



JACKPINE PADDLE

Planning Justification Report

Community Plan and Zoning Bylaw Amendment

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1.0

Introduction

Dillon Consulting Limited (Dillon) has been retained by [REDACTED] (the Applicant), owner of Jackpine Paddle, to act as Professional Planners for the proposed land acquisition and redesignation and rezoning of a portion of Lot 5, Block 301, Plan 2631, and subsequent consolidation with Lot 5, Block 70A, Plan 479 in the City of Yellowknife (City).

The Applicant proposes to acquire and consolidate this land so that they can construct a storage shed on the consolidated lot. Table 1 below details the proposed redesignation and rezoning.

Table 1: Existing and Proposed Designations and Zones

Property	Existing Designation and Zone	Proposed Designation and Zone
Legal Description: *Lot 5, Block 301, Plan 2631	Community Plan By-Law 5007 Designation: Niven Residential Zoning By-Law 5045 Zone: Natural Area	Community Plan By-Law 5007 Designation: Downtown – Central Residential Zoning By-Law 5045 Zone: Residential Central
Legal Description: Lot 5, Block 70A, Plan 479 Civic Address: 4302 49 Ave	Community Plan By-Law 5007 Designation: Downtown – Central Residential Zoning By-Law 5045 Zone: Residential Central	Community Plan By-Law 5007 Designation: Downtown – Central Residential (no change) Zoning By-Law 5045 Zone: Residential Central (no change)

*Only a portion of Lot 5, Block 301, Plan 2631 is planned to be redesignated, rezoned, and consolidated with Lot 5, Block 70A, Plan 479. A detailed map with the proposed area is appended to this report in Appendix A.

This Planning Justification Report has been prepared to support the submission of the Land Application (Form L1) and the Zoning By-Law and Community Plan Amendment Application (Form P2).

2.0

Subject Lands

This section of the report describes the subject lands. It is separated into two parts. The first part describes the lot currently owned by the applicant (Lot 5, Block 70A, Plan 479). The second part describes the portion of the lot that the applicant wishes to purchase, redesignate/rezone, and consolidate (Lot 5, Block 301, Plan 2631).

2.1

Lot 5, Block 70A, Plan 479

The municipal address of this lot is 4302 49 Avenue. The lot is rectangular in shape and fronts 49 Avenue near the intersection of 49 Avenue and 43 Street. The lot is situated in a northwest (rear) to southeast (front) orientation. The lot has an area of approximately 835 m² or 0.0835 ha. The approximate lot frontage is 18.3 m in width and the approximate lot length is 45.7 m. The lot is currently developed with a single storey single detached dwelling.

Adjacent Land Uses are described below:

Northeast: The subject lot is bounded on the northeast by Lot 5, Block 301, Plan 2631. Lot 5, Block 301, Plan 2631 forms an irregular triangle shape between 43 Street, 49th Avenue and the subject lot.

Southeast: The subject lot is bounded on the southeast by 49th Avenue for the entire boundary of the lot frontage.

Southwest: The lot immediately adjacent to the subject lot to the southwest is a developed residential lot with a single storey single detached dwelling. This lot is also zoned Residential Central in Zoning By-Law 5045 and is designated Downtown-Central Residential in Community Plan By-Law 5007.

Northwest: The subject lot is bounded on the northwest by Lot 5, Block 301, Plan 2631. This lot is described in more detail in Section 2.2 of this report.

2.2

Lot 5, Block 301, Plan 2631

The entirety of Lot 5, Block 301, and Plan 2631 is an undeveloped municipally owned lot. It is characterized by rocky outcroppings, trees and bushes, some informal footpaths, and a portion of the Niven Lake Trail on the northern portion of the lot near Lake Niven. The lot has an area of approximately 59,282 m² or 5.92 ha. However, the portion of this lot that the applicant wishes to acquire is approximately 988 m² or 0.0988 ha. A power line crosses the parcel from the southeast corner of the lot and rounds behind the existing homes along 49th Ave. A Caveat is registered on the Certificate of Title (COT) for a right of way for a surveyed transmission line which is marked on the Canada Lands Survey (CLS) record 78125.

