

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** February 15, 2021  
**RE:** Zoning Amendment – 107 Range Road

### ISSUE

An application to amend the zoning of 107 Range Road to permit an eating and drinking establishment including a drive-through component as a principal use.

### REFERENCE

Municipal Act (2002)	Zoning Bylaw 1997-42
Commercial and Industrial Lands Study (2020)	Zoning Bylaw 2012-20
Official Community Plan (1994)	Official Community Plan (2010)

### HISTORY

The City has received an application to amend the zoning of 107 Range Road. The developer is planning to build a restaurant with a drive-through component. The current zoning is CHx(c)–Highway Commercial (modified), which permits eating and drinking establishments, but not with a drive-through component.

This application was reviewed by the Development Review Committee (DRC) on December 9, 2020. DRC recommended against the application. Administrative feedback on the proposed addition of a drive-through use was related, but not limited, to:

- previous administrative recommendations to Council in 2016, to defeat a rezoning application for a drive-through component on a Highway Commercial (CH) zoned site (91888 Alaska Highway);
- requirement for written support from Transport Canada and NavCanada indicating that the proposed site plan meets aviation regulations and mitigates operational and safety concerns; and
- the need for servicing to be extended to this site at the developer’s cost. It was noted that there is a Development Agreement on title requiring the developer to provide all utility servicing to the site.

Administration has determined that servicing plans and confirmation that future development complies with aviation regulations can be provided at the development permit stage.

### **Previous Council Decisions**

In 2016, the City received an application to rezone 91888 Alaska Highway (Kopper King commercial property) to permit eating and drinking establishments with a drive-through component.

This application did not include a specific development proposal, and the intended use was proposed to increase the marketability of the location. The site was zoned CH–Commercial Highway.

Following the public hearing, staff recommended that the application be defeated at second reading because it was not in-line with Official Community Plan (OCP) policies relating to:

- encouraging a range of businesses along the Alaska Highway that complement, rather than compete with, Downtown businesses;
- anti-idling to improve air quality and reduce greenhouse gas emissions; and
- examining and considering the land-uses along the Highway as part of a comprehensive land-use review.

Council decided to proceed with the bylaw process and ultimately approved the application for a drive-through component for eating and drinking establishments (Bylaw 2016-46).

## **ALTERNATIVES**

1. Proceed with the zoning amendment under the bylaw process.
2. Do not proceed with the zoning amendment.

## **ANALYSIS**

### **Proposed Development and Site Context**

The subject site is a 1.23-hectare site, just south of Whitehorse Toyota and adjacent to Erik Nielsen Whitehorse International Airport (Appendix B). The site is currently vacant and the developer is proposing three buildings, including a drive-through component to an eating and drinking establishment. All buildings and uses will need to conform to the zoning regulations for this site.

Eating and drinking establishments are permitted on the site today. The area surrounding this site is underserved in terms of eating and drinking establishments. The nearest to this site is approximately 400m along Alaska Highway. The next closest establishments are Downtown.

### **Drive-Through Impacts**

Drive-through components add a valuable convenience for vehicle traffic to quickly access eating and drinking establishments, drawing a significant amount of vehicle traffic to their location.

In general across Canada, brands, chains, and franchises dominate the Quick Service Retail (QSR) “drive-through” landscape along high-traffic areas (major highways and commuter routes), at locations with retail stores, and as standalone operations catering to both residents and tourists. QSR drive-throughs offer convenience and familiarity and draw two-thirds of total community restaurant traffic.

The convenience of QSR located on the Alaska Highway would be particularly beneficial to travelling tourists, by reducing the requirement to drive to businesses downtown for refreshments.

