

WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, AUGUST 21, 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 (Industrial Service Six Zone) No. 2005, 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 (Industrial Service
Six Zone) No. 2005, 2012

PURPOSE OF ZONING AMENDMENT BYLAW (Industrial Service Six Zone) NO. 2005, 2012

In general terms, the purpose of the proposed Bylaw is to rezone lands from IS1 (Industrial Service One) to IS6 (Industrial Service Six) to permit a grocery store use at 1200 Alpha Lake Road. The new zone would further limit the size of a grocery store to 300 square metres.

Explanation

Explanation by municipal staff concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

Submissions

Submissions by any persons concerning the proposed Bylaw.

ADJOURNMENT



THE RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, BC Canada V0N 1B4
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NOTICE OF PUBLIC HEARING

ZONING AMENDMENT BYLAW (Industrial Service Six Zone) NO. 2005, 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 the Resort Municipality of Whistler's "Zoning and Parking Bylaw No. 303, 1983" (Zoning Bylaw) by means of "Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 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., August 21, 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 at 1200 Alpha Lake Road ("the Lands") as shown outlined in bold on the map below.

PURPOSE OF "ZONING AMENDMENT BYLAW (Industrial Service Six Zone) NO. 2005, 2012": In general terms, the purpose of the proposed Bylaw is to rezone lands from IS1 (Industrial Service One) to IS6 (Industrial Service Six) to permit a grocery store use at 1200 Alpha Lake Road. The new zone would further limit the size of a grocery store to 300 square metres.

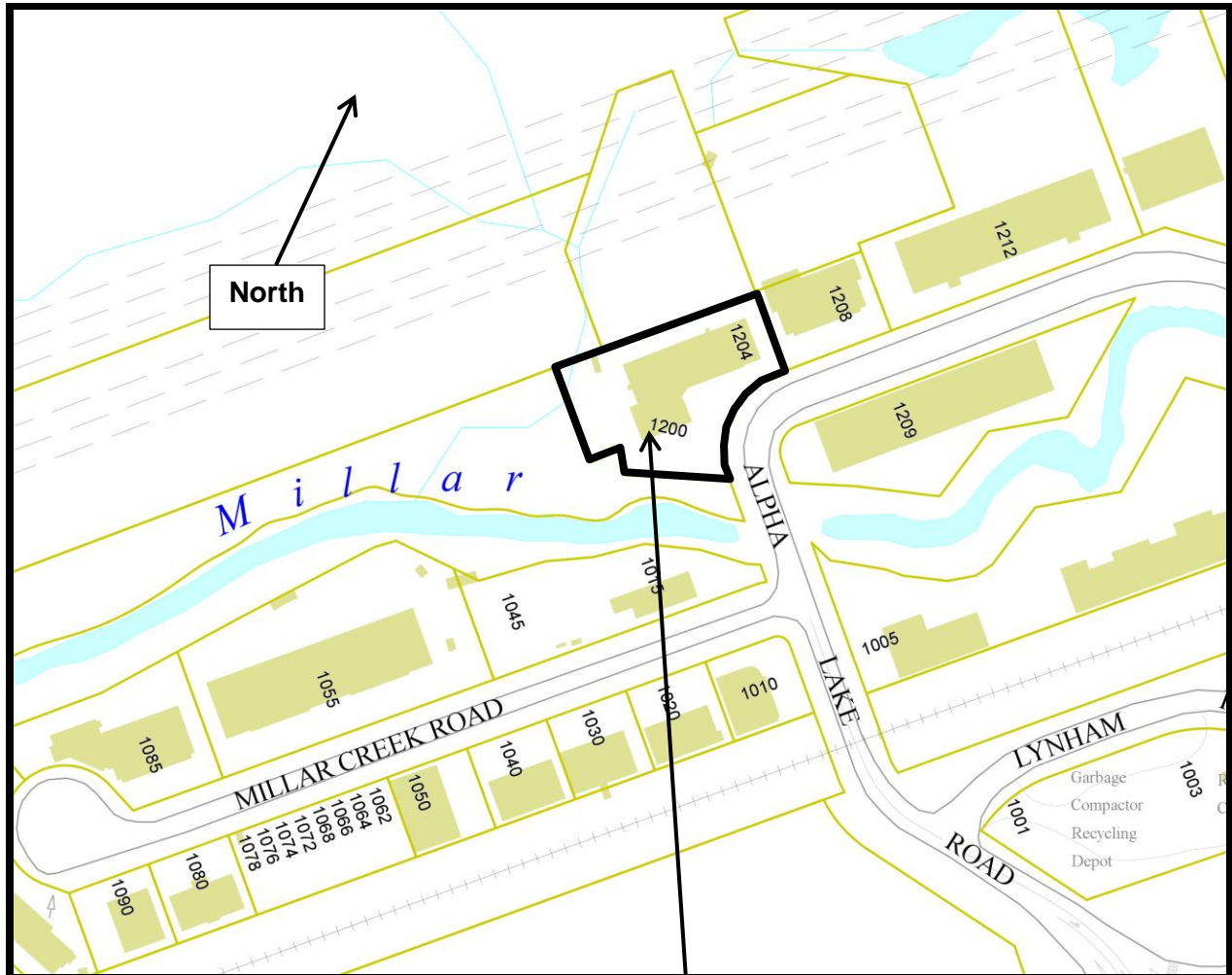
AND FURTHER TAKE NOTICE that a copy of the aforementioned "Zoning Amendment Bylaw (Industrial Service Six) No. 2005, 2012" and related documents which have been or will be considered by the Council of the Resort Municipality of Whistler may be inspected at the Reception Desk of Municipal Hall of the 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 9, 2012 to August 21, 2012 (inclusive) (statutory holidays excluded).

