

AGENDA ITEM NO: 11.4.4

MEETING DATE: March 11, 2025

STAFF REPORT – COVER SHEET

SUBJECT: Primeview Contracting Ltd.
Development Variance Permit / 44921
Commercial Court DATE: February 28, 2025


DEPARTMENT: Planning
DVP01479 PREPARED BY:  Erin Leary / mb

1. SUMMARY OF ISSUE:

The applicant is seeking to reduce the overall site extensive landscaping requirement to legitimize the current site layout and reduce the minimum off-street parking requirement for the existing building in order to consider the existing off-street parking stalls to be sufficient for all permitted uses within the subject property.

2. RECOMMENDATION:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01479 with respect to property located at 44921 Commercial Court, subject to the recommendations as stipulated within the draft Development Variance Permit. (Presentation)



Gillian Villeneuve
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



David Blain
Chief Administrative Officer

STAFF REPORT ON DEVELOPMENT VARIANCE PERMIT DVP01479

PREPARED BY: Erin Leary DATE: February 28, 2025
POSITION: Manager of Development Planning DEPARTMENT: Planning Department

1. BACKGROUND:

In 2022, Council approved a Development Permit (DP01440) to facilitate the construction of a commercial/industrial warehouse, consisting of 11 units designated for warehouse use with an associated 92 parking spaces. At that time, it was anticipated that the property would house a variety of industrial uses and as such, a parking rate consistent with industrial tenants was considered supportable. Subsequently, a Building Permit was issued (BP034024) to construct the proposed development. At time of planning final inspection, it was noted that the landscaping provided on site was inconsistent with the original approvals and as such, a Development Variance Permit application was submitted to reduce the overall site landscaping requirement. In addition, as the subject property is within the CD-2 Zone (Comprehensive Development 2) Zone, which permits a variety of commercial and industrial uses, the applicant requests to vary the overall parking requirement to consider the parking provided on site to be adequate for all permitted uses within the CD-2 Zone.

2. PROPOSAL:

The applicant requests to waive the 5% overall extensive landscaping requirement and permit the existing parking provided on the site to be considered sufficient for all uses permitted within the CD-2 Zone. Further discussion of the proposed variances is provided below.

Landscaping:

The Zoning Bylaw requires that 10% of the overall site be landscaped, with 5% to be extensively landscaped with trees and shrubs. Although the site design meets the 10% overall landscape requirement, planting of shrubs within the majority of these spaces has proven challenging due to the riparian area associated with Chilliwack Creek which follows the entire rear lot line of the site and the location of an existing right-of-way (ROW) for an infiltration gallery for drainage. A small landscape bed which has been extensively landscaped has been provided to the front of the site; however, due to the size of the area in relation to the overall site area, the resulting percentage is well under 1%. As such, a request to waive the extensive landscaping requirement has been submitted for review.

The original landscaping plan approved through the Development Permit process included landscaped areas and tree plantings along the north and east property boundaries adjacent to Chilliwack Creek, a Class "A" watercourse with an associated 30m riparian area. However, these proposed landscaped areas overlapped parts of a ROW that follows an infiltration gallery for drainage. The applicant is now requesting to limit the tree plantings and landscaped areas as

initially proposed, using the existing vegetation (large trees and natural brush growth) near the edge of the lot as a natural substitute for new plantings. This approach would provide an adequate buffer for the riparian area.

The applicant's landscape architect suggests that any new plantings adjacent to the riparian area are at risk of being overtaken by the natural growth of existing vegetation, particularly blackberry bushes common in the region (see attached report). The applicant also argues that maintaining this area in its natural state benefits the riparian zone and offers abundant greenspace and permeable surfaces. Consequently, the applicant requests that the total extensively landscaped area required be waived. To help offset the loss of extensive landscaping, the applicant has planted 16 new trees and plans to retain the remaining trees at the forest edge.

