

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: April 18, 2024
RE: Zoning Bylaw Amendment – Electoral Area “I” (I2024.002-ZONE)

Administrative Recommendation:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.34, 2024, be read a first and second time and proceed to public hearing; AND.

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 9, 2024; AND,

THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Folio: Various **Legal:** Strata Plan KAS1527, District Lot 395S, SDYD **Civic:** 300 Strayhorse Road
OCP: Apex Village Centre (AVC) **Zone:** Apex Mountain Village (AMV)

Purpose:

The purpose of the proposed site-specific amendment is to eliminate the off-street parking requirements which are required for Administrative & Institutional, Commercial, and Residential uses on the property at 300 Strayhorse Road.

Background:

Property Background:

The property at 300 Strayhorse Road comprises the “Apex Mountain Inn”, which was developed in the mid-1990s as a commercial hotel, but was subsequently converted into a 51-unit mixed-use residential and tourist commercial strata development. BC Assessment has classified the property as “Residential” (Class 01).

On-Site Vehicle Parking History:

In 1994, a building permit was issued authorizing the development of a 60-unit hotel use that would be providing 106 on-site vehicle parking spaces.

Twenty-four vehicle parking spaces were set to be provided on the subject property (see Attachment No. 1) with the remaining 82 vehicle parking spaces to be provided in the public parking lot to the north (see Attachment No. 2) through a shared agreement with Apex Mountain Resort.

Available Regional District records indicate that a sub-lease agreement with Apex Mountain Resort was prepared for the provision of 86 spaces, but does not appear to have been finalized.

In 1999, a building permit was issued for the conversion of part of the hotel into a restaurant. This conversion generated a requirement for an addition 26 vehicle parking spaces which the applicant proposed to provide on the adjacent public parking lot.

It is understood that this proposal was administratively accepted, but was never formalized through the registration of an easement granting access or a covenant ensuring the area remained available for vehicle parking by the restaurant use.

Current Zoning Bylaw Requirements:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, “apartment buildings” are required to provide 1.75 parking spaces per dwelling unit, while eating and drinking establishments require 1 parking space per 4 seats, or 1 parking space per 10 m² customer service floor area, whichever is greater.

Section 18.3.11(a)(i) requires, for parcels with four or more outdoor parking spaces, that an additional area equal to 25% of the required parking area be provided for snow storage on-site.

Current Official Community Plan (OCP) Policies:

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, a policy under the Apex Village Centre (AVC) land use designation that applies to 300 Strayhorse Road supports the preparation of a strategy to address day-use and/or overnight parking at Apex Mountain Resort (Section 12.3.9).

Previous Board Consideration:

At its meeting of May 18, 2023, the Regional District Board considered and ultimately denied Development Variance Permit Application No. I2023.004-DVP, which requested a variance to the off-street parking regulations required as per the Zoning Bylaw in order to undertake the conversion of a portion of the lobby into a new one bedroom dwelling unit.

If approved, the off-street parking requirements for a dwelling unit in an apartment building would have been reduced from 1.75 parking spaces to 0 parking spaces for Strata Lot 52.

Following this decision, at its meeting of December 21, 2023, the Regional District Board carried a Director’s Motion “THAT staff bring forward zoning options to address the on-site vehicle parking requirements at 300 Strayhorse Road at Apex.”

Subsequently, on January 18, 2024, the Planning & Development Committee of the Regional District Board was presented with a number of options available to address the on-site parking requirements at the subject property, including to:

- maintain the status quo;
- reduce the off-street parking requirements; or,
- undertake a parking strategy for Apex.

At this meeting, the Regional District Board resolved “THAT the requirement for on-site vehicle parking for 300 Strayhorse Road be eliminated”.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Public Process:

On March 6, 2024, a Public Information Meeting (PIM) was held electronically via Webex and was attended by approximately two members of the public.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Further to the direction provided by the Board at the January 18, 2024 Planning & Development Committee meeting, it is being recommended that the amendment bylaw be given 1st and 2nd reading and proceed to a public hearing.

Alternative:

Conversely, Administration maintains its concerns regarding the potential impacts of reducing/eliminating off-street parking requirements, particularly as it relates to:

- the subsequent elimination of on-site snow storage area provision requirements, which is associated with on-site parking requirements; and,
- the potential spill-over use of public parking lots for private residential purposes.

