

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: November 7, 2022
RE: Public Hearing Report – Zoning Amendment - TKC Parcel C-16B

ISSUE

Public Hearing Report on a bylaw to amend the zoning of a portion of Ta'an Kwäch'än Council (TKC) Settlement Land Parcel C-16B from FP – Future Planning to RSx – Residential Single Detached (modified).

REFERENCES

- [2002 Ta'an Kwäch'än Council Final Agreement](#)
- [2002 Ta'an Kwäch'än Council Self-Government Agreement](#)
- [2010 Official Community Plan](#)
- [2022-2024 Strategic Priorities](#)
- [YESAB 2020-0191 Alaska Highway Upgrades #1 KM 1429.8 to KM 1434.2: Consolidated Decision Document](#)
- [A – Conceptual Drawings](#)
- [2021 Snow and Ice Control Policy](#)
- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-36

HISTORY

TKC has applied to rezone a portion of TKC Settlement Land Parcel C-16B (Parcel C-16B) from FP – Future Planning to RSx – Residential Single Detached (modified). The proposed rezoning is for a portion of the parcel, approximately 2.8 hectares in area, which will result in approximately 25 housing units. A special modification is also proposed to permit mobile homes as a principal use.

Bylaw 2022-36 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon (YG) Land Management Branch, Kwanlin Dün First Nation, and TKC;
- Mail notifications were sent to property owners within 100 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. One written submission was received in opposition. Two members of the public spoke to the item at the public hearing as well as the proponents.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the public submissions:

- Future road configuration and improvements;
- Traffic;
- Opposition to having rental properties on the subject site;
- Opposition to having mobile homes on the subject site;
- Property values;
- Neighbourhood improvements;
- Rezoning opportunities to nearby property owners;
- Incorrect map provided; and
- Crime and safety.

Future road configuration and improvements

There were concerns with YG's future road improvements and road configuration in the vicinity of the proposed development. Although YG's road improvements are not considered to relate to this proposed development, it is further explained to provide clarity.

The latest publicly available conceptual drawings from YG, which were submitted to the Yukon Environmental and Socio-economic Assessment Board (YESAB), indicates that a proposed frontage road will connect Birch Street to Azure Road. There will be an upgraded access to Birch Street at 15th Avenue and new accesses at Wann Road and MacDonald Road. The 17th Avenue access to Birch Street will be closed.

The proposed road configurations and improvements were assessed by the YESAB in 2021 and it was recommended that the project be allowed to proceed. The public had the opportunity to comment on YG's project at that time.

Any concerns regarding YG's proposed road configuration should be raised with YG as the rezoning of the subject site is not impacted by YG's road improvement project or vice-versa.

Traffic

A comment was received that the proposed development would increase traffic along Birch Street.

It is noted that the subject site is designated as Residential – Urban in the Official Community Plan (OCP) and that a residential development is therefore anticipated to occur in this location. Notwithstanding this, the proposed development will result in 25 additional units and is not anticipated to result in significant increases to traffic along Birch Street. Any site specific considerations relating to traffic (e.g. access) will be addressed at detailed design stage.

It is also considered that any additional trips generated from the development will be reasonably accommodated within the road improvements proposed to be implemented by YG. If TKC's proposed development proceeds prior to YG's road improvements, TKC

will be required to extend Birch Street to current City standards to provide access to the proposed development. Details would be confirmed by a traffic impact analysis and finalized through a development agreement and engineering drawing approvals.

Opposition to having rental properties on the subject site

There was opposition by one member of the public to the housing units being rented as opposed to owned by the occupants.

TKC cannot sell its land. It can however offer a leasehold option. The proponent indicated at the public hearing that they anticipate that TKC will be able to make the necessary amendments to their Self-Government Agreement in order to be able to register leasehold interest with the Land Titles Office within a year. Once TKC can register leasehold interest, they will be able to offer leasehold options for the lots on their proposed development. With a leasehold property, the owner owns the assets on the property such as a house, but not the land it is built on. TKC is however not required to offer leasehold options once they have the ability to.

Furthermore, the Zoning Bylaw does not differentiate between rental and owned properties. Whether a property is used as a rental or not is not controlled through zoning. The concern is therefore not considered relevant to the proposed zoning amendment.

Opposition to having mobile homes on the subject site

A member of the public voiced opposition to allowing mobile homes on the subject site. A mobile home is defined in the Zoning Bylaw as a factory built single or multiple section single family dwelling unit designed to be transportable on its own chassis.

The RS zone allows for single detached, duplex, and triplex housing, depending on lot size. Mobile homes are a conditional use of the RS zone. The special modification to permit mobile homes as a principal use was requested in order to allow for the broadest range of housing options within the RS zone.

The proponent indicated at the public hearing that they have no intention of placing 25 mobile homes on the subject site. The application however included adding mobile homes as a principal use and following the public hearing, it was confirmed by the applicant that they do indeed want mobile homes permitted as an option for a principal use. Mobile homes can be an affordable housing option and can be built off-site year-round, potentially providing housing quicker. It is also noted that there is a requirement within the RS zone that restricts the placement of mobile homes to homes no older than ten years old.

New residential units across the housing continuum are needed in the city to address current and anticipated demand. Additionally, Council listed housing and development as a strategic priority for 2022-2024. Supporting TKC in their land development aspirations would therefore align with this strategic priority.

Property values

A member of the public noted that the proposed development would decrease nearby property values.

The subject site is designated as Residential – Urban in the OCP. TKC has the right to manage the use and occupation of its Settlement Land per the 2002 TKC Final

Agreement, within the confines of the OCP and zoning that they propose. Zoning regulations will ensure that the development is built to the same standards as other neighbourhoods or properties zoned RS. Nearby property values will therefore not be impacted to any greater degree than any other residential development enabled by the OCP.

Neighbourhood improvements

A member of the public asked if improvements were planned for the broader neighbourhood, such as greenspace, playgrounds, trails, road paving, and snow removal.

The proponent expressed at the public hearing that their intention is to design a family-friendly residential development. The proposed rezoning is for a portion of Parcel C-16B and TKC noted that there is potential for a second phase which could include a playground. Additionally, YG is proposing an All Ages and Abilities trail along Birch Street as a part of their overall road improvement project previously noted.

The City is responsible for snow and ice control on roadways within municipal boundaries, excluding highways and private properties. For the roads within the TKC C-16B, TKC may elect to pursue a road easement or service agreement with the City in order for road maintenance and snow removal to be completed by the City.

Rezoning opportunities to nearby land owners

A member of the public asked if the same rezoning opportunities that TKC is pursuing would be available to nearby property owners to capitalize on the changes in the neighbourhood.

Any land owner in the City, or an authorized agent of an owner, can apply to rezone their land. Section 15 of the Zoning Bylaw describes rezoning application requirements and the rezoning process.

Incorrect map provided

A member of the public noted that the map provided on the notification letters did not correspond to the administrative report that stated the proposed rezoning area was 2.1 hectares in area. There was an error in the administrative report and the rezoning area should have been noted as approximately 2.8 hectares, not 2.1 hectares. The map however is correct.

Crime and safety

A member of the public asked what the City and TKC intend to do in terms of crime prevention and safety in the area once the subject site is developed as they believe it will be a big issue. There is no reason to believe that the proposed development would cause more crime than any other residential development in the city and is not considered to relate to this application to rezone the subject site.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-36, a bylaw to amend the zoning of a portion of TKC Settlement Land Parcel C-16B from FP – Future Planning to RSx – Residential Single Detached (modified), be brought forward for second and third reading under the bylaw process.