Lonny Miller
Corporate Officer

The following Public Hearings will be held on August 21, 2012 starting at 6:00 p.m. in the following order:

- ~~1. Zoning Amendment Bylaw (Function Junction – Indoor Recreation Uses) No. 2003, 2012~~
2. Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012

Subject Lands – 1200 Alpha Lake Road - Bylaw 2005, 2012



Subject Lands

RESORT MUNICIPALITY OF WHISTLER

ZONING AMENDMENT BYLAW (INDUSTRIAL SERVICE SIX ZONE) NO. 2005, 2012

**A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER
ZONING AND PARKING BYLAW NO. 303, 1983.**

WHEREAS Council may, in a zoning bylaw pursuant to Sections 903, 904 and 906 of the *Local Government Act*, R.S.B.C. 1996, c.323, 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 other 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 (Industrial Service Six Zone) No. 2005, 2012"
2. Zoning and Parking Bylaw No. 303, 1983 is amended by:
 - (a) adding "IS6" to Section 7 under the heading, "Zones" after "ILR" and adding under the heading, "Industrial Zones", the following:

"Industrial Service Six (Bylaw No. 2005, 2012)".
 - (b) amending Schedule "A" Zoning Map by changing the zoning designation of the lands described as a portion of Lot A District Lots 4120, 5624, 7863, and 7979, Plan BCP8757, Group 1 NWD to IS6 (Industrial Service Six) as shown in heavy black outline and identified on the plan annexed to this Bylaw as Schedule 1.
 - (c) adding to Section 9 in numerical order the IS6 Zone as annexed to this Bylaw as Schedule "2".
 - (d) by amending Section 23, Schedule "A", "Legend of Zones", by adding under the heading, "Industrial Zones" the following in appropriate order:

"Service Six (IS6)".

Given first and second reading 17th 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 _____, ____.