Additionally, Administration notes that, in response to the associated bylaw referral, the Mountain Resorts Branch of the Ministry of Tourism, Arts, Culture and Sport has indicated that “Approval Not Recommended”.

Specifically, it was noted that the subject property is located within the Apex Mountain Village’s Controlled Recreation Area and concerns cited were in regards to the potential impacts of the proposal on the resort-related parking obligations under Apex’s Master Development Agreement and Master Plan.

The Apex Mountain Resort also provided a response to the bylaw referral, indicating that “Approval Recommended Subject to Conditions”, noting that the Resort was interested in how future increases in occupancy/units would be dealt with as the strata currently utilizes the Resort’s parking area for a majority of their vehicles.

Financial Implications:

Financial implications have been considered and none were found.

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.34, 2024, be read a first and second time and proceed to public hearing;
AND THAT the holding of the public hearing be delegated to Director Monteith;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Monteith;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.34, 2024, be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Hotel Site Plan (1994)

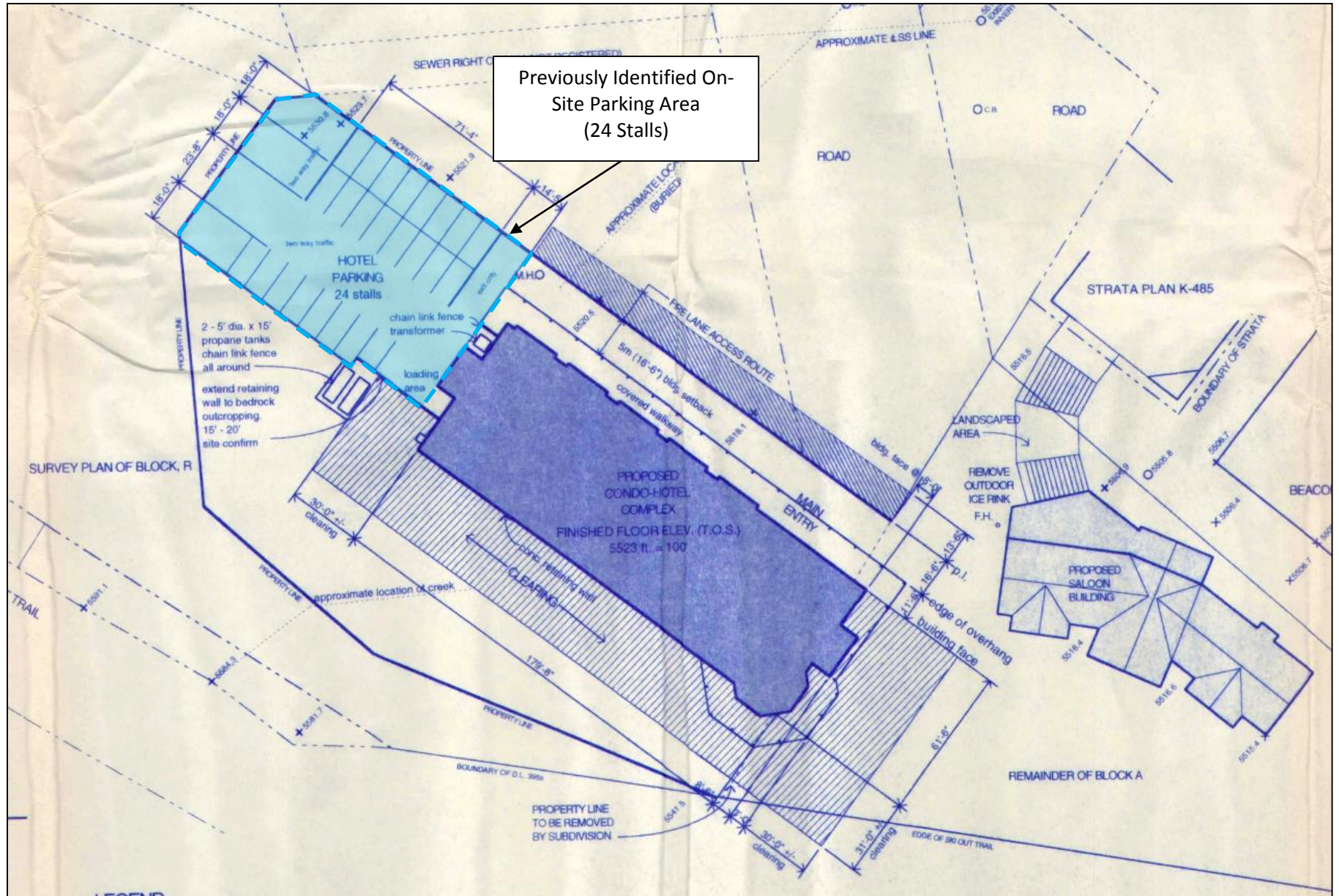
No. 2 – Sketch Plan Indicating Off-Site Parking Area (1994)