The existing power line within the right of way limits potential development on the site. These utility poles and approximate utility right of way are identified on Figure 1 in Appendix A.

Adjacent land uses for the portion of the lot that the applicant wishes to acquire are described below:

North: The lots immediately north of the subject lot are zoned Medium Density Residential (R2) and Natural Area (NA) for Niven Lake.

East: The lot portion is bounded to the east by 43rd Street/Niven Drive. On the east side of 43rd Street/Niven Drive is zoned Low Density Residential (R1).

South: The subject lot is bounded on the south by a Residential Central (RC) zone, which includes Lot 5, Block 302, Plan 2631.

West: The subject lot portion is bounded on the west by the Residential Central (RC) zone. The lot directly adjacent on the west side is Lot 5, Block 70A, Plan 479.

3.0

Proposed Development

The applicant is seeking to acquire a portion of Lot 5, Block 301, Plan 263 as illustrated in Appendix A. It is their intent to consolidate this portion of land with Lot 5, Block 70A, Plan 479, and redesignate it Residential Central (RC).

This consolidation and redesignation will support the development of a shed. Figure 1 in Appendix A shows the proposed location of the shed. The dimensions of the shed would be approximately 12 m (40 ft) in width and 6 m (20 ft) in length. The proposed location of the shed complies with the required setbacks of the Residential Central zone, and it is also complies with the recommended 3.5 m setback from the utility line.

3.1

Required Applications

To support the proposed development, multiple applications are required. These include:

- Land Application:
 - To request acquisition of City owned land.
- Community Plan Amendment and Zoning Bylaw Amendment:
 - To request amendment to City plans to update maps; and,
 - To change the zoning of the subject site from Natural Area to Residential Central.
- Subdivision Application:
 - To request subdividing a portion of Lot 5 Block 301, Plan 2631 and consolidate the subdivided portion with Lot 5, Block 70A, Plan 479 through the Minister.
- Building Permit:
 - To request a building permit through the City of Yellowknife's online permitting system with the proposed Site Plan, Floor Plans, Elevation Drawings, and all applicable Structural drawings.

It is anticipated that the proposed development will not require a Development Permit if the Land Application, Community Plan Amendment, Zoning Bylaw Amendment, and Subdivision Application are accepted as proposed. The proposed shed will be less than 75 m² and it will comply with all setback and height regulations for accessory structures in the Residential Central Zone. Therefore, a Development Permit will not be required as detailed in 4.2.1 f) of Zoning Bylaw 5045.

4.0 Policy Analysis

4.1 Community Planning and Development Act

The *Community Planning and Development Act* provides guidance on land use processes within the Northwest Territories and must be considered when reviewing development. Consolidation of lots is considered a subdivision under the Act. Part 3 of the Act provides guidance on subdivisions including applications. Subdivision authority rests with the Government of the Northwest Territories Minister of Municipal and Community Affairs, unless designated by order to a municipality. In the case of the City of Yellowknife, the Minister is the subdivision authority.

Applications for subdivision must conform with the Act, Community Plan, and the regulations of any applicable Bylaws.

4.2 City of Yellowknife Community Plan

The subject sites are located within the Downtown Central and Niven Residential land use designations in the City of Yellowknife's Community Plan. The development was reviewed based on the City of Yellowknife's Community Plan Bylaw No. 5007 with the relevant policies identified in Section 4.1.2 - Downtown Central Residential and Section 4.5 – Niven Residential.

Based on our review of the proposed development, the development is in alignment with the City of Yellowknife Community Plan and meets the intent of the Downtown Central Residential land use designation.

4.2.1 Downtown Central Residential

The Community Plan identifies the Downtown Central Residential as areas surrounding the Downtown Core and allows for low density residential and compact low-rise residential development. This designation allows for a variety of building types and is described as a transition area that encourages adaptive re-use of existing sites. The following objectives and policies for the Downtown Central Residential designation in the Community Plan support this development:

Planning and Development Objective 3 - To intensify land use through higher density development, starting in the areas that are adjacent to the city core and moving outwards. High density development adjacent to the City core stepping down to medium density.