If permitted, and an eating and drinking establishment with a drive-through component proves successful in this location, it will encourage competing QSR to follow suit and relocate from Downtown to take advantage of larger lots without the same constraints that occur Downtown. This will result in additional competition to businesses that remain Downtown. For this reason, it is important to strategically consider the location of drive-through QSRs. Although they spur positive ripple effects on business tax revenue, they can not only attract a cluster of competitors but also other commercial operators including pharmacies, convenience stores, gas bars, arts and crafts shops etc. who seek a share of the large customer base drawn to larger QSRs.

Permitting a drive-through at this location would provide convenience to visitors and residents in passenger-vehicles who are driving along the Alaska Highway. It would also reduce the number of visitors driving into Downtown to patronize businesses.



Figure 1: The subject site is located at 107 Range Road, south of Two-mile Hill, and north of Erik Neilson Whitehorse International Airport.

### **Official Community Plan**

The current OCP (2010) designates the subject lot as Mixed-Use–Industrial/Commercial. This designation encourages a mix of service-commercial and service-industrial activities. These areas are intended to allow for a range of services for both travellers and residents. It states that commercial operations that do not require extensive outdoor storage should be limited to smaller sites.

The OCP provides examples of commercial-service operations as large retail-uses, fast food restaurants, automobile dealerships and service stations. Today, commercial-service uses are primarily located in the north end of Downtown.

This area is designated for businesses that are largely dependent upon automobile access, and permits the use that is proposed as part of this application. This area strategically provides a transition between smaller pedestrian-oriented services Downtown and larger industrial uses to the north.

Section 6.4 of the OCP, *Land Use Adjacent to Highways*, states that mixed-use industrial-commercial nodes along the highway should provide for transportation uses that need to take advantage of the main transportation corridor, and large scale retail uses that require considerable outdoor storage. Moreover, it states that these uses are not meant to compete directly with businesses in Downtown. The intent behind this statement in the OCP has been carried forward from the 1994 OCP, of which resulted in removal of drive-through uses from being permitted within CH zoning.

This strategic direction to create a concentrated cluster of these uses Downtown encouraged the intensification of similar commercial uses in a central area. It allowed businesses to capitalize on existing infrastructure investment and new business growth, and provided nearby residents and workers multiple choices of establishments in close proximity of each other.

Without this approach to land-use designation, businesses in the commercial-service zone Downtown would need to compete with commercial businesses that can secure larger mixed-use commercial-industrial lots along the Highway. This corridor-style approach to land-use planning would have resulted in increased servicing costs for the City to provide infrastructure across a greater distance.

The corridor-style approach would also have resulted in increased competition for a limited supply of land that is also suitable for large-commercial and industrial-uses, and a reduced number of people visiting businesses Downtown. Ultimately it would have negatively impacted the ability of Downtown to become a strong economic hub, and vibrant destination for residents and visitors that it is today.

Despite the carryover of this intent, the current OCP (2010) does not provide clear policy to guide the review for an eating and drinking establishment with a drive-through component in this location. The OCP identifies the need for an Alaska Highway Land Use Corridor Plan to determine the future needs of existing and future commercial uses along the Alaska Highway.

While this work has not been completed to-date, Administration is reviewing the land-use designation for this area as part of the *Whitehorse 2040* OCP process. This comprehensive process will determine if, and where, these types of uses should be located outside of the Downtown.

### **Zoning Bylaw**

The zoning of the subject lot was changed from Open Space to Highway Commercial (CH) in 1997. The 1994 OCP set the intent to ensure that all new auto access commercial development would locate in the north end of the Downtown. Subsequently, Zoning Bylaw 97-42 was amended to remove 'Drive-In Businesses' a permitted use from the Highway Commercial zone. Service Commercial (CS) zones continue to permit this use today.

The intent of the CH zone is to provide high-quality commercial development primarily along arterial roadways, including those that serve as entrance and tourist routes into the city. Permitted uses within the CH zone include eating and drinking establishments (without a drive-through component), gas bars, hotels, retail services, and commercial storage.