Parking:

The subject property currently includes 92 parking spaces associated with 11 units within the multi-tenant building. As the CD-2 Zone permits a wide assortment of both commercial and industrial uses, varying parking rates apply. Due to the location of the property in a mixed commercial and industrial area and the nature of the multi-tenant building, it is anticipated that 92 parking spaces will be sufficient to meet all future needs. Should the units be predominately occupied by commercial tenants, such as indoor recreation or restaurant uses, the parking provided on site will not meet the minimum Zoning Bylaw requirements. However, as multiple business will likely operate on the site with various hours of operation, staffing needs and opportunities for clients to attend the property, it anticipated that the parking on site will self-regulate with parking shared throughout the property.

If approved, the proposed variance will serve to formalize the current parking area and ensure the building can be utilized for all future commercial and industrial uses permitted within the zone in perpetuity without further variance applications. As such, staff consider the proposed variance as supportable in this instance.

Should the requested DVP be approved by Council, an amendment to the previously approved Development Permit (DP01440) will be required, which can be reviewed by the Director of Planning.

3. FACTORS:

3.1 2040 Official Community Plan (OCP) / Land Use

OCP: "General Industrial"

Land Use: A commercial/industrial warehouse

3.2 Neighbourhood Character

The subject property is located within an established mixed-use industrial and commercial park, featuring similar buildings and uses along Commercial Court.

3.3 Technical Issues

- Floodplain:** The subject property is located within the protected area of the floodplain and as such, is subject to the Floodplain Regulation Bylaw.
- Watercourses:** Chilliwack Creek, a Class “A” watercourse with an associated 30m riparian setback is located along the rear property line of the site. The proposed variances are not impacted by the riparian area as the site is fully developed.
- Geotechnical:** The subject property is not subject to any known geotechnical hazards or earthquake-related risks.

3.4 Conditions of Issuance

Staff support the requested variances as proposed by the applicant and recommend approval of the attached draft Development Variance Permit, subject to the following condition:

- a) that the development be in accordance with the plans found in Schedule “A”.

4. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01479 with respect to property located at 44921 Commercial Court, subject to the recommendations as stipulated within the draft Development Variance Permit. (Presentation)

Substantiation:

The requested variance to the overall extensive landscaping requirements is supportable in this instance, as the site is surrounded by ample trees and vegetation and 16 additional trees have been provided throughout the site. Additionally, the limitations imposed by the ROW and the potential removal of natural vegetation to be replaced with engineered landscaping are deemed unnecessary to achieve the goals of the landscaping requirements, which aim to provide appropriate green and permeable spaces.

The waiving of additional parking space requirements to support all permitted uses within the CD-2 Zone is supportable in this location given the unique commercial/industrial nature of the area. The reduction in parking requirements is not expected to impact the surrounding area as the parking needs of future tenant will be determined by the businesses themselves and it is expected that the parking will be self-regulating on the property.

5. SOURCES OF INFORMATION:

- Development Permit Amendment Application (DP001862) – July 26, 2024
- Development Variance Permit Application (DVP01479) – December 20, 2024
- Development Permit Application (DP001440) – August 30, 2021
- Development Variance Permit Application (DVP00227) – October 12, 2021
- Landscape Architectural Field Review by C. Kavolinas and Associates Inc. - August 24, 2024

Attachments

- Schedule A - Landscape Architectural Field Review by C. Kavolinas and Associates Inc. – August 24, 2024

Site Photo

Figure 1 Existing Vegetation along Perimeter

Location Map

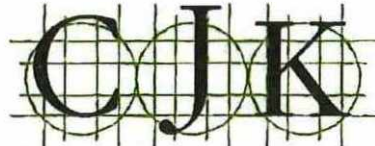


Ortho Photo



Schedule A

**Landscape Architectural Field Review by C. Kavolinas and Associates Inc.
August 24, 2024**



C. Kavolinas & Associates Inc.
Landscape Architecture Urban Planning

Landscape Architectural Field Review

Industrial Development



Address:	44921 & 44951 Commercial Court	Date:	August 24, 2024
Weather:	Cloudy		
Contractor:	Preview Builders International Inc.		
Owner:	River Valley Estates Inc.		
Reviewer:	Clark J. Kavolinas		

The following information was noted and/or discussed on site. All action is to be by the contractor unless otherwise noted. Review means an examination of random samples of work only. C. Kavolinas & Associates Inc. is not responsible for identifying defects and deficiencies which are not reasonably apparent or visible in these random samples.

