

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: June 17, 2024
RE: Public Hearing Report – Zoning Amendment – Municipal Service Building

ISSUE

Public Hearing Report on a bylaw to amend the zoning at 4210 4th Avenue from CM2 – Mixed Use Commercial 2 to CM2(x) – Mixed Use Commercial 2 (modified) to ensure the redevelopment of the Municipal Service Building (MSB) site includes a residential use and to allow for a maximum building height of 30 m.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [Zoning Bylaw 2012-20](#)
- [2018 Downtown Plan](#)
- [Municipal Act](#)
- Location Map (Attachment 1)
- Proposed Bylaw 2024-25 (Attachment 2)

HISTORY

Administration is bringing forward an application to rezone 4210 4th Avenue (the old Municipal Services Building) from CM2 – Mixed Use Commercial 2 to CM2x – Mixed Use Commercial 2 (modified) to ensure future development includes a residential use and to increase the maximum building height to 30 m.

The zoning bylaw currently allows for a maximum building height of 25 m on the subject site. While the Official Community Plan (OCP) allows for building heights of up to 25 m across the Mixed Use – Downtown Core area, it also considers 30 m in heights. The proposed amendment seeks to develop to the additional height envisioned in the recently adopted OCP to give the future developer greater flexibility in designing a higher residential density development.

Bylaw 2024-25 received First Reading on April 22, 2024. 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 April 26 and May 3, 2024;
- Email notifications were sent to Kwanlin Dün First Nation, Ta’an Kwäch’än Council, Government of Yukon Land Management Branch, and the Downtown Residents Association;
- 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 May 27, 2024. No written submissions were received, but two members of the public spoke to the item at the public hearing.

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 input submissions:

- Residential use;
- Parking and traffic;
- Needed road improvements;
- Past application on adjacent warehouse.

Residential use

A member of the public voiced concerns about incorporating residential use into the commercial area, preferring the lot remain commercial. They expressed that being surrounded by a hotel, gas station, and other commercial businesses, the location was unsuitable for residential use and could cause stress for neighbouring businesses. Another member of the public raised the concern that this former industrial area of Whitehorse has never been designed for residential use and that the town's commercial areas were increasingly being diminished in the Downtown Core.

It is noted that the site is currently zoned CM2, which allows residential developments as principal uses. Therefore, the proposed amendment does not propose to enable any new uses than what could currently be allowed on the subject site. The 2018 Downtown Plan also envisions offering a wide range of housing options within easy reach of a variety of employment, shopping, entertainment, and service amenities, which aligns with both the current zone and the proposed modification, allowing for a mix of low intensity commercial and residential uses in this area.

Nevertheless, the proposed amendment still provides opportunities for commercial use on the ground floor, while providing residential units above.

Parking and traffic

Two members of the public expressed concerns that the proposed amendment will cause parking and traffic issues, noting that the current parking demand already exceeds availability. One member of the public mentioned existing parking issues caused by an 11-plex built nearby. Additionally, it was noted that the site is adjacent to the main artery in and out of town, which already experiences heavy traffic. Residential development was deemed to further put strain on this area that struggles with traffic management.

The future development on the subject site will be subject to the parking regulations set out in the Zoning Bylaw. Impact and potential improvements will be considered at the development permit stage once detailed plans are available. Additionally, the OCP lists personal modes of transportation, such as driving, as the lowest priority on the hierarchy of transportation per policy 11.2. The City will encourage a shift towards the increased use of active and shared transportation modes per OCP policy 11.7. Offering housing opportunities downtown supports this shift due to the proximity to services, amenities, and employment centres.

Needed infrastructure improvements

Two members of the public raised concerns about the road condition of the alleyway adjacent to the subject site. One of them also flagged issues with the sewer.

Access and improvements to the surrounding infrastructure will be considered through the development permit and development agreement process.

Past application on adjacent warehouse

Adjacent property owners raised an issue concerning their property. They stated that their warehouse cannot be used due to a past zoning change implemented by the city in response to neighbouring complaints.

The subject building at 6209 6th Avenue was used for warehousing until 2003 and was protected under the legal non-conforming provisions contained in the Municipal Act. However, once a legal non-conforming use has been discontinued for a 12-month period, the subsequent uses must comply with the Zoning Bylaw, which was the case with this specific development.

