

AGENDA ITEM NO: 7.12

MEETING DATE: April 18, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Jeremy Goosen
Rezoning / 50960 Nevin Road DATE: April 5, 2023

DEPARTMENT: Planning Department
RZ001397 PREPARED BY: Seamus McConville / tr

1. SUMMARY OF ISSUE:

The applicant wishes to rezone the subject property from an RR (Rural Residential) Zone to an R1-A (Urban Residential) Zone, to facilitate a future subdivision. Once the Bylaw has been to Public Hearing, staff recommend that the application be held at 3rd reading pending the issuance of a Development Permit Area No. 3 (Riparian Areas) to address to riparian considerations.

2. RECOMMENDATION:

Recommendation that "Zoning Bylaw Amendment Bylaw 2023, No. 5295", which proposes to rezone property located at 50960 Nevin Road from an RR (Rural Residential) Zone to an R1-A (Urban Residential) Zone, be given first and second reading; and further, that a Public Hearing be called for May 2, 2023. (RZ001397)


Gillian Villeneuve
Director of Planning

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

Supports recommendation.


Chris Crosman
Chief Administrative Officer

STAFF REPORT ON REZONING APPLICATION RZ001397

PREPARED BY: Seamus McConville DATE: April 4, 2023
POSITION: Planner I DEPARTMENT: Planning

1. DEFINITION OF ISSUE:

The applicant wishes to rezone the subject property from an RR (Rural Residential) Zone to an R1-A (Urban Residential) Zone, to facilitate a future subdivision. Once the Bylaw has been to Public Hearing, staff recommend that the application be held at 3rd reading pending the issuance of a Development Permit Area No. 3 (Riparian Areas) to address riparian considerations.

2. PROPOSAL:

The applicant wishes to rezone the subject property to facilitate an eight-lot strata subdivision. Based on the attached conceptual site plan, the property meets the minimum requirements of the proposed R1-A Zone for areas not connected to sanitary sewer. As the property is impacted by a watercourse, the conceptual subdivision layout has been drafted in consultation with a Qualified Environmental Professional to accommodate all necessary riparian setbacks as well as to ensure the minimum lot area for each property is achieved. As a Development Permit 3 (Riparian Areas) has not been approved, the proposed site plan and ultimate number of lots is subject to change.

The final lot layout must comply with City Bylaws and include road paving and improvements along Nevin Road at time of subdivision. The requirements of the Floodplain Regulation Bylaw, Tree Management (Land Development) Bylaw and Land Development Bylaw will apply at time of subdivision.

3. FACTORS:

3.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

Official Community Plan: “Low Density Residential” as designated within the 2040 Official Community Plan.

Land Use: Manufactured home and rural ancillary building (shop). The applicant has indicated that the property will remain rented out and maintained until subdivision occurs. The attached “Schedule A” details how the applicant intends to maintain the property throughout the redevelopment process.

Community Engagement: In March 2023, the applicant conducted a door-to-door petition to addresses within a 30m radius of the subject property. As of the date of this report, the applicant received 11 signatures of support

and 1 comment of opposition. A copy of the applicant's neighbourhood engagement proceedings has been submitted for the public record.

3.2 Neighbourhood Character

The property is situated within the Rosedale neighbourhood, outside of the Urban Growth Boundary. The lot is surrounded by established, large lot rural residential properties in the RR Zone and single detached dwellings within the R1-A Zone to the north. To the east and south are large scale agricultural operations and fields in the AL (Agricultural Lowland) Zone. Rosedale Traditional Community School is located to the west in the P1 (Civic Assembly) Zone. The Canadian National Railway mainline is located along the southern property line, which requires a minimum 30m setback for residential uses, including a berm, as shown on the attached site plan.

The proposal is consistent with existing large lot residential development patterns within the Rosedale area. In addition, the proposed subdivision provides housing options close to the local school while remaining respectful of the servicing constraints and existing development patterns seen in the area.

3.3 Technical Issues:

Floodplain: The subject property is located within the protected floodplain and is subject to the Floodplain Regulation Bylaw.

Watercourses: *Dunville Creek CN Branch*, a "Class A" watercourse with a 30m riparian setback, runs through the property. The applicant is required to apply for Development Permit Area No. 3 (Riparian Areas) (DP3) to evaluate the riparian area in order to reduce this setback.

The applicant also proposes to pipe a portion of the watercourse running through the property, subject to Provincial review and approvals, as shown on the attached site plan.

Staff recommend that the rezoning application be held at 3rd reading pending approval of the required DP3 and resolution of the above riparian considerations.

Geotechnical: The property is not subject to any known geotechnical hazards or earthquake-related risks.

Railway: The property is adjacent to the Canadian National Railway, which requires a setback of 30m from the boundary of the right-of-way for all buildings for residential use. The applicant has accounted for this setback on the conceptual site plan, with a berm and screening to be provisioned in accordance with Zoning Bylaw requirements at time of subdivision.

4. RECOMMENDATION & SUBSTANTIATION:**Recommendation:**

Recommendation that “Zoning Bylaw Amendment Bylaw 2023, No. 5295”, which proposes to rezone property located at 50960 Nevin Road from an RR (Rural Residential) Zone to an R1-A (Urban Residential) Zone, be given first and second reading; and further, that a Public Hearing be called for May 2, 2023. (RZ001397)

Substantiation:

The requested rezoning and proposed development offers the opportunity for additional housing in the Rosedale area, contingent on riparian matters being resolved. Despite the challenges posed by the watercourse and required CN Rail Line setbacks, the proposal is similar to established development patterns in the neighbourhood and is not anticipated to have an impact on the surrounding area.

