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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** February 21, 2022  
**AUTHOR:** Inonge Aliaga, Senior Planner  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Zoning Bylaw Amendment from RU1 to C9– Z2021-002 – 11506 Turtle Bay Ct.  
**DESCRIPTION:** Zoning Bylaw Amendment to rezone from RU-1 Urban Single Family Residential to C9 Tourist Commercial, to facilitate the development of a 4 storey Apartment Hotel at 11506 Turtle Bay Ct.

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### **QUESTION**

Does Council support rezoning the property at 11506 Turtle Bay Court from RU-1 Urban Single Family Residential to C9 Tourist Commercial to facilitate the development of an Apartment Hotel to proceed to public hearing?

### **OPTIONS**

- A. THAT Zoning Amendment (Z2021-002) Bylaw 1199, 2023 be read a first and second time.  
AND THAT Zoning Amendment (Z2021-002) Bylaw 1199, 2023 be forwarded to a public hearing.
- B. THAT Zoning Amendment (Z2021-002) Bylaw 1199, 2023 not be read and that the file be closed.
- C. THAT Zoning Amendment (Z2021-002) Bylaw 1199, 2023 be deferred pending receipt of additional information as identified by Council.

### **EXECUTIVE SUMMARY**

The owner is proposing to rezone the property at 11506 Turtle Bay Court from RU1 – Single Family Housing to C9 – Tourist Commercial. The proposed development concept for the property is a 30-unit 4-storey Apartment Hotel. Generally, this type of hotel includes rooms with cooking facilities to support longer stays for the traveling public.

The subject property is designated Tourist Commercial in the Official Community Plan. It is adjacent to a large RV park and has access to amenities along Woodsdale Road including bus services, e-bike rentals, convenience store and gas station, restaurant, park, rail trail and beach access. Hotel guests at this location could support the existing businesses along Woodsdale Road.

If Council supports this application, the owner would be required to seek a Development Permit and Development Variance Permit (parking) to authorize the development concept.

### **BACKGROUND/HISTORY**

The Official Community Plan (OCP) future land use designation is Tourist Commercial and the current zoning is RU-1 Urban Single Family Residential. The proposed application brings the property in line with the future OCP designation. The application was originally received on February 2, 2021. It was reviewed and a revised package was requested. The revised package was considered complete on October 25, 2022.