ITEM#	ITEM and/or ITEM CARREID OVER FROM PREVIOUS REVIEW	PHOTOS	ACTION
1.1	Landscape Island at building parking lot interface		<p>APPROVED</p> <p>Continue to maintain as required</p>





C. Kavolinas & Associates Inc.
Landscape Architecture Urban Planning

1.2	Landscape Island at building parking lot interface	 A photograph showing a landscaped island in a parking lot. The island is bordered by a concrete curb and contains several young trees and shrubs. In the background, a modern building with large windows is visible.	APPROVED Continue to maintain as required
1.3	Landscape Island at building parking lot interface	 A photograph showing a landscaped island in a parking lot. The island is bordered by a concrete curb and contains a young tree and several small plants. In the background, a modern building with large windows is visible.	APPROVED Continue to maintain as required





C. Kavolinas & Associates Inc.
Landscape Architecture Urban Planning

1.4	Landscape Island at building parking lot interface	 A close-up photograph of a V-shaped concrete curb in a parking lot. The curb is filled with dark mulch and contains a small, young tree supported by a stake. The surrounding area is asphalt.	APPROVED Continue to maintain as required
1.5	Landscape Island at building parking lot interface	 A wider photograph of the same landscape island. It shows a young tree in a mulch bed, a metal fence in the background, and a concrete curb in the foreground. The area is adjacent to a building and a parking lot.	APPROVED Continue to maintain as required



C. Kavolinas & Associates Inc.
Landscape Architecture Urban Planning

1.6	Landscape Island at building parking lot interface		APPROVED Continue to maintain as required
1.7	Landscape Island at building parking lot interface		APPROVED Continue to maintain as required


2462 Jonquil Court Abbotsford, BC V3G 3E8

Phone: 604-850-2368

Email: clark@kavolinas.ca



C. Kavolinas & Associates Inc.
Landscape Architecture Urban Planning

1.8	*Existing vegetation along perimeter provides an adequate buffer		<p>Note</p> <p>*Please note that the existing forest edge provides a sufficient buffer. Any plants installed within the area between the parking lot curb and the Forest edge will be overcome by Blackberry. Therefore, I recommend that a layer 3" minus be installed within this area and topped with a 2" – 3" layer of bark mulch. The eventual growth of Blackberry will provide a significant buffer, more so than what the approved planting plan recommended.</p>
-----	------------------------------------------------------------------	-------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