Nancy Wilhelm-Morden
Mayor

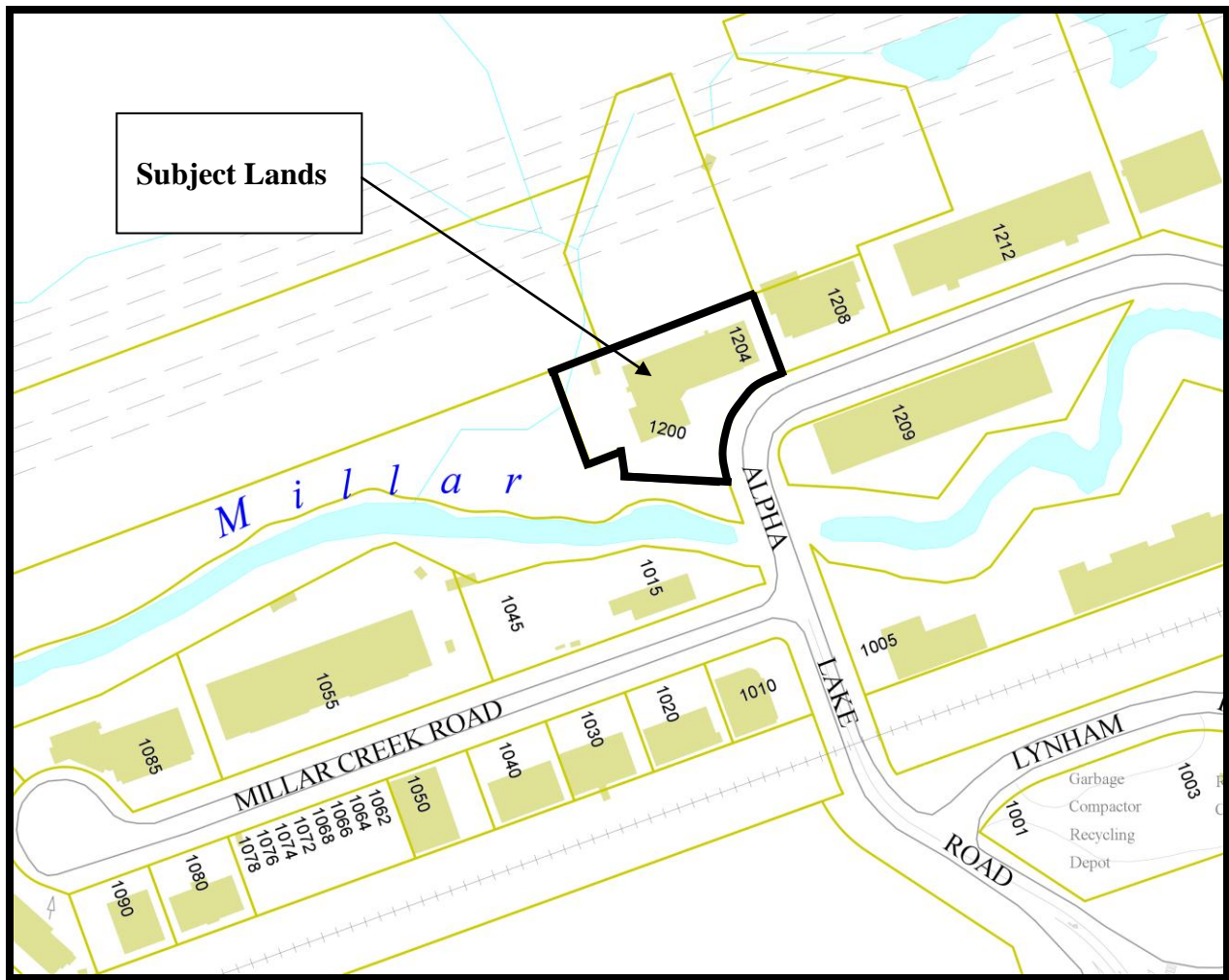
Lonny Miller
Corporate Officer

“Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012”

I HEREBY CERTIFY that this is a true
copy of “Zoning Amendment Bylaw
(Industrial Service Six Zone) No. 2005,
2012”

Lonny Miller,
Corporate Officer

SCHEDULE 1



Subject Lands

“Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012”

SCHEDULE 2

IS6 Zone (Industrial Service Six)

15 In an IS6 Zone:

15.1 All the regulations of the IS1 Zone apply with the addition of the following regulations:

- (a) Grocery store shall also be a permitted use.
- (b) The maximum permitted gross floor area of a grocery store shall be 300 square metres.



