bylaw.

Respectfully submitted,

Kevin Creery  
PLANNING ANALYST  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

### Function Junction Zone Designations





## ADMINISTRATIVE REPORTS

RZ 1059 – Function  
Junction Indoor  
Recreation Uses  
Report No. 12-075  
File No. RZ 1059,  
Bylaw 2003

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Crompton

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Function Junction-Indoor Recreation Uses) No. 2003, 2012”; and further

**That** Council authorize the Corporate Officer to schedule a public hearing regarding “Zoning Amendment Bylaw (Function Junction-Indoor Recreation Uses) No. 2003, 2012”.

**CARRIED**

Hilton Retail Building  
Development Permit  
Report No. 12-070  
File No. DP 1242

Moved by Councillor R. McCarthy  
Seconded by Councillor J. Crompton

**That** Council approve Development Permit Application 1242 for a freestanding retail building per the architectural plans prepared by Studio One Architecture Inc. dated May 1, 2012 and the landscape plans prepared by Durante Kreuk Ltd. dated April 16, 2012, all included as Appendix A to Administrative Report No. 12-070, subject to the resolution of the following items all to the satisfaction of the General Manager of Resort Experience:

1. Finalization of the plans and details to address the items specified in the letter attached as Appendix B to Administrative Report No. 12-070;
2. Provision of a letter of credit, or other approved security, in the amount of 135 percent of the costs of the hard and soft landscape works both on and off-site as security for the construction and maintenance of these works;
3. Adherence to the Whistler Village Construction Management Strategy; and further
4. Adoption of Zoning Amendment Bylaw (Hilton Retail Building) No. 1990, 2012.

**CARRIED**

RMOW Hazard, Risk,  
and Vulnerability  
Assessment  
Report No. 12-071  
File No. 7513

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Council receive Administrative Report No. 12-071 regarding the Hazard, Risk, and Vulnerability Assessment; and further,

**That** Council approves in principal the recommendations listed in Section 7.0 of the “Hazard, Risk, and Vulnerability Assessment” in Appendix A to Administrative Report 12-071 subject to appropriate budget allocations.

**CARRIED**

2012 Annual Operating  
Agreement – Transit  
Report No. 12-072  
File No. 532

Moved by Councillor J. Crompton  
Seconded by Councillor J. Grills

**That** Council authorize the Mayor and Corporate Officer to execute the 2012-2013 *Whistler Transit Annual Operating Agreement (AOA)* for the period April 1,

Zoning Amendment  
Bylaw (Function  
Junction Indoor  
Recreation Uses) No.  
2003, 2012

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Zoning Amendment Bylaw (Function Junction Indoor Recreation Uses) No. 2003, 2012 receive first and second readings.

**CARRIED**

#### **BYLAW FOR ADOPTION**

Zoning Amendment  
Bylaw (Hilton Retail  
Building) No. 1990,  
2012

Moved by Councillor A. Janyk  
Seconded by Councillor J. Faulkner

**That** Zoning Amendment Bylaw (Hilton Retail Building) No. 1990, 2012 be adopted.

**CARRIED**

Land Use Procedures  
and Fees Amendment  
Bylaw No. 2006, 2012

Moved by Councillor J. Grills  
Seconded by Councillor J. Crompton

**That** Land Use Procedures and Fees Amendment Bylaw No. 2006, 2012 be adopted.

**CARRIED**

#### **OTHER BUSINESS**

*There were no items of Other Business.*

#### **CORRESPONDENCE**

Concerts by Donation  
File No. 8216.41

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** correspondence from Lisa Bishop dated June 14, 2012, suggesting that free concerts in the village be "by donation" to the benefit of different local organizations be received.

**CARRIED**

Fire Pit and Campfire  
Ban  
File No.3009

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Crompton

**That** correspondence from Keenan Moses, Owner of Whistler Eco Tours, dated June 14, 2012, requesting that Council reconsider Bylaw 1956 regarding campfires on commercial premises and provide permission for Whistler Eco Tours to continue having campfires in their fire pit be received and referred to staff.

**CARRIED**

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**From:** Mark Springett [<mailto:markspringett@yahoo.com>]

**Sent:** Tuesday, July 10, 2012 6:08 PM

**To:** Donna Wango; Jack Crompton; Duane Jackson; Jayson Faulkner; Andrée Janyk; John Grills; Roger McCarthy; Nancy Wilhelm-Morden

**Subject:** proposed function junction zoning amendments

To R.M.O.W. Mayor and Council,

I am writing in response to a proposed zoning change to all zoning areas in the Function Junction area of Whistler. I am against the proposal to amend all zones to include recreational use. All owners of IS1 zoned property in Function stand to lose some of the advantage of the more favourable IS1 zoning as IS1 zoning allows for that type of use already - as is evidenced in the Bounce Trampoline business and the Vibe Dance Studio. Investors in IS1 zoned property have paid a premium over other property in Function due to the greater variety of uses allowed and stand to lose some of their capital investment if the zoning change moves forward.

Owners of IS1 zoned property have already been hurt by the zoning change allowed to Don Wensley's property that includes the Lofts complex at the far end of Alpha Lake Road. By allowing that rezoning - which provided for a huge increase in office space and other uses allowed for in IS1 zoning which that property did not prior have - the Function area has been saddled with an over supply of space provided for in IS1 and is in part responsible for a 20% vacancy rate.

My property sat vacant from May 2009 to November 2011 when I was able to lease half of the space for about \$7.00/ft. That is about 60% of what should be the bottom end of the going market rate. The other half of my space remains vacant. The vacancy of my property with massive land tax bills, as well as strata fees and insurance, have pushed me to the brink of bankruptcy. Zoning changes that further erode any advantage IS1 provides over Function land outside the IS1 zoning (Don Wensley is the principal beneficiary as he owns the majority said property) may be the final straw.

Thank you in advance for your time in considering my concerns.

Regards,

Mark Springett