



Board Report

Date of Report: November 4, 2021
Date & Type of Meeting: November 18, 2021, Regular Open Board Meeting
Author: Stephanie Johnson, Planner
Subject: LAND USE BYLAW AMENDMENT
File: Z2105F-03616.100-451283_BC_LTD-BA000051
Electoral Area/Municipality Electoral Area 'F'

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of an application to rezone the subject property from Tourist Commercial (C3) to Tourist Commercial (C3) site specific to permit the conversion of an existing 125 m² in size building to a "warehouse, mini" storage use.

Crescent Beach Resorts seeks to rezone to Tourist Commercial (C3) site specific to allow the above existing building to be renovated into approximately 12 "warehouse, mini" storage units.

At the September 23, 2021 Open Board meeting the Regional Board resolved to give first and second readings to *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021*, and refer this application to a Public Hearing. A Public Hearing was held on October 19, 2021 with no members of the public in attendance.

Staff recommends that the Board give third reading to *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021*, and that in accordance with Provincial Approval under Section 52 of the *Transportation Act* the amending bylaw will be circulated to the Ministry of Transportation and Infrastructure (MOTI).

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	451283 BC LTD
Property Location:	4596 Highway 3A, Crescent Bay, Electoral Area 'F'
Legal Description:	LOT 1 PLAN NEP21799 DISTRICT LOT 790 KOOTENAY LAND DISTRICT FOR FORESHORE LEASE LBF 343615 SEE FOLIO 03616.101 (019-052-901)
Property Size:	1.4 hectares (ha)
OCP Designation:	Commercial (C)
Zoning:	Tourist Commercial (C3)

ORIENTATION	ZONING	LAND USE
North	Country Residential (R2)	Residential land uses, Highway 3A and Starlight Road
East	Country Residential (R2)	Residential land uses, Highway 3A and Crescent Road
South	Country Residential (R2)	Residential land uses and Kootenay Lake
West	Open Space (OS)	Kootenay Lake

Site Context

The subject property is designated Commercial (C) under the *Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012* and zoned Tourist Commercial (C3) under the *RDCK Zoning Bylaw No. 1675, 2004*. The 1.4 ha in size subject property (Crescent Beach Resort) is bounded by Kootenay Lake (Open Space) to the west, Highway 3A and Country Residential uses to the east, and also Country Residential uses to the north and south. The existing building was used as a “store and café for many years, [however], for the last number of years [the owners have been] unable to get long term commitment from renters,” to maintain this use. Crescent Beach Resort is located approximately 500 metres from the closest boundary to Kokanee Creek Provincial Park and has 36 recreation vehicle sites, washroom and shower buildings, and common areas, including beach site.