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: July 17, 2012

REPORT: 12-077

FROM: Resort Experience

FILE: RZ. 1058

SUBJECT: RZ.1058 - OLIVE'S ORGANIC GROCERIES AT 1200 ALPHA LAKE ROAD

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 (Industrial Service Six Zone) No. 2005, 2012"; and further

That Council authorize the Mayor and Corporate Officer to schedule a Public Hearing regarding "Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012".

REFERENCES

Owner: Millar Creek Developments Ltd., Inc. No. 367768

Location: 1200 Alpha Lake Road

Legal Description: A portion of Lot A, District Lots 4120, 5624, 7863, & 7979
Plan BCP 8757, Group 1 NWD

Current Zoning: IS1 (Industrial Service One)

Proposed Zoning: IS6 (Industrial Service Six)

Appendices: "A" Location Plan

"B" Site Plan

"C" Proposed IS6 Zone

PURPOSE OF REPORT

This report introduces Rezoning Application No. RZ. 1058, an application that proposes to add "grocery store" as a permitted use at 1200 Alpha Lake Road, and asks for Council's consideration of first & second readings of the zoning amendment bylaw.

DISCUSSION

History

In the spring of 2012 Municipal Staff were contacted regarding a proposal to open a grocery store in Function Junction. Review of the applicable zoning, IS1 (Industrial Service One), showed that, while retail uses are permitted, they are limited as follows:

9.1.1 (s) Retailing and rental, but only including motor vehicles, industrial equipment, machinery, motor vehicles, industrial equipment, machinery, motor vehicle accessories and parts, bicycles, boats and boating supplies, hardware and building supplies, small equipment, tools, motors and household items.

The question was raised as to whether groceries constitute "household items". To that end, staff received a legal opinion from RMOW solicitors, Young Anderson, clarifying that, within the context of Whistler's Zoning Bylaw 303, this was not the case, thereby necessitating this Rezoning Application.

The applicants originally explored rezoning 1050 Millar Creek Road; however, concerns regarding the limited parking available at that location obliged them to refocus on 1200 Alpha Lake Road as shown on the location plan in Appendix "A".

Current Application

This application proposes to locate, "Olive's, an organically inspired grocery store" at 101- 1200 Alpha Lake Road, site of the current Burnt Stew Café. This unit is approximately 220 m² in area; the intent is for the retail component to constitute 162 m², and the remaining 58 m² for back of house. Staff and the applicants have agreed to limit the maximum area of the grocery store to 300m² in order to allow for some room for expansion in the long term, while still maintaining a small business footprint.

The applicant's vision for this business is a locally owned & operated neighbourhood grocery/convenience store serving people living or working in Function Junction and Cheakamus Crossing, while also picking up some of the business traffic that frequents the area.

"Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012" creates a new, IS6 (Industrial Service Six) zone, which mirrors the IS1 Zone but adds "Grocery Store" as a permitted use, and further limits the gross floor area of a grocery store to 300 m². For clarity, this new IS6 Zone is applicable only to 1200 Alpha Lake Road and is attached to this report as Appendix "C".

Parking & Loading

As a part of this application, the applicant has submitted a parking study for all of 1200 Alpha Lake Road, indicating that, even with the proposed new use, this address has surplus parking. The current restaurant use at Unit 101 generates 5 stalls per 100 m² and the proposed grocery store use generates 6; so the parking requirement for this unit goes up by two stalls. The parking study indicates that the total number of required spaces for this building including the proposed restaurant is 68 spaces. This property has 78 paved, delineated parking stalls as shown in the site plan attached here as Appendix "B".

This building has four loading bays, including one specific to Unit 101. The total number of required loading bays for this property is two.