No. 3 – Aerial Imagery (2023)

No. 4 – Aerial Imagery (2022)

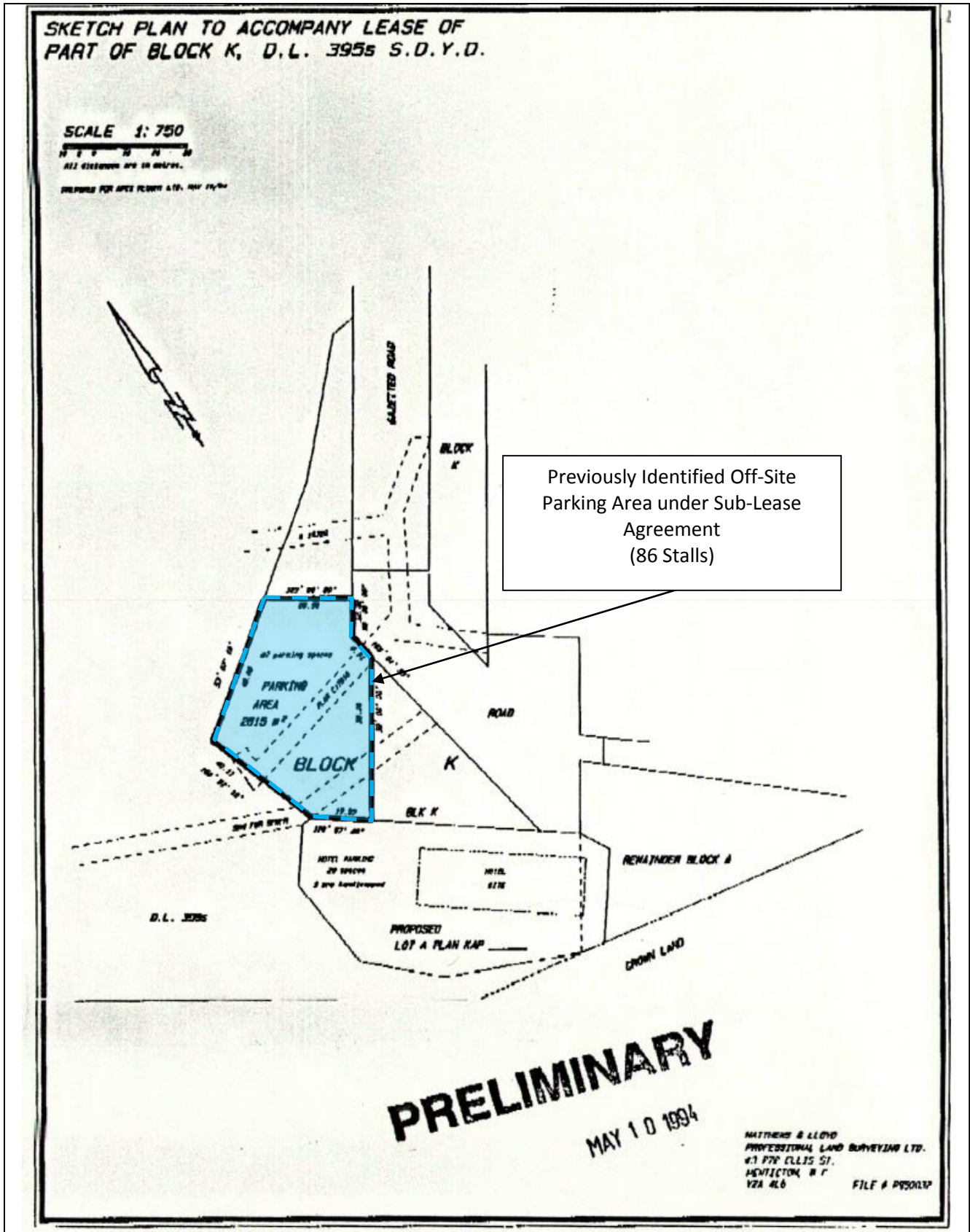
No. 5 – Site Photo (March 2023)

