

REQUEST FOR DECISION

Tyax Real Estate Ltd. – Tyax Lodge Rezoning & OCP Amendment Application

Meeting Date: December 9/16, 2013

To: SLRD EAD / Board

Applicant: Brent Murdoch (Agent) & Kate Cleland (Owner)

Location: SLRD Electoral Area A – Tyaughton Lake

Legal Descriptions:

PID 002-306-441 (DL 4931, except Plans B3568, B5258, 35969, and KAP67637, LLD)

PID 024-877-646 (Lot 6, DL 4931, Plan KAP67637, LLD)

OCP Designation: Commercial Residential Special Planning Area Area A Upper Bridge River OCP Bylaw No. 608	Zoning: R3, RR2, & C4 Zoning Bylaw No. 670, 1999	ALR Status: N/A	Development Permit Areas: Wildfire Protection RAR
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1. THAT the Board direct staff to develop amendment bylaws to the Area A OCP and Zoning bylaws with respect to the Tyax Lodge application.

KEY ISSUES/CONCEPTS:

The SLRD received an application for a rezoning and OCP amendment regarding the Tyax Lodge property (Site A) and an adjacent property (Site B) as shown in Appendix 1. The amendment application requests zoning to allow additional staff accommodation to be constructed on both properties. A dormitory style building is proposed for the Tyax Lodge property along with office and storage uses related to the helicopter operations at Site A, and a multi-unit housing building is proposed to be constructed on Lot 6 at Site B. SLRD staff are requesting support from the Board in order to proceed with the development of amendment bylaws.

RELEVANT POLICIES:

Upper Bridge River OCP Bylaw No. 608, 1996

Zoning Bylaw No. 670, 1999

BACKGROUND:

Tyax Real Estate is seeking to amend the zoning of two parcels that they own. One parcel currently includes the Tyax Wilderness Lodge, and the other parcel is immediately adjacent to the lodge site. According to the applicant, the Tyax Wilderness Lodge has been struggling with employee housing and accommodation issues in an effort to attract and retain staff. The lodge has identified a need to provide consistent, practical, and reasonable quality accommodation for staff in a variety of configurations that are within easy walking distance to the main lodge.

The dormitory building (Site A) is proposed to be two storeys with office, storage, and accessory uses related to the helicopter operations located on the lower floor and staff accommodation on the upper floor. The multi-unit housing proposed for Lot 6 (Site B) is proposed to be a six unit, 2.5 storey complex located on the only buildable portion of the parcel. This location would provide higher quality living quarters for staff away from the main lodge area with potential for a mix of unit types.

Staff have not yet drafted any bylaw amendments for this application. It is being brought to the Board for review to determine if there is support for OCP and zoning amendments that will facilitate increased staff accommodation options at Tyax Lodge.

ANALYSIS:

Description:

The lodge property (Site A) is quite large (29.87 ha) and extends eastward along the lake and away from the water as seen in both Appendix 1 and 2. The other property that is the subject of the rezoning application is Lot 6 (Site B), which is located across the road to the west of the lodge property. Lot 6 is approximately 2.39 ha. Both properties are owned by Tyax Real Estate Ltd. along with several of the other adjacent lots (Lot 1, 3, 5). Lot 2, which is the waterfront lot directly south of the lodge property is owned by Nicolas Saverys. Lots 1, 2 and 3 are all zoned R3 (see below for types of use) under SLRD Zoning Bylaw No. 670.

Official Community Plan Issues

To undertake this change in zoning, an amendment to the Upper Bridge River Official Community Plan (OCP) Bylaw No. 608 will be required. Site A is currently split as to OCP designations between Residential, Commercial, and Special Planning Area. The land use designation for Site A would be amended to a single commercial designation for the lodge portion of the site. The remainder of Site A would then be designated as Parks and Open Space.

New Form and Character Development Permit guidelines

The Upper Bridge River OCP will need to be amended in order to create a Development Permit Area (DPA) for Form & Character to guide the architectural and landscape aspects of the sites.

Wildfire Development Permits will be required for both Site A and Site B.

Geotechnical Issues

Site A

There is an exclusion zone on Site A identified in a 2011 geotechnical report by McClung that prohibits buildings and uses in that area. The access to the proposed staff dormitory and helicopter site from the lodge is through this area. A restrictive covenant will be required to address the snow avalanche hazards and to formalize the exclusion zone as identified in the 2011 McClung Report. That report assessed the snow avalanche risk for the fan of a large avalanche path that runs into Tyaughton Lake near Tyax Lodge. There was a 1984 event that ran into the lake, and the risks are high enough that there should be no occupied structures built on the fan.