Planning and Development Objective 6 - To increase mixed land uses that are compact and compliment land uses in the City Core.

The redesignation, subdivision, and proposed development is of a scale that matches the intent of Downtown Central Residential and it does not conflict with the planning objectives in this designation.

4.2.2 Niven Residential

Section 4.5 of the Community Plan describes the plan for the lands surrounding Niven Lake which includes the site proposed for consolidation. Niven Residential describes serving a mix of residential densities and mixed-use activities. The Community Plan describes new residential lots to be developed on vacant parcels in the short-term future (20 years) while preserving the natural rock cliff feature within this area.

In our opinion, Section 4.5 does not contain policies that directly support or oppose the proposed redesignation, subdivision, and proposed development.

4.3 City of Yellowknife Zoning Bylaw

The site proposed to be consolidated is currently zoned as Natural Area (NA). As part of the consolidation, this site is proposed to be rezoned to Residential Central (RC).

The RC zone encourages a mix of residential and commercial uses for this transition space bordering the City core. The current primary use of Lot 5, Block 70A, Plan 479 is residential. The proposed rezoning will not substantially alter the use and built form of the area, especially given the development constraints detailed in Section 2 of this report such as the utility right of way and the irregular shape of the parcel. The primary use of the lot after the proposed rezoning and lot consolidation will remain residential.

Under Table 10-5 (RC Permitted and Discretionary Uses) Accessory Buildings and Accessory Uses are listed as permitted within the RC zone.

Table 10-6 (RC Residential Central Regulations) describes the development regulations for residential uses within the RC zone.

- Minimum Lot Width – 15.0 m
- Maximum Height (Accessory Buildings) – Less than the height of the principal dwelling (12.0 m)
- Minimum Side Yard Setback (Accessory Buildings) – 1.0 m (interior), 2.0m (Corner)
- Minimum Rear Yard Setback (Accessory Buildings) – 1.0 m
- Minimum Distance between Principal Building and Accessory Building – 1.0 m

Additional detail on the design of the accessory building is required to ensure compliance with the Zoning Bylaw. However, based on the preliminary design of the shed and proposed location on the consolidated parcels, the proposed use meets the requirements of the Zoning Bylaw.

5.0

Other Policy Considerations

It is understood that the City of Yellowknife is actively exploring options to support infill and increase land supply for residential development throughout the City. In the January 16th 2023 City Council meeting, Lot 5, Block 301, Plan 2631 was included in a list of potential lands for infill development and an area for future consideration by the City as a priority infill area.

However, currently the plan for residential development of Lot 5, Block 301, Plan 2631 remains at a conceptual stage and no official plans, such as a subdivision plan or area development plan, have been created to support further development on this site.

Should more detailed planning continue on this site for infill development, the severance and consolidation of the portion of Lot 5, Block 301, Plan 2631 that the Applicant proposes should not meaningfully hinder proposed development of this site. The irregular shape of the portion of the lot that the Applicant wishes to acquire in addition to the utility right of way and the adjacent roadway limit its development potential. It is also unlikely that the type of development that the Applicant proposes on this portion of the lot will impede future access or development in the area given to the lot constraints and surrounding land use.

6.0

Conclusion

The proposed land acquisition, redesignation, rezoning, and consolidation of a portion of Lot 5, Block 301, Plan 2631 with Lot 5, Block 70A, Plan 479 is intended to facilitate the development of a storage shed by the Applicant.

The proposal aligns with the City of Yellowknife's Community Plan, specifically the Downtown Central Residential land use designation, which supports intensification of land use and mixed-use development. Although Lot 5, Block 301, Plan 2631 was identified by the City for potential future infill development, the proposed severance and consolidation are not expected to hinder such development due to the lot's constraints, including its irregular shape and a utility right-of-way.

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Appendix A

Figures

City of Yellowknife, Yellowknife, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Maxar