



City of Richmond
Planning and Development Department

Report to Committee

To: Planning Committee **Date:** January 21, 2010
From: Brian J. Jackson **File:** RZ 09-503308
Director of Development
Re: **Application by Balbir Jawanda for Rezoning at 16780 River Road – Request to consider rezoning application prior to 12 month resubmission interval**

Staff Recommendation

That permission be granted to the rezoning application submitted for 16780 River Road (RZ 09-503308) to be processed and considered by Council prior to the minimum 12 month resubmission interval as required in Zoning Bylaw 8500 (Section 2.7).

Brian J. Jackson
Director of Development

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CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

A rezoning application was submitted for 16780 River Road in order to permit the property to be used for outdoor parking and storage of vehicles and goods. The rezoning application was submitted to the City on November 26, 2009.

Background

3 separate rezoning applications for a total of 6 properties in the 16,000 Block of River Road were processed by City staff from July 2007 through to April 2009. A summary of the applications is as follows:

- 16360 River Road (RZ 06-338974) – Berane Construction.
- 16540 River Road (RZ 07-365508) – Viridi Pacific Holdings.
- 16700, 16780, 16820 and 16860 River Road (RZ 07-380171) – Alan Clark.

The proposals involved use of the properties for outdoor parking and storage of vehicles and goods. All rezoning applications for outdoor storage of vehicles and goods in the 16,000 block of River Road are subject to the provisions of the Interim Action Plan (approved by Council February 2008 – See **Attachment 1**). Based on the Interim Action Plan, certain information and materials are required to be submitted in relation to:

- A traffic impact study.
- Submission of a report from an appropriate professional to confirm the condition of the property based on any past fill activities or property uses to ensure that the site does not pose a contamination risk.
- A landscaped buffer and screening plan.

These required materials and information were not submitted in a timely manner to the City, therefore the rezoning applications were incomplete. As a result, a recommendation to deny the 3 rezoning applications was adopted by Richmond City Council on April 27, 2009.

Findings of Fact

The City's Zoning Bylaw (8500) contains regulations pertaining to minimum resubmission time for zoning amendment applications that have been refused by Council. Section 2.7 of Bylaw 8500 states the following:

2.7 *Resubmission Interval*

- 2.7.1. *Where an application for an amendment to this bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be considered within one year of the date of the refusal unless Council, by an affirmative vote of at least two thirds of the Council members eligible to vote on the application, otherwise directs.*

As a result of rezoning applications having been previously denied by Council, a two-thirds affirmative vote of Council is required in order for staff to process and bring forward the application prior to the 12 month resubmission interval.

These provisions apply to the recently submitted rezoning application at 16780 River Road as the previous Council denial occurred on April 27, 2009 and the property owner wishes to proceed prior to the minimum 12 months resubmission interval having been reached. The proponent is also proceeding independently of other property owners in the 16,000 block of River Road who previously were included in past rezoning applications.

Should other properties submit rezoning applications to the City, they will be processed in accordance with the provisions of:

- Section 2.7 of Bylaw 8500 if they fall within the 12 month minimum resubmission interval.
- The approved Interim Action Plan for the 16,000 block of River Road.
- Standard technical review to be undertaken by City staff.

Staff Comments

Planning and Development

Staff have undertaken a preliminary review of the materials submitted and can confirm that the required traffic studies, soils information on the subject site and landscape buffer plans, as required in the Interim Action Plan have been submitted to the City for detailed review and comment.

Community Bylaws

As a condition of bringing the report forward by staff to grant consideration of the submitted rezoning application by Council, prior to the 12 month resubmission interval, staff identified to the applicant that all offending land uses on the subject property had to cease to the satisfaction of City staff.

Community Bylaws staff have conducted follow-up site inspections to obtain updates on the status of the property in relation to the trucks and trailers. As of January 21, 2010, Community Bylaws has confirmed that the trucks and trailers have been removed from the subject property and that this activity is not currently occurring on the subject property. Follow-up inspections from Community Bylaws staff will be conducted to monitor land use activities on the subject site.

Notwithstanding the above and this report, the City intends to pursue its current prosecutions in Provincial Court concerning the alleged storage of motor vehicles, trailers, construction equipment, etc by Quadra Coast Carriers Ltd. on the subject property (16780 River Road).

Analysis

In order to proceed with further processing of the recently submitted rezoning application, Council must authorize this (with at least a 2/3 affirmative vote) as Council refused the previous application for a similar land use on April 27, 2009. This refusal was based on the rezoning applications being incomplete as the required materials and information had not been submitted to staff for review.

The existing Official Community Plan land use designations (Business and Industry) for the 16,000 block of River Road in conjunction with provisions contained in the Interim Action Plan to address transportation, contamination, and landscape buffer screen provisions are applicable to the subject rezoning application at 16780 River Road. If Council authorizes the rezoning application to be processed prior to the 12 month resubmission interval, staff will proceed with reviewing the application.