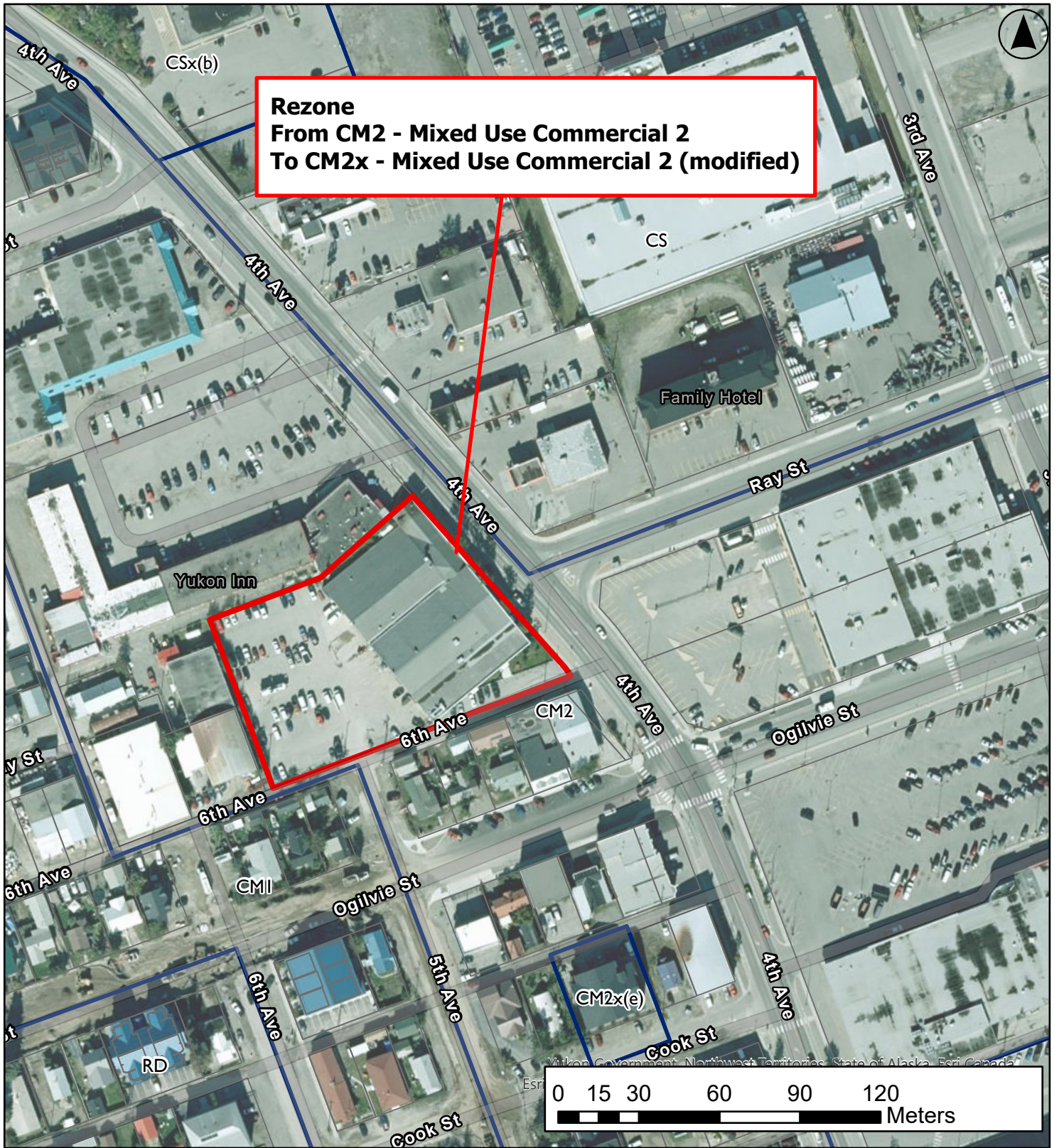
Zoning amendment applications are reviewed on a case by case basis and are considered on their own individual merits.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-25, a bylaw to amend the zoning at 4210 4th Avenue from CM2 – Mixed Use Commercial 2 to CM2(x) – Mixed Use Commercial 2 (modified) to ensure the redevelopment of the Municipal Service Building (MSB) site includes a residential use and to allow for a maximum building height of 30m, be brought forward for second and third reading under the bylaw process.




**Rezone
From CM2 - Mixed Use Commercial 2
To CM2x - Mixed Use Commercial 2 (modified)**



DATE:
2/26/2024 1:41 PM

FILE:
Z-XX-2024 - 4210 4th Ave

 Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Proposed Rezoning Application - Location Map

4210 4th Avenue
Parcel C Whitehorse



CITY OF WHITEHORSE
BYLAW 2024-25

A bylaw to amend Zoning Bylaw 2012-20

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 Whitehorse Zoning Bylaw be amended to allow for the redevelopment of the Municipal Service Building site for commercial and residential uses.