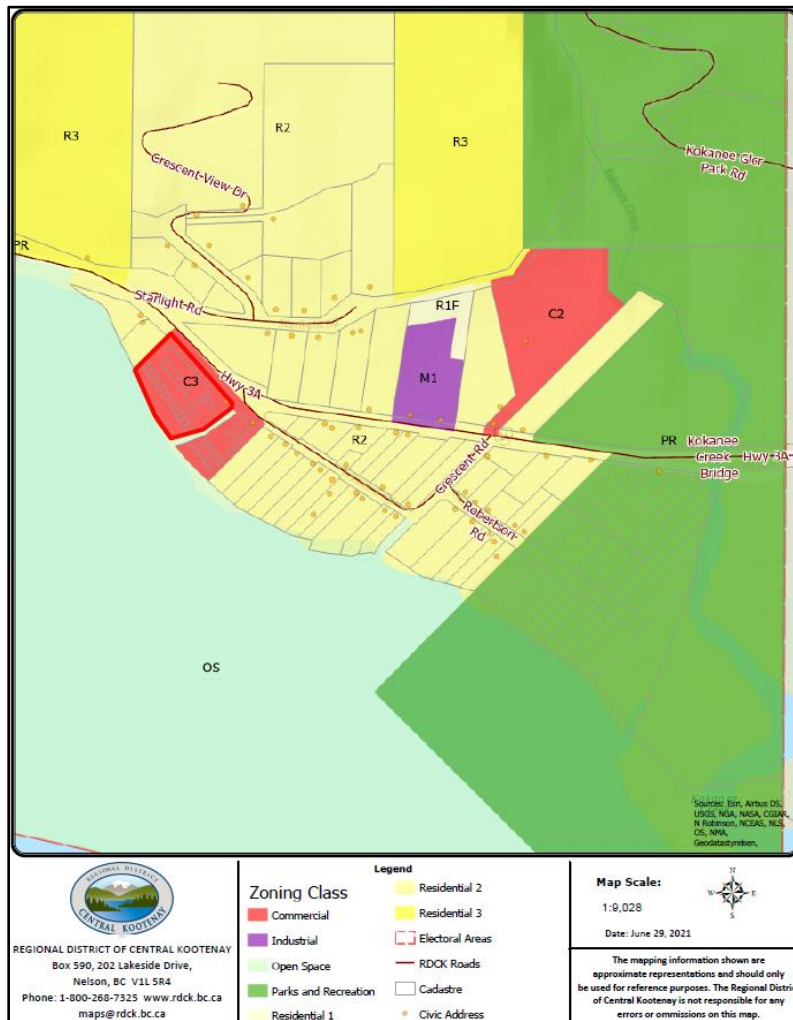


Figure 1: Zoning Overview



Figure 2: Site Photo of Existing Building (southern elevation)



Figure 3: Site Photo of Existing Building (front/eastern elevation)

Development Proposal

This zoning amendment bylaw application seeks to rezone the subject property from Tourist Commercial (C3) to Tourist Commercial (C3) site specific to permit the conversion of an existing 125 m² in size building, which was formerly used as a "store and cafe" to allow for approximately 12 mini-warehouse storage units ranging in size, as a site specific accessory use under the C3 Zone.

