

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> February 6, 2023
<b>RE:</b> Zoning Amendment – 18-22 Metropolit Lane

### **ISSUE**

An application to amend the zoning at 18-22 Metropolit Lane from CH – Highway Commercial to CIMx - Mixed Use Commercial/Industrial (modified) to enable a greater number and variety of uses and development potential.

### **REFERENCES**

- [2010 Official Community Plan](#)
- [2020 Commercial and Industrial Land Study](#)
- 2040 Proposed Official Community Plan (January 2023)
- [Whitehorse Airport Zoning Regulation \(C.R.C., c. 122\)](#)
- [Zoning Bylaw 2012-20](#)
- Zoning Bylaw Amendment Bylaws 2017-15, 2018-10, 2018-43, 2019-07
- Location Map (Appendix A)
- Permitted Uses Table (Appendix B)
- Proposed Zoning Bylaw Amendment 2023-10

### **HISTORY**

The owner of 18, 19, 20, and 22 Metropolit Lane has applied to rezone the four lots from CH – Highway Commercial to CIMx - Mixed Use Commercial/Industrial (modified) to enable a greater number and variety of uses and development potential on these properties (Appendix A).

The owner is wanting to establish a tree nursery (i.e. general contractor services) with a warehouse and a caretaker residence on 22 Metropolit Lane. 18, 19, and 20 Metropolit Lane are also included due to their proximity to Lot 22 and other CIM zoned land.

The original Yukon Gardens lot was subdivided in 2008, which created 17 new lots along Garden Road and Metropolit Lane. The subdivision of the Yukon Gardens lot therefore resulted in the creation of new lots with no frontage onto the Alaska Highway. The CH zone was however retained for these lots, which are not serviced by municipal infrastructure.

Since 2008, there have been three other rezoning applications approved in this area:

- Council approved an application for 11 and 15 Metropolit Lane in 2017 to amend the zoning from CH to CIMx (modified) which allowed for large scale greenhouses and reduced the front yard setback (Bylaw 2017-15);
- A special modification was approved in 2018 to prohibit Restricted Retail Services on 11 and 15 Metropolit Lane (Bylaw 2018-10); and
- 8 Metropolit Lane was rezoned in 2018 to CHx (modified) to allow child care centres (Bylaw 2018-43).

On December 21, 2022, the Development Review Committee (DRC) reviewed the proposal and had some concerns. Concerns included that the CIM zone allows smaller minimum lot sizes which could enable further subdivision of the lots. As the area is not connected to municipal services, requiring additional septic systems and wells in the area could become an issue. The CIM zone also allows taller building heights which could conflict with airport zoning regulations. Additionally, the DRC noted that restricted retail is not allowed at 11 and 15 Metropolit Lane.

On the basis of the above concerns, Administration continued discussions with the applicant to develop the proposed zoning amendment.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 6, 2023
First Reading:	February 13, 2023
Newspaper Ads:	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**

The subject lots are located northwest of the Alaska Highway and Robert Service Way intersection (Appendix B). The subject lots contain an existing caretaker residence and multiple accessory structures. They range in size from 1.08 ha to 0.39 ha. Adjacent sites 11 and 15 Metropolit Lane are zoned CIMx (modified) and the remaining lots on Metropolit Lane are zoned CH.

#### **Whitehorse Airport Zoning Regulation**

All development within the vicinity of the airport is subject to confirmation of compliance with the federal Whitehorse Airport Zoning Regulation under the *Aeronautics Act*. Confirmation of compliance is the responsibility of a person who applies for a development permit or change of use.

#### **2010 Official Community Plan (OCP) and Proposed 2040 OCP (January 2023)**

The subject lots are designated as Mixed-Use – Industrial/Commercial in both the 2010 OCP and 2040 OCP, which accommodates light industrial activities and complementary commercial uses as proposed in this application.

#### **Zoning Bylaw**

The purpose of the CH zone is to provide a zone for high quality commercial development primarily along arterial roadways. The CIM zone on the other hand seeks to provide a transition zone for the development of service commercial and clean industrial uses near

the city centre. As the subject lots have no highway frontage, nor direct access from the Alaska Highway, and adjacent lots are zoned CIM, the CIM zone is considered appropriate for the area.

Special modifications are however proposed to align the amendment with adjacent properties, by prohibiting Restricted Retail Services, and to require a minimum lot area of 0.5 ha for 18, 19, and 20 Metropolit Lane and a minimum lot area of 0.38 ha for 22 Metropolit Lane. The required minimum lot area maintains the CH zone minimum lot requirement, except for 22 Metropolit Lane which was already undersized. The minimum lot requirement for 22 Metropolit Lane therefore corresponds with the existing lot size. This will prevent further subdivision of the lots and the potential septic system concerns raised by DRC.

### **2020 Commercial Industrial Land Study**

A commercial and industrial land study was undertaken from 2018 to 2020 to review the current status of and future needs for commercial and industrial lands outside of Downtown Whitehorse. The Metropolit Lane area is identified in the study as being part of the Robert Service Way/Hamilton Boulevard commercial and industrial node.

The Robert Service Way/Hamilton Boulevard node is also identified as a potential new serviced area with good development opportunities. The long-term intent for the area is to provide services along the Alaska Highway to connect to the future development area south of Copper Ridge. The study cautions that owners of un-serviced lots may be reluctant to incur the costs associated with connecting to municipal services once services arrive nearby, due to their initial investment in, and the continued functionality of, on-site services. While developing un-serviced lots could result in underutilized land once services become available, the subject lots could be designed to intensify when services arrive.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2023-10, a bylaw to amend the zoning of 18-22 Metropolit Lane to enable a greater number and variety of uses and development potential, be brought forward for consideration under the bylaw process.