Split Zoning

Staff note that this parcel is a split-zoned. The front portion that contains the building itself is zoned IS1, while the rear portion of the lot is zoned IA1, (Industrial Auxiliary One). The IA1 zone permits industrial storage and parking uses. The portion of the lot zoned IA1 contains 45 of the total 78 parking stalls and is not subject to this rezoning. Only the IS1 Zoned Portion of the lot is proposed to be rezoned to the new IS6 Zone.

This split zoning is consistent with neighbouring parcels along this portion of Alpha lake Road, which are also split zoned. While split zoning is generally not desirable, it makes sense in these cases as the IA1 zoned portions of these parcels lie beneath the power lines.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Building design, construction and operation is characterized by efficiency, durability and flexibility for changing long-term uses.	Function Junction is evolving, while many uses remain, some new ones are being introduced. The grocery store is a natural step in this evolution.
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	This locally owned & operated business will fill a perceived need in the Function Junction business mix.
Health & Social	Chemical free, organically-grow food produced in the Sea-To-Sky Corridor is available year-round at a price affordable to community members.	The business model provides for organically grown foods at a competitive rate.
"	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.	As above.
Resident Affordability	Residents have access to affordable goods and services that meet their needs.	The store is primarily aimed at people living or working in Function Junction and Cheakamus Crossing, while also picking up some of the business traffic that frequents the area.
"	A buy local culture helps to circulate wealth within Whistler and the region.	As above.
"	Products and services offered to meet residents' needs move continuously toward meeting our sustainability objectives.	Organically grown foods are clearly a more sustainable choice.

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

OTHER POLICY CONSIDERATIONS

The RMOW Corporate Plan provides strategic direction for the organization for the coming two years and identifies development of a Function Junction Sub Area Plan as one of the goals for Planning Services. This application underlines the need for such a plan and can be seen as a small step toward fulfilling this objective.

There is a perception within the community that Function Junction is changing from simply being Whistler's industrial park. The zoning on many properties permits auxiliary residential dwelling units or caretaker units and there is also an appreciable employee housing component at the Northern terminus of Alpha Lake Road. The proposed grocery store would serve the residents of this neighbourhood, those who work there on a daily basis, and Cheakamus Crossing residents.

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

A sign describing Rezoning Application RZ .1058 was posted in June of this year. As of July 5th, no responses have been received. Should staff receive any responses subsequent to the time of writing of this report, these will be made available for Council at their July 17th meeting.

As noted, the applicants had previously explored rezoning another property in Function Junction, 1050 Millar Creek Road; however concerns from a neighbouring business owner regarding parking prompted the move to 1200 Alpha Lake Road.

Per the requirements of the *Local Government Act*, the zoning amendment bylaw will require four readings at Council's open meeting, including a public hearing.