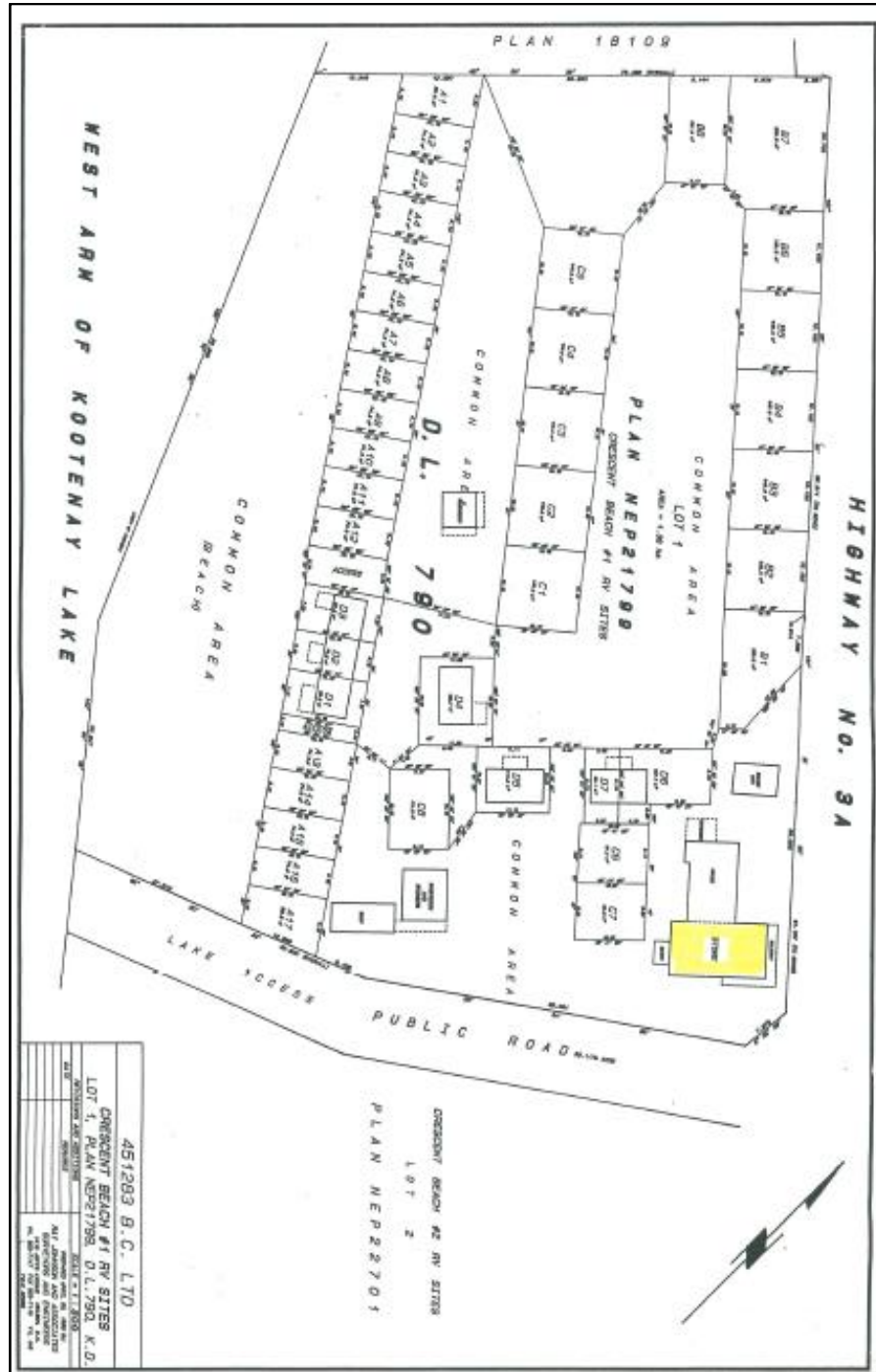


Figure 4: Site Plan

Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012

The following Objectives and Policies are relevant to the consideration of the Zoning Amendment Bylaw application.

Relevant Economic Development Objectives:

8.2.1 Encourages economic growth and maintenance of our area's unique character through small business.

Relevant Economic Development Policies:

8.3.1 Supports efforts to diversify and strengthen the local economy.

8.3.5 Promotes growth and expansion of value added forestry, fishing, and agriculture.

Relevant Commercial Objectives:

12.2.1 Provide small scale commercial activities servicing the needs of local residents and tourists, expanding services as future growth may dictate.

12.2.4 Ensure that all commercial development is at a scale appropriate to the rural form and character of the community and its natural environment.

12.2.5 Minimize land use incompatibility and conflicts between commercial activities and surrounding land uses.

Relevant General Commercial Policies:

The Regional Board:

12.3.2 Supports maintaining and enhancing existing commercial land uses, and supports new small scale commercial development proposals that reflect the needs of the local community and the anticipated demand from tourism, and will use the following criteria...to assess future development:

- a. Capability of accommodating on-site domestic water and sewage disposal;
- b. Capability of the natural environment to support the proposed development;
- c. Compatibility with adjacent land uses and designations, and the character of the existing area;
- d. Susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- e. Mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
- f. Proximity and access to existing road network, and other community and essential services;
- g. Exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage; and
- h. Type, timing and staging of the development.

20.3 Development Permit Areas

Development Permit areas are established for all lands designated Commercial, Industrial, Comprehensive Development, Quarry, and High Density Residential,

Exemptions:

A Commercial, Industrial, and High Density Residential DP is not required for the following:

construction of, addition to or alteration of a building or structure involving only: interior renovation, repair or maintenance, façade improvement to an area less than 20% of the existing façade, construction of an accessory building, or an addition to principal building less than 100 m2.

4. minor alterations that do not alter or affect requirements for parking, landscaping, access, or alter the building footprint.

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

Under *RDCK Zoning Bylaw No. 1675, 2004* the proposed mini-storage falls under the term “WAREHOUSES, MINI [which] means a building consisting of completely enclosed, individually controlled compartments available for public rent used for the storage of products, goods, personal articles and vehicles. External storage of boats, trailers and recreational vehicles is permitted if area is landscaped and screened.”

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov’t Approvals Required: Yes No
No

The \$1,600 fee for a zoning amendment bylaw was paid pursuant to the RDCK’s *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

A Public Hearing was held on October 19, 2021 to allow for public comment on the proposed zoning amendment bylaw in accordance with Section 464 of the *Local Government Act (LGA)*. No members of the public attended the virtual Public Hearing.

3.3 Environmental Considerations

The development proposal seeks to convert an existing building from a restaurant use to a storage use. As no new construction is proposed staff anticipate no negative environmental impacts associated with this land use application.

3.4 Social Considerations:

Staff do not anticipate any negative social impacts in response to this development proposal, which represents an opportunity to revitalize a vacant building.

3.5 Economic Considerations:

If approved, this development proposal would enable income-generating accessory uses for the Crescent Beach Resort without changing the external footprint and general form and character of the existing building.

3.6 Communication Considerations:

A Public Hearing was held on October 19, 2021. Other than the applicant, no members of the public attended the meeting and no written submission were made in response to the notification letters circulated to adjacent property owners or two consecutive Public Hearing advertisements were placed in the Nelson Star.

3.6 Staffing/Departmental Workplace Considerations:

Upon receipt of an application, accompanied with the relevant documents and fee, staff review the application in accordance with the Land Use Amendments Procedures within Schedule 'D' of the *Planning Procedures and Fees Bylaw No. 2547, 2015*.