**City of Chilliwack
Notice of Public Information Meeting
Council Chambers
8550 Young Road, Chilliwack BC V2P 8A4**

When: Tuesday, March 11, 2025 at 4:00 PM

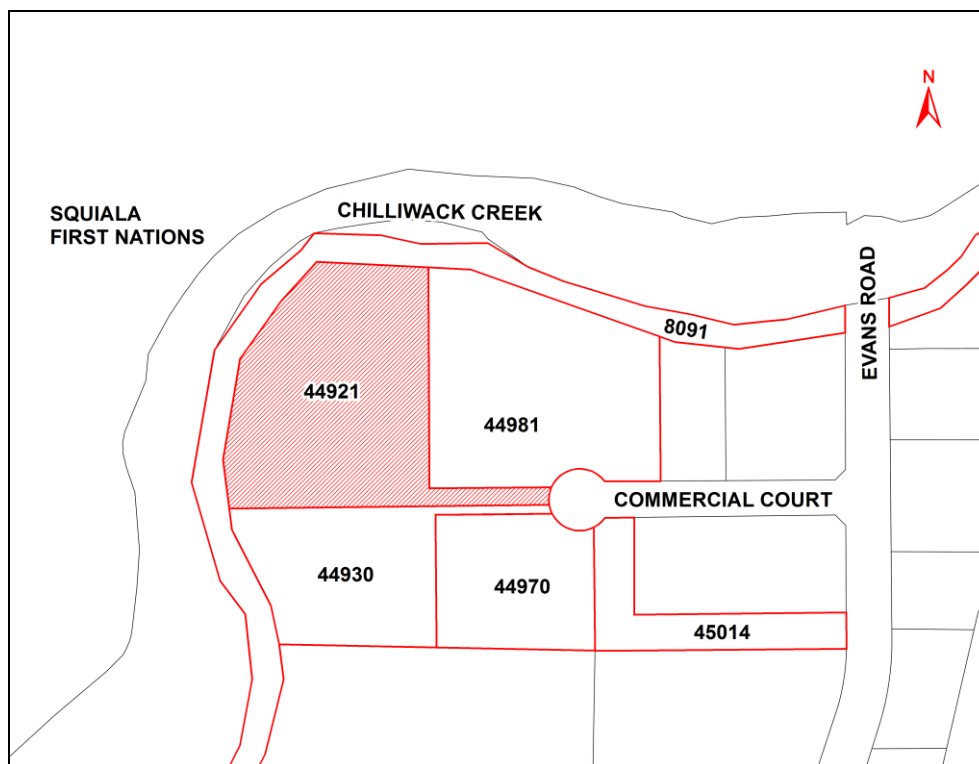
Watch: The live council meeting broadcast at chilliwack.com/live

Development Variance Permit (DVP01479)

Location: 44921 Commercial Court

Applicant: Primeview Contracting Ltd.

Purpose: To reduce the minimum off-street parking requirement for the existing building, to consider the existing off-street parking sufficient for all permitted uses and to reduce the overall landscaping requirement within the subject property, as shown on the included map.



How to share your feedback:



Attend the Public Information Meeting in person (8550 Young Road)



Mail or email our Legislative Services Department:

Mail: 8550 Young Road, Chilliwack BC V2P 8A4

Email: clerks@chilliwack.com

- Submissions will be accepted until 4:00 PM on March 10, 2025. Any submissions received after this time will not be considered by Council.
- Please include your name and address.
- **All mail and emails, including your name and address, will be recorded and form part of the official record.**

Contact our Planning Department between Wednesday, February 26, 2025 and Tuesday, March 11, 2025 for a copy of the proposed permit at planning@chilliwack.com or 604-793-2906.

Jacqueline Morgan, CMC
Corporate Officer



SCHEDULE "A"

CITY OF CHILLIWACK DEVELOPMENT VARIANCE PERMIT NO. DVP01479

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City of Chilliwack applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies only to those lands within the City of Chilliwack described below, to facilitate landscaping and parking reductions for the existing building, and does not apply to any additions or subsequent replacement of any and all buildings and structures and other development thereon:

Parcel Identifier No. 031-751-539
Legal Description: LOT A (BEING A CONSOLIDATION OF LOTS 3 & 4 SEE CB105597) DISTRICT LOT 77 GROUP 2 NEW WESTMINSTER DISTRICT PLAN BCP30226
Address: 44921 Commercial Court

3. In accordance with the provisions of Section 498 of the *Local Government Act* the following section(s) of "Zoning Bylaw 2020, No. 5000" are varied as stated:

Section 5.04 Minimum Off-Street Parking Space Requirements is varied by reducing the minimum off-street parking requirement to consider the existing 92 parking spaces as sufficient for all permitted uses on the subject property.

Section 4.09(2)(c)(B)(ii) Landscaping is waived to remove the requirement that a portion of the required landscaping area, equivalent to 5% of the total lot area, shall be planted extensively with trees and shrub.

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and the plans and information contained within the application. The following condition applies:
 - a) that the development be in accordance with the plans found in Schedule "A".
5. Pursuant to Section 504 of the *Local Government Act*, if the permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.
6. This Permit is not a Building Permit.