**TABLE 1: SITE CONTEXT**

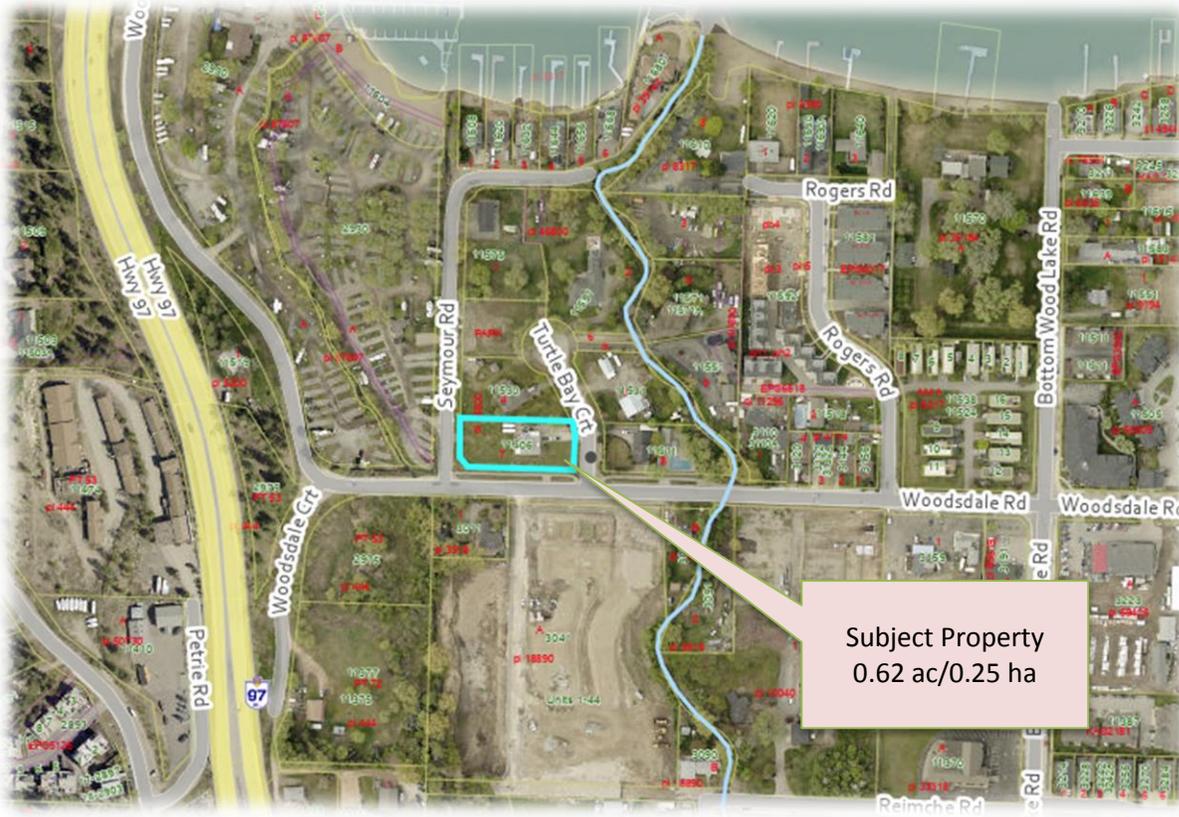
<b>PROPERTY INFORMATION</b>			
Civic Address:	11506 Turtle Bay Court		
Roll Number:	11606208		
Legal Description:	PID: 017-705-380 Lot 7 District Lot 169 ODYD Plan KAP46800		
Applicant:	Dave Richardson	Owner(s):	Dave Richardson
OCP Designation:	Tourist Commercial		
Existing Zoning Designation:	RU1 – Urban Single Family Residential		
Proposed Zoning:	C9 - Tourist Commercial		
Land Use Contract:	No		
ALR:	No		
Parcel Size:	0.62 acres / 0.25 ha/please state hectares first		
DP Area(s):	Commercial and Green House Gas & Resource Conservation		
Water Supply:	Current – onsite; required for development - Municipal		
Sewer:	Current – onsite; required for development - Municipal		
<b>Adjacent Land Use:</b>	<b>Zoning:</b>	<b>Use:</b>	
<i>North:</i>	Existing: RU1 Proposed: Application for P2 – Administration, Public Service and Assembly	Existing: Single Family Dwelling Proposed: Application for Long term Care Home	
<i>East:</i>	Existing: RU1 Proposed: Application for C9 – Tourist Commercial	Existing: Single family Dwelling Proposed: Application for Apartment Hotel	
<i>South:</i>	RM5 – Multi Family & RU1	Multi-Family & Townhouses under construction and Single Family Dwelling	
<i>West:</i>	C9 – Tourist Commercial	RV Park and Campground	

**SITE CONTEXT**

The vision for the Woodsdale neighbourhood in the District’s Official Community Plan (Bylaw1065,2018) is one of a mid-range density, mixed-use urban neighbourhood, with attractive recreation and transportation amenities (see OCP, Section 5.4). Building on the existing amenities, like Beasley Park and the Rail Trail, and commercial enterprises along Woodsdale Road, the future land use plan identifies the area as a mix of tourist commercial, mixed-use commercial, high density residential and park. The district has recognized the development pressures in the neighbourhood and has, as an interim step, targeted resources to upgrade amenities such as bike paths and bus stops along Woodsdale Road this summer. More complete upgrades will be achieved by developers as individual properties are developed.

Many of the properties adjacent to the subject site are in various stages of re-development. As noted in the chart above, there are multifamily developments in process across the street on the south side of Woodsdale and proposals for increased residential or tourist commercial density on adjacent Turtle Bay Court properties. Further east on Woodsdale there have been several recent town house developments, with more town house and multi-family buildings in the proposal stage. This neighbourhood is transitioning from large lot single family residential homes with onsite servicing, to the mid-density, mixed use, municipally serviced neighbourhood envisioned by the Official Community Plan.

MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO



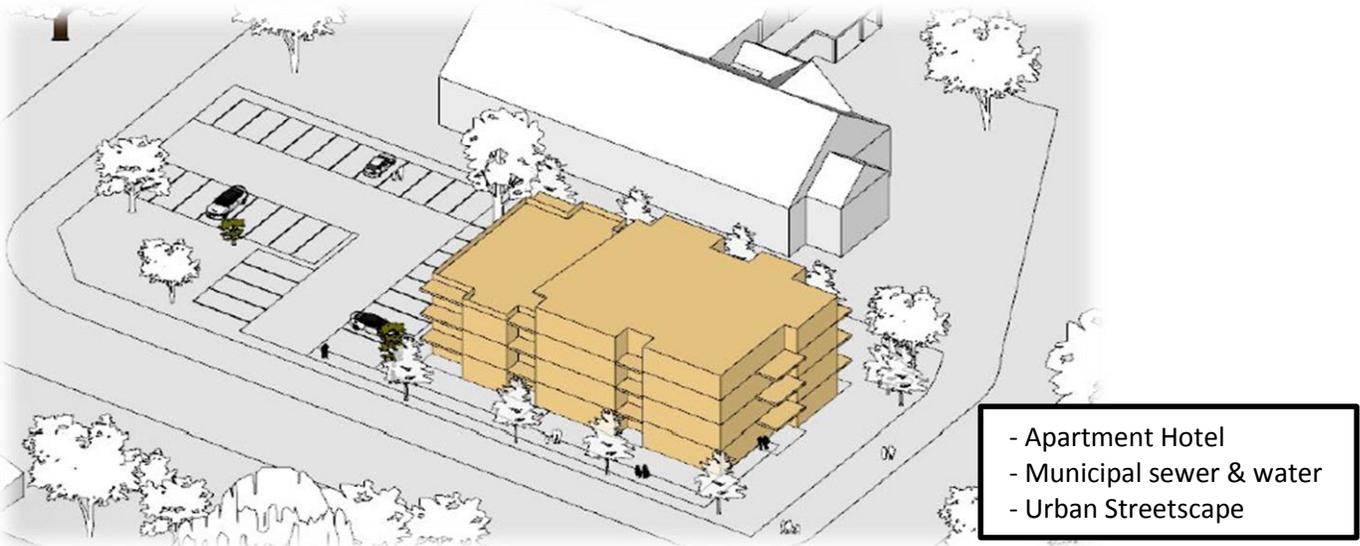
FIGURE 1: CONCEPT SITE PLAN



FIGURE 2: SITE PHOTO SHOWING CURRENT USE



FIGURE 3: RENDERING OF DEVELOPMENT CONCEPT



**TALBE 2: FILE CHRONOLOGY**

Date	Event
2021-02-02	Application submission – original
2022-10-25	Application submission – revised & complete
2022-11-24	Core Team Meeting
2023-01-12	External Referrals Completed
n/a	Committee consideration
n/a	Previous Council consideration

**DISCUSSION/ANALYSIS**Proposed Bylaw Amendment

The applicant's development concept includes a 30-unit 4-storey apartment hotel. Generally, this type of hotel includes cooking facilities to support longer stays for the traveling public.

The existing single-family dwelling has private water and sanitary sewer services, and vehicle access off Turtle Bay Court. The District would require any proposed development to connect to municipal water and sewer. The applicant's development concept includes vehicle access and parking off Seymour Road and pedestrian accesses off Woodsdale Road and Turtle Bay Court. Building and site design is at a conceptual stage, which is appropriate for a rezoning application. The proposed access design is subject to Driveway Access Permit (DAP) approval,

The subject property is designated in the Official Community Plan for Tourist Commercial Use. It is adjacent to a large RV park and has access to appropriate amenities along Woodsdale Road including bus services, e-bike rentals, convenience store and gas, park, rail trail and beach access. District of Lake Country planned improvements to Woodsdale Road for summer of 2023 will include improved bicycle lanes to better serve the community and to support local growth including tourist accommodation developments.

