

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: February 6, 2023
RE: Zoning Amendment – 123 and 125 Keno Way

ISSUE

An application to amend the zoning of 123 and 125 Keno Way, from CNC2-Comprehensive Neighbourhood Commercial 2 and CNC2x(c)-Comprehensive Neighbourhood Commercial 2 (modified) to CNC2x(d)-Comprehensive Neighbourhood Commercial 2 (modified), to enable the construction of a mixed-use development.

REFERENCE

- [2010 Official Community Plan](#)
- [2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square](#)
- 2040 Proposed Official Community Plan (January 2023)
- Zoning Amendment Bylaw 2007-23
- [Zoning Bylaw 2012-20](#)
- Location Map (Appendix A)
- Proposed Zoning Amendment Bylaw 2023-06

HISTORY

The owner of 123 and 125 Keno Way, located in the Whistle Bend neighbourhood, has applied to amend the zoning of these properties to allow for the development of a mixed-use building that would cross the shared boundary line. The proposal seeks to apply an amended version of the CNC2 zone to both 123 and 125 Keno Way and to allow child care centres on both the ground floor and second storey of a mixed-use development which includes multiple housing.

The proposed development would feature eating and drinking establishment and child care centre uses on the ground floor. Another child care centre use is proposed for the second storey, along with residential apartments and a hair salon. The third storey is proposed to consist solely of residential apartments and a basement is planned for associated storage use. The eating and drinking establishment and hair salon would be located within 125 Keno Way, the child care centre within 123 Keno Way and the residential apartments within both lots.

The proposal was reviewed by the Development Review Committee (DRC) on March 23 and July 6, 2022. Several issues were identified relating to the proposed development design. Concern was also noted that the proposed consolidation would require the abandonment of an existing service line and associated road work.

These technical issues are not considered to relate to the proposed zoning amendment, nor would the proposal restrict them from being addressed by the applicant and City Administration at Subdivision and Development Permit stage.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 6, 2023
First Reading:	February 13, 2023
Newspaper Advertisements:	February 17 and February 24, 2023
Public Hearing:	March 13, 2023
Report to Committee:	April 3, 2023
Second and Third Reading:	April 11, 2023

ALTERNATIVES

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

ANALYSIS

Site Context

123 and 125 Keno Way are located in the Whistle Bend neighbourhood on the north side of Keno Way (Appendix A). These properties form part of the neighbourhood's commercial core and have a prominent central location within the neighbourhood.

The property lines of the southwestern portion of 125 Keno Way are indented by the pocket park envisioned in the 2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square. The subject properties also face towards the neighbourhood's future town square on the south side of Keno Drive.

2010 Official Community Plan and Proposed Whitehorse 2040 Official Community Plan (January 2023)

123 and 125 Keno Way are located in an area designated Mixed-Use – Residential/Commercial in the 2010 Official Community Plan (OCP). The purpose of this designation is to promote the mix and integration of multi-family residential and commercial uses.

The subject properties are designated Mixed-Use Neighbourhoods in the Proposed 2040 OCP. The intent of this designation is to accommodate a mixture of multi-unit housing and commercial developments that contribute to the vitality of neighbourhoods by creating Complete Communities while not competing with the Downtown.

Zoning Bylaw

123 Keno Way and adjacent properties along Keno Way are currently zoned CNC2. The general purpose of the CNC2 zone is to provide for convenience, retail commercial, and personal service uses in mixed use developments intended to service the day-to-day needs of residents living in general proximity of the site. A modified version of the CNC2 zone also currently applies to 125 Keno Way to ensure active uses along the pocket park.

The proposed amended version of the CNC2 zone would cover both sites and ensure that the required uses along the pocket park remain following any potential future consolidation by restricting the site to only eating and drinking establishments, retail services (general or convenience), and personal service establishments on the first storey within specific distances of the pocket park. The requirement to have outdoor seating in association with any eating and drinking establishment would also remain.

A zoning provision to restrict child care centres in multiple housing buildings to the ground floor or below was adopted in 2007 (Bylaw 2007-23) to ensure the use had direct access to enclosed, outdoor play space. The amended version of the CNC2 zone would allow the child care centre use on the second floor, however, ensure that the intent of Bylaw 2007-23 is retained by allowing child care centres in multiple housing buildings only when they are located in part on the ground floor and have direct access to enclosed, outdoor play space.

Consolidation

The applicant intends to consolidate the two subject properties following rezoning. This is required for the development to proceed due to communal elements within the building. The City's administrative procedure requires that lot consolidation occur within a single zone to avoid zoning lines within a property. Consolidation would therefore occur after the rezoning process and prior to issuance of a Development Permit. If the applicant does not proceed with consolidation, the sites can still be developed into a mixed-use development, as long as there are no communal elements within the building.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2023-06, a bylaw to amend the zoning of 123 and 125 Keno Way, to enable the construction of a mixed-use development, be brought forward for consideration under the bylaw process.