Options

1. **(RECOMMENDED)** Allow the rezoning application to be processed prior to the 12 month resubmission interval.
2. Do not allow the rezoning application to be processed prior to the 12 month resubmission interval. The application will be required to wait the full 12 month period from the date of denial. As a result, the application will not be able to be processed by staff or considered by Council until after April 27, 2010 and once the staff review and processing of the application is complete.

Conclusion

Staff recommend that the rezoning application at 16780 River Road be permitted to be processed despite not having met the minimum 12 month resubmission interval as the applicant has submitted all necessary information and materials to enable a detailed technical review to be conducted by staff.



Kevin Eng
Planner 1

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Attachment 1 -- Interim Action Plan

The City of Richmond
Interim Action Plan
16,000 Block of River Road
(Revised based on Public Consultation Feedback)

Land Use

- The 16,000 block of River Road:
 - Is currently designated for 'Business and Industry' in the City's Official Community Plan (OCP).
 - Outdoor parking and storage of vehicles and goods would be consistent with the existing OCP land use designation.
 - This land is not within the Agricultural Land Reserve.
 - Agri-Industrial service activities (operations that support or are directly related to a farm) can also be considered as a potential land use under the "Business and Industry" designation.
- The 17,000 block of River Road:
 - No land use changes are proposed as part of the Interim Action Plan as the properties are contained within the Agricultural Land Reserve and designated for "Agriculture" in the existing OCP.

Proposed Approach to Rezoning Applications

- The City is proposing a restrictive Comprehensive Development District zone in this area. This will allow (if permitted) outdoor storage and parking of vehicles and goods under a set of regulations and conditions – Fencing; Screening; Storage Setbacks; Permeable surface treatment.
- The proposed Comprehensive Development District zone will limit the uses and restrict the amount and size of buildings.

Technical Objectives and Issues*Engineering*

- The 16,000 block of River Road is currently **not** adequately serviced by City storm and sanitary systems to sufficiently support intensive light industrial activities involving warehousing/manufacturing buildings or agri-industrial service uses.
- Rezoning proposals proposing outdoor vehicle storage and parking can be considered, as this use would have minimal impacts on City services.

Transportation

- Vehicle access for traffic generated from proposed uses (i.e., commercial vehicle parking and storage) is to be arranged to mitigate the use and related impact of truck traffic on River Road.
- City staff have recommended that the applicants explore a shared vehicle access across the properties under rezoning application to limit truck and vehicle use of River Road.
- Appropriate traffic assessments and upgrades to applicable portions of River Road and No. 7 Road must be undertaken.

Existing Soil/Fill Conditions

- Confirmation from the Ministry of Environment that any fill previously located on the sites does not pose a contamination risk or negative impact to surrounding areas. A report prepared by the appropriate professional is required to be submitted to the Ministry of Environment to confirm this. The rezoning applicants are to undertake this process, keeping City staff informed of progress and approvals.

Rezoning Considerations (To be completed by the rezoning applicants)

- ❑ Submit an acceptable fence and landscape buffer scheme.
- ❑ Registration on title legal agreements securing shared vehicle access by rezoned properties and restricting access to River Road based on the recommendations set out in the traffic assessment and approved by the City (*additional consideration based on public feedback*).
- ❑ Complete a traffic assessment of **River Road** from No. 7 Road to the eastern extent deemed to be impacted by traffic generated by properties along River Road (16,000 Block).
- ❑ Complete a traffic assessment of **No. 7 Road** from Westminster Highway to River Road by traffic generated by properties along River Road (16,000 Block)(*additional consideration based on public feedback*).
- ❑ Any traffic control measures, joint access infrastructure or road upgrades, including any traffic calming features to minimize the truck impacts in the area, identified as part of the traffic assessment of applicable portions of River Road and No.7 Road (reviewed and approved by City staff) will be the responsibility of the rezoning applicants to complete (*additional consideration based on public feedback*).
- ❑ Dedication of a 20 metre wide strip of land along the south property line of each property to facilitate the creation of a new road.

Forthcoming Process

- ❑ Rezoning applicants will be given a deadline of March 31, 2008 to complete the necessary studies and plans and submit the following materials to City staff for review:
 - Traffic assessments for applicable portions of River Road and No. 7 Road (*additional consideration based on public feedback*).
 - Geotechnical reports, which have been forwarded to the Ministry of Environment for review and approval, to confirm that the sites do not pose any contamination risk or negative impact to surrounding areas.
 - A buffer and landscaped screen plan for the properties under rezoning application.
- ❑ Should Council approve the staff recommendation, this decision will be integrated into the forthcoming City wide review of the OCP.