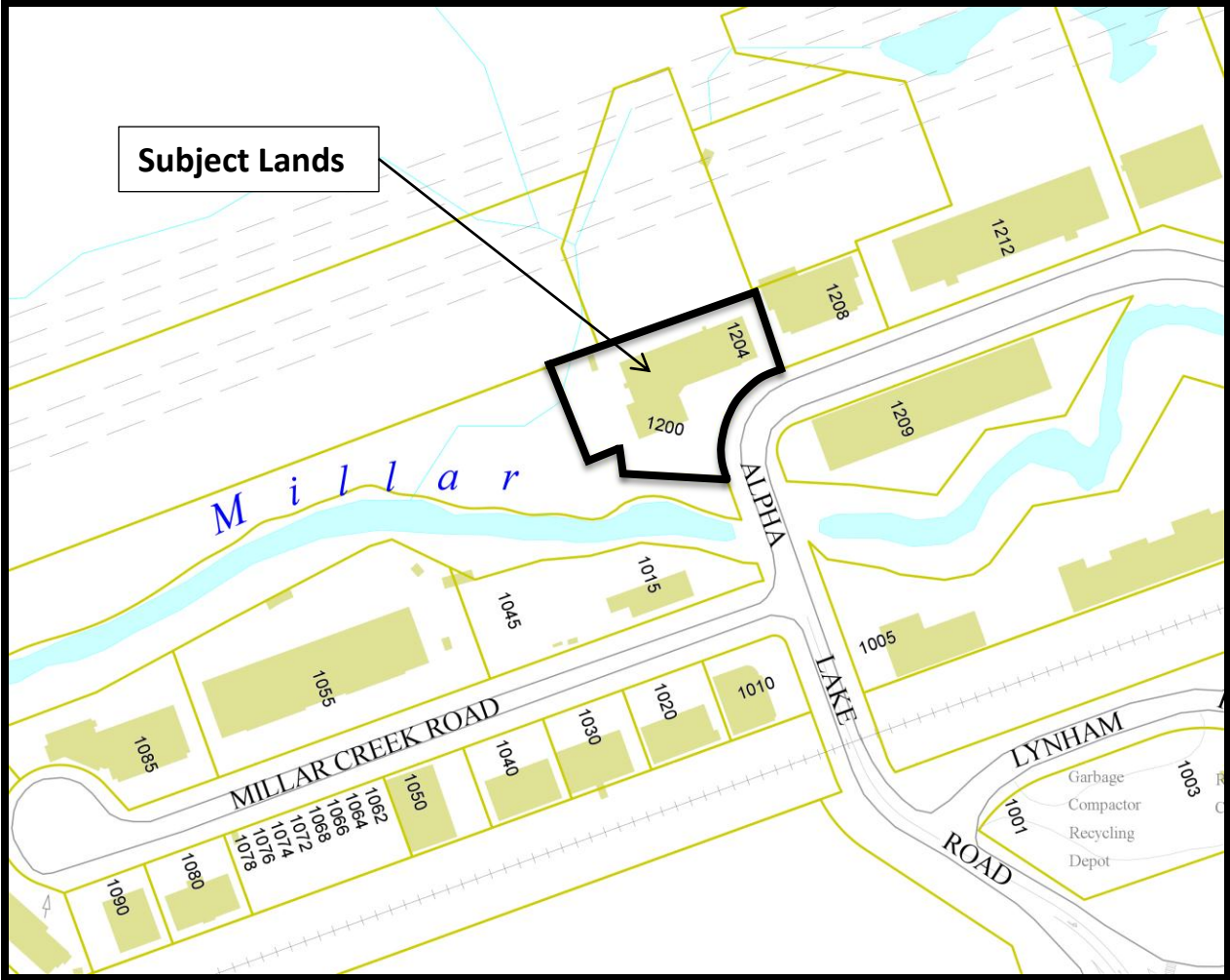
SUMMARY

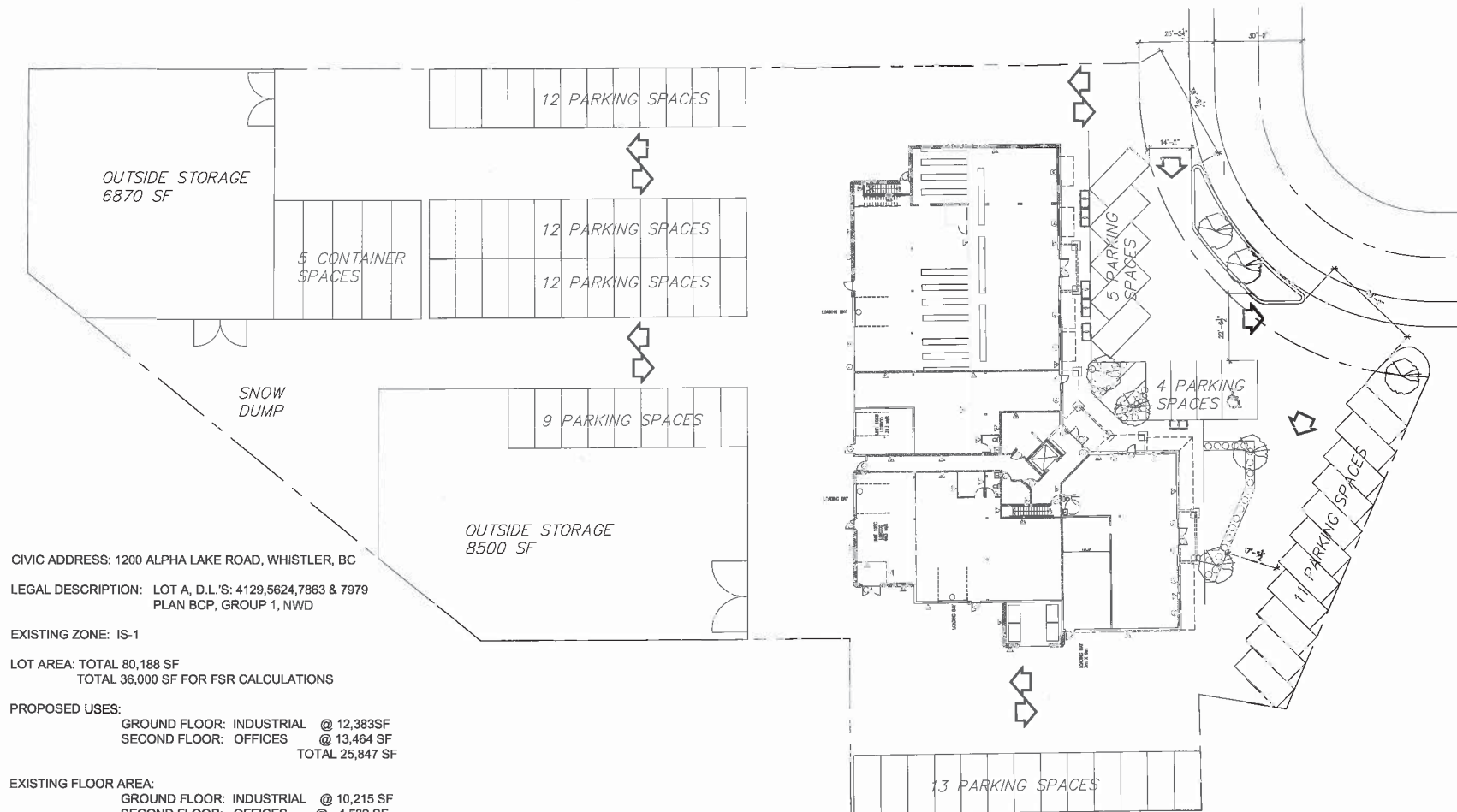
RZ. 1058 proposes to rezone the lands at 1200 Alpha Lake Road from IS1 to IS6 in order to allow a modestly sized grocery store to operate from this location. Creation of the IS6 Zone can be seen as a first step toward identifying the changing needs in Function Junction as noted in the RMOW Corporate Plan.

Respectfully submitted,

Roman Licko
PLANNING TECHNICIAN
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

Rezoning Application No. RZ. 2058 Location Plan





CIVIC ADDRESS: 1200 ALPHA LAKE ROAD, WHISTLER, BC

LEGAL DESCRIPTION: LOT A, D.L.'S: 4129,5624,7863 & 7979
PLAN BCP, GROUP 1, NWD

EXISTING ZONE: IS-1

LOT AREA: TOTAL 80,188 SF
TOTAL 36,000 SF FOR FSR CALCULATIONS

PROPOSED USES:

GROUND FLOOR: INDUSTRIAL @ 12,383SF
SECOND FLOOR: OFFICES @ 13,464 SF
TOTAL 25,847 SF

EXISTING FLOOR AREA:

GROUND FLOOR: INDUSTRIAL @ 10,215 SF
SECOND FLOOR: OFFICES @ 4,532 SF
TOTAL 14,747 SF

ADDITIONAL FLOOR AREA: 11,100 SF
TOTAL FLOOR AREA: 25,847 SF PROPOSED

FLOOR AREA RATIO: 0.75 OR 27,000 SF MAX.