Site B

There is a restrictive covenant on the property that limits the buildable area to a small portion of the lot where the multi-unit housing is proposed to be located.

Geotechnical assessment reports will be required for both sites to ensure that the proposed buildings and accesses are safe for the uses intended.

Zoning Issues

Site A

Site A is one large parcel that is currently split zoned into three portions under SLRD Zoning Bylaw No. 670. Given the exclusion zone that covers a large portion of DL 4931 (Site A is part of this lot) east of the lodge, and the concerns regarding access to and from that section, the SLRD proposes that only limited uses be allowed in the portion of the site that is to the east of the exclusion zone. The zoning would still allow the current and proposed uses for the lodge area west of the exclusion zone.

The new zoning would create a commercial zone for the lodge area west of the exclusion zone. This new commercial zone would incorporate some of the existing uses on the property, as well as the proposed staff dormitory and office, storage, and maintenance building uses related to helicopter operations. A parks and open space zone would cover the eastern portion of DL 4931 from the exclusion zone east.

Existing uses in the current zoning (C4, R3, RR2 zones)

- Commercial lodging
- Pension
- Restaurant
- Marina
- Boat sale and rental
- Indoor and outdoor recreational facility
- Neighbourhood pub
- Retail store
- Single family dwelling
- Temporary tourist accommodation
- Bed & breakfast
- Agriculture
- Forestry practices
- Kennel
- campground
- Open land recreation – golf courses and motocross tracks
- Garden nursery
- Secondary suite
- Home business / Home industry

Proposed uses for the new Commercial zone would include:

- Commercial lodging
- Multiple unit accommodation
- Office & storage ancillary to accommodation, lodging and helicopter uses
- Helicopter landing and staging
- Fuel storage
- Restaurant/pub ancillary to commercial lodging
- Single family dwelling
- Indoor/Outdoor Recreation
- Floatplane dock and small personal watercraft dock
- Accessory uses

Indoor/Outdoor Recreation would be limited to: tennis and volleyball courts, and stables for horses, to reflect existing uses.

Proposed uses for the new Parks and Open Space zone would include:

- Parks, Limited Use
- Open Space, Limited Use

Parks, Limited Use would be defined as: any premise specifically for passive or active recreation including, walkways, trails, environmentally sensitive areas, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It does not include any buildings or structures.

Open Space, Limited Use would be defined as: that portion of a lot not occupied by parking areas, which may or may not be accessible by vehicle, and may only be suitable for limited recreational use. Open Space, Limited Use shall be free of any buildings or structures.

The proposed accommodation building for Site A will be limited in floor area to the following:

- TOTAL Gross Floor Area (GFA) – 6,045 ft² / 561.6 m²

The site coverage of that building is proposed to be 2,695 ft² / 222.0 m².

Site B

The existing R3 zone allows for a single family dwelling and several other uses.

Given the restrictive covenant and the limitations to the buildable area, the SLRD proposes to rezone the buildable portion of the property to only permit multi-unit housing as requested by the applicant. The portion of the property that is subject to the restrictive covenant would be rezoned to open space (limited use).

Existing uses in the current zoning (R3 zone)

- Single family dwelling
- Temporary tourist accommodation
- Bed & breakfast
- Home business

Proposed uses for the new Residential zone would include:

- Multiple unit housing
- Accessory uses

Proposed uses for new Open Space zone would include:

- Open Space, Limited Use

Open Space, Limited Use would be defined as: that portion of a lot not occupied by parking areas, which may or may not be accessible by vehicle, and may only be suitable for limited recreational use. Open Space, Limited Use shall be free of any buildings or structures.

The proposed accommodation uses for Site B would be limited in floor area to the following:

- TOTAL GFA – 8,330 ft² / 773.9 m²

The site coverage for the multiple unit housing on Site B is proposed to be 3,890 ft² / 361.4 m².

See Appendix 2 for a preview of the proposed zoning on both Site A and B including the restricted zones and covenanted areas.

Legal Issues

Staff housing covenant:

The SLRD will be considering some kind of legal mechanism in place to ensure that the buildings are primarily and predominantly being used for staff accommodation during most of the year. A restrictive covenant will be established to ensure that staff housing is the primary use for the proposed new buildings with the option that the property owner could approach the SLRD in the future to amend the covenant if necessary.

Geotechnical covenant:

The exclusion zone identified for Site A (the lodge property) will be formalized in a restrictive covenant on title, and there is an existing restrictive covenant on title already for Site B.

Geotechnical assurances:

Both Site A and B will be required to have reports indicating assurances from a professional engineer that the multiple unit accommodation and other intended uses are “safe for the uses intended”.