### **Sustainability Plan and Climate Emergency Declaration**

In September 2019, the City declared a climate emergency for the purpose of enhancing and accelerating action on our commitment to protect our community, economy, and ecosystems from the impacts of climate change.

The Department of Environment and Climate Change Canada states that climate change is caused by the increase in concentrations of greenhouse gases (GHGs) in the atmosphere. Natural Resource Canada states that vehicles are a significant source of greenhouse gas emissions, and that vehicle idling contributes to increased emissions.

The City's Sustainability Plan includes a target to increase the number of people using active transportation and transit by 48% by 2030. Although the subject site can be accessed by walking, cycling, and transit, these modes are only anticipated to account for a minimal amount of traffic due to the location. Decisions on where land-uses are located impact the transportation choices of the people who access them. Permitting a drive-through component at this location will not aid in achieving the City's Sustainability Plan target.

### **Whitehorse 2040 – What We've Heard**

*Whitehorse 2040* is a city-wide process to update the OCP and set the overall direction of the community for the next 20 years. In October 2019, the City released the 'Phase 2 What We Heard' report, summarizing input from more than 850 people. During this engagement and outreach, 81% of community respondents supported seeing stores/restaurants located within walking distance of their home.

Although this area is in need of services and amenities, the subject site is not situated in a walkable location. It is anticipated that a minimal amount of people will be walking to this location from adjacent properties and homes. Through the remainder of the *Whitehorse 2040* process, Administration is exploring policy ideas that reflect community input. This includes ideas to support stores/restaurants without drive-through components in strategic, centralised and walkable locations that are in close proximity to where people live and work.

### **Conclusion**

In conclusion, the intent behind current OCP is to ensure drive-through uses are located in a centralized cluster Downtown to support adjacent businesses and services. However, the policy contained within the OCP (2010) is not decisively clear. Council may deviate from this intent, and therefore this application warrants further discussion at a public hearing.

Administration notes that the use being proposed is permitted within CS-zoned sites today and was intentionally removed as a permitted use from CH-zoned sites to encourage this use in a centralized Downtown location.

The OCP encourages a range of services along the Alaska Highway for both travellers and residents, while providing direction that this area should provide for transportation uses that take advantage of the main transportation route, and large scale retail requiring considerable outdoor storage.

The OCP also states that uses in this area are not meant to directly compete with businesses in the Downtown, which would occur if the proposed application was approved. The OCP calls for further planning to determine the future needs of commercial uses along the Alaska Highway, which is occurring through the *Whitehorse 2040* OCP process.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 15, 2021
First Reading:	February 22
Newspaper Ads:	February 26 and March 5
Public Hearing:	March 22
Report to Committee:	April 6
Second and Third Reading:	April 12

#### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit eating and drinking establishments including a drive-through component, be brought forward for consideration under the bylaw process.

## Appendix B: Location Map – 107 Range Road



**CITY OF WHITEHORSE**  
**BYLAW 2021-13**

A bylaw to amend Zoning Bylaw 2012-20

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WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the City of Whitehorse Zoning Bylaw be amended to allow for Eating and Drinking Establishments, including a drive-through component as a principal use on Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 10.3.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection, 10.3.7 g), as follows:

“10.3.7 Special Modifications

- g) Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road, is designated CHx with the special modifications being that:
  - 1) Offices are permitted on the first storey as conditional use.
  - 2) Eating and Drinking Establishments, including a drive-through component, are permitted as a principal use.

Notwithstanding the above, the CH zone shall apply in its entirety.”

2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing:

- (1) The zoning of Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road, from CHx(c)–Highway Commercial modified (c) to CHx(g) – Highway Commercial modified (g), as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.