DRAFT

APPROVED BY COUNCIL ON THE ___ DAY OF ___, 2025.

ISSUED THIS ___ DAY OF ___, 2025

CORPORATE OFFICER

DRAFT

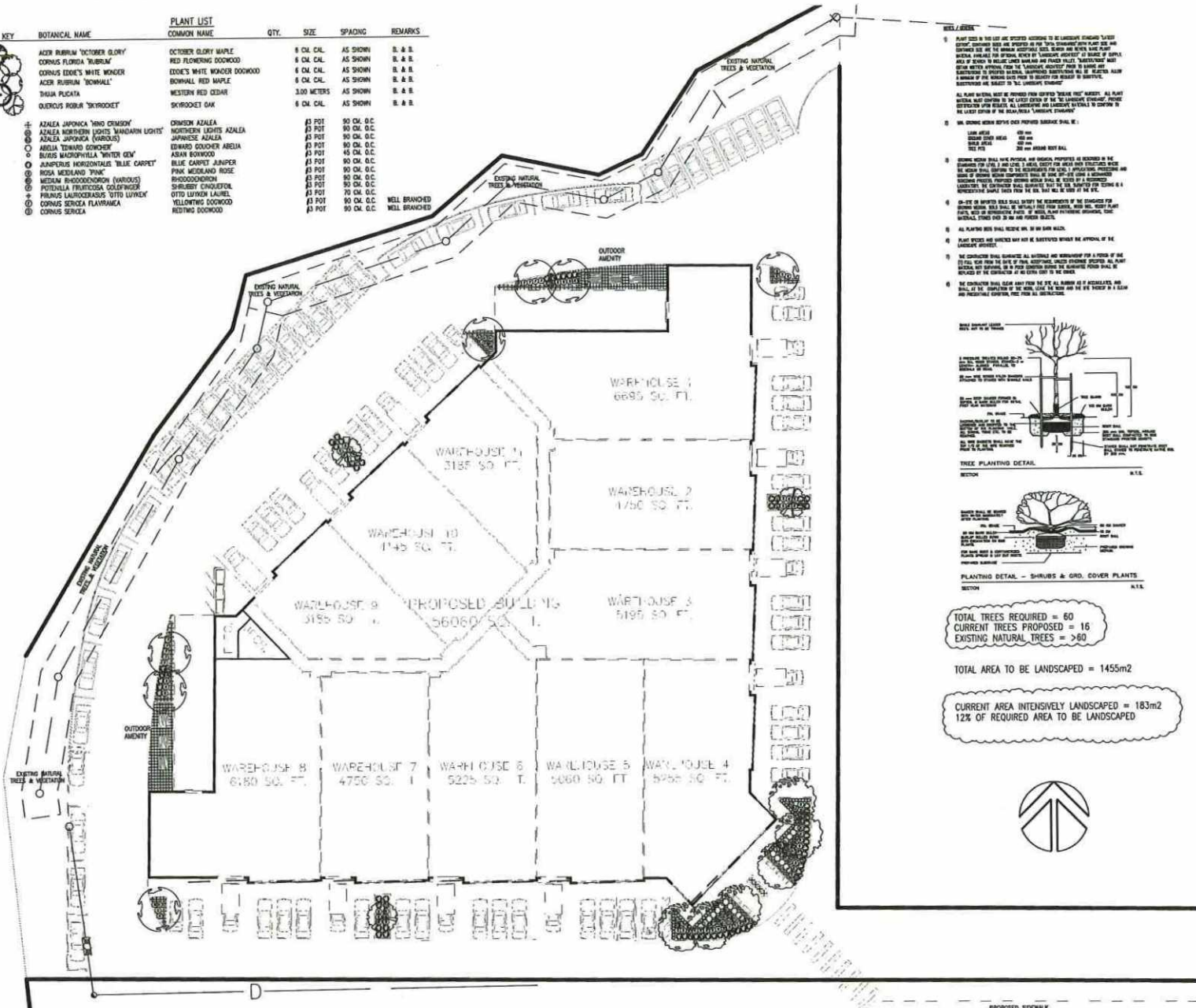
Site Plan (as provided by the applicant)