The proposed development of the subject property is supported by the policies of the OCP. The OCP encourages the development of tourist, commercial and multiple -unit residential along Woodsdale Road (Section 5.4.6). The OCP policies (Section 5.4.7) encourage mixing commercial and tourist uses together and state that midrise development should be permitted. The proposal does not have additional commercial amenities on site, but patrons will have access to local commercial operations. The proposed building height conforms to the OCP policy.

Generally, the proposal is appropriate for the location and supports many of the targets and policies set by the District for development. The proposal complies with the zoning requirements for density and site coverage. Providing sufficient parking spaces is the limiting factor of the site.

Policies in the OCP (Section 8.2.) and Mobility Master Plan support reducing parking requirements in favour of alternate modes of mobility such as transit access, car sharing, bicycle parking and end of trip facilities.

Future Development Permit (Council) with Development Variance Permit

Should Council approve the proposed Zoning Bylaw Amendment, the development would require a Development Permit for Commercial use and Greenhouse Gas & Resource Conservation. The current design has surface parking for 32 vehicles including one accessible parking stall. The Apartment Hotel requirement is one parking stall per sleeping unit or 45 parking stalls. To offset the reduced parking the development would provide additional bicycle and e-bike parking and direct pedestrian access to the adjacent bus stop on Woodsdale Road. The applicant will require a Development Variance Permit for parking.

The owner has indicated that, should Council forward the Zoning Bylaw Amendment to public hearing, he would submit Development Permit and Development Variance Permit applications to the District.

## APPLICABLE LEGISLATION AND POLICIES

### Process Requirements for a Zoning Bylaw Amendment

To assist Council in understanding the process requirements for approving a Zoning Bylaw Amendment, portions of the Local Government Act and the Lake Country Development Procedures Bylaw are inserted below:

#### Local Government Act

##### Part 14, Division 3 Public Hearings on Planning and Land Use Bylaws

###### Requirement for public hearing before adopting bylaw

**464** (1) Subject to subsection (2), a local government must not adopt

- (a) an official community plan bylaw,
- (b) a zoning bylaw, or
- (c) a bylaw under section 548 [*early termination of land use contracts*]

without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

- (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if
- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
  - (b) the bylaw is consistent with the official community plan.

###### Public hearing procedures

**465**(1) A public hearing referred to in section 464 must be held after first reading of the bylaw and before third reading.

###### Procedure after public hearing

**470** (1) After a public hearing, the council or board may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) do any of the following:
    - (A) alter the use;
    - (B) increase the density;
    - (C) without the owner's consent, decrease the density

of any area from that originally specified in the bylaw, or

- (ii) alter the bylaw in relation to residential rental tenure in any area.

(2) A member of a council or board who

- (a) is entitled to vote on a bylaw that was the subject of a public hearing, and
- (b) was not present at the public hearing

may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member in accordance with subsection (3).

(3) The report referred to in subsection (2) must be given to the member by

- (a) an officer or employee of the local government, or
- (b) if applicable, the delegate who conducted the public hearing.

#### Development Application Procedures Bylaw

##### Schedule C OFFICIAL COMMUNITY PLAN OR ZONING BYLAW AMENDMENT APPLICATION

C.2 Applications to amend an OCP or Zoning Bylaw shall be processed as follows:

- (i) **Council** may decide to give first reading, refer, table or deny any application.
- (j) **Council** may consider second reading at the same meeting and forward to a Public Hearing, if required.

- (k) A Public Hearing shall be held to allow the public to comment on the application.
- (l) Notice of a Public Hearing shall be given pursuant to the Local Government Act.
- (m) Following the Public Hearing, Council will consider the amendment bylaw and may proceed with third reading, refer, table or deny the application. Upon receiving third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.

### **18.8 Neighbour Consultation**

Where required, all abutting and adjoining parcels and any parcels within 50m of the subject property must be consulted. At a minimum, notice of an application shall be delivered to each property; the notification should provide instructions on how to receive further information and respond to the Applicant with comments. Personal contact with the occupants of each property is recommended.