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

1. Section 10.6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.6.7 i) as follows:
 - “j) Amended Parcel C Plan Number 65281 CLSR, located at 4210 4th Avenue in the Downtown area, is designated CM2x(j) with the special modifications being:
 - (1) Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and
 - (2) Any commercial use must be accompanied with the development of an allowable residential use.
 - (3) The maximum height is 30 m.”
2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a portion of Amended Parcel C Plan Number 65281 CLSR from CM2-Mixed Use Commercial 2 to CM2x(j)-Mixed Use Commercial 2, modified as indicated on Appendix A and forming part of this bylaw.
3. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

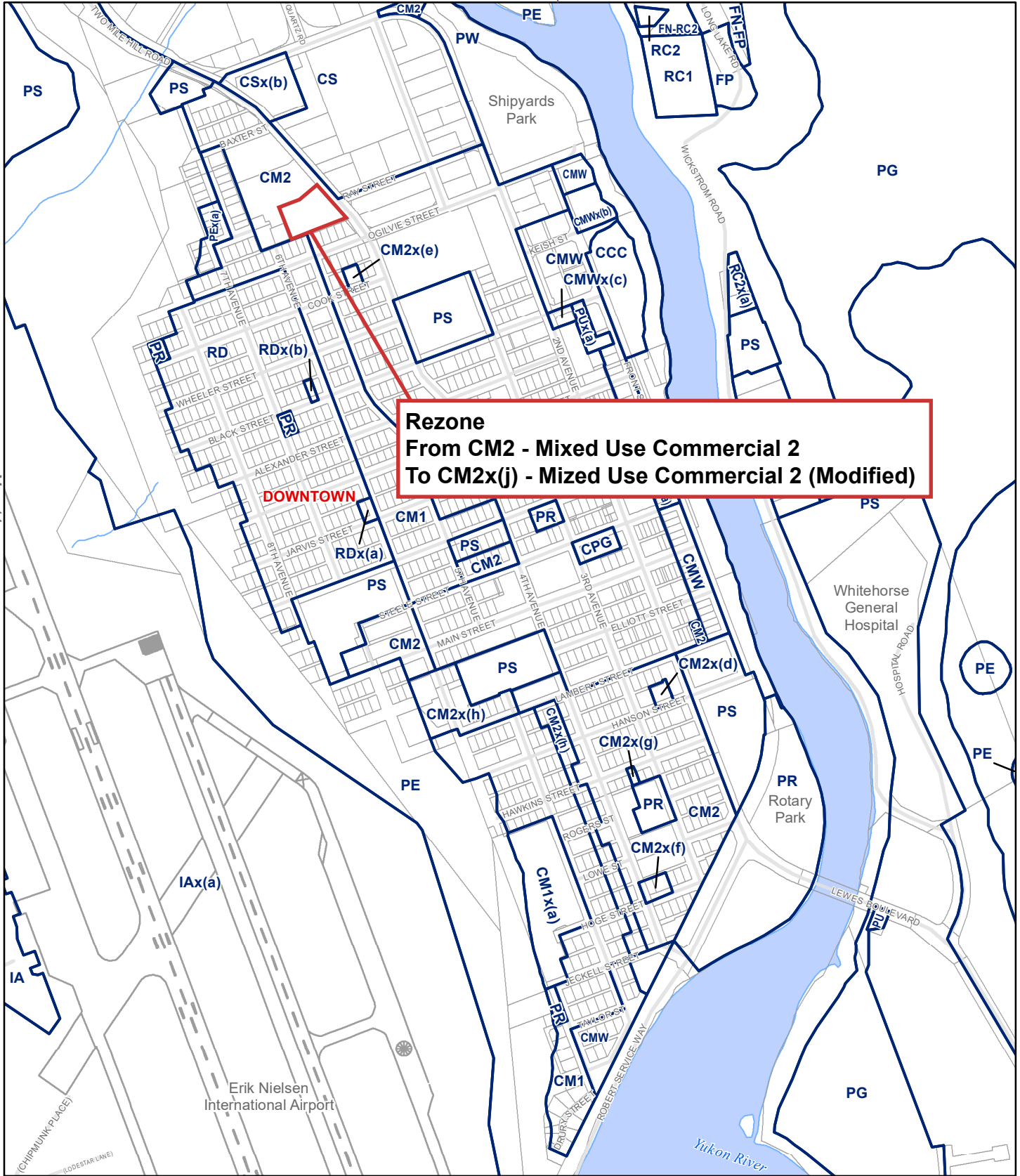
SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services

Map 11

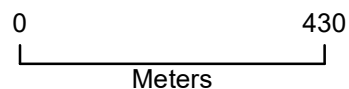


Map 14

Map 18

Map 16

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
June 15, 2023

Projection: NAD 1983 UTM Zone 8