3.7 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Please find the following rationale behind the staff recommendation:

- The property owner(s) have been unable to find long-term tenants to operate a restaurant use from this space. In response, this rezoning application represents an opportunity for the reuse of an existing, currently vacant building in "very good" condition.
- Staff outline that this site specific rezoning proposal would not preclude the conversion of this building back to a restaurant use should the market conditions change.
- "Warehouse, mini" storage use, as defined under the RDCK's Zoning Bylaw No. 1675, 2004 is currently only permitted under the General Commercial (C2) and Light Industrial (M1) Zones. Since the scale of this proposal would be for approximately 12 mini-storage units, and as an accessory versus principal use, Planning staff are comfortable with this location as this area is central to the seasonal and temporary tourist population, and would not compete with other storage businesses in the vicinity due to the subordinate nature and scale of the proposed mini-storage use, and that no external storage is proposed.
- The subject site is located in an area with a mixed land use pattern of development, which includes tourist commercial, light industrial, general commercial, residential and Parks and Recreation land uses.
- Amending the C3 Zone to include "warehouse, mini" as an accessory use on this subject property would be consistent with the Commercial OCP designation.
- To date, no community feedback and or inquiries have been received or fielded by Planning staff.
- Staff outline that this proposal would not impact any existing servicing on site.
- In response to the MOTI's referral comments above, the Resort has since proactively advised the Ministry and RDCK, that: *"the two-post sign has been removed, and that the trailer parked within the highway frontage has also been moved. [Their] membership have been advised [that] parking along the highway will no longer be allowed"*.
- No new development is proposed in conjunction with this site specific change of use rezoning application.
- Planning staff and the MOTI have no parking concerns since the proposed change of use would not represent an increase in parking demand.

It is for the above reasons that staff recommend that the Regional Board give third reading to this zoning amendment bylaw.

OPTIONS

OPTION 1:

1. That the *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021*, and being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD reading by content.
2. And that adoption of *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*, be withheld until such

a time the following item has been obtained:

- Provincial approval under Section 52 of the *Transportation Act*.

OPTION 2:

1. That no further action be taken with respect to *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

SECTION 5: RECOMMENDATIONS

1. That the *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021*, and being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD reading by content.
2. And that adoption of *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*, be withheld until such a time the following item has been obtained:
 - Provincial approval under Section 52 of the *Transportation Act*.

Respectfully submitted,

Stephanie Johnson, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Approved

General Manager of Development and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

ATTACHMENTS:

Attachment A – RDCK Zoning Amendment Bylaw No. 2795, 2021

Attachment B – Draft Public Hearing Minutes

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2795

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'A' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of LOT 1 PLAN NEP21799 DISTRICT LOT 790 KOOTENAY LAND DISTRICT FOR FORESHORE LEASE LBF 343615 SEE FOLIO 03616.101 (019-052-901) from Tourist Commercial (C3) to Tourist Commercial (C3) 'site specific' to add as an accessory use, warehousing, restricted to: mini warehouses within a fully enclosed building, as shown on the attached Map.
2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "Regional District of Central Kootenay Zoning Amendment Bylaw No. 2795, 2021."

READ A FIRSTTIME this 23rd day of September, 2021.

READ A SECOND TIME this 23rd day of September, 2021.

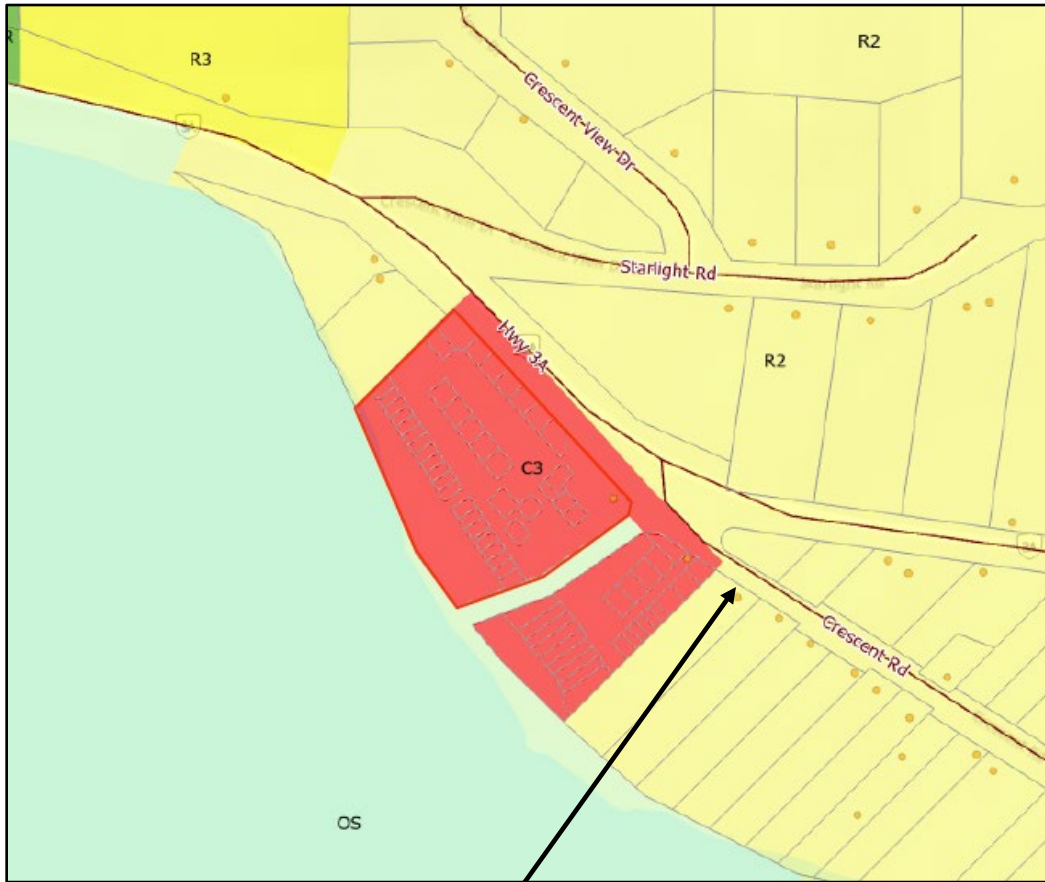
WHEREAS A PUBLIC HEARING was held this 19th day of October, 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