## Zoning Amendment Bylaw 2021-13

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3. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

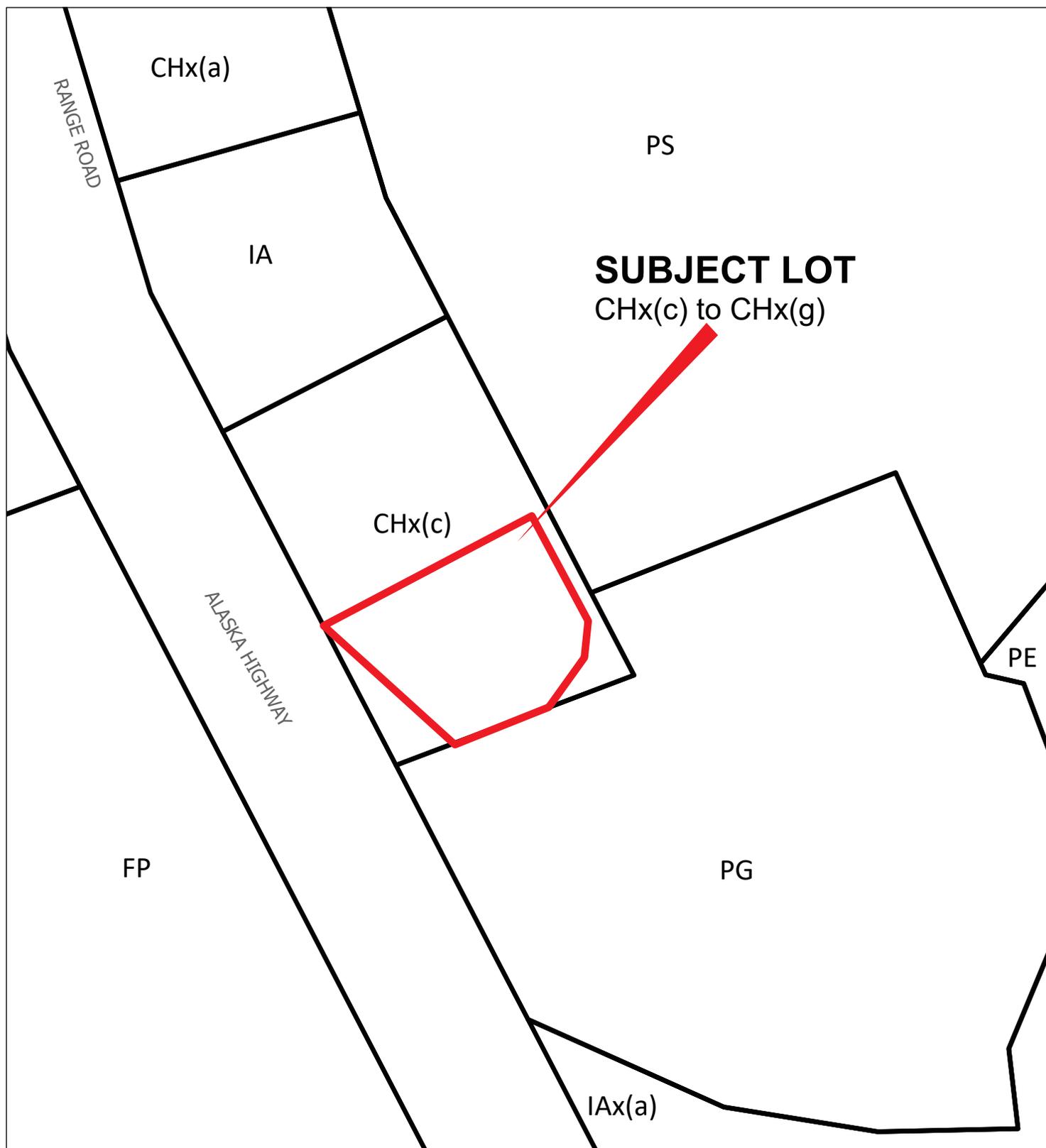
**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk



**BYLAW 2021-13**

A bylaw to amend the zoning at 107 Range Road to permit eating and drinking establishments including a drive-through component

**LEGEND**



Subject Area