OPTIONS:

Option 1

Direct SLRD Staff to draft OCP and zoning amendment bylaws.

Option 2

Refer the application back to staff for more information, or revision.

Option 3

Reject the application.

PREFERRED OPTION: Option 1

FOLLOW UP ACTION:

As per Board direction.

CONCLUSION:

The applicant's intent is to provide sufficient quality and quantity of staff accommodation options at the Tyax Lodge in order to support its continued successful operation. As the lodge is one of the primary employers in this area of the SLRD and a tourism draw bringing revenue into the local economy, staff are supportive of the application and the opportunity to amend the zoning to better reflect the uses of the property and recognize the geotechnical hazard issues.

ATTACHMENTS:

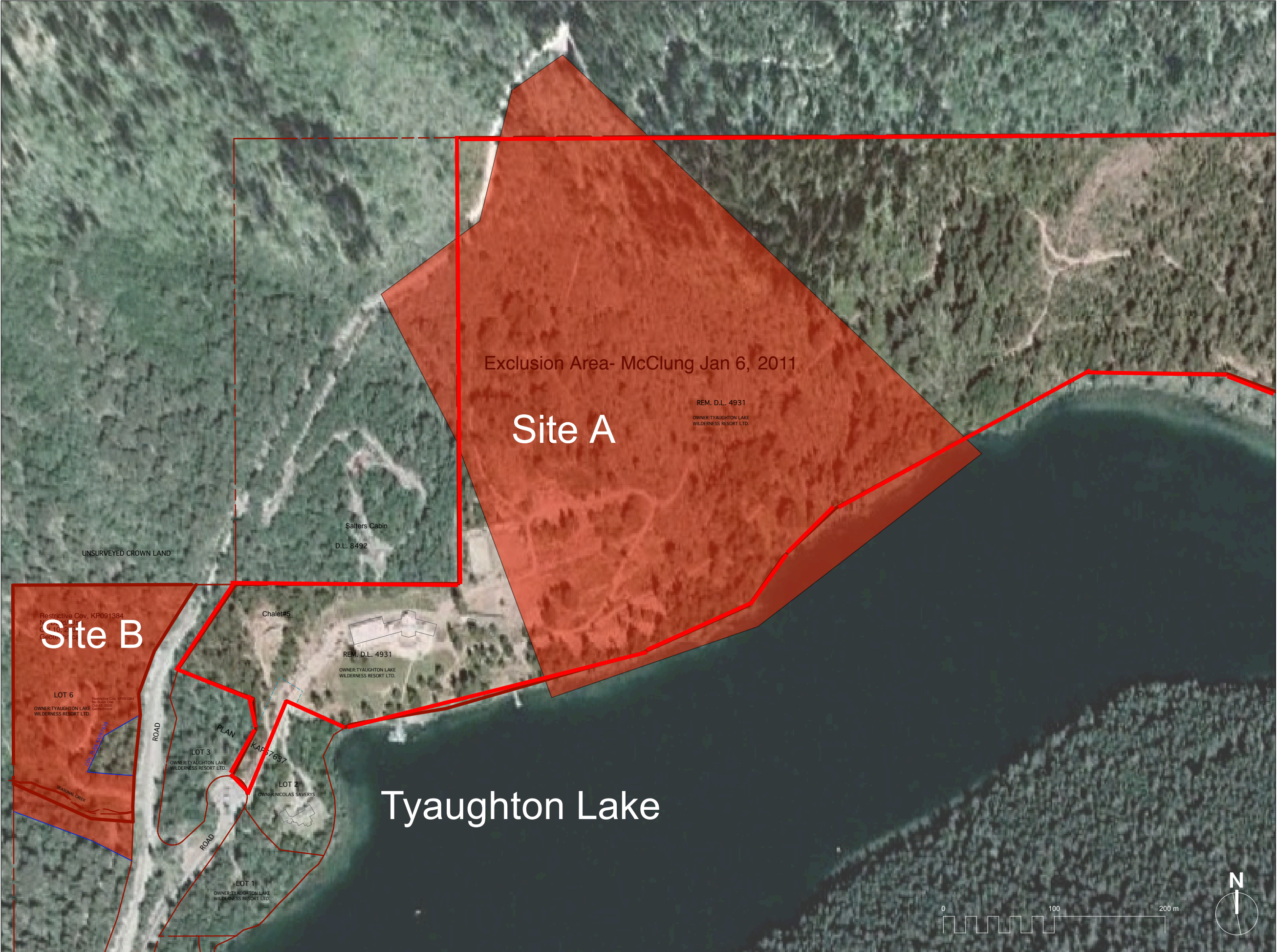
Appendix 1: Site A & B location map

Appendix 2: Proposed zoning and covenanted areas

Prepared by: I. Holl, Planner

Reviewed by: K. Needham, Director of Planning and Development

Approved by: L. Flynn, Chief Administrative Officer



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Issued For:	Date:	
Rezoning Application	2013.08.01	
No:	Revision:	Date:

Title
Natural Hazard Zone

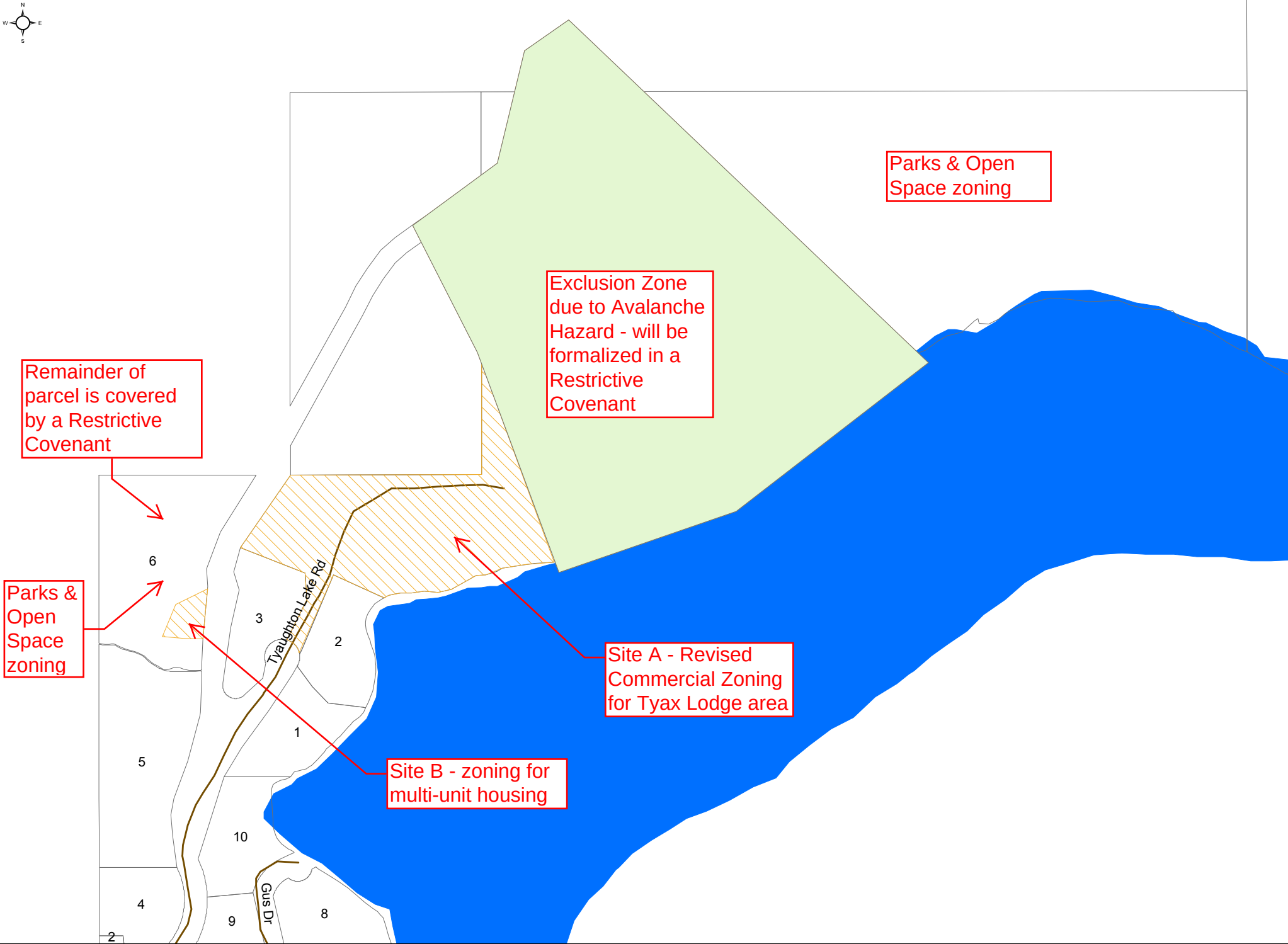
Project
Tyax Wilderness Resort and Spa

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P.O. Box 1394
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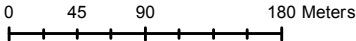
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13-14	AZ.3

Natural Hazard Zone



Site Location Map



This map is for convenience only. It is not a legal document. Accuracy is not confirmed. All information should be verified with the SLRD Planning Department.