

**ADMINISTRATIVE REPORT**

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** March 21, 2022  
**RE:** Conditional Use Application – 238 Tlingit Street – *For Information Only*

**ISSUE**

Application for Conditional Use approval to allow a 157 m<sup>2</sup> caretaker residence at 238 Tlingit Street in Marwell.

**REFERENCE**

- 2010 Official Community Plan (OCP)
- 2018 Marwell Plan
- Zoning Bylaw 2012-20
- Location sketch, cover letter, and plans

**HISTORY**

An application has been received to develop a light equipment sales/rentals operation with a 157 m<sup>2</sup> caretaker residence. The purpose of the proposed use is to operate a U-Haul rental business, which would complement the existing commercial storage business that the proponents own and operate on the adjacent lot. A caretaker residence larger than 120 m<sup>2</sup> is a conditional use in the FN-CIM zone, requiring a decision by Council.

Kwanlin Dün First Nation (KDFN) has not yet exercised zoning powers to regulate development on FN-zoned land. The Zoning Bylaw contains additional zone designators for each FN-zoned piece of land that show interim zone regulations that apply. In this instance, the land is zoned FN-CIM, which indicates that until such time as KDFN exercises zoning powers that govern this parcel, the zoning regulations of the CIM zone apply.

The proposed schedule for consideration of the Conditional Use application is:

Letter Notification	March 7, 2022	Public Input Session	March 28
Newspaper Ad	March 11	Report to Committee	April 4
Planning Committee	March 21	Council Decision	April 11

**ANALYSIS****Property Description**

The subject property is currently vacant and has a total area of 1,810 m<sup>2</sup>. The proponents wish to construct a two-storey building with a commercial area on the ground floor and caretaker residence on the second floor. The total proposed Gross Floor Area is 321 m<sup>2</sup>, of which 157 m<sup>2</sup> would be devoted to the caretaker residence. The proponents intend to operate a U-Haul rental business, which involves rentals of moving trucks and trailers and sales of moving and packing supplies.

**Official Community Plan**

The land use designation in the Official Community Plan (OCP) for Marwell is Mixed-Use – Industrial/Commercial. The OCP identifies Marwell as an area with a blend of traditional general industrial uses, service industrial, service commercial, and office uses.

### **Marwell Plan**

The 2018 Marwell Plan was adopted as a guiding document and may act as a point of reference for Council, however it has no policy standing. The plan generally supports residential uses in Marwell where they are complementary to a commercial use. It does not comment on the suitability of larger caretaker residences.

### **Zoning Bylaw**

The Zoning Bylaw requires that conditional use applications be decided by Council following a public input session. Council may approve, deny, or approve with conditions applications for development permits for conditional uses.

The Zoning Bylaw allows a caretaker residence as a secondary use in the FN-CIM zone where it is less than 120 m<sup>2</sup>. Where a larger caretaker residence is proposed, up to 297 m<sup>2</sup>, additional considerations are required to ensure compliance with the Zoning Bylaw, the OCP, and the *Municipal Act*, and to address concerns raised during the public input session.

Section 4.9.5 of the Zoning Bylaw provides criteria for Council to consider when evaluating a conditional use application. These criteria include:

**Design and character:** The design of the building presents as a commercial development, with the principal use up-front on the ground floor.

**Parking and traffic:** Off-street parking is available in accordance with the parking requirements of the Zoning Bylaw. Traffic volumes from staff and clients would be similar to other permitted principal uses in the CIM zone.

**Capacity of infrastructure:** The location has adequate capacity for required municipal services and vehicle transportation. Reconstruction of Tlingit Street has recently been completed, with new water/sewer mains and road surface.

**Impact of neighbouring properties:** There are no anticipated impacts to neighbouring properties beyond what would be typical for permitted uses in the zone.

**Demonstrated need for the use:** The proponents have submitted a letter describing their need to live close to their business operations. In addition to the U-Haul business, they also operate a commercial storage business at two nearby properties. Having two school-aged children, they require a larger residence to accommodate the family.

### **PUBLIC INPUT SESSION SCHEDULED**

In accordance with section 4.8 of Zoning Bylaw 2012-20, a public input session has been scheduled for the regular council meeting on March 28, 2022. A total of 26 letters were sent to property owners within a 100 metre radius of the site. Government of Yukon, Kwanlin Dün First Nation and the Ta'an Kwäch'än Council were also notified by mail and email. A notice of the proposed development was placed in local newspapers on March 11, 2022.