

DATE OF MEETING JANUARY 21, 2019

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

**SUBJECT PROPOSED ROAD CLOSURE – PART OF LABIEUX ROAD AND
LAND EXCHANGE AT 2560 BOWEN ROAD**

OVERVIEW

Purpose of Report

To obtain Council approval for a proposed road closure of a portion of Labieux Road in exchange for a portion of 2560 Bowen Road.

Recommendation

That:

1. Council authorize the road closure and disposition of a portion of Labieux Road adjacent to 2560 Bowen Road and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. Council direct Staff to proceed with public notice of closure and disposition of a portion of Labieux Road;
3. “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) pass first reading; and
4. “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” pass second reading.

BACKGROUND

A land exchange application has been received from Bowen Road Developments Ltd. (the “Owner”) of 2560 Bowen Road to close a portion of Labieux Road in exchange for a portion of 2560 Bowen Road in order to facilitate the road alignment and roundabout at the intersection of Kenworth Road and Labieux Road.

2560 Bowen Road (the “Property”) is currently a vacant site with an area of 2.28ha (5.65 acres) located between the Island Highway/Bowen Road intersection and Labieux Road (Attachments A and B). Beban Park is located to the southeast on the other side of Labieux Road, and the City’s pump house station is directly northeast of the Property. Adjacent businesses include the Laird Wheaton GM car dealership (2590 Bowen Road) and St. John’s Ambulance (2250 Labieux Road).

On 2017-NOV-06, the Property received Council approval for an Official Community Plan amendment (OCP66) to change the future land use designation from Industrial to Corridor. The Property was also rezoned (RA288) at the same meeting from High Tech Industrial (I3) to Community Corridor (COR3) to allow a commercial and residential development of eight proposed lots to be created through a future subdivision (Attachment C). On 2018-FEB-05, a portion of the Property was rezoned (RA378) to allow site-specific automobile sales, service and rental use in the COR3 zone.

Through the OCP/zoning amendment, significant roadworks were required to support residential or commercial development, including the extension of Kenworth Road to Labieux Road, and the construction of a roundabout at the Kenworth/Labieux intersection.

Part of the roundabout will be located on the Property. The Owner proposes to close 296.5 m² of Labieux Road and consolidate it with the Property, and in exchange, will dedicate 296.5m² of the Property for road where the roundabout will be located. A portion of Labieux Road adjacent to the Property was identified as surplus road right-of-way and is better suited to be consolidated with the Property. The proposed road closure area will be landscaped as part of the overall redevelopment of the Property.

Accordingly, as the same amount of land is being dedicated for road versus road closure, no compensation issues exist with the proposed exchange. Engineering & Public Works have reviewed the application applicable to all City standards and the portion of Labieux Road is deemed surplus to City requirements.

OPTIONS

A. That:

1. Council authorize the road closure and disposition of a portion of Labieux Road adjacent to 2560 Bowen Road and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. Council direct Staff to proceed with public notice of closure and disposition of a portion of Labieux Road;
3. “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) pass first reading; and
4. “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” pass second reading.
 - **Budget Implication:** Costs for legal, survey, and advertising will be recovered from the Owner.
 - **Legal Implication:** The City solicitor will prepare the road closure legal documentation.
 - **Policy Implication:** Upon Council approval of the first and second reading of “Highway Closure and Dedication Removal Bylaw 2019 No. 7274”, Staff will publish a Notice of Disposition to “Close to Traffic, Remove Highway Dedication, and Dispose of a portion of Redmond Road” as required by Sections 40 and 96 the *Community Charter*.
 - **Engagement Implication:** Engineering & Public Works have reviewed the application applicable to all City standards and the portion of Labieux Road is deemed surplus to City requirements. Telus, BC Hydro and the City of Nanaimo will require statutory rights-of-way for infrastructure located within the proposed road closure area. Shaw, Fortis, and the Ministry of Transportation are unaffected by this application.

B. That Council not pursue the proposed road closure and property disposal of a portion of Labieux Road.

- **Budget Implication:** The Owner may incur costs to create a new subdivision layout plan. The City will incur costs to redesign the proposed roundabout layout.

- **Engagement Implication:** If Council chooses to not close and dispose of the road, Staff will advise the Owner. The Owner will have to revise the proposed subdivision plan to not include the road closure area. The City will need to redesign the layout for the proposed roundabout.

SUMMARY POINTS

- Bowen Road Developments Ltd. (the “Owner”) of 2560 Bowen Road (the “Property”) has submitted an application to close a portion of Labieux Road in exchange for a portion of the Property in order to facilitate the road alignment and roundabout at the intersection of Kenworth and Labieux Road.
- The Owner proposes to close 296.5 m² of Labieux Road and consolidate it with the Property, and in exchange, will dedicate 296.5m² of the Property for road where the roundabout will be located. A portion of Labieux Road adjacent to the Property was identified as surplus road right-of-way and is better suited to be consolidated with the Property. The proposed road closure area will be landscaped as part of the overall Property redevelopment.
- Accordingly, as the same amount of land is being dedicated for road versus road closure, no compensation issues exist with the proposed exchange.
- Engineering & Public Works have reviewed the application applicable to all City standards and the portion of Labieux Road is deemed surplus to City requirements.

ATTACHMENTS

ATTACHMENT A: Location Plan for Road Closure
ATTACHMENT B: Ariel Photo Location Plan
ATTACHMENT C: Proposed Subdivision Plan
“Highway Closure and Dedication Removal Bylaw 2018 No. 7274”

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development

Bill Sims,
Director, Engineering & Public Works