Attachment No. 1 – Hotel Site Plan (1994)

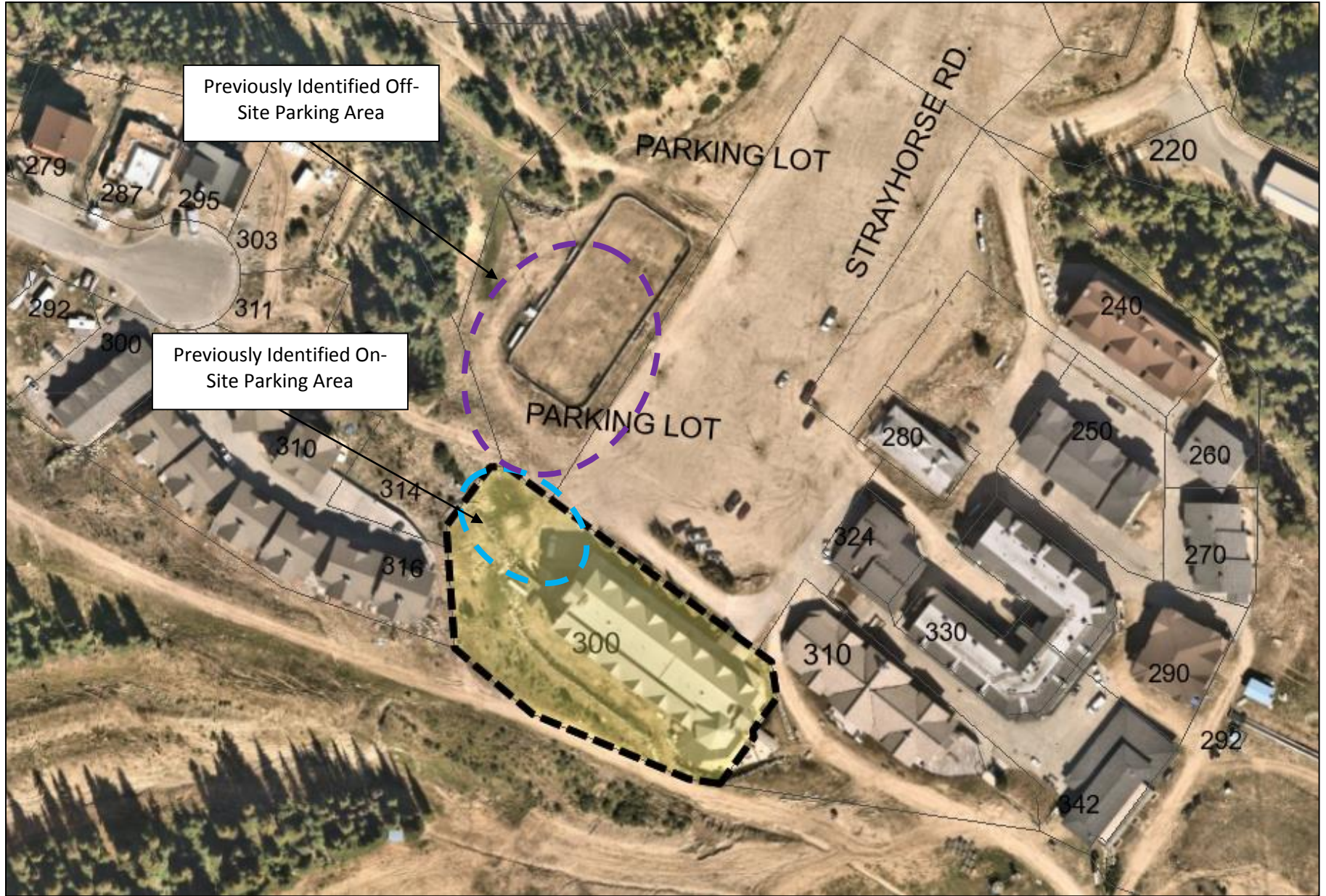


File No: I2024.002-ZONE

Attachment No. 2 – Sketch Plan Indicating Off-Site Parking Area (1994)



Attachment No. 3 – Aerial Imagery (2023)



File No: I2024.002-ZONE

Attachment No. 4 – Aerial Imagery (2022)



Previously Identified On-Site Parking Area

Attachment No. 5 – Site Photo (March 2023)



File No: I2024.002-ZONE