

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: May 21, 2024
RE: Zoning Amendment – 13, 23, and 33 McClimon Crescent

ISSUE

An application to amend the zoning of 13, 23, and 33 McClimon Crescent, from FN-FP – First Nation Future Planning to FN-RS – First Nation Residential Single Detached, to allow for the development of townhouses.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [2020 KDFN Community Lands Plan](#)
- [2018 Joint Declaration of Commitment](#)
- Location Map (Attachment 1)
- Proposed Bylaw 2024-34 (Attachment 2)

HISTORY

An application was received to rezone 13, 23, and 33 McClimon Crescent from FN-FP – First Nation Future Planning to FN-RS – First Nation Residential Single Detached to allow for the development of townhouses. The proponent intends to develop 12 townhouses on the lots for elders.

The applicant had originally applied to rezone the subject lots to FN-RM – First Nation Residential Multiple Housing. However, after the adoption of Bylaw 2024-16 on April 22, 2024, the housing-related amendments to the Zoning Bylaw, the proponent agreed to rezone to FN-RS – First Nation Residential Single Detached instead of FN-RM. Bylaw 2024-16 enabled the development of four units per lot in the RS zone, which better aligns with surrounding zones and with what is proposed for the parcels.

On April 24, 2024, the zoning amendment application was reviewed by the Development Review Committee (DRC). DRC noted that McClimon Crescent is not currently up to City standards and would require upgrades if KDFN intends for the City to maintain it.

Following DRC, the applicant clarified that upgrades to McClimon Crescent is anticipated to begin later this year in late June or July and that the road will meet City standards once upgraded. They confirmed that they intend for the City to maintain the road once the road work is complete.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	May 21, 2024
First Reading:	May 27, 2024
Newspaper Ads:	May 31 and June 7, 2024
Public Hearing:	June 24 2024
Report to Committee:	August 5, 2024
Second and Third Reading:	August 12, 2024

ALTERNATIVES

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

ANALYSIS

Site Context

The subject sites are approximately 0.77 ha in total and are located on KDFN Settlement Land parcel C-41B in the McIntyre neighbourhood. There are several amenities that the future residents can benefit from in close proximity to the proposed development. The subject site is located to the west of the Kashgêk' building, KDFN's community hub. The Natsékhi Kù Health Centre is within 200 m to the south east of the subject site and the Nàkwät'à Kù Potlatch House is within 200 m to the east. Most lots within the McIntyre Subdivision are zoned FN-RS, including the lots across the street from the proposed development. The subject site is undeveloped but has been partially cleared of trees.

Official Community Plan and KDFN Community Lands Plan

The subject site is designated as First Nation Development Land in the Official Community Plan. First Nation Development Lands are areas where the First Nations may develop lands consistent with the Self Government Agreements and land planning policies and documents completed by the First Nation to guide development.

KDFN Settlement Land parcel C-41B is a Type 1 parcel. KDFN is able to exercise its self-government powers related to planning, zoning, and land development on Type 1 lands. KDFN has however chosen to adopt the City's Zoning Bylaw at this time rather than duplicating an existing regulatory regime with its own zoning bylaw.

The KDFN Community Lands Plan identifies Settlement Land parcel C-41B for residential development, public services infrastructure, and revenue generation. A guiding policy for community development on KDFN Community Lands states that in determining the appropriate locations for residential neighbourhoods and infrastructure, land use decisions should involve the principle of highest and best use. The subject site is in an area with existing residential uses and in close proximity to several amenities which would benefit future residents.

Rezoning the subject site for residential uses is consistent with policies and land uses identified in the OCP and KDFN Community Lands Plan.

Joint Declaration of Commitment

The Joint Declaration of Commitment signed by the City, KDFN, and Ta'an Kwäch'än Council in 2018 affirmed that the three parties would be respectful and supportive as neighbours and friends and collaborate on outstanding issues, with future generations in mind, to their mutual benefit. The zoning amendment process provides an opportunity to demonstrate this commitment.

Zoning Bylaw

The current zoning of the subject site is FN-FP, which is intended to protect land until such a time that planning has occurred to determine appropriate zoning. As noted, KDFN has completed a Community Lands Plan which identifies KDFN Settlement Land parcel C-41B

for residential development, public services infrastructure, and revenue generation. The FN-RS zone was selected to facilitate the development of four townhouses on each of the three lots.

The purpose of the FN-RS zone is to provide a range of single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses. The FN-RS zone allows for single-detached, duplex, and multiple housing, up to a maximum of four dwelling units per lot, as principal uses along with community gardens and greenhouses, residential care homes, and parks. Multiple housing is defined as any physical arrangement of three or more dwelling units including apartment, cottage cluster, courtyard, fourplex, townhouse, and triplex housing types. Administration considers the FN-RS zone an appropriate zone for the subject site.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-34, a bylaw to amend the zoning at 13, 23, and 33 McClimon Crescent to allow for the development of townhouses, be brought forward for consideration under the bylaw process.