### **Fit to District Planning Documents**

To assist Council in understanding the uses of Tourist Commercial Zoning and determining the fit of this proposal to District Planning Documents excerpts from the District's Integrated Community Sustainability Plan, Official Community Plan, Zoning Bylaw and Economic Development and Tourism Strategy are cited below:

#### **Integrated Community Sustainability Plan, July 2014**

##### **3.3 Economy**

##### **3.3.2 A thriving resilient and diverse local economy**

As the local economy continues to shift to include new sectors, opportunities for job creation will arise....Tourism, particularly outdoor recreation based and agri-tourism, can bring new business and investments.... p.14

#### **Official Community Plan: Tourist Commercial**

##### **2.6 District Land Supply**

The Official Community Plan has categorized the municipality into 13 land use designations. [The land base associated with Tourist Commercial is 499,491 m<sup>2</sup> or 50 ha which is 0.4% of the total land base.] In terms of land area, the District of Lake Country remains an overwhelmingly agricultural and rural community, with approximately 90% of the land base currently dedicated to low density land uses. In contrast, comparatively small amounts of land are used for urban residential land uses, where most residents of the District live. Less than 2% of the land base of the District is dedicated to commercial and industrial enterprises.

##### **5.4 Woodsdale**

###### **Objective**

- 5.4.6. Encourage focused development of tourist, commercial and multiple-unit residential development along Woodsdale Road.

###### **POLICIES**

- 5.4.7. The policies of Council are as follows:

- a. Restrict commercial growth in Woodsdale to neighbourhood, service, and tourist commercial only.
- b. Encourage commercial use in conjunction with residential or tourist uses, incorporating commercial uses on the first 1-2 storeys of development and residential uses on the remaining floors.
- c. Permit up to mid-rise development in Woodsdale.

## 18.5 Tourist Commercial Designation

Tourism will continue to play a vital role in Lake Country's economic development. The District is continuing to attract more and more tourists to the region by virtue of its environmental and agricultural amenities. There is untapped growth potential in the Tourist Commercial market.

Tourist Commercial developments are located on sites less than five hectares in size. Subject to appropriate zoning, future uses could include camping, tourist accommodation, retail and recreational uses. Tourist Commercial uses may also include multiple unit uses that are designed for short-term tourist purposes.

### OCP Policies on Mobility and Transportation

4.1.12.c. Encourage new development near transit connections.

8.2.6.a. The policies of Council are as follows:

a. Make decisions about transportation investments and land use based upon the Mode Share Targets.

b. Make decisions about transportation investments and land use based upon the following Modal Hierarchy:

- i. walking
- ii. transit
- iii. cycling
- iv. high-occupancy vehicles
- v. goods movement
- vi. single-occupancy vehicles

8.2.10. a. Deprioritize single-occupancy vehicle use by:

- i. Working with developers to identify transportation demand management (TDM) measures for their development in exchange for reduced parking requirements. TDM measures include, but are not limited to, proximity to the Frequent Transit Network, the provision of a car share vehicle, the provision of bicycle parking above the bicycle parking requirement and the provision of end-of-trip facilities.

10.1.11.b. Improve active transportation options within the District.

10.4.2.c. Provide ease of use appurtenances such as drop curbs, wide sidewalks, smooth trail surfaces, auditory traffic signals and ramped building accesses.

10.5.6.a. Provide physical infrastructure that promotes pedestrian and cyclist activity while also acting as an alternative mode of transport.

### Zoning Bylaw 561,2007

**APARTMENT HOTELS** means apartment housing having a principal common entrance, cooking facilities and furnishings within each dwelling. This does not include any commercial uses except when specifically permitted in the zone.

#### 16.3.C9 – Tourist Commercial

##### 16.3.1 Purpose

The purpose is to designate and preserve land for the orderly development of commercial visitor facilities.

##### 16.3.2. Principal Uses

- a) amusement arcades,

- b) major amusement establishments, outdoor
- c) apartment hotels
- d) boat storage (*in certain locations*)
- e) drive-in food services
- f) hotels motels
- g) multiple dwelling housing on Lot A, Plan KAP82281, O.D.Y.D.
- h) participant recreation services, indoor
- i) recreational tourist accommodation

### **Mobility Master Plan - Implementation Plan**

4.12. Consider all ages and abilities when planning, designing, and implementing.

### **Economic Development and Tourism Strategy 2022-2027, August 2022**

While this five-year strategy does not directly address the need for more formalized tourist accommodation it does set an objective which aligns closely with this proposed project:

#### **4 Enhance Tourism and Visitor Experience,**

❖ Challenge: Attract the right type of visitor to help benefit local businesses who rely on tourism clientele, specifically seasonal. Better understand what Lake Country visitors want and expect while being in the community and providing the appropriate services and resources to minimize disruption to locals.