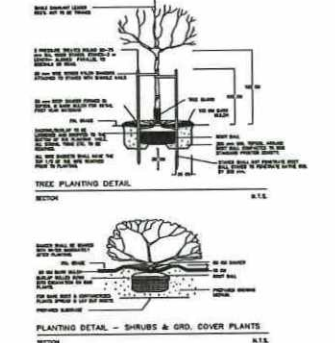
DRAFT

Landscape Plan

KEY	BOTANICAL NAME	PLANT LIST COMMON NAME	QTY.	SIZE	SPACING	REMARKS
+	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY MAPLE	6	CM. CAL.	AS SHOWN	B. & B.
+	CORNUS FLORIDA 'RUBRA'	RED FLOWERING DOGWOOD	6	CM. CAL.	AS SHOWN	B. & B.
+	CORNUS EDOE'S WHITE WONDER	EDOE'S WHITE WONDER DOGWOOD	6	CM. CAL.	AS SHOWN	B. & B.
+	ACER RUBRUM 'NORWAY'	NORWAY RED MAPLE	6	CM. CAL.	AS SHOWN	B. & B.
+	TRILIUM PULCHRUM	WESTERN RED TIGER LILY	300	METERS	AS SHOWN	B. & B.
+	QUERCUS ROBUR 'SKYROCKET'	SKYROCKET OAK	6	CM. CAL.	AS SHOWN	B. & B.
+	AZALEA JAPONICA 'INO CRIMSON'	CRIMSON AZALEA	13	POT	90 CM. O.C.	
+	AZALEA HORTENSIA 'MANDARIN LIGHTS'	NORTHERN LEDIS AZALEA	13	POT	90 CM. O.C.	
+	AZALEA JAPONICA (VARIOUS)	JAPANESE AZALEA	13	POT	90 CM. O.C.	
+	ABELIA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	13	POT	90 CM. O.C.	
+	BUXUS MICROPHYLLA 'WINTER GEM'	ASIAN BOXWOOD	13	POT	45 CM. O.C.	
+	JUNIPERUS HORIZONTALIS 'BLUE CARPET'	BLUE CARPET JUNIPER	13	POT	90 CM. O.C.	
+	ROSA MEDIANA 'PINK'	PINK MEDIANA ROSE	13	POT	90 CM. O.C.	
+	MEDIANA RHODODENDRON (VARIOUS)	RHODODENDRON	13	POT	90 CM. O.C.	
+	POTENTILLA FRUTICOSA 'GOLDFINGER'	GOLDFINGER POTENTILLA	13	POT	90 CM. O.C.	
+	PRUNUS LAUROCESTRIS 'WITTO LYNNER'	OTTO LYNNER LAUREL	13	POT	70 CM. O.C.	
+	CORNUS SERICEA 'FLAMMAREA'	YELLOWING DOGWOOD	13	POT	90 CM. O.C.	WELL BRANCHED
+	CORNUS SERICEA	REDTIG DOGWOOD	13	POT	90 CM. O.C.	WELL BRANCHED



- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.
- PLANT SPECIES TO BE USED ARE SPECIFIED ACCORDING TO THE LANDSCAPE DESIGN. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE. PLANT SPECIES NOT LISTED ARE SPECIFIED AS TO BE LANDSCAPED WITH THE MOST APPROPRIATE SPECIES FOR THE SITE.



TOTAL TREES REQUIRED = 60
 CURRENT TREES PROPOSED = 16
 EXISTING NATURAL TREES = >60

TOTAL AREA TO BE LANDSCAPED = 1455m²

CURRENT AREA INTENSIVELY LANDSCAPED = 183m²
 12% OF REQUIRED AREA TO BE LANDSCAPED

DRAFT