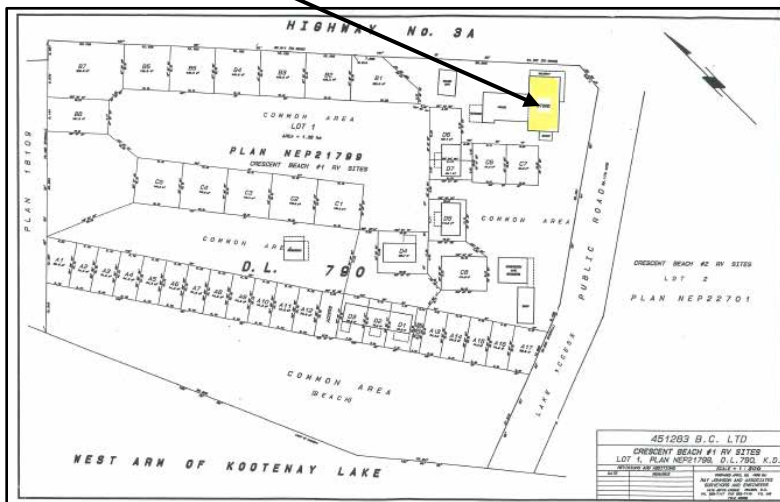
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer



From: Tourist Commercial (C3)
To: Tourist Commercial Site Specific (C3)

LOT 1 PLAN NEP21799 DISTRICT LOT 790 KOOTENAY LAND DISTRICT FOR
 FORESHORE LEASE LBF 343615 SEE FOLIO 03616.101 (019-052-901)





REGIONAL DISTRICT OF CENTRAL KOOTENAY PUBLIC HEARING MINUTES AMENDMENT BYLAW 2795

A Public Hearing for Bylaw No. 2795, a proposed amendment to RDCK Zoning Bylaw No. 1675, was held on October 19, 2021 at 6:00 p.m. at 202 Lakeside Drive, Nelson, BC. The Hearing commenced at 6:02 p.m. The applicant was the only member of the public in attendance.

PRESENT

Tom Newell, Chair of Public Hearing
Stephanie Johnson, Planner
Zachari Giacomazzo, Public Hearing Secretary

CALL TO ORDER

Director Newell called the meeting to order at 6:02p.m.

INTRODUCTIONS

Director Newell introduced himself and the RDCK staff to the public.

OVERVIEW OF PROPOSAL

Since the applicant was the only member of the public in attendance, the Planner did not give an overview of the proposal.

PRESENTATION BY APPLICANT

The applicant did not make a presentation.

QUESTIONS and ANSWERS

There were no questions.

FORMAL SUBMISSIONS FOR OR AGAINST PROPOSED BYLAW No. 2795

There were no written Formal Submissions received prior to the Public Hearing.

There were no VERBAL or WRITTEN formal submissions received during the Public Hearing.

ADJOURNMENT OF PUBLIC HEARING

The hearing was adjourned at 6:15 p.m.

Director Newell
Area F

Stephanie Johnson
Planner