5. SOURCES OF INFORMATION:

- Rezoning Application (RZ001397) – December 13, 2019
- Development Application Review Team (DART) Minutes – January 16, 2020, February 18, 2022, and April 21, 2022.

Attachments

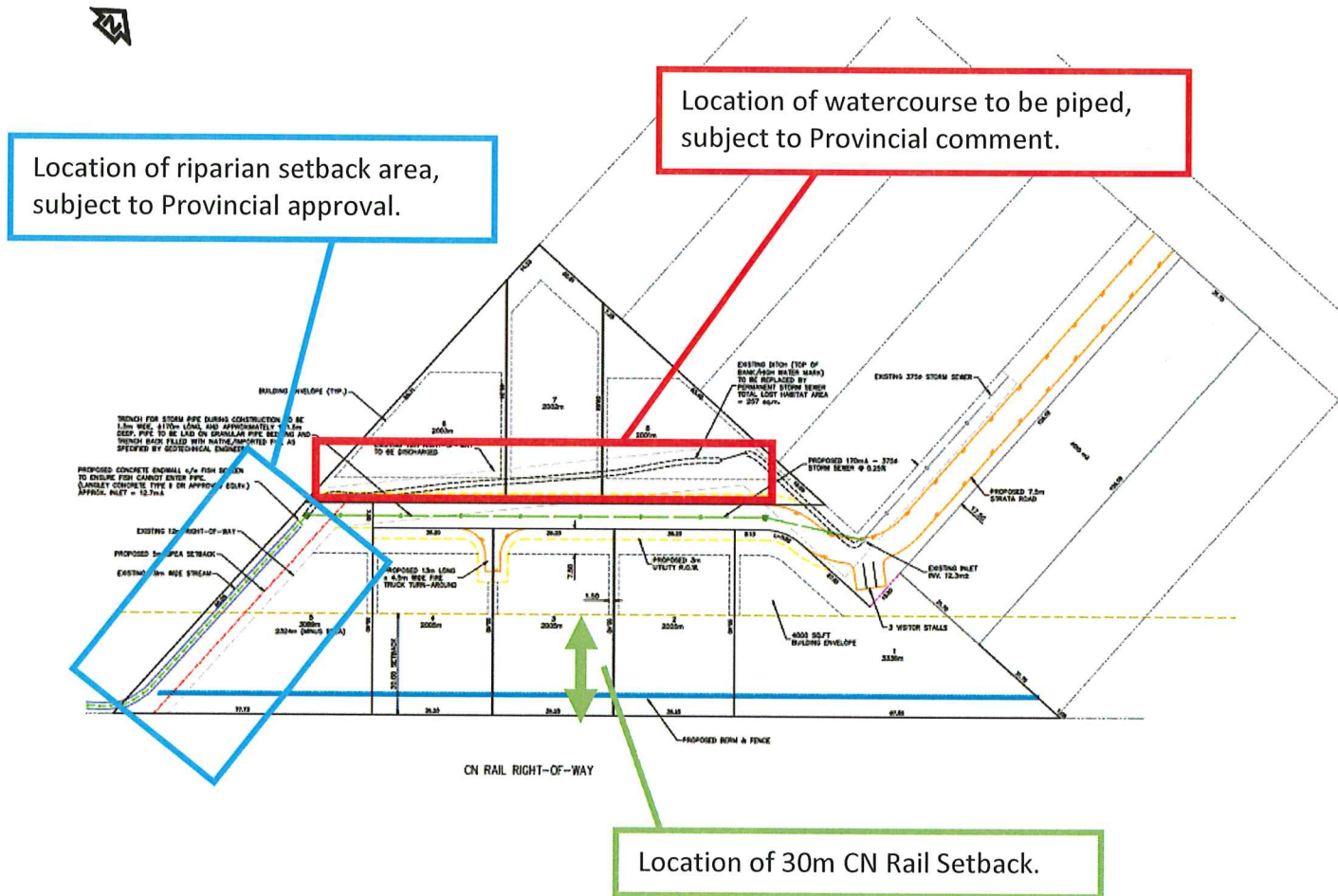
- “Schedule A” – Property Owner’s Redevelopment and Maintenance Intentions – March 31, 2023.

Location Map



Orthophoto



Conceptual Site Plan (as provided by the applicant)

Site Photo - Facing West



Schedule A – Property Owner’s Redevelopment and Maintenance Intentions

City of Chilliwack
Attn: Planning Department & Council
8550 Young Road
Chilliwack BC V2P8A4

RE: RZ1397 - 50960 Nevin Road – Property Maintenance Intentions

Existing Structures on Property:

Mobile home is currently rented out and tenants have confirmed they will be staying until development process is completed and they are required to move out. Once development is approved and mobile home is required to be removed from property, it will either be demolished or donated to the Chilliwack Fire Department if they wish to accept.

The existing barn/shop will be getting moved off-site to another property once development is approved.

General Maintenance:

Existing lawns and hardscape will be maintained by current tenants. As noted above, tenants will be on property until they are required to move out.

Timeline for Subdivision Application:

We wish to apply for subdivision as soon as possible. Engineering for the subdivision is currently underway and once re-zoning is approved the subdivision will be applied for.