HEIGHT: 39.37 FEET ALLOWED
34.70 FEET PROPOSED

SITE COVERAGE: NO REGULATIONS

PARKING REQUIRED: 68 SPACES

PARKING PROVIDED: 78 SPACES

LOADING BAYS: MIN 2 LOADING PROVIDED

SITE PLAN

1/10"=1'-0"
MPL/ML/MLW2
JUN 31/05

A.1.0

SCHEDULE 2

IS6 Zone (Industrial Service Six)

15 In an IS6 Zone:

15.1 All the regulations of the IS1 Zone apply with the addition of the following regulations:

- (a) Grocery store shall also be a permitted use.
- (b) The maximum permitted gross floor area of a grocery store shall be 300 square metres.

ADMINISTRATIVE REPORTS

3159 Lakecrest Lane
Setback Variance
Report No. 12-080
File No. DVP.1044

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

That Council approve Development Variance Permit Application No. DVP. 1044 to vary the South side setback at 3159 Lakecrest Lane from 3.0 metres to 2.2 metres in order to accommodate an outdoor hot tub on the ground level deck at the rear of the house as shown in the plans attached to this report.

CARRIED

RZ.1058 - Olive's
Organic Groceries at
1200 Alpha Lake Road
Report No. 12-077
File No. RZ. 1058

Moved by Councillor R. McCarthy
Seconded by Councillor D. Jackson

That Council consider giving first and second readings to "Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012"; and further

That Council authorize the Mayor and Corporate Officer to schedule a Public Hearing regarding "Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012".

CARRIED

Report On Whistler Area
Hiking Trails
Report No. 12-078
File No. 8361

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

That Council receive Appendix A to Administrative Report No. 12-078, "Report on Whistler Area Hiking Trails" as a strategic framework for guiding hiking trail planning in the Whistler area;

That Council direct staff to convene a Trails Planning Working Group to integrate the planning of non-motorized hiking and mountain biking trails within and adjacent to RMOW boundaries; and further,

That Council direct staff to engage the Trails Planning Working Group to prepare a non-motorized Recreational Trail Plan for inclusion in the 2012 Official Community Plan (OCP) update and the Recreation Master Plan and to guide the Alpine Trail Program in the current Five-Year Financial Plan.

CARRIED

Festivals, Events &
Animation - 2013 Funding
Allocation
Report No. 12-079
File No. 8216.09

Moved by Councillor R. McCarthy
Seconded by Councillor D. Jackson

That \$1,200,000 from the Resort Municipality Initiative (RMI) reserve of \$2,263,125 is allocated to the 2013 Festivals, Events & Animation (FE&A) program for deployment from October 2012 through May 2013 – and in advance of provincial confirmation of the 2013 RMI program – to secure programming for the 2013 FE&A program.

CARRIED

Amendment to Building
and Plumbing Regulation
Bylaw No. 1617, 2002
Report No. 12-081
File No. 4604

Moved by Councillor D. Jackson
Seconded by Councillor R. McCarthy

That Council consider giving first, second, and third readings to Building and Plumbing Regulation Amendment Bylaw No.2007, 2012.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Measuring Up Select
Committee

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

That minutes of the Measuring Up Select Committee meeting of May 2, 2012 be received.

CARRIED

Transit Management
Advisory Committee

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

That minutes of the Transit Management Advisory Committee meeting of June 7, 2012 and July 4, 2012 be received.

CARRIED

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

That staff be directed to engage the hotel sector to collect information on the impact of full buses passing hotel guests.

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment
Bylaw (Industrial Service
Six Zone) No. 2005, 2012

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

That Zoning Amendment Bylaw (Industrial Service Six Zone) No. 2005, 2012 receive first and second readings.

CARRIED

BYLAWS FOR FIRST, SECOND AND THIRD READINGS

Building and Plumbing
Regulation Amendment
Bylaw No. 2007, 2012

Moved by Councillor D. Jackson
Seconded by Councillor R. McCarthy

That Building and Plumbing Regulation Amendment Bylaw No. 2007, 2012 receive first, second and third readings.

CARRIED