### **IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES**

The subject property is located in an area which is targeted for increased density. As the properties in the Woodsdale area are re-developed, the District Subdivision and Development Servicing Bylaw requires municipal servicing including water, storm sewer and urban street improvements at the time of Building Permit. The area is currently serviced with sanitary sewer, which may need review, to accommodate the proposed increase in density.

### **IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES**

Regular staff time and resources have been applied to this application.

### **COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS**

**BC Transit** expresses support for the proposal as it increases density and can be expected to increase transit ridership. BC Transit encourages the District to improve amenities at the adjacent bus stops on Woodsdale Road. They also recommend that the district avoid the oversupply of parking as it can increase vehicle dependency and negatively impact transit use.

**Interior Health** support the connection to municipal drinking water and wastewater. They do not currently have any concerns regarding the drinking water supply.

**The Ministry of Transportation and Infrastructure** does not have any requirements associated with this proposal. They request that the bylaw be sent to them for Ministry signature after third reading.

Other utilities and service providers did not have any recommendations or concerns.

### **CONSULTATION AND COMMUNICATION**

Should Council grant First and Second reading of the Zoning Bylaw amendment, as per the Local Government Act and the District's Development Approval Procedures Bylaw, a Public Hearing will be held prior to third reading. The public will be notified of the Public Hearing through signage on the property, notification to surrounding property owners/tenants and two advertisements in the local newspaper.

The applicant completed the required neighbour consultation with occupants of all properties within 50m of the subject site, on January 8. He took the information door to door and discussed the proposal with the neighbours,

leaving contact information for questions or concerns. Neither the applicant nor the district planner have received any questions or concerns regarding the conceptual proposal. The applicant's proposal rationale and document taken to the neighbours is attached. (Attachment B).

### **ANALYSIS OF OPTIONS FOR CONSIDERATION**

OPTION A: If Council chooses Option A, the application will be scheduled for Public Hearing.

OPTION B: If Council chooses Option B, the bylaw will not be given First and Second reading and the file will be closed.

OPTION C: If Council chooses Option C, staff will work with the applicant to obtain the additional information as identified by Council, which will be provided to Council prior to the application returning to Council for First and Second reading.

Respectfully Submitted,  
Inonge Aliaga, Senior Planner

### **Attachments**

A.	Zoning Analysis Table
B.	Applicant's Proposal Rationale and Neighbour Consultation
C.	Draft Zoning Bylaw Amendment

### **Collaborators** *(each individual collaborator to add name and date reviewed)*

<b>Name</b>	<b>Date reviewed</b>
Sid Smith, Senior Engineering Technician	January 26 <sup>th</sup> , 2023

## Report Approval Details

Document Title:	RFCD-Z2021-002 - 11506 Turtle Bay Ct.- RU1 to C9 Tourist Commercial - Apartment Hotel .docx
Attachments:	- Attachment A. Zoning Analysis Table .pdf - Attachment B. Applicant Proposal and Neighbour Consultation Package .pdf - Attachment C. Draft Zoning Bylaw Amendment .pdf
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

**Brian Zurek, Manager of Planning - Feb 6, 2023 - 12:54 PM**

**Steven Gubbels, Manager of Development - Feb 6, 2023 - 1:58 PM**

**Matthew Salmon, Director of Engineering and Environmental Services - Feb 6, 2023 - 2:32 PM**

**Jared Kassel, Director of Planning & Development - Feb 8, 2023 - 9:46 AM**

**Reyna Seabrook, Director of Corporate Services - Feb 8, 2023 - 12:11 PM**

**Tanya Garost, Chief Administrative Officer - Feb 8, 2023 - 4:44 PM**